

The Second Amendment and Public Policy Theology (Part 1)

by John Cobin, Ph.D. for *The Times Examiner*
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This column is the first segment of a three-part series dealing with application of the Second Amendment for Christians.

The Second Amendment to the American Constitution is familiar to many of us: “A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.” Along with the other nine initial amendments, collectively known as the Bill of Rights, the Second Amendment was ratified by ten of the original thirteen States on December 15, 1791.¹

The words “well regulated” mean well-equipped in terms of uniform and armament. The militia’s armament should be fully manned, sighted-in and ready. According to the U.S. Code, the word “Militia” means what is now called the “unorganized militia”, i.e., “all able-bodied males at least 17 years of age and...under 45 years of age...who are not members of the National Guard or the Naval Militia”.² During Virginia’s ratification convention in 1788, Founding Father George Mason said: “I ask, Who are the militia? They consist now of the whole people, except a few public officers”.³ (Similar statements were made by Founders James Madison and Richard Henry Lee.) Mason worried that some day only a privileged class of men would bear arms, resulting in tyranny. Mason also said: “the best and most effectual way to enslave” a nation is “to disarm the people”.⁴



The Second Amendment was intended to be the ultimate check against a tyrannical state. In a real sense, it is the right of revolution built into the Constitution—becoming the foremost guarantor of all other rights and the Constitution itself. Neither the legislature nor the executive may abridge its effect. (Accordingly, the United States Supreme Court has ruled: “All laws which are repugnant to the Constitution are null and void.”⁵) Thomas Jefferson highly prized an armed citizenry,⁶ and wanted to instill a permanent spirit of resistance within the American people. In his letter to William S. Smith on November 13, 1787, Jefferson wrote: “What country before ever existed a century & half without a rebellion? & what country can preserve it’s [sic] liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms. The remedy is to set them right as to facts, pardon & pacify them. What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time with the blood of patriots & tyrants. It is it’s [sic] natural manure.”



Tench Coxe, an active political figure before and after the American Revolution, was clear regarding the intentions of the Founders with respect to bearing arms. He wrote in the *Philadelphia Federal Gazette* on June 18, 1789: “As civil rulers, not having their duty to the people duly before them, may attempt to tyrannize, and as the military forces which must be occasionally raised to defend our country, might pervert their powers to the injury of their fellow-citizens, the people are confirmed by the next article [the Second Amendment] in their right to keep and bear their private arms.”⁷

In his proposed Virginia constitution (June 1776), Jefferson wrote: “No free man shall ever be debarred the use of arms.” Samuel Adams and other Founders agreed. Richard Henry Lee, a signer of the

¹ *Pro forma* ratification of the Bill of Rights was given by Vermont after it became a state in 1791 (about a year and a half after the proposed amendments were sent to the states for ratification), and by Georgia, Connecticut, and Massachusetts in 1939.

² 10 U.S.C. 311(2)

³ 3 Elliot’s Debates 425

⁴ 3 Elliot’s Debates 380

⁵ *Marbury vs. Madison*, 5 U.S. (2 Cranch) 137, 174, 176, (1803).

⁶ “Laws that forbid the carrying of arms...disarm only those who are neither inclined nor determined to commit crimes...Such laws make things worse for the assaulted and better for the assailants; they serve rather to encourage than to prevent homicides, for an unarmed man may be attacked with greater confidence than an armed man.” (Thomas Jefferson, *Commonplace Book*, 1774-1776 [quoting from Cesare Beccaria’s *On Crime and Punishment* (1764)]).

⁷ Tench Coxe, “Remarks on the First Part of the Amendments to the Federal Constitution” (writing under the pseudonym “A Pennsylvanian”), *Philadelphia Federal Gazette*, June 18, 1789, page 2, col. 1. Coxe also said: “Congress has no power to disarm the militia. Their swords, and every other terrible implement of the soldier, are the birthright of an American...The unlimited power of the sword is not in the hands of either the federal or state government, but, where I trust in God it will ever remain, in the hands of the people” (*Pennsylvania Gazette*, Feb. 20, 1788).

Declaration of Independence, stated: “To preserve liberty, it is essential that the whole body of people always possess arms.”⁸ Alexander Hamilton agreed in *The Federalist Papers* (no. 29) that a well-trained and well-armed citizenry would provide a check against tyranny. “[I]f circumstances should at any time oblige the government to form an army of any magnitude that army can never be formidable to the liberties of the people while there is a large body of citizens, little if at all inferior to them in discipline and the use of arms, who stand ready to defend their own rights and those of their fellow-citizens.”

It is clear what the Founders had in mind by the Second Amendment. The question that remains for Christians is whether or not they can apply it to their activities and still be righteous. May a Christian join in resisting the state (1) generally or (2) particularly in America because the Second Amendment allows him to do so? I would answer both questions with the affirmative. One reason that the Apostles did not attack the Roman state was because they lacked the wherewithal to do so. Unlike the American Founders, they did not have the military strength to attempt such an overthrow. They also did not have a Second Amendment to back them up. I have previously argued that Christians may “rebel” against tyrannical states when it is wise, prudent, and feasible to do so. And this fact is further enhanced by the existence of the Second Amendment.

The Bible is the Christian’s final authority for faith and practice. It says that Christians must passively submit to “rulers”, “kings”, and “governors” (Romans 13:3; 1 Peter 2:13-14). However, what happens when lower rulers are traitors to the highest ruler and supreme authority of the land? Regardless of whether or not a strong case can be made for Christian resistance against tyrants without the Constitution and Declaration of Independence, surely a case can be made for Christian resistance with them.

The Second Amendment injects a form of built-in “rebellion” into the American system, which the Apostles did not enjoy while living under Roman rule. Indeed, the Declaration of Independence and the Bill of Rights have imbued all Americans (including Christians) with the hallowed right of revolution. If Christian obedience to the civil authority entails primary obedience to the American Constitution, then this fact ought to have far-reaching ramifications for the way believers interact with their culture.

The Second Amendment and Public Policy Theology (Part 2)

by John Cobin, Ph.D. for *The Times Examiner*
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This column is the second segment of a three-part series dealing with application of the Second Amendment for Christians.

The establishment of the unusual system of governance in America changed the strict application of Romans 13:1-7, Titus 3:1, and 1 Peter 2:13-17 for American Christians—even if application of the passages to Christians in other nations may differ. For us Americans, being “subject to the governing authorities” could rightly entail armed resistance against the tyrannical state. Since “the governing authorities” in America are the Constitution and the Declaration of Independence, a Christian could be obedient to them and still attack wayward rulers with the support of the Second Amendment.



Yet the tenor of the New Testament outlines the normal course of affairs for Christians as makers, propagators, pursuers of peace (Matthew 5:9; Romans 14:19; Hebrews 12:14; James 3:18; 1 Peter 3:11). The Christian’s priority must be to disseminate serenity, even though Christ said that He would bring division rather than peace on earth through the expansion of His kingdom (Luke 12:51, cf. John 16:33).

But Christians are not to pursue peace (or compromise) at *any* cost. When it comes to political activism, Christians need to be particularly careful to not align themselves with the wrong side. Recall that the Jews wickedly and maliciously called for Christ to be crucified, claiming that they had “no king but Caesar” (John 19:15). In so doing, they aligned themselves with an evil ruler—whether to Caesar, a king or Roman governor—rather than “the King of kings” (1 Timothy 6:15; Revelation 17:14; 19:16). Caesar’s dominion notwithstanding, Jesus Christ has authority over all earthly rulers.

⁸ Walter Bennett, ed. (1975), *Letters from the Federal Farmer to the Republican*, Tuscaloosa: University of Alabama Press, pp. 21, 22, 124.

The Jews ignored this fact and made their position clear with their mind-set: “We will not have this man to reign over us” (Luke 19:14). They chose to submit to and obey wayward lower authorities and reject the Supreme Authority. In the same manner, American Christians displease the Lord by choosing to submit to wayward elected officials and bureaucrats instead of the supreme law of the land. They also disobey it by following the lead of rulers who promote partaking in redistributive public looting through welfare programs and adorning “big brother” policies that allow the state to overstep its bounds.

There is no doubt about it: Christians will have some interaction with the state. Jesus said, “You will be brought before governors and kings for My sake, as a testimony to them and to the Gentiles” (Matthew 10:18; cf. Mark 13:9; Luke 21:12). And rulers tend to be oppressors who “lord it over” their people (Ecclesiastes 5:8; Matthew 20:25). Normal Christian experience has been to stand trial before oppressors, just as the Apostles Peter and Paul did, and to testify of Christ (Acts 4:8-12; 5:29-33; 26:1-32). The interface of Christians with the state is frequently unpleasant, oppressive, or even fatal, as was the case when rulers attempted to “abuse and stone” the Apostle Paul and Barnabas (Acts 14:5).

Just how do Christians who are pursuing peace become entangled with the state? Well, the Bible indicates that Satan himself, being “enraged” with Christians, will “make war” with them, casting some “into prison” by means of the state (Revelation 2:10; 12:17–13:1, 7). Thus, under the Providence of God, Christians are likely to become embroiled with the state. And so it has been since the first century (beginning with Christ and the Apostles). In America, however, the rules of engagement have changed and Satan’s successes have been mitigated. Christians enjoy the reality of the Second Amendment and are remiss when they do not join together and use it to refresh the tree of liberty from time to time with the blood of patriots and tyrants—as Jefferson said.

When do Christians know that it is the right time to resist? Answering this question takes some careful thought and consideration of many variables. Surely, the reason for resistance has existed since the 1860s, having been redoubled by events of the 1870s, the 1910s, and the 1930s. Given the principles of America’s founding, the South was right both in seceding and in defending its homeland against the northern aggressors. But the South was not prudent in its strategy on many political and economic fronts. Even with the two greatest generals in American history they were not able to overcome the invader. Southerners did not choose the right time or strategy to resist the tyrant.

A prudent and holistic plan must be put into place before any coordinated action against the state should be undertaken (cf. Luke 14:31). But until the fight begins, Christians should make use of peaceful means—the political process—even though there is little hope for real success. They should stay active, “do business” (Luke 19:13), engage their culture, and keep a good collection of arms handy with wicked rulers in their sights.⁹

The Second Amendment and Public Policy Theology (Part 3)

by John Cobin, Ph.D. for *The Times Examiner*
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This column is the third segment of a three-part series dealing with application of the Second Amendment for Christians.

The Founders primarily envisioned collective action of a militia under the Second Amendment. Generally, no call for vigilantism or for independent assassination plots exists, such as the one Israelite judge Ehud undertook against king Eglon—a wicked ruler that God had raised up to chastise His rebellious people (Judges 3:12-23). That is not to say that a Christian would necessarily sin by assassinating a wicked ruler like Nero, Domitian, Hitler, Stalin, Lincoln, Pol Pot, Castro, or Idi Amin. Killing them would instill peace by delivering many people from misery and suffering—a suitable task for Christians (cf. Proverbs



⁹ Of course, there are other kinds of Christian action that can help to debilitate a tyrannical state. Some examples include depriving the state of resources by avoiding taxes when possible (or by refusing to pay taxes not owed), refusing to serve in the military, or temporary emigration (exiles have proven to provide good support for a revolution).

24:11-12, Galatians 6:10). The Bible teaches that the overthrow and death of wicked rulers causes social “jubilation” and that their name “will rot” (Proverbs 11:10; 10:7). Indeed, why would slaying an evil ruler, when possible, differ from killing a serial killer, a common thug, or another criminal in self-defense?

Since the Bible teaches that people shout, rejoice, and have jubilee over the death of a wicked ruler, should Christians refrain from rejoicing along with their countrymen? Should they mourn when a Stalin is assassinated and rejoice only when such an evil ruler dies of natural causes? The Bible makes no such distinction. Surely, God takes no pleasure in the death of the wicked (Ezekiel 33:11) and neither should we. However, this truth does not undermine the reality taught in Proverbs 11:10: people have a feeling of relief, excitement, and joy as a result of an evil ruler’s demise. (Just ask any older Ukrainian.)

Yet Christians cringe at the notion of assassination of an evil ruler. Why is assassination less shocking or repugnant to them when the military performs it? Why would private militias, mercenaries, or pastors like Dietrich Bonhoeffer be wrong for accomplishing such military operations? Some might worry that severe ramifications could ensue from the state’s reaction against Christians who espouse such a “radical” idea. Such a threat should not matter if we are promoting the truth, realizing the importance of developing a biblical theology of public policy, so long as Christians enjoy some measure of free speech and it is expedient to exercise that right. Are we not commanded to “buy the truth”, along with wisdom, instruction, and understanding, and to not sell it (Proverbs 23:23)?

The logic of a theology of public policy pertaining to assassination of evil rulers is fairly straightforward. Given that (1) there is a right of self defense, that (2) there is no amnesty afforded to any assailant on account of his office or profession, and (3) provided that one is the potential victim, an eyewitness of a crime, or a member of a group which has definite knowledge about the notorious nature of the crimes that have been and will be committed by a predator (the connection between an evil ruler and his crimes should be evident to all), then (4) the predator may be stopped by force—even lethal force. There is one further qualification: (5) those methods which expose innocent people to the least jeopardy (as is the case with assassination) must be preferred, since Christians highly respect human life as “the image of God” (Genesis 1:27; 9:6) and must not trammel it recklessly.

Accordingly, Bonhoeffer did not sin by participating in the plot to assassinate Hitler. How can Christians claim otherwise? (Whether his methods were prudent is a different question.) If Hitler had instead died while facing Bonhoeffer on the battlefield, no one would question the rightness Bonhoeffer’s actions. Christians are inconsistent if they approve of a military operation against Hitler’s headquarters but find fault with a stealth assassination attempt by Bonhoeffer at the same place.

Nevertheless, the fact that assassination could be the right action does not mean that Christians have to frequently practice it or even advocate it.¹⁰ Surely, it must be used as a last resort in our own country. To avoid problems of passion and vigilantism, assassination of evil rulers is best carried out by a collective force or a “well-regulated militia”. The Founding Fathers saw the prudence in patience: “Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes.” Such patience does not preclude assassination under the proper circumstances, especially when assassination is accomplished through a Second Amendment militia operation.

¹⁰ The whole matter of assassination must be considered deductively in order to derive the appropriate biblical principles regarding it, beginning with two parameters. First, it is important to note that setting the bounds for a public policy theology is not the same as advocating a particular action. For instance, a woman may have the right to divorce her husband if he commits adultery one time (even if he repents), but that right does not mean that she should do so. So it is with the matter of assassination. Just because assassination of an evil ruler is considered to be a righteous event does not mean that a Christian should necessarily become an assassin. While establishing the ultimate bounds of right Christian conduct is valuable, doing so does not produce an outcome with a *prescriptive* character. Second, if government agents are predators and criminals, they become exposed to violence just as other lawbreakers. Notwithstanding those who espouse a revitalized or reshaped divine right of kings view, modern rulers simply do not enjoy special immunity or amnesty card on account of their office that would preclude any defensive action by Christians against them. Likewise, the fact that American congressmen enjoy limited freedom from arrest and prosecution while on the job does not imply that they enjoy the same immunity in a private home. (The American Constitution, Article 1, Section 6 says: “They [congressmen] shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.”) If one may shoot a robber or a rapist caught in the act, one may also shoot a felonious government agent. It makes no difference that they are kings, senators, or bureaucrats. However, the fact that one *may* do so does not mean that he *should* do so. And a Christian exercising his right to resist authority does not necessarily mean that he will avoid the consequences of such action.

However, Christians should accredit the merits of assassination for foreign policy. How many American and Iraqi lives would have been saved if the United States military would have simply assassinated Saddam Hussein and his top cronies? Remember that Ehud, living prior to the establishment of the Old Testament theocracy, was an assassin. Yet he was evidently commended by God for his work. The godly general Stonewall Jackson was ready and willing to cross the Potomac River in order to hang Lincoln after the first battle of Manassas. Hundreds of thousands of lives would have been saved. Would he have been wrong if he had done so? Was John Wilkes Booth wrong to do so after the war? What is ultimately the difference between Ehud, Jackson, and Booth—if anything?

Providence has often directed collective action (rather than assassinations) as the means to overthrow evil rulers, and the rationale of the Founders seems to follow this premise concerning domestic tyranny. It is difficult, apart from a miracle, for one man or even a small group to pull off a revolution. It is also unclear that attempting to do so will bring glory to God—which is the foremost goal of a Christian. The Bible records the fatal failure of some who revolted against tyrants (see Acts 5:36-37).¹¹ Instead, the collective courage and stamina of principled men has prevailed at providential moments, including climactic events like Runnymede and Yorktown. Accordingly, the Founders realized that liberty would best be preserved by a collective force, which they termed “a well regulated militia”.

¹¹ Absalom was killed while trying to overthrow David (Samuel 18:14–19:10), but David is not normally regarded as being an “evil” ruler and Absalom was not righteous or godly in his motives or conduct. Furthermore, the uprightness of assassination was apparently curtailed under the theocracy since David would not kill Saul when he had him cornered in a cave (1 Samuel 24:3-8) and David condemned the soldier who killed “the Lord’s anointed” (2 Samuel 1:9-16). Of course, being divinely “ordained” or “appointed” (Romans 13:1-2) after the theocratic era has not made subsequent rulers “the Lord’s anointed”.