

Independent Churches do not have the Authority for  
Greater Excommunication

Samuel Rutherford

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The Latin phrases were kindly translated by Bobby Phillips.

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# Outline

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# Part I

## Of the Communion of the Visible Catholic Church

Jesus Christ has now under the New Testament a visible catholic<sup>1</sup> Church on earth.<sup>2</sup> And to this universal visible Church principally and primarily has the Lord given a ministry and all his ordinances of Word and sacrament, and to the ministry and guides of this visible catholic Church has the Lord committed the Keys, as to the first subject.<sup>3</sup> He has given his ordinances and the power of the Keys for the object and end [design] of the visible catholic Church, including also the invisible Church. The ministry and ordinances are not given to this or that [particular] congregation which meets ordinarily in one place, principally because:

1. The Lord Jesus gave this ministerial power to the universal guides of the catholic Church, the apostles, as they did represent the presbytery of the whole visible catholic Church: "As my Father sent Me, so send I you. And when He had thus said, He breathed on them, and said, 'receive the Holy Ghost. Whosoever's sins you remit, they are remitted; and whosoever's sins you retain, they are retained.'" (Jn. 20:21-23) The apostles here received the Keys in the name of the whole catholic, ministerial guides.

If our brethren's grounds stand good: In this the apostles must stand in the person and room of a single society of believers united by a church-covenant in one parish

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<sup>1</sup> [That is, universal.]

<sup>2</sup> I speak not now of that part of the catholic Church now triumphing in glory or of that part which only is a Church of elected saints and are not yet formally a professing Church but only such in the predestination of God.

<sup>3</sup> [That is, the principal seat of authority.]

church. So a parish church<sup>4</sup> must be the only successors of the apostles; but this no Word of God can warrant. Nor is the eldership of a single congregation that which the apostles here represented, except you say to this eldership (as to the first subject), is this message of sending committed (as the Father sent Christ), and to this eldership within one congregation is the ministerial power of pardoning and retaining sins given.

For I ask: From whence or from whose hands do the eldership of a congregation receive the Keys? From Jesus Christ, say they. But this is no answer; the ministry according to its institution is no doubt only from Jesus Christ, the Head of the Body, the Church. But I ask now of an ordinary church-calling, and I demand from whose hands (under Jesus Christ) has this particular eldership received ministerial power. They cannot say from themselves, for they do not make themselves ministers. They will not say from a college of presbyters<sup>5</sup> of many congregations, for they are flatly against all such presbyteries. And that which they say indeed, the eldership of a congregation, has their ministerial power from the people. Well then, the apostles, when they received the Keys, they did represent the people; but what people? Not the people of a classical presbytery, of a province, of a nation, of the whole redeemed Church, [say they,] but of one single congregation. How this shall be made out of the text or out of one Word of God, I see not.

2. Christ ascending on high, and 'giving some to be apostles, and some prophets, and some evangelists, and some pastors and teachers, for the perfecting of the saints' (not of Ephesus, far less of one single congregation only) 'for the work of the ministry' (in general) 'for the edifying of the Body of Christ:' (not a congregational body only) 'Till we all meet in the unity of the faith, and of the

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<sup>4</sup> [That is, the church of a neighborhood district, or, a local congregation.]

<sup>5</sup> ['Presbyter' is Greek for the office of elder.]

knowledge, of the Son of God, unto a perfect man, unto the measure of the stature of the fullness of Christ.' [Eph. 4:11-13] Consider, I pray you:

1. That Christ's intention in giving a ministry is not for a congregation of forty or sixty, or a hundred persons, as if He intended to impawn [pledge as security] all power in that congregational body. But He intended the edifying of his catholic Body, and the 'coming of all to the unity of the faith.' A congregation of sixty cannot be 'all saints,' and this power is clearly given to that body which the Lord is 'to make a perfect man, according to the measure of the fullness of the stature of Christ;' this is a mystical man, and the catholic Body of Jesus Christ. Call it a congregation and you wrest the scripture and vilify the noble and large end [design] for which Christ has given a ministry.

Ask to what end and to what first and principal subject [to give a natural analogy,] has the Lord given reason and a faculty of discoursing. Is it to Peter, to John, etc. as to the first subject, and for them as for their good? No, no, it is for and to the race of mankind. The case is just so here: 'God has placed some in the church, first apostles, secondarily prophets, thirdly teachers...' (1 Cor. 12:28) Is the meaning thus: God has placed apostles in the body of a single congregation? Where do you read that? I believe apostles have the visible catholic Church for their parish.

And is it a congregational body wherein God has placed such a variety of members as apostles, prophets, teachers, works of miracles, gifts of healing, helps, governments, etc.? So Rom. 12:5, 'So we being many are one body in Christ, and every one members of another.' Hence he reckons out diverse offices in this body. Now this is not one congregation only, but that one Body of Christ whereof Christ is Head; this is the catholic Church.



2. What ministerial power our brethren affirm to be given to a congregation. They say it is given to them under the notion of a flock of redeemed ones of the Spouse and Body of Christ. They cite for this Acts 20:28; Col. 1:18; Eph. 1:22, and under the notion of the City of God, the Kingdom, House and Building of Christ. But so they come to our hand, for this reduplication [reiteration] or notion of a flock of redeemed ones, of the Body and Spouse of Christ, of the City, Kingdom, House, Building, agree first to the catholic church (as is clear: Col. 1:8; Eph. 5:25,26; 1 Tim. 3:15; Eph. 2:19-22) and secondarily only to a congregation as it is a part of this universal flock.

3. The whole visible catholic Church is made one ministerial body, 'beautiful as Tirzah, comely as the city of Jerusalem, terrible as an army with banners,' (Cant. 6:4)<sup>6</sup> by reason of its order of discipline. And it is there called an organic body, having eyes, hair, teeth temples, locks (verses 6-8) and having particular churches under her, 'sixty queens, eighty concubines, and virgins without number.' Yet is it said, 'My Dove, my undefiled is but one, she is the only one of her mother.' (verse 9) Henry Ainsworth, who here may be more than a witness, says "this one Church is the daughter of Jerusalem who is above and 'the mother of us all.'"<sup>7</sup> [Gal. 4:26] John Cotton,<sup>8</sup> a witness not inferior, says on this place: 'The true catholic Church of Christ is the mother of all reformed daughters.'

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<sup>6</sup> This argument hinges on the assumption that the book of Canticles is an allegory of Christ and the Church. This was the predominant view of the puritan era and of the Westminster Assembly, so much so, that they thought it appropriate to proof-text doctrine from this interpretation of the Song. See the proof-texts for WCF 10.1, 17.3, 18.4 and LC 81, 175.

<sup>7</sup> Henry Ainsworth, *Annotations on Song of Solomon, ch. 6* [Ainsworth (1571-1622) was one of the fathers of separatistic Independency. Rutherford is quoting their writers against them.]

<sup>8</sup> John Cotton, *Commentary on Song of Solomon, ch. 6* [John Cotton (1585-1652) was an influential, non-separatistic Independent in New England. Rutherford again is quoting their writers against them.]

That argument that our brethren use to prove a particular church to be visible because of external communion (not in one house, for that is accidental to visibility; one congregation may meet in three caves of the earth in time of persecution and yet remain one congregation), holds good in this catholic Church made up of so many organs, as a congregation is formed by:

1. The ministry of the Word begetting daughter churches to God, as they say a congregation is [so formed]. Nor is it enough to say that Jerusalem is not one by external government and order of discipline because they cannot meet together to exercise discipline. But she is one invisibly, because she has 'one faith, one Lord, one baptism, one Spirit, one hope of glory.' For the text says that they have one and the same organs, teeth, eyes, hair, temples, locks. They are one Jerusalem, one compact city, one terrible army by the sword of discipline.

2. We do not say that they must have one visible, actual government in external order in order to make them one visible Church. For when, in a congregation of sixty persons, there be thirty absent through sickness in the business of a lawful calling, they are yet one church visible though in one meeting you cannot see them all with one cast of your eye. And when the church of Jerusalem (exceeding in number ten thousand) did meet in part 'from house to house', that is in sundry houses, yet 'continuing in the same doctrine of the apostles, and in fellowship and in breaking of bread, and in prayer,' (Acts 2:32,46) our brethren will say, they are one 'church.' And therefore the power of discipline and the exercise of the Word, seals, and discipline in parts is sufficient to make one visible catholic Church.

4. To that 'church' has Christ given (as to the first church) the ordinances and ministry, by which ordinances and ministry He principally intends to perfect, to

gather, and to bring to the unity of faith [that 'church'] in a perfect Body, because the wisdom of Christ has not given his ministry and ordinances to the catholic Church intending principally to save them except He give them a power in that ministry to the first subject, which, being put forth in acts, may compass that end. But Jesus Christ principally intends by these ordinances and ministry to perfect to gather, to bring to the unity of faith in a perfect body, the whole catholic visible Church, and secondarily only this or that particular congregation. Therefore, Christ has given to the whole catholic Church, as to the first Church, the ordinances and ministry. And so in this catholic ministry He has given the Keys to this visible catholic Church as to the first church.

5. I prove it thus: Whenever Christ gives gifts to a whole, He gives it to the whole by order of nature, [logically] before He gives it to the parts of that whole, as is clear by induction. He [God] gives Christ a gift to the whole Church by order of nature, first to the world (John 3:16), then to this or that believer of the world. So He gives redemption and grace by order of nature first to his Church in general (Eph. 5:25). Christ dies first for his Church (not this or that single company, or particular person), first for His sheep (that is, the whole flock, Jn. 10:11), then for this or that company or this or that straying sheep. He came to seek and save first the lost (Luke 19:10), then this or that lost man. He died first to gather together in one, not one man only, yea not the nation of the Jews only, but to gather together in one all the children of God which were scattered abroad (Jn. 11:25). And He is a propitiation by order of nature first for the sins of the whole world (1 Jn. 2:1), and then secondarily for our sins. So has He given the gifts of apostles, prophets, and teachers first to and for the saints in common and in general, and not for this or that [particular] saint or for this company of saints at Ephesus.

I prove now that particular congregations are parts of the great visible Church: They are visible parts of a presbytery or a circuit of congregations within the local bounds of a presbytery. I make good [this point] thus:

Those who have one common necessary object of external government in Church affairs, those are a whole visible community gifted with power from Christ to rule in that common and necessary object of government. And this and that portion of this whole community must be parts of that whole. But those congregations within the local bounds of the circuit of a presbytery have one common necessary object of external government in Church affairs. Therefore, those congregations in such a circuit must be parts of this whole.

The major [proposition] I take from our brethren, who therefore make a particular congregation to be one in respect of ordinary meetings in partaking of the Word, seals, and to transect matters of jurisdiction amongst themselves. But this agrees to many congregations within one circuit, for they meet occasionally one with another in hearing the Word and receiving the seals. And for the assumption I prove it thus: All those congregations have these particulars of external government in Church affairs, which they cannot transact within their own congregations, but do *ex aequo* [from equality]<sup>9</sup> belong to them all, as:

1. That they do not give offense one to another, that one church do not hold the doctrine of Balaam to the offense and scandal of other churches.

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<sup>9</sup> [Latin phrases were kindly translated by Bobby Phillips.]

2. That one congregation make not acts and canons against the Word of God, and against the acts of another congregation agreeable to the Word of God.

3. That one church admonish, rebuke, comfort and 'provoke another to love and to good works' in such and such points.

Now, though a congregation make acts and constitutions for governing this or that member of the community, yet they do not, nor cannot, make acts that oblige the community and the church as the Church. The church, as being a part of the Church, is to be regulated by the whole. And if there be things that *ex aequo* concern all, and do not concern one particular church more than another: one particular congregation cannot govern in these. And by the like reason particular churches, classical presbyteries, and provincial and National Churches, are parts of the whole catholic visible Church.

6. Because Christ has not given the power of ministry, ordinances and jurisdiction to the single congregation as to the first subject upon the ground that our brethren speak: [which ground is] because the single congregation [they say] is that Spouse to which Christ is referred as a Husband and that Body to which He carries the relation of a Head, communicating life to all the members: Eph. 1:22; Col. 1:18. Nor is it [the congregation] that adequate number of ransomed persons, of 'sheep,' of 'lost ones,' of 'fellow-citizens,' of 'spiritual stones,' etc. to the which Christ does carry that adequate and complete relation of a Savior, of a good Shepherd, of a Seeker of lost ones, of a King and Governor, of the chief cornerstone.

Therefore that visible Church (for whose salvation Christ has given the ministerial power) must be the larger visible Church, just as the God of nature has given to the whole race of sheep a power to seek their own food, and, because of their simplicity, a power to be ordered and led by the shepherd; and secondarily this power is given to this or that flock feeding on Mt. Carmel or elsewhere. So has the God of grace given a power to the whole visible catholic flock to submit themselves in the Lord to other guides, and He has given to the whole company of shepherds (as to the first subject) the power of the Keys; and secondarily the power is given to this or that visible church and company of pastors.

7. When any scandalous person is delivered to Satan, he is cast out of the whole catholic Church. Therefore, he was before his ejection a member of the whole catholic Church, for he cannot be cast out who was never within. And when he is excommunicated, his sins are bound; as in heaven, so on earth. That is, not only in that tract of ground where a handful of a little independent congregation (as they say) of ten, twenty or a hundred do ordinarily feed, but in all the visible world where God has a Church. And all, both within the little congregation where he is and without, are to repute him 'as a heathen and a publican.'

It is true some of our Brethren say that he is excommunicated only out of that congregation whereof he is a member antecedently because Christ has given the power of excommunication only to the congregated church (1 Cor. 5:4) when they are met 'together to deliver to Satan.' And they must do it *in collegio, in consessu, coram tota ecclesia*,<sup>10</sup> before and in presence of the congregational church, which is to give their consent and as it has a certain power of interest in the business. But he is cast out and excommunicated to all other churches only by consequence and by virtue of the communion of churches.

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<sup>10</sup> ["in council, in assembly, before the entire church"]

I answer the plain contrary:

1. He is antecedently<sup>11</sup> and formally delivered to Satan by the power of the catholic visible Church which is put forth in exercises and in act before that church whereof he is a nearest member. Even as the left hand does cut off a finger of the right hand which otherwise would infect the whole body. Now it is not the left hand only that cuts off the contagious and infectious finger, but the whole man. Deliberate reason and the will consents that it should be done for the preservation of the whole man. The left hand is a mere instrument and the loss of the finger is a loss from the whole body. The finger is not cut off the right hand antecedently by that intrinsic power only in the right hand, but [by the] intrinsic [power] in the whole body. It is true that the contagion may otherwise creep through and infect the right hand and right arm first, and therefore incision is made upon the right hand. So if the eldership of a congregation deliver to Satan, it is not done by the power that is only intrinsic in that congregation, but by the intrinsic power in the whole universal Church who shall keep communion with him.

1. That eldership [of the congregation] cuts him off as the instrument or hand of the catholic Church, and the incision (as it were) is performed there in that meeting (I will not say [that it is a meeting] of the whole congregation, that is to be proved) because the contagion shall come first upon these with whom the delinquent is to keep the nearest fellowship. And that excommunication be performed in a meeting, I grant. The place 1 Cor. 5:4 says so much.

But that it is a meeting of the congregation with favor of the learned, cannot be proved cogently. Though I think excommunication when

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<sup>11</sup> [That is, by a preceding, authoritative principle.]

it is actually performed should be done before the congregation, that is but for the edification and nearest and most immediate practice of that congregation (for the contagion is nearest to them). But the reason why the presence of the congregation (whereof the delinquent is a member) is requisite, is not because this congregation has the sole intrinsic power in herself and because she formally and antecedently excommunicates, and the rest of the churches only do so consequently and by virtue of a communion. For the sister churches are to debar this excommunicated person from their communion with Christ in the seals of the Covenant, and that by an intrinsic authoritative Church power. Whereas if he were not excommunicated, they should have received him to a communion with them in the seals, and that by an intrinsic authoritative Church power. For one man cannot receive another to the seals of the Covenant with him because no one man has a Church authority. If therefore the church as the Church is consociated by an intrinsic Church-power: [if this church] should have admitted him [to fellowship] if he had not been excommunicated, it is evident that he was a member not only of the congregation out of which he is excommunicated, but also of the whole consociated congregations.

2. The man's sins are bound on earth antecedently to all the consociated churches. He is now equally incapable of Church fellowship in all the consociated churches, as in that congregation whereof he is a member. All without and within that congregation are to hold him for no visible saint: not to eat or drink with him. He is now to all the visible churches, in regard of visible communion, no member of that body whereof Jesus Christ is Head, no part of that City, of that Building whereof Christ is the Lord and chief



Cornerstone. And he is to the sister churches in their authoritative church-estimation (so to speak) and in relation to their power of jurisdiction, in the very same case as a member of Satan. He is in relation to the authoritative power of jurisdiction of that congregation whereof he was a nearest member just as the finger cut off is alike separated from the body; yea the whole body as from the hand.

And it is a wonder to me that Christ gives an intrinsic power to a congregation of twenty believers to cut off a member for the preservation of that little company of the Lord's flock and that He has denied that intrinsic power to the whole which is no less in danger to be infected, seeing Christ principally intends in the giving of a ministry to the whole Church especially the gathering of the whole body, '*To the full and perfect stature of the age of Christ, in the unity of faith,*' (Eph. 4:11) yet He intends the salvation and preservation of the whole from infection more than the salvation of a part of this whole Body.

That is, as you would say, the God of nature has given an intrinsic power to five hundred in a city to set guides over themselves and to rule themselves by wholesome laws, but He has denied that power to the whole city consisting of ten thousand. And He has given to the right hand an intrinsic power to consent that a finger in the right hand infected with a gangrene be cut off, but He has denied this intrinsic power to the whole man. I beseech you, does the God of nature in conferring this power to the right arm intend the preservation of the right arm only (and its wellbeing) and not rather the preservation of the whole body? So, does not Christ intend that the whole consociated churches shall be preserved from infection

and not that particular congregation only? Then if Christ's means be congruously fitted for his own end, He must have given an intrinsic power to many consociated churches to cast out a contagious lump. Otherwise the consociated churches are to exercise the punishment of avoiding the excommunicated person as a heathen, which flows from a power which is no way in them. What conscience is here?

2. What if the congregation cast the man out, *clave errante* [with an errant key] and undeservedly? Shall they consequently as sister churches in a brutish fraternity execute a sentence of an intrinsic power in another church, and not any of them or their guides have any power to discern whether the censure be justly or unjustly inflicted? This our brethren condemn in their own congregation because the reputing of the ejected man as a heathen is a matter of practice that concerns the conscience of every one of the congregation, therefore must all the congregation give their powers and consent, yea do more than consent (say some), even exercise jurisdiction (or a power not different from it).

## Answers to Objections

Some things are objected against this [presbyterian] way:

Objection 1: The power of the Keys cannot be given to the catholic representative Church or catholic presbytery as to the first subject, to be an ordinary and constant means

of edification, if the exercise thereof in an ordinary and constant way is impossible. But the exercise of this ministerial power given to the catholic visible presbytery, as to the first subject, in an ordinary and constant way, is impossible. Therefore, such a power is not given to the catholic representative Church as to the first subject, to be an ordinary and constant means of edification. The proposition is clear: it is incongruous to the wisdom of Jesus Christ that He should give that to be a means which possibly cannot attain the end. The assumption is just as evident: for the catholic visible presbytery cannot meet in an ordinary and constant way.

Answer:

1. By distinguishing the major proposition:<sup>12</sup> That the remote-power of the Keys cannot be given to the catholic presbytery as to the first subject, the exercise whereof in an ordinary and constant way is physically impossible and *ex natura rei* [according to the nature of the matter]. True. But now the assumption is false: that nearer-power cannot be given as a means of edification, the exercise whereof is morally and (through the corruption of men's nature) physically impossible. That is false and denied; and in either sense the conclusion cannot be true.

2. I grant the whole [proposition], and yet nothing is concluded against us, for the power of the Keys is not given to the catholic presbytery, as to the first subject, to be a means of edification in an ordinary and constant way, but only in an extraordinary and occasional way in those things which concern the power of jurisdiction belonging to the whole catholic Church. By 'extraordinary' here, I mean not that which is against a particular law of God and cannot be done without a divine dispensation of providence. But by 'extraordinary,' I mean that which is *raro contingens* [rarely contacted], and does not often fall out, as it almost never falls out that the universal Church has need to excommunicate a national Church,

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<sup>12</sup> [That is, the answer is by making a distinction in the major proposition.]

for all and every one of a national Church do never fall away from the faith. Yet a remote-power for excommunication is in the catholic visible Church.

Objection 2: It is objected that if the visible catholic Church be the first and principal subject of all Church power, then a presbyterial Church cannot excommunicate but by a power derived from the catholic visible presbytery. And so the presbytery should excommunicate by consulting with the catholic visible Church. But the latter is impossible and absurd; therefore so must the antecedent<sup>13</sup> be.

The connection is proved thus: For as things have heat in so far as they partake of the fire because heat is originally in the fire as in the first subject, so all exercising of excommunication by the Church must partake of the power of censures, that is, first and principally in the original subject (that is, in the visible catholic Church). And it would seem that none can use or put forth in acts the power of the visible catholic Church without the conscience of the visible catholic Church.

Answer: This occasions me to speak somewhat of the power of the presbyterial and catholic Church. Hence I say with submission to the learned:

First, it is a hard way of arguing to reason from the power to the several exercises and diverse acts of that power:

1. Our brethren hold that all power of the Keys, and all ministerial power of preaching and administrating the seals is originally in *caetu sideliium*, in a church of believers. But they cannot say that therefore the acts of

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<sup>13</sup> [That is, that which goes before.]

preaching, administrating of the sacraments and all acts of jurisdiction can be exercised by the [lay] believers because they are the first subject.

2. Secondly, the further that the members or churches (either congregational, presbyterial or national) are removed one from another in local distance, the less is the visible and external communion of rebuking, comforting, and admonishing of one another, yet the power and obligation of these duties are not removed. So though the national Churches be locally distant one from another, yet their power of exercising duties (and so their power of jurisdiction in an ecumenical council) is not from thence concluded to be null. Yea, national duties upon occasion are still obligatory; communion of men of sundry nations is clear to me: 'Many nations shall flow unto the mountain of the Lord's house,' (Isa. 2:3); 'Ten men shall take hold out of all languages of the nations, they even shall take hold of the skirt of him that is a Jew, saying, we will go with you for we have heard that God is with you,' (Zech. 8:23). I do not say, these nations do meet all in one synod, but the places do well prove the lawful power of performing duties, whereas the exercise of them in one place is not *hic et nunc* [here and now] possible in ordinary providence. And so this consequence (that the whole catholic visible church's principal guides cannot ordinarily and constantly meet *hic et nunc* for the exercise of their power, therefore they have no such power) must be weak. For if the power be exercised in parts which (through occurrences of providence and the corruption of men's nature) cannot be exercised in whole at once, yet it's not hence evinced to be a power not given of Christ for edification. For by our brethren's grant: three thousand are added to the congregational church of Jerusalem (Acts 2), and to this church of three thousand and a hundred and twenty, Christ has given the ordinary power of the Keys as to the first subject, though (through occurrences of providence and the corruption of man's

nature), some of these (suppose a thousand), through sickness, pest, danger of persecution and sinful separating from the assembly of saints, could not *hic et nunc* meet in one house in order to jointly exercise all the acts of that power which our brethren say is given to them by Christ. They cannot say therefore Christ never gave to this whole church (consisting of three thousand and a hundred and twenty) any such power.

3. Thirdly, there is a great difference between the power given *ad esse simpliciter*, 'to the [simple] being' of a church, and the power given *ad bene esse tantum*, 'only to the well-being'.

2. There is also a great difference between an ordinary power to be exercised constantly and ordinarily (because of a nearer consociation of the churches in those things that concern that church in particular; suppose a presbyterial or congregational church) and a power to be exercised but more rarely (not ordinarily) because of the less visible communion and great local distance of churches, as it falls out in the whole visible Church. Now from this:

First, the ordinary power of jurisdiction, because of the nearest vicinity and continuity of members, is given by Jesus Christ to one congregation in an isle:

1. Because that church is a church properly so called, though it be not a perfect and complete Church. I say it is a church properly so called, because:

1. It is a little City, and a little Kingdom of Jesus Christ, having within itself the power of the Word and sacraments. And that is a church and has the essence of a church to which agree the

essential notes of a visible church. Now, preaching of the Word and administration of the sacraments are essential notes of a visible church. But I say it is not a complete and perfect church in the latitude of visibility, (for churches are less or more visible according as they have less or more visible communion) for visible communion constitutes a visible church. Now a congregation in a remote island has a less visible communion with other visible churches than consociated visible churches have.

2. It is not complete and perfect in its operations because in case of doubts of conscience touching government, practice, and dogmatic points, it lacks the joint authority and power of jurisdiction needful for the well-being of a church, which it should have, if it were consociated with many other congregations. So, as we say: a hand with five fingers is a complete hand but it is not a complete organic body, but it is a part of the organic body of a man. So is a congregation a church lacking nothing of the being and essence of a church, yet it is incomplete because it is a part or a member of a presbyterial Church. And not being consociated, it lacks that which belongs to the well-being of a complete visible Church. For visibility of a church must have a latitude, because it is an accident or adjunct of an organic politic body, which is *totum integrale* [integrally whole].

Secondly, the ordinary power of ordinary jurisdiction in a more perfect way (because of an ordinary and a more perfect consociation)

is given to the presbyterial Church (as to the proper subject) in the constant and ordinary exercise of discipline, because continuity being the foundation of visible external government, the presbyterial Church of Jerusalem, Ephesus, Corinth, Antioch, and Rome is a perfect, complete, consociated body to which the power of ordination, the deprivation of pastors, and of excommunication in a constant and ordinary way, does belong. For this is a principle of Church-policy: Every politic body of Christ has power of Church government within itself; but a presbyterial church is such.

2. This is a received maxim also: *Quod tangit omnes, ab omnibus, suo more, tractari debet*; 'what concerns all should be agitated by all according to their degrees of concernment.' But excommunication of a person in a consociated church concerns all the consociated churches in a presbytery: all are scandalized; all may be, and are, in danger to be leavened with the infectious lump.

And here it is to be observed that as the preaching of the Word is an essential note of the visible Church and agrees to the visible Church as necessary *ad esse simpliciter*, 'to the very being' of a visible church (for if the Word as preached and some way promulgated be not in such a society, we cannot call it a visible church), so discipline is a note of the visible Church and is necessary *ad bene esse* [to the well-being] and it cannot be a ministerial church exercising acts of edification in a good condition if the wall of discipline be broken down. And meeting in one place for Word and sacraments is but accidental for a ministerial church. [Therefore:] If the Word be preached and the sacraments are administrated in sundry congregations, though not in a presbyterial Church all convened in all its



members in one place, yet has the presbyterial Church the essential note of a visible Church.

Because there is a difference between carrying the colors in an army *tali modo* [in such a way] (so that all the army at once may see the colors) and the carrying of the colors, yet the colors are a visible note of such an army, so there is a difference between preaching the Word *simpliciter* [simply, itself] and preaching the Word *tali modo*, 'in such a way' in one material house only. And therefore it is necessary that government (which concerns many consociated churches) be in its exercise *hic et nunc* [here and now], larger than the exercise of the preaching of the Word *hic et nunc*, which cannot be done but to a multitude which convenes *epi ta auto*, 'to the same' material place. And we see an act of government (Acts 15), by confession of our brethren, belonging to diverse consociated churches and performed by them, and yet these cannot ordinarily meet to one and the same place in all their members for the hearing of the Word.

Thirdly, an extraordinary and remote power of jurisdiction (which is but rarely and in extraordinary cases to be put forth in acts) is given to the catholic visible presbytery of the whole catholic visible Church, because the external and visible communion is less where the local distance of visible churches is more, and therefore (because ecumenical councils, being necessary for the catholic visible Church, *neque ad esse simpliciter, neque ad bene esse, sed ad melius seu optimum esse*, 'neither in respect of the Church's being, nor in respect of the Church's well-being, but only in respect of her best and most spiritual well-being') these councils are seldom to be had in an ordinary providence.

For the cross<sup>14</sup> of Jesus Christ is rather a mark of the visible catholic Church, than Bellarmine's<sup>15</sup> prosperous condition that he will have to be one of his fifteen notes of the Church. And since the Church cannot have her wishes, the lack of general councils is the catholic Church's cross, not her sin. We do not say that God is deficient in [providing] necessary means to his Church or to some of his own children because the Woman has wings given her of 'God to fly to the wilderness to hide herself from the Dragon,' (Rev. 12:14), and so cannot enjoy God's ordinary presence in his sanctuary.<sup>16</sup> Nor do we say that God has denied a power to his Church in the wilderness for them to enjoy a visible sanctuary (I mean a moral power and *jus*, 'a right' and interest in that presence) because He interrupts the Church's physical power for a while in the enjoying of these comforts of a visible Church-communion in the sanctuary.

Fourthly, hence it does not follow that because the catholic, representative, visible Church is the first subject of the power of the Keys, that the power of excommunication is derived from the visible Church to a presbyterial Church, or that a presbyterial Church cannot excommunicate without consulting with (or fetching authority from) the catholic visible Church. The visible catholic Church is the great integral body of Jesus Christ and He is the Head of this body. Though the power of seeing by order of nature be first in the whole man and then in the eye, yet the power of seeing in the eye is not derived from the rest of the body, from the hands, legs, shoulders, or the arms to the eye. The light is first in the whole body of the sun as the first and prime subject of light, yet ([even] supposing now the received opinion of astronomers that the body of the sun does exceed the quantity of the earth a hundred and sixty-seven times), it does not follow that this

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<sup>14</sup> [That is, the Church's suffering condition.]

<sup>15</sup> [A figure head of the Roman Catholic Church. Martin Luther aptly contrasted the Roman Catholic and Protestants Churches by the phrase that the Christian life is not the way of glory (as in the Roman Catholic Church) but the way of the cross (as in the true Church).]

<sup>16</sup> [The 'visible sanctuary' stands for a council of the visible catholic Church where God's presence and communion with his Church is specially revealed and known.]

or that part of the sun has no intrinsic light in it but that which is derived from the whole body of the sun. For then this or that part of the sun should have borrowed light derived to it from another. So the soul does at one and the same instant animate and quicken [enliven] the whole organized body as its first matter and subject, but it does not follow that the hand has life derived to it from the whole body. So because the power of the Keys is also intrinsic in the presbytery (as in an ecumenical council), it does not follow that the power that is intrinsic in the presbytery is by derivation (or borrowed and at the second hand) from the catholic presbytery of the whole world. Far less that the presbytery cannot excommunicate except it consult with the catholic visible Church. The power of the Keys (by order of nature) is only in the catholic representative Church as in the first subject, but in order of time this power is communicated from the Head Christ to all the integral parts of this great Body according to the capacity of every part, so that it is intrinsic in the particular eldership of a single congregation in these points of discipline that concern a congregation as a congregation, it is intrinsic in the classical presbytery as it is such, and it is intrinsic in the provincial and national synod in points belonging to them as such.

Objection 3: They object that if a single congregation have not power of excommunication and of an entire and complete government within itself, because it is but a part of a presbyterial Church and so [the congregation] is an incomplete Church: by that same reason a presbyterial Church shall be an incomplete Church and shall not have an entire and complete power of government within itself, because a presbyterial Church is a part of a provincial Church. And a provincial Church shall be in the same case because it is a part of a national Church; and a national Church is in that same case because it is a part of the visible catholic Church. And there shall be no perfect visible Church on earth which has a full and entire power of jurisdiction, save only the visible catholic Church.

A national Church, or the Church of Great Britain, can by no possibility convene before her [the visible catholic Church's] ecumenical and highest catholic court, upon the testimony of three witnesses [have the visible catholic Church] deliver her [the national Church] to Satan and upon supposal of repentance receive her again by the catholic power of that same court into fellowship of Church-union with the great catholic body. For because this catholic Church for many centuries (yea, possibly for a million of years) cannot convene to exercise her authority in a court (and out of her court she has none), the repenting national Church shall remain in Satan's bands forever by a physical and invincible necessity.

Answer: A single congregation is a church, but so as it is also a part and member of a presbyterial Church. And because of its nearness of communion with consociated churches under one presbytery it can neither have complete power of casting out one of its own members (because that member also has such a strict visible union of membership with the consociated Churches), nor can it exercise that intrinsic power that it has as a remote part of Christ's catholic body. The case for ordinary and constant power and jurisdiction is not so in a presbyterial, a provincial, a national, or the catholic visible Body. Therefore it does not follow that they [single churches] are not complete bodies and entire churches for all ordinary and constant jurisdiction. The reason is clear: because to me synods (or synodical Churches above a presbytery) are not ordinary, not constant courts, but extraordinary and *pro renata* (occasional), having their rise from some providential occurrence (as is most clear by scripture). The Church of Ephesus, being a presbyterial Church, did constantly exercise discipline and try 'false prophets and those which called themselves Jews but were liars.' (Rev. 2:2) That famous council at Jerusalem was not an ordinary and constant court, but extraordinary, that is, occasional (for so I take the Word, for expression's cause). It had its rise from a mere occasion (Acts 15:1), because some came from 'Judea and taught the brethren: except you be circumcised after the manner of Moses, you cannot be saved.' And the subject of this court was not the constant and ordinary affairs of discipline; that belonged to the

presbytery of Jerusalem and Antioch. No, the subject was only an incident controversy raised by false teachers, subverters of souls (v. 24), and therefore it is said (v. 6) that the apostles and elders 'came together to consider of this matter.'

Therefore, the presbyterial Church has both Word and sacraments dispensed in it distributively through all the churches and for the power of ordinary jurisdiction intensively (*quoad essentiam ecclesiae ministerialis*, 'according to the entire essence of a ministerial Church'), it is as perfect and complete in one single congregation as in a provincial, a national, yea even as in the catholic visible Body whereof Christ is the Head. Only a provincial, national, and the visible catholic Church is extensively (according to the power of extension) a larger and a superior Church. And though the presbyterial Church be a part of the catholic, it is so a part as it is a perfect whole Church. As a man is a part of this great 'all,' the world, yet [he is] so as he is a perfect reasonable creature and a whole man: [so is he] a part of the world. But a congregation is so a part of the presbytery, that it has not a whole, entire, complete intensive power over its own members to excommunicate them, because its members are for continuity and necessity of near visible communion, parts that cannot avoid daily edifying or scandalizing of consociated churches; and therefore the consociated churches must have a power over the members of a congregation.

But our brethren will say: 'Continuity of local cohabitation does not make a visible church, but it is only the voluntary agreement of professors who do *ex pacto* (by a covenant, tacit or express) that make up a consociation. For a papist and a protestant may cohabit in one house [and yet not be a visible church together].'

Answer: That is true, but continuity is such a necessary foundation of external visible Church fellowship in one presbytery, as without that continuity I see not how *jure divino* [by divine law] there can be either a congregational church or any other church. For sure I am, Christ has not ordained me to be a member of a congregation in America or of a presbyterial Church in Geneva [which would be impossible]. And if such persons [in

Scotland, America and Geneva] (and no more) be members of a congregation, this is not *juris divini* [by divine law]; without a continuity (less or more) they cannot be members of a congregation. Nor is this [supposed] single congregation a limb of this presbyterial Church *jure divini* [by divine law]. Only this *in abstracto* [in principle] is *jus divinum* [a divine law], that there be a congregation of a convenient number and a presbytery of such as may meet conveniently in their guides [officers].

But to return, the brethren do deny that God gave a power of jurisdiction to the catholic visible court of the ecumenical Church. And why? 'Because a general council cannot excommunicate, nor relax from excommunication, a national Church.'

But I answer:

1. It is by accident<sup>17</sup> (and not through the lack of an innate and intrinsic power) that the court of a catholic council cannot in an ordinary and constant way exercise the power that Christ has given to her, as the presbyterial church does. The exigence [constraining circumstance] of providence makes it so, because it falls out by the blessing of God that Zion must say (as it is): 'The place is too straight for me, give place to me that I may dwell (Isa. 49:20);<sup>18</sup> and because she 'enlarges the place of her tent, and stretches forth the curtains of her habitation, and lengthens her cords, and breaks forth on the right hand, and on the left, and her seed inherits the gentiles' (Isa. 54:2-3); and 'because from the rising of the sun, to the going down thereof, his name is great amongst the gentiles and in every place incense is offered to Him.' (Mal. 1:11) Yet general councils [when they have been able to meet,] have

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<sup>17</sup> [That is, a circumstance not inherent to its essence.]

<sup>18</sup> [That is, by the blessing of God, the Church extends so far and wide in the earth that it cannot easily meet together in an ecumenical council.]

condemned heretics, such as Nestorians,<sup>19</sup> Macedonians,<sup>20</sup> Eutychians<sup>21</sup> and others.

And I see nothing to prove that a general council has no power to excommunicate a national Church. If the Lord should be pleased to give the Christian churches a general council this day, they might lawfully (in a juridical way) declare the faction of Romish-pretended-catholics to be mystical Babylon, a cage of unclean birds, which is excommunication in the essence and substance of the act. Nor is there need of a legal and juridical citation of national Churches, or a citation of witnesses to prove Romish heresies and perfidious and detestable obstinacy: for their writings and deeds are so notorious that the senses of men may as infallibly prove the fact as we know there is such cities in the world as Rome and Constantinople.

2. As for the instance that a catholic council cannot ordinarily be had to relax a repenting national Church, I answer that the same inconvenience will follow if we suppose an ordinary case: the congregational church (as our brethren suppose) of Jerusalem. It consisted of three thousand, one hundred and twenty persons (Acts [1 &] 2), and it excommunicated Ananias, Saphira [Acts 5:1-11] and others who yet by the grace of God would truly repent. In the mean time, the intervening sword of the Roman Emperor scattered this church [Acts 8:1] that they could not convene in a spiritual court to relax them (and out of court they have no authority of jurisdiction). Here were an invincible necessity of their remaining in Satan's bonds *in foro externo ecclesiae* [in the external court of the church]. But what then? This is to limit God, as papists do in binding and tying the salvation of infants to the outward sign of external baptism; as if God *in foro caeli* [in the court of heaven] in his own court could not absolve penitent sinners because the [earthly] Church

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<sup>19</sup> [From Nestorius (386–450) who essentially held that Christ is two persons: human and divine.]

<sup>20</sup> [Those who denied the deity of the Holy Ghost. Also known as *Pneumatomachi*, 'Spirit fighters'.]

<sup>21</sup> [From Eutyches (380–456), who essentially held that Christ had one nature, both human and divine.]

will not through men's corruptions (which is more ordinary), or cannot absolve them (through the necessity of the exigence of divine providence). And the more catholic [universal] that crosses be, as wars, the universal and [Roman] Catholic cruelty and treachery of the church of malignants [evil-workers] against the true catholic Church of Christ, the more easily impeded are the juridical and court operations, actions and proceedings of the universal catholic Church.



## Part II

### The Presbyterian Interpretation of Matt 18:15-20

“Moreover, if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the Church: but if he neglect to hear the Church let him be unto thee as a heathen man and a publican.

Verily I say unto you, Whatsoever ye shall bind on earth shall be bound in heaven; and whatsoever ye shall loose on earth shall be loosed in heaven. Again, I say unto you, That if two of you shall agree on earth as touching any thing that they shall ask, it shall be done for them of my Father which is in heaven. For where two or three are gathered together in my name, there am I in the midst of them.”

Therefore our Savior’s, ‘tell the church,’ is necessarily to be applied to all churches and courts of Christ (even to a catholic council), though Christ gave instances in an offended brother who is to tell the church. But I am sure that ‘tell the church’ is not to be restricted to a vocal and personal complaining of one brother against another in the face of a single congregation. For if the offence be committed before the sun at noon-day in the seeing and hearing of the church (either congregational or presbyterial), as someone may do by word and writ in openly blaspheming God, in this case: Christ’s affirmative command, ‘tell the church,’ does not oblige one man in conscience to come and deal with the delinquent in private, and then (if he does not repent before witnesses) ‘to tell the church,’ so that if he does not tell the church he sins. For here the disposing of God’s providence in the notoriousness and publicness of the scandal does ‘tell the church.’ And yet I hope our brethren could not deny but this text does warrant that such a public offender who scandalizes many churches should be excommunicated by this place

(Matt 18). From which [preceding argument], I gather the weakness of what is said for the independency of churches from Matt 18.

## Answers to Objections

Objection 1: Here [in Matt 18:19] we cannot understand the universal Church, because [if it were so,] Christ would not say 'Where two or three are gathered in my Name, I will be in the midst of them.' For two or three persons cannot represent all the churches comprehended under the visible catholic Body of Jesus Christ.

Answer:

1. This [Matt 18:19,] is an argument from the less to the more. 'If I be present,' our Savior would say, 'where two or three are,' though they be but two or three, [then] 'I will far rather be present in the assemblies of the Church.' Nor, according to our brethren's mind, can the words stand strictly according to the letter that two should be a [congregational] church; for there should be pastors, elders, Christian witnesses (two at least) and the accused brother here.

2. Two or three and brother and brother, are not to be taken as singular men only, but as two or three men (or churches),<sup>22</sup> who, as they may be offended (1 Cor. 10:32), so may they give scandal and offence. So may three or four consociated congregations give the offence, and that publicly. What? Has Christ provided no remedy against scandals in his whole Kingdom but only

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<sup>22</sup> Likewise Abulensis on this passage: '...if there be only two...'

for scandals fallen out in the single persons of a small congregation consisting of ten, twenty, one hundred or two hundred people? When these little congregations offend sister congregations, are they left only to the immediate judgment of God? This is wonderful.

Objection 2: The Christian magistrate as a nursing father is to punish those who offend, has power to command churches to confess offenses done to sister churches, [has power to] command church censures such as excommunication to be used and [to command] that Christ's power be put forth in practice according to the will of Jesus Christ.

Answer:

1. Yet does it follow that the apostolic churches and the succeeding churches to them under the ten bloody persecutions, when magistrates were enemies to Christ and his church, that the churches lacked spiritual means to gain fallen and scandalous churches?
2. Christ has provided an ecclesiastical power to remove scandals between church and church as the magistrate's power is [only] civil and put forth by the sword and by carnal weapons. Christ's aim in this (Matt 18:19) is to remove scandals and to gain souls: 'if he hear you, you have gained your brother.' (v.15) The sword of the magistrate is not ordained to gain souls to repentance. He who cares for part of a visible Church, does He not far rather care in a spiritual way for the whole?
3. What can the magistrate command here if the eldership of a congregation turns heretical, becomes scandalous persons and infects sister churches? 'The magistrate commands that church censures be used against them,' you [the independent brethren] say. But who should use them? Not a sister church that is offended; she has no power. Not the eldership; themselves offending. Christ

never ordained that a church should excommunicate herself. Not the people; who gave them the power? So the major part of them turn scandalous and Christ here has left no remedy. 'But let them grow till the [final] Harvest,' say the Anabaptists.<sup>23</sup>

Objection 3: Christ here [in Matt 18:15-20] speaks for a present and constant removing of scandals between brother and brother of one congregation. A catholic council of the whole visible Church is far off and cannot be had.

Answer: That He speaks of a present and constant remedy only, and of no remedy against the scandal of whole churches, is denied. He speaks of all remedies to gain any offenders: persons or churches.

Objection 4: Then should a universal council of the whole world be absolutely necessary, if in some cases we must tell the whole catholic Church.

Answer: Neither does that follow. General councils are neither necessary to the being, nor to the well-being, but only to the best-being of the catholic Church. And if the catholic Church enjoyed its best-being (to which it has *jus*, 'a due right'), that is, a perfect reformation in doctrine and discipline, then [it is admitted] that a general council would be necessary for the keeping of this best being. Our brethren [according to their interpretation of Matt 18:15-20] say that this rule of discipline (given by Christ) supposes a rightly constituted particular congregation, else this rule cannot be necessarily kept. In like manner we say that it [this rule of discipline with a general council] may necessarily

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<sup>23</sup> [Rutherford is being sarcastic, as the Anabaptists (or, 're-baptizers') were infamous for their extreme and erroneous opinions.]

be kept in the catholic Church; it only supposes the catholic Church to be [fully] reformed. But Christ's Church must sail with a second wind when she cannot have a first.

Objection 5: Refusing communion with sister churches in case of a scandal is as effectual a way for edification as the authoritative excommunication of congregations by presbyteries.

Answer: The excommunication of congregations is a possible, though not an ordinary, supposition. But our grounds proceed thus: When the members of one sister church offend another, if there be no presbyterial power superior to both that may take order with them, then has not Christ (in the ordinary supposition of the ill administration of an eldership of a particular congregation) provided an ecclesiastical way to remove scandals out of his Kingdom? Non-communion:

1. Is no more than: 'I may do thus to a brother who offends me.'
2. Is not so efficacious as a binding and loosing ratified in heaven.
3. Has not that special promise of Christ's church-presence walking in the midst of the golden candlesticks [Rev. 1].
4. Is a secret condemning of the wisdom of Christ in the institution of excommunication that the 'spirit may be saved in the day of the Lord' (1 Cor. 5:4); that 'some may learn not to blaspheme' (1 Tim. 1:20). It is as if excommunication, which is a public authoritative means, were superfluous, if a private and brotherly non-communion be sufficient and as efficacious a means of edification as Christ's means.

Objection 6: Either you must complain to a presbyterial, provincial, or national Church before you complain to that congregation of which the delinquent is a member, or after you have complained to that congregation. If the former be said, then [on the contrary,] you cannot tell the presbytery or superior courts but in case of obstinacy, for if you can gain a brother or a church in a private way, you are not to bring him to a more public shame. That is contrary to Christ's order: 'If he hear you, you have gained your brother.' (Matt 18:15) And if you tell it to the presbytery and the superior courts after you have told it to the church whereof he is a member, then you make four steps in reclaiming your brother, where Christ has made but three.

Answer:

1. Christ's order according to the number of steps are three when the fault is private. Scandals of many congregations cannot be private, and in public scandals we cannot but go to that church which the offence does immediately concern. And if you make four steps or five according to your grounds: I see no transgression, if:

1. You admonish the offender
2. Before two,
3. Before the half of the elders,
4. Before all the elders, and
5. If you be willing that the elders bring it to the hearing of the congregation.

2. The number of precisely three is not of positive divine institution, it is only set down by Christ to show that we are to labor to gain our brother in private before we publish his shame to the Church. And if he commit the offence before two persons, I think you do not need to [initially] tell him yourself alone, but [rather]

before two. And yet the offence is still private if only three be privy to it, seeing it is not yet come to the church.

3. I much doubt if no faults be punishable by excommunication but only obstinacy: I think the atrocities of incest, parricide<sup>24</sup> and the like deserve excommunication, though no contumacy come before such crimes.

Objection 7: The church spoken of in Matt 18 is all one with: the 'House of God,' the 'House of Prayer,' where two or three agree to pray for one thing (v. 19), the place where worshiping is with the Word and sacraments, that society in which stewards give a portion of the Tree of Life to every child of the house (Mt. 24:45; 1 Cor. 4:1-2), and where public rebukes are tendered before all to those who sin publicly, that others may fear (1 Tim. 5:20). This must be in the church's hearing and before the congregation met for the Word and sacraments, for these ordinances of God work for both the edifying of the party reprov'd before all the congregation (which shall hear and fear) and upon the heart as the Word of God does. Now, a presbyterial Church convened in some elders of diverse congregations, for Church censures and exercise of jurisdiction, is not such a House of God where is the Word, sacraments and public rebukes in the hearing of the congregation. For the congregations of all the presbytery, being twenty or thirty, cannot meet in one church.

Answer:

1. That only a congregation, and not the catholic Church, is the House of God, I judge, the Word of God cannot teach, for 'To them will I give a name within my House.' (Isa. 56:5) What name? To be a member of a single congregation? No, but of a whole visible Church, which is opposed to the condition of eunuchs and

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<sup>24</sup> [The murder of one's father.]

strangers in verse 4 which were not ‘of the people of God.’ ‘The beams of our house are cedars’ (Cant. 1:17); this is the catholic Church and the Spouse of Christ. ‘I would not let Him go, till I brought Him to my mother’s house’ (Song 3:4); ‘not a congregation, but Jerusalem, the mother of us all,’ says Henry Ainsworth.<sup>25</sup> Cotton:<sup>26</sup> ‘the catholic Church.’ Alstedius:<sup>27</sup> ‘Jerusalem, as Moses was faithful in all his house (Heb. 3:2).’ Not a single congregation.

2. This Church here [inn Matt 18] is formally a ministerial Church meeting to bind, loose, and excommunicate. Nor is there need to expound it of a House of praying congregationally, but rather of ligatory [binding] and authoritative prayers of the presbytery (Mt. 18:19).

3. Nor is rebuking in a congregation for the edifying of the hearers anything but the execution of the judicial sentence of a presbyterial Church, which we grant may be done in the congregation whereof the delinquent is a member. And yet the Church here does not signify a congregation convened for the Word and sacraments except you say that all the people must necessarily be present, yea and are authoritative actors to bind and loose, as this Church is expressly described (v. 18). For if the place speak of conscionable rebuking (e.g. 1 Tim. 5:20), then it proves nothing that is done by Timothy as a pastor *virtute potestatis ordinis* [by virtue of the power of office] and not by the presbytery as an act of jurisdiction done by the Church, not by one man. If it be meant of juridical rebuking, that is done in a court where all the congregation are not present. Or if it be done before the congregation in the name of the presbytery: What is done before the church ἐνώπιον πάντων, ‘before many,’ is not done by those many, as if they were the Church which our Savior bids us tell. Surely nothing is here against us.

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<sup>25</sup> Ainsworth, *Annotations on Song of Solomon, ch. 3* [Rutherford is again quoting their own writers against them.]

<sup>26</sup> Cotton, *Exposition on Song of Solomon 3:4*

<sup>27</sup> Alstedius, in location, “Because it was just as if it were the dining hall of the catholic Church.”



Objection 8: The word 'church' is never used in the New Testament for the presbytery. And if it signify a representative church, the meaning of this phrase, 'the angel of the Church of Pergamus,' might be 'the angel of the [congregational] church of Pergamus.' For the representative Church is the eldership of that [congregational] church.

Answer: This [place in Mt. 18,] being the first time that Christ spoke of the 'Church' (which the Hebrews or Jews, who knew his language, were accustomed to understand),<sup>28</sup> He could not mean anything but a representative Church, not the common multitude.

1. And though the word were taken other ways in many other scriptures, yet here it must have this meaning [of a representative Church], because Christ speaks:

1. Of a court: 'If he hear not the Church,' etc.
2. Of a company who binds and looses on earth,
3. Whose sentence is ratified in Heaven.
4. 'Binding' and 'loosing' are words of highest royal judicial authority in scripture: 'The King sent and loosed him... He made him Lord over his House... to bind his princes at his pleasure,' (Ps. 105:20-21). 'To bind their kings with chains, and their nobles with fetters of iron, to execute upon them the judgement written,' (Ps. 148:8-9). 'Take him and bind him,' (Matt 22:13). Paul's 'being in bands' is to be under the judges' power [Acts 21:11;

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<sup>28</sup> ['Church,' or 'ecclesia' in Greek, was a common word that etymologically meant 'called out ones.' While the Christian church did not yet exist in its separate structure from the Jews, yet the Jews were the people of God, and 'Church' commonly referred to their authoritative ecclesiastical assemblies.]

28:17]; Peter 'was bound with two chains,' (Acts 12:6). So the captain of the guard: 'and now behold I loose you this day from your chains.' (Jer. 40:4)

2. The representative Church is not called the elders of the representative church, nor the angel of the representative church, but of the collective Church. And therefore there is no angel of a church of a church here.

Objection 9: 'From the church here spoken of there is no appeal because the sentence is ratified in heaven. It inflicts the highest punishment: the censure of excommunication; and a higher judicature can do no more. There is no reason to appeal to a higher judicature because the inferior may err, because all above a congregation are courts which may err also. For presbyteries, provincial councils, national, and the universal council of the catholic Church may err.' So Mr. Mather.<sup>29</sup>

Answer: Because the sentence is ratified in heaven is no reason why we may not appeal from a congregation. The sentence of an inferior judge proceeding rightly is ratified in heaven, yet we may appeal from him. To appeal is but upon fears of ill administration; to desert a lower court and go to a higher court. So when we fear that a counsel and advice given by a sister church is not according to the Word of God, which yet is according to the Word of God, upon the supposal of that fear we decline that council and take another. Neither are we to appeal *de jure*, 'from a just sentence,' in a presbytery. *Illud possumus quod jure possumus* ['What we can do, is that which we can do by law']. What the inferior Sanhedrin of Israel did justly was ratified in heaven. Yet by God's Law there might be an appeal from it to the highest Sanhedrin.

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<sup>29</sup> Richard Mather & William Tompson, [Answer to Mr. Herle, ch. 2, pp. 13-14.](#)

2. Nor is this a good reason: that we may not appeal from a judicature which may inflict the highest censure. For inferior judicatures in Israel had power of life and death, yet might man appeal from them.

3. The cause of appeals is not because inferior judicatures may err: for so we might appeal from all judicatures, even from a general council, for it may err. But the true grounding [of appeals] is:

1. Because *rariùs errant*, they [higher councils] 'do not so frequently err'.

2. They are not so inclined and disposed to err, 'for many eyes see more than one,' and many eyes do more seldom miscarry in not taking up the right object than one.

3. Because we conceive more equality and less partiality in higher courts.

Objection 10: You grant that a single congregation in an island has intrinsic power of excommunication within itself. Therefore, that inconvenient [circumstance] which you claim is on independent congregations shall follow in the case of a [geographically] remote congregation. Christ has not then provided sufficiently for that church in that case.

Answer: It follows only, therefore, that Christ has not provided so sufficiently for that church as for others in a consociation, which is nothing against us. For 'woe to him that is alone,' and 'two are better than one.'

Objection 11: If the church here [in Matt 18] be a representative church, then it has power from those whom they represent. But they represent the people; and so the power is first

in the people and the people must be the first visible church, not the presbytery, not a general council. I prove the major [proposition]: because the power that the representative has, that must be first in the represented.

Answer: A representative stands for another either objectively or subjectively.<sup>30</sup> Whoever represents another objectively (that is, does such a business for another, or *in rem ejus*, 'for his behalf' and good), though he some way represents that other person, yet he does not have his power from that person whom he represents. The eye represents the body objectively in seeing and the ear in hearing; for the eye sees for the whole body the ear hears for the whole body. But the eye has not its visible (or seeing) faculty from the body, nor the ear the hearing faculty from the body. Now the presbytery does only represent the people objectively, that is, for the good and salvation of the people. And so the elders have not all their power of ruling from the people, but from Jesus Christ.

That which represents another subjectively has indeed its power from that which it represents, as he who carries the person and room of a king as an ambassador, does fetch his power from the king, though that power is more principally in the king. But now the assumed premise is false, because the eldership does not represent the people in their power of jurisdiction subjectively, as [fully] standing in the place of the people. But, as the ambassadors and stewards of Christ, they have both the Keys from Christ (not from the people), and do actually use the Keys in his name and authority, not in the people's name and authority.

Hence it is easily answered that *delegatus seu deputatus non potest facere delegatum*, 'one delegate cannot transfer his power to another delegate.' That would bring an infinite progress into government. For one delegate standing in the room subjectively of others cannot transfer his whole power to another; it's true. But that he cannot transfer

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<sup>30</sup> [Rutherford is saying that there are legitimately different kinds of representatives which we recognize in common life. The question of the representative nature of elders in the Church is not whether elders are representatives, but how scripture grounds their representation.]

his power in part, and according to some singular acts, it is false. For in Acts 15:25 it is said by the council, 'It seemed good unto us with one accord to send chosen men to you with Paul and Silas.' Paul, Silas and these chosen men (suppose six or ten) in this embassy are but the deputies and messengers of the council, and yet they do agree to make Paul their deputy and mouth to speak for them all, seeing that order requires that six at once should not speak. In this case, Paul speaking the mind of all the rest, in this singular act he is a deputy of deputies and he represents the whole six who were messengers of the Church sent with the letter. And these six were deputies and messengers of the council, but these six messengers sent by the council could not lay their whole power on another to carry the letter to the church of Antioch and bestow their own labors elsewhere. Nor could one of these six delegates, being chosen as the delegate to speak for the rest, put that power (of speaking the mind of the whole six) off of himself onto another. In this sense one delegate cannot make another; one messenger cannot send another. So the presbyterial or classical court convened as the delegates of the whole congregations under them (or rather of delegates for them), then they, decreeing that one person of a congregation should be excommunicated, may delegate one [officer] in that congregation to pronounce the sentence. And this one pronouncing the sentence, as the delegate and messenger of the Church, is a delegate and a deputy of delegates and deputies in one particular act. And this, our brethren, in their own church sentences pronounced by one elder, must also say.

Objection 12: That nearest church to whom we delate [report] the offense of one single offender, is a single congregation, else we must over-leap this church and tell the presbytery, contrary to Christ's direction. But if he hear not that very church to whom we tell the business, he is excommunicated by that nearest church, as the words bear. Therefore, that nearest 'church,' being single congregations, may excommunicate. And so it is the first church and the presbyterial church is not the first church.

Answer: That nearest church, to whom we delate [report] the offense of the delinquent (first, in the case of willful obstinacy; secondly, in the case of consociation of churches whom the obstinacy concerns), is not a congregational church having an entire and complete power of jurisdiction, being the subject of excommunication, to whom we must tell the offense. The whole ministerial Church is that particular 'church,' together with the presbytery. And my reason is: There is a church consisting of 3,120 people, all called one 'church.' (Acts [1 &] 2) Now it is said of this Church that they continued 'steadfastly in the apostles' doctrine and fellowship, and in breaking of bread, and prayer.' (v. 42) But where did they meet? Not only in the temple, but daily from house to house (v. 46). This whole number had one church fellowship, one Word, one Supper of the Lord (v. 42); but in one meeting at once? No, but they met from house to house. That is: in any private house, as the phrase is here [in Greek], *kat' oikon*, and in Acts 20:20, *kat' oikos*. Now it is clear there were congregations and churches when the Word and sacraments were in private houses at Jerusalem and from house to house in Ephesus; but I hope these were but parts of the church at Jerusalem and Ephesus and that they could not all meet in one house.

If one therefore complained of a scandalous person to the church of Ephesus convened in a house (possibly in an upper chamber or elsewhere), this was a meeting that 'continued in prayer and the breaking of bread' and so had power of church censures to admonish and rebuke, which things belonged to that single congregation or such a church in a private house. But it has not power to censure those that offend the consociated congregations that also meet *kat' oikos* ('in houses'); that is: to excommunicate. And therefore he must complain to the elders of Ephesus, for we are not to think that the false Jews who were censured by the apostles of Ephesus (Rev. 2:2) did only infest houses, or one congregation met in a house. Nor [are we to think that] that one house-church or house-congregation of Ephesus did try and censure 'those that called themselves Jews,' (Rev. 2:2). But Christ gives the praise of this to the whole Church of Ephesus, who had the power of censures.

But it may be said [as an objection]: A scandalous person may infect two congregations of two neighboring presbyteries, he dwelling near the borders of both. Therefore, if he is to be excommunicated, not by a congregation only but by the presbytery, because he may leaven many consociated churches, this man is not to be excommunicated except you tell two presbyterial churches, and so a whole province. And if he dwell in the borders of two nations (such as between England and Scotland), he may leaven two parts of two national churches. And if the matter concerns both the national Churches, a higher Church than a presbytery (even a Church made up of two presbyteries, yea, of parts of two presbyteries of two nations) must be that complete and entire church by divine institution to which we must complain, which has the power of excommunication.

Answer: It is certain that (as the local limits of a congregation and the number [of persons in a congregation] is not properly of divine institution) there must only be a convenient number to make up a congregation. And suppose a man do dwell in the borders of two congregations where he is equally distant from the place of meeting: it is not of divine institution whether he be a member of the one or the other.

Yet where his parents did willingly associate themselves to such a congregation, he himself did associate himself, or where he received baptism, he now has a relation to that church as a member thereof, and that pastor is his pastor (not any other): just as the elders of the church of Ephesus (suppose it were one single congregation) and the angel [messenger] of Ephesus is not the angel of Thyatira; the angel of Pergamus is not to be called the angel of Sardis. So is the matter in a classical presbytery or two presbyteries of two distinct nations.

Therefore these [qualifications] do make presbyteries:

1. A convenient number of churches may be governed by one college or society of elders,

2. Having ordinary conversing one with another, and
3. Voluntarily, upon these two grounds, combining themselves in one society;

And upon these three [qualifications] the supervising institution of Christ is grounded. And therefore, though it be true that one dwelling in the borders of two congregations of two classical presbyteries of two nations, may equally infect the other, and so *ex natura rei* [from the nature of the matter] and in reality of truth he may leaven both, yet the God of order having made him now a combined member by institution of one presbyterial church, not of the other, he is to be excommunicated by the one, not by the other.

For though local distinction of congregations and presbyteries be not of divine institution, yet supposing consideration be had to:

First, a competent number which may be edified;

Secondly, to ordinary conversing;

Thirdly, to voluntary combination, either formal (as at the first molding of congregations and presbyteries) or tacit and virtual combination (as in after tracts of time):

God's institution makes a relation of a particular membership of this man to this congregation or presbytery. Now, upon their foresaid suppositions, though he may leaven the neighboring presbyteries or congregations no less than those whereof he is a member, yet he may now only be censured, in respect of Christ's ordinance applied, by those (and no others) in this presbyterial church in this place and in this nation, and not in that.

Objection 13: If the congregation may admonish and rebuke, then they may excommunicate, for you may not distinguish where the Law of God distinguishes not.



For there is no reason why this or that exercise of jurisdiction should be given to them and not the exercise of all.

Answer:

1. The Law clearly distinguishes in Matt 18: I may rebuke and convince my brother with the consent of three witnesses, which is some degree of church censure (especially if a pastor rebuke before three), yet a pastor may not excommunicate. The church does that.
2. We acknowledge that a congregation may exercise all jurisdiction *in re propria* [in its proper things]; but excommunication, where churches are consociated, is not a thing that is proper to a congregation, but concerns many.

Objection 14: We do not think that the church (Matt 18:16) is the community's alone, nor the elders' there alone, but the elders' in presence of the community. For even Acts 15, when the apostles and elders did give out decrees, they did it before the church of Jerusalem and in their presence: 'Then pleased it the apostles, elders, and whole Church, to send chosen men to Antioch.' (v. 22) For, show us a warrant in the Word where the elders alone did exercise jurisdiction (the people not being convened) and where such a company of elders there alone is called a church. The judges in Israel judged in the gates before the people; the elders judged in (or before) the church, as the eye sees united to the head, not separated from it.

Answer:

1. Nor do we exclude these from hearing. The elders exercise jurisdiction if the matter concern them, but we ask if the whole people of Israel were obliged by virtue of divine institution to be present in the gates of the city when the judges

did sit there and judge? As our brethren therein say that by a divine institution the people are to be present and to consent, yea, and have an honor above consenting (say they), so that if the people be not there to have their share of excommunication in their way, then is Christ's order violated. The church cannot be said to excommunicate and 'bind and loose on earth;' the elders only do bind, loose and excommunicate (without the people). And (say they) the elders without the people are not the church (nor can be called the church) and so the acts of the elders judging (being separated from the people) are null, because they are not acts of the church, seeing that the elders alone are not the church. And by this reason [of our brethren's,] the judges could not judge in Israel except all Israel had been present to consent, for all Israel are bidden to execute judgment in the morning, both the rulers and people.

2. All the thousands in Jerusalem which made up many congregations (Isa. 1:10,16-17) and the whole congregations of Antioch, Syria, and Silicia (who were all concerned in conscience no less than Jerusalem) were not (nor could they be) present by obligation of a divine institution. And therefore that [Jerusalem] church and that whole church (Acts 15:22) can be no other than the whole representative Church. And so we say, both here [in Mt. 18] and in Acts 15, the representative Church exercises jurisdiction without the people. If people were present it was by virtue of no divine institution, so that as if they had not been present the decrees could not have been called the decrees of the Church.

And certainly the comparison of the eye (which sees not but as united to the body), if it be strictly urged, may well prove that the elders (if the people be not present, even all and every one whom it concerns) can no more exercise jurisdiction or

decree that a scandalous person can be excommunicated, than an eye can see when it is plucked out of the head.<sup>31</sup>

Objection 15: Divines bring an argument from Matt 18 by analogy and proportion from particular congregations to prove [the validity of] national and general synods of the whole Christian world. Therefore, they suppose that a particular church is the measure and pattern, and the first church which has the power of excommunication.

Answer: Parker and some few inclining to our brethren's mind do so, but [other] divines understand by a 'church,' a presbyterial church, which they make the measure and pattern of assemblies.

Objection 16: Here [in Mt. 18] is a particular church because here is an offended brother who is a member thereof. This particular church has elders; this particular church is a whole church: 'if the whole church come together.' (1 Cor. 14:23) 'Send for the elders of the church.' (James 5:14) It cannot be that the sick person is to send for the elders of a presbyterial church that are so far removed from the sick man.

Answer: A hand with five fingers is a whole hand but not a whole body. A congregation is a whole church in its own kind: whole for those things that concern itself, but not whole and complete for all jurisdiction. If James should bid, 'send for *all* the elders,' this consequence should have some color [legitimacy].

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<sup>31</sup> [Rutherford is forcing the brethren by their own analogy to the conclusion that every single person must be present at the decree of an elder, or the decree is not valid (a conclusion even they would probably not desire).]

Objection 17: A presbyterial church can be an offending church, but Matt 18 is for an offending brother: 'if your brother sin against you,' etc.

Answer: Christ gives an instance only in an offending brother, but the doctrine is for the curing of an offending church also, for all persons that can be gained: 'you have gained your brother.' We are to gain churches even as we are not to offend churches (1 Cor. 10:32).

Objection 18: There are no church censures meant here [in Mt. 18]. Christ's scope is to resolve a case of conscience: how far we are to go on with an offending brother before we behave ourselves to him as to a heathen. 'It is said, if your brother sin against you.' Therefore, it is a private offense (not a public church scandal) that deserves excommunication.

Answer:

1. Christ's purpose is to show how we may gain to repentance an offending brother ('you have gained your brother') and He will have us use both public and private means to gain him.
2. It is such a sin as must be told to the church when obstinacy to the church is added; and therefore at length it is a public scandal and so deserves excommunication.

## Appendix

### 'A Complete Power of Excommunication: how in a Congregation and how Not'

Being pp. 75-77 of *The Due Right of Presbytery*

Our brethren say: But we think it no small prejudice to the liberty given to a congregation in these words, 'Tell the church, if he hear not the church,' etc. (Matt 18) that the power of excommunication should be taken from them and given to a presbyterian or national Church. And so your [local] churches lack some ordinances of Christ.

Answer:

1. Far be it from us to take from the churches of Christ any power which Christ has given to them. For we teach that Christ has given to a single congregation (Matt 18) a power of excommunication; but how?

(Margin Note: When Christ lays a warrant for the power of binding and loosing given to all churches, his wisdom has fitted the rule so that it agrees to all churches: to a congregation that's alone in a remote island, to a presbyterial Church or national Church, as Parker does apply it to prove the power of synods.)

1. He has given to a congregation that's alone on an island (separated from all other visible churches) a power which they may exercise there alone.

2. He has given that power to a congregation consociated with other sister congregations, which they may use, but not independently to the prejudice of the power that Christ has given to other churches.

For seeing all sister churches are in danger to be infected with the leaven of a contumacious member no less than that single congregation whereof the contumacious person resides as a member, Christ's wisdom (who cares for the whole, no less than for the part) cannot have denied a power conjunct with that congregation (to save themselves from contagions) to all the consociated churches. For if they be under the same danger of contagion with the one single congregation, they must be armed and furnished by Christ Jesus with the same power against the same ill. So the power of excommunication is given to the congregation, but not to the congregation alone, but to all the congregations adjacent.

(Margin Note: If a little body of a congregation in a remote isle have power from Christ to cut off a rotten member lest it infect the whole body, shall we doubt but our wise Lawgiver has given that same power to a greater body of many visible congregations, which is under the danger of the same contagious infection?)

So when I say, the God of nature has given to the hands a power to defend the body, I say truly. And if evil do invade the body, nature does tell it and warn the hands to defend the body. But it follows not from this, that if the power of defending the body be given by the God of nature to the hands, therefore that same power of defense is not given to the feet also; to the eye to foresee the ill, to reason; to the will to command that locomotive power that is in all the members, to defend the body. And if nature give to the feet a power to defend the body by fleeing, it is not a

consequence to infer: Oh, then nature has denied that power to the hands by fighting. So when Christ gives to the congregation (which to us in consociated churches is but a part, a member, a fellow sister of many consociated congregations), He gives also that same power of excommunicating one common enemy to all the consociated churches, without any prejudice to the power given to that congregation whereof he is a member who is to be excommunicated. Because a power is common to many members, it is not taken away from any one member.

When a national church does excommunicate a man who has killed his father, and is (in an eminent manner) a public stumbling block to all the congregations of a whole nation, it is presumed that the single congregation whereof this parricide is a member, does also join with the national church and puts in exercise its own power of excommunication with the national Church, and therefore that congregation is not spoiled of its power by the national church, which [congregation] joins with the national church in the use of that power.

And this I think may be thus demonstrated: the power of excommunication is given by Christ to a congregation not upon a positive ground because it is a visible instituted church or as it is a congregation, but this power is given to it upon this formal ground and reason: because a congregation is a number of sinful men who may be scandalized and infected with the company of a scandalous person.

This is so clear that if a congregation were a company of angels which cannot be infected, no such power should be given to them, even as there was no need that Christ as a member of the church (either of Jews or Christians) should have a moral power of avoiding the company of publicans and sinners, because He might possibly convert them but they could in no way pervert or infect Him with their scandalous and wicked conversation. Therefore is this power given to a congregation as they are men, who through frailty of nature, may be leavened with the bad conversation of the scandalous who are to be excommunicated, as is clear: 'Your glorying is not good,

know you not that a little leaven leavens the whole lump?' (1 Cor. 5:6) Therefore are we to withdraw ourselves from drunkards, fornicators, extortioners, idolaters, and are not to eat and drink with them (v. 10). And [we are to withdraw] from these who walk inordinately and are disobedient (1 Thess. 3:12-14), and from heretics after they be admonished, lest we be infected with their company. Just as nature has given hands to a man to defend himself from injuries and violence and horns to oxen to hold off violence, so has Christ given the power of excommunication to his Church as spiritual armor to ward off and defend from the contagion of wicked fellowship.

Now this reduplication [repetition by scripture and nature] of [the principle of] frail men which may be leavened, agrees to all men of many consociated congregations who are in danger to be infected with the scandalous behavior of one member of a single congregation, and agrees not to a congregation as such.

Therefore this power of excommunication must be given to many consociated congregations, for:

1. The Lord Jesus' salve must be as large as the wound and his means must be proportioned to his end.
2. The power of church ejection and church separation of scandalous persons must be given to those to whom the power is given of church communion and church confirming in Christian love to a penitent ex-communicant, for contraries are in the same subject, as hot and cold, seeing and blindness. But the power of church communion at the same Lord's table, of mutual rebuking and exhorting, and of receiving to grace after repentance agrees to members of many consociated churches (as is clear from Col. 3:16; Heb. 10:23; 2 Cor. 2:6,7) and not to one congregation only.



Therefore the assumed premise is clear. For except we deny communion of churches in all God's ordinances, we must grant the truth of it [excommunication has been given to all churches].

2. Of our Savior's 'tell the church' [Mt. 18,] we say that it is not to be drawn to such a narrow circle as to a parish church only. The apostles' practice is against this. For when Paul and Barnabas had no small dissension with the Jews of a particular church they determined that Paul and Barnabas and certain others of them should go and tell the apostles, elders and the whole national or ecumenical Church (Acts 15:2,22) and complain of those who taught that they were behooved to be circumcised (Acts 15:1). That greater Church (verses 22-23) commanded the contrary by their ecclesiastic authority. And those who may lay on burdens of commandments, as this greater Church does expressly (Acts 15:28; 16:4; 2:25), they may censure and excommunicate the disobeyers.

In Acts 6:1 the Greek church complained of the Hebrews to a greater and superior Church of apostles and a multitude made up of both of these [Hebrews and Greeks] (verses 2 and 5), and they redressed the wrongs done to the Grecian widows by appointing deacons. Also, though there was no complaint in Acts 1, yet there was a defect in the Church by the death of Judas. And a catholic visible Church met and helped the defect by choosing Mathias. It is true that the ordination of Matthias the apostle was extraordinary (as is clear by God's immediate directing of the lots), yet this [part] was ordinary and perpetual: that the election of Mathias was by the common suffrages [voting] of the whole church (Acts 1:26). And if we suppose that the church had been ignorant of that defect, any one member, knowing the defect, was to tell that catholic Church (whom it concerned) to choose a catholic officer.

We think Antioch had great enough intensive power to determine the controversy (Acts 15), but it follows not that the catholic Church (v. 22), let me term it so, had not

more power extensively to determine that same controversy in behalf of both Antioch and of all the particular churches. Subordinate powers are not contrary powers.

The End