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Sovereignty beyond natural law: Adam Blackwood's Catholic royalism

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ABSTRACT

The political works of Adam Blackwood (1539–1613) offer a powerful defence of absolute monarchy, and one which explicitly sets political power within a religious framework. Critiquing the resistance theories of his contemporaries, Blackwood was sceptical about the political value of natural law and of any appeal to popular sovereignty, at least in contemporary Europe. Blackwood was deeply troubled by the way Christianity was being used to justify resistance, often in Protestant texts that aligned Christianity and natural law, and he insisted that true Christianity taught obedience. Though he has often been likened to his contemporary Jean Bodin, a closer examination of Blackwood's writing reveals significant differences, especially on the linked issues of natural law, the value of historical argument, and religion. For Blackwood, sovereign power in general had to be underpinned by religion, the one constant in a world of diverse and mutable social practices, and its particular, local manifestation had to be understood historically, as the product of conquest and force. Aware of the potential tensions between Catholic Christianity and monarchical authority, Blackwood also developed a distinctive piety in an attempt to bolster the alliance he advocated between religious and political authority.

KEYWORDS

Natural law; sovereignty; resistance theory; Jean Bodin; Roman law; Catholicism

Surveying the intellectual landscape in 1576, Jean Bodin noted that 'among the thousand books we see on all kinds of knowledge, it hard to find even three or four on politics (*de la République*), which is in all ages the princess of all sciences'.¹ Even as Bodin was writing, however, the situation was changing. In the wake of the massacre of St Bartholomew's Day, 1572, Huguenot writers turned to the presses to explain – in the words of one important tract – 'the legitimate and certain first principles' of 'the rule of princes and the right of peoples'.² Bodin had hoped that a better understanding of politics would help to bring stability to France; for the Huguenots, however, such stability was not possible while they continued to be persecuted. From the 1570s, writers across Europe began to scrutinise more thoroughly the nature and boundaries of royal authority, and particularly the laws and norms within which that authority should operate. Among those who advocated a powerful monarchy and who feared the anarchic consequences of any attempt to limit that power was the Scottish jurist Adam Blackwood. In his writing, Blackwood defended a vision of sovereign power which was allied with religion but was insulated from what he saw as the destabilising effect of so much contemporary political thinking.

One of the important features of the political writing of the 1570s was the emphasis placed on the law of nature. This was particularly evident in the Protestant tracts which condemned Catholic

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rulers for violating what they saw as the laws of nature; indeed, the appeal to natural law has been seen as one of the defining hallmarks of this moment in resistance theory.³ One of the great attractions of this strategy was the ability of natural law arguments to cross confessional boundaries, and natural law was invoked by a wide range of authors to explain and defend what they saw as the key principles of civil and social life. These authors were writing across a number of different genres, developing and adapting natural law arguments to suit their different purposes. On the Catholic side, scholastic theologians utilised natural law principles to explain how political power differed from ecclesiastical authority, and by the late 1580s some were even willing to use natural law arguments to justify the assassination of King Henri III.⁴ Meanwhile, the Scottish humanist George Buchanan penned a defence of the deposition of Mary, Queen of Scots in which natural law played a starring role.⁵ In these tracts, natural law was used not only to limit royal power, but even to explain how and why it could be resisted and princes removed.

It was not only resistance theorists who insisted the king must rule according to natural law, however. Jean Bodin himself placed great importance on the law of nature, seeing it as providing the framework within which good rule would take place, especially in a 'royal' monarchy such as that of France. As he explained, 'that which nature teacheth, is altogether comprehended in the law of nature, whereunto every prince is bound to obey', for it was God himself who had set the boundaries of those 'everlasting laws of nature'.⁶ In particular, Bodin insisted that even a sovereign must keep the contracts that he made and respect the property rights of the citizens.⁷ Sovereignty, being 'absolute and indivisible', was not accountable to any earthly authority, but the sovereign's actions should be seen as subject to important limitations. Recently, Benjamin Straumann and Daniel Lee have argued that Bodin's understanding of these limitations was shaped by his study of the Roman Republic; from Roman authors he developed a 'constitutionalism' in which sovereign power was seen as most stable and effective when exercised in line with a set of fundamental rules.⁸ Bodin was making a prudential argument about the disastrous consequences likely to follow if the sovereign broke these rules, but he also cast these rules in terms of natural law, thus suggesting their universal relevance and associating them with divine authority. They constituted a significant set of constraints upon sovereign power, even though Bodin's sovereign was answerable only to God.

In this context, Adam Blackwood stands out for his scepticism about the role and value of natural law arguments in a monarchy like that of France or Scotland. Blackwood insisted – like Bodin – that sovereign power must be absolute and indivisible, and he hoped that monarchs would rule in line with wisdom and equity. But Blackwood did not want to set that sovereign power within a framework of natural law or to suggest to his readers that natural law might provide a viable or legitimate standard by which to assess their rulers. Furthermore, Blackwood also denied that Roman history could provide normative principles or even clear guidance for political authority in contemporary Europe; he insisted that the monarchs of Europe were in a very different situation to the rulers of Rome. For Blackwood it was religion (not natural or Roman law) that was necessary for order and stability, though his conception of religion and of the ways it affected human society underwent significant change. Blackwood sought to anchor political order in Catholic Christianity, but he found that to do this he needed not only to offer his own theory of sovereignty but also to examine further some of the central aspects of Catholic faith.

The power of Blackwood's arguments was recognised by contemporaries. William Barclay, known today for coining the term 'monarchomach', described him as a 'most illustrious and learned man' who 'had triumphed over his enemy in such a way that neither he nor his supporters thought that any further stirring up of rebellion was possible'.⁹ This was an overstatement, of course, but when rebellion did stir again in the 1630s and 1640s Blackwood's arguments provided an important starting point for royalist thought in both Scotland and England, as we shall see. Meanwhile, in France a collected edition of his work was issued in 1644, prefaced by an 'elogium' from the pen of Gabriel Naudé, librarian to Cardinal Mazarin.¹⁰ Yet despite the importance accorded to Blackwood's thinking by contemporaries, modern scholars have displayed relatively little interest in his work, perhaps taking their cue from J. W. Allen's dismissive comment that

Blackwood's *Apologia* 'is little more than a reflection of Bodin's views on sovereignty'.¹¹ William Church refined this judgement, suggesting that Blackwood had integrated Bodin's thinking on sovereignty into a theory of divine right absolutism, while J. H. Burns has considered Blackwood as one of the most sophisticated of George Buchanan's critics and Howell Lloyd's study engages with a range of Blackwood's writing.¹² Meanwhile, Blackwood's account of Mary, Queen of Scots has received some attention from a literary perspective.¹³ This present article will build on these studies but will highlight Blackwood's own distinctive contribution to political and religious thoughts, shedding new light on broader debates concerning natural law, religion, and sovereignty in early modern political thought.

1.

Blackwood's first major work, published in Poitiers in 1575, was a powerful statement of the interdependence of political and religious power.¹⁴ Entitled *De coniunctione religionis et imperii libri duo* (Two books on the union of religion and authority), it appeared in the midst of the wars of religion in France, just as the new king Henri III was seeking to establish his rule in a kingdom divided by theological conflict and by the claims of rival noble houses. Blackwood himself was at this time a *conseiller* in the *parlement* of Poitiers, a city which had been seized by the Huguenots in the first civil war, but had since been retaken by Catholic forces.¹⁵ Elsewhere, the Catholics had less success, and despite the massacre of tens of thousands of Protestants in 1572, Henri and his mother Catherine de Medici were struggling to stabilise the realm. As Blackwood was well aware, however, France was not the only kingdom in which religious diversity had helped to fuel social and political conflict; his native Scotland had experienced its own upheavals, including the forced abdication of Mary Queen of Scots in 1567. Blackwood was a lifelong partisan of Mary, and what drew him to Poitiers was the patronage of James Beaton, emigré Archbishop of Glasgow and administrator of the lands and rights Mary held in France as Queen Dowager – including the right to appoint to the *parlement* of Poitiers.¹⁶ Though Mary had been unable to uphold the Catholic faith and royal power in Scotland, Blackwood hoped to contribute to the efforts of Catherine and Henri in France.

The central claim of *De coniunctione* was that true religion provided the strongest support for monarchy; resistance could never be justified on religious grounds. Yet Blackwood had no wish to write a pacifist or quietist work, but rather to offer what was intended as a persuasive theory of divine right Catholic monarchy. Blackwood realised that Protestant resistance theories were underpinned by a set of assumptions about the relationship between natural law and Christianity, and particularly about the alignment between the duties of the natural law and the ethical and political obligations of Christians. In *De coniunctione*, therefore, Blackwood wanted to sever this connection between Christianity and natural law, to insist instead that Christians were called to obey their ruler, and to deny that the natural law provided obliging principles for humans' political life. Not only was it a stridently anti-Protestant text, but it was also critical of any attempt to create political or civil unity across confessional lines. Published just months before the Edict of Beaulieu, which granted rights of religious worship to some Huguenot communities, *De coniunctione* was also a warning to monarchs that their thrones would not be safe unless they cultivated true Catholic obedience among their people.

Although Blackwood does not name his targets in *De coniunctione*, the shape of his argument suggests that it was a response to some specific strands of Protestant arguments, especially those circulating in France. (Although the Scottish situation may have been in his mind, he had not yet read George Buchanan's sophisticated and notorious justification of Mary's expulsion and only in the 1580s would he turn his attention to that tract, as we shall see.) He was keen to target the assumption, in Huguenot texts of the 1570s, that the natural law functioned as the true moral standard applicable to Christians, with the consequence that good Christians and good patriots should follow its dictates. The authors of these texts then offered a range of mechanisms by

which their natural law principles should be upheld, even against the ruler himself (or herself) if necessary – mechanisms whose validity Blackwood was keen to deny.

The best known example of this tendency to appeal to natural law is Theodore Beza's *Du droit des magistrats* (1574), later published in Latin as *De Jure Magistratuum* (1576). Here, Beza argued that all political power must be based upon an original contract, explicit or tacit, and that this power 'is limited by divine and human laws'.¹⁷ Every prince must rule within these laws, and if they did not then their subjects were no longer obliged to obey them; under certain circumstances, resistance by inferior magistrates was both legitimate and necessary, at least where there was 'a sovereign abusing his power against all divine and human laws'.¹⁸ After all, Beza explained, it was 'equity itself and the law of nature, upon which all human society depends' which must regulate the contracts and covenants between prince and people.¹⁹ In this tract, then, Beza relies heavily on the normative framework provided by the law of nature in order to explain how and why the power of kings is constrained. For him, the obligations of natural and divine law extend to everyone, indeed, 'because all human beings are subject to it inasmuch as they are born human, either Kings are not men, or they must be bound by this law'.²⁰

We can see the same insistence on the normative framework of natural law in other Huguenot tracts of this period, including the *Discours politiques de diverses puissances établies de Dieu au monde* (Political discourse concerning the different powers established by God in the world). This text was included in the second edition of Simon Goulart's *Memoires de l'Estat de France*, but an earlier version may well have circulated from 1574, and thus have been accessible to Blackwood.²¹ The anonymous author of the *Discours politiques* wanted to show that all power came from God, that originally it inhered in the people (under God), and that the people should make sure that power was exercised justly. To make these claims, the author insists that human beings are endowed, by nature, with an understanding of natural law. Following the guidance of natural law, humans set up communities bound together by law and justice, with rulers chosen for their virtue. The author notes that there can be variation in the civil and positive laws of particular countries, but to be legitimate they must all be based on natural law. There are a number of biblical references, but the main intellectual framework is classical, with heavy use of Cicero and Seneca.

For the author of the *Discours politiques*, true Christian teaching affirmed the natural law principles by which any community could flourish. He was sharply critical of those theologians who sought to develop a distinctive kind of Christian virtue but in fact 'destroy one of the principal effects of true charity, which consists in preventing public ruin – as if Christians were excluded from all political power founded upon the law of nature'.²² True Christians would commit themselves to public service, which was itself an expression of the highest ethic of charity, for the public good. As this suggests, the author believed natural law commanded virtue and service towards our fellow human beings, for the good of the whole; for him the law of nature 'taught the duties of each person towards the others, for the common welfare' and in ancient times no other law had been necessary.²³ With the passage of time more laws were required, but the author's fundamental claim was that human beings had access to and obligations from the law of nature, given to them by God for the good of the whole society.

The author may have hoped that by appealing to the public good rather than contested theological principles he could win the sympathies of moderate Catholics. If this was his aim, then his target Catholic audience certainly did not include Catherine de Medici. Indeed, one consequence of the Huguenots' reliance on natural law arguments was that it allowed them to portray political authority in heavily gendered terms. The *Discours politiques* contained a tirade against the evils of female rule as unnatural and ungodly – particularly topical in 1574 when Catherine was serving as regent in France following the death of the young Charles IX.²⁴ This extremely negative attitude towards queenship was found in other Huguenot pamphlets, most famously in the *Reveille-matin*.²⁵ It was also shared by many Scottish Calvinists, including John Knox and George Buchanan; the former vividly proclaimed that 'by the order of nature, [and] by the malediction and curse pronounced against women ... God hath dejected woman from rule'.²⁶ Nature, as a moral, religious,

and highly gendered order, was crucial to these Protestant critiques of contemporary Catholic stateswomen.²⁷

If we turn back now to *De coniunctione*, then we will see that Blackwood was offering an alternative account of the relationship between religion, natural law, and the political order, and one which was designed to reveal the incoherence and the seditious implications of this Calvinist writing. Certainly, Blackwood criticised the Calvinists for using religion as a pretext for taking up arms against their king. Rather than follow true Christianity, which commands us to pray for our kings even if they are ungodly or immoral, the Calvinists have incited rebellion and sedition.²⁸ But Blackwood was well aware that simple denunciation would not suffice. He went on, therefore, to offer an account of the creation of society designed not only to refute this Huguenot narrative, but also to undercut any sense that there could be a natural law argument on which people could agree, regardless of their Church or faith. And although he did not specifically engage with the question of female rule, his denial that the natural order could yield political principles was an attempt to cut the ground from the Calvinist argument.

De conjunctione begins, therefore, with the claim that human beings, unlike animals, are prone to greed and a desire for glory, and that these appetites breed conflict and corruption. Blackwood's account stood in stark contrast to the vision of natural order and cooperation we have seen in the *Discours politiques* in particular. He explained that human beings found it necessary to establish laws and magistrates in order to end such violence, for only in this way could they enable peaceful, settled living. *Imperium* was granted to these magistrates, Blackwood argues, 'with the consent of all human beings' but, 'as I always say, with God as the originator'.²⁹ He described this process in generalised terms, suggesting that civil authority gained its legitimacy from the agreement of individuals rather than from any kind of collective or group decision. Indeed, it was unthinkable for him that there could be any semblance of group stability unless that group was held together by authority – and the evidence of the universe around him seemed to him to underline this point. For, he argued, 'just as in all nature we see the form and likeness of authority (*imperium*), so I say that a group of people cannot unite together without government'.³⁰ Nature held forth the pattern of rule, offering multiple examples of the importance of laws, leadership and obedience. But nature did not provide humans with moral laws or principles; it was not an ethical system.

Blackwood acknowledged that if society was held together only by the fear of anarchy then it would be deeply unstable, and here he turned to religion, which was the strongest bond of human communities in his opinion. According to Blackwood, it was religion that distinguished human beings from animals and enabled them to curb those otherwise insatiable appetites that led to turmoil and war. Thanks to religion, human beings were willing to obey authority and to grant to the laws the reverence without which there would be no compliance. Moreover, religion provided a way of connecting human laws to God as lawgiver, strengthening those laws so that they were strong enough to hold together the human community. 'If we are to preserve our lives', Blackwood explained, 'it is necessary that we are brought together into unity; and to bring us to that unity, laws are needed. But what kind of law? Not the kind that, written on tablets of wood or bronze, can be changed by the will of the people or the senate' but the kind that 'is fixed unalterably in the hearts of people with perpetual stability. And it is certain that that law is religion, and its author is God.' He added that this was true of all societies, pointing to the role of Numa in Rome as well as Moses in the Old Testament.³¹

Every society needed religion in order to endure, Blackwood claimed, and of all religions, Christianity was the best and most effective. Indeed, he went so far as to maintain that one of the best arguments in favour of the Christian religion was its insistence on obedience to magistrates, along with the emphasis it placed on quietness and leisure.³² In his view, Christianity was particularly opposed to rebellion and sedition: 'it is a precept of Christian teaching', Blackwood wrote, 'that we should think well of the evil, and calmly bear injuries rather than counter them with force'.³³ For Blackwood, only with the kind of religion that encourages obedience (paradigmatically Christianity) could we have settled and stable societies. And the fundamental problem facing society was that

Christianity was no longer being interpreted along these lines, but being used instead to stir up sedition and dissent.

Blackwood then turned to deal with the alternative rendering of the nexus between nature, Christianity and society found in contemporary writing – including some of the Protestant resistance theorists. He noted that some people claimed that nature allowed people to repel force with force, and thus it must be lawful in the present. Blackwood replied that this provision had been superseded by the law of peoples and by the authority of magistrates and ruler – for, he argued, ‘the law of peoples restricts the law of nature, as a later law restricts an earlier one’.³⁴ As he continued: when by the law of peoples, magistrates, kingdoms and cities are established, then ‘the law and condition of nature, by which each person should be most dear to themselves, ceases’ and the kind of resistance allowable by nature is no longer licit where there are settled magistrates. Blackwood accepted that this may not be to the advantage of every individual, but he urged his readers to accept that any effort to remedy it would be worse than the problem itself; allowing any kind of resistance would simply return us to anarchy. If we want to use the concept of natural law, he suggested, then we must accept that it is not a legal or ethical system and that it has no normative or moral force.

We might expect Blackwood to consider the well-established juristic debate about the relationship between the natural law common to all living things and the *ius gentium* proper only to the human race, but Blackwood was unwilling to see natural law in this way.³⁵ Indeed, rather than discuss natural law in terms of instincts like conservation and procreation, he connected it instead to the patterns he believed were observable in the world around him. One of the very few examples of natural law that he gives is the adage that there is nothing in the world that is unequivocally good or bad, everything beneficial and advantageous will also have drawbacks.³⁶

Nature, then, for Blackwood, is an arena of discord and diversity; it cannot be the authoritative source of moral principles. But the variety of human arrangements, norms and customs which we see in the world do in fact reveal one universal law, and that is the human need for religion. As he put it, ‘the human race, with its differing opinions, institutions, laws, customs, temperaments and natures, would certainly go to ruin, if it was not for the great blessing of religion’. It was religion, he argued, which drew together all this discord into a unity based upon shared worship of and reverence for God. He even suggested that there could be a world society, based upon agreement in religion.³⁷ But this utopian vision was secondary to his central point: that nature on its own cannot be a source of peace, harmony and concord – and it cannot be the basis of any ethical principles in a settled and Christian society. Instead, observation of nature reveals the diversity of the universe, and therefore the need for a supernatural principle of unity.

The purpose of Blackwood’s discussion of nature was not so much to deny that there were moral principles of justice or equity, but rather to insist that they could not be enforced independently of the sovereign. Because natural law did not generate political concord, there could be no ‘natural’ locus of political authority separate from the law and command of the ruler. Certainly there could be no power or jurisdiction necessarily inhering in ‘the people’ which would enable them to hold the king to account. To underline this point, Blackwood invoked the ‘lex regia’, the famous Roman statute by which the Roman people were said to have transferred their sovereignty to the ruler.³⁸ He argued that, having done this, the people had divested themselves of political power and they could not revoke the transfer. Whatever rules and norms guided the Roman Republic, they were no longer applicable after the establishment of the Principate and nor were they valid in a monarchy like France – here Blackwood’s understanding the implications of Roman history was different from Bodin’s. If the subjects of a monarch regretted their decision and believed that the king was treating them unjustly, then Blackwood was adamant that all that they could do was appeal to God. For, he explained, by the lex regia ‘the people have lost all power of passing judgement ... If [the monarch] commits a crime against the commonwealth, if he [or she] inflicts injury on the people for his own benefit, if he gives an unjust sentence upon the people, it is to God that appeal can be made.’³⁹ He was not denying the possibility that the king might commit injustice, but he was insisting that there was no mechanism by which to test this here on earth.

Blackwood hoped that by challenging contemporary ideas about the natural law he could deny both that nature acted as a constraint upon the king's power and that the people could enforce that constraint. His work was a critique of Protestant resistance theory, but it was also a response to the highly gendered language of political power which was being deployed by Calvinist writers. If the sovereign's power was not grounded directly on the law of nature then there was no reason to assume that the ruler must be male. Even if the natural world did provide examples of the superiority of males, this had no bearing on any discussion of human political power. Blackwood did not discuss this issue directly, but by dedicating his tract to Mary Stuart, whom he titled Queen of Scotland and Queen Dowager of France, he was encouraging his readers to make this connection. By the time the tract was printed, in 1575, France had a new king, Henri III, but the accession of a healthy adult male did not end the crisis there. Meanwhile, Blackwood's native Scotland remained unsettled, and soon he put pen to paper once more in a further attempt to discredit the seditious and anarchic factions he believed were responsible.

2.

What prompted Blackwood's return to the writing desk was his encounter with the most famous of all the Scottish texts justifying resistance. This was George Buchanan's *De Jure Regno apud Scotos*, printed in 1579 although composed over a decade before, shortly after the forced abdication of Mary Queen of Scots. In his *Apologia pro Regibus* (1581), Blackwood roundly denounced those he called 'Calvinists', lamenting that these troublesome men 'with no shame, no reverence for law or magistrates, scatter their new political doctrines around the people'. Their dangerous principles in religion led to anarchy and to the undermining of all reverence for ecclesiastical authority. Once more, authority was said to be in 'the people' who could create and remove kings. The only possible consequence was anarchy and sedition.⁴⁰

In *De Jure Regno*, Buchanan advocated limited monarchy in which the law was above the king and the ruler could be deposed by the people if he did not abide by the law. He even argued that, where the king has departed from the law and has become a tyrant, then it was legitimate for individuals to oppose him with lethal force – for they were fighting in a just war.⁴¹ Buchanan – like the author of the *Discourse Politique* – drew heavily on classical writing to make his case, particularly Cicero and Seneca. But he also claimed that the New Testament was on his side, for when Paul told the Romans to 'obey the powers that be' (in Romans 13.1), this instruction applied only in the particular circumstances of Paul's time.⁴² There were also some references to Scottish history and the deposition of kings in the past, but Buchanan was careful not to argue that the Scottish people were constrained by precedent. Kings were legitimate for as long as their rule was beneficial to the people, and when it ceased to be so (as, he implied, had happened under Mary), then they could and should be removed.⁴³

For Blackwood, the central problems with Buchanan's argument were evident right from the start: all a reader needed to do was look at the title and consider the paradoxes within it. For, Blackwood asked, 'what is there in all of this disputation that actually corresponds with the title?'⁴⁴ In Buchanan's work, 'the *ius* [or set of laws] appropriate to the kingdom of the Scots is not explained, but rather – as you [Buchanan] yourself suggest – the *ius* common to all peoples and drawn from the springs of nature'.⁴⁵ The problem for Blackwood was that this *ius* had never been observed among any particular people, nor approved by any authoritative judgement; it was simply the *ius* that Buchanan thought ought to apply in Scotland, and indeed everywhere. If Buchanan was talking about natural law, then this must be the same everywhere and there was no point in writing a dialogue about Scotland. On the other hand, if the text was really about the law of kingship 'apud Scotos', among the Scots, then the subject was surely not natural law but the specific version of *ius gentium* actually in play in Scotland at different times. Blackwood wanted, therefore, to show that Buchanan's claims about natural law were both incoherent and irrelevant, and that the actual law of kingship in Scotland was very different to the theory offered in *De Jure Regno*.

Surveying the history of Scotland, Blackwood insisted that the origins of kingship lay in force and conquest rather than calculations of utility or concern for the people's welfare. The people of Scotland had submitted to the Irish King Fergus, but they did so because they were threatened by the Britons and they realised their own weakness in the face of this enemy. Thus it was urgent necessity and the pressing state of public affairs which led them to promise to obey Fergus and his descendants. Blackwood now explicitly described this process as the Scottish equivalent of the Roman *lex regia*, the 'royal law' by which the Roman people were said to have transferred their authority to the emperor (in Digest 1.4.1): 'this is the *lex regia* of the Scots', Blackwood proclaimed.⁴⁶ Now Scotland had a hereditary ruler whose authority was supreme and indivisible. And although Blackwood appealed to the Roman law example of the *lex regia*, he maintained that the power of the king in Scotland was in fact much greater than that of the Roman Emperor; there may have been restraints upon imperial power in Rome but he believed these were irrelevant in Scotland.⁴⁷ If, as Straumann has argued, Bodin found in Roman law a system of normative principles still potentially valid in sixteenth-century Europe, Blackwood was keen to discredit any such suggestion.

In discussing the *lex regia*, Blackwood turned his attention once more to the subject of natural law, so important in Buchanan's argument; and here he developed some of the claims he had made in *De coniunctione*. Against Buchanan, Blackwood insisted that natural law had no role in a settled commonwealth, because it was a set of principles associated with instinct rather than rationality. This is clearest from his discussion of resistance to injury and of the principle of '*vim vi repellere licet*', that force can be repelled by force. Buchanan had used this principle to argue that the original transfer of power to Scottish kings would not be binding if it was the result of force and coercion; because force could be resisted by force, it was always possible to resist a regime whose origins lay in conquest. Responding to this argument, Blackwood countered that the principle of '*vim vi*' was one which applied to animals and living creatures but that did not mean it was valid in settled human societies or that it obliged as a law. 'Just because wild animals can resist hunters, and repel force with force', Blackwood replied, 'does this mean that the magistrate can be resisted by natural right when he decides the punishment appropriate by law or even, if you prefer, when he inflicts unjust force?'⁴⁸ Human beings have a natural desire for revenge and a capacity for anger which they share with animals, but, 'when they defend themselves from force by force, they cannot invoke natural law as their protector, if they do not do this according to reason, by which alone we should measure the nature of human beings.' Blackwood's aim was to put clear distance between natural 'law' based on instinct, and the laws based on reason which actually obliged people in settled societies.⁴⁹

Blackwood accepted that sometimes the concept of natural law was being used to refer to a kind of fundamental law or principle which underlay all human societies. If 'natural law' were to be invoked in this way, he explained, then it must be understood as the law which 'orders society among humans themselves to be preserved and maintained', rather than any kind of natural instinct. Indeed, for Blackwood, 'the supreme law is that by which goods and possessions are taken away by *usucapio* [legal ownership arising from possession] and the liberty of humans is taken away by *servitude*'. These references to *usucapio* and *servitude* connect his version of the supreme law to Roman civil law rather than to natural law, implying that it is the settled forms of ownership of land and people found in the civil law which take precedence and which ensure stable human societies.⁵⁰ The original condition of freedom was now overlaid by the civil law, and ownership which took place in time became secure and irrevocable through legal title. This was important to Blackwood because he insisted that the grant of power to Kenneth, the ninth-century king seen as the first hereditary ruler of Scotland, was irrevocable. Blackwood noted that, according to Roman law, in some cases a grant could be revoked through appeal to the praetor, but stated that this remedy was not available in Scotland. Usually such an appeal needed to be made within a limited time frame, but Kenneth's family had held the throne for centuries; moreover, in a monarchy there was no judge equivalent to the praetor to whom appeal could be made because the monarch was himself (or herself) the supreme arbiter of all legal cases. Without a law or legal mechanism, resistance could not be legitimate, 'and so, if we take up arms against the

heirs of Kenneth, then we resist right with injury, not force with force'.⁵¹ Blackwood was denying the validity of natural law as his opponents saw it, and he was also blocking any appeal to Roman law by insisting that its remedies and mechanisms depended upon an acknowledged legal authority which was, in Scotland at least, the sovereign themselves.

It is worth briefly contrasting Blackwood to his younger contemporary William Barclay, who connected monarchy much more directly to the divine and natural ordering of the universe, accessible to the human mind. Barclay described the human mind (*animus*) as 'nothing other than a particle of the divine mind', possessed of reason and judgement 'which, when the clouds of error are driven away, teaches and explains what is to be done and what is to be avoided'. And not only did reason enable moral judgements, it also commended monarchy as 'the best and most ancient form of government'.⁵² Monarchy, for Barclay, was part of the *ius gentium*, or law of peoples, the arrangements set up by human beings using their reason, but he also believed it had a basis in nature, adding that humans were led to monarchy by a 'secret instinct of nature'.⁵³

As well as offering a powerful argument for royal power, Blackwood also included a stringent critique of Buchanan's concept of the 'people'. Although Blackwood did not deny that there could be a democracy, indeed he was willing to accept that at Rome, at times, the people had in fact been sovereign, he was anxious to deny that this could be the situation in Scotland (or France) where power had been transferred to the king through the *lex regia*. Now that had been done, the people could not take back their power because they no longer existed as a corporate body able to issue commands and make decisions, or endowed with judicial standing. Only the king was able to do these things and to engage in the kinds of activities proper to a sovereign power.⁵⁴

Blackwood was well aware that Buchanan had vested authority in the 'better part' of the people rather than in the multitude indiscriminately. But for him the reasoning behind Buchanan's view was seriously deficient. On Blackwood's account, if one moves to ground authority in the people then there is simply no way of distinguishing between the more and the less virtuous and no grounds for giving some more authority than others except by majority vote. After all, Blackwood asked, what right could the 'maior pars' or even the 'select few' have which did not belong to the whole people? 'All people are equal in a condition of liberty', Blackwood noted, and 'neither riches, nor poverty, neither the honour due to virtue not the infamy due to vice, can increase or decrease the power of casting a vote'.⁵⁵ Later Blackwood added that where power remained in the people, then there would be discord and disagreement and the only way to resolve this would be through a process of voting.⁵⁶ Buchanan's efforts to stabilise power in the better part of the people were doomed to fail, in Blackwood's eyes.

We know that Blackwood's work was met with approval from at least some of his fellow jurists, including William Barclay. More importantly, perhaps, the *Apologia* also found favour with King James VI of Scotland, no doubt sympathetic to a critique of his hated tutor George Buchanan; and James apparently displayed it prominently in his library. When Blackwood came to congratulate James on his accession to the throne of England, the king took pleasure in pointing out to him the esteem in which he held the *Apologia*.⁵⁷ That James had come to share at least some of Blackwood's ideas is evident from his *Trew Law of Free Monarchy* in which the king, like Blackwood, emphasised the origins of the kingdom of Scotland in conquest and denied that subjects had property rights independently of the king.⁵⁸ James did, however, reject Blackwood's view of nature and natural law, preferring to see in the natural order a source of legitimacy and political authority. And he did not share Blackwood's view of religion nor his commitment to the Catholic Church – but James would soon come to discover that Blackwood's unusual understanding of Catholicism could in fact be useful to him in his efforts to counter the threat of Popery.

3.

Religion was central to Blackwood's political thought, as we have seen, and Blackwood's portrayal of religion is worth further examination. In the 1570s and early 1580s Blackwood had emphasised the

connection between religion and obedience but in later decades he would revisit this claim, offering a more detailed analysis of the way religion helped to form particular kinds of communities. In *De coniunctione* and in the *Apologia*, Blackwood had assumed the stability and reliability of the Catholic Church; indeed in the latter text he was willing to accept that a pope could be deposed for heresy precisely because the Church as a community was ruled by Christ, guided by the Holy Spirit, and could not err. In this way, a Church was utterly unlike a people, for a people, being no more than a confused multitude, could never legitimately depose a king while a Church could and sometimes should take action against a pope who was, after all, a mortal man subject to human frailty.⁵⁹ Blackwood did not draw any conclusions from this about the relationship between the Church and the state, however, merely denying that it was possible to draw political conclusions from ecclesiology. Nor did he explain how human beings could know with certainty what 'religion' entailed, though his comments on the Church suggest that Catholic Christians could look to the Holy Spirit operating through the community of the faithful.

Blackwood's comments remained unchanged in the 1588 edition of the *Apologia*, though by then the circumstances were very different. In France, the death of François, Duke of Anjou, had left the Protestant Henri of Navarre as the next in line to the French throne (at least according to most, if not all, readings of the Salic Law governing succession). A Holy League had been formed to defend the Catholicity of the French crown, challenging the hereditary principle in succession and insisting that 'heretics' be excluded from the throne.⁶⁰ Blackwood later explained that when he heard about this, he was astonished that his co-religionists might do such a thing, re-iterating his belief that only God could judge the king and citing Tertullian's words from the late-second century that 'we [Christians] prefer to be killed than to kill'.⁶¹ This, he insisted, was the practice of the early Church and of all true Christian peoples.

The strong connection Blackwood drew between true Catholicism and non-resistance may well have allowed him to accept the accession of Navarre without too much heart-searching; one Catholic partisan attacked him publicly for his willingness to work with Navarre and it seems that Blackwood and his family thrived in Poitiers during the reign of Henri IV.⁶² We have seen that the connection Blackwood made between Catholicism, non-resistance, and royal authority impressed King James, and some of James's English subjects also found Blackwood's work appealing. This was particularly true during the debates over the legitimacy of the Oath of Allegiance, an oath designed to cement Catholics' civil obedience to the crown, but whose clause declaring papal deposing power 'heretical' ensured that it was condemned by the Papacy. English Catholics wrestled with the question of whether to take it and some agreed; indeed, James's government managed to induce the Catholic Archpriest George Blackwell not only to take the Oath but also to write to English Catholics advising them also to take it. Blackwell did so after some extensive interrogation, partly before the Court of High Commission, and the government produced a report drawing attention to Blackwell's reasoning. According to this report, Blackwell drew on Blackwood's writing in particular to argue that, at least in 'our land', kings held their authority from God and by hereditary right, and that they were accountable only to God.⁶³ As this suggests, Blackwell found in the Scottish Catholic writer important justification for an absolutist stance.

The Oath of Allegiance raised, in acute form, the question of how to combine Catholicism with a high view of royal authority; the ensuing controversy also demonstrated that any attempt to answer the question in terms of sovereignty would subordinate one authority to the other in what was, in effect, a zero-sum game. Blackwood himself does seem to have been aware of these issues, as we can see from the devotional works he wrote around this time, particularly in the long 'meditation' on Psalm 50 (according to the Vulgate numbering) which was published in 1608. Though these texts have not been considered relevant to Blackwood's 'political' thought, they reveal his efforts to work out how his Catholic faith could be compatible with his strong endorsement of absolute hereditary monarchy. Psalm 50, traditionally associated with King David's repentance after committing adultery with Bathsheba and ordering what was in effect the execution of her husband Uriah, provided Blackwood with the opportunity to reflect upon royal sins and to underline the divine

judgement that would follow. Blackwood highlighted David's guilt, even though there was no legal recourse for his subjects; expanding verse 6, 'against you only have I sinned', Blackwood's David explained that his royal sin was against God alone because 'I am of a superior status to the people'. As king, David was above any legal proceedings and 'neither Uriah, nor his wife, nor anyone can bring a legal action against me'. But the majesty of David's office magnified his offence, and intensified his need for divine forgiveness. Blackwood could underline what he saw as the reality of divine judgement – even if there was no earthly mechanism for calling the king to account.⁶⁴

Blackwood then turned to consider the mechanisms by which David's sin and guilt could be expiated, and here he wanted to make clear that only in Catholicism could human beings find the atonement and forgiveness they needed. Taking the psalm as his starting point, he argued that the practices of animal sacrifice found in the Old Testament were imperfect signs of the future sacrifice of Christ. This then allowed him to discuss the importance and centrality of the Mass, as the means by which human beings – and perhaps most especially kings – could receive forgiveness for their sins. Human beings, he explained, were fallen and mired in sin but could be saved through faith in Christ and through the most effective 'antidote' to their corruption which was 'the true flesh and blood of the Messiah' and of which 'we are all members who imbibe the faith of the church received from him'.⁶⁵ What authorised the Mass, in Blackwood's view, was a command received from Christ himself and passed down through the Apostles and their legitimate successors. Blackwood was explicit that this command did not depend upon the scriptural text, open to interpretation and re-interpretation, but upon the actual spoken words of Christ himself. Thus the rationale for the Mass came 'not from a written text, which is nothing but the symbol of speech as Aristotle says, but from the speech itself [ex voce]'.⁶⁶ The Mass was not dependent upon the survival of a text, which could be ripped apart or burnt or misunderstood, but upon the community's transmission and practice. That transmission had been threatened in the past by Julian the Apostate, and now was in danger from the Calvinist 'sect', whose origins lay not in any legitimate authority but simply in the pride and arrogance of its members. This may also help to explain why Blackwood preferred not to argue for non-resistance on the basis of specific scriptural verses; he did not want to suggest that religion could be a matter of individual interpretation of inherently unstable texts.

In this psalm meditation, Blackwood cast Catholic teaching on the Mass as a stable truth, based on sure authority, which has stood the test of time. Understood like this, the Mass could be contrasted with the realm of nature and human affairs which he saw as inherently in flux and Blackwood could insist upon 'the truth of this doctrine, ratified by his [Christ's] blood, which has flourished without controversy in all ages up to today', adding that 'if it were false ... how could it be possible that it has been observed across all the world, for so long a time and with such devotion?'⁶⁷ But the sacrifice of the Mass was not simply a particularly widespread and well-established custom for Blackwood, and he was keen to defend the real presence of Christ in the bread and wine. Because the body and blood of Christ were truly present in the Mass, it was not merely a sign or symbol subject to interpretation (as were, by implication at least, the words of the Biblical text so dear to the Calvinists and Huguenots).⁶⁸ In this way, Blackwood could argue for the truth and superiority of Catholicism, but without engaging in a discussion of jurisdiction or the relative powers of king and pope. Catholicism, for him, in no way undermined the absolute and unaccountable position of the king.

In the last work of Blackwood's life he did, however, turn more directly to the issue of ecclesiastical authority and its relationship to royal power. In 1612, *De coniunctione* was reissued but now with an additional third book, in which Blackwood lamented the ways in which Catholics had engaged in what he saw as sedition and rebellion, activities he had previously associated with the Protestants. By this time of course Henri IV had also been assassinated by a Catholic fanatic and many in the French Church were troubled by what they saw as the dangerously anti-papal writing of the Sorbonne syndic Edmond Richer. In his *Libellus de Ecclesiastica et Politica Potestate* (1611), Richer had defended the system of Gallican liberties as he understood them, denying that the Pope

had the power to legislate for the Church and insisting that Christ was the one true monarch or Head of the Church. To Blackwood this was a dangerously anarchic position, through which Richer 'proved himself to be an enemy not only to the authority of the Pope but also to that of the King'.⁶⁹ By this point, Blackwood seems to have come to the view that the Church was much more like a civil community and in need of clear, unifying leadership. No longer was it possible simply to rely on the Holy Spirit.

Central to Richer's argument was the claim that Peter had been given some of Christ's power, but not its fullness; those who ascribed to Peter and his successors the same authority as Christ were making a logical mistake, 'arguing *a dicto simpliciter*, *ad dictum secundum quid*, from that which is affirmed simply, to that which is said but in a manner'.⁷⁰ Countering this, Blackwood insisted that Christ 'left his Vicar on the earth, to whom he committed sacerdotal Imperium, not secundum quid & per accidens ... but full and absolute, with the power of the sword, greater than is attributed to mortal kings and Monarchs'.⁷¹ What is noticeable here is that Blackwood is now willing to make use of a juridical vocabulary to describe ecclesiastical power, departing from his earlier emphasis on religion as a source of reverence portrayed in affective rather than juridical terms. We do not have enough evidence to assess this fully, but it seems that Richer's tract, and the wider context of Catholic 'sedition', had convinced Blackwood that the Catholic Church, like the French monarchy, needed to be understood in terms of absolute legal and coercive authority. But he was keen not to cast Church and King as rivals, preferring instead to refer to the longstanding 'friendship and intimacy' between the French monarch and the pope; and when it came to the crunch question of whether the church was 'in' the commonwealth (as the 4th century theologian Optatus of Milevis had put it) or vice versa, Blackwood refused to make a choice. 'Each', he argued, 'is in the other, and neither can last without the other'.⁷²

4.

For Adam Blackwood, any political theory which was anchored in natural law or in a concept of the people would be inherently anarchic and uncertain; only in monarchy could a human community find stability and authority – and only through Catholicism could that stability be made lasting. Furthermore, only Catholic faith and practice, particularly the sacrifice of the Mass, could provide the absolution and forgiveness necessary for sinful human beings, guaranteed as it was by the very words of Christ himself. It is this combination of skepticism and Catholicism which renders Blackwood's thought so interesting and unusual – he was far from being the imitator or disciple of Bodin that is sometimes suggested. And there is at least some indication that his contemporaries were attracted to his writing because of the disjuncture he posited between natural law and royal authority, and his reading of Christianity as commanding non-resistance.

One person we know to have read Blackwood in the 1640s was the English royalist theologian William Chillingworth. In some notes he made towards a treatise 'Of the unlawfulness of resisting the lawfull Prince, although most impious tyrannical and idolatrous', Chillingworth criticised the Scottish Covenanters' appeal to natural law to justify their action against Charles I. Here he used Blackwood's *Apologia* in developing his two central thoughts: that the apostles commanded non-resistance and that 'no subject can arrogate to themselves any part of regal power'.⁷³ Blackwood's preference for apostolic non-resistance and his critique of natural law reasoning seems to have appealed to Chillingworth, who saw its value against the Scottish claims. As the 1640s continued, Chillingworth and some of his royalist friends continued to develop arguments for Christian non-resistance, but it is noticeable that they tended to do by reference to the New Testament, drawing on Scripture in a way that Blackwood was very reluctant to do.⁷⁴ The Scottish jurist's critique of natural law seems to have been more appealing than his Catholic vision of order, prompting his readers to find alternative ways of guaranteeing stability in a world marked by flux and change.

In his essay 'On Experience', Blackwood's contemporary Michel de Montaigne noted the wide variety of customs and traditions among human society, and the related problem of making stable

or universal judgements. 'Each nation', he wrote, 'has several customs and practices which are not only unknown to another nation but barbarous and a cause of wonder'.⁷⁵ Like many of his contemporaries, Montaigne acknowledged the intellectual challenge posited by a new appreciation of variety and diversity. For Blackwood, that diversity revealed the impossibility of deriving moral or ethical norms from nature, other than the universal sense of religion among all human beings. He drew from this the need for absolute monarchical rule, at least if stability were to be preserved, but he also gave serious consideration to the way Catholic faith could be combined with support for royal power. As the seventeenth century progressed, the scepticism expressed by Blackwood would come to gain more ground, especially as war continued to rage across the continent of Europe, and new ways of theorising stability would be developed. European theorists did not abandon the quest for a stable and universal natural law, but through a study of Blackwood's writing we gain a clearer sense of the challenge they faced.⁷⁶

Notes

1. Jean Bodin, *Les six livres de la Republique* (Paris, 1576) sig. Aiiiv.
2. *Vindiciae contra tyrannos, or, Concerning the legitimate power of a prince over the people, and of the people over a prince* ed and transl. G. Garnett (Cambridge, 1994), 9.
3. Q. Skinner, *Foundations of Modern Political Thought* (Cambridge, 1978) volume 2, 318–23.
4. See for example Sophie Nicholls's discussion of Rosseaus in her *Political Thought in the French Wars of Religion* (Cambridge, 2021) ch 6.
5. *A dialogue on the law of kingship among the Scots: a critical edition and translation of George Buchanan's De iure regni apud Scotos dialogus* ed and transl. R. Mason and M. Smith (Aldershot, 2004), 10–11; li–lii.
6. Jean Bodin, *The six books of a commonweale. A facsimile reprint of the English translation of 1606, corrected and supplemented in the light of a new comparison with the French and Latin texts* (Cambridge MA, 1962), 105, 109; see also the preface to the 1578 edition, discussed in J. H. M. Salmon, 'Bodin and the Monarchomachs' in H. Denzer (ed.), *Jean Bodin: Verhandlungen der internationalen Bodin Tagung in München* (Munich, 1973), 363.
7. Bodin, *The six books of a commonweale*, 93, 109–110.
8. See Benjamin Straumann, *Crisis and Constitutionalism: Roman Political Thought from the Fall of the Republic to the Age of Revolution*. (New York, NY, 2016), 289–95; Daniel Lee, *Popular Sovereignty in Early Modern Constitutional Thought*. (Oxford, 2016) ch 6.
9. William Barclay, *De Regno et Regali Potestate* (Paris, 1600), 2r: virum ornatissimum doctissimumque ... [Blackwood] ita de hoste triumphasse ut nullum aplius motum ciere posse vel ipse vel eius fautores crederentur.
10. 'Adami Blacuodaei elogium auctore Gabriele Naudaeo', in *Adami Blacuodae ... opera omnia* (Paris, 1644), sigs. [a.iiijr]–iiiiv.
11. J. W. Allen, *A History of Political Thought in the Sixteenth Century* (London, 1967, first published 1928), 378.
12. W. Church, *Constitutional Thought in Sixteenth Century France* (Cambridge, 1941), 245–64; J. H. Burns, *The True Law of Kingship: Concepts of Monarchy in Early-Modern Scotland*. (Oxford, 1996), 185–221. Ibid 'George Buchanan and the anti-monarchomachs' in R. Mason (Ed.), *Scots and Britons: Scottish Political Thought and the Union of 1603* (Cambridge, 1994), 138–158; Howell Lloyd, 'The Political Thought of Adam Blackwood', *Historical Journal* 43 (2000), 915–35.
13. J. Staines, *The Tragic Histories of Mary Queen of Scots, 1560–1690: Rhetoric, Passions and Political Literature*. (Farnham, 2009), 96–99.
14. 'De conjunctione' is printed in *Adami Blacuodae ... opera omnia*, 209–301 under the title of the 1615 edition, *De Vinculo* (book three was added to this later edition).
15. On Blackwood in Poitiers see Antoine COUTELLE, 'Les citoyens tant soit peu notables'. Appartenir à l'élite d'une capitale provinciale, Poitiers XVII^e siècle', *Histoire urbaine*, 40:2 (2014): 50–3.
16. Lloyd, 'The Political Thought of Adam Blackwood', 919.
17. Théodore de Bèze, *Du Droit Des Magistrats* edited by R. Kingdon (Geneva, 1970), 55. On Beza's thought see Scott Manetsch, *Theodore Beza and the Quest for Peace in France, 1572–1598*. (Leiden, 2000) esp, 67–9.
18. Bèze, *Du Droit Des Magistrats*, 8.
19. Ibid., 44.
20. Ibid., 49.
21. The *Discours politiques* is printed in Simon Goulart, *Memoires de l'estat de France sous Charles Neufiesme* (2nd edition, Middleburg, 1578) volume 3, 203v–296r. On the earlier version see C. Huchard, *D'Encre Et De Sang. Simon Goulart Et La Saint-Barthélemy* (Paris, 2006), 505–6, and on the tract see also Sarah Hanley, 'The

- French Constitution Revised : Representative Assemblies and Resistance Right in the Sixteenth Century' in Mack Holt (ed) *Society and Institutions in Renaissance and Early Modern France* (Athens, GA, 1991), 36–50.
22. *Discours politiques* fo 230r: 'les Theologiens, lesquels pour etabliir une patience chrestienne tombent en une extremité dangereuse asavoir en une stupidité qui estourdit les hommes, & aneantissent un des principaux effects de la vraye charité, quie consiste a empescher la ruine publique, comme si les Chrestiens estoient exclus de toute puissance politique ordonnee par droit de nature'.
 23. Ibid fos 219r-v: 'Les hommes n'avoyent en ces temps anciens autre loy escrite que la naturelle, qui enseignoit un devoir des uns envers les autres pour l'utilité commune'.
 24. Ibid fos 235r-237r; also fos 205r-207r.
 25. A. Wilkinson, *Mary Queen of Scots and French Public Opinion, 1542–1600* (Basingstoke, 2004), 94–5.
 26. Quotation from J. Knox, *On Rebellion* edited by R. Mason (Cambridge, 1994) p.44; see also Jane Dawson, *John Knox* (New Haven, CA, 2015), 141–6.
 27. See further Wilkinson, *Mary Queen of Scots*.
 28. Blackwood, *Opera Omnia*, 262.
 29. Ibid., 221: Deo constanter dixerim auctore, magistratibus, tanquam vivis ac loquentibus legibus, omnium hominum consensus delatum est imperium.
 30. Ibid: Cum vero in omni natura speciem quaedam ac imaginem videamus imperii, dici non potest hominum coetus ἀναρχία coalescere.
 31. Ibid., 231: Ut igitur vitam tueamur, in unum cogi necesse est: ut in unum cogamur, opus est lege. Sed qua lege? Non ea quae vel ligneis, vel aeneis incisa tabulis, populi senatusve arbitrio mutetur, ... [sed ea quae] in hominum animis perpetua stabilitate sanciantur. Hanc legem religionem esse certum est: eius latorem, Deum.
 32. Ibid., 259: Primum Christianae religionis argumentum est studium quietis & otii, alterum est magistratuum obedientia.
 33. Ibid., 275: Christianae doctrinae praeceptum est, ut malum bono pensemus, & illatam placide feramus, non vi repellamus iniuriam.
 34. Ibid., 288: ius gentium naturali, tanquam posterius priorum, deroget.
 35. For this debate see A. Brett, *Changes of State: Nature and the Limits of the City in Early Modern Natural Law*. (Princeton, NJ, 2011) ch 3.
 36. Blackwood, *Opera Omnia*, 289.
 37. Ibid., 299: hominum genus opinionibus, institutis, legibus, moribus, temperament ac natura differens, plane pessum eat, nisi religionis beneficio coeat in unum, tantam rerum Discordia in Dei cultum & reverentiam conspirante. See also Lloyd, 'The Political Thought of Adam Blackwood', 923.
 38. On the influence of the lex regia in early modern Europe see Lee, *Popular Sovereignty* ch 1.
 39. Blackwood, *Opera Omnia*, 291: Populus omni iuris dicendi potestate privatus est. Rex non modo magistratibus omniis, sed & legibus superior, solo Deo minor existit. ... Si publici crimen, si iniuriae populo datae gratiam si fecerit, si iniquius in populum sentetiam dixerit, ad Deum provocatio est' [As we have seen, Blackwood's theory does not exclude women from rule but I have tended to translate using singular male pronouns, as sixteenth century usage would suggest.]
 40. Ibid., 6: nulla neque legum, neque magistratum reverentia, politicae disciplinae nova dogmata spargunt in vulgus.
 41. Buchanan, *A dialogue on the law of kingship*, 153.
 42. Ibid., 121–3.
 43. Ibid., 97–101.
 44. Blackwood, *Opera Omnia*, 12: quid est in tota illa disputatione, quod inscriptioni respondeat?
 45. Ibid: Neque enim traditur ius ullum Scotici regni proprium, sed, ut ipse videri vis ex naturae fontibus educis ius omnium gentium commune, nec id tamen nullius gentis observatione receptum umquam, aut iudicio probatum.
 46. Ibid., 98: Haec Scotis regia lex est.
 47. Ibid and see further Burns, 'George Buchanan and the anti-monarchomachs', 149.
 48. Ibid., 105: An quia ferae venatoribus obsistunt, & vim vi propulsant, iure naturae magistratui resistitur, debita legibus supplicia decernenti, vel si mavis, etiam iniustam vim inferenti?
 49. Ibid : [homines] cum vim vi defendant, naturae legem patronam accire non possunt, si minus id ratione faciant, qua sola naturam hominum metiti debemus.
 50. Ibid., 106: Haec suprema lex est quae usucapione fortunas & possessiones: servitute libertatem hominibus ademit.
 51. Ibid., 107: Nam si nunc tandem armis Kennethi sobolem appetamus non vim vi, sed ius iniuria repellemus.
 52. Barclay, *De Regno*, 79: Animus humanus, cum sit nihil aliud quam quaedam divinae mentis particula, ... (quae, depulsa erroris nebula, docent atque explanant quid faciendum fugiendum sit) verum etiam innata quaedam in homine propensio, illam ei regiminis formam, quae unius principatu contenta est, ut optimam & antiquissimam commendat.
 53. Ibid: homines occulta quodam naturae instinctu ad ea [regna] inclinabantur.

54. See Blackwood, *Opera Omnia*, 72–3
55. Ibid., 129: Quid enim maior pars, quid pauci selecti iuris habere possunt, quod non habent universi? Omnes enim libertate sunt pares: nec copia, nec inopia, nec virtuti debitus honos, nec infamia turpidini, suffragii ferendi potestatem vel auget vel minuit. 129
56. Ibid., 186.
57. As reported by Naudé, in ibid sig [eivr-v].
58. The *Trew Law* is printed in *James VI and I: Political Writings* ed. J. Sommerville (Cambridge, 1994); see 73–4.
59. Blackwood, *Opera Omnia*, 126–7.
60. For a recent discussion see Nicholls, *Political Thought in the French Wars of Religion*.
61. Ibid., 303–7.
62. See Coutelle, ‘Les citoyens tant soit peu notables’, 50–1; H. Bernstein, *Between Crown and Community: Politics and Civic Culture in Sixteenth-century Poitiers*. (Ithaca, N.Y, 2004), 208.
63. George Blackwell, *A large examination taken at lambeth, according to his maiesties direction, point by point, of M. G. blakwell* (London, 1609), 203. For an overview of the context see C. H. McIlwain, *The Political Works of James I, Reprinted from the Edition of 1616*. (Harvard, MA, 1918), lix–lx.
64. Blackwood, *Opera Omnia*, 353–5, quotations from 353: quia popularium conditione superior sum ... Nec Uraie, nec eius uxori, ulla datur in me legis actio.
65. Ibid., 364: veram Messiae carnem et sanguinem ... cuius omnes membra sumus qui ab eo receptam ecclesiae fidem imbibimus
66. Ibid., 364: quam non ex scripto, quod nihil aliud nisi vocis symbolum est Aristoteli, sed ex ipsa voce,
67. Ibid., 358–9 illius doctrinae veritatem sanguine suo sanxerunt, quae tot seculis huiusque sine controversia viguit, valuit inter eos, qui sine fuco, sine fraude Christum cum Patre unum Deus agnoverunt ... Si falsa fuisset, si commentitia, si praetor testatoris mentem atque sententiam excogitate, qua tandem ratione fieri potuisset, ut in toto terrarium orbe, tamdiu tanta cum religione coleretur?
68. Ibid., 360.
69. Ibid., 320: non modo Pontificiae, sed & Regiae maiestatis hostem se prodidit impudentissime.
70. Edmond Richer, *A Treatise of Ecclesiasticall and Politike Power* (London, 1612) sig. [G4v].
71. Blackwood, *Opera Omnia*, 334: pastorum instituit, legatum suum, & Vicarium reliquit in terries, cui sacerdotale commisit Imperium, non secundum quid & per accidens, ... sed merum & absolutum, cum gladii potestate, maiore quam quae mortalium regibus & Monarchis est attributa.
72. Ibid., 335: utrumque sit in utroque, nec alterum sine altero queat subsistere.
73. Lambeth Palace Library MS 943, 895–8.
74. See Mortimer, *Reason and Religion in the English Revolution* (Cambridge, 2010) ch 4.
75. M. de Montaigne, *The Complete Essays* ed. M. Screech (Oxford, 1993), 1227.
76. On the development of ‘new’ theories of natural law see the now classic argument of R. Tuck, ‘The “modern” theory of natural law’, in *The Languages of Political Theory in Early-Modern Europe*, ed. A. Pagden (Cambridge, 1987), 99–119.

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