JUST WAR, REBELLION, AND THE AMERICAN REVOLUTION; 
JOHN KEOWN AND MODERN CRITIQUES ON WHETHER THE WAR OF 
INDEPENDENCE WAS JUST

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JUST WAR, REBELLION, AND THE AMERICAN REVOLUTION;
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On the back of the Great Seal of the United States is the image of an American eagle tightly clenching in one talon a bundle of arrows, and in the other an olive branch. The chief designer of the seal, Mr. Charles Thomson, was tasked with putting together the final design. As common with symbolism, the various details of the Great Seal were intentional. In the strongest of the eagle’s talons Thomson placed an olive branch, which is historically and mythologically associated with peace.1 Commenting on the design, Thomson said, “the Olive branch and arrows denote the power of peace & war.”2 In addition to emphasizing peace through the placement of the branch in the eagle’s right talon, Thomson intentionally positioned the eagle to face the same direction. He sought to make peace a predominant founding principle of the newly born nation.3

After enduring the various abuses of the Crown, the Colonists continuously sought to petition their grievances through letters and civil disobedience. Upon armed combat flaring up between the two, the various delegates of the colonies met at the Second Continental Congress and drafted on July 8, 1775 what is known as the Olive Branch Petition (1775).4 Replicating the good-willed extension of an olive branch in the name of peace, the document was sent to the

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1 Virgil’s epic poem on the founding of Rome, Aeneid, contains an early incidence where the extending of an olive branch expressed goodwill and peaceful intentions.

2 MacArthur, John D. The Great Seal, http://www.greatseal.com (Accessed December 27, 2011). See Figure 1 for a copy of the seal, as well as Thomson’s comment in his handwriting.

3 It is interesting to note that the fruit of an olive tree cannot be cultivated in a war zone. Such a grove demands careful attention and numerous years to produce its harvest, which is impossible if the lands are continually spoiled.

4 See Appendix 8 for a copy of the Olive Branch Petition.
King in hopes it would secure an end to combat and a redress of their grievances. Upon arriving, the King chose to not even offer it a reading, and instead in August produced *A Proclamation, By the King, For Suppressing Rebellion and Sedition* (1775). The document called for the suppression of the rebels, and such a response left the Colonists with no other option than military victory.

For Charles Thomson, the olive branch carried much meaning and value, and the Founding Fathers approved of the symbol that expressed peace as predominant. Although the scholarly world is in wide agreement that the American Revolution was a just war, recent conversations have brought that conclusion into question. Within the Evangelical world, Christians of a pacifist persuasion have voiced their nonviolent commitments by calling Christians to reject any celebration of the American War. The Sojourners organization and the work of Stanley Hauerwas are representative of the sentiments from the religious and evangelical left. However, these sentiments are not isolated to the liberal Evangelical world. A stalwart of Evangelical conservatism, MacArthur has even called the justness of founding of America into question, stating “The United States was actually born out of a violation of New Testament principles, and any blessings that God has bestowed on America have come in spite of that disobedience by the Founding Fathers.” Further evidencing the diversity of dissension, the view is also represented by the Roman Catholic Georgetown Ethicist John Keown. In his paper entitled “America's War for Independence - Just or Unjust?” Keown argues that,

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5 See Appendix 8 for a copy of *A Proclamation*.


Despite the prevailing consensus and despite the substantial role played in the revolution by Catholic Americans (including Father John Carroll, who would become the country’s first Catholic bishop), the War of Independence is difficult to reconcile with Church teaching.  

Utilizing seven just war principles derived from the *Catechism of the Catholic Church* and further detailed in the U.S. Catholic Bishops’ 1983 Pastoral Letter *The Challenge of Peace*, Keown concludes that based upon an analysis of just war principles, “it is at least doubtful whether the War satisfied all seven requirements of the just war tradition.” Keown’s conclusions have not come without controversy. In an article on *The American Spectator* Mark Tooley, a Methodist and the president of the Institute on Religion and Democracy, responded to John Keown’s conclusions. What resulted was a series of exchanges between the two on whether the American Revolution was a just war as it relates to just war criteria. Although Mark Tooley’s responses were excellent, Keown felt as if Tooley failed to answer the primary objections of his paper. Keown reiterates these supposed failures and his central arguments in his final response to Tooley, concluding:

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8 John Keown, “America’s War for Independence - Just or Unjust?” *Journal of Catholic Social Thought* 6:2 (2009): 278. The paper has been made freely available by Georgetown’s Kennedy Institute, and may be accessed at <http://kennedyinstitute.georgetown.edu/files/KeownAmericasWar.pdf>


11 The exchange between Tooley and Keown may be found in chronological order at:
[He] has failed to show either that the British were tyrannical or that overthrowing British rule (by initiating what turned into a world war) did not create greater harm. He simply assumes what he needs to prove. Where does Aquinas teach that colonists (or, indeed, non-colonists) may justly rebel if they are taxed without representation? (Where, indeed, does he teach that there is even a right to representation?). . . . My paper follows the just war tradition according to Thomas, not Tooley.12

Keown maintains that central to the refutation of his conclusion is to show (P1) “the British were tyrannical”, or (P2) “that overthrowing British rule (by initiating what turned into a world war) did not create greater harm.”13 In addition, Keown unfairly asks where Aquinas, who himself argued for three as opposed to seven Just War criteria, teaches that colonists may justly rebel for being taxed without representation?14 Although Tooley and Keown’s exchange has reached its zenith, it will be the aim of this paper to argue that Keown is incorrect to reject the Colonial petitions of tyranny as not fulfilling the just cause criteria of a just war ethic. Furthermore, this paper will examine the American Revolution in light of _jus ad bellum_ principles and Keown’s own examinations, and conclude that through a holistic approach that surveys scripture, church tradition, and historical-context, the Colonists fulfilled the requirements for a just war.15

12 John Keown, “America’s Unjust Revolution: What British Tyranny?”

13 Ibid.

14 The reasons why it is unfair for Keown to ask “Where does Aquinas teach that colonists (or, indeed, non-colonists) may justly rebel if they are taxed without representation?” are numerous. (1) Aquinas is not speaking to such a contemporary scenario, and did not inherit the historical discussion within church tradition that included civil liberties, rights, and other such matters that were discussed as a result of Aquinas’ own contributions. (2) Keown claims he uses the Just War criteria of Aquinas, when in fact he uses seven Just War principles as deduced from the 20th century Post-Vatican Roman Catholic Church. Aquinas did not write the _Catechism of the Catholic Church_, nor _The Challenge of Peace_. Aquinas also did not use the same Just War principles as Keown had in his paper. In Part II, Question 40, of Aquinas’ _Summa Theologica_, he presents three principles for a just war: “I answer that, In order for a war to be just, three things are necessary. First, the authority of the sovereign by whose command the war is to be waged. . . . Secondly, a just cause is required, namely that those who are attacked, should be attacked because they deserve it on account of some fault. . . . Thirdly, it is necessary that the belligerents should have a rightful intention, so that they intend the advancement of good, or the avoidance of evil.” (3) Keown might respond that the seven Just War principles are derived from the Just War tradition in which Aquinas is prominent, but that only makes this critique stronger. The topic of rebellion and tyranny is also within the current of Just War tradition, and so it is necessary to reference Christian partakers in Christendom to determine whether such a ‘right’ exists. As Keown assumes “My paper follows the just war tradition according to Thomas.” Surely then, Keown would be open to the line of evidence within the Just War tradition to see whether the charge of tyranny as petitioned by the colonists was valid.

15 In the Just War tradition, the justness of a war may be divided into two portions: (1) The Justice of Cause, or _jus ad bellum_ (which includes the 7 principles proposed by the Roman Catholic _Catechism_), and (2) The Justice of Means, or _jus in bello_ (which includes various additional principles to maintain justice in the practice of war). Keown fails to distinguish the two throughout his paper. This is troublesome, given it leads to him providing events within war to supplement a contention that the _cause_ was not just. Perhaps this is an influence from Just War scholar O’Brien who, in his work _The Conduct of Just and Limited War_, notes the necessity of both _ad bellum_ and _in bello_ principles to determine whether a war is just. However, unlike O’Brien, Keown never really makes a worthwhile distinction between the two, and instead
CHAPTER 1: BACKGROUND – SCRIPTURE AND REBELLION

Noticeably absent from Keown’s analysis is a survey on the scriptural elements relevant to an analysis of just war and the American Revolution. It is understandable that Keown sought to leave the scriptural factors untreated, given his work is primarily engaged with a Roman Catholic understanding of Just War rooted in natural law. However, surveying the Scriptures for relevant passages proves appropriate, given it is the objective standard of what Christians determine to be ‘just’, and given it was the most often cited source by the Founders in works with political content.16 Although modern-day revisionists seek to rewrite history and portray the Revolution and the Founders as a secular affair, the degree of Calvinist influence through the forerunning Puritans, as well as the heavy reliance on Christian thinkers such John Locke, warrant a treatment of Scriptural passages relevant to government.17 As such, this paper will shortly survey Scripture on what God’s Word has to say on government, on the common good, on liberty, on unchecked power, on the rule of law, and on consent.

A. Scripture On Government

On the authority and purpose of government, most Christian thinkers first turn to Paul’s New Testament treatment in Romans 13. However, the aim and function of government may be found much earlier in the Old Testament. After judging a wicked world through the flood, and by grace treats them as interchangeable. After analyzing various ad bellum principles, Keown concludes his paper by stating "This paper has set out the seven criteria laid down by the just war tradition for the waging of a just war and has applied those criteria to the American War of Independence," (Keown 304). However, the seven principles he provided were historically ad bellum (it is also noted that some ad bellum criteria, such as right intention, are sometimes dependent upon evidence from the waging of war in bello). To state that the seven principles he utilized were as he said for the “waging” of war was simply incorrect. Were he to determine the injustice of a war according to how it is waged, he would have committed to analyzing the American Revolution according to in bello, and not ad bellum, principles.

16 Donald S. Lutz, “The Relative Importance of European Writers on Late Eighteenth Century American Political Thought,” American Political Science Review 189 (1984), 189-97. Donald S. Lutz and Charles S. Hyneman, after reviewing over 15,000 items with explicitly political content, identified 3,154 references to other sources, and concluded, “The source most often cited by the founding fathers was the Bible, which accounted for 34 percent of all citations.”

saving Noah, God issues to Noah what is known as the *lex talionis* principle: “From his fellow man I will require a reckoning for the life of man,” (Gn. 9:5). Assuming this “fellow man” incurs some form of government, the *lex talionis* principle establishes the power of government to utilize capital punishment against the wrongdoer. In addition to this power, the legitimacy of rightly placed authority is presented in the Decalogue’s commandment to honor one’s father and mother (Dt. 17:14-20). Davis Brown also argues that Deuteronomy’s treatment of the duties of kings supplies the “foundation of Judeo-Christian political theory” from the Pentateuch. From such passages, Brown devises the following basic responsibilities of civil government as it relates to right governance versus tyranny:

First and foremost, to never forget that its authority is temporal not spiritual, that is, to never deify itself. Second, to be of the same nation as that over which the authority rules. Third, to be the person whom God chooses to place in a position of authority. Fourth, to not be greedy, lustful, or proud. These responsibilities lie at the heart of good governance; a violation of any of them is the root of what in Western parlance is known as tyranny.

In addition to setting some parameters for an understanding of a government’s responsibilities and the occurrence of tyranny, the Old Testament evidences the highly destructive evil of anarchy as recorded in the book of Judges.

In opposition to anarchy, the Old Testament speaks of the responsibility of a government to execute justice, to defend the weak (Ps. 82:2-4), and to

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18 Bible verses are taken from the English Standard Version (ESV).


21 Specifically, Judges 21:18-25 presents evidence of how destructive anarchy becomes. “In those days there was no king in Israel. Everyone did what was right in his own eyes,” (Judg. 21:25). It is also worthy of note that YHWH had intended Himself to be their King and leader, and that the allowing of the Israelites to appoint a king was outside God’s desire for them. They sought to be like their neighbors, while God called them to be a chosen people. As if in satire, the Israelites would appoint for themselves Saul, who, besides being a failure, would be of the same Benjamite tribe they nearly eradicated at the end of Judges. Grudem states in *Politics According to the Bible*: “The stories in Judges 18-25 include some of the most horrible sins recorded anywhere in the Bible. These passages teach us the dreadful results of anarchy, a situation when there is no effective government at all, for 'in those days there was no king in Israel. Everyone did what was right in his own eyes.’” (Grudem 78).
execute swift punishment to deter crime (Ec. 8:11).\footnote{22} It can also be evidenced that Just War principles are present in Scripture, such as having a just cause (Rv. 19:11; Mi. 6:8), a competent authority (Ps. 144:1; Rm. 13:1), and a right intention (Rm. 12:19, 21; 1 Pt. 3:11; Rm. 14:19).\footnote{23}

It is after a rich treatment of war in the Old Testament that Paul reiterates principles established prior in Genesis and Deuteronomy. Wayne Grudem notes six expansions on the role of government by Paul in Romans 13:

\begin{itemize}
\item [1.] God has appointed the authorities who have governmental power (vv. 1-2) . . .
\item [2.] Civil rulers are a “terror to bad conduct” (cf. v. 3), which means they restrain evil by the threat of punishment for wrongdoing. This is consistent with what is taught in Genesis 9:5-6 . . .
\item [3.] They give “approval” or praise (Greek\textit{ epanais}, “approval, recognition, praise”) to those who do what is good (v. 3) . . . These verses indicate God has a role in promoting the common good of a society. It should not only punish wrongdoing but also encourage and reward good conduct, conduct that contributes to the good of society. . . .
\item [4.] Government officials serve God . . . This means we should think of government officials as serving God when they punish evil and promote what is good, whether or not they realize it . . .
\item [5.] Government officials are doing “good” as they carry out their work . . .
\item [6.] Government authorities execute God's wrath on wrongdoers and thereby carry out a task of retribution.\footnote{24}
\end{itemize}

With the role and authority of government established, one relevant component is left in need of treatment. As noted in Romans 13:1 and 1 Peter 2:13, “Let every person be subject to the governing authorities,” and “be subject for the Lord's sake to every human institution.” There would seem here to be a paradox. If there exists a general obligation to subject to government as to God, what are we to do if the government calls us to sin? Grudem acknowledges this assumed paradox while asking the question whether it is ever right to disobey the civil government. He

\begin{flushleft}
\footnote{22} “Give justice to the weak and the fatherless; maintain the right of the afflicted and the destitute. Rescue the weak and the needy; deliver them from the hand of the wicked.” (Ps. 82:3-4)
\footnote{23} See Table 4 for a list of possible Scriptural support for\textit{ ad bellum} and\textit{ in bello} Just War principles. It is also noted that certain passages speak of God’s role in war (such as Rv. 19:11). At times, God’s actions may prove to be a model for our own behavior. Also noted is that we find two types of War ethic in Scripture. We find (1) Crusade, as evidenced in YHWH leading the Israelites to war in the promise land, and (2) Just War, as evidenced in the moral limits of war and rules of engagement in Deuteronomy 20 and Amos 1-2. Not all occurrences of war in the Old Testament are crusades.
\footnote{24} Wayne Grudem, \textit{Politics According to the Bible} (Grand Rapids: Zondervan) 80-81.
\end{flushleft}
argues "God does not hold people responsible for obeying the civil government, however, when obedience would mean directly disobeying a command of God himself." Grudem proceeds to provide a number of passages from narrative sections to prove his point: (1) the episode of the early apostles preaching the gospel after the Jewish governing authority commanded them not to (Ac. 4:18-20; 5:29), (2) the episode of Shadrach, Meshach, and Abednego, who denied King Nebuchadnezzar’s commands to bow down and worship a golden statue (Dn. 3:13-27), (3) the episode of the Egyptian midwives disobeying Pharaoh’s commands (Ex. 1:17, 21), (4) the episode of Daniel disobeying a law to prohibit him from praying (Dn. 6:10), and (5) the episode of the wise men disobeying the commands of Herod (Mt. 2:8). Although such episodes establish the right of disobedience, they leave the question of armed rebellion unanswered. This will be treated later during this paper’s survey on relevant Church tradition.

**B. Scripture On the Common Good**

On the common good, Scripture is replete with passages focusing the aim of government towards the good of society. If, as Romans 13:4 states, government exists to be “God’s servant for your good,” then it would suggest the goal of government is to provide for the common good and not the private advantage of some king, president, emperor, or aristocrat. At the end of his own service as a judge, Samuel demonstrates this principle in 1 Samuel 12:3-4:

“Here I am; testify against me before the LORD and before his anointed. Whose ox have I taken? Or whose donkey have I taken? Or whom have I defrauded? Whom have I oppressed? Or from whose hand have I taken a bribe to blind my eyes with it? Testify against me and I will restore it to you.” They said, “You have not defrauded us or oppressed us or taken anything from any man's hand.

Note the great importance of unjust “taking”. Samuel claims his innocence by referencing the

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absence of taking private property or defrauding persons. This taking “from any man’s hand” is mentioned in the passage as oppressive. Samuel also demonstrates the principle in 1 Samuel 8:11-17:

He said, “These will be the ways of the king who will reign over you: he will take your sons and appoint them to his chariots and to be his horsemen and to run before his chariots. And he will appoint for himself commanders of thousands and commanders of fifties, and some to plow his ground and to reap his harvest, and to make his implements of war and the equipment of his chariots. He will take your daughters to be perfumers and cooks and bakers. He will take the best of your fields and vineyards and olive orchards and give them to his servants. He will take the tenth of your grain and of your vineyards and give it to his officers and to his servants. He will take your male servants and female servants and the best of your young men and your donkeys, and put them to his work. He will take the tenth of your flocks, and you shall be his slaves.

According to Grudem, "In contrast to his own conduct as judge, Samuel warned the people that a king would abuse his power and take from the people for the benefit of himself and his family."27 Whereas 1 Samuel 12:3-4 establishes a connection between taking and oppression, 1 Samuel 8:11-17 is more direct in connecting taking and the behavior of an unjust king with being enslaved. Such a government that acts in a manner opposed to the common good and in favor of particular advantage may be said, according to Samuel’s behavior and warning, to be oppressing and enslaving its people.28 It is no wonder that, upon the actions of the British serving the particular interests of Crown and Parliament, Christian Colonists would call the acts tyranny and slavery. After all, there was no form of representation within Parliament to legitimize the consent of the colonists in being taxed. Unlike the British, who in the lower House of Commons had some form of representation, the Colonists had none, and so called the acts of taking of their governments, their leaders, and their properties as oppression, slavery, and tyranny.

27 Wayne Grudem, Politics According to the Bible, 86.

28 Ibid. 87: “This use of government power for self enrichment of the leader and his family and friends betrays the fundamental purpose of government to serve the people. It is repeatedly condemned in the Old Testament (see Deut. 16:19; Ps. 26:10; Prov. 15:27; 17:23; Isa. 33:15; Ezek. 22:12; Amos 5:12; Hab. 1:2-4”).
C. Scripture On Liberty

On liberty, passages continue throughout the canon to present freedom as fundamental to being human. As early as the creation account in Genesis 1-2, man is created free with the ability to choose. Grudem calls such freedom to choose “one of the highest manifestations of excellence in the human beings that God has created, and it is one of the ways in which mankind is more like God than any of the animals or plants that God has made.”29 Who else of God’s creation has the moral ramifications and creative abilities of free humans? Animals, as driven by instinct, surely lack a display of the range of freedom attainable by man. Humans are consistently called to follow Christ, to accept his teachings, and to respond to God’s commands.30 This liberty is foundational to the imago dei, leading Grudem to conclude, “Liberty is an essential component of our humanity. Any government that significantly denies people's liberty exerts a terribly dehumanizing influence on its people.”31

In contrast to the positive treatment of liberty in Scripture, slavery and oppression are always portrayed negatively.32 In the 10 commandments, God reminds the Israelites of his role in bringing them “out of the house of slavery” (Ex. 20:2). In various accounts listing judgments, the loss of freedom is described as a punishment (Dt. 28:28-29, 33; Judg. 2:16-23). On the Jubilee event, individuals were set free every fifty years from slavery. Given the positive treatment of liberty, and the negative portrayal of oppression and slavery, Scripture seemingly supports the connection between commending liberty and achieving the common good.

29 Wayne Grudem, Politics According to the Bible, 91.

30 Such examples of the freedom of individual choice viewed positively include: "I call heaven and earth to witness against you today, that I have set before you life and death, blessing and curse. Therefore choose life, that you and your offspring may live,” (Dt. 30:19); "And if it is evil in your eyes to serve the LORD, choose this day whom you will serve, whether the gods your fathers served in the region beyond the River, or the gods of the Amorites in whose land you dwell. But as for me and my house, we will serve the LORD,” (Josh. 24:15); and "Come to me, all who labor and are heavy laden, and I will give you rest,” (Mt. 11:28).

31 Ibid. 92.

32 Ibid. 91-92.
D. Scripture On Unchecked Power

On unchecked power, Scripture consistently warns against unchecked rulers. Throughout the Old Testament, examples of such unchecked kings and abuses abound. Saul sought after his own interests above the people, while David abused his powers to commit sin with Bathsheba (2 Sm. 11). Solomon accumulated excessive wives, princesses, and concubines, as well as excessive amounts of gold and silver, with the result being he was led astray (1 Kg. 11:3-4). In addition to the examples of kings in 1-2 Kings and 1-2 Chronicles, human history seems to confirm the principle that unchecked power leads to corruption. This is only expected given the fallen condition of man, and with a Calvinist influence on human depravity, the Founding Fathers likely emulated their Puritan fathers in seeking out checks and balances against human passions and appetites.\(^3\) In addition to Old Testament examples of unchecked kings, there appeared to be a system of checks and balances in a division of power between the King, the Prophet, and the Priest.\(^4\) Besides Old Testament governmental polity, evidence favoring checked power existed also in church ecclesiology. Jesus chose twelve apostles, of whom Peter and James served as spokespersons at different times (Mt. 10:1-4). Scripture also refers to a check on local church leadership in the references to a plurality of elders (Tit. 1:5; Jam. 5:14).

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\(^3\) Page Smith, *Religious Origins of the American Revolution* (Missoula: Scholars Press for American Academy of Religion) 12. "Calvin's conception of human depravity . . . underlay the thinking of most of those Americans responsible for framing the Federal Constitution and establishing a new nation as well as the thinking of their constituents. The rationale of the theorists of the French Revolution for popular government, on the other hand, was based on the idea of the natural goodness of man uncorrupted by decadent institutions and a superstitious church."

\(^4\) The role of the Israelite ruler beneath the divine law is worth special emphasis. Israelite neighbors, such as the Egyptians, believed their rulers to be divine. As such, the lawgiver was above the laws themselves. Unlike Israelite polity, these rulers could not be constrained and refuted based upon the law, given they, as its source, were above the law. However, Israelite rulers were beneath and subject to the law, and this emphasis is noted in Deuteronomy 17:18-20.
E. Scripture On the Rule of Law

On the rule of law, Scripture also emphasizes the authoritative role that law has above the ruler.\(^{35}\) In detailing this authorial hierarchy, Deuteronomy 17:18-20 lays out the king’s need to copy and adhere to the Mosaic Law:

And when he sits on the throne of his kingdom, he shall write for himself in a book a copy of this law, approved by the Levitical priests. And it shall be with him, and he shall read in it all the days of his life, that he may learn to fear the LORD his God by keeping all the words of this law and these statutes, and doing them, that his heart may not be lifted up above his brothers, and that he may not turn aside from the commandment, either to the right hand or to the left, so that he may continue long in his kingdom, he and his children, in Israel.

The law was then used to guide and check the king, as well as to guide and check the prophets. In 2 Samuel 12, we find Nathan the prophet rebuking King David for breaking God’s Law, thus reflecting an actual occurrence where our aforementioned balance of powers and the importance of the rule of law intersect.

F. Scripture On Consent

Finally, on consent, Scripture provides a framework that, in the least, is agreeable with several of the Colonists assumptions. Having pursued a survey that noted the contents of Scripture on the role and authority and government, on the common good, on liberty, on unchecked power, and on the rule of law, the issue of consent seems to rightly flow from such grounds. As the Founders stated in the Declaration of Independence, “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their creator with certain unalienable rights." What do these truths and rights look like in light of Scripture? First, there

\[^{35}\text{Such treatment begs distinctions between God’s Law and civil laws. The nation of Israel stands unique in political and theological history as the only true theocracy, with God himself as its ruler. Thus, God’s divinely revealed laws are to be the civil laws of the Israelites. Given we are not currently in the nation of Israel, our laws are not necessarily based upon the laws of the Old Testament (we do not find their ceremonial laws literally applicable, but do use the moral laws and principles derived from the ceremonial ones to evaluate all civil law). Noting this distinction, it is still valuable to ponder the principle inherit in the role the law had above the ruler. Such a principle is valuable for modern polities, and may very well be the first incident of Constitutionalism in history.}^\]
exists an equality of persons according to the *imago dei* and *lex talionis* (Gn. 1:27; 9:6; Jam. 3:9).

Second, rulers are accountable to the people. On such accountability, Grudem notes

> The need to gain and maintain consent from those who are governed, through elections at periodic intervals, is probably the single greatest protection against the abuse of power and the single greatest guarantee of accountability on the part of rulers. Rulers who become corrupt and abuse their power regularly abolish free elections, imprison or murder political opponents, intimidate voters, and rig elections so that they 'win' because their cronies control the ballots, the counting of votes, and the media reports of the election results.\(^{36}\)

Third, government exists to serve the people (Rm. 13:4). Answering the question “who is best suited to decide what is best for the people,” Grudem answers "ultimately the people who are supposed to benefit from the rule of government should be the ones who can best decide what is actually for their benefit and what is not."\(^{37}\) Fourth, as deduced from the first three, government works best with consent. In appointing leaders, the consent of the congregations was sought in Acts 6:3. Rehoboam the king “did not listen to the people” (1 Kg. 12:15), and the result was the rebellion of ten tribes.\(^{38}\) Other leaders who ruled without consent are also portrayed negatively.\(^{39}\)

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\(^{36}\) Grudem, *[Politics According to the Bible]*, 106. Compare this to the Crown's revoking of colonial charters and legislatures ["abolish free elections"], seeking the imprisonment of Sam Adams and other leaders ["imprison or murder political opponents"], forcing colonists to house soldiers in private property ["intimidate voters"], and establishing royal provincial governors, courts, and their own legislatures over those chosen freely by the people ["rig elections so that they 'win'"].

\(^{37}\) Ibid. 107. It can begin to be seen by 'no taxation without representation' was such a big deal. What was occurring was a form of rule where there exists no means within the government to add legitimacy to such taxation. If the Colonists had some direct representation in parliament, such parliamentary measures could rightly be said to be produced by representatives of the people. However, absent this representation, no formal measures or checks existed, and this principle was then in deep abuse.

\(^{38}\) "So the king [Rehoboam] did not listen to the people" (1 Kings 12:15). As a result, ten tribes rebelled. "And when all Israel saw that the king did not listen to them, the people answered the king, 'What portion do we have in David? . . . To your tents, O Israel!'" (1 Kings 12:16).

\(^{39}\) Examples of rulers portrayed negatively include: Pharaoh (Exod. 3:9-10); Philistines (Judg. 14:4), Nebuchadnezzar (2 Kings 25:1-21), and the Romans (Mt 2:16-17; Lk 13:1; Ac 12:1-2).
CHAPTER 2: BACKGROUND – CHURCH TRADITION AND REBELLION

Thus far, a survey of Scripture suggests that certain values foundational to the American Revolution are directly taught or indirectly derived from various passages. In particular, Scripture seems to associate enslavement and oppression with a ruler rejecting the common good in favor of particular interests (1 Sm. 12:3-4; 8:11-17). Scripture also seems to prize liberty, checked power, and the rule of law. From these established principles, the consent of the governed is reasonably derived. However, this has yet to address the alleged paradox brought about by Paul’s call to submission in Romans 13, as well as the question of whether tyranny legitimizes rebellion. To address this question, this paper will survey Christendom’s brightest minds as they react with scriptural principles and contemporary scenarios to contribute to Just War thinking. In addition, these contributions provide the necessary historical context to truly understand the grievances posed by the Colonists.

Before the principles of rebellion are met, it is also necessary to establish the link between Just War and Just Rebellion principles. Are we simply assuming that both may utilize the same principles, or have Christian thinkers rejected Rebellion as not belonging to the domain of the Just War ethic? Upon introducing the subject of rebellion, Davis Brown claims “The states of war, rebellion, and intervention are all ultimately part of a larger entity that comprises all uses of force to impose one community’s will upon another.”40 In support of this conclusion, Brown provides the Christian thinkers Aquinas, Suarez, and Ramsey as proof. Regarding Aquinas, Brown notes that “Thomas set sedition apart from war, the placement of his discourse of the topic under the heading of vices contrary to the peace indicates some connection between war

and rebellion.” In treating rebellion, the famed Catholic theologian Francisco Suarez applied the three classical Thomist just war criteria. More recently, the American Just War expert Paul Ramsey agreed to the usage of Just War criteria in determining a Just Rebellion. With such thinkers considered representative of the Just War tradition, this paper will proceed by accepting the seven Just War principles ad bellum and in bello as criteria for also determining the justness of rebellion.

A. Tradition On Pre-Reformation Practices

Some of Christendom’s greatest minds began to think about the role of government and coercive force early on. Ambrose and Augustine both introduced the emphasis on the power of the sword to correct, oppose, and condemn sin. On using force to oppose injustice, Augustine stated in “Letter 153”, “if you take action against the crime in order to liberate the human being, you bind yourself to him in a fellowship of humanity rather than injustice. . . . Sometimes it is mercy that prompts punishment, and cruelty that prompts leniency.” That golden-tongued preacher, John Chrysostom, while commenting on Romans 13, notes that the point of the passage is not specifically “talking about each ruler individually, but about the institution of government.” He continues this emphasis of institution over person, noting “That is why the text [Romans 13] does not say, ‘there is no ruler except from God,’ but, speaking of the

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institution: 'there is no authority except from God, and those that exist have been instituted by God."\(^{47}\)

Establishing that the power of the sword exists to combat sin, and establishing that the respect due to government is based upon the institution and not necessarily the person, two more Pre-Reformation thinkers provide noteworthy contributions as they relate to defining tyranny and war. While commenting on the ‘live by the sword/die by the sword’ principle in Matthew 26:52, the Chartres Bishop John Salisbury ties tyranny to an abuse of power by ruling outside of law.\(^{48}\)

For Salisbury, tyranny is the root of war, leading him to conclude:

> If iniquity and injustice, banishing charity, had not brought about tyranny, firm concord and perpetual peace would have possessed the peoples of the earth forever, and no one would think of enlarging his boundaries. Then kingdoms would be as friendly and peaceful . . . and would enjoy as undisturbed repose, as the separate families in a well-ordered state.\(^{49}\)

In addition to Salisbury, the great philosopher of the Church Aquinas is worth mentioning. On the nature of law and tyranny, Aquinas argued:

> Laws framed by man are either just or unjust. If they be just, they have the power of binding in conscience. . . . [L]aws may be unjust . . . by being contrary to human good . . . as when an authority imposes on his subjects burdensome laws, conducive, not to the common good, but rather to his own cupiditiy or vainglory. . . . Wherefore such laws do not bind in conscience.\(^{50}\)

As with the earlier supplied scriptural passages, Aquinas notes the central importance of laws to the common good. Emulating his thoughts on tyrannical laws, Aquinas also calls into question the possibility of deposing a tyrannical ruler:

\(^{47}\) Ibid. 92.


\(^{49}\) Ibid. 336.

A tyrannical government is not just, because it is directed, not to the common good, but to the private good of the ruler [citing Aristotle]. Consequently there is no sedition in disturbing a government of this kind. . . Indeed it is the tyrant rather that is guilty of sedition, since he encourages discord and sedition among his subjects, that he may lord over them more securely; for this is tyranny, since it is ordered to the private good of the ruler and to the injury of the multitude.  

Chrysostom provides the contribution that the institution of government is the object of submission and respect. Aquinas builds upon this by noting that a tyrannical government, like tyrannical law, is guilty of being the source of injustice and sedition. For Aquinas, opposing a tyrannical government places the guilt of rebellion not upon those deposing the tyrant, but upon the tyrant who himself is “guilty of sedition” for encouraging “discord and sedition” and ignoring the common good for the “private good of the ruler.” In light of Ambrose and Augustine’s recommendation that the power of the sword exists to combat and correct evil, Chrysostom, Salisbury, and Aquinas conclude that to oppose tyranny is to truly function as a government that exists to protect the common good of the multitude. However, this still leaves a fundamental question: who is to do the opposing? Is this available to any individual who considers the government tyrannical for any reason whatsoever? Such confusion brings about a second paradox that potentially opens the door to an anarchy detested by the earlier mentioned passages of Scripture. It is within the contributions of Reformation thinkers that a solution to this dilemma is found.

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51 Aquinas, Summa Theologica, ii-ii, q. 42, art. 2, r.o. 3
B. Tradition On Reformation Practices

As Bainton writes in the Just War classic, *Christian Attitudes Toward War and Peace*, “The churches of the Reformation, with the exception of the Anabaptist, all endorsed the theory of the just war as basic.”\(^{52}\) Among the magisterial reformers, Luther is representative of a strict approach to the question of sedition. Bainton summarizes Luther’s conclusion that “only the magistrate is ordained of God to bear the sword.”\(^{53}\) Regarding Luther’s response to prince John Frederick’s actions against peasant uprisings, Bainton writes that “Luther informed him that as a magistrate he was obligated to use the sword: ‘smite, stab, slay, and kill,’ because no justice can result from rebellion. It creates disorder and out of disorder only new injustice can arise.”\(^{54}\) Bainton also notes “Luther appeared here to be using pragmatic arguments.” Luther’s response would only solidify upon the German Peasant Rebellion and the minister Thomas Münzter’s role in leading a revolt.\(^{55}\) Although Luther maintains an aversion against rebellion, the Lutherans of Magdeburg would develop a theory of resistance allowing lower magistrates to protect the commonwealth by justly resisting higher magistrates.

This contribution of lower magistrates resisting higher magistrates is also evident in John Calvin and his followers. In addition to rejecting the divine right of kings, Calvin wrote on lower government officials in his *Institutes of the Christian Religion*, stating:

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\(^{53}\) Ibid. 140.

\(^{54}\) Ibid. 140.

\(^{55}\) On Luther’s response to Münzter, Bainton wrote: “Luther fumed. To engage in revolution against God’s ordained magistrate is rebellion, but for a minister to instigate revolt in the name of the gospel is sacrilege. What then should be done if the minister thus forsook his proper role? Smite him down! Thus Luther’s hardness was a corollary of his doctrine of nonresistance in the case of the minister. . . . When asked later if resistance to the emperor was justified if the emperor sought the destruction of all Protestants, Luther was initially hesitant. However, he did make concessions on the legal validity of certain Jurist arguments, yet still rejected resistance as opposed to New Testament principles (Bainton 142). Roland concludes in saying it seemed Luther was highly influenced by the medieval understanding that only equals could wage war.
If there are now any magistrates of the people, appointed to restrain the willfulness of kings . . . if they wink at kings who violently fall upon and assault the lowly common folk, I declare that . . . they dishonestly betray the freedom of the people, of which they know that they have been appointed protectors by God's ordinance.  

Calvin also saw the value of checks and balances, expanding on the role that lower magistrates served in protecting the people against an unchecked upper magistrate.  

Regarding the American Revolution, Grudem notes, "The reason that a number of early Americans thought it was justified to rebel against the British monarchy is that it is morally right for a lower government official to protect the citizens in his care from a higher official who is committing crimes against these citizens."  

C. Tradition On Post Reformation Practices

This survey thus far has expanded on two important points. Based on Pre-Reformation contributions, resistance to tyranny is legitimate, if not necessary, to oppose injustice and protect the common good. However, this led to the problem of identifying the proper authority to initiate and lead rebellion. Can just anyone resist and lead a rebellion? Would this not produce anarchy and terrorism? Based on Reformation contributions, the answer is found in lower magistrates initiating and leading the resistance. This now leaves the question of furthering the identity of what classifies as ‘tyranny’, and what would then be a just cause to justify a rebellion. Here we find the post Reformation Christian thinkers Suarez and Locke to be particularly helpful and influential.

56 John Calvin, *Institutes of the Christian Religion*, 4.20.31 as quoted in Wayne Grudem’s *Politics According to the Bible* (Grand Rapids: Zondervan) 89.


58 Wayne Grudem, *Politics According to the Bible*, 89.

59 Locke surely deserves a place among fellow Christian philosophers. Some persons seek to pass him off as a Deist, or some
The Spaniard Suarez would develop Catholic doctrine on the subjects of tyranny and revolt in his tractate *Defensio Fidei*. Addressed to an overreaching James I of England, Suarez’s *Defensio Fidei* would challenge “the Council of Constance's unqualified condemnation of tyrannicide, foreseeing the possibility that a lawful sovereign may be lawfully deposed and slain by his subjects, but only in limited circumstances and within the boundaries of law.”60 Holmes summarizes the Christian Philosopher and Englishman John Locke as developing the work of Aquinas and Suarez in arguing "the implications of government by popular consent for the legitimacy of revolution."61 Centering the discussion on individuals rights to life, liberty, and property, Locke argues in his *Second Treatise* that a violation of these three precipitates a state of war. As Holmes summarizes, "on this basis Locke discusses the justice of both war between nations and war against tyranny."62

After quoting King James in his speech to Parliament in 1603, and again in 1609, Locke quotes the British king as saying:

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62 Ibid. 239.
[A King should] ever prefer the weal of the public and of the whole commonwealth, in making of good laws and constitutions... the king binds himself, by a double oath, to the observation of the fundamental laws of his kingdom--tacitly, as by being a king, and so bound to protect, as well the people as the laws of his kingdom. 63

Locke comments on these kingly words, writing:

That learned king, who well understood the notions of things, makes the difference betwixt a king and a tyrant to consist only in this: that one makes the laws the bounds of his power and the good of the public the end of his government; the other makes all give way to his own will and appetite. 64

The prior treated themes of pursuing the interests of the commonwealth and the centrality of a rule of law are both evident in Locke’s quotations and commentary of King James. Locke proceeds to connect the relation between the end of law and the beginning of tyranny with the legitimacy of a lower magistrate to resist the tyrannical officials, claiming:

Wherever law ends, tyranny begins, if the law be transgressed to another's harm; and whosoever in authority exceeds the power given him by the law, and makes use of the force he has under his command to compass that upon the subject which the law allows not, ceases in that to be a magistrate, and acting without authority may be opposed, as any other man who by force invades the right of another. This is acknowledged in subordinate magistrates. 65

Such a fusion of the various principles and contributions find their apex in Locke’s position on the dissolution of government. These combination of factors led Locke to conclude:

Whensoever, therefore, the legislative shall transgress this fundamental rule of society, and either by ambition, fear, folly, or corruption, endeavor to grasp themselves, or put into the hands of any other, an absolute power over the lives, liberties, and estates of the people, by this breach of trust they forfeit the power the people had put into their hands for quite contrary ends, and it devolves to the people, who have a right to resume their original liberty, and by the establishment of a new legislative (such as they shall think fit), provide for their own safety and security, which is the end for which they are in society. 66

64 Ibid. 263-64.
65 John Locke Second Treatise on Civil Government, 264.
The influence Locke would have on the British and American experiences cannot be underestimated. As John Eidsmoe said in *Christianity and the Constitution*, “The most cited thinkers were not deists and philosophies, but conservative legal and political thinkers who often were also Christians.”

Regarding Locke’s influence on the Founders, Jefferson would claim Locke, Bacon, and Newton as the “three greatest men that have ever lived, without any exception, and as having laid the foundation of those superstructures which have been raised in Physical and Moral sciences.” The extent of Locke’s influence is most evident in Jefferson’s borrowing of his coined phrase “Life, Liberty, and property” in its altered form in the Declaration of Independence. With such direct influence apparent, and with Locke’s role in synthesizing the inherited Just War tradition in light of natural rights, we can see a direct link within the Christian Just War tradition as it relates to the intellectual influences of the American Revolution. As Grudem argues,

The reason that a number of early Americans thought it was justified to rebel against the British monarchy is that it is morally right for a lower government official to protect the citizens in his care from a higher official who is committing crimes against these citizens.

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67 According to Donald S. Lutz in "The Relative Importance of European Writers on Late Eighteenth Century American Political Thought." *American Political Science Review* (1984), 189-197, Locke would be the fourth most frequently cited thinker among the Founders between 1760-1805. Third would be Sir William Blackstone, second Montesquieu, and first the Apostle Paul.


69 Thomas Jefferson, *Thomas Jefferson to John Trumbull* (Library of Congress) <http://www.loc.gov/exhibits/treasures/trm033.html>. “Bacon, Locke and Newton, whose pictures I will trouble you to have copied for me: and as I consider them as the three greatest men that have ever lived, without any exception, and as having laid the foundation of those superstructures which have been raised in the Physical & Moral sciences.” Note the blasphemous affection displaced by Jefferson’s hand-drawing equating the three to a trinity.

70 In the Declaration, Jefferson supplements the word “property” with “Happiness.”

71 In *Locke in America The Moral Philosophy of the Founding Era*, Jerome Huyler quotes Richard Henry Lee on the Lockean influence of the Declaration of Independence as charging it was “copied from Locke’s treatise on Government,” (Huyler 2-3). In *The Declaration of Independence A Study in the History of Political Ideas*, Carl Becker makes the following conclusion regarding Lockean influence: “…The Americans did not borrow [this philosophy], they inherited it. The lineage is direct…It was Locke’s conclusion that seemed to the colonists sheer common sense, needing no argument at all. Locke did not need to convince the colonists because they were already convinced,” (Becker 27, 79, 72-73). For a paper written on the Lockean Influence of the Declaration, see Leonard O Goenaga, “Lockean Liberalism and the Declaration of Independence”, <http://leonardooh.wordpress.com/2008/02/18/lockean-liberalism-and-the-declaration-of-independence/>.

72 Wayne Grudem, *Politics According to the Bible*, 89.
Locke’s conclusions are the byproduct of a robustly developed Just War tradition that emphasized the legitimacy of going to war to defend the liberties essential to a common good and in defense against tyranny.

**D. Tradition On Romans 13 and the Paradox of Rebellion**

The common elements shared by Christendom’s greatest minds would be both tyrannical government as delegitimizing its authoritative claim, as well as “the principle of the rule of law . . . [implying] the right to rebellion.”73 Connecting the conclusions of these contributions, Grudem responds to our initial Romans 13 concern regarding whether it is ever right to overthrow a government and obtain freedom, especially with the American Revolution in mind, with three important points:

[1.] Therefore, the leaders who founded the United States and declared its independence thought of themselves as doing something that was morally right and even necessary, for they were protecting those citizens in their care from the evil attacks of King George III of England, who had repeatedly acted as a “tyrant” . . . [2.] the Bible does not ever say that it is wrong to change an existing government. . . [and 3.] the Bible gives some examples where God raised up leaders to deliver his people from the rule of tyrants, such as Moses leading his people out of Egypt and out of the rule of Pharaoh.74

Given the treatment of these principles on government and rebellion by various prominent Christian Just War contributors, it may be concluded that a historical reading of Romans 13 allows the right to rebel and overthrow an existing tyrannical government. There seems to be common agreement between Christendom that tyranny is a just cause for rebellion, and that the

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73 Ibid. 89. Grudem quotes the scholar and expert in the history of governmental theory, Greg Forster, on the two common arguments among Christian writers.

74 Wayne Grudem, Politics According to the Bible, 89-91. Grudem also presents a series of questions that rightfully bring into question a hyper-literalist reading of Romans 13. Does a Christian break Rm 13 when he votes to elect leaders different from the ones currently in office? Is this not essentially seeking to change a government through an election? What then about other means, "such as declaring one's independence, and then defending that independent status against attack?" Does a Christian break Romans 13 for not submitting to Caesar, or another such leader read literally in the text? "The Bible says that ruling officials have been 'appointed' by God, but God certainly works through human actions to appoint different leaders at different times." The same could possibly be said of the American Revolution, although this is solely within God’s omniscience and sovereignty, unbeknownst to us.
government’s primary concern is the common good of its subjects (Rm. 13:4). Locke develops this further by arguing that the common good is dependent upon various natural rights, and so prepares the way to understand exactly what the Colonists meant when they charged the Crown with tyranny, and claimed this to be a just cause for rebellion. As Jefferson states in the Declaration of Independence, “The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.” It is this claim of tyranny that Keown most hotly objects. Having followed both Scripture and Tradition to arrive at this point, what remains is to examine these “Facts,” and whether the context of “repeated injuries and usurpations” warranted the charge of tyranny.
CHAPTER 3: CONTEXT – THE ENGLISH EXPERIENCE LEADING UP TO THE AMERICAN REVOLUTION

The evidence from Scripture and tradition assure that tyranny is as just a cause as any to fulfill the just cause principle ad bellum. In order to answer the question whether what the Colonists experienced was actual tyranny, the surrounding English historical context necessitates reference. A brief but necessary survey will bring us up to the point of the Revolution, and provide the necessary preceding events that clarify the Colonists petitions.

A. The Peace of Westphalia

In 1648, the end of the 30 Year War between Protestants and Catholics concluded with the Peace of Westphalia. This resulted in autonomy for German principalities, as well as the granting of equal status between Catholic and Protestant states within the Holy Roman Empire. Brown comments on the importance of this event by saying, "the Protestant rebellion against what it regarded as the tyranny of the Roman Catholic Church was successful, thus solidifying the right of rebellion in Western Christianity."75

B. The Glorious Revolution and British/American Parallels

On the heels of such a major conflict would come the Glorious Revolution of 1688, which resulted in the overthrow of the English King James II. With the aid of the Dutch William III of Orange, English Parliamentarians would successful bring William III to the head of the English throne. The ramifications of this event would be seen in several ways, including (1) the monarchy no longer holding unto absolute power, and (2) the passing of the Bill of Rights (1689)76. Such a Bill of Rights would take on a central role in British Government, and combined

75 Davis Brown, The Sword, The Cross, and The Eagle, 156.
76 See Appendix 4 for a copy of the Bill of Rights (1688).
with the earlier Petition of Right (1627), these British documents would undergird many of the Colonists constitutional complaints. They would seem to find themselves in the same position that the Protestant alliance battling the Roman Catholic Emperor, and English Parliamentarians battling against an overreaching King, were in. All three fought wars of resistance against an overreaching centralized power on the grounds of securing the rights for lower magistrates to protect the common good. For the European Protestant alliance, this included recognition as legitimate states. For the English Parliamentarians, this included the right of representation in the House of Lords and House of Commons. For the Colonists, this would include the right to self-governance and consent.

**C. The Petition of Right (1627) and the Bill of Rights (1688)**

These rights were initially expressed in the Petition of Right (1627), which claimed “the Kings Subjects should not be taxed but by Consent in Parliament.” In addition, the document also listed the right that “Subjects have inherited this Freedome That they should not be compelled to contribute to any Taxe Tallage Ayde or other like Charge not sett by comon consent in Parliament.” Other rights established within the Right of Petition were against forced billeting of soldiers, restrictions to martial law, and imprisonment without cause. After the success of their own war of revolution, Parliament would further secure these basic Englishmen rights in the Bill of Rights (1688), which echoed the principles of the Petition of Right (1627).

77 See Appendix 3 for a copy of the Petition of Right (1627).


79 Ibid.

80 The Bill of Rights (1688), <http://www.legislation.gov.uk/aep/Ch1/3/1/contents>, “And whereas of late great Companies of Souldiers and Marriners have been dispersed into divers Counties of the Realme, and the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourne against the Lawes and Customs of this Realme and to the great grievance and vexacion of the people.”
The document opens up by charging the late King James the Second of various abuses, including the dispensing and suspending of Laws without consent, maintaining standing armies during peacetime within the land without consent of Parliament and quartering soldiers contrary to law, disarming Protestants, violating free elections, prosecuting persons illegally and without juries, and various other tyrannical acts.

In light of the acts of tyranny committed by the monarchy, the Bill of Rights proceeds to establish a list of rights “takeing into their most serious Consideration the best meanes for attaining the Ends aforesaid Doe in the first place (as their Auncestors in like Case have usually done) for the Vindicating and Asserting their auntient Rights and Liberties.” These “ancient Rights and Liberties” included the right to petition, the right to parliament’s consent to maintain a standing army during peacetime, the right to have arms for self-defense, the right of free parliamentary elections, the right of trial by juries, and several other guaranteed rights.
These rights were bestowed upon every Englishmen (and so every Colonist), and they would formulate much of the colonial complaints against the actions of the Crown.

**D. The *Mayflower Compact* (1620) and the Colonists**

In addition to the English experience, it is also worth noting that since America’s earliest colonial endeavors, self-governance and consent of the governed were foundational. Fleeing the religious sectarianism and persecution of England and landing in New England, the Pilgrims sought to establish some form of self-government. In 1620 they authored and voted on the *Mayflower Compact*:

> [I]n the presence of God, and one another, covenant and combine ourselves together into a civil body politic; for our better ordering, and preservation and furtherance of the ends aforesaid; and by virtue hereof to enact, constitute, and frame, such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience.

These New England Puritans established a pattern for subsequent colonies in the U.S. Preceding Locke they also provided an actual occurrence of a civil society being birthed from a social contract. Being a combination of the Scriptural convictions treated prior, and an English political heritage, they foreshadowed much of the emphasis placed by the Colonists on consent, on self-rule, on the common good, and on the rule of law. Colonists were entitled to the

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92 *See Appendix 1* for the text of the *Mayflower Compact* (1620).

93 Interestingly, the Puritans instead use the word “Covenant” to describe their compact between each other and God. The word “covenant” carries more theological weight than the secular “contract”, and it is worth exploring whether their concept of contractual government was derived primarily through theology or English philosophy.

94 *Mayflower Compact* (1620), “in the presence of God, and one another, covenant and combine ourselves together into a civil body politic”.

95 Ibid. “combine ourselves together into a civil body politic . . . for the general good of the colony”

96 Ibid. “for our better ordering, and preservation and furtherance of the ends aforesaid”

97 Ibid. “by virtue hereof to enact, constitute, and frame, such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience.”
rights of all Englishmen as constituted in the Petition of Right and the Bill of Rights. These rights, in combination with the former English contextual experiences against tyranny, and in combination with the emphasis of the early settlers evidenced in the Mayflower Compact, combined to set a context that illuminates where the American Colonists and their grievances were coming from. Having surveyed Scripture and Church tradition regarding a Just Rebellion, and having placed the Colonists within their preceding English historical context, what is left is to examine the actual behavior of the Colonists and whether their actions were justified according to Just Rebellion principles.
After the struggles of Englishmen against tyranny in the Thirty Years War and Glorious Revolution, Colonists experienced what historians call salutary neglect. Between 1607-1763, this unofficial British policy would leave absent Royal supervision and allow the Colonists both the freedom to prosper economically, and the freedom to govern their affairs. Various chartered colonies developed their own legislatures and courts absent the involvement of Parliament, and by the time the Crown would come to solidify direct control, they found systems of established law and self-rule. Between the years 1756-1763, the British would fight numerous wars of expansion across the globe in what is known as the Seven Years War. A rise in interest among the British to solidify control over the Colonies would result from a need to generate funds to pay down a substantial debt acquired during its military campaigns against the French.

A. The Initial Colonial Response (1764-1767) – The Sugar Act (1764), The Stamp Act (1765), The Stamp Act Congress (1765), Declaration of Rights and Grievances (1765), The Virginia Resolves (1765), The Declaratory Act (1766), and The Townshend Acts (1767)

The North American campaign of the Seven Years War would be called the French and Indian War after the two primary British enemies. With the goal of paying down some of the acquired £150 million war-related debt, the British would claim the Colonists responsible for paying the costs of their defense. What followed was a series of acts passed to levy new taxes on
Colonists. Although taxation was previously used to regulate trade, the *Sugar Act* of 1764 directly taxed colonists to raise revenues, resulting with populist and constitutional complaints among the Colonists. As mentioned earlier in the *Petition of Right*, Englishmen were not to be taxed unless by consent in Parliament. With the actual representation of the Colonists assembled in their native legislatures, and having formulated their own taxation laws during the salutary neglect period, their consent was absent in British Parliament.

The Colonists' debates were fueled further after Parliament passed the *Stamp Act* of 1765. In addition to parliament taxing without consent, Colonists began to question the extent of Parliament’s power. With no elected representatives in Parliament, and so no consent over taxation, the Colonists directed an organized resistance. The *Stamp Act* resulted with Colonists meeting in New York City for what is known as the Stamp Act Congress. Besides producing the first organized Colonial response to Britain, the Congress would produce a petition to the Crown and Parliament, as well as establish connections among merchants and landowners across the colonies. The Stamp Act Congress would produce the *Declaration of Rights and Grievances* of 1765, which declared the imposed taxes unconstitutional without their consent among thirteen other colonial complaints.

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99 John Phillip Reid, *Constitutional History of the American Revolution, II: The Authority to Tax*. Madison (University of Wisconsin Press, 1987) 206. The *Sugar Act* of 1764 may be found online in its full text at: The Sugar Act (1764) – <http://avalon.law.yale.edu/18th_century/sugar_act_1764.asp>

100 *Petition of Right*, <http://www.legislation.gov.uk/aep/Cha1/3/1/contents>, “the Kings Subjects should not be taxed but by Consent in Parliament.”

101 *The Stamp Act* of 1765 may be found online in its full text at: The Stamp Act (March 22, 1765) – <http://avalon.law.yale.edu/18th_century/stamp_act_1765.asp>


103 See Appendix 6 for the full text of the Stamp Act Congress’ *Declaration of Rights and Grievances* as recorded in the *Journal of the First Congress of the American Colonies, in Opposition to the Tyrannical Acts of the British Parliament*. Held at New York, October 7, 1765 (New York, 1845), pp. 27-29. “That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them, but with their own consent, given personally, or by their representatives. That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons in Great-Britain. That the only representatives of the people of these
authored by Patrick Henry and passed in the Virginia House of Representations in 1765. 104

Responding to the Sugar and Stamp acts, Henry echoed the focus on representation and consent, stating:

That the Taxation of the People by themselves, or by Persons chosen by themselves to represent them, who could only know what Taxes the People are able to bear, or the easiest method of raising them, and must themselves be affected by every Tax laid on the People, is the only Security against a burdensome Taxation, and the distinguishing characteristick of British Freedom, without which the ancient Constitution cannot exist. 105

Although Parliament responded to the Colonial protests and petitions by repealing the unpopular Stamp Act, they would further agitate the Colonists by passing on the same day of this repeal the Declaratory Act of 1766. 106 This Act rejected the Colonists’ claims on taxation and representation, and instead affirmed the Crown and Parliament’s right “to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America, subjects of the crown of Great Britain, in all cases whatsoever.” 107 Ignoring the protest of prominent British parliamentarians, Britain further antagonized the Colonists with the passing of the Townshend Acts of 1767. 108 These acts sought to secure British control over colonies, are persons chosen therein by themselves, and that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures.” Another protest worth nothing was against the use of Admiralty Courts, given the Right of trial by jury.

104 See Appendix 5 for the text of the Virginia Resolves.


106 See Appendix 5 for the text of the Declaratory Act.

107 Ibid.

108 See Appendix 1 for a copy of the Townshend Acts. British Voices Against the Act: Lord Camden – “[T]he British Parliament have no right to tax the Americans. I shall not consider the Declaratory Bill now lying on your table; for to what purpose, but loss of time, to consider the particulars of a Bill, the very existence of which is illegal, absolutely illegal, contrary to the fundamental laws of nature, contrary to the fundamental laws of this constitution? A constitution grounded on the eternal and immutable laws of nature; a constitution whose foundation and centre is liberty, which sends liberty to every individual who may happen to be within any part of its ample circumference. Nor, my Lords, is the doctrine new, it is as old as the constitution; it grew up with it; indeed it is its support; taxation and representation are inseparably united; God hath joined them, no British parliament can separate them; to endeavour to do it, is to stab our very vitals. . . . My position is this—I repeat it—I will maintain it to my last hour,—taxation and representation are inseparable; this position is founded on the laws of nature; it is more, it is itself an eternal law of nature; for whatever is a man's own, is absolutely his own; no man has a right to take it from him without his consent, either expressed by himself or representative; whoever attempts to do it, attempts an injury; whoever does it, commits a robbery; he throws down and destroys the distinction between liberty and slavery. Taxation and representation are coeval with and essential to the constitution. . . . [T]here is not a blade of grass growing in the most obscure corner of this kingdom, which is not, which was not ever, represented since the constitution began; there is not a blade of grass, which when taxed, was not taxed by the consent of the proprietor. . . . I can never give my assent to any bill
Colonial affairs through various laws beginning in 1767, and as with the Stamp and Sugar Acts, the Townshend Acts proved tremendously unpopular. In addition to raising funds for royal magistrates and regulating trade, the Acts intended to establish Parliament’s right to tax and govern the colonies as stated in the Declaratory Act of 1766. Colonists would respond by tapping into their resistance networks developed during the Stamp Act Congress, which resulted in increased protests that eventually led to the Boston Massacre of 1770. This also led Parliament to increase its military presence throughout the Colonies.

B. The First Continental Response (1773-1774) – The Tea Act (1773), The Intolerable Acts (1774), and The First Continental Congress (1774),

While attempting to reduce the British East India Company’s surplus supply of tea, Parliament passed the Tea Act of 1773. This Act sought to provide an incentive to Colonists against smuggling and in favor of selling and buying Company tea that carried with it remaining Townshend duties. Similar to events during the Stamp Act Congress, Colonists saw the attempts of Parliament to legitimize a right of taxation, and responded by mass protests and boycotts. These protests found their symbolic apex in the Boston Tea Party of December 16 1773, which

for taxing the American colonies, while they remain unrepresented; for as to the distinction of a virtual representation, it is so absurd as not to deserve an answer; I therefore pass it over with contempt. The forefathers of the Americans did not leave their native country, and subject themselves to every danger and distress, to be reduced to a state of slavery: they did not give up their rights; they looked for protection, and not for chains, from their mother country; by her they expected to be defended in the possession of their property, and not to be deprived of it: for, should the present power continue, there is nothing which they can call their own; or, to use the words of Mr. Locke, ‘What property have they in that, which another may, by right, take, when he pleases, to himself?’” William Pitt – “The idea of a virtual representation of America in this House is the most contemptible that ever entered into the head of a man. It does not deserve a serious refutation. The Commons of America, represented in their several assemblies, have ever been in possession of the exercise of this their constitutional right, of giving and granting their own money. They would have been slaves if they had not enjoyed it.”


110 The Tea Act of 1773 may be found online in its full text at: The Tea Act of 1773 – <http://ahp.gatech.edu/tea_act_bp_1773.html>
led Parliament to respond with the *Coercive/Intolerable Acts* of 1774. These four acts resulted in closing the Boston port and so punishing all of Boston, altering the government of Massachusetts by bringing its government under total British control, enabling governors to move trials of accused royal officials outside Massachusetts, and allowing a governor to billet troops in the private property of Colonists.

In a fashion modeled by the pattern of earlier responses to the *Stamp Act* and *Townshend Acts*, Colonists responded to the *Intolerable Acts* by having the First Continental Congress in Philadelphia Pennsylvania on September 5, 1774. The Congress contained representatives from various colonies, and called on colonists to boycott British goods in unison. The effort resulted in several tremendously successful boycotts and established networks. Parliament responded with the *Conciliatory Resolution* in 1775, which failed to address and redress the Congress’ grievances.

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111 Throughout the rest of the paper, “Intolerable Acts” will be used to refer to the legislation. The various legislations that formulate what is known as the Intolerable Acts may be found online in their full text at: The *Boston Port Act* (March 31, 1774) – <http://avalon.law.yale.edu/18th_century/boston_port_act.asp>; The *Massachusetts Government Act* (May 20, 1774) – <http://avalon.law.yale.edu/18th_century/mass_gov_act.asp>; The *Administration of Justice Act* (May 20, 1774) – <http://avalon.law.yale.edu/18th_century/admin_of_justice_act.asp>; The *Quartering Act* (June 2, 1774) – <http://avalon.law.yale.edu/18th_century/quartering_act_1774.asp>.

112 The *Boston Port Act* (March 31, 1774).

113 The *Massachusetts Government Act* (May 20, 1774). According to the first charter of Massachusetts, a council of 28 inhabitants served as members of Council. The act abolished this elected council, and replaced such persons with individuals appointed by the king.


115 *Ibid.* 10. The *Quartering Act* (June 2, 1774). Soldiers were not billeted in the occupied homes of Colonists, but rather allowed to dwell in unoccupied building. Regardless of the buildings occupational status prior to billeting, Royal Governors were granted the power to billet soldiers in the private properties of Colonists, thus denying the constitutional rights of Englishmen.
C. The Reason for Alarm (1774-1775) – The Powder Alarm (1774), The Portsmouth Alarm (1774), and The Salem Confrontation (1775)

In the shadow of the Congress’ protests and petitions, the British increased their military presence across the Colonies. With the repeal of the Massachusetts government in the *Massachusetts Government Act*, General Thomas Gage was appointed as the colony’s military governor. General Gage sought to disarm local militias, which result in the Powder Alarm of September 1774. Upon successfully sending troops to seize the colonial arsenal in Sommerville Massachusetts, rumors spread throughout the colonies of the coming of war. Agitated militiamen sought to thwart the seizure of local colonial armories that would leave them defenseless against the redcoats, and proceeded with measures to prevent such incidents. Colonies organized a third of their militias as ever-ready minutemen, and a system of express riders embodied by Paul Revere were established to quickly broadcast any future attempts.

Another alarm came in early December of 1774 in Portsmouth New Hampshire. The British military voted to prevent the export of gunpowder, and sought to capture additional armory supplies throughout the colonies. Upon receiving intelligence that the military would capture the storages at Fort William and Mary, Paul Revere rode to Portsmouth to notify local colonists. They emptied the fort of supplies, and the British troops eventually arrived on December 17, 1774 to find the locations already sacked.

A third alarm worth noting occurred in late February of 1775 in Salem Massachusetts. About 240 British soldiers of the 64th regiment were led by Colonel Alexander Leslie to capture the armory supplies at Salem. However, a small crowd thwarted their attempts by raising a

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drawbridge and preventing their passage, all the while diverting the sought after weapons to safety. The soldiers eventually passed over a lowered drawbridge only to find the weapons missing. The locals then proceeded to shadow them upon their exit, making good use of much taunting and mocking.  

D. The Second Continental Response (1774-1775) – Lexington and Concord (1775), Second Continental Congress (1775), and The Olive Branch Petition (1775)

The attempts to disarm Colonists of both their right of governance and defense logically put the colonies on edge. It appeared to them that, upon the failure of Parliamentarian legislation to bring the Colonies into subjugation, the British now sought to bring them into it by force. In addition to the incident of the Massachusetts government, the various noted alarms gave the appearance that the British Army sought to leave the colonists unarmed and defenseless. It comes as no surprise that the first battles of the Revolution would erupt at Lexington and Concord on April 19, 1775. Having already dissolved the Massachusetts government and attempted earlier seizures of armories, General Gage sought to secure the militia supplies at Concord. Receiving intelligence of the attempt, militiamen were ready, and the attempt resulted in the first battles of a war between Great Britain and the Thirteen Colonies.

In addition to an armed response against the attacks and attempts of the British Army, the Continental Congress met a second time in Philadelphia Pennsylvania on May of 1775. Given the absence of any federal government among the colonies, the Congress functioned as a de-

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120 It should be noted that throughout the British Constitution, the right of an Englishmen to self-defense is consistent. The attempt of the British Army to unarm the Colonists by seizing armories paid with colonial monies were a direct violation of their rights as Englishmen. As expressed in the Bill of Rights (1688), Englishmen contained said right: “Disarming Protestants, &c. By causing several good Subjects being Protestants to be disarmed at the same time when Papists were both Armed and Employed contrary to Law...Subjects’ Arms. That the Subjects which are Protestants may have Arms for their Defence suitable to their Conditions and as allowed by Law.”

facto national government. The Congress oversaw the war, continued to petition the King, and made preparations for independence should it become necessary.\textsuperscript{122} Although already a year into armed conflict, the Colonists did not avail the responsibility to pursue diplomatic resolutions. The Second Continental Congress passed the \textit{Olive Branch Petition} on July 8, 1775, listing grievances and a request to redress them.\textsuperscript{123} It beseeched the King to graciously:

> Procure us relief from our afflicting fears and jealousies, occasioned by the system before-mentioned, and to settle peace through every part of our Dominions. . . . [by taking measures] for preventing the further destruction of the lives of your Majesty’s subjects; and that such statutes as more immediately distress any of your Majesty’s Colonies may be repealed.\textsuperscript{124}

Predictably, their appeal went unanswered.

\textbf{E. The Royal Response (1775) – \textit{A Proclamation By the King for Suppressing Rebellion and Sedition} (1775)}

King George would reject even receiving the Second Continental Congress’ \textit{Olive Branch Petition}, and instead responded with his own proclamation. In August 1775, King Jorge essentially declared war against the Congress in issuing \textit{A Proclamation, By the King, For Suppressing Rebellion and Sedition}. The proclamation would declare the Colonists traitorous rebels, and call upon both civil and military officers:

\textsuperscript{122} This Congress provided the framework for American government that would later develop.

\textsuperscript{123} See Appendix 7 for the text of the First Continental Congress’ \textit{Petition to the King} (1774). Some examples of their complaints include: On standing armies without consent – “A Standing Army has been kept in these Colonies ever since the conclusion of the late war, without the consent of our Assemblies; and this Army, with a considerable Naval armament, has been employed to enforce the collection of Taxes.” On taxation without consent – “By several Acts of Parliament made in the fourth, fifth, sixth, seventh, and eighth years of your Majesty's Reign, Duties are imposed on us for the purpose of raising a Revenue; and the powers of Admiralty and Vice Admiralty Courts are extended beyond their ancient limits, whereby our property is taken from us without our consent.” On the right of jury and rule of law – “the trial by jury, in many civil cases, is abolished; enormous forfeitures are incurred for slight offences; vexatious informers are exempted from paying damages, to which they are justly liable, and oppressive security is required from owners before they are allowed to defend their right. . . . another empowering the Governour of the Massachusetts Bay to send persons indicted for murder in that Province, to another Colony, or even to Great Britain, for trial, whereby such offenders may escape legal punishment; a third for altering the chartered Constitution of Government in that Province”

\textsuperscript{124} See Appendix 8 for a copy of the \textit{Olive Branch Petition} (1775).
[T]o exert their utmost endeavours to suppress such rebellion, and to bring the traitors to justice, but that all our subjects of this Realm, and the dominions thereunto belonging, are bound by law to be aiding and assisting in the suppression of such rebellion, and to disclose and make known all traitorous conspiracies and attempts against us, our crown and dignity.\textsuperscript{125}

In short, the \textit{Olive Branch Petition} was responded to with the promise of a bushel of arrows. On July 4, 1776, the Second Continental Congress declared independence from the British Empire.

\textsuperscript{125} See Appendix 8 for a copy of \textit{A Proclamation, By the King, For Suppressing Rebellion and Sedition} (1775).
CHAPTER 5: PRINCIPLES – JUST REBELLION PRINCIPLES (JRP) AND THE AMERICAN REVOLUTION

Recalling Keown’s final concern in his response to Mark Tooley, he reiterated the central concern of his argument as Tooley needing to show (P1) “the British were tyrannical”, or (P2) “that overthrowing British rule (by initiating what turned into a world war) did not create greater harm.”126 The second point (P2) may be simply dismissed, given, as Tooley noted, several of Keown arguments for causing a world war are highly questionable and subjective. In addition, at best the second point lies within the realm of *jus in bello*, and doesn’t factor into determining whether the cause of the Colonists rebelling going to war was just. Since Keown provides *jus ad bellum* principles in his exploration of the justness of the colonial cause, this paper will proceed to evaluate the Revolution in light of these seven principles, and in light of Keown’s charge of the need to show (P1) “the British were tyrannical.”127

Having surveyed principles in Scripture related to government and rebellion, as well as contributions and clarifications made by prominent Christian thinkers in Church tradition, and having explored the context of both forerunning English episodes and contemporary Colonial experiences, an attempt may now be made to evaluate the justness of the American Revolution.

126 John Keown, “America's War for Independence - Just or Unjust?”

127 At this point, it would serve the purpose of this paper well to note Keown’s treatment traditional of Just War principles as rather sloppy. For starters, Keown complains about Tooley inventing his own principles, while he uses those within the tradition of Aquinas to evaluate the American Revolution. However, he actually uses the principles as established by a Post-Vatican II Roman Catholic Church intent on responding to Cold War hostilities and in an age of nuclear weapons. For Keown to utilize such principles and claim them Aquinas’, who himself argued for three, is a bit unfair. In addition, Keown does not adequately attempt to clarify the distinctions of *jus ad bellum* (justice in cause to war) and *just in bello* (just means of waging war). It is correct that failing to meet the principles of *ad bellum* or *in bello* can render a war unjust, but Keown sloppily treats the two as if they were interchangeable. The traditional approach has upheld the distinctions between the two. As O’Brien writes, “The original just-war doctrine of St. Augustine, St. Thomas, and other Scholastics emphasized the conditions for permissible recourse to war—the *jus ad bellum*. To this doctrine was added another branch of prescriptions regulating the conduct of war, the *jus in bello*.” (O’Brien 13). As Holmes writes, “In addition to the justice of a cause (*jus ad bellum*), the just way theory addresses the problem of just means (*just in bello*).” (Holmes 4). Although the Just War tradition is rather flexible, given the absence of a set authority, the following eight *ad bellum* and seven *in bello* principles are representative of the type of distinctions between the two and in which Keown wrongly treats as interchangeable: *Ad Bellum* – (1) Just Cause, (2) Competent Authority, (3) Comparative Justice, (4) Right Intent, (5) Last Resort, (6) Probability of Success, (7) Proportionality of Projected Results, and (8) Right Spirit. *In Bello* – (1) Proportionality in the Use of Force, (2) Discrimination, (3) Avoidance of Evil Means, (4) Good Faith, (5) Probability of Success, (6) Proportionality of Projected Results, and (7) Right Spirit. Even where it appears certain principles overlap (ex: right spirit *ad bellum* and *in bello*), they actually retain distinctions between the cause (*ad*) and waging (*in*) of war.
According to *ad bellum* principles,\(^{128}\) this paper will proceed to evaluate each of Keown’s employed principles by: (1) supplying the question asked by Keown of the Revolution as related to the *ad bellum* principle,\(^{129}\) (2) supplying Tooley’s summarization of Keown’s main point as related to the principle,\(^{130}\) (3) supplying any relevant text from the *Declaration of Independence* that speaks to the principle,\(^{131}\) and (4) supplying a refutation to Keown’s conclusion and a rendering of whether the American Revolution meets the principle in light of the surveyed evidence.

**A. JRP1 – Just Cause**

Regarding the just cause principle, Keown asks the following in relation to the American Revolution:

> Had the colonists been right that the British were bent on imposing “absolute despotism” and were seeking by force to complete works of “death, desolation and tyranny,” using cruelty “scarcely paralleled in the most barbarous ages”, they would surely have had a just cause for war. But did the rhetoric reflect the reality?\(^{132}\)

As Tooley has dealt satisfactorily with Keown’s various other arguments regarding Just Cause, this paper shall restrict itself to Keown’s concluding critique on whether alleged British tyranny met the just cause principle.\(^{133}\)

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\(^{128}\) William V. O’Brien, *The Conduct of Just and Limited War*, 163: “[R]evolutionary war remains war, with material characteristics essentially identical to international conflict. All war is subject to the conditions of just war doctrine . . .”

\(^{129}\) In this case, the paper will work with the assumed list presented by the *Catholic Catechism* and the Pastoral Letter *The Challenge of Peace*.

\(^{130}\) Keown finds Tooley’s summarization of his arguments as accurate and satisfying, stating: “His reply, much of which is taken up with a broadly accurate summary of my paper, makes some interesting points.” Given the agreement of the summation, it will be utilized for clarity and brevity in this paper <http://spectator.org/archives/2010/08/18/americas-unjust-revolution-a-r/print>.

\(^{131}\) See Table 1 for a comparison of *Jus Ad Bellum* principles present within the *Declaration of Independence* (1776). The *Declaration of Independence* speaks nearly to every principle in the traditional *ad bellum* list. As it declares the reason for declaring independence (and thus, formalizing rebellion and legitimizing armed conflict), it will be used as representative of the claims made by the Colonists.

\(^{132}\) John Keown, “America's War for Independence - Just or Unjust?” 284.

\(^{133}\) In “Was the American Revolution Just?” Tooley abridges Keown’s argument on just cause as follows: “He primarily disputed that war for American independence was a ‘just cause,’ and accused the Americans of exaggeration when their Declaration of Independence inveighed against Britain’s plans for ‘absolute despotism’ through ‘death, desolation and tyranny.’” Regarding taxation, Keown asserted that
The *Declaration of Independence* speaks to a just cause in several places by affirming certain unalienable rights, and listing committed abuses thereof. The unalienable rights affirmed throughout the document include the right to liberty, to equality, to rebel, to the common good, to consent, and to the rule of law. Following the initial section affirming those principles common to man and essential to the very purpose of government, the *Declaration* lists abuses against said principles that then favor a just cause for rebellion. Included among these were abuses against the right to consent to standing armies

American colonists were less taxed than the British, that Britain rightly expected help in paying for the French and Indian War, and that the colonies were unwilling to pay for their frontier defense. Besides, the Americans paid for more in taxes after the American Revolution, he noted. As to American complaints of taxation without representation, Keown wrote that American legislatures were more democratic than the British Parliament, the colonies had effective paid agents representing them in London, and most British themselves had no direct role in electing their Parliament. Interestingly, Keown extensively quoted two English Protestants, the man of letters Samuel Johnson, and the Methodist evangelist John Wesley. Dr. Johnson insisted the Americans, or at least their ancestors, had foresworn the potential for voting at home in favor of riches in America. Rev. Wesley professed that he, like 90 percent of all Britons, had no direct representation in Parliament, yet still enjoyed civil and religious liberty to the ‘utmost.’ Keown defended the British closure of Boston’s port and other coercive acts as the justified reaction against American ‘criminality,’ like the famous destruction of British tea. And British trials for Americans outside their own colony, without benefit of a local jury, was justified with local opinion unwilling to punish acts against the British crown. American fears for their liberty were ‘misplaced,’ Keown insisted, as the British had “no plan to restrict colonial liberties or impose authoritarian administration.”

134 See Table 2 for a listing of related principles within Scripture, the *Declaration*, and the *Mayflower Compact*. On Liberty: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."  

135 The *Declaration* on Equality: "the separate and equal station to which the Laws of Nature and of Nature's God entitle them . . . We hold these truths to be self-evident, that all men are created equal,"  

136 The *Declaration* on Rebellion: “That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government,”  

137 The *Declaration* on the Common Good: “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.”  

138 The *Declaration* on Consent: “That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,”  

139 The *Declaration* on the Rule of Law: “[King] refused his Assent to Laws, the most wholesome and necessary for the public good.

140 See Table 3 for a comparison between these rights and grievances among The *Declaration of Independence* (1776), and the English Constitution (Petition of Right and Bill of Rights). As the language of the Lockeian influenced document states, the People maintain the right to revoke and recreate a social contract. “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, 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.”

141 The *Declaration* on abuses against the Rule of Law: "He has refused his Assent to Laws, the most wholesome and necessary for the public good. He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures. He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people. He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within. He has
and billeting in private property, against the right to trial by jury, against the right to self-governance, and against the right to the safety and self-defense of the common good.

As evident in the Declaration alone, the issue was not as simple as Keown makes it seem when he questions whether the right to taxation without representation is a just cause. It is not the mere equivalence of revolting over a half penny sales tax increase. The issue of “taxation without representation” merely symbolizes the greater issue of tyrannical rule. Referencing Aquinas, Keown questions whether Colonists “may justly rebel if they are taxed without representation,” and whether this qualifies as tyranny. As the evidence of the survey on tradition established, tyranny is as sure a just cause for rebellion and war as any other reason. The question now remaining is whether the allegation of tyranny on the part of the Colonists was true, which also

endevoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands. He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers. He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries. He has erected a multitude of New Offices, and sent hither swarms of Officers to harass our people, and eat out their substance.”

142 The Declaration on abuses against Consenting to Standing Armies and Private Property: "He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures. He has affected to render the Military independent of and superior to the Civil power. . . . For Quartering large bodies of armed troops among us"

143 The Declaration on abuses against Trial by Jury: "For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States . . . For depriving us in many cases, of the benefits of Trial by Jury: For transporting us beyond Seas to be tried for pretended offences"

144 The Declaration on abuses against Self-Governance: "For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments: For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever. He has abdicated Government here, by declaring us out of his Protection and waging War against us."

145 The Declaration on abuses against the Common Good: "He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people. He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation. He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands. He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions."

146 In Summa Theologica, ii-ii, q. 42, r.o. 3, Thomas Aquinas explains tyranny as a just cause for sedition where he states, "A tyrannical government is not just, because it is directed, not to the common good, but to the private good of the ruler [citing Aristotle]. Consequently there is no sedition in disturbing a government of this kind. . . . Indeed it is the tyrant rather that is guilty of sedition, since he encourages discord and sedition among his subjects [effect of the tyrant's actions], that he may lord over them more securely; for this is tyranny, since it is ordered to the private good of the ruler and to the injury of the multitude." In Institutes of the Christian Religion, 4.20.31, John Calvin expresses his agreement, stating "If there are now any magistrates of the people, appointed to restrain the willfulness of kings . . . if they wink at kings who violently fall upon and assault the lowly common folk, I declare that . . . they dishonestly betray the freedom of the people, of which they know that they have been appointed protectors by God's ordinance." In De Jure Regni Apud Scotos, ii, 47, George Buchanan goes so far as to say that a tyrant is the "enemy of humanity," and to overthrow such tyranny "the most just of all" wars.
begs the question what tyranny is to begin with. As will be argued, upon placing the Colonists complaint within the context of earlier surveyed Scripture, tradition, and history, their allegation of tyranny proves true and in adherence to the *ad bellum* just cause principle.

An overview of Scripture presented a framework in which both principles are established and just war theories are later advanced. Given the apparent paradox between Romans 13 and sedition, the Church sought to interact with the question as it related to a Just War ethic. Interacting with the text, contributions by Pre-Reformation thinkers Ambrose and Augustine argued that the power of the sword existed to correct, oppose, and condemn sin.\textsuperscript{147} Chrysostom, Salisbury, and Aquinas presented further additions to the ethic by upholding the authority of the institution over the individual,\textsuperscript{148} by acknowledging tyranny as the root of war,\textsuperscript{149} and by justifying sedition against tyrants.\textsuperscript{150} Reformation thinkers such as Calvin would further develop the tradition by acknowledging the legitimacy of lower magistrates to conduct, organize, and legitimate rebellions against higher tyrannical magistrates.\textsuperscript{151} Post reformation thinkers Suarez, Locke, and Buchanan would affirm the legitimacy of rebellions against tyranny, and would

\textsuperscript{147} Augustine, "Letter 153," sec. 3, in *Augustine: Political Writings*, 73. 81. "Therefore if you take action against the crime in order to liberate the human being, you bind yourself to him in a fellowship of humanity rather than injustice . . . . Sometimes it is mercy that prompts punishment, and cruelty that prompts leniency." (Augustine)

\textsuperscript{148} Chrysostom in "From the Twenty-Fourth Homily on Romans," in *From Irenaeus to Grotius*, 92, on the institution versus the individual: "I am not talking about each ruler individually, but about the institution of government. That there should be structures of government, that some should govern and others be governed, that things should not drift haphazard and at random . . . . That is why the text does not say, "there is no ruler except from God," but, speaking of the institution: 'there is no authority except from God, and those that exist have been instituted by God.'

\textsuperscript{149} Salisbury in *Policraticus*, viii, 17, in *The Stateman's Book*, 336. commenting on the passage mentioning the taking up and dying by the sword describes tyranny as the root of war: "For if iniquity and injustice, banishing charity, had not brought about tyranny, firm concord and perpetual peace would have possessed the peoples of the earth forever, and no one would think of enlarging his boundaries. Then kingdoms would be as friendly and peaceful . . . and would enjoy as undisturbed repose, as the separate families in a well-ordered state."

\textsuperscript{150} Aquinas, in *Summa Theologica*, ii-ii, q. 42, art. 2, r. o. 3, on sedition and deposing a tyrant: "A tyrannical government is not just, because it is directed, not to the common good, but to the private good of the ruler [citing Aristotle]. Consequently there is no sedition in disturbing a government of this kind."

\textsuperscript{151} Calvin, in *Institutes of the Christian Religion*, 4.20.31, on legitimate authority of upper magistrates: "If there are now any magistrates of the people, appointed to restrain the willfulness of kings . . . if they wink at kings who violently fall upon and assault the lowly common folk, I declare that . . . they dishonestly betray the freedom of the people, of which they know that they have been appointed protectors by God's ordinance."
advance the definition of tyrannical rule as,

Wherever law ends, tyranny begins, if the law be transgressed to another’s harm; and whosoever in authority exceeds the power given him by the law, and makes use of the force he has under his command to compass that upon the subject which the law allows not, ceases in that to be a magistrate, and acting without authority may be opposed, as any other man who by force invades the right of another. This is acknowledged in subordinate magistrates.\(^\text{152}\)

The surrounding historical context of the Colonists would further clarify the charge of tyranny. The English experience prior to the American Revolution was saturated with justified rebellions against alleged tyrants. The Thirty Years War saw Protestant nation-states rebelling against an overreaching tyrannical Emperor, and resulted in the Peace of Westphalia, which gained autonomy for Protestant city-states. The Glorious Revolution saw Englishmen affirming their Constitutional rights against an overreaching monarchy, and resulted in a Parliamentary system that prevented absolute monarchical power by balancing powers and centralizing the *Bill of Rights* of 1688 and Constitutionalism in the life of English government. The Colonists would later find themselves citing and fighting for the very rights guaranteed in England’s Constitution and fought for by Protestants in the Thirty Years War and the Glorious Revolution.

In addition to apparently evidencing some of the Just War criteria, Scripture spoke to several of the foundational principles of government and rights central to the Colonial mind.\(^\text{153}\) It comes as no surprise that upon arriving to America and passing the *Mayflower Compact* of 1620, the Calvinistic and Puritanical Pilgrims would enter into a social covenant/contract that both

\(^{152}\) Locke’s *Second Treatise* in Holmes 264.

\(^{153}\) See Table 2 for a treatment of paralleled principles in the Scripture, the *Declaration* (1776), and the *Mayflower Compact* (1620). See Table 4 for a treatment of verses possibly alluding to Just War principles. Scripture On Government, Authority, Subjection, Anarchy, Justice, and Punishment: Gn. 9:5-6; Dt. 17:14-20; Rm. 13:1-7; 1 Pt. 2:13-14; Judg. 21:18-25; Ps. 82:2-4; Eccl. 8:11. On Disobedience: Dn. 3:13-27; Ex. 1:17, 21; 6:10; Mt. 2:8, 12. On the Common Good: Rm 13:4; 1 Sm. 12:3-4; 8:11-17. On Condemning Self-Enriching Rulers: Dt. 16:19; Ps. 26:10; Pr. 15:27; 17:23; Is. 33:15; Ez. 22:12; Am. 5:12; Hab. 1:2-4. On Liberty, Slavery, and Oppression: Gn. 2:16-17, Ex. 20:2; Dt. 28:28-29, 33; Jd. 2:16-23. On Unchecked Power: 2 Sm. 11; 1 Kg. 11:3-4; Dt. 17:17; 1-2 Kgs., 1-2 Chr., Mt. 10:1-4; Tit. 1:5; Jam. 5:14. On the Rule of Law: Dt. 17:18-20; 2 Sm. 12. On Consent: Gn 1:27; 9:6; Jam. 3:9; Rm. 13:4; Ac. 6:3; 1 Kg. 12:15-16; Ex. 3:9-10; Judg. 14:4; 2 Kg. 25:1-21; Mt. 2:16-17; Lk 13:1; Ac. 12:1-2.
preceded the social contract theorists and evidenced commitments to the rule of law,\textsuperscript{154} to the common good,\textsuperscript{155} and to consent.\textsuperscript{156} After the extended period under the unofficial policy of salutary neglect, Colonists found themselves continuing in the spirit of the *Mayflower Compact* and the *Bill of Rights*. Upon Britain’s attempts to pay off its war expansions by taxing the Colonists directly, the colonies responded by claiming the act unconstitutional to the rights of consent and representation guaranteed to Englishmen. They expressed themselves through both petition and protest. Britain responded in turn with acts seeking to affirm its sovereignty, and in so doing violated additional guaranteed rights. It was not until Parliament and its armies revoked entire governments, abolished the rule of law, intruded upon private property, denied the rights of prosecution, militarized its presence, sought the seizure of the colonists arms and supplies, and spilt colonial blood in their attempts, that Colonists declared their independence. In light of Scripture’s portrayal of associated principles, in light of the contributions of great Christian thinkers on rebellion and tyranny, and in light of the English and American contexts, the American Revolution’s charge of tyranny on the grounds of the denial and infraction of unalienable rights adhered to the just cause *ad bellum* principle.

\textsuperscript{154} See Table 2 *Mayflower Compact* on the Rule of Law: “by virtue hereof to enact, constitute, and frame, such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience.”

\textsuperscript{155} *Mayflower Compact* on the Common Good: “for our better ordering, and preservation and furtherance of the ends aforesaid”.

\textsuperscript{156} *Mayflower Compact* on a Social Contract/Covenant: “combine ourselves together into a civil body politic . . . for the general good of the colony”. The *Mayflower Compact* on Consent: “in the presence of God, and one another, covenant and combine ourselves together into a civil body politic”.
B. JRP2 – Proportionate Cause

Regarding the proportionate cause principle, Keown asks the following in relation to the America Revolution: "Even if the cause of the colonists in seeking independence were just, was it proportionate to the good expected?"\(^{157}\) Tooley abridges Keown’s response where he writes,

> Even if America's revolution was just, was it "proportionate" to the good it sought? Keown thinks not, even though the new nation's democracy was "impressive." But arguing against it, Keown claimed the revolution "opened the door to the decimation of the Native Americans [and] also pitted colonist against Parliament, white American against African-American, neighbor against neighbor, and father against son. He also alleged that America's Revolution may have spawned the French Revolution and its "bloodbath."\(^{158}\)

As mentioned earlier, in addition to several of Keown’s observations being entirely subjective, post-facto assumptions are not germane to the consideration of proportionate cause *ad bellum*. The *Declaration* lists several causes that impelled them to separation. Related to proportionate cause, these included the very security of life, liberty, happiness, and safety.\(^{159}\) As Brown notes on Suarez’ treatment of tyrannicide and proportionate cause, “slaying the tyrant must not be likely to bring about the same or greater ills as before.”\(^{160}\) Either the Colonists were left with the continuation of an apparent tyrannical pattern that robbed them of essential English liberties, or a condition of governance that protected and preserved said liberties. Given the just cause of acting against tyranny has been affirmed, the proportionate good of liberty as opposed to tyranny favor


\(^{158}\) Mark Tooley, “Was the American Revolution Just?” The argument that the American Revolution is to blame for the French seems rather bizarre. The American experience stemmed greatly from Calvinistic and Lockean influences, while the French experience stemmed greatly from secular humanism and Rousseauism. As for the Indians, this again begs post-facto knowledge. The British just waged a war against the French and Indians, which initiated the various agitations that culminated in the Revolution. As also evidenced in Washington’s gestures, the newly formed nation sought to extend, as they had with the *Olive Branch Petition*, a gesture of intentional peace through the giving of the Indian Peace medals. See <http://www.greatseal.com/peace/indianmedals.html> (accessed December 26, 2011) for more information on said medals.

\(^{159}\) The *Declaration* on Life, Liberty, and Happiness: "Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed". On Safety: “That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, 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."

a conclusion that the American Revolution adhered to the proportionate cause *ad bellum* principle.

**C. JRP3 – Right Intention**

Regarding the right intention principle, Keown asks the following in relation to the American Revolution: "Was it the intention of the rebels to promote a just cause and, during the conflict, to pursue peace and reconciliation, avoiding the imposition of unreasonable conditions such as unconditional surrender?" Tooley abridges Keown’s response where he writes,

Keown argued that Americans' lacked "right intent," because they refused British peace overtures and mistreated loyal Tories, often seizing their property. In fact, all of the British "peace" overtures, including the 1778 overture by Lord Carlisle, demanded America submit to the British crown.

The conclusion of unconditional surrender as unreasonable is both questionable and within the jurisdiction of *just in bello*. However, what does factor into an analysis of right intent *ad bellum* are professions of their intention and actions taken prior to declaring independence. In their declaration, Colonists noted their great attention to appealing to their “Brittish brethren.” The fondness for the enemy takes on a tone of solemnity and sadness, concluding with the need of the Colonists to “acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.” In addition to the good intentioned tone of the *Declaration*, the Colonists efforts solidified their words. For over a decade Colonists "warned . . . reminded . . . appealed . . . [and] conjured” their British brethren “by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our

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161 John Keown, “America's War for Independence - Just or Unjust?” 298.

162 Mark Tooley, “Was the American Revolution Just?”

163 The *Declaration* on Right Intention: "Nor have We been wanting in attentions to our Brittish brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence.”
connections and correspondence." As evidenced later during the treatment on the last resort principle, their civil resistance and efforts such as the Olive Branch Petition proved true the Declaration’s claims. Given both the contents of their professed intentions, and the preceding actions illuminating their words, the American Revolution adhered to the right intention ad bellum principle.

D. JRP4 – Competent Authority

Regarding the competent authority principle, Keown asks the following in relation to the America Revolution: "Was the decision to resort to arms made not by ‘private groups or individuals’ but by ‘those with responsibility for public order’?"164 Tooley abridges Keown’s response where he writes,

Reluctantly, Keown granted that the Continental Congress may have qualified as a “competent authority” to wage war. The delegates were “moderates,” mostly elected by mass meetings in their respective jurisdictions and they waged war in a “controlled fashion.”165

The words of the Declaration affirm the Continental Congress acting as lower magisterial representatives of all thirteen colonies,166 and not simply as collected private individuals.167 It is hard to image a greater adherence to the principle of competent authority in this scenario outside of a colonies wide public referendum.168 While analyzing examples of competent authorities,

164 John Keown, “America’s War for Independence - Just or Unjust?” 300.
165 Mark Tooley, “Was the American Revolution Just?”
166 The Declaration on Competent Authority: “In Congress, July 4, 1776. The unanimous Declaration of the thirteen united States of America”.
167 The Declaration on Competent Authority: “We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States”.
168 Davis Brown, in The Sword, The Cross, and The Eagle, summarizes Suarez’s emphasis on the process of lawfully deposing a sovereign where he writes, "Suarez’s emphasis on the process by which a sovereign is lawfully deposed, tried, and sentenced for crimes against the state implies a requirement of some form of public authority with superior jurisdiction over the sovereign [such as The People]. . . . that public
Brown lists the examples of Parliament revolting against King Charles I during the English wars of 1642-1651, the Third Estate representing the commoners in the French Revolution, and the Continental Congress led populist rebellion against the British Crown. Given the commonalities of such rebelling authorities, and the organized public manner taken by the Colonists, the American Revolution adhered to the competent authority *ad bellum* principle.

**E. JRP5 – Probability of Success**

Regarding the probability of success principle, Keown asks the following in relation to the America Revolution: "Did the rebellion enjoy ‘serious prospects’ of success?" Tooley abridges Keown’s response where he writes: "Keown also seemingly admitted that America's Revolutionaries had the ‘probability of success,’ which should seem obvious, since they did in fact win." As Keown himself admits,

> [T]he British faced the daunting prospect of fighting a major war over three thousand miles away while simultaneously having to guard their own doorstep against a powerful, hostile French neighbor. The British also faced the challenge of subjugating a sprawlingly vast continent in the face of determined opposition from a substantial army led by able officers like George Washington who had gained valuable experience fighting alongside the British in the French and Indian War.

Regardless the post-facto knowledge of their victory, it must be remembered that men were fighting for their lives and liberty. The devotion and sentiments of the Colonists are described in the *Declaration* where Jefferson writes, “with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor.”

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authority is the state itself, taken as a whole, acting 'in accordance with the public and general deliberations of its communities and leading men.'”

(Brown 162)

169 Davis Brown, *The Sword, The Cross, and The Eagle*, 160. It’s interesting to see whether Keown considers these wars unjust.

170 John Keown, “America's War for Independence - Just or Unjust?” 301.

171 Mark Tooley, “Was the American Revolution Just?”

172 John Keown, “America's War for Independence - Just or Unjust?” 301.
With such commitments, and against such an enemy as tyranny itself, the American Revolution contained various advantages and motivations that adhered to the probability of success *ad bellum* principle.

**F. JRP6 — Comparative Justice**

Regarding the comparative justice principle, Keown asks the following in relation to the America Revolution: "Were the values at stake critical enough to override the presumption against war and to justify killing?" Tooley abridges Keown’s response where he writes, “Regarding the demand for ‘comparative justice,’ Keown is skeptical that sufficient ‘values’ were imperiled to ‘override the presumption against war’.”

As expressed in this paper’s survey on tradition, there hardly seems to be any graver condition than tyranny. As Buchanan expressed, who himself greatly influence Thomas Jefferson, the tyrant was the “enemy of humanity” and a war against such an enemy was “the most just of all.” A condition of tyranny breeds both war and suffering, and itself is the worse of all conditions. Regardless of its degree during the Revolution, the downward descent was evident, and who but the Omniscient God knows how far such tyranny could fall? Also related to comparative justice is upon whom the guilt of spilt blood falls. As noted, the battles at Concord and Lexington were the product of the British Army’s attempts to disarm the colonies of arms. Not only did their actions lead directly to the spilling of blood, but Aquinas faults the perpetrator of tyranny as responsible, saying:

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174 Mark Tooley, “Was the American Revolution Just?”

Indeed it is the tyrant rather that is guilty of sedition, since he encourages discord and sedition among his subjects, that he may lord over them more securely; for this is tyranny, since it is ordered to the private good of the ruler and to the injury of the multitude.\textsuperscript{176}

As the \textit{Declaration} maintains, what was at stake was liberty itself.\textsuperscript{177} Since tyranny is considered by many prominent Christian just war contributors to be one, if not the most, repulsive and unjust of states, and since the guilt of bloodshed is on the hands of the pugnacious tyrannical agitator, the American Revolution adhered to the comparative justice \textit{ad bellum} principle.

\textbf{G. JRP7 – Last Resort}

Regarding the last resort principle, Keown asks the following in relation to the America Revolution: "Was armed insurrection a last resort of settling the colonial grievances? Had all peaceful alternatives been exhausted?"\textsuperscript{178} Tooley abridges Keown’s response where he writes,

Regarding whether war was a justified last resort, he surmised the colonists could have been more patient with economic pressure, while admitting that the ongoing boycott of British goods was disrupted by events at Lexington and Concord. Even that British military excursion Keown defended as a legitimate action by a "sovereign power" to "neutralize" arms potentially aimed against it. Keown pronounced the American insurrection "precipitate," especially when Canada, Australia, and New Zealand achieved independence peacefully, and India gained it through civil disobedience.\textsuperscript{179}

Jefferson describes in various places within the \textit{Declaration} the Colonists’ attempts to seek other means. These included attempts intentioned to seek other solutions, including petitions to their British brethren and repeated petitions for redress up until the train of abuses could bring tried

\textsuperscript{176} Thomas Aquinas, \textit{Summa Theologica}, ii-ii, q. 42, art. 2, r.o. 3.

\textsuperscript{177} The \textit{Declaration} on Last Resort: "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 right, it is their duty, to throw off such Government, and to provide new Guards for their future security."

\textsuperscript{178} John Keown, “America's War for Independence - Just or Unjust?” 302.

\textsuperscript{179} Mark Tooley, “Was the American Revolution Just?”
solutions no further. For over a decade Colonists made numerous appeals to both Parliament and the King. Examples in this paper included: (1) The *Virginia Resolves* (1765), (2) The *Declaration of Rights of the Stamp Act Congress* (1765), (3) and the *Olive Branch Petition* (1775). Numerous additional attempts were made by individual colonial legislators and governments as well. Upon the failure of their grievances to be redressed, Colonists practiced a plethora of various acts of civil protest and disobedience. Examples in this paper included: (1) the local protests organized after the Stamp Act Congress and led by merchants and landowners (1765), (2) the civil protests against the *Townshend Acts* (1767), (3) the civil disobedience of the Boston Tea Party (1773), (4) the united colonial boycotts of British goods coordinated by the First Continental Congress (1774), and (5) the preemptive emptying and safe-keeping of armories and arms against British Army disarmament in places such as Portsmouth and Salem (1774-1775).

Throughout his paper, Keown cites the civil disobedience leading to the independence of places like Canada and India, and wonders why the Colonists didn’t emulate their examples further. In reality, the Colonists practiced civil disobedience for near a decade. Examples of such civil resistance included: (1) demonstrations (Boston Tea Party), (2) petitions (various aforementioned petitions), (3) boycotts (organized around the First and Second Continental Congress), (4) occupations (drawbridge incident during the Salem Confrontation and the Tea Parties), and (5) the creation of parallel institutions of government (First and Second Continental

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180 The *Declaration* on seeking other solutions: "Prudence, indeed, would dictate that governments long established should not be changed for light and transient causes; and accordingly all experience has shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed." On repeated petitions for redress: "In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people." On repeated petitions to British brethren: "Nor have We been wanting in attentions to our Brittish brethren. We have reminded them of the circumstances of our emigration and settlement here." On the point in which they could suffer no longer: "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 right, it is their duty, to throw off such government, and to provide new guards for their future security. . . . The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states."
Congresses). These methods emulated the tactics of civil disobedience utilized by Mohandas Gandhi during Indian independence movements, and Martin Luther King Jr. during the Civil Rights movements. It was not until the British Army began to disarm the colonial armories and spill blood in attempts at Concord and Lexington that the first military battles began.

Perhaps the British Empire learned from their experience with the American Colonists to receive in great seriousness the petitions and grievances of other colonies. Perhaps this factors greatly into the attainment of liberty by Canada and India. Perhaps the British had learned their lesson. Regardless, these post bellum episodes do not factor whatsoever into whether the Colonists met the last resort criteria ad bellum. The evidence stands that they attempted a decades worth of civil disobedience until the British army sought to rob them of their natural right of self-defense and safety. It is the testimony of history that tyranny seeks the disarmament of the people, as evident among the tyrannical tactics of 20th century tyrannies. Regardless of how unlikely the British were to follow in the likes of Stalin and others, the Colonists were not blessed with omniscience or fortune telling. As Tooley concludes,

\[ \text{[H]ow much longer should the Americans have persisted? Should they have waited until all their legislatures were dispersed, their leaders imprisoned, their arms seized, their cities occupied, and their courts usurped by British military judges? How could they possibly have met Just War teaching's calls for legitimate authority and probability of success at that late hour?} \]

Evidently, the Colonists reasonably attempted a plethora of methods to secure the redress of their grievances without violent conflict. In turn, Britain responded with attempts to solidify control and further exacerbate Colonial injuries. Their descent into propagating tyranny was done up unto the point of spilling colonial blood at Concord and Lexington. For these reasons, it is

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182 Mark Tooley, “America’s Just Revolution”
concluded that the American Revolution adhered to the last resort *ad bellum* principle in declaring independence from the British Empire.

**SUMMATION – IN LIGHT OF THE EVIDENCE**

In summary, this paper has concluded that in light of the scriptural, traditional, and historical evidence, Keown is incorrect in concluding, “the colonists were not [justified]”, and “despite the prevailing consensus . . . the War of Independence is difficult to reconcile with Church teaching.”\(^{183}\) Rather, this paper has contended that, as communicated through the *Declaration of Independence*, and evidenced in the context-clarified experiences of the Colonists, the prevailing consensus is correct in maintaining that the American Revolution adhered to just war *ad bellum* principles. Keown claimed that necessary to proving that the American Revolution was a just war was to show “that the British were tyrannical.”\(^{184}\) As the interwoven testimony of presented scriptural principles, Christian contributions, and English Constitutional rights expressed, the precedence and actions of the British were surely tyrannical, and thus a just cause to seek the unfortunate remedy of war. This paper has followed the just war tradition according to the long line of Christian thinkers as they related to the English/American experience, and as they related to the topic of rebelling against tyranny. It has followed the just war tradition according to scripture, Augustine, Aquinas, Calvin, Suarez, Locke, the English Constitution, and the *Declaration of Independence*, and so concludes that, based upon “convincingly meeting” all seven *jus ad bellum* criteria, the American Revolution was just.\(^{185}\)

\(^{183}\) John Keown, “America's War for Independence - Just or Unjust?” 278-279.

\(^{184}\) John Keown, “America’s Unjust Revolution: What British Tyranny?”

\(^{185}\) Keown concluded his paper by stating, “This paper has set out the seven criteria laid down by the just war tradition for the waging of a just war and has applied those criteria to the American War of Independence.” Keown’s conclusion is a bit misplaced, given the state of a just waging of war begs the question of a *in bello* treatment, whereas Keown utilizing mainly *ad bellum* criteria. He further states, “My paper follows the just war tradition according to Thomas, not Tooley”, however he utilizes contemporary post-Vatican II criteria unavailable to Aquinas.
CONCLUSION

It is unfortunate that at times mankind must reasonably resort to war to secure real peace, but the alternative of tyranny proves itself untenable. As symbolized in the both the Great Seal of the United States and the appeal of the Olive Branch Petition, the new nation was born with peace as a predominant founding principle. The seal itself was not only made to symbolize the predominance of peace, but was also born out of the desire for peace. By 1782, America won its war for independence, and Britain was prepared to recognize the new nation. After six years of design and development, the Great Seal die was finally cut, and on September 16 in 1782, it was used by George Washington for negotiations and prisoner exchanges with Britain. With their sovereignty secured and tyranny suppressed, the American experience would produce a novel form of a constitutional republic. This new federalized and democratic system would see a degree of economic prosperity unrivaled in human history. Following in its footsteps would be an influx of democracies and the upheaval of colonial empires. Whereas in 1950 there existed 33 democracies that accounted for 31% of the world’s population, since the turn of the century over 120 of the 192 existing countries now have electoral democracies. Noticeably absent in the second half of the 20th century is a third world war, or bloodshed amounting anywhere near to the scale of early 20th century totalitarian and authoritarian regimes. If the Democratic Peace theorists are correct and the chance of resorting to conflict decreases when a nation is democratic, then one of the greatest achievements in advancing a real peace was bought by the

186 Benjamin Franklin to Jonathan Shipley, June 10, 1782: "After much occasion to consider the folly and mischiefs of a state of warfare, and the little or no advantage obtained even by those nations who have conducted it with the most success, I have been apt to think that there has never been, or ever will be, any such thing as a good war, or a bad peace."<http://www.greatseal.com/symbols/olives.html>

blood a just rebellion. In addition to securing themselves against tyranny and advancing liberty, it is difficult to imagine such widespread democracy without the emulated model of the American government. Such questions are left to the realm of conjecture and omniscience, however one thing may be affirmed, that in accordance to the seven *jus ad bellum* principles, the American Revolution was just.

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188 Bill Clinton, “1994 State Of The Union Address” in *The Washington Post*. (Retrieved 2006-01-22). "Ultimately, the best strategy to ensure our security and to build a durable peace is to support the advance of democracy elsewhere. Democracies don't attack each other."
Preliminary Designs:

Benjamin Franklin’s first committee design included biblical images. He explained the design as follows:

“Pharaoh sitting in an open Chariot, a Crown on his head and a Sword in his hand, passing through the divided Waters of the Red Sea in Pursuit of the Israelites: Rays from a Pillar of Fire in the Cloud, expressive of the divine Presence and Command, beaming on Moses who stands on the shore and extending his hand over the Sea causes it to overwhelm Pharaoh.

Motto: Rebellion to Tyrants is Obedience to God.”

Official Description:

Continental Congress – June 20, 1782
Blazon of the Great Seal of the United States
The Secretary of the United States in Congress assembled to whom were referred the several reports of committees on the device for a great seal, to take order, reports

That the Device for an Armorial Achievement & Reverse of the great seal of the United States in Congress assembled is as follows.–

Arms Paleways of thirteen pieces Argent and Gules: a Chief, Azure. The Escutcheon on the breast of the American bald Eagle displayed, proper, holding in his dexter talon an Olive branch, and in his sinister a bundle of thirteen arrows, all proper, & in his beak a scroll, inscribed with this Motto. “E pluribus unum”–

For the Crest Over the head of the Eagle which appears above the Escutcheon, A Glory, Or, breaking through a cloud, proper, & surrounding thirteen stars forming a Constellation, Argent, on an Azure field.–

Reverse A Pyramid unfinished. In the Zenith an Eye in a triangle surrounded with a glory proper. Over the Eye these words "Annuit Coeptis". On the base of the pyramid the numerical letters MDCCLXXVI & underneath the following motto. "novus ordo seclorum"

“denote the power of peace and war” (Thomson).

argent = silver, azure = blue, chief = top part of the shield, dexter = right, escutcheon = shield, gules = red, or = gold or yellow, paleways, pieces = vertical stripes on the shield, proper = the element’s natural color, sinister = left
Figure 2: The Mayflower Compact (1620)

Source: <usconstitution.net/mayflower.html>
### Table 1: Jus Ad Bellum Principles and the Declaration of Independence (1776)

<table>
<thead>
<tr>
<th>Jus Ad Bellum</th>
<th>Declaration of Independence (1776)</th>
</tr>
</thead>
</table>
| **Just Cause** | FACTS: “let Facts be submitted to a candid world.”  
RIGHT OF THE RULE OF LAW "He has refused his Assent to Laws, the most wholesome and necessary for the public good. He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures. He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people. He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.  
He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands. He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.  
He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries. He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.”  
RIGHT AGAINST STANDING ARMIES WITHOUT CONSENT "He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures. He has affected to render the Military independent of and superior to the Civil power. . . . For Quartering large bodies of armed troops among us”  
RIGHT OF TRIAL AND JURY "For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States . . . For depriving us in many cases, of the benefits of Trial by Jury:  
For transporting us beyond Seas to be tried for pretended offences”  
RIGHT OF SELF-GOVERNANCE "For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments: For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever. He has abdicated Government here, by declaring us out of his Protection and waging War against us.”  
PROTECTION OF THE COMMON GOOD AGAINST DANGER "He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people. He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation. He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands. He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.” |
| **Competent Authority** | IN CONGRESS: "IN CONGRESS, July 4, 1776. The unanimous Declaration of the thirteen united States of America,”  
NOT DOING IT AS INDIVIDUALS: “We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States;  
| **Proportionate Cause** | CAUSES WHICH IMPEL "a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.”  
LIFE, LIBERTY, HAPPINESS, AND SAFETY "Life, Liberty and the pursuit of Happiness.--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, 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."

**Right Intention**

APPEALING TO BRITISH BRETHREN "Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence."

ENEMIES IN WAR, IN PEACE FRIENDS "They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends."

**Probability of Success**

LIVES, FORTUNE, AND SACRED HONOR "And for the support of this Declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our lives, our fortunes and our sacred honor."

**Last Resort**

SOUGHT OTHER SOLUTIONS: "Prudence, indeed, would dictate that governments long established should not be changed for light and transient causes; and accordingly all experience has shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed."

COULD SUFFER NO LONGER: "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 right, it is their duty, to throw off such government, and to provide new guards for their future security. . . . The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states."

REPEATED PETITIONS FOR REDRESS: "In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people."

REPEATED PETITIONS OF BRITISH BRETHREN: "Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here."

**Comparative Justice**

LIBERTY AT STAKE: "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 right, it is their duty, to throw off such Government, and to provide new Guards for their future security."

**Right Spirit**

BRETHREN: “Nor have We been wanting in attentions to our British brethren.”

ENEMIES IN WAR, FRIENDS IN PEACE: “Enemies in War, in Peace Friends.”

COMMON KINDRED: “and we have conjured them by the ties of our common kindred to disavow these usurpations”
Table 2: Governmental Principles in Scripture, the Declaration of Independence (1776), and the Mayflower Compact (1620)

<table>
<thead>
<tr>
<th>On Government</th>
<th>Scripture</th>
<th>Declaration of Independence (1776)</th>
<th>The Mayflower Compact (1620)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Governmental Authority (Gn 9:5-6)</td>
<td>RIGHT OF REBELLION &quot;That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government,&quot;</td>
<td>SOCIAL CONTRACT/COVENANT &quot;combine ourselves together into a civil body politic ... for the general good of the colony&quot;</td>
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<td>Authority (Dt. 17:14-20)</td>
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<td>Authority and Subjection (Rm 13:1-7)</td>
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<td>Authority and Subjection (1 Pt. 2:13-14)</td>
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<td>Anarchy as Evil (Judg. 21:18-25)</td>
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<td>Executing Justice and Protecting the Weak (Ps 82:2-4)</td>
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<td>Executing Swift Punishment as a Deterent to Crime (Eccl. 8:11)</td>
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<td>Dismembering (Shadrach, Meshach, and Abednego Dn 3:13-27; Pharaoh and Egyptian Midwives Ex. 1:17, 21; Daniel and Prayer Dn. 6:10; Wise men Mt. 2:8, 12)</td>
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<tr>
<td>On the Good</td>
<td>Government as a Servant to the Common Good (Rm 13:4)</td>
<td>COMMON GOOD &quot;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.&quot;</td>
<td>COMMON GOOD “for our better ordering, and preservation and furtherance of the ends aforesaid”</td>
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<tr>
<td>of the People</td>
<td>Samuel's Demonstration of this Principle (1 Sm. 12:3-4)</td>
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<td>Samuel’s Warnings Regarding this Principle (1 Sm. 8:11-17)</td>
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<td>Condemnation of Self Enriching Rulers (Dt. 16:19; Ps. 26:10; Prov. 15:27; 17:23; Isa. 33:15; Ezek. 22:12; Amos 5:12; Hab. 1:2-4)</td>
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<tr>
<td>On Liberty</td>
<td>Man Created in Freedom (Gn. 2:16-17)</td>
<td>RIGHTS AND LIBERTY &quot;We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--&quot;</td>
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<td>Slavery and Oppression Portrayed Negatively (Ex. 20:2; Dt. 28:28-29, 33; Jd. 2:16-23)</td>
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<td>Individual Liberty Prized and the Jubilee Year (Lv. 25:10)</td>
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<td>Freedom of Individual Choice Portrayed Positively (Dt. 30:19; Josh. 24:15; Mt. 11:28)</td>
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<tr>
<td>On Unchecked</td>
<td>OT Examples of Unchecked Kings and Abuse (David 2 Sm. 11; Solomon 1 Kg. 11:3-4, Dt. 17:17; Divided Monarchy 1-2 Kgs, 1-2 Chr.)</td>
<td></td>
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<tr>
<td>Power</td>
<td>Plurality of Apostles and Elders (Mt 10:1-4; Tit. 1:5; Jam. 5:14)</td>
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<tr>
<td>On the Rule of Law</td>
<td>Law Above the Ruler (Dt. 17:18-20) Nathan Rebuking King David for Disobeying God’s Laws (2 Sm 12)</td>
<td>RIGHT OF THE RULE OF LAW “He has refused his Assent to Laws, the most wholesome and necessary for the public good. He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures. He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people. He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within. He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands. He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers. He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries. He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.”</td>
<td>RULE OF LAW “by virtue hereof to enact, constitute, and frame, such just and equal laws, ordinances, acts, constitutions, and offices, from time to time, as shall be thought most meet and convenient for the general good of the colony; unto which we promise all due submission and obedience.”</td>
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<tr>
<td>On Consent</td>
<td>Equality of all people in the Image of God (Gn 1:27; 9:6; Jam. 3:9) Community Exists to Serve the People (Rm 13:4) Government Works Best by Consent (Consent by the Congregation Ac. 6:3; Rehoboam and the people 1 Kg. 12:15-16; Others who rule without consent portrayed negatively: Pharaoh Ex. 3:9-10; Philistines Judg. 14:4; Nebuchdnezzar 2 Kg 25:1-21; and the Romans Mt 2:16-17; Lk 13:1; Ac 12:1-2)</td>
<td>EQUALITY &quot;the separate and equal station to which the Laws of Nature and of Nature's God entitle them . . . We hold these truths to be self-evident, that all men are created equal,&quot; CONSENT &quot;deriving their just powers from the consent of the governed.&quot;</td>
<td>ON CONSENT “in the presence of God, and one another, covenant and combine ourselves together into a civil body politic”</td>
</tr>
</tbody>
</table>
Table 3: The Rights and Grievances of the *Declaration of Independence* (1776), *Petition of Right* (1627), and *Bill of Rights* (1688)

<table>
<thead>
<tr>
<th>Taxation by Consent and Representation</th>
<th>Declaration of Independence (1776)</th>
<th>Petition of Right (1627)</th>
<th>Bill of Rights (1688)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>“He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only. “</td>
<td>“the Kings Subjects should not be taxed but by Consent in Parliament.”</td>
<td>“Right to petition. That it is the Right of the Subjects to petition the King and all Commitments and Prosecutions for such Petitioning are Illegall.”</td>
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<td>“Subjects have inherited this Freedome That they should not be compelled to contribute to any Taxe Tallage Ayde or other like Charge not sett by comon consent in Parliament.”</td>
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<tr>
<td>Right to Petition</td>
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<tr>
<td>Maintaining a Standing Army During Peacetime without Consent</td>
<td>“He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures. He has affected to render the Military independent of and superior to the Civil power.…”</td>
<td></td>
<td>“Dispensing and Suspending Power. By Assumeing and Exerciseing a Power of Dispensing with and Suspending of Lawes and the Execution of Lawes without Consent of Parlyament.”</td>
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<td></td>
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<td>“Standing Army. That the raising or keeping a standing Army within the Kingdome in time of Peace unlesse it be with Consent of Parlyament is against Law.”</td>
</tr>
<tr>
<td>Quartering Soldiers Contrary to Law</td>
<td>“For Quartering large bodies of armed troops among us”</td>
<td>“And whereas of late great Companies of Souldiers and Marriners have been dispersed into divers Counties of the Realme, and the inhabitants against their wills have been compelled to receive them into their houses, and there to suffer them to sojourne against the Lawes and Customes of this Realme and to the great grievance and vexacion of the people.”</td>
<td>“Standing Army. By raising and keeping a Standing Army within this Kingdome in time of Peace without Consent of Parlyament and Quartering Soldiers contrary to Law.”</td>
</tr>
<tr>
<td>Right to Self Defense</td>
<td>“He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people. He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty &amp; perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation. He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands. He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the</td>
<td></td>
<td>“Disarming Protestants, &amp;c. By causing several good Subjects being Protestants to be disarmed at the same time when Papists were both Armed and Imployed contrary to Law.”</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td>“Subjects’ Arms. That the Subjects which are Protestants may have Arms for their Defence suitable to their Conditions and as allowed by Law.”</td>
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</tbody>
</table>
merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions."

<table>
<thead>
<tr>
<th>Right of Self Governance, and Elections</th>
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</table>
| "He has refused his Assent to Laws, the most wholesome and necessary for the public good. He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them. He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures. He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people. He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within."

"For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments: For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever. He has abdicated Government here, by declaring us out of his Protection and waging War against us."

<table>
<thead>
<tr>
<th>Right to Proper Prosecution and the Rule of Law</th>
</tr>
</thead>
<tbody>
<tr>
<td>&quot;For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States . . . For depriving us in many cases, of the benefits of Trial by Jury: For transporting us beyond Seas to be tried for pretended offences&quot;</td>
</tr>
</tbody>
</table>

"He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries. He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance."

| ""Violating Elections. By Violating the Freedome of Election of Members to serve in Parlyament.” |
| "Freedom of Election. That Election of Members of Parlyament ought to be fre."

. "Illegal Prosecutions. By Prosecutions in the Court of Kings Bench for Matters and Causes cognizable onely in Parlyament and by diverse other Arbitrary and Illegall Courses. Juries. And whereas of late yeares Partiall Corrupt and Unqualifyed Persons have beeene returned and served on Jurys in Tryalls and particularly diverse Jurors in Tryalls for High Treason which were not Freeholders, "Juries.That Jurors ought to be duely impannelled and returned"
**Table 4: Outline of a Just War Ethic in Scripture**

Source: Derived from SEBTS ETH7630 Professor Daniel Heimbach, Lecture Notes.

<table>
<thead>
<tr>
<th><strong>Jus ad Bellum</strong></th>
<th><strong>Just in Bello</strong></th>
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</thead>
<tbody>
<tr>
<td><strong>(1) Just Cause</strong></td>
<td><strong>(1) Proportionality in the use of force</strong></td>
</tr>
<tr>
<td>- God’s example: Rv 19:11 “With justice he [God] judges and makes war”</td>
<td>- Am 1:3 Damascus judged because “she threshed Gilead with sledges having iron teeth”</td>
</tr>
<tr>
<td>- Mi 6:8 “What does the LORD require of you: to act justly and to love mercy and to walk humbly with your God”</td>
<td>- Am 1:11 Edom judged “because his fury flamed unchecked”</td>
</tr>
<tr>
<td>- Am 5:24 “But let justice roll on like a river, righteousness like a never ending stream”</td>
<td>- Dt 20:10-11 “When you march up to attack a city [first] make its people an offer of peace . . . . If they refuse . . . lay siege” [i.e., don’t use a higher level of force than needed to achieve the objective]</td>
</tr>
<tr>
<td>- Prv 2:7-8 “He [God] holds victory in store for the upright, for he guards the course of the just”</td>
<td><strong>(2) Discrimination</strong></td>
</tr>
<tr>
<td>- 1 Kgs 10:9 (Queen of Sheba concerning Solomon) “Praise he to the LORD your God, who has delighted in you and placed you on the throne . . . . he has made you king to maintain justice”</td>
<td>- Gn 18:23,25 (Abraham) “Will you [God] sweep away the righteous with the wicked? . . . Far be it from you to do such a thing—to kill the righteous with the wicked, treating the righteous and the wicked alike. Far be it from you! Will not the Judge of all the earth do right?”</td>
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<tr>
<td>- Is 56:1 “This is what the LORD says: Maintain justice and do what is right”</td>
<td>- Dt 20:19 “When you lay siege to a city . . . do not destroy its fruit trees”</td>
</tr>
<tr>
<td><strong>(2) Competent Authority</strong></td>
<td>- Am 1:6 Gaza judged “because she took captive whole communities and sold them”</td>
</tr>
<tr>
<td>- Ps 144:1 (King David) “Praise the LORD my Rock who trains my hands for war, my fingers for battle”</td>
<td>- Am 1:13 Ammon judged “because he ripped open the pregnant women of Gilead”</td>
</tr>
<tr>
<td>- Ro 13:1 “Everyone must submit himself to the governing authorities, for there is no authority except that which God has established. The authorities that exist have been established by God”</td>
<td><strong>(3) Avoidance of evil means</strong></td>
</tr>
<tr>
<td><strong>(4) Right Intention</strong></td>
<td>- Ps 34:14 “Turn from evil and do good”</td>
</tr>
<tr>
<td>- Ro 12:19, 21 “Do not take revenge my friends, but leave room for God’s wrath, for it is written: It is mine to avenge; I will repay says the Lord. . . . Do not be overcome by evil, but overcome evil with good”</td>
<td>- Am 1:13 Ammon judged “because he ripped open the pregnant women of Gilead”</td>
</tr>
<tr>
<td>- 1 Pt 3:11/Ps 34:14 “Seek peace and pursue it”</td>
<td>- Am 2:1 Moab judged “because he burned, as if to lime, the bones of Edom’s king”</td>
</tr>
<tr>
<td>- Ro 14:19 “Let us make every effort to do what leads to peace”</td>
<td>- Ro 12:17 “Do not repay anyone evil for evil. Be careful to do what is right in the eyes of everybody”</td>
</tr>
<tr>
<td><strong>(5) Last resort</strong></td>
<td><strong>(4) Good faith</strong></td>
</tr>
<tr>
<td>- Ro 12:18 “If it is possible, as far as it depends on you, live at peace with everyone”</td>
<td>- Am 1:9 Tyre judged for taking captives while “disregarding a treaty of brotherhood”</td>
</tr>
<tr>
<td>- Prv 3:31-32 “Do not envy a violent man or choose any of his ways, for the LORD detests a perverse man but takes the upright into his confidence”</td>
<td>- Ps 68:30 “Scatter the nations who delight in war”</td>
</tr>
<tr>
<td>- Prv 15:1 “A gentle answer turns away wrath”</td>
<td>- Ps 120:6-7 “Too long I have lived among those who hate peace. I am a man of peace; but when I speak, they are for war”</td>
</tr>
<tr>
<td><strong>(6) Probability of success</strong></td>
<td>Am 1:11 Edom is judged “because he pursued his brother [nation] with the sword stifling all compassion”</td>
</tr>
<tr>
<td>Lk 14:31-32 Jesus commends the wisdom of a king who decides not to sacrifice the lives of his men when his army is hopelessly out numbered</td>
<td>Mt 5:44 “But I [Jesus] tell you: Love your enemies”</td>
</tr>
<tr>
<td><strong>(7) Proportionality of projected results</strong></td>
<td><strong>(3) Avoidance of evil means</strong></td>
</tr>
<tr>
<td>- Ps 52:3, 5 God will judge the “mighty man” who “loves evil more than good”</td>
<td>- Ps 34:14 “Turn from evil and do good”</td>
</tr>
<tr>
<td><strong>(8) Right spirit</strong></td>
<td>- Am 1:13 Ammon judged “because he ripped open the pregnant women of Gilead”</td>
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<td>Ps 68:30 “Scatter the nations who delight in war”</td>
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<td>Ps 120:6-7 “Too long I have lived among those who hate peace. I am a man of peace; but when I speak, they are for war”</td>
<td>- Ro 12:17 “Do not repay anyone evil for evil. Be careful to do what is right in the eyes of everybody”</td>
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</tbody>
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### Table 5: Outline on War, Military, and the Bible

Source: Derived from SEBTS ETH7630 Professor Daniel Heimbach, Lecture Notes.

<table>
<thead>
<tr>
<th>I. WAR &amp; PEACE IN THE OT</th>
<th>II. WAR &amp; PEACE IN THE NT</th>
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</thead>
<tbody>
<tr>
<td>A. ABRAM &amp; ISRAELITE WARS</td>
<td>A. WAR AND FUTURE RETURN OF JC</td>
</tr>
<tr>
<td>1. GN 14 – Abraham, Lot</td>
<td>1. MT 24 – Birth pangs.</td>
</tr>
<tr>
<td>2. NU 21 – Moses, Amorites</td>
<td>2. RV 19-20 – Final battle.</td>
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<tr>
<td>3. NU 31 – Moses, Midianites</td>
<td></td>
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<tr>
<td>4. JO 7-8 – Joshua, Ai</td>
<td>B. LEGITIMACY &amp; AUTHORITY TO WAGE WAR</td>
</tr>
<tr>
<td>5. JO 10 – Joshua, 5 Kings of Makkedah</td>
<td>1. LK 3:14 – John &amp; Soldiers</td>
</tr>
<tr>
<td>6. JU 20 – Civil War, Benjamin</td>
<td>2. LK 14 – Story of King going to war. Prudence</td>
</tr>
<tr>
<td>7. 1 SM 13-14 – Saul, Jonathan, Philistines</td>
<td>3. LK 22 – Self defense</td>
</tr>
<tr>
<td>8. 1 SM 17 – David, Goliath</td>
<td>4. AC 10 – Cornelius accepted</td>
</tr>
<tr>
<td>B. PLANNING FOR WAR</td>
<td>5. RM 13 – Submission to authorities</td>
</tr>
<tr>
<td>1. NM 1 – Census</td>
<td>C. LAW OF LOVE</td>
</tr>
<tr>
<td></td>
<td>1. MT 5 – Beatitudes</td>
</tr>
<tr>
<td>C. MORAL LIMITS OF WAR</td>
<td>2. RM 12-13 – Love Law Love</td>
</tr>
<tr>
<td>1. DT 20</td>
<td>D. LIMITING USE OF THE SWORD</td>
</tr>
<tr>
<td>a. Rules of Preparation</td>
<td>1. MT 26 – JC rebukes Peter &amp; Sword</td>
</tr>
<tr>
<td>b. Rules of Engagement Outside Promised Land</td>
<td>2. RM 12 – Do not seek revenge</td>
</tr>
<tr>
<td>c. Rules of Engagement Inside Promised Land</td>
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Appendix 1: British Legislation Related to the American Revolution

I. The Initial Response – *The Sugar, Stamp, and Tea Acts*

*The Sugar Act* (1764)
http://avalon.law.yale.edu/18th_century/sugar_act_1764.asp

*The Stamp Act* (March 22, 1765)
http://avalon.law.yale.edu/18th_century/stamp_act_1765.asp

*The Tea Act* (1773)
http://ahp.gatech.edu/tea_act_bp_1773.html

II. The Inciting Response – *The Townshend Acts*

*The Townshend Act* (November 20, 1767)
http://avalon.law.yale.edu/18th_century/townsend_act_1767.asp

III. The Intolerable Response – *The Intolerable Acts*

*The Boston Port Act* (March 31, 1774)
http://avalon.law.yale.edu/18th_century/boston_port_act.asp

*The Massachusetts Government Act* (May 20, 1774)
http://avalon.law.yale.edu/18th_century/mass_gov_act.asp

*The Administration of Justice Act* (May 20, 1774)
http://avalon.law.yale.edu/18th_century/admin_of_justice_act.asp

*The Quartering Act* (June 2, 1774)
http://avalon.law.yale.edu/18th_century/quartering_act_1774.asp
Appendix 2: The Mayflower Compact (1620)


Modern Text:

In the name of God, Amen. We whose names are underwritten, the loyal Subjects of our dread sovereign Lord James, by the Grace of God, of Great Britain, France, and Ireland, King, defender of the Faith, etc. Having undertaken, for the Glory of God, and advancement of the Christian faith and honor of our King and Country, a voyage to plant the first Colony in the Northern parts of VIRGINIA, doe by these presents solemnly & mutually, in the presence of God, and one another, covenant & combine our selves together into a civil body politic; for our better ordering and preserving, and furtherance of the ends aforesaid; and by virtue hereof do enact, constitute, and frame such just & equal Lawes, Ordinances, acts, constitutions, & offices, from time to time, as shall be thought most meet & convenient for the general good of the Colony: unto which we promise all due submission and obedience.

In witness whereof we have here unto subscribed our Names at Cape Cod, the eleventh of November, in the reign of our sovereign Lord IAMES, of England, France, and Ireland 18. and of Scotland 54. Anno Domino 1620.[6] sovereign Lord King James, of England, France, & Ireland ye eighteenth and of Scotland ye fiftie fourth. Ano: Dom. 1620.[13]

Sovereign Lord King James, of England, France and Ireland the eighteenth, and of Scotland the fifty fourth, Anno Dom. 1620.[6]

In witness whereof we have hereunto subscribed our Names at Cape Cod the 11th of November, in the year of the reign of our Sovereign Lord King James, of England, France, and Ireland, the eighteenth, and of Scotland the fifty-fourth, 1620.

Appendix 3: The Petition of Right (1627)

Source: <http://www.legislation.gov.uk/aep/Cha1/3/1/contents>

The Petition Exhibited to His Majestie by the Lords Spirituall and Temporall and Comons in this present Parliament assembled concerning divers Rights and Liberties of the Subjects: with the Kings Majesties Royall Aunswere thereunto in full Parliament.

To the Kings most Excellent Majestie.

Reciting that by (25) 34 Ed. I. st. 4. c. 1, by Authority of Parliament holden 25 Ed. III. and by other Laws of this Realm, the Kings Subjects should not be taxed but by Consent in Parliament;

HUMBLY shew unto our Soveraigne Lord the King the Lords Spirituall and Temporall and Comons in Parliament assembled, That whereas it is declared and enacted by a Statute made in the tyme of the Raigne of King Edward the first comonly called Statutum de Tallagio non concedendo, That no Tallage or Ayde should be layd or levyed by the King or his Heires in this Realme without the good will and assent of the Archbishopps Bishopps Earles Barons Knights Burgesses and other the Freemen of the Comonaltie of this Realme, And by Authoritie of Parliament holden in the five and twentith yeare of the raigne of King Edward the third, it is declared and enacted, That from thenceforth no person should be compelled to make any Loanes to the King against his will because such Loanes were against reason and the franchise of the Land, And by other Lawes and Statutes before mentioned and other the good Lawes and Statutes of this Realme your Subjects have inherited this Freedome That they should [X1not] be compelled to contribute to any Taxe

Tallage Ayde or other like Charge not sett by comon consent in Parliament.

Yet nevertheless of late divers Commissions directed to sundry Commissioners in several Counties with Instruccions have issued, by meanes whereof your people have been in divers places assembled and required to lend certaine somes of mony unto your Majestie, and many of them upon their refusall soe to doe have had an Oath administred unto them not warrantable by the Lawes or Statutes of this Realme and have been constrained to become bound to make apparance and give attendance before your Privie Counsell and in other places; and others of them have been therefore imprisoned confined and sondry other waies molested and disquieted And divers other charges have been laid and levied upon your people in several Counties by Lord Lieutenants Deputie Lieutenants Commissioners for Musters Justices of Peace and others by Comaund or Direccon from your Majestie or your Privie Counsell against the Lawes and free Customes of the Realme.

(...) 

VI and that Soldiers have been dispersed in divers Counties, and Inhabitants compelled to receive them.

And whereas of late great Companies of Souldiers and Marriners have been dispersed into divers Countys of the Realme, and the inhabitants against their wills have been compellled to receive them into their houses, and there to suffer them to sojourn against the Lawes and Customes of this Realme and to the great grievance and vexacion of the people.
Appendix 4: Bill of Rights (1688)


Bill of Rights (1688)

1688 CHAPTER 2 1 Will and Mar Sess 2

An Act declareing the Rights and Liberties of the Subject and Setleing the Succession of the Crowne.

Whereas the Lords Spirituall and Temporall and Comons assembled at Westminster lawfully fully and freely representing all the Estates of the People of this Realme did upon the thirteenth day of February in the yeare of our Lord one thousand six hundred eighty eight present unto their Majesties then called and known by the Names and Stile of William and Mary Prince and Princesse of Orange being present in their proper Persons a certaine Declaration in Writeing made by the said Lords and Comons in the Words following viz.

The Heads of Declaration of Lords and Commons, recited.

Whereas the late King James the Second by the Assistance of diverse evill Councellors Judges and Ministers imploied by him did endeavour to subvert and extirpate the Protestant Religion and the Lawes and Liberties of this Kingdome.

Dispensing and Suspending Power.

By Assumeing and Exerciseing a Power of Dispensing with and Suspending of Lawes and the Execution of Lawes without Consent of Parlyament.

Committing Prelates.

By Committing and Prosecuting diverse Worthy Prelates for humbly Petitioning to be excused from Concurring to the said Assumed Power.

Ecclesiastical Commission.

By issueing and causeing to be executed a Commission under the Great Seale for Erecting a Court called The Court of Commissioners for Ecclesiasticall Causes.

Levying Money.

By Levying Money for and to the Use of the Crowne by pretence of Prerogative for other time and in other manner then the same was granted by Parlyament.

Standing Army.

By raising and keeping a Standing Army within this Kingdome in time of Peace without Consent of Parlyament and Quartering Soldiers contrary to Law.

Disarming Protestants, &c.

By causing severall good Subjects being Protestants to be disarmed at the same time when Papists were both Armed and Imployed contrary to Law.

Violating Elections.

By Violating the Freedome of Election of Members to serve in Parlyament.

Illegal Prosecutions.

By Prosecutions in the Court of Kings Bench for Matters and Causes cognizable onely in Parlyament and by diverse other Arbitrary and Illegall Courses.

Juries.

And whereas of late yeares Partiall Corrupt and Unqualifyed Persons have beene returned and served on Juries in Tryalls and particularly diverse Jurors in Tryalls for High Treason which were not Freeholders,

Excessive Bail.

And excessive Baile hath beene required of Persons committed in Criminall Cases to elude the Benefit of the Lawes made for the Liberty of the Subjects.

Fines.

And excessive Fines have beene imposed.

Punishments.

And illegall and cruell Punishments inflicted.

Grants of Fines, &c. before Conviction, &c.

And several Grants and Promises made of Fines and Forfeitures before any Conviction or Judgement against the Persons upon whom the same were to be leyved. All which are utterly directly contrary to the knowne Lawes and Statutes and Freedome of this Realme.

Recital that the late King James II. had abdicated the Government, and that the Throne was vacant, and that the Prince of Orange had written Letters to the Lords and Commons for the choosing Representatives in Parliament.

And whereas the said late King James the Second haveing Abdicated the Government and the Throne being thereby Vacant His [XIHignesse] the Prince of Orange (whome it hath pleased Almighty God to make the glorious Instrument of Delivering this Kingdome from Popery and Arbitrary Power) did (by the Advice of the Lords Spirituall and Temporall and diverse principall Persons of the Commons) cause Letters to be written to the Lords Spirituall and Temporall being Protestants and other Letters to the severall Countyes Cities Universities Burroughs and Cinque Ports for the Choosing of such Persons to represent them as were of right to be sent to Parlyament to meete and sitt at Westminster upon the two and twentieth day of January in this Yeare one thousand six hundred eighty and eight in order to such an Establishment as that their Religion Lawes and Liberties might not againe be in danger of being Subverted, Upon which Letters Elections haveing beene accordingly made.

The Subject’s Rights.

And thereupon the said Lords Spirituall and Temporall and Commons pursuant to their respective Letters and Elections being now assembled in a full and free Representative of this Nation taking into their most serious Consideration the best means for attaining the Ends aforesaid Doe in the first place (as their Ancestors in like Case have usually
done) for the Vindicating and Asserting their auntient Rights and Liberties, Declare

Dispensing Power.

That the pretended Power of Suspending of Laws or the Execution of Laws by Regall Authority without Consent of Parlyament is illegall.

Late dispensing Power.

That the pretended Power of Dispensing with Laws or the Execution of Laws by Regall Authoritie as it hath bee nee assumed and exercised of late is illegall.

Ecclesiastical Courts illegal.

That the Commission for erecting the late Court of Commissioners for Ecclesiastical Causes and all other Commissions and Courts of like nature are Ilegal and Pernicious.

Levying Money.

That levying money for or to the Use of the Crowne by pretence of Prerogative without Grant of Parlyament for longer time or in other manner then the same is or shall be granted is Illegall.

Right to petition. That it is the Right of the Subjects to petition the King and all Commitments and Prosecutions for such Petitioning are Illegall.

Standing Army.

That the raising or keeping a standing Army within the Kingdome in time of Peace unless it be with Consent of Parlyament is against Law.

Subjects’ Arms.

That the Subjects which are Protestants may have Arms for their Defence suitable to their Conditions and as allowed by Law.

Freedom of Election.

That Election of Members of Parlyament ought to be free.

Freedom of Speech.

That the Freedome of Speech and Debates or Proceedings in Parlyament ought not to be impeached or questioned in any Court or Place out of Parlyament.

Excessive Bail.

That excessive Baile ought not to be required nor excessive Fines imposed nor cruel and unusuall Punishments inflicted.

Juries.

That Jurors ought to be duely impannelled and returned . . . F1

Grants of Forfeitures.

That all Grants and Promises of Fines and Forfeitures of particular persons before Conviction are illegall and void.

Frequent Parliaments.

And that for Redresse of all Grievances and for the amending strengthening and preserving of the Lawes Parlyaments ought to be held frequently.


And they doe Claime Demand and Insist upon all and singular the Premises as their undoubted Rights and Liberties and that noe Declarations Judgements Doeings or Proceedings to the Prejudice of the People in any of the said Premisses ought in any wise to be drawne hereafter into Consequence or Example. To which Demand of their Rights they are particularly encouraged by the Declaration of this Highnesse the Prince of Orange as being the onely means for obtaining a full Redresse and Remedy therein. Haveing therefore an intire Confidence That his said Highnesse the Prince of Orange will perfect the Deliverance soe far advanced by him and will still preserve them from the Violation of their Rights which they have here asserted and from all other Attempts upon their Religion Rights and Liberties. The said Lords Spirituall and Temporall and Commons assembled at Westminster doe Resolve That William and Mary Prince and Princesse of Orange be and be declared King and Queene of England France and Ireland and the Dominions thereunto belonging to hold the Crowne and Royall Dignity of the said Kingdomes and Dominions to them the said Prince and Princesse dureing their Lives and the Life of the Survour of them And that the sole and full Exercise of the Regall Power be onely in and executed by the said Prince of Orange in the Names of the said Prince and Princesse during their joynet Lives And after their Deceases the said Crowne and Royall Dignitie of the said Kingdoms and Dominions to be to the Heires of the Body of the said Princesse And for default of such Issue to the Princesse Anne of Denmarke and the Heires of her Body And for default of such Issue to the Heires of the Body of the said Prince of Orange. And the Lords Spirituall and Temporall and Commons doe pray the said Prince and (X2) Princesse to accept the same accordingly.

New Oaths of Allegiance, &c.

And that the Oathes hereafter mentioned be taken by all Persons of whome the Oathes of Allegiance and Supremacy might be required by Law instead of them And that the said Oathes of Allegiance and Supremacy be abrogated.

Allegiance.

I A B doe sincerely promise and sweare That I will be faithfull and beare true Allegiance to their Majestyes King William and Queene Mary Soe helpe me God.

Supremacy.

I A B doe sweare That I doe from my Heart Abhor, Detest and Abjure as Impious and Hereticall this damnable Doctrine and Position That Princes Excommunicated or Deprived by the Pope or any Authority of the See of Rome may be deposed or murdered by their Subjects or any other whatsoever. And I doe declare That noe Forreigne Prince Person Prelate, State or Potentate hath or ought to have any Jurisdiction Power Superiority Preeminence or Authoritie Ecclesiastical or Spirituall within this Realme Soe helpe me God.

Acceptance of the Crown. The Two Houses to sit. Subjects’ Liberties to be allowed, and Ministers hereafter to serve according to the same. William and Mary declared King and Queen. Limitation of the Crown. Papists debarred the Crown. Every King, &c. shall make the Declaration of 30 Car. II. If under 12 Years old, to be done after Attainment thereof. King’s and Queen’s Assent

Upon which their said Majestyes did accept the Crowne and Royall Dignitie of the Kingdoms of England France and Ireland and the Dominions thereunto belonging according to the Resolution and Desire of the said Lords and Commons contained in the said Declaration. And
thereupon their Majesties were pleased That the said Lords Spirituall and Temporall and Commons being the two Houses of Parlyament should continue to sitt and with their Majesties Royall Concurrence make effectuall Provision for the Settlement of the Religion Lawes and Liberties of this Kingdome soe that the same for the future might not be in danger againe of being subverted, To which the said Lords Spirituall and Temporall and Commons did agree and proceede to act accordingly. Now in pursuance of the Premisses the said Lords Spirituall and Temporall and Commons in Parlyament assembled for the ratifying confirming and establishing the said Declaration and the Articles Clauses Matters and Things therein contained by the Force of a Law made in due Forme by Authority of Parlyament doe pray that it may be declared and enacted That all and singular the Rights and Liberties asserted and claimed in the said Declaration are the true augent and indubtible Rights and Liberties of the People of this Kingdome and soe shall be esteemed allowed adjudged deemed and taken to be and that all and every the particulars aforesaid shall be firmly and strictly holden and observed as they are expressed in the said Declaration And all Officers and Ministers whatsoever shall serve their Majestyes and their Successors according to the same in all times to come. And the said Lords Spirituall and Temporall and Commons seriously considering how it hath pleased Almighty God in his marvellous Providence and mercifull Goodness to this Nation to provide and preserve their said Majestyes Royall Persons most happily to Raigne over us upon the Throne of their Ancestors for which they render unto him from the bottome of their Hearts their humblest Thanks and Praises doe truely firmly assuredly and in the Sincerity of their Hearts thinke and doe hereby recognize acknowledge and declare That King James the Second haveing abdicated the Government and their Majestyes haveing accepted the Crowne and Royall Dignity [X3a] aforesaid Their said Majesties did become were are and of right ought to be by the Lawes of this Realme our Soveraigne Liege Lord and Lady King and Queene of England France and Ireland and the Dominions thereunto belonging in and to whose Princely Persons the Royall State Crowne and Dignity of the said Realmes haveing all Honours Stiles Titles Regalities Prerogatives Powers Jurisdictions and Authorities to the same belonging and appertaining are most fully rightfully and entirely invested and incorporated united and annexed And for preventing all Questions and Divisions in this Realme by reason of any pretended Titles to the Crowne and for preserving a Certainty in the Succession thereof in and upon which the Unity Peace Tranquillity and Safety of this Nation doth under God wholly consist and depend The said Lords Spirituall and Temporall and Commons doe beseech their Majestyes That it may be enacted established and declared That the Crowne and Regall Government of the said Kingdoms and Dominions with all and singular the Premises thereunto belonging and appertaining shall be and continue to be their said Majestyes and the Survivour of them dureing their Lives and the Life of the Survivour of them And that the entire perfect and full Exercise of the Regall Power and Government be onely in and executed by his Majestie in the Names of both their Majesties dureing their joynjt Lives And after their deceases the said Crowne and Premisses shall be and remaine to the Heires of the Body of her Majestie and for default of such Issue to her Royall Highnesse the Princess Anne of Denmarke and the Heires of her Body and for default of such Issue to the Heires of the Body of his said Majestie And thereunto the said Lords Spirituall and Temporall and Commons doe in the Name of all the People aforesaid most humbly and faithfully submit themselves their Heires and Posterities for ever and doe faithfully promise That they will stand to maintaine and defend their said Majesties and alsoe the Limitation and Succession of the Crowne herein specified and contained to the utmost of their Powers with their Lives and Estates against all Persons whatsoever that shall attempt any thing to the contrary. And whereas it hath beene found by Experience that it is inconsistent with the Safety and Welfare of this Protestant Kingdome to be governed by a Popish Prince or by any King or Queene marrying a Papist the said Lords Spirituall and Temporall and Commons doe further pray that it may be enacted That all and every person and persons that are or shall be reconciled to or shall hold Communion with the See or Church of Rome or shall professe the Popish Religion or shall marry a Papist shall be excluded and be for ever uncapeable to inherit possesse or enjoy the Crowne and Government of this Realme and Ireland and the Dominions thereunto belonging or any part of the same or to have use or exercise any Regall Power Authoritie or Jurisdiction within the same [X4And in all and every such Case or Cases the People of these Realmes shall be and are hereby absolved of their Allegiance] And the said Crowne and Government shall from time to time descende to and be enjoyed by such person or persons being Protestants as should have inherited and enjoyed the same in case the said person or persons soe reconciled holding Communion or Professing or Marrying as aforesaid were naturally dead [X5And that every King and Queene of this Realme who at any time hereafter shall come to and succeede in the Imperiall Crowne of this Kingdome shall on the first day of the meeting of the first Parlyament next after his or her cominge to the Crowne sitting in his or her Throne in the House of Peeres in the presence of the Lords and Commons therein assembled or at his or her Coronation before such person or persons who shall administer the Coronation Oath to him or her at the time of his or her takeing the said Oath (which shall first happen) make subscribe and audibly repeate the Declaration mentioned in the Statute made in the thirtieth yeare of the Raigne of King Charles the Second Entituled An Act for the more effectuall Preserving the Kings Person and Government by disabeing Papists from sitting in either House of Parlyament But if it shall happen that such King or Queene upon his or her Succession to the Crowne of this Realme shall be under the Age of twelve yeares then every such King or Queene marrying a Papist the said Lords Spirituall and Temporall and Commons doe further pray that it may be enacted That all and every person and persons that is are or shall be reconciled to or shall hold Communion with the See or Church of Rome or shall professe the Popish Religion or shall marry a Papist shall be excluded and be for ever uncapeable to inherit possesse or enjoy the Crowne and Government of this Realme to be governed by a Popish Prince or by any King or Queene who at any time hereafter shall come to and succeede in the Imperiall Crowne of this Kingdome shall on the first day of the meeting of the first Parlyament next after his or her cominge to the Crowne sitting in his or her Throne in the House of Peeres in the presence of the Lords and Commons therein assembled or at his or her Coronation before such person or persons who shall administer the Coronation Oath to him or her at the time of his or her takeing the said Oath (which shall first happen) make subscribe and audibly repeate the Declaration at his or her Coronation or the first day of the meeting of the first Parlyament as aforesaid which shall first happen after such King or Queene shall have attained the said Age of twelve yeares. All which Their Majestyes are contented and pleased shall be declared enacted and established by authority of this present Parlyament and shall stand remaine and be the Law of this Realme for ever And the same are by their said Majesties by and with the advice and consent of the Lords Spirituall and Temporall and Commons in Parlyament assembled and by the authoritie of the same declared enacted and established accordingly

II Non obstantes made void.
Appendix 5: The *Virginia Revolves* (1765), and the *Declaratory Act* (1766)


Passed by the Virginia House of Burgesses and authored by Patrick Henry on May 30 1765, The *Virginia Resolves* present a response to the Sugar and Stamp Acts.

The *Virginia Resolves* (1765):

"Resolved, That the first Adventurers and Settlers of this his majesty’s colony and Dominion of Virginia brought with them, and transmitted to their Posterity, and all other his Majesty’s subjects since inhabiting in this his Majesty’s said Colony, all the Liberties, privileges, Franchises, and Immunities that have at any Time been held, enjoyed, and possessed, by the People of Great Britain.

Resolved, That by the two royal Charters, granted by King James the First, the Colonists aforesaid are declared entitled to all Liberties, Privileges, and Immunities of Denizens and natural Subjects, to all Intents and Purposes, as if they had been abiding and born within the Realm of England.

Resolved, That the Taxation of the People by themselves, or by Persons chosen by themselves to represent them, who could only know what Taxes the People are able to bear, or the easiest method of raising them, and must themselves be affected by every Tax laid on the People, is the only Security against a burdensome Taxation, and the distinguishing characteristick of British Freedom, without which the ancient Constitution cannot exist.

Resolved, That his majesty’s liege people of this his most ancient and loyal Colony have without interruption enjoyed the inestimable Right of being governed by such Laws, respecting their internal Polity and Taxation, as are derived from their own Consent, with the Approbation of their Sovereign, or his Substitute; and that the same hath never been forfeited or yielded up, but hath been constantly recognized by the King and People of Great Britain.”

Source: <http://avalon.law.yale.edu/18th_century/declaratory_act_1766.asp>

*Declaratory Act* (1766):

“AN ACT FOR THE BETTER SECURING THE DEPENDENCY OF HIS MAJESTY’S DOMINIONS IN AMERICA UPON THE CROWN AND PARLIAMENT OF GREAT BRITAIN

Whereas several of the houses of representatives in His Majesty’s colonies and plantations in America have of late, against law, claimed to themselves, or to the general assemblies of the same, the sole and exclusive right of imposing duties and taxes upon His Majesty’s subjects in the said colonies and plantations; and have, in pursuance of such claim, passed certain votes, resolutions, and orders derogatory to the legislative authority of Parliament, and inconsistent with the dependency of the said colonies and plantations upon the crown of Great Britain; may it therefore please Your Most Excellent Majesty that it may be declared, and be it declared by the king’s Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, That the said colonies and plantations in America have been, are, and of right ought to be, subordinate unto, and dependent upon the imperial crown and Parliament of Great Britain; and that the king’s Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, of Great Britain, in Parliament assembled, had, hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America, subjects of the crown of Great Britain, in all cases whatsoever.

II. And be it further declared and enacted by the authority aforesaid, That all resolutions, votes, orders, and proceedings, in any of the said colonies or plantations, whereby the power and authority of the Parliament of Great Britain to make laws and statutes as aforesaid is denied, or drawn into question, are, and are hereby declared to be, utterly null and void to all intents and purposes whatsoever.”
Appendix 6: Declaration of the Rights of Stamp Act Congress (1765)


DECLARATION OF RIGHTS Of Stamp Act Congress

The members of this congress, sincerely devoted, with the warmest sentiments of affection and duty to His Majesty's person and government, inviolably attached to the present happy establishment of the Protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent; having considered as maturely as time would permit, the circumstances of said colonies, esteem it our indispensable duty to make the following declarations, of our humble opinions, respecting the most essential rights and liberties of the colonists, and of the grievances under which they labor, by reason of several late acts of Parliament.

1st. That His Majesty's subjects in these colonies owe the same allegiance to the crown of Great Britain that is owing from his subjects born within the realm, and all due subordination to that august body, the Parliament of Great Britain.

2d. That His Majesty's liege subjects in these colonies are entitled to all the inherent rights and privileges of his natural born subjects within the kingdom of Great Britain.

3d. That it is inseparably essential to the freedom of a people, and the undoubted rights of Englishmen, that no taxes should be imposed on them, but with their own consent, given personally, or by their representatives.

4th. That the people of these colonies are not, and from their local circumstances cannot be, represented in the House of Commons in Great Britain.

5th. That the only representatives of the people of these colonies are persons chosen therein, by themselves; and that no taxes ever have been or can be constitutionally imposed on them but by their respective legislatures.

6th. That all supplies to the crown, being free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British constitution for the people of Great Britain to grant to His Majesty the property of the colonists.

7th. That trial by jury is the inherent and invaluable right of every British subject in these colonies.

8th. That the late act of Parliament entitled, "An act for granting and applying certain stamp duties, and other duties in the British colonies and plantations in America, etc.," by imposing taxes on the inhabitants of these colonies, and the said act, and several other acts, by extending the jurisdiction of the courts of admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists.

9th. That the duties imposed by several late acts of Parliament, from the peculiar circumstances of these colonies, will be extremely burthensome and grievous, and, from the scarcity of specie, the payment of them absolutely impracticable.

10th. That as the profits of the trade of these colonies ultimately center in Great Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted there to the crown.

11th. That the restrictions imposed by several late acts of Parliament on the trade of these colonies will render them unable to purchase the manufactures of Great Britain.

12th. That the increase, prosperity, and happiness of these colonies depend on the full and free enjoyment of their rights and liberties, and an intercourse, with Great Britain, mutually affectionate and advantageous.

13th. That it is the right of the British subjects in these colonies to petition the king or either house of Parliament.

Lastly, That it is the indispensable duty of these colonies to the best of sovereigns, to the mother-country, and to themselves, to endeavor, by a loyal and dutiful address to His Majesty, and humble application to both houses of Parliament, to procure the repeal of the act for granting and applying certain stamp duties, of all clauses of any other acts of Parliament whereby the jurisdiction of the admiralty is extended as aforesaid, and of the other late acts for the restriction of the American commerce.
Appendix 7: Olive Branch Petition [Full Text] (1774)

Source: <http://ahp.gatech.edu/olive_branch_1775.html>

To the King's Most Excellent Majesty:

Most Gracious Sovereign: We, your Majesty's faithful subjects of the Colonies of New-Hampshire, Massachusetts Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, the Counties of New-Castle, Kent, and Sussex, on Delaware, Maryland, Virginia, North Carolina, and South Carolina, in behalf of ourselves and the inhabitants of those Colonies who have deputed us to represent them in General Congress, by this our humble Petition, beg leave to lay our Grievances before the Throne.

A Standing Army has been kept in these Colonies ever since the conclusion of the late war, without the consent of our Assemblies; and this Army, with a considerable Naval armament, has been employed to enforce the collection of Taxes.

The authority of the Commander-in-Chief, and under him of the Brigadiers General has, in time of peace, been rendered supreme in all the Civil Governments in America.

The Commander-in-chief of all your Majesty's Forces in North America, has, in time of peace, been appointed Governour of a Colony.

The charges of usual offices have been greatly increased; and new, expensive, and oppressive offices have been multiplied.

The Judges of Admiralty and Vice Admiralty Courts are empowered to receive their salaries and fees from the effects condemned by themselves.

The Officers of the Customs are empowered to break open and enter houses, without the authority of any Civil Magistrate, founded on legal information.

The Judges of Courts of Common Law have been made entirely dependent on one part of the Legislature for their salaries, as well as for the duration of their commissions.

Counsellors, holding their commissions during pleasure, exercise Legislative authority.

Humble and reasonable Petitions from the Representatives of the People, have been fruitless.

The Agents of the People have been discountenanced, and Governours have been instructed to prevent the payment of their salaries.

Assemblies have been repeatedly and injuriously dissolved.

Commerce has been burthened with many useless and oppressive restrictions.

By several Acts of Parliament made in the fourth, fifth, sixth, seventh, and eighth years of your Majesty's Reign, Duties are imposed on us for the purpose of raising a Revenue; and the powers of Admiralty and Vice Admiralty Courts are extended beyond their ancient limits, whereby our property is taken from us without our consent; the trial by jury, in many civil cases, is abolished; enormous forfeitures are incurred for slight offences; vexatious informers are exempted from paying damages, to which they are justly liable, and oppressive security is required from owners before they are allowed to defend their right.

Both Houses of Parliament have resolved, that Colonists may be tried in England for offences alleged to have been committed in America, by virtue of a Statute passed in the thirty-fifth year of Henry the Eighth, and, in consequence thereof, attempts have been made to enforce that Statute.

A Statute was passed in the twelfth year of your Majesty's Reign, directing that persons charged with committing any offence therein described, in any place out of the Realm, may be indicted and tried for the same in any Shire or County within the Realm, whereby the inhabitants of these Colonies may, in sundry cases, by that Statute made capital, be deprived of a trial by their peers of the vicinage.

In the last sessions of Parliament an Act was passed for blocking up the Harbour of Boston; another empowering the Governour of the Massachusetts Bay to send persons indicted for murder in that Province, to another Colony, or even to Great Britain, for trial, whereby such offenders may escape legal punishment; a third for altering the chartered Constitution of Government in that Province; and a fourth for extending the limits of Quebec, abolishing the English and restoring the French laws, whereby great numbers of British Freemen are subjected to the latter, and establishing an absolute Government and the Roman Catholick Religion throughout those vast regions that border on the Westerly and Northerly boundaries of the free Protestant settlements; and a fifth, for the better providing suitable Quarters for Officers and Soldiers in his Majesty's service in North America.

To a Sovereign, who glories in the name of Briton, the bare recital of these Acts must, we presume, justify the loyal subjects, who fly to the foot of his Throne, and implore his clemency for protection against them.

From this destructive system of Colony Administration, adopted since the conclusion of the last war, have flowed those distresses, dangers, fears, and jealousies, that overwhelm your Majesty's dutiful Colonists with affliction; and we defy our most subtle and inveterate enemies to trace the unhappy differences between Great Britain and these Colonies, from an earlier period, or from other causes than we have assigned. Had they proceeded on our part from a restless levity of temper, unjust impulses of ambition, or artful suggestions of seditious persons, we should merit the opprobrious terms frequently bestowed upon us by those we revere. But so far from promoting innovations, we have only opposed them; and can be charged with no offence, unless it be one to receive injuries and be sensible of them.

Had our Creator been pleased to give us existence in a land of slavery, the sense of our condition might have been mitigated by ignorance and habit. But, thanks be to his adorable goodness, we were born the heirs of freedom, and ever enjoyed our right under the auspices of your Royal ancestors, whose family was seated on the British Throne to rescue and secure a pious and gallant Nation from the Popery and despotism of a superstitious and inexorable tyrant. Your Majesty, we are confident, justly rejoices that your title to the Crown is thus founded on the title of your people to liberty; and, therefore, we doubt not but your royal wisdom must approve the sensibility that teaches your subjects anxiously to guard the blessing they received from Divine Providence, and thereby to prove the performance of that
compact which elevated the illustrious House of Brunswick to the imperial dignity it now possesses.

The apprehension of being degraded into a state of servitude, from the pre-eminent rank of English freemen, while our minds retain the strongest love of liberty, and clearly foresee the miseries preparing for us and our posterity, excites emotions in our breasts which, though we cannot describe, we should not wish to conceal. Feeling as men, and thinking as subjects, in the manner we do, silence would be disloyalty. By giving this faithful information, we do all in our power to promote the great objects of your Royal cares, the tranquility of your Government, and the welfare of your people.

Duty to your Majesty, and regard for the preservation of ourselves and our posterity, the primary obligations of nature and of society, command us to entreat your Royal attention; and, as your Majesty enjoys the signal distinction of reigning over free men, we apprehend the language of freemen cannot be displeasing. Your Royal indulgence, we hope, will rather fall on those designing and dangerous men, who, daringly interposing themselves between your Royal person and your faithful subjects, and for several years past incessantly employed to dissolve the bonds of society, by abusing your Majesty's authority, misrepresenting your American subjects, and persecuting the most desperate and irritating projects of oppression, have at length compelled us, by the force of accumulated injuries, too severe to be any longer tolerable, to disturb your Majesty's repose by our complaints.

These sentiments are extorted from hearts that much more willingly would bleed in your Majesty's service. Yet, so greatly have we been misrepresented, that a necessity has been alleged of taking our property from us without our consent, "to defray the charge of the administration of justice, the support of Civil Government, and the defence, protection, and security of the Colonies." But we beg leave to assure your Majesty that such provision has been and will be made for defraying the two first articles, as has been and shall be judged by the Legislatures of the several Colonies just and suitable to their respective circumstances; and, for the defence, protection, and security of the Colonies, their Militias, if properly regulated, as they earnestly desire may immediately be done, would be fully sufficient, at least in times of peace; and, in case of war, your faithful Colonists will be ready and willing, as they ever have been, when constitutionally required, to demonstrate their loyalty to your Majesty, by exerting their most strenuous efforts in granting supplies and raising forces.[1]

Yielding to no British subjects in affectionate attachment to your Majesty's person, family, and Government, we too dearly prize the inheritance left us by our forefathers, we should, at this time, have been peaceably, cheerfully, and usefully employed in recommending ourselves, by every testimony of devotion, to your Majesty, and of veneration to the state, from which we derive our origin. But though now exposed to unexpected and unnatural scenes of distress by a contention with that Nation in whose origin. By giving this faithful information, we do all in our power to promote the great objects of your Royal cares, the tranquility of your Government, and the welfare of your people.

We ask but for Peace, Liberty, and Safety. We wish not a diminution of the prerogative, nor do we solicit the grant of any new right in our favour. Your Royal authority over us, and our connection with Great Britain, we shall always carefully and zealously endeavour to support and maintain.

Filled with sentiments of duty to your Majesty, and of affection to our parent state, deeply impressed by our education, and strongly confirmed by our reason, and anxious to evince the sincerity of these dispositions, we present this Petition only to obtain redress of Grievances, and relief from fears and jealousies, occasioned by the system of Statutes and Regulations adopted since the close of the late war, for raising a Revenue in America—extending the powers of Courts of Admiralty and Vice Admiralty—troubling persons in Great Britain for offences alleged to be committed in America—affecting the Province of Massachusetts Bay—and altering the Government and extending the limits of Quebec; by the abolition of which system the harmony between Great Britain and these Colonies, so necessary to the happiness of both, and so ardently desired by the latter, and the usual intercourses will be immediately restored. In the magnanimity and justice of your Majesty and Parliament we confide for a redress of our other grievances, trusting, that, when the causes of our apprehensions are removed, our future conduct will prove us not unworthy of the regard we have been accustomed in our happier days to enjoy. For, appealing to that Being, who searches thoroughly the hearts of his creatures, we solemnly profess, that our Councils have been influenced by no other motive than a dread of impending destruction.

We therefore most earnestly beseech your Majesty, that your Royal authority and interposition may be used for our relief, and that a gracious Answer may be given to this Petition.

That your Majesty may enjoy every felicity through a long and glorious Reign, over loyal and happy subjects, and that your descendants may inherit your prosperity and Dominions till time shall be no more, is, and always will be, our sincere and fervent prayer. To the King's Most Excellent Majesty:

Most Gracious Sovereign: We, your Majesty's faithful subjects of the Colonies of New-Hampshire, Massachusetts Bay, Rhode-Island, and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, the Counties of New-Castle, Kent, and Sussex, on Delaware, Maryland, Virginia, North Carolina, and South Carolina, in behalf of ourselves and the inhabitants of those Colonies who have deputed us to represent them in General Congress, by this our humble Petition, beg leave to lay our Grievances before the Throne.

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The Commander-in-chief of all your Majesty's Forces in North America, has, in time of peace, been appointed Governor of a Colony.
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Humble and reasonable Petitions from the Representatives of the People, have been fruitless.

Had our Creator been pleased to give us existence in a land of slavery, the sense of our condition might have been mitigated by ignorance and habit. But, thanks be to his adorable goodness, we were born the heirs of freedom, and ever enjoyed our right under the auspices of your Royal ancestors, whose family was seated on the British Throne to rescue and secure a pious and gallant Nation from the Popery and despotism of a superstitious and inexorable tyrant. Your Majesty, we are confident, justly rejoices that your title to the Crown is thus founded on the title of your people to liberty; and, therefore, we doubt not but your royal wisdom must approve the sensibility that teaches your subjects anxiously to guard the blessing they received from Divine Providence, and thereby to prove the performance of that compact which elevated the illustrious House of Brunswick to the imperial dignity it now possesses.

Commerce has been burthened with many useless and oppressive restrictions.

By several Acts of Parliament made in the fourth, fifth, sixth, seventh, and eighth years of your Majesty's Reign, Duties are imposed on us for the purpose of raising a Revenue; and the powers of Admiralty and Vice Admiralty Courts are extended beyond their ancient limits, whereby our property is taken from us without our consent; the trial by jury, in many civil cases, is abolished; enormous forfeitures are incurred for slight offences; vexatious informers are exempted from paying damages, to which they are justly liable; and oppressive security is required from owners before they are allowed to defend their right.

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Duty to your Majesty, and regard for the preservation of ourselves and our posterity, the primary obligations of nature and of society, command us to entreat your Royal attention; and, as your Majesty's Reign has been the period of the last war, and your subjects anxiously to guard the blessing they received from your Majesty, we are confident, justly rejoices that your title to the Crown is thus founded on the title of your people to liberty; and, therefore, we doubt not but your royal wisdom must approve the sensibility that teaches your subjects anxiously to guard the blessing they received from Divine Providence, and thereby to prove the performance of that compact which elevated the illustrious House of Brunswick to the imperial dignity it now possesses.

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These sentiments are extorted from hearts that much more willingly would bleed in your Majesty's service. Yet, so greatly have we been misrepresented, that a necessity has been alleged of taking our property from us without our consent, to defray the charge of the administration of justice, the support of Civil Government, and the defence, protection, and security of the Colonies. But we beg leave to assure your Majesty that such provision has been and will be made for defraying the two first articles, as has been and shall be judged by the Legislatures of the several Colonies just and suitable to their respective circumstances; and, for the defence, protection, and security of the Colonies, their Militias, if properly regulated, as they earnestly desire may immediately be done, would be fully sufficient, at least in times of

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The Judges of Courts of Common Law have been made entirely dependent on one part of the Legislature for their salaries, as well as for the duration of their commissions.

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Both Houses of Parliament have resolved, that Colonists may be tried in England for offences alleged to have been committed in America, by virtue of a Statute passed in the thirty-fifth year of Henry the Eighth. and, in consequence thereof, attempts have been made to enforce that Statute.

A Statute was passed in the twelfth year of your Majesty's Reign, directing that persons charged with committing any offence therein described, in any place out of the Realm, may, in sundry cases, by that Statute be indicted and tried for the same in any Shire or County within the Realm, whereby the inhabitants of these Colonies may, in sundry cases, by that Statute made capital, be deprived of a trial by their peers of the vicinage.

In the last sessions of Parliament an Act was passed for blocking up the Harbour of Boston; another empowering the Governor of the Massachusetts Bay to send persons indicted for murder in that Province, to another Colony, or even to Great Britain, for trial, whereby such offenders may escape legal punishment; a third for altering the chartered Constitution of Government in that Province; and a fourth for extending the limits of Quebec, abolishing the English and restoring the French laws, whereby great numbers of British Freemen are subjected to the latter, and establishing an absolute Government and the Roman Catholic Religion throughout those vast regions that border on the Westerly and Northerly boundaries of the free Protestant English settlements; and a fifth, for the better providing suitable Quarters for Officers and Soldiers in his Majesty's service in North America.
peace; and, in case of war, your faithful Colonists will be ready and willing, as they ever have been, when constitutionally required, to demonstrate their loyalty to your Majesty, by exerting their most strenuous efforts in granting supplies and raising forces.[1]

Yielding to no British subjects in affectionate attachment to your Majesty's person, family, and Government, we too dearly prize the privilege of expressing that attachment by those proofs that are honourable to the Prince who receives them, and to the People who give them, ever to resign it to any body of men upon earth.

Had we been permitted to enjoy, in quiet, the inheritance left us by our forefathers, we should, at this time, have been peaceably, cheerfully, and usefully employed in recommending ourselves, by every testimony of devotion, to your Majesty, and of veneration to the state, from which we derive our origin. But though now exposed to unexpected and unnatural scenes of distress by a contention with that Nation in whose parental guidance on all important affairs, we have hitherto, with filial reverence, constantly trusted, and therefore can derive no instruction in our present unhappy and perplexing circumstances from any former experience; yet, we doubt not, the purity of our intention, and the integrity of our conduct, will justify us at that grand tribunal before which all mankind must submit to judgment.

We ask but for Peace, Liberty, and Safety. We wish not a diminution of the prerogative, nor do we solicit the grant of any new right in our favour. Your Royal authority over us, and our connection with Great Britain, we shall always carefully and zealously endeavour to support and maintain.

Filled with sentiments of duty to your Majesty, and of affection to our parent state, deeply impressed by our education, and strongly confirmed by our reason, and anxious to evince the sincerity of these dispositions, we present this Petition only to obtain redress of Grievances, and relief from fears and jealousies, occasioned by the system of Statutes and Regulations adopted since the close of the late war, for raising a Revenue in America—extending the powers of Courts of Admiralty and Vice Admiralty—trying persons in Great Britain for offences alleged to be committed in America—affecting the Province of Massachussetts Bay—and altering the Government and extending the limits of Quebec; by the abolition of which system the harmony between Great Britain and these Colonies, so necessary to the happiness of both, and so ardently desired by the latter, and the usual intercourses will be immediately restored. In the magnanimity and justice of your Majesty and Parliament we confide for a redress of our other grievances, trusting, that, when the causes of our apprehensions are removed, our future conduct will prove us not unworthy of the regard we have been accustomed in our happier days to enjoy. For, appealing to that Being, who searches thoroughly the hearts of his creatures, we solemnly profess, that our Councils have been influenced by no other motive than a dread of impending destruction.

Permit us then, most gracious Sovereign, in the name of all your faithful People in America, with the utmost humility, to implore you, for the honour of Almighty God, whose pure Religion our enemies are undermining; for your glory, which can be advanced only by rendering your subjects happy, and keeping them united; for the interests of your family depending on an adherence to the principles that enthroned it; for the safety and welfare of your Kingdoms and Dominions, threatened with almost unavoidable dangers and distresses, that your Majesty, as the loving Father of your whole People, connected by the same bands of Law, Loyalty, Faith, and Blood, though dwelling in various countries, will not suffer the transcendent relation formed by these ties to be farther violated, in uncertain expectation of effects, that, if attained, never can compensate for the calamities through which they must be gained.

We therefore most earnestly beseech your Majesty, that your Royal authority and interposition may be used for our relief, and that a gracious Answer may be given to this Petition.

That your Majesty may enjoy every felicity through a long and glorious Reign, over loyal and happy subjects, and that your descendants may inherit your prosperity and Dominions till time shall be no more, is, and always will be, our sincere and fervent prayer.
Appendix 8: The Second Continental Congress’ Olive Branch Petition [Selected Section] (1775), and the Crown’s A Proclamation (1775)

Source: <http://ahp.gatech.edu/olive_branch_1775.html>

The Olive Branch Petition [Selected Section] (July 8, 1775)

""During that time the Second Continental Congress authorized on July 8, 1775 the Olive Branch Petition to King George as a last attempt to restore the peace."

"We therefore beseech your Majesty, that your royal authority and influence may be graciously interposed to procure us relief from our afflicting fears and jealousies, occasioned by the system before-mentioned, and to settle peace through every part of our Dominions, with all humility submitting to your Majesty's wise consideration, whether it may not be expedient, for facilitating those important purposes, that your Majesty be pleased to direct some mode, by which the united applications of your faithful Colonists to the Throne, in pursuance of their common counsels, may be improved into a happy and permanent reconciliation; and that, in the mean time, measures may be taken for preventing the further destruction of the lives of your Majesty's subjects; and that such statutes as more immediately distress any of your Majesty's Colonies may be repealed.

For such arrangements as your Majesty's wisdom can form for collecting the united sense of your American people, we are convinced your Majesty would receive such satisfactory proofs of the disposition of the Colonists towards their Sovereign and Parent State, that the wished for opportunity would soon be restored to them, of evincing the sincerity of their professions, by every testimony of devotion becoming the most dutiful subjects, and the most affectionate Colonists.

That your Majesty may enjoy long and prosperous reign, and that your descendants may govern your Dominions with honour to themselves and happiness to their subjects, is our sincere prayer."

A Proclamation, By the King, For Suppressing Rebellion and Sedition (August 1775)

A Proclamation, by the King, for Suppressing Rebellion and Sedition

King George III

August 23, 1775

Whereas many of our subjects in divers parts of our Colonies and Plantations in North America, misled by dangerous and ill designing men, and forgetting the allegiance which they owe to the power that has protected and supported them; after various disorderly acts committed in disturbance of the publick peace, to the obstruction of lawful commerce, and to the oppression of our loyal subjects carrying on the same; have at length proceeded to open and avowed rebellion, by arraying themselves in a hostile manner, to withstand the execution of the law, and traitorously preparing, ordering and levying war against us: And whereas, there is reason to apprehend that such rebellion hath been much promoted and encouraged by the traitorous correspondence, counsels and comfort of divers wicked and desperate persons within this Realm: To the end therefore, that none of our subjects may neglect or violate their duty through ignorance thereof, or through any doubt of the protection which the law will afford to their loyalty and zeal, we have thought fit, by and with the advice of our Privy Council, to issue our Royal Proclamation, hereby declaring, that not only all our Officers, civil and military, are obliged to exert their utmost endeavours to suppress such rebellion, and to bring the traitors to justice, but that all our subjects of this Realm, and the dominions thereunto belonging, are bound by law to be aiding and assisting in the suppression of such rebellion, and to disclose and make known all traitorous conspiracies and attempts against us, our crown and dignity; and we do accordingly strictly charge and command all our Officers, as well civil as military, and all others our obedient and loyal subjects, to use their utmost endeavours to withstand and suppress such rebellion, and to disclose and make known all treasons and traitorous conspiracies which they shall know to be against us, our crown and dignity; and for that purpose, that they transmit to one of our principal Secretaries of State, or other proper officer, due and full information of all persons who shall be found carrying on correspondence with, or in any manner or degree aiding or abetting the persons now in open arms and rebellion against our Government, within any of our Colonies and Plantations in North America, in order to bring to condign punishment the authors, perpetrators, and abettors of such traitorous designs.

Given at our Court at St. James's the twenty-third day of August, one thousand seven hundred and seventy-five, in the fifteenth year of our reign.
Bibliography


__________. “America's War for Independence - Just or Unjust?” in *Journal of Catholic Social Thought* 6:2, 2009.


