

“The Right of Authority” By Elisabeth C. Nicholson

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The Right of Authority

As a teenager, there is no sphere of my life that is not regulated by some authority. School, government, work, home, all of it organized by some person or structure in authority above me. And although some of those authorities and positions may change as I grow, at no point in time will I be free from them entirely. In what capacity, I wondered, is it my duty to submit to these authorities and the laws they create, and at what point, I thought, do I have not only the right but a duty to supersede them? At a time in my life where my age group is known for not having proper respect for the authorities, what is my civic and spiritual duty? This paper is the final product of those initial thoughts, now supported by proper logic, research, and discussion. Every other week, there is a call to deconstruct the government and establish a new one, based on different issues that have a substantial impact on our country, whether that be abortion, voting rights, or gun laws. Somewhere, there is a legitimate claim to be made for reforming our government, but at what point have we arrived?

My topic focuses on government, specifically from where it derives its authority and how that government loses its authority. When it came time to pick a topic, I chose this thesis because I enjoy American history, politics, theology, and a good challenge. I was once called a compliant rebel, and I feel that this thesis is, in some ways, the polished version of that rebel side of myself. Authority is a constant in any sphere of life, and I want to know the what, why, and how behind it.

This paper begins with two major assumptions. Each of these assumptions is necessary for this paper, but to lay out support for them in depth is outside the scope of this paper. One will be addressed in part later, and the other will not. The first assumption is in the biblical origins of government. In Christian theology, there are two main positions taken on the origin of government: Pre-fall and Post-fall. The Pre-fall view is generally attributed to Thomas Aquinas, and it states that even if humans had not fallen, government would still be necessary. On the other hand, the Post-fall view is generally attributed to Augustine of Hippo, and it states that government exists as a result of the fall.¹ This paper will use an Augustinian view of government, but later on, this paper will address the reasons and concerns with taking this approach. The second is a presumption of natural rights. They do not need to be assumed to have a Christian origin, though this paper will argue from that position and provide arguments in support of that view. However, a debate about whether or not these rights exist is far beyond the scope of what this paper aims to cover, and as such, will be left for another time. All that needs to be assumed is that natural rights exist.

The definition of government is, “The political system by which a country or community is administered and regulated.”² From the beginning of time, government has existed in many different forms. One of the first cities to exist is mentioned in Genesis 4 and is attributed to Cain. From then on, most of the governments were monarchies in some form or another, from Pharaoh to the Kings of Canaan to the Roman Empire to the British Empire. A monarchy is a subset of a governmental system called autocracy. An autocratic government is ruled by one person or group, and the government follows their will. Other forms of an autocracy would be a dictatorship or an oligarchy. Also over this same time, theocracies were more common. A

¹ (Weithman)

² (Brogan)

theocratic government is a government that combines church and state, usually led by the god of the religion through an appointed figurehead. A common example of this type of government is the nation of Israel. However, as early as the 1200s, the idea of individual rights necessitating a place in government began in England with the Magna Carta.³ The Magna Carta, Latin for “Great Charter,” was a treaty between the king of England and the rebel barons. It established rights and protections for the barons from the king, and though not applicable to all of the English people, it was the starting point for something even greater. In the next four hundred years, this idea of individual rights and protections would grow and change into something like what exists today: a social contract.

Social contracts were first introduced by Reformers in the late 1500s but are generally credited to Hobbes and Locke in the 1600s.⁴ Both born in England in the 1600s, these two men are well known in classical circles when it comes to the rights of man and discourses on social contract. John Locke’s “The Two Treatises of Civil Government,” are known as some of the first to argue against the monarchy’s right of divine supremacy.⁵ In contrast, Thomas Hobbes is known for “Levithan,” a paper that argued for a social contract as a means of protecting society against man in his depraved form.⁶ A social contract is an agreement between people that relinquishes rights to gain social benefits and protection from the government structure. Each of the three groups mentioned played a different role in the development of the social contract used today. The Reformers were able to give a moral basis to the logic with which Locke and Hobbes created their contracts. These ideas are the basis for the American Revolution, our government as it is today, and the basis for this thesis.

³ (“Magna Carta, 1215 - the National Archives”)

⁴ (“The Reformation Roots of Social Contract”)

⁵ (Locke)

⁶ (Hobbes)

My thesis states, Authority, as vested in civil government, consists of voluntarily relinquished rights and ends when it infringes on man's remaining natural rights. This paper will list arguments in support of this statement, followed by arguments against it. The arguments in support of my thesis statements are split into two parts: the formation of government and the end thereof. The section on the formation of government will cover the basis for natural rights, the ability to relinquish these rights, and the biblical support for obedience to government. The section on the end of government will cover the terms of the civil contract, the modes of redress given, how the reform is carried out, and biblical limits of authority. The arguments against my thesis will address specific concerns against my thesis, those being forms of governments without social contracts, voluntary termination of the contract, and pre-fall versus post-fall government.

This thesis comes in two parts. The first discusses the creation of civil government, and the second explains the limits and end of that government. This entire thesis hinges on the existence of natural rights. The current working view of them is as follows: Natural rights come from the Christian doctrine, Imago Dei, and there are two subsets. Imago Dei is a Christian doctrine that states that human beings are created in the image of God, and because of that, they have special capabilities, functions, and morals that set them apart from God's other creations. The first subset derives directly from this, and this paper will refer to them as functional rights. The three functional rights are life, liberty, and dominion. Each of these rights, designated at creation, remains central to the meaning of being human and serving a particular function. Life is a given; it is necessary to exist, glorify God, and enjoy Him forever. Liberty is essential to serving one's God-given purpose; without being free and having free will, one's praise would be meaningless. Dominion is specifically granted to Adam in the beginning and lives on in each of

his descendants. In a perfect world, humans would have remained in this state. But they didn't. They fell. After the fall, Perfect Liberty and Dominion could not exist in conjunction anymore, and lives were at risk. Governments became necessary to restrain evil and promote good.

Thus follows a second subset of rights, called Situational rights. Just as light cannot be known without darkness, these rights are not necessary without a governmental background. They are not created by the government but only become necessary within this framework. These rights would include the right to abolish government, the right to resist, the right to self-defense, the right to religion, and others. Situational rights are a derivative of functional rights, but they have enough distinctions to warrant the use of separate terms for clarity's sake. Functional rights are an integral part of humanity and require no framework to be understood. In contrast, the situational rights necessary differ based on the context of the situation and the framework of the government. Both sets are natural rights as they apply to all human beings and exist independently of government. Still, the first category differs from the second in that the second only becomes necessary within the frame of government. In contrast, the first applies, in varying degrees, with or without a government framework. As mentioned above, this paper will continue to refer to them with separate terminology for the sake of clarity.

Now that this paper has explored and argued for a certain view of natural rights, one can see this view's integration into government formation. To restrain evil and promote good, governments are formed, but how are these governments to be formed fairly when every man begins as an equal? This brings into the conversation social contracts. The main difference between the contract presented by Hobbes and Locke and the Reformers depends on their view on the state of man and the rights vested within them. All three views of the social contract are going to hold to the equality of man. All except for Locke hold that man is in a fallen state, and all except Hobbes

hold to a morality outside of a civil government, essentially a natural law.^{7 8} The extent to which natural rights play out becomes confusing here. Hobbes and Locke hold to so-called “natural rights,” but where they find their basis, and what exactly those rights are, remains surprisingly vague.⁹ The Reformers talked more generally about situational rights but were careful to counsel caution and were often vague on the extenuating circumstances of using these rights. They are, however, clear on the fallen nature of man and that man answers to something outside of government, necessitating limits on authority not created by a contract. What all these views hold in common, however, is the clear indication that something must be given up to gain something better. This leads to this paper’s understanding of a social contract: a social contract is formed by relinquishing some parts of the functional rights, liberty and dominion, and introducing situational rights by the creation of a civil government that derives its authority from the social contract.

So now, there is a working view of natural rights and a basis for the formation of civil government. One major challenge remains, the relinquishing of the Functional rights. As argued previously, natural rights are central to what it means to be human. So, how can anyone give up a necessary part of themselves? First, the functional rights are relinquished only in part, not in entirety. Man still has the freedom to order his life in the way he chooses and to order his property as he sees fit. The extent of the liberty and dominion retained by man is dependent on the contract he is under. Second, the parts of the functional rights he has relinquished are compensated for by the situational rights that now come into play. In a sense, the relinquishing of functional rights is less of a loss than a change in form, hence why it can be shown that

⁷ (Jones)

⁸ (Krause)

⁹ (Kennedy)

situational rights are a derivative of functional rights. The social contract parcels out the situational rights now available to the man, deriving them from the rights given up, while also keeping part of those relinquished rights to maintain governmental authority

Biblically speaking, this paper has addressed the basis for rights but has not talked about the support for the necessity of government itself. Another part of Imago Dei is the relational aspect of humans. Human beings are created to function in relationships; they are not made to be alone. In the Old Testament, Ecclesiastes references how a pair is better than one, saying, “Two are better than one, because they have a good reward for their toil. For if they fall, one will lift up his fellow. But woe to him who is alone when he falls and has not another to lift him up! Again, if two lie together, they keep warm, but how can one keep warm alone? And though a man might prevail against one who is alone, two will withstand him—a threefold cord is not quickly broken.”¹⁰ And in the New Testament, Paul talked heavily about the need to be in a community, such as in Hebrews. “And let us consider how to stir up one another to love and good works, not neglecting to meet together, as is the habit of some, but encouraging one another, and all the more as you see the Day drawing near.”¹¹

Not only is this truth biblically supported, but it is also mirrored by secular evidence. Similarly, there was recently an advisory put out by U.S. Surgeon General Vivek Murphy, combining studies that showed that loneliness was a key factor in the physical and mental health of human beings. To quote the advisory, “Systematic research demonstrating the link between social connection and mortality risk dates to one of the first large-scale longitudinal epidemiological studies conducted in 1979. This research found that people who lacked social connection were more than twice as likely than those with greater social connection to die within

¹⁰ (Eccles 4.9-12)

¹¹ (Heb 10.24-25)

the follow-up period, even after accounting for age, health status, socioeconomic status, and health practices.”¹² The evidence is pretty clear; human beings need to be connected in a community, and that community can not exist without order and authority. The Bible indicates the need to submit, respect, and obey earthly authority. Perhaps the most familiar verse on authority is Romans 13:1-2, which says, “Let every person be subject to the governing authorities. For there is no authority except from God, and those that exist have been instituted by God. Therefore whoever resists the authorities resists what God has appointed, and those who resist will incur judgment.”¹³

With that in mind, this paper will now address the second part of the thesis statement: the end of government. As the thesis statement says, this paper will argue that the end of government comes from the infringement of man’s remaining natural rights. Previously, this paper touched on two different sets of rights: Functional rights and Situational rights. The end of government focuses on the situational side of rights, as those are the rights currently in play. To restate, situational rights are a subset of functional rights and only are necessary within a government framework. The shape these rights take is parceled out within the social contract for the given government, but answers to a higher moral law. When those rights are crossed, and, therefore, the higher moral law is violated, the contract ends. Simply put, that is the end of a social contract. But realistically, it is much more complicated than that. As addressed earlier in this paper, there are many differing views on the rights of man. Regulations are a necessary part of a functioning society, and to view every regulation as an infringement on the rights of man would lead to complete chaos. The history of the United States has been filled with Supreme Court decisions that violated American citizen’s rights. And yet this country’s social contract still

¹² (OSG)

¹³ (Rom 13.1-2)

exists. So this paper will argue that true infringement of man's remaining natural rights that require a termination of the social contract has three factors: the terms of the contract, the modes of redress, and the way the reform is carried out.

In every social contract, the situational rights laid out in the terms will be different; but to be clear, listing the rights does not determine the existence of them. Anything not specifically written out is left as part of functional rights and is regulated by moral law as opposed to a specific government, as displayed in the U.S. Constitution in Amendment 10. It reads, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."¹⁴ As an example of rights being laid out, the U.S. Constitution lists the right to free speech, the right to bear arms, the right to reasonable bail, and the right to habeas corpus. The Rights of Man, a declaration made at the induction of the French Revolution, lists that man is born free, man is equal, man has a right to a speedy trial, and a right to liberty, among others.¹⁵ Though there are many similarities in the declarations, there are some differences, showing how different contracts, even influenced by the same man, list out and expound upon the rights stated in different ways. These rights are the safeguard of the people within a governmental system.

In the U.S. Constitution, the people of the United States are given different modes of redress for dealing with infringement of their rights. Herein lies this country's explanation of an enduring contract despite numerous violations of rights: options exist to improve laws via amendments. The founders knew firsthand the danger of absolute power in a single person, place, or organization; within their constitution, they built safeguards. One comes in the form of a bill of rights. Another comes in the form of the Supreme Court, and still another comes in the

¹⁴ (Schweikart et al.)

¹⁵ ("France: Declaration of the Right of Man and the Citizen")

form of amendments. The Bill of Rights expounds upon what needs to be protected, while the next two focus on dealing with the infringement of those rights. The Supreme Court makes decisions about the Constitution, interpreting it, and the precedent it sets influences the decisions of legal systems around the country. Even in the case of bad precedents, new cases can overturn previous decisions, resetting the precedents and correcting different violations, protecting the U.S. justice system.

The Supreme Court may interpret the Constitution, but even the Constitution is subject to change. This is done with amendments. Article five of the Constitution lays out the specific way to introduce amendments to the Constitution.¹⁶ To quote the White House, “ An amendment may be proposed by a two-thirds vote of both Houses of Congress, or, if two-thirds of the States request one, by a convention called for that purpose. The amendment must then be ratified by three-fourths of the State legislatures, or three-fourths of conventions called in each State for ratification.”¹⁷ This process takes a lot of cooperation and time, so that the constitution may be safeguarded and not changed for transient reasons. In fact, the United States Constitution has only been amended twenty-seven times. Perhaps some of the most famous amendments to the Constitution are those that have to do with slavery: the 13th, 14th, and 15th amendments.¹⁸ Our government has and will continue to need reform, but there are proper methods to accomplish these changes.

Sometimes contracts contain clauses that trigger the release of the contract. A social contract founded on moral law will not have any specific end; upon entering into one, one is agreeing to be bound by it in circumstances to come, much like the Christian idea of marriage. The consent given cannot be revoked at any moment; it is given for the future as well. However,

¹⁶ (Schweikart et al.)

¹⁷ (“The Constitution | the White House”)

¹⁸ (Schweikart et al.)

even though it is not specifically said in the marriage vows, even within Christian marriages, there is reason given for a divorce. In the same way, any social contract can be deconstructed. It isn't simply due to consent; one's duty to the contract is bound up in moral law; there must be a legitimate grievance to warrant the breakdown of the contract, and there must be no options for reforming the contract from within. After those boxes have been checked, the way the reform is handled outside of the government remains important.

To return to a comparison of the American and French revolutions, Frederick Von Gentz authored "The Origin and Principles of the American Revolution Compared with the Origin and Principles of the French Revolution." He compared them according to three main components: the conduct of the revolutionaries, the quality of their goals, and the support or resistance they received from the nation. The American Revolution, Gentz argued, is a true revolution because it sought to enact rights American citizens should have already possessed under British law, it had defined goals and remained within those limits, and all other methods of internal reform were already used. He labeled it a defensive revolution, as opposed to an offensive revolution, which is the term Gentz used for the French Revolution. The French Revolution superseded the country's laws, refusing to work with a king who was sympathetic to their cause; their goals were never clearly defined, and the conduct of the revolutionaries ended in a blood bath. The method of reform or end of the existing social contract is essential to the legitimacy of the claim made against the contract.¹⁹ And in some sense, there is never actually a true out from a contract. The current contract might break down, but it will either need to be reformed and a "new contract" reinstated, or a different form of government put in place. Practically speaking, a nation without government will collapse into anarchy. So, when this paper refers to the breakdown of a civil

¹⁹ (Von Gentz)

contract, it refers to either a reform of the current contract done extrinsically or an installment of a government not founded on a civil contract.

From a biblical standpoint, authority comes from God but is also limited by God. In his book, “Authority: How Godly Rule Protects the Vulnerable, Strengthens Communities, and Promotes Human Flourishing,” Jonathan Leeman uses three limits to restrain authoritative overreach. His limits are: 1. When Authority Requires Sin, 2. When an Authority drives outside of its God-Assigned Lanes, and 3. When protecting Oneself from Wrongful Harm. These limits find their basis in the idea that the government answers to a higher moral power, and that man has certain rights from God that limit his submission to earthly authorities. Authority may be instituted by God, but it answers to Him as well and must align with the natural and moral laws He gives.²⁰

This next section of the paper will focus on the claims made against some of the ideas raised earlier in this paper. These include other kinds of civil governments that do not require a social contract, a voluntary end of the contract, pre-fall versus post-fall government, and consent.

Previously, this paper talked about governments that derive their authority from social contracts. However, not all governments contain social contracts. Governments such as autocracy or theocracy, exist without a social contract. A democracy, by definition, is rule by the people and generally requires a social contract to be in place as the basis for its power, which this paper has argued comes from natural rights. These other forms of government are unable to produce a morally right way to base their authority without a social contract, as they are taking away from their peers’ rights to which they have no claim. The authority flows from the top down, using a religious claim or some other justification as the basis for their authority. However, in light of the rights of the individual, without an agreement of the people, an authority

²⁰ (Leeman)

that elevates any group or person above another has no true claim to authority. Each of these government structures in an unchecked form poses a dangerous threat to the rights of a man. To be clear, this does not mean that these government structures were always destructive in their end; the British Empire is known for many innovations, and Israel was a theocracy after the One true God. Many good things have come through forms of government other than democracy. This refutation solely seeks to point out the inadequate basis for the authority behind these other forms and warn against the dangers of leaving unchecked power in a corrupt man.

In a democracy, the power is in the will of the majority. Modern-day America decides its officials in this way. However, in any majority, there will always be a minority, and the behavior of the minority is often as important as that of the majority. In times of division, it is the job of the majority to protect the rights of the minority, and the job of the minority to continue to engage in social discourse with the majority. Failure to do the first is grounds for breaking the contract, but failure to do the second is not. A voluntary breaking of the contract by personal choice is not addressed in the Constitution, but often comes up in cases of state's rights versus the federal government, by the name of secession. It was first addressed heavily during the Civil War and continues to be an ongoing debate. Secession occurs when certain groups or states attempt to leave the established country for a variety of reasons. In the case of the Civil War, the South felt that their right to own slaves was being usurped, and as a means of redress, they chose to secede. However, as addressed in Abraham Lincoln's first Inaugural Address,²¹ secession is not a valid ground for the end of the Constitution, our country's social contract. Secession fails to follow the proper due process for dealing with the infringement of rights while basing them on the very same document.²² Aside from that, it also denies the will of the majority, which is the

²¹ (Lincoln)

²² (Tucker)

basic governing principle of a democracy. Consent is certainly a driving force behind the social contract, an idea coined by Locke.²³ Consent is how Locke forms the contract, but also how he ends it. Consent alone is not a proper basis for the end of a civil contract. In this postmodern world, moral relativism is running rampant, with the only guideline being consent. However, this ignores objective standards of truth and justice necessary to know the difference between right and wrong. To simply decide at any point to end a social contract, without objective standards, would lead to anarchy and chaos. Just as man's rights derive from a higher power, so do man's responsibilities.

Earlier in this paper, the key assumption of a post-fall government was addressed as a basis for this thesis. Now, further explanation will be given into the controversy between pre-fall and post-fall government. The debate on this subject comes to a point of contention as to whether or not government structures would be necessary if humanity had never fallen.²⁴ Aquinas argues that government is a pre-fall reality. The government would still be necessary to provide order among an ever-expanding population of people. God is a God of order, and that quality will be visible in his creation, especially when it is unmarred by sin. The government's original function, he would argue, is to provide order and was also marred and changed by the addition of sin in the world. As an example, he would point to the family structure as a type of authority structure that existed pre-fall. Augustine would argue that government was a by-product of the fall, rather than a preexisting reality ruined by sin.²⁵ Though order and justice may have existed before the fall, they do not apply in the same sense when anarchy and oppression are impossible. In either case, there is no doubt that biblical authority existed as part of creation. When man was created, he was given authority over the earth. However, Romans 13 talks very clearly about the

²³ (Locke)

²⁴ (Weithman)

²⁵ (Augustine)

government's role in punishing evil and rewarding good. Without a fallen nature, that would not be a key function of government. Government in some sense may have existed before the fall, but one of its main duties now is to uphold justice, punishing evil and rewarding good. This view falls in line with a post-fall view of government, hence the use of it in this thesis.

In conclusion, Authority, as vested in civil government, consists of voluntarily relinquished rights and ends when it infringes on man's remaining natural rights. This essay has argued in favor of that statement by showing a basis for natural rights, the ability to relinquish those rights, and a biblical basis for authority, and then by looking at the terms of the social contract, the modes of redress used in a contract, and biblical limits given for authority. Also, this paper has addressed issues with its line of argumentation, in the forms of types of governments without social contracts, voluntary termination of a contract, and the issue of pre-fall or post-fall basis for biblical authority.

As this paper deals with intangible concepts, finding the tangible response does not come in just one form. The purpose of this paper is to examine the line between submission to authority and the rights of man, and often that line varies from person to person, on a case-by-case basis. Submission, to any authority, not just governmental, is a personal journey between God, the authority, and the individual. However, God does clearly define the conduct with which this journey should be handled, and that is with respect and deference to those placed above us. So often, submission without respect becomes a battle for who knows best and loses sight of the original purpose given to the authority. An evil authority does not give us the right to act in bad faith but rather calls us to a higher standard of respect while reforming it. So, in all we do, may we submit joyfully to those authorities placed above us while honoring God's higher

calling on our lives. When those two callings align, good and evil hang in balance, and we are free to live our lives in pursuit of our ultimate goal: To glorify God and enjoy Him forever.²⁶

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²⁶ (Assembly)

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