

University of Denver

From the Selected Works of David B Kopel

2005

The Scottish and English Religious Roots of the
American Right to Arms: Buchanan, Rutherford,
Locke, Sidney, and the Duty to Overthrow
Tyranny

David B Kopel



Available at: https://works.bepress.com/david_kopel/24/

**The Scottish and English Religious Roots of the
American Right to Arms:
Buchanan, Rutherford, Locke, Sidney, and the Duty to
Overthrow Tyranny**

David B. Kopel

Many twenty-first century Americans believe that they have a God-given right to possess arms as a last resort against tyranny. One of the most important sources of that belief is the struggle for freedom of conscience in the United Kingdom during the reigns of Elizabeth I and the Stuarts. A moral right and duty to use force against tyranny was explicated by the Scottish Presbyterians George Buchanan and Samuel Rutherford. The free-thinking English Christians John Locke and Algernon Sidney broadened and deepened the ideas of Buchanan and Rutherford. The result was a sophisticated defense of religious freedom, which was to be protected by an armed people ready to resist encroachments on their natural, sacred liberties. The principle that right to arms is the ultimate guarantor of the right to free exercise of religion is one reason why the First and Second Amendments are placed next to each other in the American Bill of Rights.

Keywords Right to Bear Arms; George Buchanan; Samuel Rutherford; John Locke; Algernon Sidney; Tyranny

One of the most important reasons that twenty-first century Americans are so attached to their guns is that they subscribe to the traditional American belief that citizens have a God-given right, and a correlative moral

BRIDGES

duty, to overthrow tyranny. Although the right of revolution can be found in diverse sources from many cultures, the source with the most influence on the founding of the United States was the seventeenth-century United Kingdom, where religious philosophers had articulated an explicitly Christian theory of the moral imperative for violent revolution against tyranny.

This article examines the contributions of four religious philosophers to resistance theory: the first two are the Scottish Presbyterians George Buchanan and Samuel Rutherford. Their ideas were deepened and elaborated by two free-thinking English Christians, John Locke and Algernon Sidney. Locke and Sidney argued in favor of broad religious freedom, and explicated the intimate connection between the free exercise of religion, the right of revolution, and the possession of arms.

George Buchanan

In 1559-1560, Scotland's Presbyterian "Lords of the Congregation," under the leadership of John Knox, overthrew Mary Queen of Scots, and established the Reformed Church as the state church of Scotland. The revolutionaries took their justification, in part, from a contemporaneous book by the Scotsman George Buchanan, which promulgated a right of popular revolution.¹

In *De Jure Regni Apud*, Buchanan contrasted a true king (who achieves power by consent, who does not create law unilaterally, and who is bound by the law) with a tyrant (who seizes power, who makes law by fiat, and who claims to be above the law). According to Buchanan, *Romans* 13, in which Paul told Christians to be obedient to government, applied only to true kings, not to tyrants.² The primitive Christians had been told not to resist

David B. Kopel

because they were “without arms, few in number,” and there were no intermediate magistrates to lead them.³

A tyrant was nothing more than a powerful criminal, and should be dealt with accordingly. The law allowed “a thief in the night to be killed any how, and a thief in the day to be killed if he uses a weapon in his defence. If nothing but force can drag him before a court of judicature, you recollect what is the usual practice. For robbers, too powerful to be reduced by the regular course of law, we master by war and arms.”

Buchanan’s questions and answers proceeded:

Q: What do you call a war undertaken against the public enemy of all mankind,—tyrant?

A: The justest of all wars.

Q: But when war is, for a just cause, once proclaimed against an open enemy, not only the whole people, but also each individual, has a right to kill that enemy.

A: I own it.⁴

Defenders of the old monarchies in the British Isles and continental Europe found Buchanan’s work extremely upsetting. William Barclay created the term “monarchomach” (king-killer) to describe Buchanan and the Calvinists who thought like him.⁵ The Scottish Calvinists did not like the title, but there is little denying that they had acknowledged that, under certain circumstances, any person might have a right, and even a duty, to use force against a tyrant.

BRIDGES

Samuel Rutherford

In 1636, England's King Charles I decided to crack down on the Scottish Presbyterians, and to impose regulations bringing Scottish practice closer to Anglican practice. His father, James I (who as a Scottish child has been tutored by Buchanan but despised Buchanan's philosophy) had advised Charles "no bishop, no king." So Charles was determined to eradicate religions which were not under the thumb of the bishops of the Church of England. Charles started and lost the First Bishops' War and the Second Bishops' War in 1639-40. The wars radicalized the Scots.

In 1644, the Scottish Presbyterian Samuel Rutherford published *Lex Rex: or the Law and the Prince*. The point of the title was that the law precedes the king, and that the monarch was bound to obey the law. The great Anglo-American ideal of "the rule of law" embodies Rutherford's principal: the government is bound by the law. The law, not the individual who heads the government, is the supreme ruler. Further, the true source of law is not the King's will, but God's will. Accordingly, king-made "law" which is inconsistent with God's law of natural justice and goodness is merely a pretended law, not true law.⁶

As for *Romans* and *First Peter*, in which the apostles Paul and Peter had told Christians to submit to government, Rutherford affirmed that God did create civil governments which were owed obedience. These civil governments were created by God acting through the consent of the people. A ruler who did not obey God's commands lost his authority.⁷

Rutherford explained that *Romans* 13 was valid insofar as governments, which received their power from God, ruled in accordance with God's law. Tyrannical rule, however, was contrary to God's grant of power, and was, accordingly, a sinful

David B. Kopel

illegitimate power which must not be obeyed: “a power ethical, politic, or moral, to oppress is not from God, and is not a power, but a licentious deviation of a power; and is no more from God, but from sinful nature and the old serpent, than a license to sin.”⁸

Rutherford used the Scholastic model of questions, assertions, and arguments. Unlike some other Protestants, Rutherford built explicitly on the Catholic work of Thomas Aquinas, on the Parisian scholars (such as Jacques de Almain), and on the Spanish neo-Thomists (including Francisco de Vitorio and Francisco Suárez). Like the Scholastics, Rutherford paid great attention to Aristotle and to the political history of ancient Greece and Rome.

He agreed with the Scholastics that man was by natural birth free. God’s natural law did not make one man inherently subject to a ruler. “Every man by nature is a freeman born, that is, by nature no man cometh out of the womb under any civil subjugation to king, prince, or judge, to master, captain, conqueror, teacher, &c.”⁹ Accordingly, sovereignty was inherent in the people, and was only conditionally granted to kings by the people.¹⁰

Like Catholic, Lutheran, and Calvinist resistance theorists of earlier centuries, Rutherford extrapolated a right of resistance from the natural law right to self-defense. Moreover, because God has dominion over life and death, suicide was a crime against God; a person who did not defend himself “is guilty of self-murder, because he is deficient in the duty of lawful self-defence.”¹¹ Echoing Aquinas’s theory of Double Effect, Rutherford stated the killings in the course of self-defense or defensive wars were not murder, because there was no murderous intent.¹² Like most Catholic or Calvinist philosophers of the time, Rutherford moved seamlessly between natural law and the Bible, considering them to be perfectly compatible.

BRIDGES

Rutherford acknowledged that Jesus had submitted to unjust government, by allowing himself to be arrested and executed. But, said Rutherford, Jesus was acting in response to “a special commandment imposed on him by his Father.” The unique incident did not create a rule of general applicability.¹³

Ensuring that government did not have all the weapons was one way in which a well-ordered society would preserve a proper balance of power: “To denude the people of armour because they may abuse the prince, is to expose them to violence and oppression, unjustly; for one king may more easily abuse armour than all the people; one man may more easily fail than a community.”¹⁴ (Rutherford was using “armour” in the older sense, by which “arms” and “armour” were interchangeable.) On the final page of *Lex Rex*, Rutherford stated that the “public magazine, militia, armour, forts, and strongholds” did technically belong to the king, but only in the sense that he was the trustee to see that they “be employed for the safety of the kingdom.” The true owner of the militia, weapons, and forts was the people.¹⁵

Like the founding Presbyterian John Knox (in Knox’s 1554 *Admonition to England* and 1558 the *Letter to the Commonalty*), Rutherford accurately explained that the Old Testament was replete with revolution and resistance against evil monarchs: David’s campaign against Saul, Elisha “violently” obstructing a king’s messenger, the city of Libnah revolting against King Jehoram, Jehu’s bloody destruction of King Ahab’s family, Elijah killing 450 prophets of Ba’al.¹⁶

Rutherford cautioned that a single bad act by a ruler did not justify revolution. Only if the ruler were systematically destroying the fundamental structure of society would the tremendous step of revolution be necessary.¹⁷

David B. Kopel

The 1776 American *Declaration of Independence* agreed, explaining that “Governments long established should not be changed for light and transient cause. . . . But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their [the people’s] right, it is their duty, to throw off such Government.” The *Declaration* then provided a litany of King George’s abuses which proved the King’s intent to destroy civil society: “a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States.”

Although not explicitly religious, the *Declaration* made a covenantal argument, an argument that the king was violating his contractual duties which the people had entrusted him to perform: “that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it.”

Rutherford argued that the people must address government abuses through methods involving the lowest level of disruption that was practically possible. Supplication was the first choice, flight the second option, and use of force was the last resort.

Similarly, the Declaration of Independence explained that the Americans had repeatedly asked the British for redress of their grievances, and been met with constant rebuff. The impracticability of the entire American people fleeing to another country was too obvious to need mention; accordingly, violent revolution was justified.

Rutherford also relied on Roman law, especially the extremely influential *Corpus Juris* which had been created under

BRIDGES

the direction of the Byzantine Emperor Justinian. The *Corpus Juris* said that “it is lawful to repel violence by violence.” Like many writers of the Middle Ages and Reformation, Rutherford argued that the principle meant that it was lawful to resist unlawful tyranny.¹⁸

Rutherford acknowledged that sometimes tyrants were sent by God to punish a people for their sins. But it was still lawful to resist tyrants. After all, God sometimes sent famine to punish a people, but it was lawful in a famine to attempt to grow crops and obtain food.¹⁹

Servants, Rutherford admitted, were commanded by the New Testament to patiently endure the buffets of their masters. But still, said Rutherford, servants could resist if the master tried to kill them.²⁰

There was little risk that the right of revolution would lead to chaos. Just as the Bible clearly explicated the fundamentals of faith, so that heresy was easy to discern, natural law made tyranny easily discernable. The well-formed conscience would tell the people whether obedience to a law was contrary to natural justice, because “The people have a natural throne of policy in their conscience to give warning, and materially sentence against the king as a tyrant, and so by nature are to defend themselves.”²¹ In some cases, an individual would have the duty to use violence against a king, such as when a king attempted to force someone to commit adultery or sodomy.²² For general political oppression, the proper leaders of resistance were the intermediate governors (*e.g.*, the barons, local officials, etc.) rather than the people themselves.²³

Lex Rex was instantly banned in England and Scotland. In 1651, the Scottish Parliament rescinded the national Covenant, and abolished Presbyterianism. Presbyterians remained an outlaw sect

David B. Kopel

in England and Scotland until the Glorious Revolution in 1689. In 1688, Rutherford was charged with high treason, but died before he could be tried.²⁴

Despite the ban on *Lex Rex*, the book was widely read by Protestant dissidents, and marked a major evolution in Protestant political thought. More than any other previous English-language text, *Lex Rex* developed a theory of the how, when, and why of revolution.

A century later, King George III reportedly denounced the American Revolution as “a Presbyterian rebellion.”²⁵ The sentiment was correct. It was the Presbyterian ideas of *Lex Rex*, which were brought into America by the preachers, and which legitimated, and even mandated, revolution as a Christian duty against tyrants.

John Locke

The triumph of the Glorious Revolution allowed the free publication of two important books: John Locke’s *Two Treatises of Government*, and Algernon Sidney’s *Discourses Concerning Government*.

According to John Adams, the final great stage of English intellectual confrontation with tyranny—which set the stage for the American Revolution—took place in the years around the Glorious Revolution, when the most important writers included John Locke and Algernon Sidney.²⁶ In 1825, Thomas Jefferson explained that the ideas in the *Declaration of Independence* derived from “the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, &c.”²⁷ Locke and Sidney were the two writers cited most by the American revolutionaries.²⁸

BRIDGES

Rutherford's *Lex Rex* was transmitted to the American public mainly through Locke's *Two Treatises of Government*. The first treatise refuted Robert Filmer's claim in *Patriarcha* that modern monarchs exercised the dominion which God had granted Adam.²⁹ According to Filmer, resistance to monarchy was immoral and irreligious; the authority of kings over their subjects was as absolute as the authority of a father over his children.

Locke's second *Treatise* developed a secular version of Rutherford's right of revolution, mixed with other Calvinist theory, and also with non-religious sources. According to Locke, humans were granted inalienable rights by God; governments were instituted to protect those rights; governments which abused rather than protected rights could legitimately be overthrown.³⁰

In a nation in which only about ten percent of the population were Dissenters, and in which the Anglican clergy was quite uninterested in the rights of other groups, Locke could not realistically hope that intermediate magistrates would lead a revolution to establish religious liberty for Protestant Dissenters.³¹

Locke differed from Rutherford and other Calvinists in that Locke believed that tyranny erased the social contract and put the people back into a state of nature, under which the natural right of self-defense resumed pre-eminence. Many Calvinists, including Rutherford, had believed that even under tyranny, revolution had to be led by established authorities, such as local governments resisting an oppressive central government.³²

Like George Buchanan—and also like John of Salisbury, the twelfth-century English Catholic author of an enormously influential political philosophy book called *Policraticus*—Locke unequivocally stated that the right of violent resistance inhered in every individual. He propounded reasons why such a right would

David B. Kopel

not lead to anarchy and constant rebellion: A government with functioning courts and a legislature will offer an easier means to redress grievances; people will tend to revolt only when personally oppressed; they will not revolt unless they expect to win, and will not expect to win unless the majority feels so threatened that it will join the revolt; fearing divine punishment for unjustified rebellion, people will only revolt when convinced in their conscience; preference for the status quo will lead people to accept minor abuses; should a revolution succeed, people will probably restore most of their accustomed forms of government.³³

A well-understood right of revolution would, by making governments fearful of the risk of revolution, deter government abuse and thus make revolution unnecessary, in many cases.³⁴ This same point was made by NRA President Charlton Heston:

And, so, when they ask you well, indeed you would bear arms against Government tyranny? The answer is no. That could never happen, precisely because we have the Second Amendment. Let me be absolutely clear. The Founding Fathers guaranteed this freedom, because they knew no tyranny can ever arise among a people endowed with the right to keep and bear arms. That's why you and your descendants need never fear fascism, state-run faith, refugee camps, brain-washing, ethnic cleansing, or especially submission to the wanton will of criminals.³⁵

Starting with the undisputed premise that men in a state of nature have a right of self-defense, Locke agreed with prior thinkers that overthrowing a tyrant was a form of self-defense. Unlike many of his predecessors, Locke did not confine this right to the most extreme cases of oppression. He argued that a government which used force to destroy one natural right would necessarily have designs "to take away every thing else."

BRIDGES

Accordingly, a victim need not wait until his life was threatened, because forceful violations of some rights were anticipatory of threats to life itself.

Echoing language from the feudal “trial by combat” (in which a legal dispute would be settled by a battle between a champion for each side), Locke described revolution as an “appeal to Heaven” in which God would grant victory to people fighting for a just cause. If an aggressor unjustly initiated force against someone else, and refused to settle the dispute according to legal appeal, then the aggressor had placed himself in a state of war with the victim. Thus, “the want of such an appeal gives a man the Right of War.” A victim’s forcible resistance to unjust force was in a sense a judicial, political act, in which Heaven would give victory to the just. Locke pointed out that in *Judges*, Jephthah led the Hebrews against the Amorites, “then Prosecuting, and relying on his *appeal*, he leads out his army to battle.”³⁶

To give government absolute power over one’s life was a violation of Christian duty; life belonged only to God.³⁷

In great contrast to some twenty-first century diplomats, who consider the violent overthrow of a government as the worst possible event, Locke insisted that oppression was much worse than revolution.³⁸

Two centuries of religious wars had followed the outbreak of the Reformation. The conventional wisdom of most rulers was that civil order must be protected by the imposition of religious uniformity, so that subjects would not disagree about religion. In *A Letter Concerning Toleration*, Locke turned the conventional wisdom on its head. People had a right to follow their conscience, and consequently a right to use force and revolution against a government that destroyed their natural right to follow their

David B. Kopel

religion. Thus, religious oppression led to violence, as the victims struggled to remove the “yoke that galls their necks.” Accordingly, complete toleration was the only path to civil peace. Every religion should be free, and none should be allowed to use state power to violate the rights of any other.³⁹

Locke’s insight is common sense to twenty-first century Americans, but it was utterly radical at its time. Some governments had offered grudging toleration to some religious minorities, but there had been no political theory explaining that toleration was a right belonging to individuals and a duty on government—rather than an expedient which a government might choose.

The American Founders, of course, heartily agreed with Locke, and enshrined his doctrine in the First Amendment, guaranteeing the free exercise of religion, and forbidding the establishment of a national religion by Congress. America has thrived as a country very little touched by the religious violence that tore Europe apart. The American Second Amendment ensures that the American people will have the means to revolution should a religious (or other) tyranny somehow arise.

It is instructive that James Madison placed religion rights and arms rights next to each other when he wrote the Bill of Rights. To Locke, and to the American Founders, the right to free exercise of religion and the right to revolution were inextricably bound together. In a properly ordered society, the existence of the one right would bolster the other, and respect for both rights would minimize the actual need to exercise the right to revolt.

The path from Locke to the Declaration of Independence is easy to trace. For example, Locke had written:

for all power given with trust for the attaining an end,
being limited by that end, whenever that end is

BRIDGES

manifestly neglected, or opposed, the trust must necessarily be forfeited, and the power devolve into the hands of those that gave it, who may place it anew where they shall think best for their safety and security.⁴⁰

Likewise, wrote Locke, after a revolution the people may, “continue the Legislative in themselves or erect a new Form, or under the old form place it in new hands, as they think good.”⁴¹

Compare Jefferson’s more eloquent, but essentially similar principle in the second paragraph of the Declaration:

it is the Right of the People to alter or to abolish it [government which destroys natural rights], and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

Algernon Sidney

Algernon Sidney was a descendant of Harry Percy, the “Hotspur” of Shakespeare’s *Richard II* and *Henry IV, Part 1*.⁴² Sidney fought bravely with the Parliamentary forces during the English Civil War, served in the Rump Parliament, and lived in exile in France following the Restoration. After 1681, when fears over the Stuart monarchy’s totalitarian ambitions grew intense, Sidney, who had returned to England, worked assiduously to organize the overthrow of the Stuarts. In 1683, Sidney was arrested for treason. He was convicted in a trial which was later regarded as a travesty of justice. He was not even allowed to see the indictment against him. Executed on December 7, 1683, he was venerated by the Americans as one of the greatest martyrs of liberty.⁴³

David B. Kopel

Sidney's *Discourses Concerning Government* could not have been published while the Stuarts sat on the British throne, but the freer atmosphere after the Glorious Revolution allowed posthumous publication.

Like Locke's *First Treatise*, Sidney's *Discourses Concerning Government* was a refutation of Robert Filmer's *Patriarcha*, which had argued that all kings share in the dominion which God granted to Adam, and that any resistance to a king, no matter how tyrannical he may be, is sinful. Filmer did not merely seek to restore the Dark Ages theory that the king was God's anointed. Even under the Dark Ages standard, the king was required to rule according to law and customs of the nation. Filmer claimed that the king was free of every constraint.

Sidney tore into *Patriarcha* line by line.

The Jewish heroes who had resisted bad governments were so well-known—now that almost every home contained an English language Bible—that Sidney could reel off the heroes without need for explanation: “Moses, Othniel, Ehud, Barak, Gideon, Samson, Jephthah, Samuel, David, Jehu, the Maccabees, and others.”⁴⁴ Such men were “perpetually renowned for having led the people by extraordinary ways . . . to recover their liberties, and avenge injuries received from foreign or domestick tyrants.”⁴⁵

Augustine in *The City of God* had explicated the concept of *Tranquillitas Ordinis*—the principle of peace in a just and well-ordered society. Sidney restated the principle: “That peace is only to be valued which is accompanied by justice.”⁴⁶ As the title of one section of Sidney's *Discourses* summarized, “Popular Governments are less subject to Civil Disorders than Monarchies; manage them more ably, and more easily recover out of them.”⁴⁷ Hence, a violent revolution to instill a popular government would, in the

BRIDGES

long run, lead to more stability and less violence.

Sidney was a militia enthusiast, using many examples from ancient Greece and Rome, and from more recent European history, to show that a militia fighting for its freedom would defeat mercenaries merely interested in pay.⁴⁸

On the duty of individuals and nations to use force, when necessary, to protect their own interests, Sidney coined the English version of the epigram: “God helps those who help themselves.”⁴⁹

Without a natural right of self-defense, society itself would cease to exist:

Nay, all laws must fall, human societies that subsist by them must be dissolved, and all innocent persons be exposed to the violence of most wicked, if men might not justly defend themselves against injustice by their own natural right, when the ways prescribed by public authority cannot be taken.⁵⁰

From this right, a right of self-defense against tyrants necessarily followed.⁵¹ To be subject to a tyrant was little different from being under the power of a pirate.⁵²

Thus, “those arms were just and pious that were necessary, and necessary when there was no hope of safety by any other way. This is the voice of mankind, and is disliked only by princes who fear deserved punishments, and their flatterers and servants who share the princes’ guilt.”⁵³

The necessary corollary of the right of self-defense against tyrants was the possession of arms: “he is a fool who knows not that swords were given to men, that none might be slave, but such as know not how to use them.”⁵⁴

David B. Kopel

England's situation in the 1680s worried Sidney, for the old checks and balances were vanishing: "That which might have easily been performed when the people were armed, and had a great, strong, virtuous and powerful nobility to lead them, is made difficult, now they are disarmed, and that nobility abolished."⁵⁵

The English were not obliged to live under the same system of government as their ancestors, because human understanding had increased. So "if it be lawful for us by the use of that understanding to build houses, ships, and forts better than our ancestors, to make such arms as are most fit for our defence, and to invent printing, with an infinite number of other arts beneficial to mankind, why have we not the same right in matters of government . . ."⁵⁶

While parts of the New Testament had urged submission to government, "those precepts were merely temporary, and directed to the person of the apostles, who were armed only with the sword of the spirit; that the primitive Christians used prayers and tears only no longer than whilst they had no other arms." By becoming Christians, men "had not lost the rights belonging to all mankind." So "when God had put means into their hands of defending themselves," then "the Christian valour soon became no less famous and remarkable than that of the pagans."⁵⁷

Sidney disputed Filmer's claim that God, "caused some to be born with crowns upon their heads, and all others with saddles upon their backs."⁵⁸ A few days before Thomas Jefferson died on July 4, 1826, the fiftieth anniversary of the Declaration of Independence, Jefferson wrote his final letter, which echoed Sidney's words from a century and a half before:

The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their

BRIDGES

backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of God.⁵⁹

Conclusion

Together, Algernon Sidney and John Locke showed that the right of resistance is inseparable from the right of religious freedom. It would take a while for Locke's and Sidney's ideas to be fully accepted in England. Their true fruition, however, would come in the United States.

It is true that, today, the average American cannot identify John Locke or Algernon Sidney. It is also true that if you find an American who is not a college professor, and who nevertheless knows who Locke and Sidney are, there is a good chance that the American is a politically engaged gun owner. More broadly, the fundamental principles of Locke and Sidney (in part derived from Buchanan and, especially, from Rutherford) have become a part of the American creed: religious freedom is a fundamental human right; tyranny is contrary to natural order; the God that made men free also made them duty-bound to overthrow tyrants as an act of self-defense. As intellectual descendants of Buchanan, Rutherford, Locke, and Sidney, Americans have always believed that there is an intimate connection between their arms rights and all their other rights, especially religious ones.

David B. Kopel

ENDNOTES

- ¹ George Buchanan, *De Jure Regni apud Scotos; A Dialogue Concerning the Rights of the Crown in Scotland*, transl., Robert MacFarlan (reprint of 1799 edition) (1st pub. 1579; first circulated in manuscript in 1559), reprinted in Samuel Rutherford, *Lex, Rex, or the Law and the Prince* (Harrisonburg, Va.: Sprinkle Pubs., 1982).
- ² Buchanan, pp. 269-70.
- ³ *Ibid.*, p. 272.
- ⁴ *Ibid.*, pp. 280-81.
- ⁵ Robert M. Kingdon, "Calvinism and Resistance Theory, 1550-1580," in *The Cambridge History of Political Thought 1450-1700*, ed., J.H. Burns (Cambridge: Cambridge University Press, 1996), 218.
- ⁶ Samuel Rutherford, *Lex, Rex, or the Law and the Prince* (Harrisonburg, Va.: Sprinkle Pubs., 1982) (reprint of 1644 London edition), questions 24, 26, 27.
- ⁷ *Ibid.*, questions 22, 29-30, 33-34.
- ⁸ *Ibid.*, question 9.
- ⁹ *Ibid.*, question 13.
- ¹⁰ *Ibid.*, questions 4, 19.
- ¹¹ *Ibid.*, questions 30-31, 34, 36.
- ¹² *Ibid.*, question 30.
- ¹³ *Ibid.*, question 30.
- ¹⁴ *Ibid.*, question 36.
- ¹⁵ *Ibid.*, question 44.

BRIDGES

- ¹⁶ *Ibid.*, questions 4, 32.
- ¹⁷ *Ibid.*, question 34.
- ¹⁸ *Ibid.*, question 2.
- ¹⁹ *Ibid.*, question 18.
- ²⁰ *Ibid.*, questions 23, 30.
- ²¹ *Ibid.*, question 24.
- ²² *Ibid.*, question 31.
- ²³ *Ibid.*, questions 24, 31.
- ²⁴ Thomas Murray, “Sketch of the Life of Samuel Rutherford” (1827) in Rutherford, *xix*.
- ²⁵ Douglas F. Kelly, *The Emergence of Liberty in the Modern World: The Influence of Calvin on Five Governments from the 16th Through 18th Centuries* (Philipsburg, N.J.: P&R Publishing, 1992), 131. From the Anglican monarchist viewpoint, hardline Calvinists were all a bunch of troublemakers, and the distinctions between them were not very important. Thus, “Presbyterian” was used as epithet both for Presbyterians (who were found everywhere in America) and Congregationalists (who predominated in New England, and who played the leading role in inciting the Revolution).
- ²⁶ John Adams, *A Defence of the Constitutions of the United States of America*, vol. 3 (Union, N.J.: The Lawbook Exchange, 2001) (1st pub. Philadelphia, 1797), 211.
- ²⁷ Thomas Jefferson, letter to Henry Lee, May 8, 1825.
- ²⁸ Donald S. Lutz, *The Origins of American Constitutionalism* (Baton Rouge: Louisiana Stated University Press, 1988), 143.
- ²⁹ *Patriarcha* was published in 1680, incorporating ideas raised by Filmer as early as 1628.

David B. Kopel

- ³⁰ Kelly, p. 70.
- ³¹ James Tully, "Locke," in *Cambridge 1450-1700*, 624.
- ³² John Coffey, *Politics, Religion and the British Revolutions: The Mind of Samuel Rutherford* (Cambridge, England: Cambridge University Press, 2002), 177.
- ³³ John Locke, *Two Treatises of Government* (Cambridge, England: Cambridge University Press, 1963), book 2, ch. 19, sects. 223 & 230; Tully, 640-41.
- ³⁴ Locke, *Two Treatises*, book 2, ch. 19, sect. 226; Tully, 641-42.
- ³⁵ Charlton Heston, Keynote Speech to Annual Convention of the National Rifle Association of America, May 2, 1999.
- ³⁶ Locke, *Two Treatises*, book 2, ch. 3.
- ³⁷ *Ibid.*, book 2, ch. 4, sect. 23; ch. 11, sect. 135; ch. 13, sect. 149; ch. 15, sect. 171; ch. 19, sect. 222.
- ³⁸ *Ibid.*, book 2, sects. 225, 229-30; ch. 11, sect. 137; ch. 13, sect. 158.
- ³⁹ Tully, 651-52; John Locke, "A Letter Concerning Toleration" (1689), www.constitution.org/jl/tolerati.htm.
- ⁴⁰ Locke, *Two Treatises*, book 2, ch. 13, sect. 149.
- ⁴¹ *Ibid.*, book 2, ch. 19, sect. 243.
- ⁴² Thomas G. West, Foreword to Algernon Sidney, *Discourses Concerning Government*, ed. Thomas G. West (Indianapolis: Liberty Fund, 1996), xxvii.
- ⁴³ West, Foreword. Hampden-Sydney College in Virginia, founded in 1776, is named for Sidney. As the college's name illustrates, there are two possible spellings of Algernon's last name.
- ⁴⁴ Sidney, ch. 1, sect. 3, p. 15.

BRIDGES

- ⁴⁵ Sidney, ch. 2, sect. 24, p. 228.
- ⁴⁶ *Ibid.*, ch. 2, sect. 14, p. 160.
- ⁴⁷ *Ibid.*, ch. 2, sect. 234, p. 217.
- ⁴⁸ *Ibid.*, ch. 2, sect. 21, pp. 195-202.
- ⁴⁹ *Ibid.*, ch. 2, sect. 23, p. 210. In the fable of *Hercules and the Waggoner*, Aesop had written, "The gods help them that help themselves," but of course Aesop wrote in Greek.
- ⁵⁰ *Ibid.*, ch. 2, sect. 4, p. 340.
- ⁵¹ *Ibid.*, ch. 2, sect. 4, pp. 339-40.
- ⁵² *Ibid.*, ch. 3, sect. 46, p. 574.
- ⁵³ *Ibid.*, ch. 3, sect. 40, p. 547. The first sentence is a quote from Titus Livy, *History of Rome*, book 9, ch. 1. Livy's history of the Roman Republic was one of the most influential books in Europe during the Enlightenment.
- ⁵⁴ *Ibid.*, ch. 2, sect. 4, p. 343.
- ⁵⁵ *Ibid.*, ch. 3, sect. 37, p. 527.
- ⁵⁶ *Ibid.*, ch. 3, sect. 7, pp. 357-58.
- ⁵⁷ *Ibid.*, ch. 3, sect. 7, p. 358-59.
- ⁵⁸ *Ibid.*, ch. 3, sect. 33, p. 511.
- ⁵⁹ Thomas Jefferson to Roger Weightman, June 24, 1826, in *The Portable Thomas Jefferson*, ed. Merrill D. Peterson (New York: Penguin, 1977), 585.