RESISTANCE THEORY IN PONET, BUCHANAN, BEZA AND MORNAY

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摘　要

十六世紀宗教改革期間，新教徒每每由於身居少數地位，因此時常處於被迫害的情況，所以對於俗世統治者之支持天主教（舊教）教會遂行這些宗教迫害，無不懷怨在心，而思採取反抗俗世統治者的行動，以便有效地解除自身的困局。但是由於聖經的保羅傳道書以及新教教主：路德和喀爾文的著作中，確實明白訓示基督教徒在任何情況下，均不得反抗代表上帝的地上使者：俗世君主，所以新教徒若不先在理論上提供合理說辭而冒然採取反抗政府的行動，那麼必然會造成良心不安和信念衝突的後果。

本文所討論的彭芮、布迦南、培沙和莫那等人均屬新教徒的佼佼者，而他們就是自各種不同角度將聖經條文、路德和喀爾文的著作，訴之古老的契約和羅馬以降的憲政理論，予以重新解釋，而所獲致的結論不僅得以維護當時新教徒的反抗行動，甚且對於後日流行一時的民主理論也造成關鍵性的影響。本文主要就以這幾位新教理論家的第一手資料，配合有關的第二手資料，系統分析此一西方政治思想發展上不可或缺的一環，俾使吾人能近一步了解宗教改革運動與民主思想興起的關係。

Ever since St. Paul pronounced that the powers that be are ordained by God, the obligation of Christians to respect constituted authority had been strongly embedded on the Christian Churches. And then, Christians in Europe were to be indoctrinated with such an emphasized passive obedience to their rulers. Being insistently taught to bear to the utmost the injustices done by their superiors, the Christian subjects rarely thought of taking arms against their government if mistreated. No doubt, this way of indoctrinating passive obedience had prevented many popular revolts from happening.

But in the sixteenth century when the Reformation movements started, the

situation was changed by protestant reformers once open revolt by forces was deemed necessary to the maintainance or success of their designated religious belief. Although Luther largely kept intact the Christian tradition of passive obedience and denied in a sitraight way the right of common people to resist their constituted authorities, Calvin nevertheless sanctioned such a right on one condition that if the rulers did not maintain or protect the true belief, i.e. Calvinism, the inferiors can legitimately take arms against them. But Calvin restricted the right to resist to those lesser magistrates. This is far from being a complete justification of popular resistance.

That common people, without office or station, have a right to resist if their rulers do not fulfil their duties needs some more theoretical sophistication done by other radical reformers than Calvin. In fact, a total theory of resistance as such, as times went on, would become the basis of Locke's constitutionary theory and undeniably, the Declaration of Independence of America was to embody it by endorsing a popular revolt against the British government. Thus, it is important to see how a democratization of resistance theory and constitutionalism has been achieved in the Reformation Era. With this in mind, this essay selects four protestant reformers: Ponet, Buchanan, Beza and Mornay as the examples of achieving a democratization (and individualizing) of resistance theory and constitutionalism in order to understand more fully the evolution of democratic systems in the West.

John Ponet (1516-1556) would not be regarded as an original thinker were he not considered in the historical context which necessitated the appearance of his political doctrine. As a mater of fact, the character and orientation of *A Short Treatise of Political Power* did not provide sufficient evidence which would prove that Ponet had made a new departure leading to latter day political theories. In addition, his cherished argument that the rights and duties between ruler and subject were reciprocal rather than unilateral was largely anticipated by the Medieval political theorists.

As far as back the twelfth century, John of Salisbury plainly affirmed the principle that whenever rulers ignored the rights of the ruled and followed only their own will, it became "not merely lawful . . . but even right and just" to slay them.[1] Ponet also espoused the same position by calling for armed resistance against all rulers who did not observe their constitutional limitations. It has to be mentioned, furthermore, that there was another significant similarity between Salisbury and Ponet, for both approved of not only the magistrates' right to take arms against their king and prince, but also an individual's right to do it.

To be sure, the endorsement of Salisbury and Ponet as to active resistance was presupposed by the notion that the ruler was ordained for the achievement of the common interest of the community and its constituents, the people as a whole. Once the ruler encroached upon the rights of the people, he forsook his role as the minister of the commonwealth. This, however, meant to Salisbury the bargain between ruler and people was broken, while to Ponet, it meant that the compact or Covenant between God and a people was violated. Therefore, it turned out that there was no other alternatives but for people to get rid of their ruler – and if need be, by force of arms.

When Ponet reiterated that "Princes are ordained to doo good . . . to procure the wealthe and benefite of their subjects",[2] he was undoubtedly repeating a doctrine of sovereignty which was not uncommon in the Medieval world: a prince, because of the very nature of his office, "was morally responsible to administer justice to all men alike and to rule for the good of society as a whole."[3] A theory emphasizing the moral responsibility of a ruler was often advocated by the Medieval political theorists. Yet, no matter whether Ponet was affected by them or not, he seemed to be echoing here a principle that John of Salisbury had defended four centuries earlier: the duty of the monarch "was to promote the advantage of the commonwealth".[4]

If Ponet were seen against the background of the Medieval world, his request that the prince should continually occupy themselves with the commonwealth of the people would appear archaic. And the only significance of his stricture would be an illustration of those political principles already espoused before. And foremost, he might have simply endeavoured to popularize those of what Professor Allen called the ancient conentions–all of which lay "on the surface of things".[5]

Yet, in those turbulent years when Ponet was living, proponents of royal absolutism prevailed to such an extent that the popular right, as advocated by Ponet, did not interest his contemporaries at all. At the period, people seemed not to be regarded as above the king; and the authority of legislation was not left to the discretion of the people. On the other hand, people's obedience to kings and governors was completely justified by declaring it as God's will: "there is no way to resist the magistrate without resisting God", as Calvin stated it emphatically. Although Calvin was careful to approve the constitutional resistance of lesser magistrates against the tyranny of king, he nevertherless denied such a right to common people, largely because of his abhorence of disorder and his acquiescence to Pauline thought.[6]

Calvin's objection to offer the constitutional right of resistance to common

people was echoed by Cranmer. Speaking for the entire Protestant group in England, he emphasized the danger of giving resistance right to common people without the approval of their prince: *"He that takes the sword shall perish with the sword.* To take the sword, is to draw the sword without the authority of the prince." In a word, common people should not have recourse to "private revenging", i.e. resistance without the endorsement of their magistrate.[7] Sir John Cheke, a close friend of Ponet, also de-emphasized the resistance right of the common people by asserting the sacredness of the office of the magistrate: Whatever is done by the Magistrate, "is done by the ordinance of God."[8] At the time when Ponet reasserted the right of resistance of the people, the time, as Hudson sees it, "was not far distant . . . for the English reformers, and for the Continental Protestants as well, to reconsider their attitude toward the absolutist pretentions of the secular rulers."[9]

John Knox was the one who doubted the viability of the divine right of kings by arguing whether a child of tender age could be "obeyed as of divine right"; whether a female could rule over a kingdom by divine right; whether a magistrate "who enforces idolary and condemns true religion" could be unconditionally obeyed.[10] From the vintage of religion, Knox shed doubts on the divine right of kings. But he did not provide a definite answer to the questions which he asked. It was one of his fellow exiles, Ponet, who destroyed the foundation of the absolute pretentions of the secular rulers. Arguing from the utilitarian grounds, not from religious grounds, he emphasized that the obligation of the people was bound to the community first, then the nation and lastly, the king. This seemed to have advanced something different, if not new, from the current views that sought the origin of political authority in kings, and eventually in God, and not in the community or the people as a whole. Certainly, when Ponet began to resurrect the constitutional right of the people, the principle having been suppressed for a long time had been somehow neglected. In this light, his book, in a sense, was a pioneer work that prophesied the development of resistance theory in France and to a certain extend, in Scotland as well.

How far did Ponet reorient the mid-sixteenth century theory of resistance? Although this is hard to determine, certainly there was a new trend anticipated by the appearance and spread of his ideas. While it is also difficult to pursue exactly in what aspect that Ponet had influenced subsequent thought, still we may find in George Buchanan (1506-1582), Theodore Beza (1519-1605), and Philippe du Plessis Mornay (1549-1623) some of the assumptions with which he denied the validity of the absolutist pretentions supporting non-resistance doctrine.

Although all three followed Ponet in taking the same line of argument that rulers who abused their power were subject to being removed, they nevertheless approached the problem by emphasizing its different aspects; all of which had certainly been tackled by Ponet. For example, since Buchanan was preoccupied with the problem of how to justify the right of deposing a king, he would be more interested in Ponet's assumption concerning the supremacy of laws with which rulers could legitimately be removed. However, this is not to maintain that Buchanan was directly influenced by Ponet. Without sufficient evidence, it would be of nonsense to pursue a continuity which is not there. But at least, a climate of opinion could be shown. The delineation, nevertheless, has to pay attention to the divergence shown in their thought. Taking Ponet and Bchanan as instance: though both obviously agreed that no king, even the most arbitrary one, is above the laws, they seemed to contrast with each other at one crucial point: that Ponet referred to those laws which no king should violate as "Goddes lawes", i.e. natural laws, while Buchanan might have designated them as positive laws created by men.

As seen by Buchanan, there would be no difference between natural laws and positive laws in terms of supremacy. Once positive laws were made in the name of ~~the w~~hole society, they became something no less binding than the laws of nature which, no doubt, were created by God. Since the purpose of enacting laws by the people in a community was to maintain justice (or harmony) within that civilized society which was in turn ordained by God, it would be unecessary to pose a mediator, such as a Covenant or a compact between God and men, with which the divine power as to make laws could be transferred to the whole people in the commonwealth. Buchanan established here the supremacy of laws, in a sense, not upon the omnipotence of God, but rather upon the short-comings of rulers. A ruler, due to the fact that he was both a king and a man, could be "mistaken in many cases through ignorance; doing wrong in many cases through willfulness; acting in many cases under constraint".[11] and on the other hand, laws, "being deaf to both entreaties and to threats", were pursuing "the one, unbroken course of justice".[12] As a consequence, rulers, being inferior to laws in efficiency, in fairness, and in impartiality, should be subject to what laws asked for: "the king should be the law speaking; the law should be the king mute" – as Cicero once aptly put it.[13]

Thus, it was just clear to Buchanan that "the basis of government lies in man's social nature" rather than in the ordinance of God.[14] Laws, in a word, are enacted to fulfill justice in a commonwealth – a goal which is nonetheless sacred and useful in terms of maintaining harmony for the commonwealth whose existence is ordained

by God. Attributing the origin of political authority directly to a secular community, and not to a divine God whose power was to be transferred through a Covenant or compact to that secular commonwealth, seemed unacceptable to Ponet. For, as seen by Ponet, a Covenant or a compact between God and a people was a prerequisite for the transference of the divine authority of enacting laws from God to a people in a secular commonwealth.

But a mediator between God and a people, such as Ponet imagined and insisted upon, however, seemed superfluous to Buchanan, for as he saw it, a government based upon laws enacted by the whole people whose purpose was to maintain the harmony for the whole community would be immediately sanctioned as sacred. It was needless to set a mediator as the agent representing an ecclessiastical endorsement. Just as none could be exempted from the jurisdiction of the laws of nature, so no king could probably be set unbound from positive laws in the body-politic. In terms of functioning, Buchanan therefore regarded men's laws as binding as those which God created. This adaption made his theory of political authority suitable to be used in the secular-oriented time of subsequent ages.

That God bestowed the divine power of enacting laws upon the whole people in a community, and not to the ruler alone, was also held true by Ponet. But, as to how this had happened, he was not so certain as Buchanan. As we said above, Ponet designated natural laws as those directly resting upon the authority of God which were distinguishable from positive laws enacted by God's ministers – human agents. Thus he defined natural laws as "no private lawe to a fewe or certain people, but common to all".[15] Rulers should be suject to these laws, for these are "Goddes lawes (by which name also the laws of nature be comprehended)" which "kings an princes are not joined makers hereof with God". Since natural laws or God's laws are not made with the consent of rulers, it turned out that these laws cannot be changed by them. Nor could they be exempted from these laws, for it is clear that "Before Magistrates were, Goddes lawes were".[16]

What are the contents of these natural laws which rulers should not ignore and look down upon? According to Ponet, they cover those "matters not indifferent, but godly and profitably ordayned for the common wealth." Kings and princes "for all their authoritie" cannot "break or dispense them".[17] But as to those "in matters indifferent", "that of themselves be neither good nor evil, hurtful or profitable, but for a decent order", "Kings and Princes (to whom people have given their authorities) maie make such lawes, and dispense them."[18] In other words, positive laws fall in this category indicating matters of indifference which are chageable and dispensable.

Then, the problem seemed to be: if rulers can make laws which are positive and can change or dispense them as well, what recourse would a people, who are ruled, have? Despite the fact that kings, princes and governors have acquired their authority to make laws from the people, it seems that Ponet is compelled to acknowledge that, within the sphere of positive laws, once a people give away the right of making laws, a concession necessary to the formation of a government, they give it away forever. This seems dangerous.

In addition, a gap seemed to have appeared in Ponet's justification of the people's authority by claiming the supremacy of either natural or positive laws. If rulers are allowsed to change laws as they wish, in what circumstance could they be opposed? Could a people be justified in taking arms against their ruler by declaring him to be the violator of laws? The answer seems negative. Pursuing this line of argument to its extremity, an inescapable conclusion is that the people are in no way above the king. But Ponet seemed confident, for he had provided a remedy preventing rulers from abusing the priviledge of dispensing or changing laws which were mostly positive.

The remedy was to demand that rulers should observe the fundamental duties prescribed in God's laws. Positive laws could be dispensed or changed without interfering with the fulfillment of these duties "of doing good, of taking away evil, of giving example of their subjectes".[19] But if positive laws were to be dispensed or changed in such a manner as to do evil, to increase evil, or to hurt or undo the wealth and benefit of the subject, the ruler who initiated the dispensation or change should be opposed. Furthermore, should rulers neglect these limitations imposed upon their priviledge of dispensing or changing positive laws, the people are obliged to alter the state and to depose rulers. People then acting as the agent of God's will were to resist their rulers in the same fashion as that which they might "revoke their proxies and letters of Attournaie, when it pleaseth thm: much more whan they see their proctours and attournaies abuse it."[20]

When a people formed the government by establishing a Covenant with God and signing a Compact with their ruler, they must have reserved some rigts which were revealed in God's laws; otherwise, what they signed was an irrevocable one. A Covenant between God and men, in supplementing that compact between men and their ruler, seemed necessary to Ponet. With that contract in hand, people can legitimately take away from their ruler the political power. Just as a client can revoke his trust in an attorney, so a people can break up the contract if their ruler violate its essential conditions or provisions revealed in God's laws and guaranteed

in a Covenant with God.

In the same vein, it is clear that once kings and princes accept a position as ruler by taking oath at the coronation, they are obliged to observe first the provisions or conditions of the compact signed with their people. But the people, being the co-signers of the Covernant with God, have another guarantee which protected them from being encroached upon by their ruler and obliged them to see its provisions or conditions enforced.

Ponet therefore insisted that not only the ruler was responsible to the welfare of the commonwealth as a whole, but also that the subject owed a similar duty to have that welfare improved. Thus establishing the reciprocity of the rights and duties both of the people and their ruler, he began to reconcile changeable man-made laws and changeless God's laws. Hence the advise that rulers, except with regard to those "within the narrow range of administrative detail",[21] should not dispense or change positive laws without the consent of the people, for this would be the safest way of ruling. The ruler's precaution with respect to the dispensation of positive laws, to be sure, would prevent him from doing hurt to the people, that is, encroaching upon the rights of the people presupposed by God's laws. Without infringing upon the people's right "to life, to their means of livelihood, to their property, to an equality before the laws, to freedom. . . (and) to resist and alter their form of government" would be the surest and most concrete way of fulfilling the prerequisite of ruling, a prerequisite ordained by God. By fulfilling such a precondition of governing could a ruler be freed from the fear that occupied him: the threat of being overthrown by the people? But what if the rulers refused to follow this stricture? Then, according to Ponet, these rulers are not kings; they are tyrants instead. It is no less than the law of nature to depose and to punish them, those "evil governours" – to use Ponet's phrase.[22] Thus assuming that there was a Covenant between God and men (in supplementing with a Compact between men and their ruler), Ponet reconciled the gap which appeared conflicting between positive laws and the laws of nature once the right of dispensing the former was acknowledged to the ruler.

The case with Beza is different. Concerning with the problem of how to prevent a king from persecuting the Protestants, Beza was particularly interested in the notion of Covenant, fully developed in Ponet and already discussed in the above. With the help of the notion of Covenat, Beza might reinforce the principles expressed in the Confession of Magdeburg asserting that the legitimacy of a king lies in his ability and willingness of protecting true religion. A king cannot be legitimate if he persecutes a true religion, for no other reason but that he does not defend

the Law of God by fullfilling the fundamental provisions in a Covenant with God.

When Beza attempted to develop the notion of Covenant in order to strengthen the principles of the Confession of Magdeburg, he might have consulted Ponet. Consequently, they differed not much in interpreting that notion wherein a coherent theory of active resistance could be formulated. The only difference, however, was that Beza was more cautious, more concerned with legal niceties than Ponet. Unlike Ponet, who discussed the problem of active resistance rather speculatively, Beza dissected it into several different levels.

Beza began the discussion by taking the case of a subject injured by a lesser magistrate. With regard to this minor but often happened case, his advice was to ask the aggrieved subject to appeal to "the sovereign according to law".[23] There were no serious legal problems involved, for it was clear that a subject reserves the right of resistance by way of appealing to a higher magistrate if he is mistreated. This principle was established by taking St. Paul as an example: when he was being done wrong by Festus, the governor of Judea, he appealed to Ceasar. Beza, then, went on to ask: what if a lesser magistrate takes arms against another lesser magistrate doing violence to him, regardless of "the express will of their sovereign"?[24] Again, taking another historical precedent, that is, Nehemiah against Sanballat and his adherents, Beza vindicated the right of the aggrieved magistrate "to take his stand upon the law" and to resort to arms against other magistrates.[25] Since this was to repel illegal violence, there would be no problem for that magistrate to engage in active resistance.

Step by step, Beza sought to tackle the case that was concerned with the conflict between subjects and their sovereign magistrate. If a sovereign magistrate, whom Ponet vaguely called the king or prince, outraged his subjects by abusing "his dominion against all law divine and human", what would the territorial princes, the magistrates of towns, and other inferior magistrates (and Ponet would add here, the people) have to do? Beza's opinion was to condemn such a sovereign magistrate as a notorious tyrant who may be resisted "in good conscience."[26] Since a tyrant could not stabilize the authority of lesser magistrates under him, and could not preserve the public order within his jurisdiction, it was not to deny good by resisting him. Neither was it incompatible with the authority that God has given a legitimate ruler.[27] In fact, to curb "manifest tyranny on the part of a sovereign magistrate" by the initiation of the subjects was "in accord with justice and the will of God".[28] Beza even went further to advise that if need be, it can be done "by force of arms".[29]

It was rather painless for Beza to justify active resistance against a manifest tyrant, because it was not so difficult as to find sufficient evidences from history – sacred and profane – to establish the fundamental principle that God does not tolerate a tyranny. Taking Saul's replacement of Samuel as one of innumerable examples that God, at the request of people, does remove a tyrant, Beza could easily assert the people's right to remove a king. Despite the fact that "the kingdom was hereditary as to family (which) God had so ordained, it was nonetheless elective as to individuals."[30]

Yet, as to those rulers who were legitimate but became tyrants, Beza could not be so sure in attitude. For there was a difference between a tyrant to whom everyone in the community agreed to disobey and a legitimate ruler who became a tyrant *de fact* but had not been condemned *de jure*. This, according to St. Paul, cannot be resisted: "Let every soul be subject unto the higher powers. For there is no power but of God: the powers that be are ordained of God. Whosoever, therefore, resisteth the power, resisteth the ordinance of God" (Romans, XIII, I,2). The problem here seemed to have become more complicated, for St. Paul's passage as quoted was confused; in juxtaposing 'power' and 'powers' in one place and thus making their meaning ambivalent. St. Paul might identify 'power' or 'powers' as those tyrants who acted as the instruments of God's will to punish a sinning people. He might also have meant to use 'power' or 'powers' to indicate 'sovereign magistrate' or 'lesser magistrates' as Beza interpreted it. But it is clear that neither Beza nor Buchanan nor Ponet would agree with the view that God, in order to punish a sinning people, allows tyranny to exist.

To Buchanan, a tyrant ought to be "counted the most dangerous (enemy) of God and of all mankind", simply because he "regards the kindly office not as a trust committed by God".[31] As for Ponet, no tyranny could enter the domain where "God's words are received and embraced" and where all members of the body-politic sought the common property and wealth of one another.[32] Ponet, Buchanan as well as Beza, were undeniably objecting to the attempt to incorporate St. Paul's teaching into the defense of tyranny. To all of them, no place was reserved for a tyrant in the body-politic, much less the domain of God.

To Beza, Buchanan and Ponet, what St. Paul has justified was only applicable to those rulers who were legitimate. But how could they, especially Beza, then refute Pauline argument which was so authoritative and so powerful and in which any resistance to legitimate rulers was condemned? How could a remedy be found for subjects to resist a legitimate ruler who has become a tyrant? This proved more difficult if one considered that there was no precedent in Scriptures which

might justify such an act.

But Beza solved the problem by developing that notion submitted by Ponet regarding that in the formation of a government, there should have been a Covenant between God and men by which the rights of the people were protected. As conceived by Beza, a civil society was formed by a Compact, signed by the people and their ruler, and withnessed by God. And, the purpose of this Compact was to guarantee the preservation of public order and the promotion of common good in the community. Consequently, since "all agreement is based solely on the consent of the contracting parties", "the obligation may be broken by those who made it for sufficient cause".[33] Therefore, the just occasion to break up the contract was during one of the contracting parties "violated the essential condition in consideration of which the obligation was contracted".[34]

At least, it was unthinkable to Beza that a people would have signed a contract in which they surrendered all their power to their ruler without reserving some rights. As he said, there never was "a nation so unmindful of interests as to submit itself – knowingly and without intimidation or constraint – to the will of a sovereign, without attaching the condition, expressed or implied, that they must be justly and equitably governed".[35] As to the examples wherein a conquered people "subjected themselves to all the conditions demanded by their conquerors",[36] these were legally invalid – simply because the contract singed depended rather upon "a promise extorted by force or intimidation". This was not a true Covenant signed by the contracting parties and witnessed by God. On the contrary, it was man-made and therefore, incompatible with the will of God.

The principle as to whether or not a contract signed was in accord with God's will was also applicable to invalidate the contract that was consented to by a people, if that contract, though signed knowingly and in complete freedom, was "in itself manifestly irreligious and contrary to the laws of nature".[37] It was clear that Beza here applied Ponet's notion of Covenant to emphasize the validity of the principles of the Confession of Magdeburg: the protection of true religion must be included in that Covenant; otherwise the contract was void, for "it has been entered into through obvious ignorance or fraud of religion".[38] This was obviously against God's will. Thus, persecuting a true religion, a ruler has done something abominable. And this automatically released the people from the obligation indicated in that contract.

By interpreting political obligation between a people and their ruler as a bond fastened by mutual trust and fulfiment of the esential provisions included in a Covenant, Beza was able to revise St. Paul's stricture concerning political authority

to such an extent as to justify active resistance against a legitimate sovereign who had become a notorious tyrant. Let us reconstruct the mental process of how Beza reinterpret St. Paul as follows: Let every soul be subject unto the higher powers – sovereign magistrates and lesser magistrates. There is no power but of God. But God transfers His power through a Covenant to a people. These people, by reserving some essential rights, in turn surrender that power ordained by God to their ruler. Whenever their ruler do not encroach upon these rights reserved by the people, the Covenant is valid. The powers that be are to be valid as that which ordained by God. And, so far as the Covenant remains valid, whosoever resisteth the power resisteth the ordinance of God. Like Ponet, Beza did not challenge St. Paul by directly denying the divine origin of political power, as Buchanan had done; following Ponet rather than Buchanan, Beza designed a mediator, set between God and men, by which a ruler was judged as legitimate, not by his title, but by his observance of the essential provisions included in the Covenant.

If a legitimate sovereign does not observe the oath taken at the coronation, he is no longer legitimate; being illegitimate, he does not possess that power ordained by God; lesser magistrates, thus, may use their power, also ordained by God, to resist him; hence the principle that active resistance of lesser magistrates against a sovereign is to fulfil God's will rather than resist it. By offering that divine power to lesser magistrates, and not to the sovereign magistrate only, Beza could absolutely justify active resistance, at least as absolute as his opponents.

Yet, unlike Ponet, Beza was not so courageous as to give the absolute right of active resistance to an individual. He objected to this right for two reasons. One was his willingness to observe so far as possible St. Paul's teaching. Since no reference in St. Paul to claim the right of and individual to take armed resistance, Beza found no way to endorse it. "St. Paul, speaking of the duty of private citizens, not only forbids resistance to any magistrate, inferior as well as sovereign, but commands obedience for conscience's sake".[39]

Another fact that private individuals had no office impelled Beza to refuse them the right of resistance. Contrasting to them, the lesser magistrates owned an office, so that Beza could justify their resistance against a sovereign. Only through the office occupied could the divine power of God be bestowed which was in turn agreed to by the people. Since the lesser magistrates' office was not affected due to the decease of a sovereign, "they had an independent power to control him if he should persistently violate God's law".[40] Because of the fact that an individual had no such vehicles with which God's power could be transferred – except having "a special calling from God", he may not, on his own

initiative, take armed resistance, "but must either go into exile or bear the yoke with trust in God".[41] As Beza saw it, a private person in any case was not allowed "to disavow an obligation that was entered into by public agreement".[42]

Partly appealing to Scriptural authority, and mostly to the history of famous nations, Beza formulated that kings are created by the people through the formation of a Covenant among God, king and people. Yet, being divergent in the interpretation of the nature of that Covenant and the nature of that people, Beza differed from Ponet in the matters concerning the legitimacy of private person's resistance. Using the term of Covenant legally rather than religiously, Beza objected to break up the contract between rulers and a people without the general consent of the people participated. A private person in any case has no right to cancel a contract that is formed by the public. Only by winning over the agreement from every signatories or their representatives could such a contract be recalled. In addition, since a people was understood by Beza, as well as by his contemporaries, as "an organized and stratified community", not as "an aggregate of individuals",[43] the status of a private person in taking up active resistance was naturally reduced to a minimum. Therefore, an individual is even illicit "to use force against a tyrant", because the dominion of such a tyrant has been "freely ratified beforehand by the people".[44] Beza meant here that a tyrant's dominion, being determined by the Covenant to which the members of the community agreed could not be arbitrarily changed by the arbitrary will or fantasy of a single individual. It can only be changed by the initiation of the whole community or by the magistrates whose offices represent the community as a whole.

But this seemed untrue to Ponet, for he seemed to have worried about the viability of urging magistrates to rise and overthrow a tyrant. What if the councilors, the nobility, Parliament, the inferior magistrates of towns and shires, and the clergy all failed to combat tyranny – as Goodman, probably following Ponet, once aruged?[45] Then, the only viable way to get rid of a tyrant would be up to private persons themselves. The particular, exasperated situation which Ponet and Goodman, the disillusioned Marian exiles, had found themselves necessitated them to endorse the individuals' active resistance. The appearance of Ponet's hierachy of combatting tyranny and the reinforcement of the same system from Goodman's *How Superior Powers Ought To Be Obeyed* were not accidental. They were understandably designed to reflect their particular historic time.

But this radical opinion of these two Marian exiles, being so dangerous, aroused a protest even from their own camp. Matthew Parker, one of Ponet's contemporaries who had gone into hiding under Mary, once accused the permission of

private persons to kill his sovereign as abominable, a permission which would result in a disorder that no lord of the council could "ride quietly minded in the streets among desperate beasts".[46] He went on to condemned Ponet and Goodman's opinion by emphasizing that "all conspiracies, seditions, and rebellions of private men against the magistrates, men or women, good governours or evil, are unlawful and against the will and word of God".[47] Beza adopted another indirect way of frowning upon the Marian exiles' opinion by comtemptibly disregarding it as unworthy of discussion. For he had consistently made it clear that from a legalist standpoint, one could only invalidate a contract through the same procedure as that which has made it valid.

The difference of opinion between the Marian exiles and Beza as to the right of private persons in engaging active resistance was to some extent reconciled by Mornay. On the one hand, he distinguished two types of tyrants as one by title, another by practice. As to the fomer, a simple private person without the authority of the magistrate may kill them. The reason is that such tyrants, being by definition "outside all categories of laws", are to be killed in order to defend a private person's "life and liberty in their elementary terms".[48] There is no problem at all to justify rebellion and tyrannicide of private persons against such usurpers.

But as to the second type of tyrants who reigned by holding a legal title but lapsed into tyrannious malpractices by neglecting the contract to which he agreed with the people to hold at the coronation, how could he be deposed? Could a private person without office engage in rebellion intending to remove him? As to this, Mornay seemed to be very cautious, for he was well aware that an individual without office was the one to whom God did not give the sword. Therefore, in the same vein as Beza, Mornay regarded it as wrong for private persons to have recourse to active resistance against their sovereign, no matter how evil he was. Unlike Ponet or Goodman who neglected the point that private persons had no power and therefore, consistently argued for private persons' right of rebellion and tyrannicide, Mornay did pay attention to the fact that private persons, being short of office and thus, of power, could not drew th sword without due authorization. They had to "attend the commandment of all, to wit, of those who are the representative body of a kingdom, or of a province, or of a city, or at least of some one of them, before they undertake anything against the prince".[49] But just at this juncture, Mornay deviated from Beza by loosely defining the qualifications of the representative bodies who may judge whether a prince has lapsed into a tyrant and who may decide to act based upon such a judgement.

Beza would have agreed with Mornay in allowing the representative body of

a kingdom, or of a province, or even of a city to lead people to active resistance against the prince, but it is very doubtful that he would endorse "some one" of these office-holders, including dukes, marquesses, earls, consuls, mayors, sheriffs, etc., to expel and drive tyranny and tyrants, in the same loose manner as Mornay of qualifying them as the legitimate bodies for representing a general consent necessary for the break-up of a contract or Covenant among God, rulers and the people. Beza was cautious at this.

But Mornay, being disappointed by the powerless Estates-General and angered by the massacre of St. Bartholomeaw, started to reinterpret the Covenant with God, not only as the one which is "binding on the people as a whole" but also "on the units of which it is composed".[50] This meant to regard the Covenant as not only double in character, one between God and the people, another, king and that people, but also as many, and thus including innumeral contracts existing between king and all of the communities, regardless of their size. Therefore, Mornay was able to endorse the rebellion and tyrannicide led by the sheriff of a small town, even if the other parts of the whole nation did not support it. If the prince is thought of as a tyrant who fails to fulfil the contract signed with a single unit of the community in the nation, then the representative body of that communitary unit is entitled to rebelling. This seemed far more radical than Beza's suggestion that the disavowl of a contract needed a general consent of the people in the whole community or of the magistrate supervising that community. Although both Mornay and Beza showed anathema to private persons' right of active resistance, Mornay's more permissive attitude in offering the persons entitled to resist seemed to provide a theoritical gap which his latter-day opponents, the Catholic League pamphleteers, was to take advantage of as an admission of individual resistance.[51]

To understand (or misunderstand) Mornay in this regard, however, was not without reasons. It is true that he reiterated in the *Vindiciae* that private persons may not take up arms "if the magistrates themselves manifestly favour the tyranny, or at the least do not formally oppose it";[52] what most the mistreated private persons can do, then, is to retire to other places or to pray for the mercy of God. But as to the problem of how to define a rightful rebellion, Mornay showed a lenient attitude. Any rebellion led by however minor a single public officer can be leditimate. This was to revise the rigidity of Beza's legalist caution on the break up of a contract between the prince and people. To do rebellion and tyrannicide is easier if one follows Mornay's opinion. To win over the general consent of a people or the consent of lesser magistrates, as Beza suggested,

cancelling a contract is always more difficult than eliciting a single public officer to rebel.

Mornay stood in the middle road between the Marian exiles, such as Ponet and Goodman, and the Huguenot leader like Beza. To affirm that the leadership of *only one* of the lesser magistrates was necessary for legitimate resistance and to loose the qualifications entitling a magistrate, Mornay radicalized Beza's theory of office and active resistance on the one hand; and on the other hand, he moderated Ponet's anarchical opinion on the right of private persons' resistance. Mornay disliked disorder, so that he warned the danger of allowing private persons to take up arms. But at the time of religious wars, Mornay, seeing that the Huguenot were slaughtered and the majority of the people or magistrates were indifferent to it, was compelled to propound a more radical theory of resistance than Beza's. This would facilitate and legitimate the resistance led by the Huguenot, no matter how small in numbers and how humble in status. The aim of radicalizing Beza's notion of Covenant was to avoid the danger of inaction. If one subscribed to the opinion that a contract could only be cancelled through a complicate procedure, he usually chose the road of bearing it rather than changing it. But after the massacre of St. Bartholomeaw, inaction, especially among the magistrates, was seen fatal to an efficient protection of the true religion, that is, Calvinism.

Probably worrying about the inactive response of the magistrates to protecting a true religion, Mornay sometimes slipped to Ponet's position so as to suggest that private persons may disavow the Covenant with God, if their notables and magistrates "go on doing honor to a maddened king" who drive them to idolatry.[53] The occasions for private persons to be entitled for active resistance were always rare, but unlike other Huguenot leaders, Mornay did not deny the possibility. He even insinuated that the Almighty, being mindful of His justice, may raise a liberator "from the meanest multitude".[54] Who can arbitrarily rule out the chance, now as in the past, that "the same God, who in these days sends us tyrants to correct us, that he may not also extraordinarily send correctors of tyrants to deliver us?"[55]

Yet even so, Mornay did not intend a full endorsement of Ponet's notion of a Covenant which all signatories entered individually and therefore, entitled to rebellion and tyrannicide also individually. Not at all; for Mornay, though acknowledging the occassional legitimate resistance of private persons, restricted this, however, to taking care of religious belief only. But the freer interpretation of the qualifications entitling a magistrate and the more permissive attitude as to the persons entitled to rebellion and tyrannicide may have urged Mornay to detour

from Beza, (if not formally, at least substantially), to whom the cancellation of a contract, i.e. active resistance, being a collective product, could only be espoused by a general consent of the people or the consent of a qualified lesser magistrate, a magistarate understandably different from what Mornay would have called. Mornay deliberately and freely expanded the principle, permitted in Calvin, that only one of the lesser magistrates could legitimately lead a rebellion to such an extent that his objection to private persons' right of resistance was moderated. The difference between an individual engaging in tyrannicide and a small group of persons, say, three or four, led by a minor public officer, rebelling against a sovereign, seemed meager.

But still, the revision which Mornay tried to bring our had a divergence from Ponet that could not be ignored. All of lenient permissions of Mornay were intended to protect and safeguard a true religion, i.e. Calvinism, from perish. Since he did not subscribe to th notion that a Covenant, being formed by the signatories individually, could be dissolved individually, he was always anathema to private persons' tyrannicide and rebellion intending to replace a new secular social order. Without the urgency imposed by the protection of a true religion, a private person is prohibited from taking up arms even if his cause is of justice. Mornay was very concerned with the maintainance of social order, so that he did not want to release the multitudinous desperate private men on the streets – this too dangerous to have anything good for the protection of true religion. But Ponet, and perhaps Goodman as well, were so radical as to advocate that an individual may kill a tyrant not only by the commandment of God but also by the requirement of "common authoritie" – a secular expedience.[56] In this sense, Ponet and Goodman seemed to be the most radical among those who advocated constitutionalism and resistance in the sixteenth century.

Notes

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17. Ponet, ibid., p. 26.
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28. Ibid.
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32. Ponet, op. cit., p. 11.
33. Beza, op. cit., p. 124.
34. Ibid.
35. Ibid.
36. Ibid.
37. Ibid., pp. 124-125.
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