

The Scottish division between Protestants and Catholics through the political “controversy” between Buchanan and Barclay about Monarchy

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‘The Scottish division between Protestants and Catholics through the
political “controversy” between Buchanan and Barclay about Monarchy’
(16 September 2017)**

In the field of politics, the ideas of the Scotsmen George Buchanan (1506-1582) and William Barclay (1546-1608) have often been opposed as, on the one hand, the defence of the right for the people to resist an evil king, even to kill him, and, on the other hand, the theory of what would be called a little later ‘absolute monarchy’, which places the kings, whether they are good or not, beyond the human laws. Buchanan exposed his arguments in his *De Jure Regni apud Scotos (On the Law of Kingship among the Scots)*, published in Edinburgh in 1579; Barclay, who belonged to the next generation, wrote his own treatise entitled *De Regno et Regali Potestate, contra Monarchomachos (On Kingship and on the Royal Power, against the Monarchomachs)*... in Paris, in 1600, a work that the French team of translators to which I belong is translating for the first time in French¹.

Even if Barclay seems to have never physically met Buchanan, one can speak about a kind of controversy between them. First because Barclay, according to the rules of polemical literature, often addresses Buchanan in imagination – always vehemently – as one of his principal adversaries (mentioned in the title of his work). Barclay often quotes Buchanan’s treatise before developing his refutation, as if the dead humanist was still alive in front of him. But also because their lives share several aspects which could have brought them together instead of opposing them. Both are Scotsmen who spent a lot of time on the European Continent, and particularly in France. Both knew quite well the King James the Sixth/the First since Buchanan was his tutor when he was young and Barclay dedicated his treatise to James the First who would have wanted the lawyer to work for him. Both of them chose the classical shape of a dialogue between themselves and a friend² in order to expose in detail their ideas. Even if they were frequently lead to refer to the Bible, none of them was a theologian, but they were two scholars and teachers. Buchanan was essentially famous for his poems and his dramas; he was a Latin teacher in several French colleges and the tutor to Queen Mary Stewart and afterwards to his son. Barclay was not only the Master of Requests of the Duke Charles de Lorraine, but also a teacher in civil Law and rector of the University of Pont-à-Mousson.

Here begin the differences between them. Even if both have a great culture, they do not exactly share the same one, so to speak. Barclay uses juridical arguments or ways of thinking that Buchanan ignores (the lawyer criticizes him for this gap), and Barclay’s references to the

¹ I am in charge of the French translation of the second book with Henri Lamarque. The treatise contains six books ; the work of translation brings together seven French specialists in Latin language and a specialist in Law History ; it is supervised by Bernard Bourdin (Université de Lorraine-Metz and Institut Catholique de Paris) and will be published in Paris by Honoré Champion.

² At least in the first two books of Barclay’s treatise, when Barclay speaks to his friend Le Bouteiller. In the four other ones, he seems to forget the dialogic shape.

Ancient literature are less extensive, less precise than those of Buchanan. Essentially, the main difference is that Buchanan became a Protestant and Barclay remained a Catholic. Even if the adversaries quoted in the title of the *De Regno et Regali Potestate* are both Catholic (Jean Boucher, one member of the French League) and Protestant (Buchanan and Etienne Junius Brutus), which remind us that on both sides some people defended tyrannicide, and although some members of both religions disapproved of resistance to evil kings, one can say that religious beliefs have some influence on Buchanan and Barclay's political views. It is relevant to notice that one of the most frequent rebukes made by Barclay to his adversary is the accusation of heresy and sacrilege, two notions that lead Buchanan, according to the lawyer, to wrong political ideas.

I am going to see with you this gap between both Scotsmen about one point in particular, the traditional comparison between two apparently opposite extracts from the Bible, the eighth chapter of the First Book of Samuel and the seventeenth chapter of Deuteronomy. Those abstracts have been often quoted by political thinkers who tried to definite monarchy as one kind of terrestrial power on humans. Both Scotsmen, in turn, examine them but in totally different ways.

We will study first their interpretations of the first Book of Samuel, then of Deuteronomy, 17, and finally, through their respective explanations about these excerpts, the question of the Christian references chosen (or not chosen) by Buchanan and Barclay in order to justify their own political points of view.

1 Samuel, 8, 1-22

In the second part of his *De Jure Regni*, Buchanan, who has just examined the reasons why human beings create communities and traditionally link kingship to the authority of laws, is now interested in famous biblical extracts on which his defence of a moderate monarchy can be based, before, at the end of his book, exposing the right for the people, and even for an individual, to get rid of tyrants.

Since Barclay considers the first two books of his treatise as a refutation of the *De Jure Regni*, his arguments generally follow the framework of Buchanan's items in order to make his refutation more effective. It is the case in the second book which I am translating into French. Within the paragraphs 68-80 of the *De Jure Regni*, Buchanan and his interlocutor, Thomas Maitland, wonder if Samuel's prophecy expressed in the first Book of Samuel about the future king whom the Hebrew people asks for announces a good or an evil kingship; in other words, whether tyranny has been created or authorized by God or not. This prophecy is situated just before the choice of Saul as the first king of the Hebrews, and we all know that Saul became mad... This text evokes an evil ruler who will enslave his own subjects and deprive them of all their possessions and rights.

Extract from the King James Version Bible (1611):

- 1 And it came to pass, when Samuel was old, that he made his sons judges over Israel.
- 2 Now the name of his firstborn was Joel; and the name of his second, Abiah: they were judges in Beersheba.
- 3 And his sons walked not in his ways, but turned aside after lucre, and took bribes, and perverted judgment.
- 4 Then all the elders of Israel gathered themselves together, and came to Samuel unto Ramah,
- 5 And said unto him, Behold, thou art old, and thy sons walk not in thy ways: now make us a king to judge us like all the nations.
- 6 But the thing displeaseth* Samuel, when they said, Give us a king to judge us. And Samuel prayed unto the Lord.

7 And the Lord said unto Samuel, Hearken unto the voice of the people in all that they say unto thee: for they have not rejected thee, but they have rejected me, that I should not reign over them.

8 According to all the works which they have done since the day that I brought them up out of Egypt even unto this day, wherewith they have forsaken me, and served other gods, so do they also unto thee.

9 Now therefore hearken unto their voice: howbeit yet protest solemnly unto them, and shew them the manner of the king that shall reign over them.

10 And Samuel told all the words of the Lord unto the people that asked of him a king.

11 And he said, This will be the manner of the king that shall reign over you: He will take your sons, and appoint them for himself, for his chariots, and to be his horsemen; and some shall run before his chariots.

12 And he will appoint him captains over thousands, and captains over fifties; and will set them to ear his ground, and to reap his harvest, and to make his instruments of war, and instruments of his chariots.

13 And he will take your daughters to be confectionaries, and to be cooks, and to be bakers.

14 And he will take your fields, and your vineyards, and your oliveyards, even the best of them, and give them to his servants.

15 And he will take the tenth of your seed, and of your vineyards, and give to his officers, and to his servants.

16 And he will take your menservants, and your maidservants, and your goodliest young men, and your asses, and put them to his work.

17 He will take the tenth of your sheep: and ye shall be his servants.

18 And ye shall cry out in that day because of your king which ye shall have chosen you; and the Lord will not hear you in that day.

19 Nevertheless the people refused to obey the voice of Samuel; and they said, Nay; but we will have a king over us;

20 That we also may be like all the nations; and that our king may judge us, and go out before us, and fight our battles.

21 And Samuel heard all the words of the people, and he rehearsed them in the ears of the Lord.

22 And the Lord said to Samuel, Hearken unto their voice, and make them a king. And Samuel said unto the men of Israel, Go ye every man unto his city.

Strikingly, Buchanan, who wants to prove that the only right and acceptable kingship is embodied by a king submitted to human and divine laws, if not he becomes a tyrant and can be rejected, does not focus on the figure of the king described by Samuel, but mostly on the prophet himself.

Buchananus – {69} Quod autem ad eum attinet locum quem ex historia regum magis significas quam explicas, vide, quaeso, ne quae tyrannorum vita Dominus execratur tu regibus ab eo concessa putes. Id ne fiat, primum te iubeo expendere {70} quid populus a Domino petierit; deinde quas novae petitionis causas habuerit; postremo quid populo Dominus responderit. Primum regem petunt. At qualem? Legitimum? At habebant. Erat enim Samuel eis a Domino, penes quem ius praeficiendi erat, datus; ius eis legitime ex legume diuinarum praescripto multos annos dixerat. (...)

Buchanan - {69} But as for that passage from the history of the kings which you allude to rather than explain, take care, I beg you, not to assume that the Lord has granted to kings what He detests in the life of tyrants. To avoid making this mistake, I urge you to consider, first, {70} what the people asked of the Lord; next, what motives they had for this novel request; and finally, what answer the Lord gave to the people. Firstly they asked for a king. But what kind of king? A lawful king? But they already had one. For Samuel had been given to them by the Lord, in whose hands lay the right to appoint a ruler. For many years Samuel had administrated justice to them in due accordance with the provisions of the laws of God.³

This interpretation of the famous extract is quite eccentric: as a matter of fact, according to Buchanan, the Hebrews didn't need a king because they had already one, who had been chosen by God in order to put the laws into practice, and it was Samuel himself. The prophet would have fulfilled the functions of the king; that is why God did not think of giving any other leader to his people. In this case, their request of an official king, different from the prophet, was

³ All the extracts from Buchanan's treatise are taken from Roger Mason and Martin Smith's edition: Roger A. Mason, Martin S. Smith, *A Dialogue on the Law of Kingship, A Critical Edition and Translation of George Buchanan's De Iure Regni apud Scotos*, Aldershot – Burlington, Ashgate, 2004.

wrong and the unfair and cruel ruler evoked by the prophecy is nobody but a tyrant against whom God wants to warn the people.

Buchanan goes on saying that when asking for a king, the Hebrews forgot their difference from all other peoples (there were the elected people) and referred to their neighbours, the Asiatic peoples, whose leaders are, according to Buchanan, more tyrants than good kings, because those communities would naturally submit to evil rulers:

{70} (...) *Quid igitur petunt? Regem qualem vicinae gentes habebant, qui domi iudex, foris imperator esset. Erant autem re vera tyranni. Nam ut Asiae populi magis servili animo sunt quam Europaei, ita tyrannorum imperiis facilius parebant, neque usquam, quod sciam, ab historicis mentio fit legitimi regis in Asia. (...)*
{70} (...) What, then, do they ask for? A king such as the neighbouring peoples had, who would be a judge at home and a commander in the field. But these kings were really tyrants, for as the peoples of Asia are more servile in spirit than European, so they submitted more readily to the authority of tyrants, and to the best of my knowledge no mention is ever made by historians of a lawful king in Asia.⁴

Barclay does not agree with Buchanan and spends a lot of sheets showing that Buchanan wrote nonsense, about Samuel's kingship as well as about the servile state of mind of the oriental peoples. In order to stress the difference between a prophet and a king, he reminds us that the title of 'king' has never been given neither by God nor by the Hebrews to Samuel or to any other prophet;⁵ he infers from the hypothesis that God's prophets are legitimate kings that those who had officially received the title of 'kings', such as Saul, David, Solomon, etc., were not in fact true kings, which seems to be a stupid conclusion; and he demonstrates by quoting several Ancient references that there were many good and legitimate kings in Orient, and that their peoples are not more obedient to tyrants than Europeans.

Barclay interprets Samuel's prophecy in a traditional way, shared by Protestant as well as by Catholic thinkers. Samuel would be "simply" (if I can say that) a prophet and he would talk about the future kings of Israel:

Barclaius – {50} Primum fallitur in eo Buchananus quod tyrannum illic non Regem a populo petatum fuisse credat. Nam ut alia taceam multa quae eius errorem arguunt, infitari neo potest talem a Deo datum qualem populus postulavit: id enim ipsa scriptura docet. Dominus enim cum Samuelem iussisset contestari filios Israel, et indicare eis quanta ex regio dominatu mala perpessuri essent nec ii tam salutaribus Prophetarum monitis aures patefecissent sed Regem instanter uno omnes ore flagitassent, dixit ei tandem, 'audi vocem eorum, et constitue super eos Regem'⁶: aaudire porro vocem in diuinis literis, quid est aliud quam annuere postulatis? Constituit ergo Deus Regem eadem forma qua illi petierant; quod si ita est, ut certe est, non tyrannum sed Regem petiere. Nam Saul qui primus a Deo datus est, et eum proxime sequutus David, si tyranni ac non legitimi Reges dicantur, qui debeant legitimi Reges appellari prorsus ignoro.

He recognizes that God was angry when He heard the people's request of a king because he thought He, the Lord, was a kind of king for them since He had always protected and favoured them so that they had no need to ask for a terrestrial and powerless king. God was disappointed by the ungrateful behaviour of the elected people. But what He announced through Samuel's words is, according to Barclay, not tyranny, but the rough and complex reality of human kingship. If the Hebrews want to resemble their neighbours and refuse the exceptional situation they enjoyed when the Almighty alone took care of them, they are informed that they will bear all the evil doings of a terrestrial ruler. Barclay thinks that every human king, even if he is chosen by God, can do evil, but that his special status of God's lieutenant protects him from

⁴ The note 202 of Mason and Smith's edition refers to Aristotle, *Politics*, VII, vii, 2 (1327b), on servility of Asian peoples.

⁵ If it would have been the case, Moses for example would have been well placed to be called a king since he received the Decalogue and led the People during forty years through the desert until the Promised Land, see the Exodus. Nevertheless nowhere in the Bible is he granted with the title of 'king'.

⁶ See 1 *Samuel*, 8.

human justice, that is why Samuel warned the people of the dangers to which they deliberately exposed themselves if they acclaimed their new king. Jean Calvin says more or less the same thing in his *Institutes*, IV, xx, 26:⁷

[It was] as if Samuel had said, To such a degree will kings indulge in tyranny, which will not be for you to restrain. The only thing for you will be to receive their commands, and be obedient to their words.

Mason and Smith mention in the notes of their edition of the *De Jure Regni* that James the Sixth in *The Trewe Lawe of Free Monarchies* (Edinburgh, 1598) and Adam Blackwood in his refutation of Buchanan's theory, *Pro Regibus Apologia* (Poitiers, 1581), exposed the same point of view in an absolutist perspective. On the contrary, Mason and Smith notice that Buchanan's interpretation about tyranny is close to that of Etienne Junius Brutus, the author of the *Vindiciae contre tyrannos* (Basel, 1579) who wrote that:

Samuel does not teach the power of the king is absolute; on the contrary, he wants to warn the people not to bestow unlimited power on the dissolute impotence of a man. He does not exaggerate the strength of a king, but states that he is to be restrained within bounds. He does not concede any unbridled licence to the king; rather he tacitly persuades that the king should have a bridle placed upon him.⁸

These elements of comparison show that the absolutist theory of kingship and the defence of the right to resist to evil kings or at least to limit the royal power are not the apanage of one faith or another. But generally speaking, the conception of a moderate monarchy in Scotland and in Europe is more often claimed by Protestants. One reason can be that, from the beginning, the development of the Reformed spirituality is based on the idea of the equality of all the members of the religious community in front of God, so that anybody can understand and pass on the word of God, whereas the Catholic church has been for a long time built on a strong hierarchy, with an infallible leader, the Pope, who is both a political and a spiritual ruler and to whom all the other clergymen and the believers have to obey. These denominational experiences can have some influence on the political paradigm praised by Buchanan and Barclay.

Speaking about the first Book of Samuel leads automatically Buchanan and Barclay to deal with the other biblical extract always compared or opposed to Samuel's prophecy about kingship, the seventeenth chapter of Deuteronomy, when Moses, long before the creation of the first king in Israel, makes the portrait of a very good and virtuous man who will one day rule the Hebrews according to the laws of God.

Deuteronomy, 17, 14-20

Here is the extract from the King James Version Bible (1611):

14 When thou art come unto the land which the Lord thy God giveth thee, and shalt possess it, and shalt dwell therein, and shalt say, I will set a king over me, like as all the nations that are about me;

15 Thou shalt in any wise set him king over thee, whom the Lord thy God shall choose: one from among thy brethren shalt thou set king over thee: thou mayest not set a stranger over thee, which is not thy brother.

16 But he shall not multiply horses to himself, nor cause the people to return to Egypt, to the end that he should multiply horses: forasmuch as the Lord hath said unto you, Ye shall henceforth return no more that way.

17 Neither shall he multiply wives to himself, that his heart turn not away: neither shall he greatly multiply to himself silver and gold.

⁷ Quoted (and translated into English) by Mason and Smith, *op. cit.*, p. 198, note 200.

⁸ Quoted (and translated into English) by Mason and Smith, *op. cit.*, p. 198-199, note 200.

18 And it shall be, when he sitteth upon the throne of his kingdom, that he shall write him a copy of this law in a book out of that which is before the priests the Levites:

19 And it shall be with him, and he shall read therein all the days of his life: that he may learn to fear the Lord his God, to keep all the words of this law and these statutes, to do them:

20 That his heart be not lifted up above his brethren, and that he turn not aside from the commandment, to the right hand, or to the left: to the end that he may prolong his days in his kingdom, he, and his children, in the midst of Israel.

As many contemporary thinkers, Buchanan interprets Moses' prophecy as the description of kingship, whether it is ideal or real, as opposed to tyranny. This means that anybody who wants to be a good king has to be somehow his people's fatherly protector and the warrant of human and divine laws which have been given to the people for their own welfare. That is why Buchanan says that Samuel was a kind of king in Israel, because of his benevolent behaviour about the Hebrews, but also that the true sovereignty, even in Israel, belongs to the people and that kings are merely high or special magistrates who are bound to rule according to the laws:

{70} (...) *Praeterea tyrannum, non regem hic [id est 1 Sam. 8, 1-22] describi vel ex eo facile apparet, quod in Deuteronomio formulam eis ante praescripserat non modo ab hac diversam sed etiam plane adversam. Ex qua formula Samuel ceterique iudices tot annos ius dixerant, quam cum reicerent, Dominus se reiectum ab eis conqueritur.*

{70} (...) Besides, it is readily apparent that it is a tyrant, not a king, who is described here [= in 1 Sam. 8, 1-22], if only from the fact that in Deuteronomy God had already prescribed a covenant for them which was not only different from this but even quite contrary to it. Samuel and the other judges had passed judgement for so many years in accordance with this covenant; when they rejected it, the Lord complains that He has been rejected by them.

In a note of their edition of the *De Jure Regni*,⁹ Mason and Smith quote Erasmus's words, taken from his *Education of a Christian Prince*, pp. 226-7, in order to show that Erasmus "similarly develops an argument that contrasts the 'ideal prince' of Deuteronomy with the image of tyranny invoked by Samuel", who had ruled the Hebrews as "a true king".¹⁰

Barclay's friend, Le Bouteiller, also evokes two great medieval Christian theologians, Thomas Aquinas¹¹ and Jean Gerson,¹² whose opinions about Deuteronomy seem to be close to Buchanan's one:

Boutellerius – {49} Probabilis haec videtur interpretatio, quam ne solius Buchanani commentum id esse putes, magnus ille Theologus D. Thomas amplecti videtur,¹³ eoque magis arridet quod (ut {50} idem Buchananus ait) Regum iura multo ante praescripta fuerint a Moyse, contraria prorsus iis quae a Samuele recensentur, quod idem quoque Ioannem Gersonem, magni nominis suo seculo Theologum, alicubi affirmasse video.¹⁴

Barclaius – Fallacem tamen nihilominus eam esse, ac a mente S. Thomae, atque a veritate alienam id facile demonstrarem, ni id institutae disputationis ordinem inter secaret, adque alia festinantes moraretur.

As one can read, Barclay immediately criticizes this parallelism as being based on a false interpretation of Thomas Aquinas;¹⁵ and many pages later (pp.67-68) he refutes in detail the errors made by the French Jean Gerson about the notion of the law of the king ("*ius regis*") as expressed in the Bible – as a matter of fact, Barclay is not a great supporter of the French theologian ...

The Scottish lawyer also proposes his own explanations about Deuteronomy, 17. This text would evoke the ideal kingship, something like a goal or a dream, but not reality. If anybody

⁹ *Op. cit.*, p. 199, note 203.

¹⁰ Quotation of Erasmus by Mason and Smith.

¹¹ See *Summa Theologica*, I, 2, question 105, points 1-51.

¹² See *Considerationes*, 8.

¹³ See Barclay's note in the margin: "I, 2, question 105, articles 1 to 51."

¹⁴ See Barclay's note in the margin: "Part 4 of the *Alphab.*, 66. In the *Considerationes*, 8. "

¹⁵ See also pp.71-72 of the *De regno et regali potestate*.

wants to be a good king, he can try to behave in the same way as what Deuteronomy praises, but the true – and sometimes immoral or cruel – potentialities of kingship are exposed by Samuel’s prophecy. In fact, even if Barclay says that this is a “horrible text”, he asserts that it does not describe tyranny but kingship, because what a king can do (and what his people has to bear from him) is different from what he has to do. In this case, the first Book of Samuel and Deuteronomy are not conflicting but complementary texts, for the first one warns the people against the potential lawful abuses of kingship and the second one encourages the kings to try to reach the ideal of a virtuous and moderate leadership:

Barclaius – {64} De Saule igitur, et eum sequutis Regibus Moyses procul dubio vaticinatus est. De iisdem similiter quin Samuel ius regni promulgando cogitarit nemini potest esse obscurum. Vtrumque ius regni est, et iisdem Regibus, populoque praescriptum. Dicet aliquis, qui ergo conuenire possunt? Nihil quicquam est magis extricabile, eius distinctionis ope, quam paulo ante retulimus. Regem Moyses instruit legibus et instituit, quas obseruare perpetuo eum oporteat, si vel congruenter naturae vitam degere, vel rectam muneris accepti rationem Deo reddere velit. Samuel id ipsum non negat, sed hoc amplius Regem facere posse affirmat. Ille Regis officium, hic potestatem et amplitudinem imperii; ille quae sunt bonis Principibus agenda, hic quae populo a malis oppresso toleranda describit; ille ni recta fecerint, Deum, per quem regnant, ultorem certo habituros, hic si iniusta perpetraverint, ab iniuria populi, et humana vindicta in priuatos legibus constituta, securos et protectos esse ostendit; ille ad Reges sermonem conuertit, et eos officii admonet, hic populum alloquitur, et praemonstrat quanta eum patientia imperii iugum ferre oporteat, si quando in tyrannicum ingenium regius se animus induerit.

Since the absolute ruler of the people is not submitted to human laws, he is authorized by his exceptional status to do evil, and perhaps crimes. Nonetheless, he must respect divine justice, and if not, he will be castigated by God’s revenge, on the other hand, no human being can neither punish him nor get rid of him.

Contrary to Buchanan, Barclay insists on the fact that kings are not simple magistrates such as ancient proconsuls, governors, and other high-ranking civil or military servants, because the “*libera potestas*”, the absolute power given to kings by God, is deeply different from the “*imperium*”, the supreme power delegated to magistrates, even the highest ones, either by the people or by the ruler himself:

Barclaius - {55} (...) Nam regiam, hoc est liberam, et legibus solutam potestatem, ab imperio magistratuum, quod legibus seruit, omnes [qui res populorum ab hominum memoria literis prodiderunt, quique diuersas reipublicae formas, et earum mutationes in singulis ciuitatibus et nationibus docent] uno ore distingunt: quo, tamen, si huic [= Buchananano] credimus, necesse est fateamur ita pares esse, ut inter eos nihil prorsus intersit, omnes nempe Reges legitimos.

The consequence of Barclay’s opinion based on the juridical argument of the distinction between duty and capacity is that the king is only accountable to God as much his subjects are accountable to God (but also to human justice...). Within the dialogue with the Lord, there is only one good behaviour: obedience, whether it is deliberate or under duress. According to Barclay, the same rule prevails in temporal and political matters. On the contrary, Buchanan says that the relationship between the king and the people is based on a “*mutua pactio*”, a “mutual contract”. This somewhat juridical and political covenant does not systematically depend on spiritual issues.

One could say that Buchanan’s political theory of kingship and more generally speaking of politics is built on secular principles whereas Barclay’s one is developed on the affirmation of divine right.

This antagonism between non-religious and spiritual outcomes as regards terrestrial power can also be studied through the choice of the Christian references made by both Scotsmen about kingship in Israel as dealt with by the first Book of Samuel and Deuteronomy.

The political use of Christian references

1. The case of Israel

Buchanan is convinced that Israel cannot be a model for the other peoples around the earth because of the unique status of God's elected People. Their special relationship with God has a great influence on their political history. That is why Buchanan thinks kingship in Israel is not a universal paragon. On the same way, he says that in any other country a law can be just, or a habit can be lawful, even if there is no example of them in the Holy Scriptures:

Buchananus - {79} Possum apud multas nationes plurimas ac saluberrimas recensere leges quarum in sacris libris nullum exemplum est.

Buchanan - {79} I can list from many nations numerous highly beneficial laws for which there is no precedent in Holy Writ.

This remark proves that from Buchanan's point of view the Bible is not the reference by excellence, human institutions can be available in themselves, even without any scriptural precedent.

As Barclay's theory is concerned, the lawyer also acknowledges Israel's unique privilege to be the People chosen by God,¹⁶ in order to make His commandments and plans be known all around the world, so that God Himself anoints their kings, contrary to the kings of other peoples. But the Scotsman thinks that Israel's history is a paradigm for other human communities, or at least that a general political lesson can be drawn from the events reported in the Old Testament. Besides, since the Bible is the best source one can refer to according to Barclay, even on political or juridical subjects, his method of argumentation is based on a systematic search for a biblical origin of every phenomenon. That is why he insists on the fact that nowhere in the Bible the punishment of an evil king by human beings is approved of. Hence he concludes that terrestrial justice has no power against kings in general.

In the same way, as he notices that both good and evil kings in Israel are called "kings" as far as they legally reached the throne, Barclay asserts that the only tyranny that exists is the tyranny by imposture, when the leader usurps the power, but he does not acknowledge the second kind of tyranny generally admitted since the Italian lawyer Bartolo da Sassoferrato (or Bartolus de Saxoferrato, 1313-1357) and represented by the figure of the evil king. Barclay's theory of absolute monarchy is for a great part built on this fact that a legitimate king can become what Buchanan and many medieval and modern thinkers (such as monarchomachs) would call a tyrant, because of the juridical distinction mentioned above between duty and capacity; such a distinction erases the difference between the evil but legitimate ruler and the tyrant.

2. Christian references

But let us go back to Buchanan, and notice that when saying that kingship in Israel has no universal dimension, he has to turn his attention to another spiritual reference, a Christian one, which is Paul. According to Buchanan (as well as to Maitland), Paul's authority "is so great that a single sentence of his has more weight (...) than the writings of all the philosophers and jurists."¹⁷ Buchanan's interpretation of Deuteronomy, 17 is thus followed by comments on

¹⁶ See *De Regno et Regali Potestate*, pp. 61-62.

¹⁷ "*Buchananus - {71} Quod auctoritatis tantum in Paulum esse ut apud te omnium philosophorum et iureconsultorum scriptis una eius sententia praeponderet, recte mihi facere videris*"

many extracts taken from the *Epistles*, amongst which the famous chapter thirteen of the *Epistle to the Romans*. Buchanan often reads Paul when having in mind Chrysostom's *Homilies on Romans*, as Mason and Smith point out in several endnotes, which are very useful since Buchanan does not directly say that he is influenced by Chrysostom.

Just one example: the scholar points out many times the distinction made by Chrysostom (and many others after him, in particular during the medieval quarrel about the Pope) between the official function of the "magistrate" (with a large meaning) and the human and thus limited person who is in charge of it. Mason and Smith quote an extract from the *Homilies on Romans*¹⁸ in which Chrysostom justifies Paul's absolute injunction to obey political rulers with the principle of the sacred dimension of temporal power, which has to be respected in any circumstances since it has been ordained by God, even if the individuals who embody it are far from being equal to the task. Contrary to Jean Calvin who does not develop this distinction and preaches the unconditional obedience to any temporal authorities,¹⁹ Buchanan uses it as a way to justify the right to resist evil rulers. According to him, when getting rid of them, the people or the magistrates do not attack the power in itself, but only its corrupted owners, precisely because they threaten the order of the world created by God.

From the Scotsman's point of view, in *Romans*, 13, as in *Titus*, iii, 1, Paul invites every Christian to obey political powers and at the beginning of the *first Epistle to Timothy*, he says that one should pray for kings and political authorities, in order to be able to live peacefully in a time when the Christian church was small and fragile. The Roman emperors of that time were not really good kings but, as Buchanan says, the order to obey them was not given "for the well-being of kings, but the tranquillity of the church".²⁰ When Buchanan asks Maitland to remember the place and time when Paul wrote his *Epistles*, he insists on a kind of realistic dimension of Paul's exhortation, based on the circumstances in which he and his contemporaries lived and the consequences they could have on the development of the first Christian communities. Before looking for a universal meaning, Buchanan is aware of the particular situation of the addressees of Paul's *Epistles*.

One can notice that during the sixteenth century, the first Protestants lived somehow in the same circumstances; hence Jean Calvin's exhortation to obey civil authorities in the same way as Paul, in order to prevent extreme interpretations of Christian liberty such as those of the Anabaptists who believed that, as God's children saved by Jesus Christ, they were free from any temporal power or beyond human justice, so that they did not have troubles in Rhineland and Switzerland. As for Buchanan, his radical interpretation of the distinction between the king and its function leads him to explain why an evil king can be opposed. As Mason and Smith point out, as a member of the General Assembly of 1564, he had heard the debate about the right to resistance between the theologian John Knox and Thomas Maitland of Lethington, his own interlocutor within the *De Jure Regni* published fifteen years later. Referring already to *Romans* xiii and to the same distinction, Knox shared Buchanan's opinion while Maitland, denied the right to resist any kind of kingship.

¹⁸ *Homilies on Romans*, XXIII, p. 511, see Mason and Smith's endnote n°210.

¹⁹ See Mason and Smith's endnote n°210 about Calvin's *Institutes*, III, xix ("Of Christian Liberty"), IV, xx ("Of Civil Government") and his *Commentary on Romans*, pp. 477-8

²⁰ "{71} (...) non salute regum sed ecclesiae tranquillitatem (...)"

Earlier, in 1556, the English churchman John Ponet had expressed in his *Shorte Treatise of Politike Power* a defence of tyrannicide justifying the murder of an evil king even by an individual in exceptional circumstances, which is a more extreme conception than that of his friend, the Reformed Italian-born theologian Peter Martyr Vermigli.²¹ Two years after (1558), the English clergyman Christopher Goodman, a Marian exile like Ponet, published in Geneva his pamphlet *How superior Powers ought to be obeyed of their subjects*, before joining John Knox in Edinburgh in 1559. One can also remember the French monarchomach literature including among others the Huguenot thinkers Philippe Duplessis-Mornay, François Hotman, Théodore de Bèze and the anonymous Junius Brutus, who developed their radical political opinion according to the evolution of the religious conflicts that bathe progressively France in blood.

So we can think that Buchanan had been early influenced by the most extreme views defended by Protestant thinkers, even before his own involvement in Mary Stewart's destitution and in the activities of the General Assembly.

Now, if we go back to Barclay's treatise, we would fruitlessly look for a long development about Paul in his second book. If Paul is quoted from time to time within the six books, he is not referred to in the pages concerned by the comparison between the first Book of Samuel and Deuteronomy, or the distinction between evil kingship and tyranny.

Maybe Barclay thought Paul was too often interpreted in a wrong way by Protestant thinkers to be evoked as an authority beyond reproach? All the more so as his texts are sometimes ambiguous or hard to understand. In any case, in the extract we are dealing with, as well as in the last part of the second book, he prefers to quote Augustine who wrote that the Lord had given laws to humankind by the means of kings and emperors, God's representatives on earth, which is exactly the contrary to Buchanan's postulate that laws have been created to limit the power of the rulers because of their human weakness. Barclay quotes extracts from many of Augustine's works, attributing also to him the treatise *De Fato ad Imperatores*, written by the Peripatetic philosopher Alexander of Aphrodisias [at the end of the second century or the beginning of the third](#), just after an extract taken from the third book of Augustine's *Confessions*. All of these quotations can be interpreted as justifying the absolute power of kingship. Indeed, the lawyer sees the African Father of the Church as a valuable authority as far as politics is concerned.

In this case, it is not striking to find few allusions to Augustine in Buchanan's treatise.

The choice of different Christian references made by both Scottish authors reflects their irreconcilable opposition on political as well as on religious subjects. They also evoke many other Christian sources in their argumentations, but here I miss the time to deal with them and I only tried to point out what seems to me to be the more relevant because of its frequency.

²¹ In his *Comment on Romans* dated 1558 and in other works, Vermigli expressed the right to resist the tyrant but denied the individuals any possibility to kill him or to limit his power, which was the task of the "inferiors magistrates" and finally did not really encourage the people to punish him since all forms of power were created by God. See Mario Turchetti, *Tyrannie et tyrannicide de l'Antiquité à nos jours*, Paris, Presses Universitaires de France, 2001, pp. 415-417.

In conclusion, we saw that Buchanan and Barclay were very efficient polemicists, who used all the weapons of, on the one hand, rhetoric and, on the other hand, of scriptural and Christian sources, in order to defend their own opinions in a time when thinkers were personally involved in the events and far from being enclosed in an ivory tower, they wanted to change the politics of the country where they lived.

As time went by through the sixteenth century, during the civil wars caused by religious conflicts, the points of view became more and more clear-cut. Until his return to Scotland, Buchanan's religious and political convictions had been for a long time ambivalent; Barclay shared with James Ist an absolutist conception of kingship but as a Catholic, he refused to serve him. Yet through the works published at the end of their lives, posterity can state that their opinions were finally easy to identify.

Even if we know that at that time the rift dividing Catholics and Protestants could move about several political issues in particular, the influence of their beliefs was significant on the development of opposite political traditions which were born within Renaissance civilization.