

## A. De Jure Regni Apud Scotus, Buchanan

1. Context: [The Powers of the Crown in Scotland]. published 1579, written 1567/8. Form of a dialogue between two friends. Written for prince James, of King James fame. Background: Murder of [Darnley](#) and abduction of Mary, Queen of Scots. Maitland is concerned to maintain some authority of the king. Condemned by parliament 1584, 1664, 1688.

2. Thesis: General: "trace, from their beginnings, the rights and the respective powers of the king and of citizens." Particular: Chapter 2 description: "Rulers May Properly be Held Accountable for Their Acts"

a) *B: It follows, therefore, that he who explains the origin and the cause of creation of legitimate government, and shows what are the duties of rulers with respect to their people and of people with respect to their rulers, will, in the same explanation, make clear, by contraries, the nature of tyranny.*

b) *B: He not only gave him the physical senses, by the use of which he can avoid all that endangers him and can maintain situations favorable to his well-being; but he also created in his spirit a light by which he distinguishes between good and evil. Some call this ability Nature, and others the Law of Nature. I regard it as truly divine, and am convinced that 'Nature never says the one thing, and reason the contrary'. [Juvenal, xiv. 321.] Furthermore, God has given us a summary, which comprises the whole law in a few words: We should love Him with a our souls, and our neighbors as ourselves. Herein are contained all the rules of the Holy Scriptures, which deal with moral conduct - other than this is merely elaboration. [Lev. 19: 18; Matt. 5:43, 19:19, 22:37-39; Mark 12:31-33; Gal.14; James 2:8] Maitland: That is to say, you think that God - not some orator or lawyer who brought man together - is the author of human association. Buchanan: Precisely*

c) *Buchanan: I do not believe that it is any great matter whether the chief magistrate is called King, Duke, Emperor, or Consul, so long as it is understood that he is placed in office to maintain justice. So long as government be just, we ought not contend over names. For him whom we call the Duke of Venice is nothing more nor less than a king under a constitutional government*

- d) **SUMMARY: Buchanan: First, it was agreed between us that men were by nature, created for society, and for the sharing of life. Buchanan: And that, as guardian of this society, a king, a man, eminent for his high character, is chosen... And, just as strife between men has led to the necessity of creating kings; so the injuries inflicted by king on their subjects were the occasion of our wishing to have laws...And we regard the laws as a pattern for the art of government, just as the principles of medicine are for the physician's art.**
- e) **B: I have been striving exclusively for this one thing-that the Ciceronean principle, "The public welfare is the supreme law," [Cicero, De Leg. iii. 8.] might be held in reverence and perfectly observed....A little while ago we agreed that no law can take every contingency so clearly into account that evil minds can make no opening for trickery**
- f) **But it may be best to endure a tyranny of this sort [i.e., benevolent despotism] if it is not possible to get rid of it without a public calamity;**
- g) **Maitland: What if the people, having been defrauded by trickery or compelled by fear, gave themselves into slavery? Buchanan: ...First among these reasons is an established principle, derived from nature, that agreements made under compulsion are not binding. The laws allow full restitution to be made to those who have been defrauded by trickery, and this they allow most liberally to orphans and to those other persons who they think ought to be protected...**
- h) **In the Epistle to the Romans, he defines a ruler with a precision almost equal to that of formal logic. [Romans 13:1-7.] For as Chrysostom says: "Paul was not writing of tyrants, but of true and lawfully appointed rulers, who are God's true vice-regents on earth: Anyone who resists them does indeed resist God's ordinances."**
- i) **Rom. 13: for Paul is speaking of the authority of public officials, not of those evil men who exercise that authority wickedly, Nor, if we apply Paul's rule, will all tyrants of this sort prove to be public officials. But should anyone argue that bad princes are likewise appointed by God, beware of the fallacy of this argument...but no man of sound mind would dare to affirm that God is the author of human wickedness; and, likewise, no one is ignorant that he is the author of condemnation of sin... How, I ask, could this hypothetical scholar advise them differently from the advice which Paul gave to the church at Rome, or which Jeremiah gave to the Hebrew exiles living in Assyria?**

j) *B: But someone else may rise to demand to be shown an instance in the Holy Scriptures of a king punished by his subjects. This I cannot produce, but it does not necessarily follow that because we do not read of this act, that such an act is at once to be regarded as infamous and criminal... For, if no course of action is permissible save that for which there is a precedent, what part of our governmental institutions would remain to us? What part of the laws?*

k) *Buchanan: There is, then, a mutual compact between king and citizens....Does not he who first withdraws from the covenant or does something contrary to the agreement break the covenant and the agreement?...I think moreover that in case the king has broken the bond which holds him and his people together, he who first breaks the agreement forfeits whatever rights belong to him under it...But the other party to the covenant would be in the same state as he was before the agreement, free.*

l) *B: But once a just war is undertaken with an enemy, it is not only right for the whole people to destroy an enemy, but for the individual to do so. Maitland: I grant that. Buchanan: What of that public enemy the tyrant, with whom every good man is eternally at war? May not every member of the human race justly demand that all force of arms be employed against him?*

m) *B: These men took over governments unjustly by the use of force and of arms, but on the score of the excellence and rightness of their governments they deserve to be placed in the number of true kings.*

n) *For success or failure in overt undertakings of this sort depend upon the times, persons, places, and other matters involved in their execution; so, if anyone were to rashly undertake the overthrow of a government, no more blame would attach to me for having defended the right of citizens to resist tyrants than there would attach to a physician who has diagnosed a disease adequately. The man who administers the remedy improperly is the person who should be held accountable.*

## **B. A Short Treatise on Political Power, Ponet**

1. Context: 1556, Dr. John Ponet, Bishop of Rochester
2. Thesis: a historico-theoretical grounding of political power
3. Arguments: Biblical, logical, historical, rhetorical

a) *yet because through the fall of the first man, his reason is radically corrupt, and sensuality has gotten the upper hand, he is not able by himself to rule himself, but must have a more excellent governor...This rule is the law of nature, first planted and grafted only in the mind of man, then after that his mind was defiled by sin, filled with darkness, and encumbered with many doubts. God set this rule forth in writing in the Decalogue, or the Ten Commandments: and after that, reduced by Christ our Savior to just two commands: You will love the Lord your God above all things, and your neighbor as yourself. The latter part He also expounded on: Whatever you would want done unto yourself, do that unto others. In this law is compiled all justice, the perfect way to serve and glorify God, and the right means to rule each and every man: and the only stay to maintain every commonwealth. This is the touchstone to try every man's works, whether he is king or beggar, whether he be good or evil.*

b) *which He declared to Noah: He that sheds the blood of man, his blood shall also be shed by man. For man is made in the image of God. By this ordinance and law His instituted political power and gave authority to men to make more laws.*

c) *But whether this authority to make laws, or the power to execute the same, shall be and remain in one person alone, or in many, it is not expressed, but left to the discretion of the people to make so many and so few, as the think necessary for the maintenance of the state.*

d) *But where the people have forsaken God, and contend with His word, there has the devil by his ministers, occupied the whole country, and subverted the good orders, justice and equality, that was in the commonwealth, and planted his unreasonable lust for good laws, as every man may see by the realm of Hungary which the Turks in our time have occupied. And there the people have not utterly forsaken God and His word, but have begun to be weary of it: has not there God suffered Tyrannies by and by to rush in, and to occupy the whole, and to suppress the good orders of the commonwealth, but little by little has suffered them to creep in, first with the head, then with an arm, and so after with a leg, and at length (were not the people penitent, and in time converted to God) to bring in the whole body, and to work the feats of tyrannies, as hereafter it shall be described.*

e) *For the whole Decalogue and every part thereof is written as well to kings, princes, and other public persons, as it is to private persons. A king may no more commit idolatry than a private man: he may not take the name of God in vain, he may not break the Sabbath, no more than any private man...No, he is bound and charged under great pains to keep them more than any other, because he is both a private man in respect of his own person, and a public figure in respect to his office*

f) *Examples of God's punishment: "Rehoboam, because he would reign as a tyrant and not be subject to law or counsel, had ten tribes of his kingdom taken away from him, and given to Jeroboam...The end of Ahab and Jezebel is understood well enough.*

g) *Romans 13: "so the ordinance itself is one thing, and the persons, that is, the man and woman, another: even so is the political power or authority being the ordinance and good gift of God, one thing, and the person that executes the same (be he king or caesar) another thing. The ordinance being godly, the man may be evil and not of God, nor come there by God, as the Prophet Hosea says: "They have make them a king, and not through me: a prince, and not through my counsel or will."*

h) *And if they were exempt from the laws, and so it were lawful for them to do what they lusted for, their authority being of God, it might be said that God allowed their tyranny and robbery of their subjects, killing them without law, and making God the author of evil: which is a great blasphemy.*

i) *He may not rob Peter to clothe Paul, not take from God his due to give it unto civil power: neither may he make confusion of the powers, but yield unto everyone that is his due, not in obeying the inferior commandment, leave the commandment of the highest undone*

j) *But if the ministers of the civil power command you to dishonor God, to commit idolatry, to kill an innocent, to fight against your country, to give or lend what you have, to the mind of subversion and destruction of your country, or to maintain them in their wickedness, you ought not to do it, but to leave it undone: for it is evil...When Pharaoh, the tyrant, commanded the midwives of the Egyptians to kill all the male children that should be born to the Israelite wives*

k) *and commonwealths may withstand well enough and flourish, albeit there be no kings, but to the contrary, without a commonwealth there can be no king.*

*l) If he that is persecuted, feels in his conscience, that he may do God greater service and glorify by suffering than by fleeing, he ought rather to suffer a thousand deaths, than to flee one foot. But if his conscience witnesses with him that he may do God greater glory by fleeing than by tarrying, but is bound by the commandment to depart. "If they persecute you in one city", says Christ, "flee to another". And he did not only teach it, but did it himself, forsaking Jewry, and going into Galilee...because the time was not yet come, wherein he was appointed to glorify God.*

*m) OT kings no proof of ownership of all things: 1 Kings 21:1: Ahab and Naboth; Samuel who would pay back anything taken (a fortiori)*

*n) Tyrant: And evil person coming to the government of any state, either by usurpation, or by election or by succession, utterly neglecting the cause why kings, princes, and other governors in commonwealths be made (that is, the wealth of the people) seeks only or chiefly his own profit and pleasure. And as a sow coming into a fair garden, roots up all the fair and sweet flowers and wholesome simples, leaving nothing behind, but her own filthy dirt: so does an evil governor subvert the laws and orders, or makes them to be wrenched or racked to serve his affections, that they can no longer do their office....Such an evil governor men properly call a tyrant. Now for as much as there is no express positive law for punishment of a tyrant among Christian men, the question is, whether it is lawful to kill such a monster and cruel beast covered with the shape of a man.*

*o) Natural to kill a tyrant: But now to prove the later part of this question affirmatively, that it is lawful to kill a tyrant: there is no man that can deny, but that the ethnics (although they had not the right and perfect knowledge of God) were endued with the knowledge of the law of nature....This law testifies to every man's conscience, that it is natural to cut away an incurable member, which (being suffered) would destroy the whole body. Kings, princes, and other governors, although they are the heads of a political body, yet they are not the whole body. ...*

*p) So that this principle that evil and evil doers ought to be punished, and rotten members to be cut away, was no peculiar law of the ethnics, but it proceeds of nature, and therefore common to all men, as it is plain by the Chronicles and experience of all ages, and purposely exemplifies for our sure stay and learning as well as the Book of Judges, as in many other histories of Holy Scriptures, according to the express word and commandment (applied to this sense and meaning) which says: "Let evil be taken out of the midst of the congregation; that the rest which hear of it, may be afraid., and not enterprise to do the like*

q) *Private citizens uprising? ... I think it cannot be maintained by God's word, that nay private man may kill, except (where execution of just punishment upon tyrants, idolaters, and traitorous governors is either by the whole state utterly neglected, or the prince with the nobility and counsel conspire the subversion or alteration of their country and people)*

r) *Ehud commended by HS (Jdg. 3:15); Jael, Jdg. 4:17ff.*

s) *If no remedy, then: But if neither the whole state nor the minister of God's word would do their common duty, nor any other lawful shift before mentioned can be had, nor dare be attempted: yet are not the poor people destitute all together of remedy: but God has left unto them two weapons, able to conquer and destroy the greatest tyrant that ever was: that is, Penance and Prayer.*

### C. How Superior Powers Ought to be Obeyed, Goodman

1. Context: 1558, during the reign of Bloody Mary

2. Thesis: How Superior Powers Ought To Be Obeyed By Their Subjects; And Wherein They May Lawfully By God's Word Be Disobeyed And Resisted.

3. Arguments

a) *You judge whether it be right or just in God's sight to obey you rather than God [taken as a major premise. Gospel as minor premise]... For what is king, queen, or emperor compared to God [Isaiah 2:10-18]*

b) *Seeing also, that kings are instituted to rule in God's fear and Laws, as subjects and sergeants to God, and not against His Laws, and above Him: it must follow (as we first said) that all obedience given to such, wicked princes against God, and disobey man, is true obedience, how so ever the world judges*

c) *If no limits upon rulers: reducio ad absurdum: "Then should that cruel butcher Doeg, in killing Abimelech with eighty-five priests or Levites, and the whole town of Nob, at the commandment of ungodly King Saul, have been preferred to the rest of all his servants and soldiers. [I Samuel 22.] And the soldiers also of cruel Herod should be blameless in murdering and shedding the blood of so many infants in Bethlehem at Herod's commandment.*

- d) *Besides this we learn by the commandments of God, that so often as He forbids anything which He would will not to be done, in the same, He commands us the contrary, for example: You shall not murder, steal, commit adultery... It is not enough to abstain from these things...except we do the contrary... that is, to save, preserve, and defend, as well the goods as the persons of our brethren and neighbors.*
- e) *For as God has not created us for ourselves, but to seek His honor and glory, and the profit of our neighbor, especially of such as be of the household of faith..and stand in need of our aid and support. Otherwise we show ourselves to have more comparison upon brute beasts, as our neighbor's ox... which God's Law does charge us to help, save, or draw forth from the ditch, although it were the beast of our enemy.*
- f) *You have despised and abused the word of His dearly beloved Son Jesus Christ, the Author of salvation, in the days of our godly King Edward (which is the cause why God has thus plagued us with a tyrant)*
- g) *Roman 13: There is no power but of God: yet does he here mean any other powers, but such as are orderly and lawfully instituted by God. Either else should He approve all tyranny and oppression... Then when they are such, they are not God's ordinance. And in disobeying and resisting such, we do not resist God's ordinance, but Satan's, and our sin, which is the cause of such.... But St. James gives us contrary commandment, saying: Resist the Devil and he will flee away from you.*
- h) *"This being then David's own private cause, it was not lawful for him in that case to seek his own revenge: Jer. 29:7: different circumstances (captives); special revelation; Dt. 13: If family members have to be punished, so do magistrates; Examples in Judges of the people rising up against Benjamin; 1 Sam. 22:16ff: Saul's servants disobeyed him; Matt. 26:52: Peter's sword: He was a preacher foremost. "Wherefore if Moses and Aaron, God's elect and chosen servants had no more power over the people then His express commandment permits..."*
- i) *1 Pet. 2:13ff: "Then if Paul charges not children with further obedience to their parents, then in the Lord, to whom principality they are by God's commandment and nature bound, will Peter bind servants to their masters any further then in the Lord?... God is the first and principal Father, Master and Lord, to whom first obedience must be given as He does demand: and to others in Him and for Him only, as we were taught at the beginning." ;*
- j) *What if the people are divided, or against a community uprising? Pray and fast.*