WAS SAMUEL RUTHERFORD A SOURCE FOR JOHN LOCKE'S POLITICAL THEORIES?

Robert Arnold, Ph.D. cand.
The Southern Baptist Theological Seminary

Abstract. Francis Schaeffer, in his work *The Christian Manifesto*, suggests that John Locke was dependent upon Samuel Rutherford for his political theories. He writes, "…while Locke had secularized *Lex Rex* he had drawn heavily from it," and goes on to assure the reader that, "We are not reading back into history what was not there" (p. 32). Is Schaeffer's assertion true? Did Locke draw heavily from Rutherford's *Lex Rex*? This article examines John Locke's *Two Treatises of Government* and Samuel Rutherford's *Lex Rex,* and discovers that Schaeffer's assertion does not meet the burden of proof, and he was, in fact, guilty of reading back into history what was not there.

> We hold these truths to be self evident, that all men are created equal, that they are endowed by the Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness. That to secure these rights, governments are instituted among men, deriving their powers from the consent of the governed. That whenever any form of government becomes destructive to these ends, it is the right of the people to alter or abolish it, and to institute a new government, laying its foundation on such principles and organizing power in such form, as to them shall seem most likely to effect their safety and happiness.[1]

These eighteenth-century words from the Declaration of Independence formed the bedrock upon which the government of the United States rests. They also justified the use of force during the American Revolutionary War. In the twentieth-century, evangelical Christian author, Francis Schaeffer (1912-1984), similarly encouraged civil disobedience with the provocative statement, "at a certain point there is not only the right,

[1] *The Declaration of Independence* (Philadelphia, 1776).

but the duty, to disobey the state."[2] For Schaeffer, the United States has been loosed from her Judeo-Christian moorings. When the laws and actions of the state come into direct conflict with the absolute law of God, its authority becomes illegitimate, and the Christian is bound to resist the state by whatever means necessary.

To justify his position, Schaeffer linked the ideologies of the political theorist, John Locke (1632-1704), a source for the Declaration of Independence, with that of Samuel Rutherford (1600-1661) in *Lex Rex: the Law and the Prince* (1644).[3] By doing so, he attempted to prove that the United States was established upon Judeo-Christian principles, instead of post-enlightenment humanism. He went on to suggest that,

> Jefferson, who was a deist, and others, knew they stood in the stream of John Locke (1632-1704), and while Locke had secularized *Lex Rex*, he had drawn heavily from it. These men really knew what they were doing. We are not reading back into history what was not there. We cannot say too strongly that they really understood the basis of the government which they were founding.[4]

Are Schaeffer's bold assertions correct? Did Locke draw heavily from Rutherford to derive his political theory, thus proving that Judeo-Christian principles

---

[2] Francis Schaeffer, *The Complete Works of Francis A. Schaeffer: A Christian Worldview*, vol. 5, ed. Francis Schaeffer, *A Christian Manifesto* (Westchester, Illinois: Crossway Books: A Division of Good News Publishers, 1982, 1984), 485 (31).

[3] Francis Schaeffer, *The Complete Works of Francis A. Schaeffer: A Christian Worldview*, vol. 5, ed. Francis Schaeffer, *A Christian Manifesto* (Westchester, Illinois: Crossway Books: A Division of Good News Publishers, 1982, 1984), 431. The full title of Samuel Rutherford's work is, *Rex Lex, or the Law and the Prince: A Dispute for the just prerogative of King and people: containing the reasons and causes of the most necessary defensive wars of the Kingdom of Scotland, and of their expedition for the aid and help of their dear brethren of England: in which their innocency is asserted, and a full answer is given to a seditious pamphlet, entitled, Sacro-Sancta Regnum Majestas, or the Sacred and Royal Prerogative of Christian Kings; under the Name of J.A. but penned by John Maxwell, the excommunicate popish prelate; with a Scriptural confutation of the ruinous grounds of W. Barclay, H. Grotius, H. Arnisaeus, Ant. De Domi, popish bishop of Spalato, and of other late anti-magistratical royalists, as the author of Ossorianum, Dr. Ferne, E. Symmons, the Doctor of Aberdeen, etc. in forty-four questions.* [Hereafter referred to as *Lex Rex*]. (1843 Edinburgh; Harrisonburg, VA: Sprinkle Publications, 1982). This was compared with a photocopy of the original from Early English Books Online.

[4] Francis Schaeffer, *The Complete Works*, 431-432.

were used to establish the United States? In light of Schaeffer's hypothesis, this paper will compare Rutherford's *Lex Rex* and Locke's *Two Treatises of Government,* and examine historical and literary evidence that support his assertion.[5]

Schaeffer's Evidence

Schaeffer was a founding board member of the Rutherford Institute. Named after Samuel Rutherford, the institute is a non-profit legal organization established to defend the civil, religious, and human rights of the American people. Schaeffer also dedicated *A Christian Manifesto* to Rutherford because, in his opinion, "Rutherford's *Lex Rex* was an important trail marker for our day."[6] Schaeffer was convinced that there were direct correlations between Rutherford and Locke's lives.

Samuel Rutherford (1600-1661) emerged out of the tumultuous political climate of Scotland. Rutherford and Locke were contemporaries, but Rutherford was his senior by thirty-two years. As one of Scotland's prominent seventeenth century theologians and political theorists, Rutherford served as a commissioner in the General Assembly of Divines at Westminster and wrote *Lex Rex* (1644), which justified armed resistance to the reign of Charles I. *Lex Rex* was a polemical document, organized around forty-two questions, which served as a rejoinder to John Maxwell's *Sacro-Sancta Regum Majestas* (1644). Maxwell was a monarchical absolutist who supported the Stuart

---

[5] Locke, John. [Full Title] *Two Treatises of Government: In the Former, the False Principles and Foundations of Sir Robert Filmer, and His Followers, are Detected and Overthrown. The Latter is an Essay Concerning the True Original, Extent, and End of Civil-Government.* (At the Black Swan in Pater-Noster Row: Awnsham and John Churchill, 1698). [Hereafter referred to simply as *Two Treatises of Government*]. This was compared with a photocopy of the original from Early English Books Online.

[6] Francis Schaeffer, *The Complete Works of Francis A. Schaeffer: A Christian Worldview*, vol. 5, ed. Francis Schaeffer, *A Christian Manifesto* (Westchester, Illinois: Crossway Books: A Division of Good News Publishers, 1982, 1984), 415.

family under Charles I and championed the dictum, "the king is the law," or "*rex, lex*." Rutherford, in contrast, argued that the King's power was not absolute, but he was accountable to a higher law, hence "*lex, rex*." Rutherford's book was extremely popular during the Interregnum, but after the Restoration *Lex Rex* was banned and publicly burned. Parliament charged Rutherford with treason and summoned him to appear, but Rutherford died in 1661 before he could appear.

In contrast to Scottish-born Rutherford, John Locke (1632-1704) was born an Englishman. His *Two Treatises of Government* was a refutation of Robert Filmer's essay, *Patriarcha*, written c. 1637-38, but remained unpublished until 1680. Filmer, like Maxwell in Rutherford's day, argued for the divine right of kings. Locke found Filmer's doctrine repugnant. Locke was expelled from his teaching post at Christ Church in Oxford, and he fled to Holland in 1683 to avoid the charge of treason because of his radical Whig affiliations. Locke's *Two Treatises of Government* appeared in 1688 following the Glorious Revolution. The treatises vindicated the usurpation of James II and the ascension of William, the Dutch monarch, with Mary, the daughter of James II, to England's throne as co-regents.[7]

Locke's residency in Westminster during the English Civil War overlapped with Rutherford's residency. Both were acquaintances of the famous Westminster divine, John Owen, but no record of any contact has survived. The Westminster Assembly convened in July of 1643; Rutherford was forty-three and Locke was twelve.

---

[7] Locke wrote in his Preface, "These, which remain, I hope are sufficient to establish the Throne of our Great Restorer, Our present King William; to make good his Title, in the Consent of the People, which being the only one of all lawful Governments, he has more fully and clearly than any Prince in Christendom" in, John Locke, *Two Treatises of Government*, ed. Peter Laslett, Cambridge Texts in the History of Political Thought Series, gen. ed. Raymond Geuss and Quentin Skinner (New American Library,

At seventeen, while a student of Westminster School, Locke was within earshot on the morning of January 30, 1649, when King Charles I was executed. Locke completed his education and assumed a teaching position at Oxford. He became politically active through his association with the Earl of Shaftesbury, and the Two Treatises of Government was the culmination of Locke's political activities.

Schaeffer was firmly convinced that Locke used *Lex Rex*, but no extant documentary evidence exists to substantiate that Locke read Rutherford's materials. Locke referenced Rutherford in none of his extant works, correspondences, or extensive journals, and Locke's library indexes do not reference any of Rutherford's books. The only item that Locke possessed to link him with Rutherford was a copy of the *Westminster Confession of Faith*. Rutherford was a contributor to the Confession, and many years later Locke kept an index of the 1688 third edition of the confession in his library.[8] Therefore, as intriguing as the possibilities are, these facts do not substantiate Schaeffer's assertion that Locke drew directly and extensively from Rutherford work.[9]

Similarities

In light of this fact, Schaeffer connected Locke to Rutherford through certain similarities between the *Lex Rex* and the *Two Treatises of Government*, parallels that coincided with four basic points: inalienable rights, government by consent, separation of

---

1965; repr. Cambridge, England: Cambridge University Press, 2004), 137.

[8] John Harrison and Peter Laslett, *The Library of John Locke 76* (Oxford: Oxford University Press, 1965), quoted in Peter Judson Richards, "'The Law Written in their Hearts?' Rutherford and Locke on Nature, Government, and Resistance," *Journal of Law and Religion*, XVIII, no. 1 (Fall 2002), 182-183.

[9] Francis Schaeffer, *The Complete Works of Francis A. Schaeffer: A Christian World View*, vol. 4, ed. Francis Schaeffer, *The Church at the End of the Twentieth Century* (Westchester, IL: Crossway Books, 1982), 20.

powers, and the right to resist and revolt against unlawful authority.[10] The most significant similarity for Schaeffer was the last point: the right to resist unlawful authority. He explained that, "For both *Lex Rex* and Locke there comes a time when there must be civil disobedience on the appropriate level."[11] Later Schaeffer emphasized that, "Without the possibility of his fourth point – the right to resist unlawful authority – the other three would have been meaningless."[12] Upon this principle rested the entire thesis of Schaeffer's book. Schaeffer also stressed one additional similarity in the last chapter of *A Christian Manifesto*, that "the bottom line was not an abstract point for conversation over a tea table; at a certain point it had to be acted upon."[13] For Schaeffer, as well as for Locke and Rutherford, these principles demanded action.

Schaeffer was correct about recognizable similarities between *Lex Rex* and *Two Treatises of Government*, but it must be remembered that neither the views of Rutherford nor those of Locke were original. During the English Civil War and Interregnum, Independents, Levelers, and religious radicals, who wielded so much power in the New Model army, shouted egalitarian political ideas from the housetops. Thus, these similarities, by themselves, cannot substantiate Schaeffer's assertion that Locke drew from Rutherford's work.

Differences

Peter Richards, in his journal article on Rutherford and Locke, observed that a

---

[10] Francis Schaeffer, *A Christian Manifesto*, 405-06.

[11] Ibid, 406.

[12] Ibid, 427.

[13] Ibid, 429.

"comparison reveals that the primary theological and philosophical dispositions of the two authors set them on divergent trajectories, not withstanding some clear and obvious similarities in their position on resistance."[14] Rutherford and Locke differed in at least four areas. First, Rutherford formulated his political theory from a theological perspective, because for him, political issues were inseparable from theology.[15] He argued from divine revelation, as revealed through Scripture. Scripture, for Rutherford, held deep spiritual and political significance, and was a guide in all areas of human existence. In contrast, Locke used Scripture extensively, but he approached the Bible as a historical document. Thus, he grounded his political theory on an anthropological foundation of human reasoning instead of a theological foundation. For Locke, seeking theological answers was unnecessary because practical answers were accessible to humanity through the laws of nature.

Second, Rutherford was a strict adherent of Presbyterian Calvinism, which stressed the inherent problem of human depravity. Because of the Fall and original sin, humankind's faculty for reasoning was corrupted and incapable of objectivity or purely rational judgments. Divine revelation and redemption was the sole means by which man's defective reasoning was restored. By contrast, Locke was an Anglican who attempted to divest himself of his Calvinistic heritage, embraced an optimistic view of human reasoning, and de-emphasized humankind's turpitude.

Third, Rutherford accepted the biblical idea of a universal set of morals written

---

[14] Peter Judson Richards, ""The Law Written in Their Hearts" Rutherford and Locke on Nature, Government, and Resistance," *Journal of Law and Religion* XVIII, no. 1 (Fall 2002): 153.

[15] Ibid., 155.

on each human heart by their Creator. As a member of the last generation of neo-Thomists, he approached reasoning from a scholastic perspective, and accepted the teleological arguments of Plato and Aristotle, which asserted a universal set of moral truths.[16] On the other hand, Locke rejected the teleological view of nature and accepted instead a utilitarian approach. Hence, abstract moral principles do not govern men, but an innate drive for self-preservation, personal happiness, and well-being. Men band together in societies and relinquish power and freedom to maximize their comfort and protect personal property.

These differences – divine revelation to human reason; Calvinism to Arminianism; and universal morality to utilitarianism – represent monumental differences between Rutherford and Locke that further undermine Schaeffer's assertion that Locke drew heavily from Rutherford's work.

Historical Evidence

In addition to similarities between *Lex Rex* and the *Two Treatises of Government*, Schaeffer attempted to draw historical links between Rutherford and Locke. Schaeffer described a *flow* or *line* of political and religious development, and maintained that this flow "is rooted and has its wellspring in the thoughts of people."[17] The role of historians, according to Schaeffer, is to "trace these lines in history, namely, the philosophic, the scientific, and the religious."[18] Schaeffer based these connections on

---

[16] Ibid., 152.

[17] Francis Schaeffer, *The Complete Works of Francis A. Schaeffer: A Christian Worldview*, vol. 5, *A Christian Manifesto* (Westchester, Illinois: Crossway Books: A Division of Good News Publishers, 1982, 1984), 83.

[18] Ibid, 484.

geographic, ideological, and temporal proximity. For example, Schaeffer links William Tyndale and John Knox with Rutherford when he wrote,

> "Because John Knox of Scotland is such a clear example I will give more detail concerning him. Knox was ordained to the priesthood in 1536 (the year William Tyndale was executed) after studying at St. Andrews University near Edinburgh where Samuel Rutherford later was Rector."[19]

He went on to explain that Rutherford was a predecessor to John Witherspoon, who "knew and stood consciously in the stream of Samuel Rutherford," and that Jefferson, "who was a deist, and others, knew they stood in the stream of John Locke."[20]

In reality, Schaeffer's premise that there is a *flow* or *stream* to history detracts from his argument rather than supporting it. Social contract theories, with their concepts of popular consent, human equality, and justifiable civil disobedience, had abounded in England and Europe for over three centuries. The earliest social contract theories in the British Isles, which involved monarchical accountability, can be traced back to the Scottish Wars for Independence in the fourteenth century. Locke, being an Oxford Don, would have access to much of the information related to Scotland's political history.

For example, the Declaration of Arbraoth in 1320 was a milestone in Scottish history. In 1320 the king of Scotland, John Baliol, was deposed after he subjugated himself and Scotland to the domination of Edward I of England. The Declaration of Arbraoth affirmed that the new monarch, Robert Bruce, was accountable to the nobles and would be likewise deposed if his loyalties changed. The Scottish noblemen contended that the king was accountable to the people in the same way his subjects were

---

[19] Ibid, 471.

[20] Ibid, 432.

answerable to the king.

The declaration, addressed to Pope John XXII, read as follows,

> Him, too, divine providence, his right of succession according to our laws and customs which we shall maintain to the death, and the due consent and assent of us all have made our Prince and King. To him, as to the man by whom salvation has been wrought unto our people, we are bound both by law and by his merits that our freedom may be still maintained, and by him, come what may, we mean to stand. Yet, if he should give up what he has begun, and agree to make us our kingdom subject to the King of England or the English, we should exert ourselves at once to drive him out as our enemy and a subverter of his own rights and ours, and make some other man who was well able to defend us our King; for, as long as but a hundred of us remain alive, never will we on any conditions be brought under English rule.[21]

Cowen, of the University of Edinburgh, explained that this declaration "is the first national or governmental expression, in all of Europe, of the principle of the contractual theory of monarchy which lies at the root of modern constitutionalism."[22] Locke may have been aware of the Declaration of Arbraoth, and if so, it would have been an influence on Locke's political theory.

In subsequent centuries, early reformers throughout Europe, men like Huss, Wycliffe, Luther, and Calvin also broached the subject of magisterial restraint and civil disobedience. Locke had access to documents containing the Reformers' thoughts and ideas, and these would have made an impact on his *Two Treatises of Government*. One

---

[21] "Quen eciam diuina disposicio et iuxta leges et Consuetudines nostras, quas vsque ad mortem sustinere volumus, Juris successio et debitus nostrorum omnium Consensus et Assensus nostrum fecerunt Principem atque Regem, cui tanquam ille per quem salus in populo nostro facta est pro nostra libertate tuenda tam Jure quam meritis tenemur et volumus in omnibus adherere. Quem si ab inceptis desisteret, Regi Anglorum aut Anglicis nos aut Regnum nostrum volens subicere, tanquam Inimicum nostrum et sui nostrique Juris subuerorem statism expellere niteremur et alium Regem nostrum qui ad defensionem nostram sufficeret faceremus. Quia quamdiu Centum ex nobis viui remanserint, nuncquam Anglorum dominio aliquatenus volumus subiugari." As written by the barons of Scotland to Pope John XXII, *The Declaration of Arbraoth*, trans. Sir James Bart Fergusson (Edinburgh: Edinburgh University Press, 1970), 9.

[22] Edward J. Cowan, *'For Freedom Alone': The Declaration of Arbraoth* (East Lothian, Scotland: Tuckwell Press, 1988), 62.

such Reformer was John Knox, and during his lifetime the Scottish people made good their pledge in the Declaration of Arbraoth. Knox actively strove to depose Mary Queen of Scots, and his insistence that all men and women are equal in spiritual matters opened the way for modern political thought. His close confidant, George Buchanan, produced *De Jure Regni Apud Scotos*, which referred to the usurpation of John Baliol, to justify Queen Mary's removal.[23] Knox and Buchanan were successful in their endeavors; the Queen was ultimately deemed a tyrant and deposed at the hands of her own subjects in 1567.

The English parliament of 1584 issued a ban on the English translation of *De Jure Regni Scotos* because Buchanan's assertions threatened the Stuart crown, but the Latin original was widely disseminated throughout Scotland and England. Buchanan's treatise was intensely popular during the English Civil War and cited by many learned individuals, including Rutherford.

In addition to John Knox, other Reformers justified their opposition to the popes and monarchs, and perhaps none was more influential on England and Scotland than John Calvin. Calvin argued for the God-given right and duty of lower magistrates to resist tyrannical kings. The limitations placed on Charles I during the Civil War (1642-1649), the Interregnum (1649-1660), the Parliamentary subjection of the monarchy after the Restoration (1660), and the severe restrictions imposed on William and Mary after the Glorious Revolution (1688), were all justified with quotes from Calvin. According to

---

[23] He explained that Baliol was, "deposed by our leading men on account of his having subjected himself and his kingdom to Edward the Englishman." George Buchanan, *De Jure Regni Apud Scotos: A Dialogue Concerning the Rights of the Crown in Scotland*, trans. Robert MacFarlane (Harrisonburg, VA: Sprinkle Publications, 1982), 300. This book was published as an addendum in the back of *Lex Rex, or The Law and the Prince*.

Berman, “Locke derived from Calvinism his theories of natural law, the social contract, and government by consent of the governed.”[24] Thus, despite the fact that Locke diverged from his Calvinistic upbringing, he was theologically and philosophically an heir of Puritan rationalism.[25]

Rutherford quoted myriad other sources, including continental theorists and Catholic theologians. Like a rock in the middle of a stream, he caused ripples in history, but the flow may have circumvented Rutherford and brought other resources into Locke’s sphere of influence. Contemporaries and Whigs, such as the First Earl of Shaftesbury, James Tyrrell, and Lord John Somers, no doubt, made greater impressions on Locke’s work. Thus, the remote possibility exists that Rutherford affected Locke, but more likely, Locke's familial and educational background, religious environment, and political associations influenced his political views. Contrary to Schaeffer premise, outlining a flow of history based on geographic, ideological, and temporal similitude does not substantiate his assertion that Locke drew from Rutherford.

Textual Evidence

Laslett, in his “Introduction” to the modern reprint of *The Two Treatises of Government*, was correct when he warned that, “it is idle to look for a direct source, or the source, of Locke’s political thinking in Hobbes or anyone else,” but then he goes on to propose various possibilities.[26] In Locke’s work, there were at least five sources

---

[24] Harold J. Berman, “Religious Foundations of Law in the West: An Historical Perspective,” *The Journal of Law and Religion*, no 1 (Summer 1983), 29.

[25] Winthrop S. Hudson, "John Locke - Preparing the Way for The Revolution," *Journal of Presbyterian History* 42, no. 1 (1964): 21.

[26] Peter Laslett, “Introduction” to *Two Treatises of Government*, 71.

referenced either directly, or indirectly, that influenced him: Hugo Grotius, John Milton, Richard Hooker, Thomas Hobbes, and Sir Robert Filmer.

First, Hugo Grotius (1583-1646) influenced Locke. Oxford curriculum exposed Locke to Grotius's political ideas during his residency. Louis du Moulin was a political Independent, a professor of history at Oxford, and the son of Pierre du Moulin, the teacher of Hugo Grotius. As an Independent, Du Moulin promoted government by popular consent, natural rights, and liberty of conscience.[27] Du Moulin's lectures would have been compulsory for Locke, and would have influenced Locke's political ideas.

Grotius, a native of Holland, was a true Renaissance man, internationally known for his theories on international law; but five Latin words, isolated from his "Prolegomena" from *The Right of War and Peace,* brought him notoriety. These five words, *etiamsi daremus Deum non esse,* translated "even were we to accept that God did not exist," served as the foundation of what became known as Grotius's "secular" theory of natural law.[28] Grotius's point was that laws of nature were an adequate basis for the laws of society, with or without knowledge of their divine origin. Grotius became a source for apologists for natural religion; he was convinced that natural rights underlay all human existence and were the basis for the political constitutions in advanced civilizations. Natural rights supplied the fundamental building blocks for human societies and their laws. Thus, Grotius opened the door for future political theorist, like Locke, to separate government and moral law from a theological foundation.

---

[27] Winthrop S. Hudson, 22.

[28] Oliver O'Donovan and Joan Lockwood O'Donovan, eds., "Hugo Grotius," *From Irenaeus to Grotius* (Grand Rapids: Eerdmans, 1999), 788.

Filmer used quotes from Grotius to substantiate his argument that the King's rule was absolute. Locke turned Grotius's arguments against Filmer, and in a response to one of Filmer's quotes, Locke replied, "Grotius tells us not here how far this *jus in liberos*, this power of parents over their children extends."[29] Locke's quote indicates a familiarity and knowledge of Grotius's works. In other places, Locke alluded indirectly to Grotius, in addition to other political philosophers, when he clarified that, "Tis true, the civil lawyers have pretended to determine some of these cases concerning the succession of princes."[30] Significantly, Rutherford also cited Grotius to bolster his arguments, thus indicating that Grotius may have been a source for both Locke and Rutherford, while both men and their documents remained independent from each other.

Second, Locke intentionally included John Milton's name when he cited a quote from Filmer, and therefore, Milton may have been a resource for Locke's work. Best known as the author of *Paradise Lost*, Milton was a contemporary of Samuel Rutherford and one of the first Englishmen to propose a coherent contract theory. His work, *The Tenure of the Kings and Magistrates*, was released only five years after Rutherford's Lex Rex (1644) and justified armed resistance against tyrannical kings. In his preface, Locke mentioned Filmer's rebuttal of men like Milton, and explained that,

> I have nothing more, but to advertise the Reader, that A stands for our Author. O for his Observations on Hobbs, Milton, etc… And that a bare quotation of pages always means pages of his Patriarcha.

This quote was in reference to Filmer, but revealed that Locke was familiar

---

[29] John Locke, *Two Treatises of Government*, ed. Peter Laslett, Cambridge Texts in the History of Political Thought Series, gen. ed. Raymond Geuss and Quentin Skinner (New American Library, 1965; repr. Cambridge, England: Cambridge University Press, 2004), 177.

[30] Ibid, 233.

with Milton. Locke's treatises refuted Filmer; Filmer attempted to refute Milton. Consequently, Locke may have indirectly defended and improved upon the arguments of Milton.

Raath and Freitas offered an intriguing comparison of Rutherford and Milton's political polemics, observing that,

> Milton tended to concentrate mainly on the importance of man's will and his reason, which has not become imperfect as a result of the fall… On the other hand, Rutherford always balanced a Thomistic belief in natural law with a Calvinistic conviction that, because of the fall, unaided reason was inadequate and the mind was not necessarily a vehicle of rationality.[31]

Rutherford and Milton sought to achieve similar results, but Rutherford argued from an Old Testament covenantal perspective, while Milton, following in the tradition of Buchannan, based his assertions on a popularistic social contract. In addition, Rutherford argued from a nationalistic collective responsibility, while Milton's argument was more individualistic.[32] If this assessment was correct, then Locke's treatise, with his emphasis on the individual and human reason, paralleled Milton's approach more closely than Rutherford's approach.

Third, Richard Hooker (1554-1600) had an influence on Locke. He lived nearly a half a century prior to Locke and his primary work was *Of the Laws of Ecclesiastical Polity: Eight Books.* The last three books of this work were released many years after his death, but were germane to the political turmoil during the English Civil

---

[31] Raath and De Frietas, 319.

[32] Andries Raath and Shaun De Frietas, "Theologically United and Divided: The Political Covenantalism of Samuel Rutherford and John Milton," *The Westminster Theological Journal* 67, no. 2 (Fall 2005): 318.

War. Locke quoted Hooker indirectly at least sixteen times in the *Second Treatise*.[33] Locke recorded that,

> "This equality of men by nature, the judicious Hooker looks upon as so evident in it self, and beyond all question, that he makes it the Foundation and the obligation to mutual love among men, on which he builds the duties they owe one another, and from whence he derives the great maxims of justice and charity."[34]

Locke was well acquainted with Hooker, described him as "judicious," and expressed his indebtedness to him for both his philosophy and political theory. Locke quoted an extended passage of Hooker's extrapolation of human equality from the Golden Rule, including when Hooker explained,

> My desire therefore to be loved of my equals in nature as much as possibly may be, imposes upon me a natural duty of bearing to them-ward fully the like affection. From which relation of equality between ourselves and them that are as ourselves, what several rules and canons natural reason hath drawn for direction of life…[35]

Equality, for Hooker, was the foundation upon which human reason established society's laws and rules for human behavior and government.

A corollary of human equality was government by popular consent, a concept likewise extracted by Locke from Hooker's political discourses. Hooker concluded that, "Laws therefore human of what kind so ever are available by consent,"[36] and argued from equality that,

[T]he lawful power of making laws to command politic societies of men belongs so

---

[33] Peter Laslett, "Introduction" to *Two Treatises of Government*, by John Locke, Cambridge Texts in the History of Political Thought Series, ed. Raymond Geuss, Quentin Skinner, and Richard Tuck (New American Library, 1965; repr., Cambridge, England: Cambridge University Press, 2004), 57.

[34] John Locke, *Two Treatises of Government*, 270.

[35] Richard Hooker, *Of the Laws of Ecclesiastical Polity*, ed, Thur Stephen McGrade, Cambridge Texts in the History of Political Thought, Series ed. Raymond Geuss, Quentin Skinner, and Richard Tuck (New York: Cambridge University Press, 1989, repr. 1994, 1997), 80.

[36] Ibid, 93.

> properly unto the same entire societies, that for any prince or potentate of what kind so ever upon earth to exercise the same of himself and not either by express commission immediately and personally receive from God, or else by authority derived at the first from their consent upon whose persons they impose laws, it is no better than mere tyranny.[37]

For Hooker, the imposition of government without consent was paramount to tyranny, a notion that will resurface with vitriolic force prior to the Glorious Revolution. Locke's reliance upon Hooker is all the more significant because Locke disagreed with Hooker's political assessments in regards to ecclesiastical and monarchical authority. Despite this fact, Locke recognized the merit of many of Hooker's basic premises, credited Hooker with the principles of human equality and government by consent, and incorporated them into his Two Treatises of Government.

Fourth, Locke referenced Thomas Hobbes's work, *Leviathan*, which implies that Hobbes had an indirect, albeit antithetical, influence on Locke. Hobbes (1588) attended Oxford and published *Leviathan*. Locke was apposed to Hobbes's basic premise in Leviathan, which became known as Hobbesian absolutism. But Hobbes also advanced principles of human equality when he wrote,

> "Nature hath made men so equall [sic], in the faculties of body, and mind… I find yet a greater equality among men, than that of strength. For Prudence, is but experience; which equall time, equally bestows on all men, in those things they equally apply themselves unto."[38]

Locke was opposed to Hobbes's political perspective and his references to Hobbes were mainly in the form of retorts. Despite Locke's general opposition to Hobbes, both men promoted similar egalitarian principles and rejected the patriarchal

---

[37] Ibid.

[38] Thomas Hobbes, *Leviathan*, ed. W.G. Pogson Smith (Oxford: Oxford at Clarendon Press, 1947), 94.

attitude of men like Filmer.

The clearest reference to Hobbes's *Leviathan* was in the *Second Treatise,*

> Such a constitution as this would make the mighty *Leviathan* of a shorter duration, than the feeblest creatures; and not let it outlast the day it was born in: which cannot be supposed, until we can think that rational creatures should desire and constitute societies only to be dissolved.[39]

This critique was derogatory because Locke diverged with the royalists, like Hobbes, who sanctioned the monarchy to the exclusion of other forms of government; but Locke and Hobbes held similar positions on property and justice. The parallels were pronounced enough that, much to Locke's chagrin, he was accused of reproducing Hobbes's theological positions.[40] Apparently, Locke was affected by Hobbes and incorporated his ideas on human equality as they related to government and social structure into the *Two Treatises*.

Fifth, *Patriarcha*, not Rutherford's *Lex Rex*, would have been the document that sat at Locke's elbow as he wrote the *Two Treatises of Government.* Like Hobbes's writings, Filmer's arguments were an antithetical influence, since he promoted the divine right of kings. He theorized that the monarchical line was divinely established through Adam as he exercised authority over his family and all future descendents. Supposedly Adam's oldest son, Seth, inherited his father's patriarchal authority, and the patriarchal familial structure, with its royal succession, became the model for future government.

The organization of Locke's *First Treatise of Government* was seriatim, saliently responding to each point and arguing that Adam's authority was not inherited.

---

[39] John Locke, *Two Treatises of Government* (2.97), 333.

[40] Peter Laslett, "Introduction" to *Two Treatises of Government*, 73.

Even if succession was bequeathed, it was severed through wars and usurpation and was no longer valid. In contrast to Filmer's patriarchal sovereignty, Locke recognized that human beings are drawn toward socialization, and the fundamental principle that, "all men by nature are equal," was the base upon which human society was constructed.[41] Locke explained,

> A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another: there being nothing more evident, than that creatures of the same species and rank promiscuously born to all the same advantages of nature, and the use of the same faculties, should also be equal one amongst another without subordination or subjection.[42]

Individual freedom, limited by the corresponding freedom of others, gave society its inherent stability. In a legitimate society, men are free to conduct their own affairs and dispose of their personal possessions as they see fit.

According to Laslett, evidence existed that Locke was familiar with Filmer's earlier treatises as well.[43] *Patriarcha* remained unpublished until 1680, twenty-seven years after Filmer's death, but Filmer's earlier treatise, entitled *Observations Concerning the Originall of Government upon Mr. Hobbes's Leviathan, Mr. Milton against Salmasius, and H. Grotius' De Jure Belli ac Pacis* was published the year before Filmer's death in 1652. Locke had this document in mind in his Preface, when he clarified that, "*A* stands for our Author. *O* for his *Observations on Hobbs, Milton*, etc… And that a bare quotation of pages always means pages of his *Patriarcha*."

---

[41] John Locke, *Two Treatises of Government*, ed. Peter Laslett, Cambridge Texts in the History of Political Thought Series, gen. ed. Raymond Geuss and Quentin Skinner (New American Library, 1965; repr. Cambridge, England: Cambridge University Press, 2004), 304.

[42] Ibid, 269.

[43] Peter Laslett, "Introduction" to *Two Treatises of Government*, 20.

This evidence reveals that Locke singled out Filmer as the greatest advocate for the divine right of Kings, and at least two of his works, more than any other sources, shaped the content of Locke's *Two Treatises of Government*. But, as was indicated, Hugo Grotius, Milton, Hooker, and Hobbes were also referenced by Locke and played a role in Locke's political thinking. As mentioned earlier, Locke referenced Rutherford in none of his extant works, correspondences, or extensive journals, and Locke's library indexes reference none of Rutherford's books. Collectively, these facts undermine Schaeffer's assertion that Locke drew directly and extensively from Rutherford work.

Finally, Schaeffer's argument was fundamentally inconsistent when he argued, "Locke took Rutherford's *Lex Rex* and secularized it," which implies that Locke "has humanized" the arguments of *Lex Rex*.[44] Locke maintained biblical historicity, but his treatises initiated the removal of the theological foundation, increasingly substituting in its place a humanistic, anthropocentric base. Schaeffer's acknowledgement undermined the primary tenet of *A Christian Manifesto*, that America was established upon Judeo-Christian principles because Locke's political theory was established on Christian mores. His argument was logically inconsistent.

Conclusion

Since Schaeffer provided no primary documentation or direct evidence to connect *Lex Rex* with the *Two Treatises of Government*, his argument is susceptible to the fallacy of *post hoc, ergo prompter hoc*. Geographic and temporal proximity, or even ideological propinquity, were inadequate foundations upon which to construct his

---

[44] Francis Schaeffer, *A Christian Manifesto*, 405.

emphatic assertions. The political ideas that Locke utilized may have originated from independent sources from Rutherford due to the tortuous flow of English history between Catholicism and Protestantism, absolutism and egalitarianism, and Calvinism and Arminianism. To contend that Rutherford was Locke's primary source entailed discounting the influence of historical of specific political declarations, the Reformers, Calvinistic theology, and the writings of Grotius, Milton, Hooker, Hobbes, and his antagonist, Filmer.

An answer is now available for the original question: Was Schaeffer correct when he asserted that "Locke took Rutherford's *Lex Rex* and secularized it," or did Schaeffer read into the story what was not there? It has been shown that major elements of Locke's political theory, even those similar to Rutherford's *Lex Rex*, could be linked with other writings or contemporary political forces. Admittedly, similarities existed, there were parallels surrounding the events that shaped the lives of Rutherford and Locke, and possibly, they met, but that proved nothing, and the connection between *Rex* and Locke's *Two Treatises of Government* remained dubious at best. The evidence that undermined Schaeffer's assertion was that Locke never mentioned Rutherford, despite his meticulous crediting of other philosophers and political thinkers, and that Schaeffer admitted that the *Two Treatises of Government* were secular in nature. Without more information, Schaeffer's assertions failed to meet the burden of proof. Schaeffer's theory is plausible, but significant assumptions were made, and his hard-line position untenable. A more cogent assertion is that both humanistic Enlightenment reasoning and Christian biblical theology influenced Locke as he penned *The Two Treatises*, which may include elements of Rutherford's *Lex Rex*.

BIBLIOGRAPHY

Richards, Peter Judson. ""The Law Written in Their Hearts" Rutherford and Locke on Nature, Government, and Resistance." *Journal of Law and Religion* XVIII, no. 1 (Fall 2002): 151-189.

Primary Sources

Buchanan, George. *De Jure Regni Apud Scotos*. Translated by Robert MacFarlane. Harrisonburg, VA: Sprinkle Publications, 1982.

The Declaration of Arbraoth. Translated by Sir James Bart Fergusson. Edinburgh: Edinburgh University Press, 1970.

Filmer, Sir Robert. *Patriarcha and Other Writings*. Edited by Johann P. Somerville. Cambridge, England: Cambridge University Press, 1991.

Hobbs, Thomas. *Leviathan*. Edited by W.G. Pogson Smith. Oxford: Oxford at Clarendon Press, 1947.

Hooker, Richard. *Of the Laws of Ecclesiastical Polity*. Cambridge Texts in the History of Political Thought, ed. Raymond Geuss, Quentin Skinner, and Richard Tuck. New York: Cambridge University Press, 1989, repr. 1994, 1997.

Locke, John. *Two Treatise of Government*. Cambridge Texts in the History of Political Thought, ed. Raymond Geuss and Quentin Skinner. Cambridge, MA: New American Library, 1965. Reprint, Cambridge, England: Cambridge University Press, 2004.

Schaeffer, Francis A. *A Christian Manifesto*. Westchester, Illinois: Crossway Books, 1981.

Schaeffer, Francis. *The Complete Works of Francis A. Schaeffer: A Christian World View*. Edited by Francis Schaeffer. *The Church at the End of the Twentieth Century*. Westchester, IL: Crossway Books, 1982.

Secondary Sources

Cowan, Edward J. *'For Freedom Alone': The Declaration of Arbraoth*. East Lothian, Scotland: Tuckwell Press, 1988.

Harrison, John and Peter Laslett. *The Library of John Locke 76*. Oxford: Oxford University Press, 1965. Quoted in Peter Judson Richards, *"The Law Written in their*

Hearts?" Rutherford and Locke on Nature, Government, and Resistance, vol. XVIII, New York: Hamline University School of Law, 2002, 151-189.

Laslett, Peter. “Introduction” to the *Two Treatises of Government*, by John Locke. Cambridge, England: Cambridge University Press, 2004.

O'Donovan, Oliver and Joan Lockwood O'Donovan, eds. *From Irenaeus to Grotius*. Grand Rapids: Eerdmans, 1999.

Periodicals

Berman, Harold J. "Religious Foundations of Law in the West: An Historical Perspective." *Journal of Law and Religion* 1, no. 1 (Summer 1983): 3-49.

Hudson, Winthrop S. "John Locke - Preparing the Way for The Revolution." *Journal of Presbyterian History* 42, no. 1 (1964): 19-38.

Raath, Andries and Shaun De Frietas. "Theologically United and Divided: The Political Covenantalism of Samuel Rutherford and John Milton." *The Westminster Theological Journal* 67, no. 2 (Fall 2005): 301-321.

Richards, Peter Judson. "'The Law Written on Their Hearts?' Rutherford and Locke on Nature, Government, and Resistance." *The Journal of Law and Religion* XVIII, no. 1 (Fall 2002): 151-189.

Internet Sources

Merriam-Webster Dictionary. http://m-w.com/dictionary/secular/ (accessed October 29, 2006).