Adam Contzen, S.J.

TEN BOOKS OF POLITICS

Politicorum libri decem — complete in ten books

English translation — mindofthechurch.com

CONTENTS

Book I — the efficient cause, matter, form, and kinds of the commonwealth, with the preliminary matter p. 2

Book II — religion to be maintained in the commonwealth p. 169

Book III — the virtues necessary to the commonwealth p. 256

Book IV — the education of youth p. 434

Book V — laws p. 641

Book VI — ecclesiastical magistracy p. 782

Book VII — civil magistracy p. 1082

Book VIII — the power of the state p. 1291

Book IX — the internal evils of the state p. 1459

Book X — war p. 1728

Each book keeps its own page numbers. Page numbers above are those of this combined file.

ADAM CONTZEN

TEN BOOKS OF POLITICS

BOOK ONE

The Efficient Cause, Matter, Form, and Kinds of the Commonwealth

Including the translated preliminary matter

CONTENTS

Preliminary Matter 4

Chapter I. Reasons for Writing about the Commonwealth 29

Chapter II. The Necessity, Utility, and Dignity of Civil Doctrine 36

Chapter III. The Definition of the Commonwealth 40

Chapter IV. The Material Cause of the Commonwealth 43

Chapter V. That the Commonwealth Is Not From Fate, Chance, or Fortune, but From God 45

Chapter VI. That the Commonwealth Depends Upon God Is Proved by Testimonies of Sacred Scripture 49

Chapter VII. That Kingdoms Depend Upon God Is Proved From Daniel's Prophecy 57

Chapter VIII. That the Commonwealth Depends Upon God Is Shown by Testimonies of Christians 64

Chapter IX. That the Commonwealth Is From God and Depends Upon Him Is Known From Other Predictions 67

Chapter X. That Kingdoms Are Governed by God Is Shown From the Sayings of the Impious and Unbelievers 69

Chapter XI. It Is Taught by Reason That Divine Providence Governs All Things 72

Chapter XII. That the Commonwealth Is Ruled by God Is Shown by Examples 79

Chapter XIII. The Objections of Atheists Are Answered 81

Chapter XIV. The Form of the Commonwealth, and Its Various Kinds 93

Chapter XV. The First Species of Commonwealth Is Monarchy, and It Is Manifold 97

Chapter XVI. On the Corrupt Form of Monarchy Which Is Called Tyranny: Its Origin, Properties, and Condemnation 100

Chapter XVII. The Definition and Consideration of Aristocracy 106

Chapter XVIII. On Oligarchy, Which Arises from Corrupted Aristocracy 113

Chapter XIX. On Polity Strictly So Called, or the Popular Form of Commonwealth 115

Chapter XX. On Democracy, Which Is the Vice of Polity Strictly So Called 118

Chapter XXI. That the Best Form of Commonwealth Is Monarchy Tempered by Aristocracy and Polity 121

Chapter XXII. That the Arguments for Government by the Best Men and by the People Are Weak 131

Chapter XXIII. Machiavelli's Opinion concerning Monarchy, and Its Arguments Refuted 139

Chapter XXIV. That the Magistrate Is Obligated to His Fatherland 146

Chapter XXV. That It Is Better for a Prince to Be Hereditary than to Be Elected 152

Chapter XXVI. That the Governments of Women Are to Be Admitted, but Rarely 162

Chapter XXVII. That Majesty Shines Forth in All These Forms 167

PRELIMINARY MATTER

Title Page

TEN BOOKS OF POLITICS, in which THE FORM, VIRTUES, AND VICES OF THE PERFECT COMMONWEALTH, the education of citizens, laws, ecclesiastical and civil magistracy, and the power of the commonwealth; likewise sedition and war, are treated suitably for common use and life.

BY THE REVEREND FATHER ADAM CONTZEN OF THE SOCIETY OF JESUS, Doctor of Theology and Professor of Sacred Letters in the Archiepiscopal Academy of Mainz.

To the most invincible FERDINAND II, August Emperor.

With the permission of the superiors and the privilege of His Sacred Imperial Majesty.

SECOND, ENLARGED EDITION.

At the expense of JOHANN KINCKIUS, bookseller of Cologne, at the sign of the Unicorn. 1629.

Dedicatory Epistle to Ferdinand II -- Part I

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TO FERDINAND II, AUGUST EMPEROR, MOST POWERFUL, MOST INVINCIBLE, KING OF GERMANY, HUNGARY, BOHEMIA, DALMATIA, CROATIA, SLAVONIA, ETC.; ARCHDUKE OF AUSTRIA; DUKE OF BURGUNDY, STYRIA, CARINTHIA, CARNIOLA, AND WÜRTTEMBERG, ETC.; COUNT OF TYROL, ETC. ADAM CONTZEN OF THE SOCIETY OF JESUS.

Of human works, August Emperor, the greatest and most necessary is government; for the human race cannot subsist without an order of commanding and obeying. Secondly, the prince is the most eminent image of GOD: by a certain intermediate majesty between God and men, he represents the immense majesty of the Divine Being. For this reason he is even called a god, because through the vicegerency of God he is exalted and sacrosanct. The force and dignity of princely government, however, must not be estimated by the display of wealth, the splendor of honors, the breadth of empire, or a retinue of attendants, but by the most profound providence of the wisdom of God and by the immutable decree by which He determined to govern this universe.

Indeed, no one can comprehend by thought and understanding how it happens that so many hundreds of thousands of men--among whom there are few good men, while many are estranged, proud, defiant, and obstinate--are obedient to the command of one man. Why do fortified cities, warlike nations, and the most extensive kingdoms not merely obey one man--even if he is sometimes wise and just, yet often either infirm through age or depraved in morals, and by the condition of nature liable to errors--but also expend, at the command of the ruler, their wealth, which avarice holds with the greatest tenacity,

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and life itself, which all are eager to retain? So steadfast a judgment concerning the common good by no means arises from the disposition congenitally and individually implanted in each person. For if we consult this disposition, we shall find each man so attached to himself that he places his own advantages and his own preservation before all things. Therefore, in addition to the appetites necessary for his own safety, the Supreme Divine Being has implanted in the mind of every man a will directed toward the common good and toward preserving human society. In all the best men this will is so firm that they consider obedience more important than life. We discern the efficacy of this principle even in the mute elements, and experience it much more clearly in the members of a single body. For, lest the

association and communication of worldly things be abolished when their bond has been dissolved and their mutual influence obstructed, and lest this most artfully constructed machine fail anywhere through a gap and a void, all things come to the rescue contrary to their own natural character and inclination: light things tend downward, heavy things upward, while individual members suffer themselves to be burned and cut for the safety of the head. Since, moreover, we see the agreement of all nations, even barbarous ones, and of all ages in honoring and protecting kings, we readily understand that so great a concurrence arises not from opinion, training, and instruction, but from divine ordination.

That consideration of the commonwealth offers us two lessons, which are the solid and necessary foundations of public peace and human society. The prince will rest upon one, and the subject upon the other. The prince understands that he is the bond of so many men and things, and that he possesses over everyone the power which a head possesses over the members. He understands that his safety and honor consist in the health, vigor, and strength of all the members. Just as it has never been heard said that the head hates some one member or oppresses it more than the others, so a prudent and good prince will never allow himself, as a respecter of persons, to permit some of his subjects to be oppressed and harassed by others. Rather, through the golden equality of justice he will render each person, according to his station, unharmed and secure.

The other lesson is prescribed to private persons: let each remember that he is not merely a man, but a member within the great body of the commonwealth and of human society, and that he is such not by laws proposed and enacted by man, but by the divine ordinance which cries into the ears of all: “Let every soul be subject to the higher powers. For there is no power except from God; and those that exist have been ordained by God. Therefore, he who resists the power resists the ordinance of God. But those who resist acquire condemnation for themselves.”

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It is a monstrosity if a member rebels against the head. Just as the involuntary movements of the frenzied and the epileptic strike horror into everyone, so in a commonwealth whatever is undertaken against the will of the prince carries danger together with deformity and is the work of a diseased part. Therefore, if anyone contrives to dissolve civil order and its bond by stirring up discord, secession, sedition, or civil war, he acts just as if he were to excite a tumult between the head and the members. He is no less insane than if he were to labor to interchange the positions and stations of the elements and to produce certain voids or intermundane spaces, so that they could not operate by mutual contact and influence. For the order of rulers and subjects in a commonwealth has been strengthened by the decree of the eternal Lawgiver just as firmly as the structure of the elemental world, which always coheres with itself and is nowhere interrupted. The omnipotent hand of the Creator could certainly have made the world in such a way that its individual parts would subsist in isolation, without the conjunction and fellowship of the others, and that within it every man would be sufficient unto himself. But it seemed good otherwise: He willed nothing to be solitary, nothing not to require others; He willed some things to depend upon other things, and all things upon Himself.

This most holy and supremely authentic constitution of the Supreme Divine Being, Most Invincible Emperor, compelled me, while teaching Sacred Letters in the Academy of Mainz, to break silence and write about the whole commonwealth. For after the first articles of faith, ignorance of which no excuse exonerates, it must be impressed upon all souls most forcefully and most frequently that every soul is subject to the higher powers. The present condition of Europe is also such that in no age and in no place has a solid and continual treatment of this doctrine been, or is, more necessary. Unless that doctrine prevails, the disturbances and confusions of political affairs will render the ordering even of other matters almost useless, since peace and concord are supremely consonant with Christian piety.

I am not unaware that the commonwealths of every nation have frequently been agitated by complaints, secessions, seditions, rebellions, and civil wars. For the causes of disturbances have always been avarice, ambition, lusts, and a most unhappy restlessness of the human race,

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while neither magistrates observe a limit in the exercise of authority nor citizens a limit in liberty; while excessive domination is sought on the one side and excessive license on the other. But this is an evil of every age. I complain of the singular unhappiness of our own age, and particularly of our Europe. For I deny that in any age or place there has been so great an obstinacy against obedience or so great a desire for license and anarchy as that which today disturbs and dashes together the nations of Europe. There were formerly more numerous and more savage seditions; but their causes, although neither just nor lawful, were nevertheless weighty and great, and made those seditions more excusable. For the commands of magistrates were generally harsh, avaricious, insulting, unjust, and cruel, and by them even a moderate people was provoked and inflamed to rebellion. The rebellions stirred up in our age have neither excuse nor pretext.

For the kingdoms of Europe are administered by the most moderate laws. By the oath of every prince, not merely is license restricted, so that a prince cannot do evil, but the liberty of many is also restrained, so that a prince cannot do that for which he was created. Hence all governments are mild and many are exceedingly mild. Yet amid so great a gentleness, equality, and servitude of rulers, the gravest rebellions are stirred up by the freest peoples and by nobles who are almost the masters of their own kings--not through any necessity or advantage, but solely through the intemperance of a liberty made wanton by excessive prosperity--with the ruin of nations and the danger of barbarous servitude, set before their eyes for their destruction. Free cities and magnates, injured by nothing, not even by a word, join in making the disturbances harsher and increasing their strength. They exhaust their citizens, plunder their treasuries, and assist the rebels with resources and counsel, solely from an inability to endure authority and peace. Europe’s misery teaches this through many examples; I shall be content with the most recent, which Your Majesty is experiencing.

In the whole world there are no subjects freer than those who rejected and attacked your August House, Most Powerful Emperor, its gentle scepter, and the waters of Siloah that flow in silence. Let them publish the causes of such great evils, which first recoiled upon them. It was not a bitter exaction of tributes, not shameful lusts, not cruelty, nor any other evil, but suspicions invented and spread among the common people. From these there immediately followed the barbarous slaughter of magistrates, their cause unheard and their defense denied. Some put forward religion as a pretext for their crime; but no violence had been inflicted upon anyone’s conscience, and no nation in Europe possessed greater religious liberty.

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Indeed, they themselves sufficiently demonstrated that they had by no means stirred up such great disturbances for the sake of religion. For in those provinces there were Catholics, defenders of the Augsburg Confession, Calvinists, Anabaptists, Arians, atheists, or Epicureans; nevertheless, they elected a Calvinist antiking, who at once, at the beginning, terrified everyone so greatly through iconoclasm that most of those who were not Calvinists despaired of the liberty of their own religion. And now many of their own accord sought to obtain the favor of others through a change and transfer of religion.

It is therefore established that at this time the minds of men are inclined to reject lawful governments, especially the minds of those who, although they desire to be exempt from royal jurisdiction, nevertheless treat their own subjects as chattels. With as much obstinacy as they resist their superiors, they dominate their inferiors just as unrestrainedly. Not a few of them, killed by their own farmers, have paid excessively heavy penalties for the crime of both offenses.

I find two springs and, as it were, sources of so great and dangerous an evil, which, unless it is checked, will someday issue in great disgraces: seditious doctrine and examples. Each evil has grown strong. Pseudo-theologians, under the false appearance of religion, and pseudo-politicians, under the pretext of the public good, go about overthrowing the commonwealth and attacking kings. Each group is assisted by the example of those whose rebellion is judged to have succeeded well.

The doctrine of the pseudo-theologians is the destruction and plague of the commonwealth and of peace. For many, after disturbing ecclesiastical monarchy, expelling archbishops and bishops, and instituting annual or monthly presidents, attempt to introduce the same democracy--or, as they themselves call it, parity--into the commonwealth, so that they themselves may rule in their kingdom like tribunes of the plebs. They are called Puritans, a race of men spread through every corner of Europe to the great destruction of nations. Concerning them there survives a brilliant testimony of the Most Serene King of Britain. Writing a testament for his son in his second book, he pronounces as follows:

“Here in Scotland certain men from the ministry--headlong, fiery, and bold--became so popular with the common people amid this confusion of human and divine affairs that,

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having tasted the sweetness of dominion, they began to dream of a democratic form of commonwealth for themselves. Elated first by the overthrow of my grandmother and then of my mother--and success certainly flattered them too greatly--and finally having long taken advantage of my years as a ward for the establishment of their democracy, they had already devoured in certain hope the power of tribunes, so that in a popular commonwealth, since they could readily lead the common people wherever they wished, they alone might direct the decisive moments of all affairs.

“Therefore, neither during my years as a ward nor afterward did any sedition occur without the seditious attempting to make these men patrons of their own fury and madness. Frequent calumnies against me were spread in their tribunician assemblies, not because I had committed some crime, but because I was king, which was regarded as worse than every crime. And because shame prevented them from openly professing this cause of their hatred, they carefully investigated my life and morals, magnifying even the smallest errors without limit and seizing even false rumors for calumny. Although they wished it to seem that they distinguished blame from office and vice from the man, the mask nevertheless sometimes fell from them unawares, and they betrayed by their own evidence the designs which they concealed with such great diligence: namely, that all kings and princes are enemies of the liberty of the Church and do not bear the yoke of Christ with equanimity. With the wholesomeness of this doctrine they fed their flocks.

“But because learned and upright men from the ministry, ashamed of this rashness and audacity, endeavored to recall the rash to prudence and the disorderly to moderation, and to correct the unsound in mind no less by example than by speech, the factious men then placed the one defense of their fury in parity. Relying upon it, wicked, audacious, and ignorant men might refute the pious, wise, and moderate. This parity is the mother of confusion and the enemy of unity, which is the parent of order. If an arrangement of this kind prevailed in the commonwealth just as it did in the Church, it would be more certain than certainty itself that all things must be thrown into confusion.

“If you love both, drive this plague from each--the Puritans, I mean--whom you can neither bind by benefits, make faithful by oath, nor constrain by promises; ambitious without measure, slanderous without cause, and breathing nothing except seditions and calumnies; men for whom there is one rule of conscience, not the authority of the divine word, but the vanity of their own inventions. I call that great

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God to witness--and it is not lawful for one composing a testament to lie--that greater ingratitude or treachery can never be found among our Highland or Border robbers than among these fanatical scoundrels. Nor, if you have determined to live in peace, permit them to enjoy the same country with you, unless perhaps for the sake of testing your patience, as Socrates lived with Xanthippe.”

Textual Corrections Applied

• Cur munitae urbe has been corrected to Cur munitae urbes, following scan as0003.

• pro pensionemque has been corrected to propensionemque, following scan as0004.

• prostatu suo has been corrected to pro statu suo, following scan as0004.

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Whatever the mind dares to say or suspect concerning the Puritans is less than what that Most Serene King publicly judged in the same kingdom while those very men were still alive. From British, French, Belgic, and German practice, under the shadow of an imaginary king, they contrived a true confusion of all things: headlong, audacious, fiery, popular with the common people, dreaming of dominion, leading the people about, patrons in every sedition, among whom it was regarded as worse than every crime for you to be a king. These things are of such a kind that they alone can persuade a people eager for changes that government by the people is better than monarchy.

The pseudo-politicians nevertheless join them, and add oil to the furnace; that is, they add the appearance of the public good to superstition. This is their opinion: that cities do not flourish under kings; that talents and virtues are not held in esteem; and that everything depends upon liberty. I dispute against them in the work itself; for now, I disclose the sources of the evil. Aided by seditious theologians, when these men have crept into the mastership of a tribe, a council, a syndicship, or some other office, they first court the favor of the people, bring the magistracy into hatred and contempt, and, if fortune accommodates itself to their undertakings, cast it down from its height. In the council and in the assembly they proclaim that crimes are advantageous--the very crimes which bloodthirsty theologians had taught in the churches to be religious. Thus, with two bellows, superstition and the hope of private advantage, they drive the people into crime; then, when the people have been imbued with the contagion of wickedness, they employ them for profit until they involve them in utter destruction. For the people spend more upon these men in one half-year than upon their lawful lords in an entire decade.

The other origin of the evil is the example of those who are considered fortunate as a result of rebellion. This is the greatest enticement: when theologians have suppressed conscience and the religious obligation of an oath, politicians display a little gain, if they can show that those who have deserted their own prince flourish and are powerful. Moreover, the successful outcome of one nation does more to inflame the minds of fools

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than the examples of ten nations which perished through rebellion avail to deter them. So much concerning doctrine that corrupts the commonwealth. It is permissible to speak freely and confidently about it, since the books stand publicly available. I shall speak more briefly about the other means by which monarchies are attacked--namely, the vaunting of aristocratic and democratic happiness--because the matter is so clear that whatever is said in words is more obscure than what shines forth in the facts.

The Most Serene King of England complains of both in his book *The True Law of Free Monarchies*. For he says that the error of the common people, proceeding from those who wished to be regarded as teachers of wisdom, brought destruction upon the most flourishing commonwealths and fear upon the others. He then says that rebellions have been established by example: “Impiety, caressed by fortune, which has not seldom granted a prosperous outcome to seditions stirred up against kings, has confirmed very many in this error.”

Machiavelli asserts--and I dispute against him in the first book--that no commonwealths flourish except free ones and that monarchies are destructive to cities. Very many who followed in his footsteps so extol the resources and happiness of those who passed from royal government into another form of commonwealth that they invite everyone to imitate them. My concern is with their orators, historians, and writers; I neither assume judgment over the commonwealth itself nor make another’s lawsuit my own.

The confederated Belgic provinces stand before us. Their advocates praise them in such a way that they attempt to entice kingdoms and nations into mutual alliances and into fellowship with what they present as a most powerful nation. They say that this small corner of Europe, contending with the Ocean, has grown through its assumption of liberty to such power that its strength must either be envied or feared by kings. They call its Estates most illustrious

and most powerful; they immeasurably exalt everything belonging to them and disparage that of others. Not only books and speeches serve as examples of this, but also the lofty airs of merchants and agents in public affairs, who admire their own things and despise those of others.

Philipp Clüver dedicates his *Ancient Germany* to the Estates. He enumerates the first and greatest reason in this way: "Because YOU ALONE NOW, together with your neighbors and confederates, preserve with the greatest praise and glory the renown of the German name--most celebrated in Roman as well as Greek monuments from the most ancient times because of its immeasurable zeal for ancestral liberty and its most courageous defense--by those same deeds by which your ancestors once preserved it diligently, with the highest praise and glory, throughout the whole world among all nations, peoples, and kings." Behold how royally he speaks! He thinks that his own countrymen ALONE ARE NOW Germans, while the others are either shadows or barbarians.

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All their writers and merchants speak in accordance with that opinion, so that in many places the common people have now been thoroughly persuaded that their power is supreme, their resources infinite, and that alliance with them will render everyone invincible. Hence arise new hopes and new counsels, and in certain parts of Europe a desire to change the commonwealth that is as dreadful as it is calamitous. Hence we have seen civil wars raging with barbarous hatred, slaughters, and examples of bestial cruelty in many places, while through right and wrong men inflame themselves to obtain the power which they admire among their neighbors. In my treatise I shall teach, from the judgments of the most excellent men and from the custom and experience of every age, that very many are deceived by this doctrine and these examples.

As for the Batavian Estates, whose happiness appears to incite others to daring, the contrary judgments of two men make me doubtful: those of the Most Serene King of Great Britain and of Barnevelt--two men, I say, in one of whom there is royal authority, and in the other the fullest knowledge of that commonwealth. The king's judgment was delivered in a public speech in the year 1609 at the assembly of the kingdom, first to the minds of all and afterward to print. He addresses his Scots in this way:

"As for the confederated provinces, there, certainly, after the recent truce and our peace with the Spaniard, with all human and divine things confused together, the order of the commonwealth has almost passed into anarchy; nor has this occurred without the direction of heavenly Justice. For those who received our schismatics, men devoted to their own opinions and turned away from the unity of our Church, and who opened, as it were, an asylum to all the hydras of religions, have now, from so manifold a contagion, been brought to such a point that they can scarcely say what religion they themselves defend. Thus they have now become men of no party and enemies to one another, although previously they could easily have been held together with us in the same communion of sacred rites and peace."

Anyone can readily understand Barnevelt's opinion from the *Apology* published by him. He complains that in 1586 he found the order inverted; that the governors of the cities were ill-disposed toward the Estates; that many preachers did not acknowledge the States; that the common people were alienated; that twelve per hundred was paid in interest and two coins to the brokers; that Leicester possessed greater authority than the States; that the burdens were greater than the revenues; that the people and the city magistrates desired peace; and that much money had been granted by the kings of France and Britain, yet matters had nevertheless come to such a point that

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the burdens of expenditure exceeded every kind of revenue and contribution, however greatly increased, by twenty-six million. Finally, everything had grown to such an extent that the treasurers reported that the expenses could not be sustained and that the country would be reduced to desperation; for this reason he had become an advocate of a truce. If that old man spoke these things among his own countrymen and among men acquainted with the facts as truthfully as he did confidently, he makes the happiness of that commonwealth highly suspect to me. Although neighboring kings had given it more than twenty-five million pounds, it had nevertheless burdened its citizens so greatly that

Holland and West Friesland, which at the beginning contributed scarcely 1,800,000 florins, were by the end compelled to pay 4,000,000 pounds and a further two million, and nevertheless to incur debt. For he himself professes all these things.

To maintain the commonwealth steadfastly against so many disadvantages and to bring back onto the path men drawn elsewhere either by superstition or by the hope of advantages is most difficult. This was what I proposed to do when I undertook the subject of politics. Many did this before me, and while I revere most of their splendid statements, I find three deviations and, as it were, rocks against which they strike in such a way that some injure the commonwealth through wickedness, others through excessive attachment, and still others through imprudence.

Those who through wickedness make the prince crafty, cunning, secretive, suspicious, and malevolent overthrow him. While ordering him to be cautious and afraid, they instruct him to confine his subjects like enclosed wild beasts. When subjects read such books, they become indignant; and when they endeavor to fortify themselves in opposition, rebellions are stirred up. Others contend so fiercely out of excessive attachment to their own form and the ideal which they have conceived that they despise all others. Someone born in a democracy thinks that the world will collapse unless the consuls come from the lowest common people. If his country is governed aristocratically, he scarcely regards those who lack a pedigree as human beings. I recently saw a British writer who attempted to prove that every nation not governed by royal command departs from natural law. Although the writings of these men commend one form of commonwealth, they are nevertheless destructive in other states.

Very many fall through imprudence. They labor at censuring the vices of princes and devote themselves wholly to prescribing laws, but do not instruct subjects to obey, although governing rightly matters little unless the man who commands right things is obeyed. Having therefore embraced all these matters briefly, Most Invincible

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Emperor, I address and dedicate them to Your Majesty, not so that they may benefit you, but so that, through the title of your August Majesty, they may be recommended to the noble youth, who must be imbued from their tender years with the best and most salutary precepts of politics, so that they may someday be able to govern the commonwealth in the part entrusted to them. No one doubts that a political work is owed to Your Majesty, who is placed upon the highest summit of the world, since we behold expressed in you the model of the best emperor.

There are two principal virtues in a king: Piety and Justice. Prosperity in affairs follows Piety; the love and fidelity of subjects follow Justice. Not only your subjects but even your enemies have very frequently praised your Piety. It joins kings to God, so that they depend upon God, refer everything to God, and make their majesty a servant for extending His worship. They owe God a twofold worship: first because they are Christians, and second because they are kings. They pursue good things and avoid evil things because they are Christians; they command good things and prohibit evil things because they are kings.

When you entered upon this royal path of reigning, God attended you with His aid and protection. For He deposited with you pledges of His benevolence so great that nowhere are their equals found, and so singular that very few similar ones are discovered. While you were still an archduke, powerful and wealthy enemies with a great army suddenly attacked you when you were unprepared, and stubbornly continued the war they had begun even at an unsuitable season of the year. In this unexpected circumstance you by no means lost heart. You entrusted your cause to the just and omnipotent right hand of the Divine Being and requested aid. He gave it; He did not delay when you had been placed in straits, nor did He merely extricate you from the war, but, while the threat of doom still stood and dangers sounded around you, He raised you, not yet secure at home, to the kingdom of Bohemia. This appeared all the more wonderful the more manifestly the conflict between your enemies and the divine counsel appeared.

They were endeavoring to crush your fortune so that you might never gain access to your hereditary kingdoms and provinces. But the Inhabitant of Heaven, your protector, exalted your head and moved the nobles of Bohemia to crown

you king while you were entangled in a serious war, amid the danger both of the war and of your rivals. This was an entirely new event, and scarcely is any such recorded in history: that those who could have delayed the business and remained spectators should wish to involve themselves in the contagion, expense, and danger of another's war. But God willed it to occur at a dangerous time, both to raise you by so immediate a benefit and to show your enemies that they were kicking against the goad. When the war had at last been quieted, the Hungarians sought the King of Bohemia

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as their king. That assembly was plainly agitated by great disturbances when, behold, amid the commotion of affairs, sorrowful news arrived from Bohemia: the nobles had cast off their fidelity, violated the magistracy, and were preparing arms with great determination. Secretly and openly, by deceit and by force, they were attempting to drive the Hungarians into fellowship with their most abominable crime. Certainly no one thought that the Hungarians would persevere in their design when they saw that, if they crowned as king one whom they knew would pursue his right by war, they would have to undertake war against their neighbors. Yet, moved not at all by the defection of others, they raised you through the very waves, while God held the helm, and placed you upon the high throne.

Nor was this the end of the dangers through which both the constancy of Your Majesty and the benevolence of the eternal Majesty toward you were to become renowned. Bohemia and its neighboring provinces had defected; Hungary was suddenly being inundated as if by a torrent; Austria was wavering; the hereditary dominions were being solicited; and the whole barbarian world was being stirred up against you. Yet the insolence and taunts of the enemy were more grievous than all these things. But God, the protector of kings and the vindicator of right and equity, reduced such turbulent counsels and so manifold a power to nothing and made your dangers glorious for you.

For while you were being pressed by war in Hungary and Bohemia, while threats were being cast from Batavia and Britain, and all Germany was held suspended in the greatest fear of the outcome, the Prince-Electors, following the direction of God and trusting in your virtue, by unanimous consent and every vote constituted you August Emperor and lord of affairs. When you had been adorned with the diadem and insignia of the Empire, they bound their fidelity by oath. They did this with as much resolution as if all those kingdoms and magnates had sought the imperial office for you through embassies. Not only did those whose judgment of your virtue was true and whose benevolence and respect were constant elect you by agreement, but even the man who accepted the election of the Bohemians was not permitted by God to deny you his vote--a wholly singular and distinguished proof of divine favor.

Nothing customarily appears more wonderful to me than that wretched vacillation of your enemies in their counsels. At the time when they could have harmed you very greatly with little or no labor, their mouths were constrained by bit and bridle, and they themselves were brought to do that which the divine hand had decreed should be done. When their strength had now been broken and yours made firmer, He permitted them freer reins, lest what they had intended should remain hidden. For what the Hungarians could have done while you were entangled in the Bohemian wars is evident from what they did afterward, when they set rivals against you and rebelled against you as though against a foreigner.

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How wonderful it is that the Hungarians and others changed neither their fidelity nor their votes at the report of the Bohemian defection! Yet that transition certainly offered a favorable opportunity for changing the state of affairs without danger. Indeed, it is also a distinguished proof of divine kindness that they could neither postpone nor obstruct the assembly of the Empire by evasion or tumult. Instead, forgetful of all their stratagems, they armed you with the supreme authority and power of the Empire, so that it might be evident to the whole world that they were waging not only unjust wars against an innocent man but also impious wars against their own lord and emperor. Finally, your Helper adorned all those events with the distinguished victory for which the whole world congratulates you, and

demonstrated that His gifts are without repentance. Behold for yourself the fruit of Piety, which possesses the fruit of the life which now is and of that which is to come.

The other imperial virtue is Justice, for the preservation of which the prince is appointed. The other virtues are personal; Justice belongs to others. Justice has been entrusted to the good faith of the prince; contempt for it is the plague of the state. This was the virtue that reconciled the minds of all to you. I am silent for now concerning the care for right and equity which you displayed in the causes of private persons--a care so great that no one complained against your tribunal, and that even those who did not love your Religion sought you as their prince and as the patron of Justice.

It is a distinguished trophy of Justice, and one pleasing to all Europe, that you preferred to submit the cause of your position and kingdoms to adjudication rather than to conduct it by war and shed blood. Therefore, we see that your cause has been approved not only by most of the princes of the Empire, but even by foreigners--the Frenchman, the Pole, the Dane, and the Swede--and indeed by the father-in-law of your enemy, who refused, by a destructive precedent dangerous even to himself, to raise his son-in-law into another man's kingdom.

Your faithful subjects have declared their love toward you sufficiently and more than sufficiently. Although deceived and oppressed by garrisons, as soon as they were able they surrendered themselves to your commanders. Indeed, the farmers, whose judgment concerning a just and equitable prince is more sincere and whose love is most uncorrupted, joined you as soon as they perceived the assistance of your armies. They killed many who were unfaithful to you and oppressive to themselves; they did not permit the opposing soldiers, whom the anger of the victor had spared, to depart unharmed. When victory had been won, adherents of the Augsburg Confession triumphed no less than Catholics, because they perceived that they too had been liberated from Calvinist tyranny.

[Scan as0016]

Therefore, with a great spirit protect and restore Justice. The greatest part of mankind is a friend to Justice; bound by love of you and by your benefaction, it will fortify your Empire under God. In this multitude I too pray for prosperity for you, and daily I pray: "O Lord, save the King." But you: "Gird your sword upon your thigh, O Most Powerful. You have loved justice and hated iniquity; therefore God, your God, has anointed you with the oil of gladness above your fellows. For truth and meekness and justice, your right hand will lead you wonderfully." Proceed therefore prosperously and reign. This is my prayer and the prayer of all who love true peace and justice.

At Mainz, in the year 1620, on the seventeenth day of December, on which, amid public rejoicing over the recovery of Bohemia, the Most Reverend and Most Illustrious Johann Schweikhard, Archbishop of the Holy See of Mainz, your Archchancellor throughout Germany and Electoral Prince, gave thanks with his subjects to GOD MOST GOOD, MOST GREAT, congratulated Your Majesty, and pronounced new vows for your safety and that of the whole Empire.

Authorization of the Most Reverend Lord Stephan Weber

[Scan as0017]

AUTHORIZATION OF THE MOST REVEREND LORD, LORD STEPHAN WEBER, BISHOP OF MYSIA, SUFFRAGAN OF THE MOST REVEREND AND MOST ILLUSTRIOUS ARCHBISHOP OF MAINZ, DOCTOR OF SACRED THEOLOGY AND CENSOR OF BOOKS.

The ten books of the *Politics*, composed by the Reverend Father Adam Contzen, priest of the Society of JESUS and Doctor and Ordinary Professor in our fostering Academy of Mainz, and examined and approved by theologians of the same faculty and by others, have been presented to us. We therefore permit them to be committed to print for the common benefit. Since in these books the author discusses the constitution, causes, end, laws, magistrates, and power of the whole commonwealth, and even seditions and wars; and since he demonstrates the rule and method of administering the commonwealth successfully, both from Divine Letters, sacred Councils, the writings of the Fathers,

and the decrees of Theology and the Canons, and from natural reason, civil law, the ordinances and deeds of princes, the customs of kingdoms, and examples from ancient and recent history, we trust that they will be useful alike to private persons and to those placed in magistracy. At Mainz, in the year 1621, on the sixth day of May.

Stephan Weber, Bishop of Mysia and Suffragan of Mainz, named above, has signed in attestation.

Approval

I, JOHANN COPPERUS, Provincial of the Society of JESUS on the Rhine, by the authority granted to me by our Very Reverend Father MUTIO VITELLESCHI, Superior General of our Society, permit these ten books of the *Politics*, composed by Father ADAM CONTZEN, theologian of our Society, and read and approved by the theologians appointed for that purpose, to be committed to print. At Mainz, on the twenty-second day of April, in the year 1620.

Johann Copperus.

Imperial Privilege

Since, by a decree of His Sacred Imperial Majesty, all and singular printers and booksellers, and others engaged in any trade in books whatsoever, are seriously and firmly prohibited from daring or presuming, within the boundaries of the Holy Roman Empire and of the kingdoms and hereditary dominions of His Imperial Majesty, to reprint--whether in a similar or another kind of type or format, whether in whole or in part--any books hitherto published by our Fathers or to be published hereafter; to send them to another to be reprinted; or to import, sell, and distribute copies printed elsewhere, secretly or openly, without the judgment and attestation of the aforesaid Fathers: I, Johann Copperus, Provincial Superior of the Society of JESUS throughout the Province of the Rhine, by the authority granted to me for this purpose by our Very Reverend Father General Mutio Vitelleschi, grant to Johann Kinckius, citizen and bookseller of Cologne, authorization to print these ten books of the *Politics*, composed by Father Adam Contzen, theologian of our Society, and read and approved by the theologians appointed for that purpose. In attestation of these things, we have desired to give him this certificate, signed by our hand and fortified with our seal. At Mainz, on the twenty-second day of April, in the year 1620.

Johann Copperus.

Textual Corrections Applied

• The year 1620, absent from the HTML after the date of the Approval, has been restored from scan as0017.

• hereditatiorum has been corrected to hereditariorum, following the clear sense and the printed reading in scan as0017.

A

• Abdias Babylonius.

• Adradius [reading uncertain: the print is faded].

• Aegidius Romanus.

• Aelianus.

• Aelius Lampridius.

• Aemilius Probus.

• Aeneas Silvius.

- Aeschines.
- Aeschylus.
- Agapetus.
- Agathias.
- Agellius.
- Albertus Krantzius.
- Alexander ab Alexandro.
- Alexander I, Pope.
- Alexander III, Pope.
- Alphonsus a Castro.
- Alphonsus Salmeron.
- Alvarus Pelagius.
- Ambrosius.
- Ammianus.
- Anacletus, Pope.
- Andreas Fornerus.
- Andreas Masius.
- Andreas Vega.
- Anicetus, Pope.
- Antigonus.
- Antiochenus.
- Antoninus.
- Antonius Guevara.
- Antonius Minander.
- Antonius Senensis.
- Apollonius.
- Appianus.
- Aquila.
- Aristeides.
- Aristophanes.
- Aristoteles.
- Arnobius.
- Arrianus.

• Athanasius.

• Athenaeus.

• Augustinus, Bishop of Orléans.

• Augustinus Triumphus.

• Avicenna.

• Ausonius.

B

• Bacchylides.

• Boetius.

• Barbatus.

• Bartholus.

• Basilius Magnus.

• Beatus Rhenanus.

• Bembus.

• Bernardus, Abbot of Clairvaux.

• Bernardinus Mendoza.

• Bias.

• Bodinus.

• Bonesius.

• Bonfinius.

• Bonifacius, Archbishop of Mainz.

• Bozius.

• Buccardus.

• Budaeus.

C

• Caelestinus.

• Caesar Baronius.

• Caietanus.

• Callistus, Pope.

• Canus.

• Cardanus.

• The Constitutions of Charlemagne.

• Carolus Sigonius.

• Casaubonus.

• Cassianus.

• Cassiodorus.

• Cato.

• Cedrenus.

• Chalcondylas.

• Chares of Mytilene.

• Choniates.

• Christianus Adrichomius.

• Chrysostomus.

• Cicarella.

• Claudianus.

• Clemens Alexandrinus.

• Clement I, Pope.

• Codinus.

• Caelius Rhodiginus.

• Columella.

• Conciliator.

• Council of Agde.

• Council of Ancyra.

• Council of Antioch.

• Council of Arles.

• Council of Aquileia.

• Council of Aachen under Stephen V.

• Council of Augsburg under Otto.

• Second and Third Councils of Orléans.

• Council of Basel.

• Council of Braga.

• Third and Fourth Councils of Carthage.

• Council of Chalcedon.

• Council of Clermont.

• First and Second Councils of Cologne.

- Council of Constance.
- Council of Constantinople.
- Council of Dillingen.
- Council of Mérida.
- Council of Epaon under Gelasius I.
- Council of Ephesus.
- Council of Florence.
- Council of Girona.
- Council of Granada.
- Council of Laodicea.
- First Lateran Council.
- Lateran Council under Leo X.
- Lateran Council under Innocent III.
- Lateran Council under Alexander III.
- Council of London.
- Council of Lyon under Gregory X.
- Council of Mâcon.
- First, Second, Third, Fourth, and Fifth Councils of Milan.
- Council of Meaux.
- Council of Mainz under Charlemagne.
- Council of Mainz under Rabanus.
- Council of Mainz under Richolphus.
- Council of Mainz under Sebastianus.
- Council of Nantes.
- First and Second Councils of Nicaea.
- Council of Oxford.
- Council of Paris.
- Council of Poitiers under Paschal.
- Council of Ravenna under Honorius IV.
- Council of Rome under Martin.
- Fourth Council of Rome under Symmachus.
- Council of Rome under Nicholas II.
- Council of Rome under Gelasius.

• Council of Salzburg under Gregory X.

• Provincial Council of Siena.

• Council of Sardica.

• Council of Tarragona.

• First, Third, and Fourth Councils of Toledo.

• Council of Trier under Ioannes.

• Council of Tribur.

• Council of Trent.

• Council in Trullo.

• Valentinian Council.

• Venetum Council under Leo I.

• Council of Vienne under Clement V.

• Constantius, presbyter.

• Cordubensis.

• Cornelius a Lapide.

• Cornelius Tacitus.

• Covarruvias.

• Crispus Sallustius.

• Cromerus.

• Ctesias.

• Cuiacius.

• Curopalata.

• Curtius.

• Cyprianus.

• Cyriacus, Pope.

• Cyrillus.

D

• Damasus, Pope.

• Delrio.

• Democritus.

• Demosthenes.

• Diodorus Siculus.

• Diogenes Laertius.

• Dio of Nicaea.

• Dion of Prusa, a Greek.

• Dioscorides.

• Dionysius the Areopagite.

• Dominicus Bannes.

• Dominicus Iacobatius.

• Dominicus Soto.

• Donatus.

• Driedo.

• Dubravius.

E

• Egnatius.

• Emmanuel Sa.

• Ennius.

• Epictetus.

• Epicurus.

• Epiphanius.

• Evagrius.

• Eunapius.

• Eurypides.

• Eusebius.

• Eustathius.

• Eutropius.

F

• Faber.

• Festus.

• Flavius Iosephus.

• Flavius Vopiscus.

• Florus.

• Forcatulus.

• Franciscus Soarez.

• Franciscus Turrianus.

• Frontinus.

• Fulgentius.

• Fulgosus.

G

• Gabriel.

• Gabriel Vasquez.

• Galenus.

• Gelasius, Pope.

• Gellius.

• Gerson.

• Gesnerus.

• Godescalcus.

• Stewegius.

• Gorionides.

• Gregoras.

• Gregorius de Valentia.

• Gregorius Magnus.

• Gregorius Nazianzenus.

• Gregorius Nyssenus.

• Gregory VII.

• Gregorius Tolosanus.

• Gregorius Turonensis.

• Guilhelmus Parisiensis.

• Guilhelmus Tyrius.

H

• Haimo.

• Halicarnassaeus.

• Hector Boethius.

• Hegesippus.

• Heliodorus.

• Henricus Henriquez.

• Henricus Kalteisen.

• Hermogenes.

• Herodianus.

• Herodotus.

• Hieronymus, Abbot.

• Hieronymus, Doctor of the Church.

• Hieronymus Manfredus.

• Higynus, Pope.

• Hilarius.

• Hincmarus.

• Hippocrates.

• Hippolytus.

• Hirtius.

• *History of Armenia*.

• Homerus.

• Horatius.

• Hormisda, Pope.

• Hostiensis.

• Hugo Victorinus.

I

• Iacobus Gaulterus.

• Iacobus Gretserus.

• Iacobus Pontanus.

• Ignatius the Martyr.

• Innocentius, Pope.

• Ioannes Cochleus.

• Ioannes de Salas, a Castilian.

• Ioanes Magnus.

• Ioannes III, Pope.

• Ioannes Polemar.

• Ioannes Roberti.

• Ioannes Socroboscus.

• Ioannes Turricremata.

• Iosephus Scaliger.

• Irenaeus.

• Isidorus.

• Isocrates.

• Iulianus, Bishop of Cos.

• Iulianus Capitolinus.

• Iulius Caesar.

• Iulius Clarus.

• Iulius Scaliger.

• Iustinianus.

• Iustinus the Martyr.

• Iustus Lipsius.

• Iuvenalis.

L

• Lactantius.

• Laertius.

• Laelius Bisciola.

• Laevinus Torrentius.

• Laurentius Surius.

• Leonardus Lessius.

• Leonicerus.

• Leo, Pope.

• Lindanus.

• Lorippus.

• Lucanus.

• Lucianus.

• Lucretius.

• Ludovicus Granatensis.

• Ludovicus Vives.

M

• Machiavellus.

• Macrobius.

• Mamertinus.

• Marcellinus.

• Marcellus, Pope.

• Marcianus Palladia.

• Marcus Tullius Cicero.

• Mariana.

• Martialis, Pope.

• Martianus.

• Martinus Becanus.

• Martinus Laudensis.

• Maximilianus Sandaeus.

• Medina.

• Menander.

• Minutius.

• Modestinus.

• Maecenas.

• Molina.

• Moschus.

N

• Naumachius.

• Neubrigensis.

• Nicephorus.

• Nicetas.

• Nicolaus Bellus.

• Nicholas I, Pope.

• Nicolaus Serarius.

• Nicolaus Trigautius.

• Nonius.

O

• Olaus Magnus.

• Onuphrius.

• Oppianus.

• Optatus Milevitanus.

• Origenes.

• Orosius.

P

• Pammelius.

• Panormitanus.

• Papinianus.

• Paulinus.

• Paulus Castrensis.

• Paulus Diaconus.

• Paulus of Aegina.

• Paulus Aemilianus.

• Pausanias.

• Persius.

• Petrus Chrysologus.

• Petrus Damiani.

• Petrus Iarricus.

• Petrus Rebuffus.

• Philastrius.

• Philemon the Comic Poet.

• Philippus Cominaeus.

• Philo.

• Philostratus.

• Phocylides.

• Pindarus.

• Pius I, Pope.

• Plato.

• Plautus.

• Plinius.

• Plutarchus.

• Polybius.

• Pollux.

• Polyaenus.

• Polydorus.

• Pomponius.

• Possidius.

• Prateolus.

• Priscus.

• Proclus.

• Procopius.

• Prosper.

• Prudentius.

• Publius Ovidius Naso.

• Publius Valerius Martialis.

• Publius Virgilius Maro.

Q

• Quinctilianus.

R

• Rabanus, Archbishop of Mainz.

• Radulphus Tuogrensis.

• Ranzovius.

• Rules of the Society of Jesus.

• Robertus Bellarminus.

S

• Sabellicus.

• Salvianus.

• Sanderus.

• Seneca.

• Severinus Binius.

• Sibrandus Lubbertus.

• Sigebertus.

• Silius.

• Simocatta.

• Sixtus I, Pope.

• Sixtus Senensis.

• Socrates the Philosopher.

• Socrates the Historian.

• Sozomenus.

• Spartianus.

• Statius.

• Strabo.

• Stobaeus.

• Suetonius.

• Suidas.

• Silvester.

• Silvester, Pope.

• Symmachus.

• Synesius.

T

• Telesphorus, Pope.

• Tertullianus.

• Theocritus.

• Theodoretus.

• Theodorus.

• Theodotion.

• Theognis.

• Theophilus.

• Theophrastus.

• Theophylactus.

• Theopompus.

• *Political Treasury concerning the Turkish Empire*.

• Theulphus.

• Thomas Aquinas.

• Thomas Sanchez.

• Thomas Waldensis.

• Thrithemius.

• Thucydides.

• Tibullus.

• Titus Livius.

• Trebellius Pollio.

• Trebonius.

• Turnebus.

V

• Valerius Maximus.

• Valerius Reginaldus.

• Varro.

• Vegetius.

• Vesalius.

• Victor.

• Vida.

• Villalpandus.

• Vincentius Beluacensis.

• Vincentius Lyrinensis.

• Vitruvius.

• Ulpianus.

• Volaterranus.

• Volcatius.

• Urbanus I, Pope.

X

• Xenophon.

• Xistus, Pope.

Z

• Zonaras.

• Zosimus.

• Zepherinus, Pope.

Textual Correction Applied

• Virtuvius has been corrected to Vitruvius as an unmistakable transposition in the name.

CHAPTER I

Reasons for Writing about the Commonwealth

The Efficient Cause, Matter, Form, and Kinds of the Commonwealth

[Printed page 1]

§ 1. As I undertake to set forth civil doctrine, I am not unaware that an accusation stands prepared against me, and that I must plead a case concerning the very title. For since the envy of the malevolent always opposes honorable endeavors, and in this age--exceedingly fruitful in vices no less than in virtues--no one can either teach rightly or act rightly without the disparagement of many, it ought to seem surprising to no one if, in these disputations, which are liable not only to the judgments, censures, cavillations, and reprehensions of readers and writers, but also, if an error has been committed, to the vengeance of those who reign, we experience harsh judgments and the hostile dispositions of many.

§ 2. There are, however, four things that are placed as obstacles at the very entrance and outset of the work. First, the profession of the religious order to which I have given my name appears altogether to forbid and prohibit the treatment and study of secular affairs. For why do you, to whom the world has been crucified--or ought to have been--set a worldly commonwealth in order? Why do you, who have been crucified to the world (unless you falsely profess religion), while hanging from your cross, fasten laws upon kings and kingdoms? What part can you have in the court, in the council chamber, in tribunals, or even in seditions and wars, when zeal for prayer and the study of the sacred Scriptures ought to have struck every recollection of these things from you?

Secondly, it is a work full of perilous hazard to prescribe not only laws but also counsels to rulers, for good counsels have cost many dearly. How readily offense arises in this matter, even when fault and error are absent, anyone who does not know is never fit to write on politics.

Thirdly, it appears an excessively proud--or, rather, insane--profession to wish to teach the senate, princes, kings, emperors, and pontiffs; for to obey them when they command, and not to write the laws of command, is the part of a good citizen.

Finally, he who has never taken part in any department of the commonwealth, but nevertheless writes counsels and laws concerning the administration of the commonwealth, will never be able to escape the ridicule directed at Phormio of Ephesus. Hannibal judged him the most foolish of all old men because, in the presence of a veteran and a commander of many triumphs, he declaimed about marking out a camp, drawing up a battle line, and engaging in battle. Surely it appears no less foolish if one who has not even been a praetor at Formiae or in the Alps forces upon the rulers of the world--whom education has formed for command, practice has exercised, variety of events has instructed, and age and prudence have confirmed--the method and manner of governing a commonwealth. For if in all arts the greatest distinction comes from practice or from practitioners, and if only by experience is it learned how arduous and how subject to fortune the burden of governing all things is, why do you not consider the persons of your hearers, lest you be laughed at before you are heard? Do you not fear that untimely wisdom may be wearisome to the powerful and a laughingstock to the wise? I, however, do not fear these things at all, nor indeed ought I to fear them. You, whoever you are who will read these things, weigh the reasons with me.

§ 3. In the first place, to treat of the reciprocal duties and obligations of kings, princes, and subjects, and of the government of the whole commonwealth, is not only not foreign to our Society, but is so proper and closely connected to it that it can neither avoid this office nor delegate it to another, provided that it wishes hereafter to persist in the standards of its constitutions and in the footsteps of the Fathers. We interpret Sacred Scripture and the whole of

Scholastic Theology both privately and publicly; but Sacred Scripture no less than Scholastic Theology carefully forms the commonwealth, and prescribes not only the duties of peace, but also the method of justly waging or refraining from war.

Nor do we concern ourselves with human judgments where a divine oracle goes before us, which sends kings to priests and theologians. Deuteronomy 17:18: “After he has sat upon the throne of his kingdom, he shall write for himself the Deuteronomy of this law in a volume, receiving a copy from the priests of the Levitical tribe; and he shall have it with him and shall read it all the days of his life, that he may learn to fear the Lord his God and to keep his words and ceremonies, which have been commanded in the law. Nor shall his heart be lifted up in pride above his brethren, nor shall he turn aside to the right hand or to the left, that he himself and his sons may reign for a long time over Israel.”

Therefore, he who explains Scripture ought to institute a disputation concerning the just and unjust law of kingship, such as is set forth at 1 Kings 8:11; and whoever has undertaken the public office of teaching is a debtor not only to private and unwise persons, but also to magistrates and wise persons. But if kings are commanded to hear and to learn, it also belongs to theologians to teach. Concerning kings and their instruction, Wisdom itself pronounces thus, chapter 6:1: “Wisdom is better than strength, and a prudent man than a strong man. Hear therefore, O kings, and understand; learn, O judges of the ends of the earth. Give ear, you who hold multitudes under your sway and take pleasure in the crowds of nations; because--”

[Printed page 2]

“--power has been given to you by the Lord, and might by the Most High, who will inquire into your works and search your thoughts; because, although you were ministers of his kingdom, you did not judge rightly, nor keep the law of justice, nor walk according to the will of God. Terribly and swiftly he will appear to you, because a most severe judgment will be made upon those who rule. For mercy is granted to the lowly, but the powerful shall powerfully suffer torments.”

Therefore, the magistrate must be instructed with great care from the divine writings, so that he may judge the people of God in justice, and God’s poor in judgment; so that he may hope in the Lord, and in the mercy of the Most High may not be moved.

§ 4. Hence it is that God always joined prophets and priests to kings as instructors, admonishers, praisers of deeds rightly done, but fearless censurers of crimes. Samuel was joined to Saul; Nathan to David; Shemaiah to Rehoboam; Ahijah to Jeroboam; Hanani to Baasha; Elijah to Ahab; Elisha to Jehoram; Isaiah to Hezekiah; Jeremiah to Hezekiah’s descendants; and others to others. They delivered precepts concerning the right government of the commonwealth; and although they discharged an extraordinary office of embassy, the diligence of ordinary teachers was not on that account without employment. For they too admonished the magistrate; and when they turned the duty of teaching and reproving into silence or flattery, they were accused and condemned as defendants upon a charge of injured eternal majesty, and heavenly justice required the blood of perishing souls from the hand of the shepherds.

Nor has the instruction of devout theologians ever been lacking to Christian kings. Examine both the writings and the deeds of Saints Athanasius, Ambrose, Chrysostom, Leo, Gregory, Remigius, and others, and you will find that care of the commonwealth was always of chief importance to them. Nor was the mind of the Scholastic theologians different. Their works concerning the commonwealth--and, above all, the work of Saint Thomas Aquinas *On the Government of Princes* and the commentaries upon Aristotle’s *Politics*--are in men’s hands. And would that those sincere and Christian expositors, rather than new, detestable, atheistic, Epicurean ones, were offered to the courts of princes.

If, therefore, care for the commonwealth, love of country, and the instruction of princes and subjects are imputed to me as a fault, so many great and holy names must likewise be summoned with me to trial, and prophets, priests, and teachers must be entered among the accused. For it is not just that, in an equal cause, I should be condemned and others acquitted. Nor, when disputing about worldly empires and secular affairs, do I depart from spiritual care and

duty, since my purpose is so to order the temporal commonwealth that it may direct earthly good and happiness toward spiritual and heavenly good and happiness. For the aim and end of my undertaking is to show how all human things, private as well as public, are to be directed toward the highest good and ultimate end.

Therefore, just as the Apostle instructs us spiritually when he says (1 Timothy 2:1), "I beseech, first of all, that supplications, prayers, petitions, and thanksgivings be made for all men, for kings and all who are in high station, that we may lead a quiet and tranquil life in all piety and chastity; for this is good and acceptable before God our Savior," so also that doctrine must be judged spiritual by which kings and those invested with high station so restrain, instruct, and draw their subjects by arms, laws, and example that they may lead a quiet and tranquil life in all piety and chastity. And so I can not undeservedly hope that this labor of mine will be good and acceptable before God our Savior, and salutary to all who wish to use it.

§ 5. But if you wish to inspect and weigh the other functions of our Society, you yourself will admit that this study is most consonant with it. In schools, in churches, and in assemblies, almost all of us must treat daily of every kind of duty: all must be instructed, admonished, and strengthened toward virtue and a blessed life; subjects must be taught to obey the magistrate, to acknowledge the right of superiors and their own obligation to obey; magistrates must be admonished to use their right for the preservation of those who obey, not for their own advantages, lest power be a perpetrator of injuries, but rather their banisher and avenger, an armed guardian of what is equitable and honorable.

This care extends more widely than to private persons and embraces public affairs as well, for the household government and morals of private persons also depend upon the right constitution and government of the commonwealth. Certainly, we labor in vain to form tender youths within the walls of schools for prudence, modesty, and piety, if, after they have been released from tutelage, they are swept away into common evils by the violence of public vices. Few cultivate virtue amid public license; many, steadfast for a long time, at last admit its enticements, and finally even perpetrate crimes.

But there will be a proper place for speaking--or, rather, weeping--about this matter. For the present it is enough to understand that, without the best government of the city, without public discipline as the enemy and avenger of vices, the exhortations of religious men possess little strength. For if, in addition to allurements that by their own sweetness cling tenaciously as though with birdlime, there are added the examples of many, impunity, ancestral custom, and public authority that either approves, dissembles, or at least is unequal to the vices, who will deny that the case is lost?

• In § 3, the HTML transcription's **datae est a Domino potestas** has been read as **data est a Domino potestas**, an evident error of agreement.

[Printed page 2 continued]

§ 6. If, however, Theology excludes me from civil disputations, I shall return by another road and, by counsels that take a middle course, put myself forward as a professor of History and Philosophy. For I have read histories and expounded them to my hearers so that young men might imbibe civil prudence with agreeable ease. Philosophy, moreover, the banisher of vices and commender of virtues, has a most excellent work: to establish laws, to constitute the order of the commonwealth, and to discover, for the peace, advantage, and happiness of both, an equality between rulers and subjects who are unequal. Which of the ancient philosophers did not discourse upon the commonwealth? Who did not establish laws? So that it may not be necessary to proceed through examples, consider Plato and Plato's disciple Aristotle, who bestowed more labor upon illustrating moral philosophy than upon the subtleties of dialectic or the investigation of the secrets of nature.

What, then, did Aristotle do? He wrote ten books of the *Nicomachean Ethics*, two books of the *Great Ethics*, seven books of the *Eudemian Ethics*, one book *On the Virtues*, eight books of the *Politics*, two books of *Economics*, and one book *On Nobility*. But perhaps these things are slight. What, however, is more wonderful than that which trustworthy authors relate? Diogenes Laertius, in his catalogue of Aristotle's books, says: "Πολιτειῶν," he says, "πόλεων δυοῖν

δεουσῶν ἑξήκοντα καὶ ἑκατόν· καὶ ἰδίᾳ δημοκρατικαί, ὀλιγαρχικαί, ἀριστοκρατικαί, τυραννικαί.” “Constitutions of one hundred and fifty-eight cities, and, separately, democratic, oligarchic, aristocratic, and tyrannical constitutions.” Ammonius, in his *Life of Aristotle*, says that he accompanied him as far as the Brahmans and there established two hundred and fifty-five constitutions. Indeed, Cicero too testifies in Book V of *On Ends* that he wrote a very great many works about these matters: “From Aristotle we have learned the customs, institutions, and disciplines of almost all cities, not only of Greece but also of the barbarian world; and from Theophrastus, their laws as well.” And Varro, in Book VI of *On the Latin Language*, cites Aristotle’s “Νόμιμα βαρβαρικά”--*Ordinances of the Barbarians*.

All those works have perished; nevertheless, books concerning some of the following are cited, namely, the commonwealths of the Athenians,

[Printed page 3]

the Aeginetans, Aetolians, Agrigentines, Ambraciots, Argives, Arcadians, Bottiaeans, Geloans, Delians, Euboeans, Epirotes, Thessalians, Ithacans, Himeraeans, Carians, Corcyraeans, Cians, Cyonians, Cymaeans, Cypriots, Lacedaemonians, Leucadians, Locrians, Massilians, Megarians, Methonaeans, Melians, Naxians, Opuntians, Orchomenians, Samians, the people of Samothrace, Sicyonians, Syracusans, Tarentines, Tegeans, Tenedians, Troezenians, Tyrrhenians, and Phocians. Although these are few, and some of them rather obscure, there is no doubt that he was more industrious concerning the famous and illustrious commonwealths. If, therefore, this was granted to Aristotle as a matter for praise, why should it be imputed to me as a fault?

But if I were even to prepare commentaries upon Aristotle’s *Politics* itself, young men--and perhaps statesmen--would owe me gratitude, and the examples of weighty authors would defend me: Thomas Aquinas, Jacques Lefèvre, Bernard of Siena, Antonio Montecatini, Ciriaco Strozzi, Denis Lambin, Donato Acciaioli, Guillaume Grégoire, Giovanni da Fabriano, and others. The sectarians too would plead my cause, for Camerarius, Melanchthon, and many others also sweated in this arena. Let that field therefore be free to me as well, and let neither the malevolence of enemies cut off the Society’s opportunity to teach well nor the timidity of friends make it more difficult.

§ 7. But it is dangerous. As though our Society could discharge any office without danger, when it proceeds with perpetual constancy amid continual dangers--on one side surrounded by open enemies, on the other assailed by clandestine rivals, who display friendship in their words and countenance, but in deed and intention are more harmful than manifest enemies by as much as concealed hatreds are stronger than professed ones. Accordingly, no peculiar danger hangs over me in this cause. For there is no fear that my ship will be dashed against a rock if it holds to the course by which so many vessels have hitherto gone and returned unharmed. Nor do I see what I ought to fear, unless perhaps I diminish the power of princes or appear, on the contrary, to speak too harshly against the liberty of peoples. This I shall easily guard against if, walking upon the middle road, I set forth those things that are certain concerning the majesty of princes and the right of the people, and leave to the jurists those that are ambiguous and exposed to calumnies.

§ 8. Nor need I fear the suspicion of pride if I assume for myself the teaching of the commonwealth. For if it is not only permitted to me, but necessary by reason of my office, to speak about Sacred Scripture and heavenly things, why should it be a crime if I speak about earthly things? Kings, princes, and senators of commonwealths certainly need instruction, counsels, and, when they wish too much to be permitted to them, frequent and grave admonitions by which they may be brought back within bounds. The children of magnates are born under no different condition from the children of the poor: just as they are constrained by bodily weakness and mortality, so too are they constrained by ignorance and depraved passions. Look upon empires, and you will perceive the truth. Consider the errors of rulers; consult the deeds done from Julius himself down to Constantine, and from Constantine down to Charlemagne. You will see that some failed in fewer matters, others in more, and most in the most depraved and foulest matters, and that they administered dominion avariciously, cruelly, lustfully, and--what pertains to the present subject--with the greatest folly and without any principle of politics.

If, nevertheless, anyone is indignant that laws should in any manner be written for kings, let him receive these writings of mine as though they had been dictated to the children of princes, magnates, nobles, and senators, a distinguished number of whom our Society instructs in the studies of humane learning and wisdom. Let them read and learn, so that when they have been placed at the helm nothing may be lacking except experience. Although experience can accomplish much, it nevertheless does not suffice by itself, since accurate reasoning and manifold prudence are needed for judging the very things that occur in counsels and affairs to be conducted. Evil princes have experienced conspiracies by their own men and enormous hatreds, whose source and origin was cruelty; but they suspected every other thing, cast the causes upon others, intensified their cruelty as though by that remedy alone they could meet the machinations of their adversaries, and hastened their own destruction.

What, then? Do you dare to write about governing a city when you have never governed one? See how readily I answer the question that appears difficult. Young men sometimes hold the helm of the commonwealth, the unskilled do so on occasion, and all who have ever ruled were at one time inexperienced, because they had only begun their government. God alone has held an eternal dominion without a beginning. If, therefore, you admit an inexperienced man to kingship, why do you remove him from counsel? An unskilled hand certainly applies a remedy with greater danger than an inexperienced mind recommends one; for counsel can be disregarded or corrected, whereas a harmful drug is never administered without the destruction of the sick man.

Next, look around the Christian world and, from the many thousands who serve princes as counselors, count those who have governed a commonwealth or any part of one. When you have driven these men from all courts, you will also be able to deter me from writing. I know for certain that neither Plato, Aristotle, Lipsius, nor others governed a commonwealth. Yet if kings obeyed their counsels, assuredly many kings would consult more prudently for their own safety, longevity, and reputation, and--what is the principal matter--for the welfare of their peoples.

I confess that it is burdensome and almost proud to wish to teach the experienced, and perhaps also dangerous to teach princes; nevertheless, even the greatest pilots are accustomed to be admonished by passengers in great storms. [Cicero, *Philippic* VII.] That well-known saying is wise: “ἐρέτην χρῆναι πρῶτα γενέσθαι πρὶν πηδαλίοις ἐπιχειρεῖν”--one ought first to be an oarsman before holding the helm. [Aristophanes, *Knights*.] Yet we know celebrated admirals whose hands were not hardened by the oar. He who is ignorant of the arts does not readily judge concerning them, for while craftsmen labor, certain things spontaneously disclose themselves to them that lie hidden from others. Nevertheless, Fulgentius spoke truly: “An evil life plunges immature old men into Tartarus; a good life conducts mature young men to the kingdom.” [Epistle 2.] This is so not only with respect to the heavenly kingdom, but also to this earthly kingdom, which nevertheless is given both to the good and to the evil. Kingship, accordingly, belongs to young and old alike.

Experience is an excellent teacher, but right reason is a better one. He who has read, heard, and seen many things concerning the commonwealth often judges it better than one who has had experience of it. Isocrates spoke truly: “Πάντας ἀνθρώπους πλείους ἐπιστήμας ἔχειν διὰ τῆς ἀκοῆς ἢ τῆς ὄψεως”--all men have imbibed more branches of knowledge by hearing than by seeing. [*Panathenaicus*.] Physicians embrace all diseases in their knowledge and cure them by art, although they have felt few diseases, or often none; but those who are tormented by diseases are ignorant of the method of healing. Therefore, one who has not struggled with those evils will also be able to preserve the health of the commonwealth--that is, peace and tranquility--and to allay and restrain its diseases--that is, seditions and wars--provided that he has learned suitable remedies from the sayings and deeds of the wise and has wisely applied them to the commonwealth.

I praise experience, but I prefer reading, history, and knowledge. For who can experience everything? A lifetime is spent in one kingdom, one town, one court, and frequently in one function. A man knows the character of his own prince, his own nation, and his own colleagues; if anyone thinks to transfer these things to others, he will act just as one who wished to practice horsemanship at Venice or seamanship at Nuremberg.

[Printed page 4]

As to Hannibal's judging Phormio mad because he discoursed about war in the presence of a commander, although he himself had never seen a camp and had never heard the sound of a trumpet except at spectacles: Hannibal went astray through self-confidence and Punic pride. Antiochus, who approved of Phormio, judged much better. For how many things could Phormio have taught Hannibal even about war? Namely, that he should not act treacherously; that he should not be cruel toward the conquered and those who had surrendered; that he should make use of victory; that he should not enervate his soldier with Campanian luxuries; that he should not fight Scipio without some advantage of his own; and that he should not cast everything upon the hazard of a single battle.

Finally, it was necessary for one who both wished and was able to conquer the Romans by means of Antiochus's forces to win the king's favor by courtesy, if he shunned flattery. But Hannibal, with barbarian arrogance, alienated from himself a king accustomed to the soft speeches of his own men, and by one witticism delivered the Romans from the greatest dangers. For when the king displayed to him an army splendid in costly clothing and gleaming weapons and asked Hannibal whether he thought these things would be enough for the Romans, he said, "Entirely enough, even if they are exceedingly avaricious." Since by this piece of wit he had mocked the royal equipment, all its commanders, and indeed Antiochus himself, he was held in contempt by those who were indignant; and thus by one witticism he benefited the Romans more than Scipio did with so many legions. But if he had approved those forces, exercised them gradually, and enrolled new soldiers, it would not have been difficult to overthrow the Roman Empire with such resources.

But reason often escapes great men in the greatest affairs, and the principle of true statecraft escapes the most practiced statesmen. This happened altogether to Hannibal, who was acquainted with a popular commonwealth but inexperienced in kingship. For while, as an exile, he dealt with the king with the same liberty as though, as a consul of Carthage, he were contending with a rival senator, he lost a most splendid opportunity to liberate both himself and his country. Nor am I moved by the bulla-wearing crowd who admire the cleverness of his answer and extol Hannibal's experience, when they admit that an experience confined within Carthage alone, as within a narrow lake, could not hold its course upon the ocean and amid the variety of commonwealths and nations. For whatever Hannibal did afterward, he was never able to obtain the power to conduct the war according to his own judgment.

Experience, accordingly, although praiseworthy, is nevertheless always incomplete. It is often found in a commonwealth in which no one is wise and in which, because of the stupidity of the nation, the senate has passed into a proverb. Some call political knowledge and prudence a practical discipline. Besold says that jurisprudence is subordinated to it. Different men have held different views.

And I judge these things sufficient for my defense. But if we weigh in our minds the necessity for these disputations, which the license of our times produces, we shall certainly all understand that I have undertaken this labor rightly, deservedly, and from plain necessity. For at the present time it is not one class of men that overturns commonwealths, but very many, who nevertheless demand to be regarded and called statesmen. Some, without learning and without experience, rely upon their own judgment and devise certain novel and astonishing things. They do less harm for the very reason that they generally collapse in the actual attempt and at its beginnings.

Some cling so closely to the institutions of the ancients that they approve nothing unless it is drawn from the Athenian, Spartan, or Roman commonwealth. They are involved in great errors. For, in the first place, they must necessarily judge all who were born after Augustus to be ignorant of ruling and counseling--and thus even Augustus himself, who changed almost all the ancient statutes, although he generally retained their names and appearance in order to deceive the people. For who does not know what a difference there is between a consul who is Caesar's follower and flatterer and a consul of unimpaired liberty? He, therefore, who directs his mind's eye toward the truth itself will find many things in the commonwealths of the ancients that are scarcely commendable, and very many better things in new kingdoms and cities.

Most men also frequently err in judgment and affection: now they praise this man, now that one, and take sides. Most defend the victors and, as is customary in human affairs, lean toward the fortunate wall. Many, in order to delight and to obtain admiration for their work, prefer to speak and write things that are specious rather than true.

But in the present age there has grown strong--and in many places has almost prevailed--a detestable class of pseudo-statesmen who, in place of a true and legitimate commonwealth, erect a "πονηρόπολιν," that is, a city of impious, ruined, and utterly nefarious men. In the preceding century Niccolò Machiavelli carried the torch before them, with which he scorched many kingdoms. For when he teaches that religion is to be accommodated to dominion, that vices and errors are to be approved for the sake of the kingdom, that utility is to be placed before justice, that factions are to be admitted, and other things of which we shall treat in their proper places, what else does he do than make the prince unjust, impious, crafty, a dissembler, and a hypocrite?

In this matter, indeed, he departs from the ultimate end and therefore builds ruin; and since he is involved in continual error and deprived of divine wisdom, he does not even instruct the prince in human prudence. For he cannot perpetually conceal hypocrisy, since nothing feigned can be lasting; and perfidy and dissimulation, once disclosed, take away trust forever. But no one whom neither his subjects nor his neighbors trust can retain dominion for long.

Against these men, I have resolved to demonstrate the true and solid art and power of ruling: founded upon divine laws, constituted by natural reason, and armed with true prudence, religion, and virtue. Yet I shall do so not from my judgment alone, but from the divine writings, the teachings of the holy Fathers, the laws of legitimate princes, just custom, the order and manner of commonwealths, approved history, examples and reason, and the natural judgment of men. And thus I shall bring forward whatever I judge to pertain to the security and majesty of government, to the tranquility and advantages of subjects, and to the salvation and happiness of all, rulers as well as people.

• All six Greek passages omitted by the HTML have been restored from printed pages 2--4. Contzen's immediately following Latin renderings have been translated in full; no duplicate English renderings have been added.

• In the Diogenes Laertius quotation, the print reads **δεουσῶν**; the reading is preserved rather than normalized to the **δεούσαιν** found in some modern editions.

• Contzen excerpts Isocrates with the infinitive **ἔχειν**; the continuous text of *Panathenaicus* §150 has the participle **ἔχοντας**. The wording printed by Contzen is retained.

• **πονηρόπολιν** is the accusative of a Greek compound meaning a wicked city; Contzen's own following Latin, rendered "that is, a city of impious, ruined, and utterly nefarious men," supplies its translation.

• The HTML's editorial expansion **Rempublicarum [(perhaps: Rerum publicarum)] senatores** in § 8 has been rendered according to the evident sense, "senators of commonwealths."

CHAPTER II

The Necessity, Utility, and Dignity of Civil Doctrine

§ 1. Certain matters are disputed not because they are doubtful, but for the sake of order. Of this kind is what I am about to say concerning the necessity, utility, and dignity of civil doctrine, which I judge especially necessary among all doctrines. For since human beings are borne by their nature toward society and mutual intercourse, and make use of the benevolence and assistance of other human beings--for God has not permitted the human race universally to live after the manner of the Scythians, the Wagon-Dwellers, or the *σποράδων* ("scattered") Arabs, although not even that savagery of the barbarians could have existed altogether without government--it was necessary that commonwealths be constituted. Human beings therefore entered into society with one another and established the commonwealth.

Within it, "τῶν ἀρχόντων καὶ ἀρχομένων"--the order and alternation of rulers and subjects--is necessary. This order is so necessary that God preferred to permit power to evil men rather than that human beings should be restrained by no power, and accordingly judged it better that many just men should be subject to one impious man than that they should be subject to no one. But if a polity is necessary, political science is also necessary. For how will either command or obedience be rightly exercised if they are destitute of the prudence required for governing and obeying?

[Printed page 5]

The ruin and happiness of kingdoms generally arise from the error or prudence of the ruler. As Augustine teaches [*City of God*, Book V, chapter 19], if those who are endowed with true piety and live well have pursued this knowledge of governing peoples, nothing is more fortunate for human affairs than that, through God's mercy, they should possess power.

The difficult dispositions of subjects declare this necessity still more fully, so much so that it is far easier to find a brave man who can conquer an enemy than a prudent man who can govern a citizen. "Δύσκολόν ἐστι τὸ θρέμμα ἄνθρωπος"--man is a difficult and troublesome animal. He can bear neither servitude nor liberty; under a mild government he grows wanton, under a harsh one he becomes exhausted, and under either he rises against his ruler. Or, if his attempt is restrained through fear of a more severe power, he avenges and consoles himself with complaints.

How great an art is therefore needed so that this animal--fierce, proud, changeable, unstable, presumptuous, and equitable toward no one less than toward him whom it is compelled to obey--may walk according to the standard of right; so that so many thousands of human beings may tend toward the same point and, indeed, may attain one and the same best end by such diverse roads? We entrust a field and a vineyard only to an experienced cultivator; no one entrusts himself to a shipmaster ignorant of the sea and its waves; we do not admit even an unskilled flute-player to our banquets. And shall we allow that great ship, carrying so many souls, to be endangered by the ignorance and indolence of one man?

Government, therefore, is necessary, as is knowledge of administering government. This knowledge is more difficult because it is compelled to prescribe the law and measure of life to both good and evil persons. Every good man is governed very easily, but an evil man with the greatest difficulty. Nevertheless, he must be governed, lest he harm the good man, and so that, although he does not cease to be evil, he may nevertheless be unable to do the evils he desires. Here perpetual vigilance is needed, so that the spring of vices may be stopped up and not pour itself forth into shameful deeds; and the matter must be handled with distinguished dexterity and knowledge, so that, if it pours out its poison, the poison may be diverted and flow away with the least possible injury to others.

§ 2. Great and plainly divine is the knowledge of physicians. They so care for the human body--a structure composed of so many and such various members, comprising organs assigned to such contrary functions, veins, arteries, internal organs, muscles, humors, and spirits--that they preserve the analogy, symmetry, and friendly concord of all its parts

with all the others. They thereby bring it about that the temperament and constitution of all the parts is agreeable and favorable to them all, and that every member is sustained by every other member.

But in a prince this knowledge is more laborious by as much as the body of the commonwealth is larger and more at variance with itself than the human body; and it is more sublime by as much as it is more worthy to take thought for all than for individuals. The great philosopher, the unhappy teacher of an unhappy Caesar, said prudently: "All this that you see is one; we are members of a great body." It is your task, O prince, to preserve the concord, tranquility, unity, and love of a great body--a free body, of members separated from one another, of members mutually hostile, of members rebelling against their own head, that is, their ruler. How exquisite an art and how enlightened a prudence this requires is taught us by the small number of those who have been able to do it and the multitude of those who have not. If one wished to contend by examples, I should oppose hundreds to every single one. It is a great power of divine ordination that power should exist in the world and that power should be from God, even when it is conferred by good men upon evil men, or upon good men by better men; but it is great rashness to exercise power without the knowledge of governing.

§ 3. When the commonwealth is badly administered, all other things are deprived of their proper ends. For commerce will terminate in frauds and impostures; navigation in piracy; agriculture in disputes; judgments in robberies; military service in brigandage; the liberal arts in idleness; religion in superstition; and sacred rites in bare and empty ceremonies. For a public vice communicates its poison to all the actions of private persons, and the very ornaments of the city are turned toward its destruction. The necessity of this knowledge--and the utility contained within that necessity--has therefore been demonstrated. A few words must now be said concerning its dignity, for nothing sufficient can be said on behalf of that dignity.

§ 4. When we name the knowledge of commanding, we appear to have praised it sufficiently. It is the mistress of all arts, the moderator of all civil actions, the preserver of human society, and the greatest of all human branches of knowledge. Thus judges the most prudent of the philosophers, Aristotle, *Politics*, Book I, chapter 1: "Since," he says, "we see that every city is a certain society, and that every society has been joined together for the sake of some good--for all men do all things for the sake of that which appears good--it is manifest that all societies tend toward a good as toward some goal; *μάλιστα δὲ, καὶ τῷ κυριωτάτῳ πάντων, ἡ πασῶν κυριωτάτη, καὶ πάσας περιέχουσα τὰς ἄλλας. αὕτη δὲ ἐστὶν ἡ καλουμένη πόλις, καὶ ἡ κοινωνία πολιτικὴ*"--"but that society which is the chief and mistress of all societies has proposed to itself that good which is most excellent of all; and this is the society that is called a city or commonwealth, or civil society."

The knowledge of establishing and preserving human society must therefore be the most excellent, since it has the public good proposed to itself. Hence divine majesty has surrounded kingship with such splendor and attached so many ornaments to it, in order to show that governing the world is the greatest work. Hence it honors princes with the name of gods, because they are participants in divine power.

But I do not wish to linger longer upon this matter. The restless ambition of many is sufficient even if it is not inflamed by the praise of kingdoms. Would that it endeavored to acquire the knowledge and faculty of commanding before dominions themselves. But we experience that for the most part it happens otherwise. "Τυραννὶς χρῆμα σφαλερόν, πολλοὶ δὲ αὐτῆς ἐρασταὶ εἰσιν"--government is indeed a slippery thing, but it has many lovers. The bright splendor of kingship blinds the eyes with a false brilliance. The beginnings of honor are joyful, while a sick mind is tickled by public congratulation; care and the true heat of labors soon follow. But those who have been deceived praise majesty and government, for, as the disciple of Socrates rightly judged, they see "τὸ μὲν πρόσωπον ἡδύ, τὰ δὲ ἐν δόμοισι λυπηρά"--a flattering frontage and entrance, but miserable things within the house.

§ 5. Eternal majesty, which administers the world without anxiety, will compensate good princes for such immense care, labor, misery, and endurance with the appearance of worldly honor and the reality of supermundane glory. Evil rulers, however, gaping after empty things and content with vanity alone, undertake government--that is, the care of

another's welfare--often amid public hatred. It is indeed a miserable but customary thing to undertake so many evils with no fruit, and not even with the hope of any good.

I have also judged that the reader must be admonished of this: in political disputations there cannot and ought not to be that subtle, acute, demonstrative exactitude--*ἀκριβολογίαν*--which is customarily employed in physics or mathematics. For I have undertaken to instruct a prince not so that he may dispute in the schools, but so that he may govern peoples. Nor, in moral and human affairs, in which equitable moderation--*ἐπιείκεια*--indulgence, clemency, and often even severity and threats graver than the truth intervene, do the nature of the subject and the method of treatment permit apodictic demonstrations to be employed.

§ 6. Finally, I judge that this too must not be concealed. I do indeed seek the best commonwealth and seek to fortify it with religion, virtues, education, laws, ecclesiastical and civil magistrates, and civil and military power against the internal and external enemy;

[Printed page 6]

nevertheless, I do not seek to constitute a Platonic commonwealth. For Plato describes for us a city such as can be wished for, not one that can exist in this world--that is, in this heap of evils and province of wickedness. For I shall institute a discourse not about commonwealths that never have existed and never will exist, but about those that exist or can exist.

I indeed desire a commonwealth in which the best and wisest prince always commands the citizens with love and equity, as a father commands his children; in which good citizens, harmonious among themselves and obedient to the prince, all desire and pursue honorable things. But those commonwealths are in Utopia [printed: *Outopia*]; I have resolved to treat of our own. I have resolved to instruct commonwealths in which there are a few very good men, many of middling character who are free from vices rather than possessed of virtues, and not a few very bad men who are restrained by fear of the laws alone, so that they are not criminals in public. Neither the rising nor the setting sun has ever seen another and better commonwealth, although it has often seen many worse ones.

Why, therefore, should I indulge in ideals and superfluous speculations by which present goods can neither be defended nor advanced, remedies applied to evils already implanted, nor approaching evils met? Therefore, as Aristotle rightly admonishes in *Politics*, Book IV, chapter 1, let us consider *Τὸν δυνατόν*--that which is possible--as the condition of the commonwealth. And if we cannot make it the best, let us nevertheless draw it as far away as possible from the worst. Otherwise, if it were established that such a commonwealth had ever existed, it could also be hoped for now.

What Seneca says in Epistle 90 is not altogether empty: "A world not yet exhausted produced better things." And the poet, the hater and mocker of his own age, says:

> Then, in a new world and beneath a fresh heaven,
>
> human beings lived otherwise.

And perhaps Plato suspected that so holy a commonwealth had once existed. "οἱ παλαιοὶ," he says, "κρείττονες ἡμῶν, καὶ ἐγγυτέρω θεῶν οἰκοῦντες." (*Politics*, Book II.) "The ancients were better than we are and dwelt nearer to the gods." I shall concede this concerning many, but deny it concerning more. I remember that the inheritance of the world was too narrow for two brothers; that afterward arose the wars of the Giants; and that soon the entire human race, with eight souls left as seed, was swallowed by the waters--and that even among these there was Ham the mocker. I remember wars of kings before the very ark and the aged Noah; the fires of Sodom; and the destructions of the Canaanites and Horites. Therefore, vices existed then as well--very many and atrocious vices--and times more criminal than our own. While reading history, I perceive each man to be an accuser of his own times and a praiser of ancient ones. But the cause is surely that we experience our own evils with grief and fear, whereas we read of past evils in order to beguile time.

> Shame, truth, and fidelity have fled;
>
> into their place have succeeded frauds and deceits.

These three good things have fled, but from those places in which they once existed; for in many places neither shame, truth, nor fidelity ever existed except in very few persons. Therefore, in treating of the commonwealth, I shall so compose my arguments as to establish that many within it are evil; that all the good are in greater danger of becoming evil; that the evil have less hope of becoming good; and that the prince ought to take thought for both.

Some who have professed to transmit the secrets of dominions, under a flattering title, have brought forward nothing except the best-known matters, already long ago written down by Plato and Aristotle. There exists a treatise by Arnold Clapmar *On Secrets*, but secrets already made public in books and practice. If there is any secret, it is this: to conceal the art of governing. For no one desires to be deceived by artifice and governed in that way, but rather to be directed toward a good end by charity and prudence. The highest thing is piety, and authority is its effect--an authority that cannot be retained if God pours contempt upon the prince.

CHAPTER III

The Definition of the Commonwealth

§ 1. I take the name "commonwealth" in the broadest sense, so that it embraces monarchy, aristocracy, and *πολιτείαν* properly so called, or government by the people. Nor do I locate the distinction in breadth of command or in the narrow boundaries of kingdoms. For I do not hesitate both to call a small town a commonwealth and to call the ruler of a single city a king.

The Greek expression *πολιτεία* is not customarily understood in the same way. For it is sometimes used strictly for that form of commonwealth which is popular. Aristotle, *Politics*, Book IV, chapter 8, calls it "μίξιν ὀλιγαρχίας καὶ δημοκρατίας," a mixture of oligarchy and democracy. And in *Politics*, Book I, chapter 1: "ὅσοι μὲν οὖν οἴονται πολιτικὸν καὶ βασιλικὸν καὶ οἰκονομικὸν καὶ δεσποτικὸν εἶναι τὸν αὐτὸν οὐ καλῶς λέγουσι." Those who say that the political ruler, the kingly ruler, the household ruler, and the despotic ruler are the same do not speak rightly. For he judges that these differ not only in multitude and fewness, but also in kind. He calls "political" the one who rules and obeys by turns, and "kingly" the one who rules alone and does not obey; yet he says that there is another diversity in the actual government of the commonwealth, and in this way *πολιτεία* is used strictly.

In other places, however, Aristotle interprets "polity" as every commonwealth. For in *Politics*, Book III, chapter 14: "ἴσως δὴ καλῶς ἔχει μετὰ τοὺς εἰρημένους λόγους μεταβῆναι, καὶ σκέψασθαι περὶ βασιλείας, φαμὲν γὰρ τῶν ὀρθῶν πολιτειῶν μίαν εἶναι ταύτην." "It will perhaps be right after this discourse to pass to another subject and to treat of kingship. For we say that kingship is one of the well-constituted polities." Indeed, he himself expressed the difference between the meanings in explicit words in *Ethics*, Book VIII, chapter 1: "Πολιτείας δέ ἐστιν εἴδη τρία, ἴσαι δὲ καὶ παρεκβάσεις, οἷον φθοραὶ τούτων· εἰσὶ δ' αἱ μὲν πολιτεῖαι, βασιλεία τε καὶ ἀριστοκρατία. Τρίτη δὲ, ἡ ἀπὸ τιμημάτων, ἣν τιμοκρατικὴν λέγειν οἰκεῖον φαίνεται, πολιτείαν δὲ αὐτὴν εἰώθασιν οἱ πλεῖστοι καλεῖν." "There are three kinds of polity, and the same number of deviations from them, or corruptions of good polity. The polities are kingship and government by the best; but the third is that which is based upon a property assessment, which it appears should properly be called *τιμοκρατικήν*; most men have customarily called this one a polity."

There is therefore a twofold polity: the former, which contains three kinds, and the latter, which is the last of the three kinds. I had to give this warning lest a dispute about words be raised against us hereafter. Indeed, the Latins also use the name "state" in this way. Pliny, Book VII: "The Egyptians have a royal state, the Attic people a popular one," and so forth. And Cicero, Book III of *On the Laws*: "But since the royal kind of state, approved at one time, was afterward rejected not so much because of the faults of kingship as because of those of the king, only the name of king will appear to have been changed; the thing itself will remain, if one man commands all the other magistrates."

§ 2. Aristotle therefore defines *πολιτεία*, or the commonwealth, in *Politics*, Book III, chapter 6, in this manner: "ἔστι δὲ πολιτεία πόλεως τάξις τῶν τε ἄλλων ἀρχῶν καὶ μάλιστα τῆς κυρίας πάντων." "A polity or commonwealth is the ordering of a city and of its magistracies, both the others and especially that one which is supreme over all." Plutarch says: "The commonwealth is a certain body fitted together from members, which is animated by the benefit of a divine gift, is moved at the command of the highest equity, and is governed by a certain light of reason."

Scipio in Cicero, as reported by Saint Augustine in *City of God*, Book II, chapter 21, said that the commonwealth was the property of the people. He determines, however, that a people is not every assemblage of a multitude, but an assemblage united by agreement concerning law and by community of advantage. From this he gathers that there is then a commonwealth--that is, the property of a people--when it is conducted well and justly, whether by one king, by a few of the best men,

or by the entire people. The people, however, contains all who are in the commonwealth; for when "the people" is said without qualification, even the king and the senate are reckoned among the people.

This definition is obscure. For a field, walls, a treasury, porticoes, and other things are the property of the people, yet these do not constitute the commonwealth, but are ornaments or aids of the commonwealth. Indeed, debt and similar losses are also things belonging to the people. Next, the people itself is a material part of the commonwealth, since it is called an assemblage; yet the people will not rightly be called the property of the people. But if you prefer to define in the abstract, as they say, the people will be still less a part of the commonwealth.

Justus Lipsius, Book II, chapter 1, defines civil life as "that which we, mingled together, lead in a society of human beings for mutual advantages or use." He names prudence and virtue as its guides--rightly, indeed, lest advantages and use be referred solely to utility and pleasure, but principally to moral goodness. I therefore judge that these definitions differ more in words than in meaning. But because I write not for Stoics or Spartans, but for statesmen and the people, it has seemed good to me to give a definition that contains all the causes, and to give it in the concrete so that it may be readily perceived. A commonwealth, therefore, is an assemblage of human beings, associated by the guidance of nature through agreement concerning law and community of advantage, for the purpose of living well and happily.

§ 3. The efficient cause is a certain guidance and impulse of nature implanted by God; therefore God too is a cause, for the things that are from nature and in nature are referred to God. Hence Aristotle rightly concluded: "διὸ πᾶσα πόλις φύσει ἐστί." "Therefore every city exists by nature." And in *Politics*, Book I, chapter 2: "From these things, therefore, it is evident that the city must be numbered among those things which exist by nature; that man is by nature a civil animal; and that one who is without a city by the impulse of nature, not by a fault of fortune, is either a wicked man or better than man, like the one against whom this reproach was cast by Homer:

> Ἀφρήτωρ, ἀθέμιστος, ἀνέστιος.
>
> Without council, without law, without hearth."

Those, therefore, who were *μισάνθρωποι*, haters of human beings, overwhelmed natural *στοργήν*, or affection, and its effect by the magnitude of their vices. Such was that petty Greek Timon, and such were tyrants who wished that the whole people had a single neck; who called themselves the scourge of God; and who thought that a slain enemy smelled good, but a slain citizen better. The material cause is an assemblage of human beings: common people, senators, nobles, princes, and kings. I exclude slaves, however, for they are not a part of the commonwealth, but organs and certain animate instruments. Yet because they too are human beings, and often human beings more excellent than their masters, the commonwealth shall also undertake their care and protect them against cruel and injurious masters.

§ 4. The form is the principle of law to which the people has consented--that is, the ordering, through command, of rulers and subjects. From this form arises the threefold commonwealth. From this point it is also apparent that, when that consent is absent, there is no commonwealth, but some other assemblage, such as one of slaves living under the power of some master.

Accordingly, the emperor of the Turks does not possess a commonwealth properly so called. For since he has an absolute right of life and death over his subjects, and even over the supreme commanders of war; since all publicly declare that all their possessions and they themselves have been delivered into the great emperor's ownership as chattels; and since that right is greater and more unrestrained than that of masters over slaves formerly was, there is here no government other than *δεσποτικόν*, and in no way a civil one. For although he possesses cities, he nevertheless does not rule them by the law of citizens, but by the absolute discretion of domination. Those great cities, therefore, are nothing other than certain more capacious workhouses for slaves; and the great pashas and beylerbeys are like certain household-steward slaves, destined to die at the nod of their master without any protection of law or right.

§ 5. The end is to live well and happily. Aristotle explained this as follows: "The perfect society composed of several villages is a city, which possesses the limit of all *αὐταρκείας*--that is, which is altogether and perfectly sufficient to itself. It arises, indeed, for the sake of living, but exists and endures for the sake of living well." The end of all things, however, is happiness. When happiness is located in virtue, it produces a good commonwealth; when it is sought in pleasure, riches, and honors, there will indeed be a commonwealth, but one that is vicious, restless, and short-lived, and while it pursues false happiness it will entangle itself in true calamities. It is helpful in this matter to hear a wise slave:

> What of that town which you saw--did it seem fortified to you by a wall?
>
> **P.** If its inhabitants are well mannered, I judge it splendidly fortified;
>
> if treachery, embezzlement, and avarice are exiles from the city;
>
> envy is the fourth, ambition the fifth, disparagement the sixth,
>
> perjury the seventh--
>
> **S.** Excellent!
>
> **P.** negligence the eighth,
>
> injury the ninth, and crime the tenth, the worst thing to encounter.
>
> Unless these are absent from it, a hundredfold wall is too little to preserve its affairs.

I shall seal this with a judgment of Plato: "ἔστιν ἄρα ταὐτό, ὡς ἔοικε, βασιλεὺς, τύραννος, πολιτικὸς, οἰκονόμος, δεσπότης, σώφρων, δίκαιος· καὶ μία τέχνη ἐστί, βασιλικὴ, τυραννικὴ, πολιτικὴ, δεσποτικὴ, δικαιοσύνη, οἰκονομικὴ, σωφροσύνη." "The king, tyrant, statesman, household manager, master, temperate man, and just man therefore appear to be the same; and there is one art: kingly, tyrannical, political, masterly, domestic, justice, and temperance." In a word: he administers a commonwealth with great art who lives and commands temperately and justly.

• All eight Greek passages omitted from the HTML transcription have been restored from the scans of printed pages 6--7. Because Contzen supplies a complete Latin rendering after each passage, no redundant translation directly from the Greek has been added; his Latin renderings remain translated in full.

• The Greek terms retained by the HTML in Beta Code or transliteration have been restored in Greek script as *πολιτείαν*, *πολιτεία*, *τιμοκρατικήν*, *μισάνθρωποι*, *στοργήν*, *δεσποτικόν*, and *αὐταρκείας*.

• The Aristotle quotation from *Politics* I.1 ends with the printed *λέγουσι*, rather than the received *λέγουσιν*; the printed reading is retained.

• The Homeric quotation is printed without the received closing *ἐστιν*; Contzen's following Latin likewise renders only the three adjectives, so the shorter printed form is retained.

• In the final quotation (Plato, *Rival Lovers* 138c), the print has *ταὐτό* rather than received *ταὐτόν* and places *δικαιοσύνη* before *οἰκονομική*, although the following Latin rendering reverses the latter order. Contzen's printed Greek and his Latin order are preserved in their respective places.

CHAPTER IV

The Material Cause of the Commonwealth

§ 1. A commonwealth is composed of villages or hamlets, villages of households, and a household of spouses: thus nature and experience teach us.

Three classes of human beings are necessary to a commonwealth: farmers, craftsmen, and soldiers. Socrates requires farmers, magistrates, and soldiers. But there can be a commonwealth in which the magistrate is drawn from the farmers. For Cincinnatus was summoned from the plow to the dictatorship, and after his victory the triumphing farmer worked his own land; and when Regulus was conducting affairs exceedingly well in Africa, he obtained from the Roman people a cultivator for his little field, lest he be summoned away from the midst of his victories to his meager little farm. Farmers can therefore hold magistracy, and the same men can be craftsmen and soldiers.

Nevertheless, the principle is different. There is need of few magistrates, for it is enough if every hundredth man presides; but an abundance of craftsmen and soldiers is necessary. It is therefore generally necessary for these to be distinct from farmers, since soldiers must frequently remain far from home and the critical moments of circumstances--at which an enemy must be repelled or attacked--are uncertain.

§ 2. This distinction is required not only in constituted commonwealths but also among barbarians. For both the Garamantes, who lived without a magistrate, and now the Brazilians and inhabitants of Florida divide duties between soldiers and farmers; but because they are naked and armed with clubs and bows, they scarcely need craftsmen.

The ancients did not rightly judge that a commonwealth coalesces from similar persons. For the greater the variety of offices, labors, arts, and conditions, the more abundant and well-equipped the commonwealth is. Aristotle weighed this accurately, as he did other matters, in *Politics*, Book II, chapter 2, when he said:

> A city not only consists of several human beings, but of those differing in kind; for it cannot consist of similar persons.

[Printed page 8]

For a city is one thing, a *συμμαχία*, or military alliance, another; since the auxiliaries of several cities form one army from the same class of human beings. But I shall speak of the variety of human beings within a city in its proper place.

§ 3. Since Aristotle defines the city as a composition from villages so populous and well equipped that it possesses *πέρας αὐταρκείας*, the summit of abundance and, as it were, a horn of plenty by which it is sufficient to itself from itself, prudent men not undeservedly ask concerning what *αὐταρκεία*, or sufficiency, he appears to be understood.

For if he speaks of the things necessary for food, clothing, defense, and attack, such a commonwealth will be shown nowhere. For, to preserve human society, God willed that some human beings should need the aid of others. Some kingdoms may have been sufficient to themselves in that respect, such as Egypt and Italy; cities were by no means so--not even Sparta, the cultivator of harsh sobriety. For it was necessary for Sparta to seek rowers, money, and engines elsewhere. But in the present time we see that the most powerful and celebrated cities especially need foreign defenses.

Nor will anyone have explained the matter sufficiently if he calls that a city which either possesses sufficiency from itself or possesses suitable strength and means for acquiring it. For wealthy households can do this, and villages much more so. Therefore another sufficiency must be sought by which a city or commonwealth is constituted. For commonwealths are not distinguished from villages by resources, multitude of human beings, or walls, since Sparta was celebrated for poverty, counted no more than two thousand citizens, and did not fortify itself with walls; yet for

many years it commanded many very wealthy cities, indeed all Greece, and even Athens itself, "μεγαπόλεσιν Ἀθήναις," the great city.

I therefore define "Αὐτάρκειαν," or sufficiency coalesced from the conjunction of villages, as existing when some nation or assemblage of a people is so associated that, free from every external dominion, it employs an absolute and complete sovereignty and, dependent upon no one, can freely determine concerning itself. For if it is subject to another sovereignty, it will not itself be an integral commonwealth, but a part and accession of another commonwealth, from which it borrows magistrates and laws.

That Aristotle thought and taught thus is evident from *Politics*, Book III, chapter 1. After he taught that the city is one of the *τῶν συγκειμένων*, composite things, he says that it must be asked who is a citizen. "For a city," he says, "is a multitude of citizens." He then defines a citizen not by resources or residence, but by "τῷ μετέχειν κρίσεως καὶ ἀρχῆς"--by the fact that he possesses a share in judging and commanding. Finally he decides the entire matter in these words: "ᾧ ἐξουσία κοινωνεῖν ἀρχῆς βουλευτικῆς, ἢ κριτικῆς, πολίτην ἤδη λέγομεν εἶναι· πόλιν δὲ τὸ τῶν τοιούτων πλῆθος ἱκανὸν πρὸς αὐτάρκειαν ζωῆς." "One upon whom the power has been conferred to share in a magistracy concerned with deliberating and judging, we call a citizen of that city; and a city is a multitude of such citizens that possesses the things sufficient for life." For political life, namely, which is discerned in sovereignty over the greatest matter and in liberty dependent upon no one.

A city must therefore be constituted from these persons, and it is called a free commonwealth--whether it is a kingdom, an aristocracy, or a polity strictly so called--if it is endowed from itself and within itself with the power of supreme magistracies and judgments. This is one body moving and nourishing itself, not a part of another body. In this commonwealth, greatness or smallness makes no distinction. For just as the compact and industrious little body of an ant is no less complete in all its parts than the vast bulk of an elephant, so also a small commonwealth can obtain its own perfection and need not yield to immense monarchies in the just ordering and administration of laws and magistrates, if regard is had for the advantage of each and all of the citizens.

For that commonwealth is most flourishing in which individuals flourish. Just as a body is healthy, strong, and beautiful if there is a proper temperament of all the humors, a measure of the members, a symmetry and joining together consonant with nature, and a pleasantness of color, so in a commonwealth the fitting connection of all its parts with one another, and a certain life belonging to law and an integrity of administration, render all persons flourishing, wealthy, peaceful, and happy.

• The HTML's **vteres** in §2 has been read as the evident **veteres** ("the ancients").

• All four Greek passages omitted from the HTML transcription have been restored from the scan of printed page 8. Because Contzen supplies a Latin rendering or explanation for each, no redundant translation directly from the Greek has been added; his Latin remains translated in full.

• Greek retained by the HTML in Beta Code or transliteration has been checked against the scan and restored in Greek script as *συμμαχία*, *πέρας αὐταρκείας*, *αὐταρκεία*, and *τῶν συγκειμένων*.

• The print reads *μεγαπόλεσιν Ἀθήναις* and gives the gloss "the great city Athens"; the Greek dative plural agrees with the grammatically plural place-name.

• The final Aristotle excerpt is shorter than the commonly received text: the printed Greek omits the words corresponding to "of that city," although Contzen's following Latin rendering includes them. Both the printed Greek and the fuller Latin rendering are retained.

CHAPTER V

That the Commonwealth Is Not From Fate, Chance, or Fortune, but From God

§ 1. By "fate" I mean not divine ordination, foreknowledge, and permission, but that which men wish to depend upon a necessary connection of things, upon the world, and upon the position of the stars, concerning which the eloquent but impious poet exclaims:

> Alas, that the gods have contended as inferiors to the fates.

If some good and orthodox authors use the name of fate while thinking rightly about divine providence and freedom of the will, I do not reprehend their opinion. Nevertheless, I prefer to correct their manner of speaking rather than dispute dangerously on account of the weakness of many. Let them hear the counsel of Augustine, *City of God*, Book V, chapter 8:

> But as for those who apply the name "fate" not to the constitution of the stars as it exists when each thing is conceived, born, or begun, but to the entire connection and sequence of causes by which everything that happens is brought about, it is not necessary to labor and contend greatly with them in a controversy over a word. For they attribute the very order and a certain connection of causes to the will and power of the supreme God, who is most rightly and truthfully believed both to know all things before they occur and to leave nothing unordered--from whom are all powers, although the wills of all are not from him.

That they call principally the very will of the supreme God--whose power extends invincibly through all things--"fate" is proved thus. These verses, unless I am mistaken, belong to Annaeus Seneca:

> Lead me, highest Father and ruler of lofty heaven,
>
> whithersoever it shall please you; there is no delay in obeying.
>
> I am present, energetic. Make me unwilling: I shall accompany you groaning;
>
> as an evil man I suffer what it was permitted me as a good man to do.
>
> The fates lead the willing and drag the unwilling.

§ 2. We detest the fate of the astrologers, enclosed within the insuperable force of the stars, and the fate of the Priscillianists, Bardesanists, and others, which is more powerful than almighty God himself. We acknowledge the gentle providence of God, which through intermediate causes orders and permits events according to their capacity and does not wrest their decisions from free wills. Accordingly, we reject these statements which are uttered by the impious with a profane meaning, such as:

> The fates rule the world; all things stand by a fixed law.

>

> From the origin of the world this day remains fixed
>
> for war, and the peoples were born for battles.

>

> Does anyone seem to himself to have so much power
>
> that he might even overcome the fates?

Unless these statements are softened by a benign interpretation, they cannot be tolerated. The importunity of atheists compels me to dispute at greater length about this matter. For while they revive those fates, long since buried, and lead them out of darkness, they not only entangle kings and commonwealths in the worst arts, but also make them subject to soothsayers, astrologers, and magicians, so that they commit themselves and the commonwealth to the most criminal and ruined of human beings.

Behold a man whom you would deservedly deny to be a Christian and by trusting whom you would lose your kingdom sooner than learn true things. In Book II, chapter 28 of *Discourses on Livy*, he speaks thus:

> If we contemplate the vicissitude of affairs, we shall discover that many things occur through fate pressing in such a way that no one can go to meet them, although remedies may have been at hand. [Machiavelli devises an impious fate.] And if certain things of this kind happened to the Roman people, among whom virtues of every kind shone forth and the study of religion and especially of military affairs flourished, to whom ought it to appear wonderful if they also befall other commonwealths and provinces in which none of these virtues shine so brightly? Account must therefore be taken especially of those things which appear to occur by fate itself, or the influence of the stars, and which fortune does not permit us to resist. The most evident example of them is that which the Roman people received in the Gallic disaster.

[Printed page 9]

§ 3. He therefore calls the influence of the stars "fate," and a fate from the stars that is inevitable. "I shall pronounce only this," he says, "concerning the powers of fortune and the necessity of fate, which will readily appear to one who runs through histories of every kind: human beings cannot avoid the necessity of fate, but they can produce and advance an easier outcome for the things that hang over them from it, and so weave the webs of the Parcae, but not unweave or break them." And in chapter 25 of his *Prince*:

> It is not obscure to me that there are, and formerly have been, very many of the opinion that the administration of human affairs is so completely held by fortune and by God himself that it cannot be corrected in any way by human prudence--indeed, that no remedy can be applied. On that account it could be thought that one should not labor much in these matters, but should permit oneself to be borne wherever fortune drives. This opinion has been received with greater conviction in our times because of the manifold transformation of affairs, since changes have always been seen, and are seen daily, beyond every human conjecture that could be formed. When I had sometimes considered this in my mind, I inclined in some part toward that opinion. But lest our free choice be extinguished, I follow this opinion: that one half of our affairs is administered at the discretion of fortune, while the other, or a little less, is left to us to administer. For I am accustomed to compare fortune to a mountain river that lays all things low. When it is borne headlong, it pours into the fields, lays trees low, and tears up houses; carrying away much earth from here, it deposits that same earth elsewhere. It drives all things before it; all things flee from its sight; all things yield to its fury, every means by which it could be restrained having been removed.

Behold, he compares fortune to a mountain river which can be resisted by no force, art, or reason.

My prince, senate, city, and army shall entrust themselves to the one, true, good, and just God. They shall certainly persuade themselves that the wanderings of the stars, or their fixed periods and circuits commanded by God, pertain in no way to them and possess no jurisdiction or efficacy over their own freedom or that of others. Thus they shall neither be cast down in spirit amid evils, mindful that it is God who appoints an end to sorrowful affairs, nor be elated amid prosperity, ignorant of the hidden counsel by which pride is suddenly punished. In this way, by a great and hidden but never unjust efficacy, in a moment that which had long been a forest becomes ashes; at the sound of a trumpet, that which had been a camp becomes a heap of corpses.

Truth compels Machiavelli himself to acknowledge this, either unwillingly or unknowingly. For what does he mean when he says that we can weave the webs of the Parcae? They therefore do not carry things along by the inevitable necessity of the heavens and configurations of the stars, but each man is the craftsman of his own fortune, as the

proverb says. For if that necessity has as its causes the positions, aspects, elevations, retrogradations, houses, inclinations, and triangles of the stars, their **ἐπισκιάσεις**, or overshadowings, their obscurations, obliquities, and the **συζυγίας**, or conjunctions, that are as vain as they are innumerable and are, as it were, their marriages, it is no more within the power of human beings to weave their own fates than to restrain the most rapid courses of the stars, since the fates fixed to the heavens are drawn along by an immutable and insuperable connection and by adamantine bonds.

Next, how can a human being who is wholly driven by fate produce and advance an easier outcome for those things that hang over him from it? I shall use Machiavelli's examples. He attributes to the inexpugnable necessity of the fates the battle of the three Fabii--who had been sent as legates to compose peace between the people of Clusium and the Gauls--by which they incited the Gauls against the Romans. He imputes Camillus's exile to the same fate, so that the Gauls could not be resisted by so distinguished a commander. Indeed, the stars also brought it about that they did not name a dictator; that the tribunes did not fortify the camp; that they were not mindful of the gods; that they did not draw up the battle line after taking the auspices and obtaining favorable omens; that they did not close Rome; that they did not permit the unarmed multitude to flee; and that they did not destroy Rome. As he thinks, the stars carried these things along by absolute necessity.

In these matters I ask first how either Camillus or Manlius could have produced a better outcome from these fates. For either that better outcome, which he locates in human prudence and caution, was outside the force of fate and the conspiracy of the stars, or it too stood bound by the same chain of necessity beneath the blow of fate and the engine of fortune. If the better outcome was from fate, then the fidelity and industry of Camillus could no more produce and advance it than they could those things which had already happened by fate. If the better outcome was within Camillus's discretion, outside the right and dominion of fate and fortune, why does he not place the remaining things in the same category? For if he liberates some things from fate, by what right does he deliver the others over to the fates?

It belongs to a man of little consideration to ascribe calamities to fate and a better outcome to ourselves. For if calamities occur by an unforeseen and inflexible necessity, we cannot turn them aside in any other direction. For it is as much in the fates that I receive upon my bare breast a blow balanced with a heavy weight as it is in the fates that I be wounded. For if the fates bring disaster, they also keep under number its measured magnitude, manner, and all the critical details of its circumstances. If they strike, they strike by determination; and nothing is now ours except to suffer--although, if he philosophizes consistently with his beginnings, he will assign to the fates even how much and how greatly it hurts. For if the heavens fated a bloody death for Julius Caesar, they also decreed twenty-three wounds: the first from Casca beneath the throat, the second and only fatal one beneath the breast, and the remaining ones lighter. What Machiavelli asserts concerning fate is therefore empty and contrary to his own opinion.

This, as I have shown, belongs to an imprudent man. But his judgment that they were forbidden by fate to be mindful of the gods and to draw up their line after taking the auspices and obtaining favorable omens possesses an impiety peculiar to itself together with its folly. For if he speaks as a defender of fate and an astrologer, what protection could there have been in the gods, since they are inferior in contending with the fates, and since Jupiter himself subjects the prayers and unjust anger of Juno to the fates?

> The fates will find a way,

he says.

The auspices, inspections of entrails, disembowelments of wretched cattle, a cleft liver, discolored entrails of victims, birds on the left, and every observation of chance utterances cannot bend the violence of the fates. If, therefore, it was in the fates that the Romans be conquered, no birds and no hecatombs could avert the evil.

If he is a Christian, how does he judge that it came from fate that the battle line was not drawn up after taking the auspices and obtaining favorable omens? If the fates forbade magical consultations, the *tripudium solistimum*, and the

rebounding of food cast from the chicken's greedy mouth, he now ascribes something good to the fates, because it was not glorious to conquer even by such deceptions. But what is his meaning, what is his religion, when he judges the prevention of so many crimes--the chief of which were magic and idolatry--to have been the cause of the disasters and the loss of the city?

[Printed page 10]

You are a Christian, and yet among the causes of the commonwealth's affliction and reduction to extreme straits you also relate this: that they did not seek counsels from a demon, did not offer it nefarious sacrifices, and did not obtain favorable omens? So many armies that despised the gods attained victory while fighting without taking the auspices or obtaining favorable omens. Why, therefore, is this reprehended in the Romans?

But let us dispute that controversy more widely, for it is necessary to ascribe the safety of all kingdoms to God: all things are from God. "All things that are not from God are perverse." Tertullian, *On the Apparel of Women*. "For God has as his witnesses this whole thing which we are and in which we are." The same Tertullian, *Against Marcion*, Book I: "He disposes all things that exist by word and reason, and completes them by power." "The safety of human beings is in God's guardianship," said even that man who doubted concerning God, in Book III of *On Ends*.

Let no king swell with pride. We are all servants, for we have God as Lord. God is the Lord of so many cities and so many kingdoms in which you are worshiped more laboriously than God; he leaves to you their usufruct and their use for an uncertain time. So many peoples serve you; you serve the one God who subjected them to you. There is no more pernicious plague of the commonwealth, no disaster that has more greatly oppressed its vital parts, than when the authority of the magistrate and the majesty of government are broken. Yet the calamity is greater when the prince or commonwealth stands accused of injury to the supreme majesty.

CHAPTER VI

That the Commonwealth Depends Upon God Is Proved by Testimonies of Sacred Scripture

§ 1. This disputation of mine is against atheists, blasphemous deniers of divine providence and benevolence, who judge it harmful to the commonwealth not to have sacrificed to demons. I am not unaware that one ought to fight against them with reason and secular literature rather than with the divine Scriptures. Nevertheless, I have judged that these weapons too must not be omitted; even if they do not wound an enemy who flees them, they will nevertheless weary and terrify him.

My reason is fourfold. First, the consideration will be useful and agreeable to orthodox princes and counselors, and exceedingly efficacious for detesting Machiavellianism. Secondly, it will benefit many whom an ambiguous **ἐποχή**, or suspension and hesitation, holds between piety and dissimulation. For it is necessary that a Scripture so ancient, so venerable, commended by so many thousands of years, should possess some authority even among unbelievers. Thirdly, there is hidden within the words of God a certain power and efficacy more penetrating than any two-edged sword, which often works conversion even in the hearts of the impious. I judge this to be the reason why the holy Fathers, when disputing against the gentiles, frequently opposed the oracles of the divine writings to their fables. Finally, sacred history, if you join to it the oracles of the prophets, convinces not only the faithful but also the gentiles and atheists that God exists and that all the kingdoms of the earth are in his hand.

I shall therefore use the sacred writings here as well. For whom shall I believe concerning God more than God? [Ambrose, *Against Symmachus*.] I shall cast the testimonies into three classes. For sometimes God himself is said to govern all things; at other times he is said to give, take away, and transfer kingdoms; and finally, he long ago predicted every change of kingdoms. If, therefore, God takes part in--and indeed presides over--all administrations of all kingdoms; if he declares that he gives and transfers kingdoms; and if he announced the destructions of cities and changes of monarchies long before they occurred, how do not all things depend upon him who created all things, foreknew all things, and was even concerned to disclose all things to his friends the prophets?

§ 2. The whole of Sacred Scripture is occupied in demonstrating that all things depend upon God and that all things are governed at his discretion. What else does the production of things and construction of the world proclaim than an author? The sacrifices of the two brothers teach that he attended to individual things, some of which he regarded and some neglected. He then submerged the crimes of the primeval world beneath avenging waters together with the whole race of human beings, but did not involve the just Noah and his household in the same punishment. How great were the losses the same God inflicted upon the Egyptians? He not only led out and led back the waters of the Red Sea, but afflicted them with frogs, flies, and darkness. No less an artificer in small things than in great ones, he therefore chastised and subdued the pride of an impious nation with the vilest little animals. Consider the slaughter of one night and the one hundred and eighty-five thousand deaths in the Assyrian camp during Hezekiah's reign, and deny that God was then propitious to Israel and hostile to the Assyrians. Let us therefore believe God; he is the best witness concerning his own kingdom.

§ 3. Exodus 15:18: "The Lord shall reign for eternity and beyond."

Deuteronomy 17:20: "Nor shall his heart be lifted up in pride above his brethren, nor shall he turn aside to the right hand or to the left, that he himself and his son may reign for a long time over Israel."

1 Kings 8:7: "But the Lord said to Samuel: Hear the voice of the people in all the things they say to you; for they have not rejected you, but me, that I should not reign over them."

1 Kings 12:12: “But when you saw that Nahash, king of the children of Ammon, had come against you, you said to me: By no means; rather, a king shall command us--although the Lord your God was reigning among you.”

1 Chronicles 29:11: “Yours, O Lord, is magnificence and power and glory and victory, and to you belongs praise; for all things in heaven and on earth are yours. Yours, O Lord, is the kingdom, and you are above all princes. Yours are riches, and yours is glory; you rule over all; in your hand are the greatness and dominion of all.”

Job 34:18: “Who says to a king, ‘Apostate,’ and who calls leaders impious.”

Job 34:24: “He shall break many and innumerable men and make others stand in their place.”

Luke 1:33: “And he shall reign in the house of Jacob forever, and of his kingdom there shall be no end.”

Isaiah 24:23: “And the moon shall blush and the sun be confounded when the Lord of hosts shall reign upon Mount Zion and in Jerusalem, and shall have been glorified in the sight of his elders.”

Ezekiel 20:33: “As I live, says the Lord God, in a strong hand and an outstretched arm and poured-out fury I shall reign over you. And I shall lead you out from the peoples and gather you from the lands in which you have been dispersed; in a mighty hand and an outstretched arm and poured-out fury I shall reign over you.”

Jeremiah 23:5: “Behold, the days come, says the Lord, and I shall raise up for David a just shoot; and a king shall reign, he shall be wise, and he shall execute judgment and justice upon the earth.”

Daniel 4:31: “Therefore, after the end of the days, I, Nebuchadnezzar, lifted my eyes to heaven, and my understanding was restored to me; and I blessed the Most High and praised and glorified him who lives forever, because his power is an everlasting power and his kingdom is unto generation and generation.”

Daniel 4:14: “By the sentence of the watchers the decree was made, and the word and demand of the holy ones, until the living know that the Most High rules in the kingdom of human beings, and shall give it to whomsoever he wills and shall appoint the lowest man over it.”

Psalm 47:9: “Because God is king of all the earth; the Lord shall reign over the nations.”

Psalm 93:1: “The Lord has reigned; he is clothed with beauty.”

[Printed page 11]

Psalm 97:1: “The Lord has reigned; let the earth rejoice.”

Psalm: “The Lord has reigned; let the peoples be angry.”

§ 4. If, therefore, the kingdom is the Lord’s; if it is he who gives power over the nations so that he may rule them with an iron rod [Revelation 2:27 and 19:15]; if weakness does not befall God, he himself is both protector of the kingdom and, when offended, its destroyer. An enemy need not be feared by a prince whose calculations depend upon God, for earthly power is no more capable of casting down than divine guardianship is of raising up. “No human force resists divine forces.” [Cyprian, Book II, Epistle 6.] And Philo truly says well: “Whoever has a covenant with God holds the summit of happiness.”

Let princes therefore hold this: God is the supreme governor. Just as, when God is offended, there is nothing that can support them, so, when God is propitious, no adversity will harm them. For those whom almighty guardianship undertakes to defend cannot be conquered even if they are assailed by the forces of the whole world, because God--with whom they are, and with whom they reign--is unconquered.

§ 5. The same God testifies that he not only reigns and governs dominions, but gives, takes away, increases, and diminishes them.

1 Kings 15:28: “And Samuel said to him: The Lord has torn the kingdom of Israel from you today and has delivered it to your neighbor, who is better than you.”

Wisdom 10:10: “But she led the just man, who was a fugitive from his brother’s wrath, along right ways; and showed him the kingdom of God; and gave him knowledge of holy things; honored him in his labors and completed his labors.”

Wisdom 10:14: “And she did not abandon him in chains until she brought him the scepter of a kingdom and power against those who oppressed him; and she showed those who stained him to be liars and gave him everlasting glory.”

Isaiah 10:10: “As my hand found the kingdoms of the idol, so also their images from Jerusalem and Samaria.”

Isaiah 13:19: “And Babylon, that glorious city among kingdoms, renowned in the pride of the Chaldeans, shall be as when the Lord overthrew Sodom and Gomorrah.”

Isaiah 14:16: “Those who see you shall bend toward you and gaze upon you: Is this the man who troubled the earth, who shook kingdoms, who made the world a desert and destroyed its cities, who did not open the prison to his prisoners?”

Isaiah 60:12: “For the nation and kingdom that will not serve you shall perish, and the nations shall be devastated with desolation.”

Isaiah 62:3: “And you shall be a crown of glory in the hand of the Lord and a diadem of the kingdom in the hand of your God.”

Ezekiel 32:1: “And it came to pass in the twelfth year, in the twelfth month, on the first of the month, that the word of the Lord came to me, saying: Son of man, take up a lamentation over Pharaoh, king of Egypt, and you shall say to him: You have been likened to the lion of the nations and to the dragon that is in the sea; and you tossed your horn in your rivers, troubled the waters with your feet, and trampled their streams. Therefore thus says the Lord God: I shall spread my net over you amid the multitude of many peoples, and I shall draw you out in my dragnet. And I shall cast you upon the earth; I shall throw you upon the face of the field, and shall cause all the birds of heaven to dwell upon you, and shall satisfy the beasts of the whole earth from you. And I shall place your flesh upon the mountains and fill your hills with your corruption. And I shall water the earth with the stench of your blood upon the mountains, and the valleys shall be filled from you. And when you have been extinguished, I shall cover the heavens and cause their stars to grow dark; I shall cover the sun with a cloud, and the moon shall not give its light. I shall cause all the lights of heaven to mourn over you, and shall place darkness over your land, says the Lord God. And I shall provoke the heart of many peoples when I have brought your destruction among the nations upon lands that you do not know. And I shall cause many peoples to be astonished over you, and their kings shall fear for you with immense horror when my sword begins to fly before their faces; and on the day of your ruin individuals shall suddenly be astounded for their own life. For thus says the Lord God: The sword of the king of Babylon shall come upon you; by the swords of the mighty I shall cast down your multitude--all these nations are unconquerable--and they shall devastate the pride of Egypt, and its multitude shall be scattered. And I shall destroy all its beasts of burden that were upon the many waters; the foot of man shall trouble them no more, nor shall the hoof of beasts of burden trouble them.”

Daniel 2:21: “And he changes times and ages; he transfers and establishes kingdoms; he gives wisdom to the wise and knowledge to those who understand discipline.”

Daniel 5:18: “O king, the Most High God gave kingdom and magnificence, glory and honor, to Nebuchadnezzar your father. And because of the magnificence which he had given him, all peoples, tribes, and tongues trembled and feared him. Whom he willed, he killed; whom he willed, he struck; whom he willed, he exalted; and whom he willed, he humbled. But when his heart was lifted up and his spirit hardened unto pride, he was deposed from the throne of his kingdom and his glory was taken away.”

Daniel 5:28: “PHARES: your kingdom has been divided and given to the Medes and Persians.”

Daniel 7:14: “And he gave him power and honor and a kingdom, and all peoples, tribes, and tongues shall serve him. His power is an everlasting power that shall not be taken away, and his kingdom one that shall not be corrupted.”

§ 6. The third argument is taken from predictions. Long beforehand, all the things that were to come were disclosed to Abraham, Isaac, Jacob, and the other patriarchs for their descendants; all future things were laid open to the leaders Moses and Joshua and to the other prophets. By the providence of God, therefore, kingdoms stand and fall.

See Numbers 24:7: “Water shall flow from his bucket, and his seed shall be in many waters. His king shall be taken away because of Agag, and his kingdom shall be removed.”

Deuteronomy 3:21: “I also commanded Joshua at that time, saying: Your eyes have seen what the Lord your God did to these two kings; so shall he do to all the kingdoms through which you are about to pass. Do not fear them, for the Lord our God shall fight for you.”

2 Kings 11:11: “And so the Lord said to Solomon: Because you have had this within you and have not kept my covenant and the precepts that I commanded you, by rending I shall rend your kingdom and give it to your servant. Nevertheless, I shall not do it in your days, on account of David your father; I shall rend it from the hand of your son. Nor shall I take away the whole kingdom, but I shall give one tribe to your son on account of David my servant and Jerusalem, which I chose.”

2 Kings 3:10: “Thus shall I deal with him: the kingdom shall be transferred from the house of Saul, and David’s throne shall be raised over Israel and over Judah, from Dan as far as Beersheba.”

Daniel 2:39: “And after you shall arise another kingdom, inferior to you, of silver; and another third kingdom, of bronze, which shall command the whole earth. And the fourth kingdom shall be like iron: just as iron breaks and subdues all things, so it shall break and shatter all these things.”

Presentiment and prediction of future things is therefore an efficacious antidote against the atheism of statesmen. For if the eternal God announced to his servants--and through them to the impious world--the destruction of kingdoms and the crimes of kings that were to be punished so long beforehand, no one can doubt that the world is administered by a most watchful providence and immutable justice.

§ 7. The books of many authors and the opinions of the most ancient men reported by later ones teach that certain elaborate arguments of the ancient philosophers for the existence of divination had been collected. Indeed, there was agreement in establishing divination among all who said that gods existed, except Xenophanes of Colophon and Epicurus, as Cicero is the authority in Book II of *On Divination*.

[Printed page 12]

I mean all who conceded that something could be known. For how could the Academics, who contended that nothing could be known--so far that they professed not even to know this, that they knew nothing--being doubtful of everything and always **ἐπέχοντες**, suspending judgment, prove divination, when they did not know that they themselves existed? The reasoning of the others who believed that gods existed was this: if divination exists, gods exist; and if gods exist, divination exists. For these reciprocate with one another. Those ancients were criticized by the men who followed them most nearly. For the latter thought that future things could be signified by nature without God and that there could be gods who bestowed no divination upon the human race.

But both the former and the latter, ignorant of the truth, bound themselves by various fraud and superstition. They brought the matter to such a point that both those who thought that the gods and religion were defended by them and those who boasted that they abolished superstition equally weakened every power and faculty of divining, or brought it into ill repute by great crimes. For by what futile reasoning do Chrysippus, Diogenes, and Antipater fight for knowledge of future affairs? They say in Cicero, *On Divination*, Book II:

> If gods exist and do not declare to human beings beforehand the things that are to be, then either they do not love human beings, or they are ignorant of what will happen, or they judge that it is of no concern for a human being to know what is to come, or they do not judge it to belong to their majesty to signify beforehand to human beings the things that are to be, or not even the gods themselves can signify them. But they do not fail to love us, for they are beneficent and friends of the human race. Nor are they ignorant of the things constituted and designed by themselves. Nor is it of no concern to us to know the things that are to be, for we shall be more cautious if we know them. Nor do they regard this as foreign to their majesty, for nothing is more excellent than beneficence. Nor are they unable to foreknow future things. Therefore, gods do not exist and do not signify future things to us; but gods do exist; therefore, they signify them.

There are indeed certain true things in this reasoning if they are referred to the one true God, who is most beneficent toward us, who first loved us, so that for the reconciliation of the whole world he gave his only-begotten Son, and who foreknew the outcomes of all things, however secret and hidden--both those which occur by his will and those which do not lack his permission. Nevertheless, gentility cannot prove its own predictions from this, since he willed that very many things should lie hidden even from the best and his closest friends.

Then, by bringing forward examples of their soothsayers that were partly manifestly false and partly ambiguous and pliant in speech, they made a matter doubtful among themselves and exposed it to the mockery of atheists, when they announce certainty of outcomes from entrails, birds, omens, lightning, dreams, and finally frenzies. What is easier than to refute the fables about Tages the plowed-up seer, the snakes of Gracchus, the sparrows of Calchas, Aius Locutius, the razor of Tarquinius, the *tripudium solistimum*, Epimenides the Cretan, the Babylonian observations of four hundred and seventy thousand years, and the rest, since they were generally accustomed to be mocked by the gentiles themselves? Vain, therefore, superstitious, and often frenzied are the approvers and defenders of gentile divinations.

§ 8. Yet, on the contrary, the reasoning of those who abolished all presentiment and prediction of future affairs was not probable. For in taking from God his right and foreknowledge they were sacrilegious, and their arguments have no weight in a matter of the greatest gravity. For what they attempt to prove by an enumeration of all things--that prophecy or any foreknowledge of fortuitous events cannot exist--they get wrong in each individual case.

The argument of all atheists is found in Cicero, *On Divination*, Book I: things perceived by the senses are handled by art; things in philosophy are established concerning duties; things are transmitted in physics, dialectic, and medicine; these do not belong to soothsayers or prophets; therefore, there is no divination. Reason, however, will show that true predictions exist in all these things; and although no reasons appear why these things rather than those should occur, nevertheless by divine disclosure a prophet knows what could not be known in itself. And the dullness of men otherwise acute when assailing foreknowledge of future things is astonishing. For since it is within a man's power to predict the future things that he himself has resolved to do, why can he who is the almighty author not be the revealer of his own counsels? There can therefore be divination concerning all those things, because they all depend upon a certain outcome.

Others deny divination and foreknowledge because they execrate Stoic fate. For they think that foreknowledge, prediction, and fate are joined by an indissoluble bond and so bound together that either fate must be conceded or the other two denied. Cicero argues thus in his books written *On Divination*, as Saint Augustine noted in *City of God*, Book V, chapter 9:

> Cicero attempts so to refute them that he does not think he can prevail at all against them unless he abolishes divination. He attempts to abolish it by denying that there is knowledge of future things; with all his strength he contends that it is altogether nonexistent, either in God or in man, and that there is no prediction of affairs. Thus he also denies God's foreknowledge and attempts by empty arguments to overthrow every prophecy, which is clearer than daylight, setting against himself certain oracles that can readily be refuted--although not even he himself refutes them. But his discourse reigns supreme in refuting these conjectures of the astrologers, because they truly are such as to destroy and refute themselves.

Yet those who constitute either the stars or the fates are much more tolerable than he who abolishes foreknowledge of future things. For both to confess that God exists and to deny that he foreknows future things is the most manifest insanity. When Cicero himself saw this, he also attempted to assert that which is written, "The fool has said in his heart: There is no God"--but not in his own person. For he saw how odious and troublesome it was, and therefore, in his books *On the Nature of the Gods*, he made Cotta dispute about this matter against the Stoics; and although he assigned the defense of the Stoics' side to Lucilius Balbus, he preferred to cast his vote for Cotta, who contends that no divine nature exists. But in the books *On Divination*, arguments from Cicero himself most openly attack foreknowledge of future things.

He appears to do all this so that he need not assent that fate exists and thereby destroy free will. For he thinks that, once knowledge of future things is conceded, fate follows so necessarily that it cannot be denied at all. But it is so clear and manifest that some prophecy of future and hidden things exists that whatever is assumed to prove it appears less clear. For every history, sacred and profane, is full of many predictions, and not all are invented or fallacious--those made with the aid of demons are true, but made deceitfully. For though very many are empty and invented, most of the things customarily related certainly do not exceed the faculty of those spirits. Lest I draw the matter out any farther, I shall bring forward what Augustine recounts concerning Albicerius in Book I of *Against the Academics*.

[Printed page 13]

§ 9. Here Licentius, whom after that definition I had long thought would ask what he should say, immediately added: "Why, therefore, do we not call that infamous man wise whom we ourselves know well to be accustomed to dissolve himself among innumerable harlots? I mean that Albicerius who, at Carthage, for many years gave marvelous and certain answers to those who consulted him. I could recall innumerable things, were I not speaking among men who have experienced them and were a few things not now sufficient for what I intend. When a spoon could not be found in the house, did he not, when questioned at your command"--he was speaking to me--"answer most swiftly and truthfully not only what was being sought, but also specifically whose thing it was and where it lay hidden?

"Likewise, when I was present--I omit the fact that he was not mistaken at all concerning the thing about which he was asked--when the boy who was carrying the coins had stolen a certain portion of them while we were proceeding to him, Albicerius ordered all of them to be counted out to himself and compelled the boy, before our eyes, to return those he had taken away, before Albicerius himself had seen those same coins at all or had heard from us how much had been brought to him.

"What of the fact that we have learned from you that the most learned and illustrious Flaccianus was accustomed to marvel at him? When Flaccianus had spoken about buying an estate, he brought the matter to that diviner so that, if he could, he might declare what Flaccianus had done. And the diviner immediately pronounced not only the kind of transaction but also the very name of the estate--at which Flaccianus cried out vehemently in astonishment--although it was so absurd a name that Flaccianus himself scarcely remembered it.

"Now I cannot tell without amazement of mind what happened when our friend, your disciple, wishing to mock him, insolently demanded that he say what he himself was silently turning over in his mind. Albicerius answered that he was thinking of a verse of Virgil. When the man, dumbfounded, could not deny it, he went on to ask which verse it was. Nor did Albicerius--who had perhaps scarcely seen the outside of a grammarian's school--hesitate confidently and volubly to recite the very verse. Therefore, either the things about which he was consulted were not human affairs, or without knowledge of divine things he gave such certain and true answers to those who consulted him. But either is absurd. For human affairs are nothing other than the affairs of human beings, such as silver, coins, an estate, and finally even thought itself; and who would not rightly judge those things to be divine through which divination itself comes to a human being? Albicerius was therefore wise, if by that definition we concede wisdom to be knowledge of human and divine things."

Then the other said: “First, I do not call that ‘knowledge’ in which the man who professes it is sometimes mistaken. For knowledge consists not only of things comprehended, but of things so comprehended that no one can err in it or be shaken when driven by any adversaries whatsoever. Hence certain philosophers say most truly that it can be found in no one except a wise man, who must not only have grasped that which he maintains and follows, but must also hold it unshaken. But we know that the man you recalled often said many false things, which I discovered not only when others reported them to me, but sometimes perceived myself while present. I would therefore by no means call him knowledgeable when he often said false things--nor would I call him so if he consistently said true things.

“Judge that I have said this concerning soothsayers, augurs, all those who consult the stars, and interpreters of dreams. Or produce, if you can, anyone from this class of human beings who, when consulted, never doubted his answers and, finally, never answered falsely. For concerning prophets I think I need not labor, since they speak with another mind.

“Next, although I concede that human affairs are the affairs of human beings, do you think anything that chance can either give us or take from us is ours? Or, when knowledge of human affairs is spoken of, is that said to be the knowledge by which someone knows either how many or what kind of estates we possess, how much gold, how much silver, or finally what verses belonging to others we are thinking about? That is knowledge of human affairs which knows the light of prudence, the grace of temperance, the strength of fortitude, and the sanctity of justice. For these are the things which, fearing no fortune, we dare to call truly ours. If that Albicerius had learned them, believe me, he would never have lived so luxuriously and disgracefully.

“As for his saying what verse the man who consulted him was turning over in his mind, I do not think this should be numbered among our affairs. I do not deny that the most honorable disciplines pertain to a certain possession of our mind; but because even the most unskilled man is permitted to recite and pronounce a verse belonging to another, when such things have entered our memory it is not marvelous if they can be perceived by certain very vile creatures of this air whom men call demons. I concede that we can be surpassed by them in acuteness and subtlety of the senses, but I deny that we can be surpassed in reason; and it happens in some manner unknown to me, most secret and remote from our senses. For if we marvel that a little bee, by I know not what sagacity in which it surpasses a human being, flies from wherever it is to honey that has been set out, we ought not therefore to prefer it to ourselves or even compare it with us.

“Accordingly, I would have preferred that this Albicerius, when questioned by one who desired to learn, had taught the meters themselves, or, when compelled by one of those consulting him, had sung verses of his own concerning a subject immediately proposed to him. You are accustomed to recall that the same Flaccianus often said this when, with great elevation of mind, he mocked and despised that kind of divination and attributed it to I know not what most abject little soul--for thus he spoke--by which Albicerius, as though moved or instigated by a spirit, was accustomed to give these answers. For that most learned man asked those who admired such things whether Albicerius could teach grammar, music, or geometry. But who knew him and did not confess him to be most unskilled in all these things? Therefore, he finally exhorted those who had learned such things to prefer their own minds without hesitation to that divination, and to labor to instruct and support their minds by these disciplines, through which it might fall to them to pass beyond and fly above that true nature of invisible living beings.

“Now, since divine things are, with everyone conceding it, much better and far more august than human things, how could he attain them when he did not know what he himself was? Unless perhaps you think that the stars, which we contemplate daily, are some great thing in comparison with the truest and most secret God, whom perhaps the intellect rarely reaches and no sense reaches at all, whereas the stars are present to our eyes. Therefore, these are not those divine things which wisdom professes that it alone knows. But the remaining things which those men--I know not who--who divine abuse either for empty boasting or for profit are surely viler than the stars. Albicerius therefore did not participate in knowledge of human and divine affairs, and our definition has been tested by you in that manner in vain.”

Finally, since we ought to judge whatever is outside human and divine affairs to be most vile and altogether to despise it, I ask: in what affairs does that wise man of yours seek truth? “In divine affairs,” he said, “for virtue even in a human being is without doubt divine.” Did Albicerius, then, already know those things which your wise man will always seek? Therefore, leaving these things aside, let us treat of true divination.

§ 10. Next, we see how great is the sagacity in physicians, philosophers, and others, and how great a prediction arises in the minds of prudent men from a small circumstance. What cause, therefore, shall we say there is why that creative mind, passing through the secrets of all causes and governing their outcomes, cannot know them thoroughly? If it knows them, why can it not communicate them? Can God not signify to a human being what a friend can relate to a companion?

§ 11. Thirdly, the authority of the Scriptures can remove absolutely every doubt, even among the gentiles. For no one is so inexperienced in human affairs, no one so obstinate, that he either calls into doubt or despises the whole history of the human race. But when those transformations of commonwealths which the world experienced with great rending of itself had been predicted so eloquently and distinctly--when, as fires raged in different directions, it was harassed on both sides; when the Chaldeans succeeded the Assyrians, the Medes and Persians the Chaldeans; when the Macedonian, accustomed to make funeral offerings to his flatterers with the deaths of nations, enveloped the Persians together with Asia, as though in one common ruin;

[Printed page 14]

when, I say, those things had been predicted so eloquently and distinctly, Cyrus himself named and Alexander and his princes described--the prophecy cannot remain concealed when it has been written by the repeated convulsion of the world and in the blood of many nations. Saint Augustine once used that argument and taught that the remaining things would come to pass because the greater part had already occurred.

Since these things, therefore, were predicted, we learn that those affairs whose many fulfillments we behold are governed by God, so that with right piety we may trust that the remaining things will occur.

CHAPTER VII

That Kingdoms Depend Upon God Is Proved From Daniel's Prophecy

§ 1. I now judge that I have demonstrated sufficiently from the Scriptures that earthly kingdoms are begun, increased, preserved, and cast down not by fortune or chance or fate, but by the will of God. Yet my mind is resolved to linger here and to bring forward this providence in a clear matter and most familiar history, as though for an example of the others. The words of Daniel, chapter 8, are as follows:

> In the third year of the reign of King Belshazzar, a vision appeared to me. I, Daniel, after that which I had seen at the beginning, saw in my vision, when I was in the fortress of Susa, which is in the region of Elam; and I saw in the vision that I was above the gate of Ulai. And I lifted up my eyes and saw; and behold, one ram stood before the marsh, having lofty horns, and one higher than the other and growing upward. Afterward I saw the ram brandishing its horns against the west, against the north, and against the south; and all the beasts could not resist it or be delivered from its hand. And it did according to its will and was magnified.

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> And I understood; but behold, a he-goat of the goats came from the west over the face of the whole earth and did not touch the ground. Moreover, the he-goat had a distinguished horn between its eyes. And it came as far as that horned ram which I had seen standing before the gate and ran at it in the impetus of its strength. And when it had approached near the ram, it was enraged against it and struck the ram and broke its two horns; and the ram could not resist it. And when it had cast the ram to the ground, it trampled it, and no one was able to deliver the ram from its hand.

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> But the he-goat of the goats became exceedingly great; and when it had grown, the great horn was broken, and four horns arose beneath it toward the four winds of heaven. But from one of them came forth one little horn, and it became great against the south, against the east, and against the host. And it was magnified even unto the host of heaven; and it cast down some of the host and of the stars and trampled them. And it was magnified even unto the prince of the host; and it took away from him the continual sacrifice and cast down the place of his sanctuary.

§ 2. And at verse 19 and those following:

> And he said to me: I shall show you the things that are to be in the last time of the curse, because the appointed time has its end. The ram which you saw having horns is the king of the Medes and Persians. But the he-goat of the goats is the king of the Greeks, and the great horn which is between its eyes is the first king. But because, when it was broken, four arose in its place, four kings shall arise from his nation, but not in his strength.

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> And after their reign, when iniquities have increased, there shall arise a king shameless of face and understanding propositions; and his strength shall be reinforced, but not by his own forces. And beyond what can be believed, he shall lay waste all things, prosper, and act. And he shall kill the mighty and the people of the saints according to his will, and deceit shall be directed in his hand. And he shall magnify his heart, and through the abundance of all things shall kill very many. And he shall rise against the prince of princes and shall be broken without a hand. And the vision of evening and morning which was spoken is true. Therefore seal the vision, because it shall be after many days. And I, Daniel, languished and was sick for days; and when I had risen, I performed the king's works, and I was astounded at the vision, and there was no one who could interpret it.

Weigh these things and reckon within yourself how accurately Darius and Alexander are described, along with their deeds and the transfer of the monarchy to an ignoble corner of Greece. The ram is Darius, who stands before the marsh or before the river--in Hebrew, *liphne haubal*, "in the sight of the Ubal." For even after the remainder of Asia was lost, Darius placed his hope in the rivers and standing marshes of water from the Euphrates and Tigris, since he held Media, Persia, the Assyrians, and the whole barbarian region together with Bactria. Here, therefore, the ram stands confidently.

The lofty horns are the kingdoms of Media and Persia. For although very many kingdoms obeyed Darius, the Medes and Persians nevertheless ruled. The higher horn, however, was the Persian kingdom, which had been far inferior to the Median, but grew powerful after Cyrus and was more excellent than the kingdom of the Medes. It is therefore said to grow upward, or to ascend at the end. Since Cyrus, himself a Persian, possessed the Persian dominion by inheritance but the Median as a dowry, he preferred the Persians to the Medes. Hence the monarchy is customarily called Persian, not Median, by authors.

That ram brandishes with its horns--*menagag*, that is, it attacks with the horn, κερατίζει--as is said in Exodus 21:28 and verses 31 and 32 concerning kings who violently oppress a province, and in Deuteronomy 33:17, "The horns of the rhinoceros are his horns."

Against the west--in Hebrew, *iamma*, πρὸς θάλασσαν, toward the sea, namely the Mediterranean. The Jews were accustomed thus to call the west because the sea enclosed the western side of Palestine. But the Persian dominion was scarcely bounded by the sea. To the west of Persia were the Babylonians, Syrians, part of Armenia, and the islands of the Mediterranean Sea. In the south they conquered Arabia, Egypt, part of Libya, the Ammonians, and the southern Indians. In the north they conquered part of Armenia, Pontus, and Colchis. Herodotus, Book I; Xenophon's *Education of Cyrus* and ἀναβάσει (*Anabasis*); the Halicarnassian, Book I; Curtius; Ctesias in his *Persian History*; and innumerable others expound these matters.

No one could resist it--no one, that is, among the Asiatic nations; for the Greeks and Scythians resisted, although afflicted with the greatest disasters.

Daniel was not ignorant that a king or kingdom was signified, yet he could not yet know who it was. But behold, there comes the he-goat of the goats, the king of Greece, *Melech Iavan*. The king of Javan, or king of the Ionians--for among the Greeks, ἴων, and among the Hebrews, יוי, because Hellas does not recognize consonantal *yod*; hence Ionia among the celebrated cities of the Greeks. Moreover, Javan was a son of Japheth and a brother of Madai.

The Persian is a ram because, as Theodoret says, the dominion, now heavy with resources, fatness, and luxury, and scarcely master of itself, was assuredly being conquered by the Greeks through those things in which it most abounded, such as money, because the soldiers were neglected through the avarice of the governors. Accordingly, at this time it was like a golden animal which by its golden fleece generally profited others, the strength of the bear having long since failed. For they either hired the generals of the Greeks with money or corrupted them, so that the ram now bore its fleeces not for itself but for others.

The king of the Greeks is the he-goat of the goats. "He-goat--he-goat" is said in Hebrew, yet with two words: *vehazaphir veschaghir*, both "he-goat"

[Printed page 15]

and "male goat." The Seventy, however, call it τὸν τράγον τῶν αἰγῶν. Others read "hairy he-goat"; our interpreter and the Seventy read an addition at the end in this manner: *hazephir haschehiroth*, "he-goat of the goats." Thus most interpret it, and it is called the same in verse 5: *zephir hahazim*, "he-goat of the goats," just as though it said one from a herd of goats or the offspring of a she-goat. Thus in Leviticus 4:28 it is said, "a female kid or she-goat of the goats."

Some think that the maternal origin is indicated by this addition. For after Philip died, only his mother Olympias survived. Alexander was dearer to her than to his father, so far that he is thought to have been aware of his father's

murder. Certainly Olympias could not conceal the joy she had conceived at her husband's death, so far that at night she placed a crown upon Pausanias the parricide as he hung upon the cross. She would not have dared so infamous a crime unless she thought it would please her son, who at last even denied that Philip was his father and killed those who praised Philip. But I prefer that he should be named "he-goat of the goats" by a Hebrew expression rather than that I should follow an uncertain exposition.

He is a he-goat who, by a swift leap as though he did not touch the earth, flew, as it were, across great kingdoms. Darius did not boast emptily that so much land still belonged to him that even to traverse it--not merely to conquer it--would be laborious. "A man would grow old," he says in Curtius, "merely by traveling over so much land, even without battle." But Alexander, as roe deer are accustomed to do, poises himself from cliff to cliff without traversing the valley, and thus subdued so great a monarchy in six years.

In the first year he restrained many rebellious nations and extinguished seditions. Then, setting out at a rapid pace, he was appointed commander of Greece while he prepared the Persian war. In the very midst of the undertaking, it was announced that the Athenians, Thebans, and Lacedaemonians had defected to the Persians and would draw the whole of Greece with them by their authority and power. At the same time war had to be waged against the barbarians at the Ister. Intending to meet these disturbances, he overwhelmed Greece with such speed, with his army equipped and prepared, that those who had not perceived him coming could scarcely believe they saw him.

§ 3. Next, upon the Adrastean plains, or at the Granicus, he put six hundred thousand Persians to flight and killed one hundred and twenty thousand cavalrymen, although nine infantrymen and one hundred and twenty cavalrymen from his own army were killed. He waged several wars against Darius's governors, whom he conquered by terror of his name; he wore them down in three battles after the battle of Issus. When crossing Mount Taurus he covered five hundred stadia--that is, fifteen German miles--at a run. Tyre delayed his impetus a little, for it presented more difficulty than the entire Persian kingdom. But when it was captured, Egypt, Cilicia, and Rhodes came under his dominion without a contest. Meanwhile, as though at leisure, he saluted Jupiter Ammon, founded Alexandria, and finally defeated and buried Darius at Gaugamela. For this reason he is called the exceedingly swift he-goat who did not touch the earth.

He is also called a he-goat because he was harsh, inhuman, lustful, and had not only a bloody court but even bloody banquets, infamous for the killings and perils of his closest friends. Curtius, Book VI, says that when freed from cares he admitted pleasures, games, and herds of concubines. What kind of man he was in the storming of cities is taught by Eleadas, a captive after Thebes had been conquered: "Now there remains a crowd of old men and women, weak indeed but also harmless; and this very crowd has been harassed by rapes and insults so that they have never suffered anything more bitter." Nor were the Greek kings who followed dissimilar to Alexander: distinguished for lusts, pride, and cruelty, they afflicted the world and were hostile to one another in perpetual wars. For Daniel speaks about kings in such a way that he embraces the whole body of the kingdom.

§ 4. The he-goat, however, came to the horned ram--*bahalker anaim*, "lord of the horns"--in the impetus of his strength: ἐν ὁρμῇ, says the Greek, which the Hebrew calls *bacchamath cocho*, "in the fervor or blazing anger of his strength."

But when it had drawn near the ram, it was enraged against it--ἐξηγριώθη. Although it had formerly been a domestic and tame animal, it is now changed into a fierce and savage beast. The Hebrew has *vaithmarmar*: it made itself savage and gathered all its anger against one. Who would not think that Daniel, when writing these things, had been present at the deeds? They had indeed long contended in courtesies and humanity while the war continued, but when it came to the actual matter, he was driven by the Furies. "Alexander," says Justin, "undertook all the most dangerous things; and wherever he saw the densest enemy forces fighting most fiercely, he always plunged himself into that place and willed the dangers to be his own, not his soldiers'."

He drew near: he destroyed three armies of the commanders and then put Darius himself to flight. In the second battle each king was wounded; in the third Darius perished. But concerning Alexander's enraged disposition toward Darius, let us hear Curtius, Book IV. "For you undertake impious wars"--the Macedonian reproaches Darius's legates in this way--"and, although you possess arms, you bid for the heads of your enemies, just as you lately, king of so great an army, wished to purchase my assassin for a thousand talents. I therefore repel war; I do not inflict it." And because Darius had omitted Alexander's title of king, he added: "Hereafter, when you write to me, remember that you are writing not only to a king, but also to your own king."

But nothing enraged him more than the letters of which Curtius speaks in chapter 4. Letters of Darius were then intercepted, by which the Greek soldiers were solicited to kill or betray the king. Therefore Alexander said in his response to the legates: "But if he sought peace at least in good faith, I might perhaps deliberate whether I should grant it. In truth, since he solicits now my soldiers by letters to betray me, now my friends to destroy me, he must be pursued by me to extermination, not as a just enemy, but as an assassin and poisoner."

§ 5. Behold for yourself the enraged he-goat rushing with a violent impetus against the ram without regard for its own safety. Could not God, who predicted these things so long beforehand and foresaw them from eternity, have fortified the ram and turned away the he-goat?

It truly broke its two horns. "By this battle," says Justin, "he seized the whole of Asia in the fifth year after receiving the kingdom. His success was so great that after this no one dared to rebel, and the Persians patiently received the yoke of servitude after so many years of dominion." After Persepolis had been destroyed, even the Medes did not attempt to resist.

All the beasts could not resist it or be delivered from its hand. The reason was that the ram had now been abandoned by God; accordingly, it did not conquer even once in so many battles. For the iniquities of the Persians and Medes had now grown great and were no longer tolerable to the world. Nor was Alexander ignorant of this. In Justin, Book II, the matter is narrated thus: "Before any ship departed from shore, he sacrificed victims, seeking victory in the war in which he had been chosen as avenger of Greece, so often attacked by the Persians; they had possessed dominion long enough and to maturity, and the time had come for successors who would act better to take their turn." Thus it could not happen that the Persian should resist or at least conduct the war; but, destitute of assistance and wisdom, he delivered all things into the victor's hands.

When it had cast him to the ground, it trampled him. Alexander had pursued him as an assassin and poisoner. When Darius saw his men being conquered, he himself wished to die, but was compelled by those closest to him to flee, as Justin relates. He was therefore cast down to the ground while Hyrcania, Bactria,

[Printed page 16]

and half the kingdom still remained. He was bound with golden chains by his own governors Nabarzanes and Bessus and cast into a wagon covered with hides. Finally, when ordered to mount a horse, he refused to accompany the parricides. "Then indeed," says Curtius, Book V, "inflamed also with anger, they cast weapons at the king and left him pierced through with many wounds. They also wounded the beasts of burden so that they could not proceed farther, after killing the two servants who accompanied the king."

All these things are attributed to the he-goat of the goats because he was the cause of all of them and, pressing upon the fugitive, used to say: "Our victory is placed within that body." But Curtius, Book V, points him out to us lying upon the ground, as though reciting Daniel's very words: "When Darius was about to see Artabazus for the last time, he embraced him; and, drenched with many tears, ordered him, though clinging to him, to be pulled away. Then, having covered his head so that he might not gaze amid his groans upon the man departing as though from a funeral pyre, HE CAST HIMSELF FACE DOWN UPON THE GROUND." Thus cast down and trampled, he most miserably lost his life.

Then Persepolis was trampled, burned in mockery at the nod of a petty courtesan; and captives whose price had rendered them pitiable were killed, for the wealthy victors preferred to kill the most worthless of the captives rather than sell them.

The distinguished horn, ἐπίσημον, between the eyes is Alexander--not the first king of Macedonia, but the first commander of all Greece and monarch of Asia. He is more powerful than his successors, projecting upon the forehead between the eyes--that is, among his father's most clear-sighted generals; for no one readily led the ranks unless he was sixty years old. Therefore the he-goat is both the king himself and the kingdom of Greece.

But the great horn was broken--either struck down by drunkenness or by Babylonian poison--when it had stood for twelve years.

§ 6. When it was broken, four kings arose. The Hebrew calls them four *Malchivoth*, kingdoms. Our interpreter read *niem* in place of *uth*, namely, *melachim*. No judgment concerning the true ancient reading can be established from the word, for it is *iaghamodenna*, whose beginning possesses the mark of the masculine, but whose ending is feminine; I find nothing similar to it. Accordingly, either there is an error in the Hebrew, or it is an indication that the discourse concerns kings and kingdoms--that is, persons and things.

There were more kings and kingdoms, but the principal ones with which the passage deals were only four: Macedonia, Egypt, Asia, and Syria. The principal kings were Philip, or Arrhidaeus; Antigonus; Ptolemy; and Seleucus. From these things I conclude that there is a providence directing all things; all things are subject to it; at God's discretion all things stand and all things fall--they are not only foreseen and predicted.

The things said in chapter 11 must be considered no less. It says that three kings were to stand in Persia--Cyrus, Cambyses, and Darius, for it omits Smerdis as a tyrant of a few months--and that the fourth, namely the great Xerxes, was to be enriched with the greatest resources and, when he had grown powerful, was to rouse everyone by means of his riches to war against Greece. Then Alexander, a strong king, shall arise and rule with great power from Macedonia as far as the Ammonians and India. But once the kingdom has been acquired, his kingdom shall be broken and divided toward the four winds, into four principal kingdoms and many other smaller ones, but not among his descendants. For all his posterity was extinguished within the twelfth year, nor did it pass according to his power, for no one among his successors obtained even a tenth part of his power.

The happiness of Alexander was miserable. When he was about to go against the Persians, he had polluted himself with kindred blood. After his death Olympias, besieged by Cassander and judged an enemy by the Macedonians, was ordered by a public judgment to die. Barsane and Roxane were killed with their children. A certain part and the name of the kingdom were granted to his brother Arrhidaeus, but he too was soon extinguished.

§ 7. The kingdom was torn even among outsiders--those, namely, who were not from the nobles of the Macedonians. Torn among members of the household, torn among outsiders. Livy, Book XLV: "The greatest kingdom and name of the Macedonians upon earth, pulled apart into many kingdoms at the death of Alexander while each man seized its resources for himself, with its strength torn apart, stood for one hundred and fifty years from the highest summit of fortune to its final end." Does he not appear to be writing a commentary upon Daniel? O depth of the wisdom of God, how unsearchable are his judgments and untraceable his ways!

After Alexander's death, his commanders placed diadems upon themselves, and evils were multiplied upon the earth. His mother, brother, wives, and children, almost all his commanders and princes, and the Silver Shields, enriched with the spoils of the world, paid for the success of that one robber: within sixteen years they were cut down and consumed by wounds mutually inflicted. Olympias killed Arrhidaeus; Cassander killed Olympias and two daughters-in-law with two grandchildren; Demetrius extinguished Cassander and his whole house, as though making a funeral offering to Alexander's family; Perdiccas killed Meleager; Ptolemy, Cleomenes and Perdiccas and others; Philotas, Python;

Antigonus, Eumenes and the Silver Shields. After thirty-four commanders, Alexander's fellow soldiers, had now been extinguished, the last ones, Seleucus and Lysimachus, came together in battle.

"It was a spectacle of the foulest kind," says Orosius, "that two kings--of whom Lysimachus was seventy-four years old and Seleucus seventy-seven--should meet to seize one another's kingdoms, stand in a battle line, and bear arms. This was indeed the last war of Alexander's fellow soldiers, but one that had been preserved as an example of the greatest misery. For although, after thirty-four commanders of Alexander had now been extinguished, they alone possessed the world, they did not regard the exceedingly narrow bounds of their old age and life, but judged the bounds of their dominion over the whole world too narrow. In that war, after he had previously lost fifteen children through various misfortunes, Lysimachus, dying not without spirit, was added as the final heap upon the ruin of his house.

"Seleucus, rejoicing in so great a victory and because--which he judged greater than victory--he alone had remained from the companies of Alexander the Great and had proved the conqueror of conquerors, boasted that it was not a human work but a divine one. He was altogether ignorant that not long afterward he himself would become an example of human frailty. For after only seven months, he was surrounded by an ambush and killed by Ptolemy, whose sister Lysimachus had had in marriage; and together with his life he likewise lost the kingdom of Macedonia which he had taken from Lysimachus." Thus those who had defiled the whole world with killings, ambition, and debaucheries perished by this end, through the fire of divine vengeance bursting forth from the throne. These things, indeed, occurred among members of the household.

But what of the outsiders? As soon as they heard of Alexander's death, the Indians, after killing his governors, vindicated themselves into liberty; and the Seleucids did not long command beyond Persia and Media. Justin, Book XLI, relates that Arsaces the Parthian revolted; Theodorus says that a thousand cities of the Bactrians did so at the same time, and that the peoples of the whole east followed their example, as did, by an equal principle, the Pontic and Scythian nations, whence new kingdoms and commonwealths afterward emerged.

And the king of the south shall be strengthened: Ptolemy the son of Lagus, who obtained Egypt, the southern part of the Macedonian kingdom, was a most prudent man, as the historian says. "But Ptolemy in Egypt prepared great resources by skillful industry; for he had both won over the Egyptians to his favor by distinguished moderation and bound neighboring kings to himself by benefits and services. He had also enlarged the boundaries of his dominion by acquiring the city of Cyrene and had already become so great that he did not so much fear his enemies as

[Printed page 17]

was himself to be feared by them." Let what Pausanias says about him in the *Attica* be consulted. Amid the other commanders contending with one another, he had an opportunity to grow, since he possessed a stable kingdom not exposed to any incursions. He was called Soter by the Rhodians because he assisted them against Demetrius. After taking Jerusalem he captured one hundred and twelve thousand Jews, but treated them most humanely, so that many went voluntarily from Judea into Egypt. He entrusted fortresses and cities to them because, from the response of Jaddua to Alexander, he knew that they were the most steadfast keepers of an oath.

He is one of Alexander's commanders. Ptolemy Philadelphus was the killer of brothers who plotted against him. He possessed one hundred thousand infantry, two thousand chariots, four hundred elephants, one hundred and fifty warships, a thousand cargo ships, an annual revenue of fourteen thousand eight hundred talents of silver, and finally one million five hundred thousand artabas of grain. An artaba contains three modii and one third.

But at the end of the years, after many troublesome contests between the kings of Asia and Egypt, the daughter of the king of the south--Berenice, daughter of Ptolemy Philadelphus, king of Egypt--shall come to the king of the north, Antiochus Θεὸν, to establish friendship, with a great dowry, so that she even acquired the name φερνοφόρος, "dowry-bringer." But she shall not retain the strength of the arm, nor shall she be a bond between the two kingdoms.

For Laodice, the former wife of Antiochus, shall kill her husband with poison, appoint Seleucus Callinicus king, and deliver Berenice with her son to the princes at Antioch to be killed. Indeed, those who brought her there and were sponsors of the marriage shall likewise be killed.

But one shall stand from the shoot of her roots, namely Ptolemy Euergetes, Berenice's brother, who occupied almost the entire kingdom of Seleucus. Justin narrates the history in Book XXVII: "When Antiochus, king of Syria--the God, namely--had died and Seleucus had succeeded in his place, at the urging of his mother Laodice, who ought to have restrained him, he began the auspices of his reign with parricide. For he killed Berenice, his stepmother, the sister of Ptolemy, king of Egypt, together with his little brother born from her. By perpetrating this crime, he both incurred the stain of infamy and involved himself in a war with Ptolemy.

"Moreover, when Berenice learned that men had been sent to kill her, she shut herself within Daphne. When it was reported to the cities of Asia that she was being besieged there with her little son, remembering the dignity of her father and her ancestors and pitying the misfortune of so undeserved a fate, they all sent her assistance. Her brother Ptolemy too, roused by his sister's peril, left his kingdom and flew to her with all his forces. But before the arrival of assistance, Berenice--since she could not be conquered by force--was surrounded by deceit and slaughtered. The matter appeared undeserved to all; and so, when all the cities that had revolted had prepared an immense fleet, terrified by this sudden example of cruelty and at the same time intending to avenge the woman whom they had been about to defend, they delivered themselves to Ptolemy. If he had not been recalled to his kingdom by a domestic sedition, he would have occupied the whole kingdom of Seleucus."

Accordingly, it is apparent why Daniel says: "Moreover, he shall lead captive into Egypt their gods and carved images, and likewise precious vessels of silver and gold." Historians say that he brought back those things which Cambyses had formerly carried away. Recalled by domestic sedition, he carried away with him four thousand talents of gold and two thousand five hundred gods; but he occupied all things as far as the Euphrates.

§ 8. I refrain from expounding the remainder. If you add the names of the kings to those passages, you will compose a complete history from the prophecy. You, reader, consider God's foreknowledge, which most accurately sees through all deeds and all the minds of all persons; revere the divinity conscious of every outcome. And you will discover that all things are from God and are preserved by God; that without God human counsels fall into futility and are turned into the greatest calamities. Those powerful marriages first dashed kings, queens, and children against one another, and then the kingdoms themselves, in a war of mutual extermination.

Foreknowledge of future things is therefore the surest and never-fallacious sign of the divinity that governs all dominions. Thus Isaiah 41: "Announce to us the things that shall come in the future, and we shall know that you are gods."

Among these I also count that most manifest prophecy concerning Cyrus, which was shown to him after two hundred years, when he had obtained the kingdom, as Josephus narrates in *Antiquities*, Book II, chapter 1.

CHAPTER VIII

That the Commonwealth Depends Upon God Is Shown by Testimonies of Christians

§ 1. This could appear superfluous, since many of the Fathers have written entire treatises on this matter; nevertheless, to taste a few things from them for the disputation undertaken will not have been useless.

Tertullian, *Apology Against the Gentiles*, chapter 17: "That which we worship is one God, who by the word with which he commanded, the reason by which he disposed, and the power by which he was able brought forth from nothing this entire mass, together with all its equipment of elements, bodies, and spirits, as an ornament of his majesty." And chapter 18: "See, therefore, whether he dispenses kingdoms, to whom belong both the world that is ruled and the human being himself who rules; whether he arranged the vicissitudes of dominions at their appointed times in the world, who existed before all time and made the age of bodies into time; whether he raises or casts down cities, under whom the human race once existed without cities."

Saint Basil, *Hexaemeron*, Homily 7: "No man endowed with knowledge of the stars, no Chaldean conjecturing from the rising of the constellations the tumult of a tempest in the air, taught the hedgehog; but the ruler of seas and winds imprinted upon this little animal too an evident and open trace of his immense wisdom. There is absolutely nothing that does not fall beneath God's providence. There is altogether nothing neglected by God. That ever-watchful eye searches all things and beholds all things; it is present to all and provides to each the means of safety. If God does not exclude the hedgehog from his providence, does he not search out the things that pertain to you? Does he not behold them?"

And upon these words of Psalm 32, "A king is not saved by great strength": "No military army, no fortification however great, no walls of cities, no phalanx of infantry, no troop of cavalry, no preparation of naval defense produces safety for a king. Κύριος καθιστᾷ, καὶ μεθιστᾷ βασιλεῖς--the Lord establishes and removes kings. A king is therefore preserved not through great strength, but through divine grace."

Athanasius, *Oration Against the Gentiles*: "Thus also in the order and harmony of this universe, it is necessary that we observe that God is the ruler of all these things, and that he is one and not several. For that order of disposition and concordant harmony of all things declares that it has not many but one leader and ruler, namely the Word of God."

Then, in the same oration: "The almighty, altogether complete, holy Word and Reason of God himself, lying upon all things and everywhere unfolding his powers, illuminating all things--both those that appear to the eyes and those that escape the eyes--contains and binds together all things within himself. He leaves nothing deserted by his power, but in all things vivifies and preserves all things, individual things individually and the whole publicly: the beginnings and elements of every sensible substance."

Irenaeus, *Against Heresies*, Book III, chapter 41: "God has providence over all things; for this reason he also gives counsel. But in giving counsel he is present to those who possess providence over conduct. It is therefore necessary that the things which are foreseen and governed should know their ruler;

[Printed page 18]

for they are not irrational or empty, but possess a sensibility that perceives the providence of God. And for this reason some of the gentiles, who served enticements and pleasures less and were not led away so far by the superstition of idols, moved by his providence, although only slightly, were nevertheless converted, so that they said that the maker of this universe was the Father who provides for all and disposes the world for us."

Augustine, *City of God*, Book V, chapter 10: "For we do not place either the life of God or the foreknowledge of God beneath necessity if we say that it is necessary for God always to live and to foreknow all things, just as his power is

not diminished when it is said that he cannot die or be deceived. For he is unable to do this in such a manner that, if he were able, he would assuredly be of lesser power. He is rightly called omnipotent, although he cannot die or be deceived. For he is called omnipotent by doing what he wills, not by suffering what he does not will. If that happened to him, he would by no means be omnipotent."

Augustine, *City of God*, Book IV, chapter 28: "Just as the Romans were able to possess golden money although they did not worship the god Aurinus, so too they could have possessed silver and bronze money even if they worshiped neither Argentinus nor his father Aesculanus; and so with all the things that it is wearisome to unravel. Thus, therefore, they could in no way possess a kingdom against the will of the true God. But if those false and many gods were unknown or despised, and that one God were known and worshiped with sincere faith and morals, they would both possess a better kingdom here, however much they possessed, and afterward receive an everlasting one, whether they possessed one here or did not."

Augustine, *City of God*, Book V, chapter 1: "Let us now consider in sequence for what cause God--who can also give those goods which even men who are not good, and therefore not happy, can possess--willed the Roman Empire to be so great and so long-lasting. For that multitude of false gods which they worshiped did not bring this about; we have already said many things, and shall speak whenever it seems opportune. The cause of the greatness of the Roman Empire was therefore neither fortuitous nor fatal, according to the judgment or opinion of those who call things fortuitous which either have no causes or do not come from some rational cause, and call things fatal which occur by the necessity of some order apart from the will of God and human beings. Human kingdoms are constituted entirely by divine providence."

Peter Chrysologus: "The power of the Lord is no greater in confirming the most powerful kingdom than in overturning the poor man's hut. For who in Greece was more powerful than Alexander? Yet it is read that not his own son, but the son of a dancing woman succeeded him."

§ 2. Therefore Augustine truly says, *City of God*, Book V, chapter 11:

> Accordingly the supreme and true God, with his Word and Holy Spirit--which three are one--one omnipotent God, creator and maker of every soul and every body, by participation in whom all who are happy in truth, not in vanity, are happy; who made the human being a rational animal from soul and body; who neither permitted him when he sinned to be unpunished nor abandoned him without mercy; who gave to good and evil alike existence together with stones, seminal life together with trees, sentient life together with cattle, and intellectual life with angels alone; from whom is every measure, every form, every order; from whom are measure, number, and weight; from whom is whatever exists naturally, of whatever kind it is and of whatever estimation; from whom are the seeds of forms, the forms of seeds, and the movements of seeds and forms.

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> He also gave to flesh its origin, beauty, health, fecundity of propagation, disposition of members, soundness, and concord; and to the irrational soul he gave memory, sensation, and appetite, but to the rational soul, in addition, mind, understanding, and will. He left not only heaven and earth, not only angel and human being, but neither the inward parts of a small and contemptible animal, nor a bird's little feather, nor a little flower of grass, nor a leaf of a tree, without agreement among their parts and a certain peace, as it were. He must in no way be believed to have willed that the kingdoms of human beings and their dominions and servitudes should be foreign to the laws of his providence.

Assuredly, he to whom such small things are a care will never neglect things so great. He numbered our hairs--indeed, as Tertullian observes, the bristles of pigs. Did he not number the provinces of kings and the cities of the earth?

Saint Augustine, *City of God*, Book V, chapter 19, most beautifully describes the same thing and shows that even evil men do not reign without providence:

> But he who despises the judgments of those who praise him also despises the rashness of those who suspect him. Yet, if he is truly good, he does not despise their salvation, because he who has virtues from the Spirit of God is of such great justice that he loves even his enemies. He loves them in such a way that he wishes whisperers or detractors, when corrected, to have as his fellow citizens not the earthly fatherland but the heavenly one. But amid his own praises, although he regards lightly the fact that men praise him, he does not regard lightly the fact that they love him; nor does he wish to deceive those who praise him, lest he deceive those who love him. And therefore he earnestly insists that the one from whom a human being has whatever is rightly praised in him should rather be praised.

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> But he who despises glory and is greedy for dominion surpasses beasts either in the vices of cruelty or in luxury. Certain Romans were such men. For when they had lost concern for reputation, they did not lack desire for dominion. History reveals that there were many. But Nero Caesar was the first to obtain the summit and, as it were, a certain citadel of this vice. His luxury was so great that nothing manly was thought to be feared from him; his cruelty was so great that he would have been believed to possess nothing soft, had it not been known. Yet even to such men the power of ruling is not given except by the supreme providence of God, when he judges human affairs worthy of such masters. The divine declaration concerning this matter is open, when the Wisdom of God speaks: "Through me kings reign, and through me tyrants hold the earth."

Saint Augustine therefore concludes, *City of God*, Book V, chapter 21:

> Since these things are so, let us not attribute the power of giving kingship and dominion to anyone except the true God, who gives happiness in the kingdom of heaven to the pious alone, but an earthly kingdom to both the pious and the impious, as it pleases him to whom nothing unjust is pleasing.

CHAPTER IX

That the Commonwealth Is From God and Depends Upon Him Is Known From Other Predictions

§ 1. Among sincere and orthodox judges this argument is less firm than that which we drew from the sacred writings. Among pseudo-statesmen, however, who do not believe Sacred Scripture but do not dare altogether to deny the history of the human race, it must necessarily possess great weight. For if there is divination, then there is also the providence of some divine power; if there is providence, then the administration of affairs belongs to the divine power; human affairs are therefore governed not by chance or by human reason alone.

That prediction of future affairs exists is shown not only by the things we have discussed from the sacred writings, but also by many things which have happened in common life and still occur, which confirm it in such a way that no one can deny them unless he is altogether averse to every knowledge of humane learning and history.

[Printed page 19]

§ 2. True prophecy and oracles, among whomsoever they are found, disclose contingently future things or manifest hidden things only when God speaks--things which no one except God alone could disclose. For unless a more excellent and divine light shines forth, we altogether remove natural prognostications--προγνώσεις--and the skill of conjecturing which we concede to statesmen, physicians, and philosophers from the predictions of which we are treating.

We detest as impious and frequently deceitful those who, with the aid of demons, abuse knowledge of hidden things or presentiment of certain future things. But we judge that those who thought--as found in Cicero, *On Divination*, Book II--that the minds of prophets were roused and enlivened for the presentiment of future affairs by some exhalation of the earth, although Plutarch too holds this in the book in which he asks for the causes why the oracles ceased, depart very far from true reason and almost rave. For what affinity, analogy, or relation of cause can the foul moisture of the earth or the stench of caves possess with those affairs which depend upon the will of God and the free choice of a human being?

I therefore exclude these things and that whole class of oracles which once afflicted the entire world. Yet from that very class we also infer divine providence. For if demons often possess true prophecies because they behold things separated by a great distance or know the hidden counsels of human beings and the certain causes of events, we also learn from this that the world is governed by providence. For since they are evil and maleficent spirits, yet provident, crafty, and strong, it is necessary that their force and wickedness should be restrained by a greater force and fear. This can be done by no human being but by God, since even one demon, with such agility, strength, knowledge of all natural things, and especially because it cannot be seen or wounded, could destroy all human beings. The superstitions of the gentiles generally depended upon the imposture of these spirits. But afterward their prophets, when their frauds became manifest, lost their authority and the prices paid for their lies; finally, the demons themselves were also made speechless.

§ 3. The Sibylline books possessed the chief authority; a more prudent and cultivated age rejected almost all the others. Suetonius, in *Augustus*: “Whatever prophetic books of Greek and Latin origin were commonly circulated under no authors or insufficiently suitable ones--more than two thousand gathered from every side--he burned. He retained only the Sibylline books, these too after holding a selection, and stored them in two gilded cases beneath the base of the Palatine Apollo.” Augustine mentions those same books in *City of God*, Book XVIII, chapter 22, when he proves that the Erythraean Sibyl also predicted many things concerning Christ the Lord.

God willed to admonish not only holy and pious persons concerning future things. Since they were few and among many peoples scarcely any, he used the voice of the impious, as that of Balaam in Numbers 22 and 23. Hence also

among the gentiles there are innumerable true portents and indications concerning commonwealths and kingdoms, either to be newly established or to be changed. Examples occur in Lipsius's *Monita* and in all writers, especially those of the later age, and above all in the various predictions of various events in the Constantinopolitan Empire.

The histories of the martyrs and holy Fathers, moreover, relate very many things. Although the profaneness of pseudo-statesmen is accustomed to laugh at them, nevertheless no one who prudently and without prejudice weighs the deeds and teaching of those men can suspect anything fraudulent or imposturous. Dominions and the victories by which they obtained them were certainly predicted to very many. It was said to Constantine the Great, "In this sign you shall conquer"; different things were predicted to others, and not without fulfillment.

An eagle, the emblem of dominion, overshadows Marcian while he sleeps; the thing happens again in Africa, so that the barbarians marvel and voluntarily grant the captive his liberty. Then, after Theodosius dies, he is soon adorned with an empress as wife and with the imperial power.

Admirable is what Lipsius, in Book I of the *Monita*, recounts after others. Compare with these what happened in the age of our fathers to LOUIS, king of Hungary. Suleiman, prince of the Turks, was preparing war against him, and he likewise was arming himself. He was dining in the citadel of Buda, the doors of the palace then being closed according to custom. At the gate stood someone with a human appearance, but lame, distorted, and foul in his remaining clothing and cultivation. With a sharp and shrill voice he cried out and demanded a conversation with the king. He was neglected, and they thought him a beggarly fellow. When he cried out more and more that it was necessary to meet the king and no other, the matter was reported to the king. The king sent one of the more splendid courtiers, who had been commanded to present the king's name and person and draw out whatever this might be.

He came and addressed the lame man privately. After looking at him, the lame man denied that this was the king. "And since," he said, "the king disdains to hear me, go and announce that he shall perish shortly and certainly." With the words he vanished from the eyes of those standing there. The threat was all too true. The king, near the town of Mohács, was defeated in a great battle and, while fleeing, fell into marshes. As he struggled out, his horse collapsed upon him, and he was crushed or suffocated. He was in his twenty-first year.

• The Greek term omitted from the HTML in §2 has been restored from printed page 19 as *προγνώσεις*. Because Contzen supplies no separate Latin rendering of the noun, its literal sense "prognostications" has been included directly in the English sentence.

CHAPTER X

That Kingdoms Are Governed by God Is Shown From the Sayings of the Impious and Unbelievers

§ 1. Although the wise man of this age, whose teaching in many matters approached very near to the truth, rightly said that "the human race has always deserved badly of God," he himself thought badly and foolishly concerning God. Nevertheless, there are implanted in minds ἀντιλήψεις, preconceptions, and certain sparks of that great light which shone in the purity of primeval grace, flashing among clouds of the thickest darkness. These direct the mind besieged by its own darkness, and often enamored of its own ignorance, toward its end, or at least do not permit it to sleep idly and securely upon its vices and grow torpid in a heavy lethargy.

In these matters the world of the impious generally agrees with the best men, although afterward there is a great difference of judging and acting in the choice made. Sudden and great dangers strike religion into the faithful and turn them toward piety, prayer, and detestation of sins; they inflame superstition in the impious and drive them to atrocious crimes. The Ninevites and Bethulians fast and pray when destruction is before their eyes. But the king of the Moabites sacrifices his firstborn upon the walls and is delivered more miserably than he would have been conquered. Curtius casts himself down for the danger of the legions. The Romans bury a Greek man and Greek woman, a Gallic man and Gallic woman. The Carthaginians burn patrician boys of select beauty and character as a whole burnt offering to Satan.

All naturally perceive that some divine power--ἀποτρόπαιον--is fit and beneficent for averting calamities and diminishing evils; all trust that, by propitiating it, they shall possess it as an ally; all acknowledge that they and their affairs depend upon another. They err only in identifying it. "If the Tiber rises to the walls, if the Nile does not rise over the fields,

[Printed page 20]

if the sky stands still, if the earth moves, if there is famine, if pestilence--the cry immediately is: 'The Christians to the lion!'" Tertullian, *Apology*, chapter 40. Thus the most guilty cried out for innocent blood, either because they thought or pretended that Christians were the causes of every public disaster and every popular misfortune.

This, therefore, ought especially to strike our age's secret apostates and perfidious dissemblers: among the impieties of the gentiles, their atheism was exceedingly rare. I am not unaware that very many things are excellently said by them, yet true things are mingled with errors and falsehoods, as in Plato, *Laws*, Book IV: "Ὡς θεὸς μὲν πάντα, καὶ μετὰ θεὸν τύχη, καὶ καιρός τ᾽ ἀνθρώπινα διακυβερνῶσι ξύμπαντα." "God, and with God fortune and occasion, govern all things."

Why does he thrust upon God fortune--which is nothing, or, if it is anything, is rash, blind, and subject to God--συμβασιλεύουσαν, and add it, as it were? Why does he thrust upon him καιρόν, occasion, as a partner in his kingdom, when every opportunity is from God? Nevertheless, even the authority of those who err ought to prevail against our pseudo-statesmen when they speak true things, because their understanding is not so far removed from the truth that all but the very few wandered into such great impiety.

Tertullian certainly teaches in the *Apology* that the Platonists located God within the world and seated him within that which he governs after the example of a shipmaster. Nor did the great admirer of Plato--who is as a certain god to Cicero--himself depart from Plato. For thus he speaks in Book I of *On the Nature of the Gods*: "There is some God within the world who governs it." The same man, in *On the Laws*: "There is no nation so savage or so iron-hearted that, even if it is ignorant what sort of God it ought to have, it nevertheless does not know that it ought to have one." And in Book II he demonstrates "that the world and all its parts were constituted by the providence of God from the beginning, are administered at every time, and that provision is made by God for individual things."

§ 2. He received these things from Plato, *Laws*, Book I, where Plato asserts that a commonwealth cannot be governed without the assistance of the divine power. For just as beasts and living creatures devoid of reason cannot take care of themselves or govern themselves by themselves, but require the command of a human being to govern them, so human beings cannot be led to happiness unless God himself governs and leads them by the hand. It is assuredly so, for our acts of providence are timid and uncertain.

§ 3. Aristotle himself, *Metaphysics*, Book XI, chapter 10, teaches that there is one God, the administrator of all things. And in *On the World*: "What a pilot is in a ship, a driver in a chariot, a precentor in a chorus, a law in a city, and finally a commander in an army--this God is in the world." Altogether true: "Εστὶν γὰρ ἡ πρόνοια ἰδίᾳ καὶ δημοσίᾳ, καὶ πανταχῇ." Divine providence is discerned in private and public affairs, everywhere among the nations.

Philo appears to have borrowed this from Aristotle: "It must be believed that, just as a charioteer stands over a chariot or a pilot over a ship, so in all affairs there stands over them the one who presides over bodies, souls, living creatures, minds, angels, and all natures contained by earth, air, or heaven, both visible and invisible. For he governs the whole world as it depends upon himself."

Seneca says most rightly in *On Providence*, chapter 1: "For who would believe that so great a work stands without a guardian, and that this course and recourse of the stars are chance impulses?" Indeed, even those who perish are a care to him: "μέλει μοι ὀλλύμενοί περ--they are a care to God, although they perish." Plato in the *Epinomis* asserts that the gods care for great and small things, and that things which happen suddenly are not unforeseen by them. For an eclipse is produced by a sudden obscuration of the light and yet many centuries beforehand is marked out for a certain hour and moment of the hour.

§ 4. Beautiful and plainly royal is the speech which Cambyses delivered to his son when he was about to depart among the Medes: "I commend this one thing above all, and I desire it to be stored in your memory as a precious treasure given by your father. Be a friend to God and pious toward him, and undertake nothing unless the divine power has been invoked. For the nature of mortals is weak and dull; but nothing escapes the wisdom of God, and all things fall according to the desire of those to whom it is present."

He himself, unmoved and always like himself, moves all these things, and principally moves them through his deputies. Lipsius excellently expounded this in the preface to his book *On the Roman Military*: "Just as in the world above there is one God who governs and regulates this entire structure, so upon earth he has appointed certain men as his administrators and deputies, to guard and administer it in its parts. He has willed that certain of these grow into great resources, forces, and works. What else does he do but show in an image that heavenly power, without end and measure, which he himself possesses and channels through those streams and conduits? Therefore, just as when we gaze upon the heaven and those flashing stars we are led from them to a certain pure, first, and inaccessible light, so from this human greatness we are led to its author and fountain, God."

And Seneca: "God is near; he is with you; he is within you. Thus I say, Lucilius: a sacred Spirit sits within us, observer and guardian of our good and evil deeds."

§ 5. Distinguished indeed is the preamble of the Locrian laws enacted by Zaleucus--if only it spoke about one God--which Stobaeus reports in Discourse 42: "All who inhabit the world or a region ought to be persuaded that gods exist, because this becomes manifest from an inspection of heaven and the entire world and from the most beautiful disposition and order of the things within them." "For providence is the maker and governor of all matter," says Cicero, *On the Nature of the Gods*, Book III--"of all things, for not only of great things but also of the smallest."

§ 6. Epictetus transmitted to us the distinction among human beings emerging from error and darkness toward the light of truth: "As regards the gods, there are those who deny that any divine power exists. There are those who grant that one exists but say that it is inactive, careless, and provides for nothing. There are third men who say that it both exists and provides, but only for great and heavenly things and for none of the earthly. Fourth men say that it provides for

both heavenly and earthly things, but only universally, not for individuals and each one separately. But the fifth, in whose party are Ulysses and Socrates, assert and establish this: 'O God, I DO NOT LIE HIDDEN FROM OR DECEIVE YOU EVEN IN MY SMALLEST MOVEMENT.'"

Accordingly, Cicero in Book IV of the *Academica* neither justly nor truly blames the Stoics because they bring down God's majesty to the perfection of bees and ants. For God does not make these things while solicitous, anxious, and busied, or drawn away from greater affairs, but without labor or care and, as Clement of Alexandria says, "οὐ μεριζόμενος, οὐκ ἀποτεμνόμενος, οὐ μεταβαίνων ἐκ τόπου εἰς τόπον, πάντῃ δὲ ὢν πάντοτε, καὶ μηδαμῇ περιεχόμενος, ὅλος νοῦς, ὅλος φῶς, ὅλος ὀφθαλμός, πάντα ὁρῶν, πάντα ἀκούων, πάντα εἰδώς"--"not divided, not cut apart, not passing from place to place, but existing everywhere always and circumscribed nowhere; wholly mind, wholly light, wholly eye; seeing all things, hearing all things, knowing all things."

He who acknowledges him and conducts all things in his sight can readily give good counsels and expect that the great παντοκράτωρ, the "Almighty," will confirm them and grant success.

[Printed page 21]

CHAPTER XI

It Is Taught by Reason That Divine Providence Governs All Things

§ 1. Until now I have brought forward the testimonies of others. I shall now confront atheists, Epicureans, and followers of Diagoras in their own home and pursue their conscience until I extort either a confession of truth or assent.

I prefer to introduce the first argument in the words of an excellent philosopher rather than my own. Seneca, *On Providence*:

> It is superfluous at present to show that so great a work does not stand without some guardian; that this fixed coursing of the stars is not the product of chance impulses; that things which chance sets in motion are often disturbed and quickly collide, whereas this unobstructed velocity proceeds at the command of an eternal law, carrying so many things by land and sea and so many exceedingly bright lights shining according to their appointed arrangement; that this order does not belong to wandering matter; and that things which came together rashly would not hang with such great art that the earth's exceedingly heavy weight should sit unmoved and watch the flight of the heaven hastening around it; that the seas poured into the valleys should soften the lands and perceive no increase from the rivers; and that immense things should be born from the smallest seeds.

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> Not even those things which appear confused and uncertain--I mean rains and clouds, the blows of crashing thunderbolts, fires poured out when the summits of mountains are broken, tremors of the quaking ground, and the other things which the tumultuous part of nature sets in motion around the earth--occur without reason, although they are sudden. They too possess their own causes no less than things which, seen in foreign places, are marvels, such as warm waters amid the waves and new expanses of islands springing up in the vast sea.

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> Now, if anyone observes shores laid bare when the sea withdraws into itself and covered again within a short time, he will believe that by some blind rolling the waves are now contracted and driven inward, now break forth and return to their station at a great course; although meanwhile they increase by portions and approach greater or smaller at their appointed hour and day, according as the lunar star has drawn them forth, at whose discretion the ocean overflows.

What cause shall we assign to all changes unless they begin from some one thing and tend altogether toward one end? The stars and their spheres are swept along at a most rapid speed which we can attain by no understanding; yet by that motion they receive no good proper to themselves, but minister to the lower world and to human beings--not by their own will or knowledge, but by the force and decree of a certain supreme intelligence and power.

§ 2. The metaphysicians and theologians explain another argument to us. For the whole universe and the aggregate of all the things within it cannot be from itself, nor did individual things create themselves by their own power; rather, they began to exist from another, and therefore are preserved and directed toward their end by another. The actions and concurrence of so many causes are needed for the particular production, preservation, and increase of things. How, therefore, could they exist from themselves? Or how could they fail if they exist from themselves--that is, through their own essence? That which is from itself does not need another's assistance in order to continue to exist. If, therefore, all things have their origins from another--that is, from God--it is necessary that they exist, be preserved, ruled, and governed by God. No one can deny this right to a δημιουργῷ--to a craftsman--over his own works. That things are not from chance I have already taught by the first argument.

§ 3. If kingdoms are not administered by divine power and providence, they cannot even be ruled in this way. For if God exists, he necessarily exists, and the stability and vicissitude of all human affairs depend upon his nod. If God does not exist, he necessarily does not exist; for God's coming into being belongs among those things which cannot occur.

Since, therefore, nature has given a certain general conception of God, implanted in everyone--for every soul is naturally Christian and, when adversities press or dangers threaten, invokes God and expects help from God--that sense born within every soul and implanted by nature is not so deceived that it pursues ἀδύνατα, things which cannot exist in the nature of things. For if God does not exist, nothing so foreign to reason, so absurd to thought, and so contradictory can be imagined as that God exists. But an opinion that so entangles and overturns itself cannot be natural to everyone.

The most wicked human beings furnish proof. When they see Nemesis and the approaching company of deserved punishments, they understand that such great evils are being prepared for them by God. See the noble Antiochus, now too late displaying a shadow of piety through servile fear. Hear the tyrant of the Romans complaining that he is daily destroyed by the gods, even worse than he feels. See another fleeing every peal of thunder and terrified at every flash of lightning, badly sheltering himself beneath underground vaults and a sealskin.

Why, therefore, can there not be some mind, mistress of all things, uncreated and creative, when the mind of the impious disputes so acutely against its own maker? From where do you possess that force by which you comprehend hidden things, store them in memory, and gather one thing after another by reasoning? No one will pronounce that a mind so capacious, so noble, penetrating all things by understanding, desiring some things and most freely rejecting others, has its origin from anything other than a certain most excellent mind and intelligence. For how will a brutish thing devoid of reason be able to produce and order such great skill in understanding and perceiving and such swift movements of desire?

§ 4. Our most learned Lessius, in *On Providence*, argument 12, teaches that very many absurdities follow if we deny that God exists. These are his words:

> If there is no divine power and no providence by which human affairs are governed, many absurdities assuredly follow, foreign to every reason and sound judgment, which clearly prove that this can in no way be established.

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> For first it follows that the first and supreme truth concerning divine power and providence opens the door to mortals for every impurity of life, every iniquity and injustice, every pride, arrogance, and tyranny, and finally for perfidy, perjuries, sacrileges, and every class of crimes. For nothing is so monstrous, unjust, or impious that, when fear of the divine power has been removed, the human mind will not dare to undertake and accomplish it, according to that saying of the Psalmist: "The fool has said in his heart: There is no God. They are corrupted and have become abominable in their iniquities," and so forth. Behold the fruit of that teaching and persuasion: the foulness and abominable enormity of every crime.

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> That this follows is manifest. For just as, if there is some divine power, the first and supreme truth is that there is a God who governs the world, so, if there is no divine power, the first and supreme truth will be that there is no God who governs the world. For it will be the truth concerning that which is apprehended by all as the supreme and first principle of all things. But this truth will extinguish in human minds every fear and reverence of the divine power; and when fear has been removed, the way lies open to every crime. But what more absurd thing can be said or thought than that the first and highest truth and the greatest secret of divinity, when known or apprehended by human beings, should open the way to every wickedness and shameful deed and make them the most criminal and impure?

[Printed page 22]

Secondly, it follows that that which is false and impossible and a mere chimera is the cause of all religion, piety, justice, temperance, modesty, benevolence, patience, and finally of every virtue and moral goodness--as well as of peace and tranquility in the commonwealth and every good in the human race. For persuasion concerning the divine power, and love and fear of it, produce all these goods; and the greater and more vehement these have been, the greater the goods that arise from them in human minds and in the political condition. Hence there has never existed a well-constituted commonwealth in which religion and persuasion concerning the providence of the divine power did not flourish; and privately, the more reverent and religious each person was toward the divine power, the more distinguished he was in probity and innocence of life. On the contrary, the less anyone esteemed the divine power, the more criminal he was, as is evident from both profane and sacred history.

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But to what madness does it belong to believe that a false and impossible fiction possesses such great force toward every virtue, while solid truth possesses such great enticement toward every shameful deed and destruction?

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Thirdly, it follows that true and highest wisdom extinguishes every virtue and makes human beings the worst, whereas the highest error and madness arouses them toward every virtue and makes them the best. For if there is no divine power, it is the highest error and madness to believe certainly that there is a divine power and providence, while it is the highest wisdom to believe that these are nothing except human fictions and chimeras. Likewise it follows that truth and wisdom are exceedingly pernicious to a human being and the commonwealth, but error exceedingly salutary; that truth and wisdom must be concealed as much as possible, as the poison of minds and every commonwealth, but error promoted by every means, as the fountain of every good; that the highest light of the intellect brings the greatest darkness upon minds, and the greatest intellectual darkness produces the light and beauty of minds. All these things are full of frenzy and madness.

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Fourthly, it follows that all those who were ever most distinguished for wisdom, holiness of life, miracles, and the prophetic spirit were deceived in the greatest matter and were unable to attain the truth concerning the nature of the divine power. For all these men acknowledged and supremely venerated divinity and providence. But those who were infamous for impiety, foulness of life, and every enormity of crimes alone grasped this secret, for all who despised the divine power were such men. The worst of all mortals, therefore, were the wisest, but the best of all were the most foolish and enveloped in the greatest darkness of ignorance and errors.

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Fifthly, it follows that to love God, fear vengeance, offer sacrifices, pray to the divine power, celebrate it with hymns and praises, and keep an oath are not good things, but empty, foolish, impious things contrary to right reason, no differently than loving, fearing, worshiping, and praising a chimera or another fiction of the human mind. For if divinity is a fiction like a chimera, it is manifest that no more should be rendered to it than to a chimera.

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Sixthly, it follows that to be impious, sacrilegious, blasphemous, and a despiser of the divine power is not evil or contrary to right reason, but that these things are good and worthy of praise, since they are consonant with true teaching about the divine power. For if there is no divine power, all those acts by which it is despised and afflicted with ignominy are good: both because they are certain declarations of a secret truth and because they are effective for removing from human beings a false persuasion concerning providence and the divine power--just as insults against the idols of the gentiles are praiseworthy because by them we testify that no divinity inheres in the idols. Nothing is more contemptible than that which neither exists nor can exist.

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Seventhly, it follows that the world is like a ship tossed upon the sea, destitute of helm and helmsman; likewise, like the greatest commonwealth composed of every class of human beings, in which there are no laws, no judge, no ruler, and no guardian of tranquility and the public good. If it is so, how can the world continue to exist, especially since it consists of things so unlike, contrary, and contending? For just as a ship without a pilot is tossed here and there by chance impulses until it is dashed upon rocks, strikes shoals, or is swallowed by the waves, and as a commonwealth without a ruler consumes itself with slaughters and seditions, so the world will necessarily be borne along in the most disordered manner and dissolved by the conflict of contraries if there is no ruler who directs it and causes contending things to conspire in concord.

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Eighthly, it follows that this universe and the formation and arrangement of its parts arose by chance and coalesced into this form and appearance. For if there is no mind that formed its individual parts and arranged and composed them into this structure which we see, it must necessarily be confessed that the whole happened by chance, according to the opinion of Democritus, who established that all things were formed from the chance impulse and concurrence of atoms. But what else is this than sheer folly and want of reason? Someone sees a most splendid palace perfected with the highest art, whose structure all architects marvel at. He asks what craftsman constructed it. He is answered that it was constructed by no craftsman, but that once a mountain planted with trees existed in the same place; when it collapsed through an earthquake, its parts leapt apart, and by this fall and collision the individual parts were so formed that they suddenly coalesced, in place of a shapeless heap, into this appearance of a substructure and the form of a palace. Who will be so witless as to believe this?

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These and many other things manifestly follow when that principle has been established. Everyone sees how foreign all of them are to every appearance of truth, how opposed to the light of reason, and how horrible to utter. Therefore that principle too, which is the fountain of such streams, must be most foreign to truth.

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Someone will say that false persuasion in religions often possesses the greatest force for deterring human minds from crimes and impelling them toward probity and justice. For the gentiles, who established several gods according to the multitude and diversity of human affairs and thought that human affairs were conducted by their providence and that rewards or punishments were decreed for mortals according to their merits--although all these things were false and impossible--nevertheless, from this conception of mind, abstained from many injuries and crimes by which they believed those divine powers were offended, lest they incur their wrath and pay penalties either in this life or in the future. Accordingly, the argument which we brought forward above in the second place, number 141, could appear to someone by no means firm.

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I answer: the persuasion of the gentiles was indeed false in particular--insofar as they thought that these or those beings were divine powers and cared for human affairs--but not in general, insofar as they thought that there was some divine power to which human affairs were a care and which required an account of deeds. Hence, when either through fear of offending the divine power or through desire to please it they abstained from evil or did some good, they were impelled not by the force of the persuasion insofar as it was false concerning such a particular divine power, but insofar as it was true in general. For they erred only in the subject to which they attributed the nature of divinity and providence, attributing it to those to whom it ought by no means to have been attributed and venerating it in them. Accordingly, they did not abolish the very formal nature of divinity and providence, but established it; and therefore they retained in some manner the true foundation of political justice.

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> But if there is no divine power and no providence, the very foundation in general is altogether false and fictitious, and therefore it cannot happen that it should possess any force toward probity of life. Or if it possesses any force--as experience establishes that it possesses the greatest--it is evident that it is not a fictitious but a true thing.

I wished to report these things in the words of the supreme theologian because I judge that they can be stated neither more briefly, nor more vigorously and clearly.

§ 5. These things are so self-consistent that everyone renders testimony to God in the tribunal of his own mind. "I summon a new testimony," says Tertullian in his book *On the Testimony of the Soul*,

[Printed page 23]

> indeed, one better known than all literature, more debated than every doctrine, more commonly published than every publication, greater than the whole human being--that is, the whole of that which belongs to the human being.

What, therefore, does he demand from the soul?

> If we do not please you when we proclaim the Lord--under this single name, the one from whom are all things and under whom is the universe--speak your testimony, if you know it thus. For we hear you too, openly and with a complete liberty that is not permitted to us, pronounce thus at home and abroad: "What God shall have given"; and "If God shall will." By that expression you both signify that some one exists and confess all power to him whose will you look toward. At the same time you deny that the others are gods when you call them by their proper names--Saturn, Jupiter, Mars, Minerva. For you confirm that he alone is God whom you name only "God," so that even when you sometimes call those others gods, you appear to use a name belonging to another and, as it were, on loan.

>

> Nor are you ignorant of the nature of God which we proclaim. "God is good"; "God does good": these are your expressions.

And afterward:

> Hence, O soul, from consciousness you have it ready at home and abroad, with no one mocking or forbidding you, to proclaim: "God sees all things"; "I commend it to God"; "God will repay"; and "God will judge between us." From where is this in you, O soul that is not Christian?

Tertullian marvels that even in the temples of demons they implore God as judge, and therefore exclaims: "O testimony of truth, which among the demons themselves makes a witness of the Christians!"

> These testimonies of the soul are as simple as they are true; as ordinary as they are simple; as common as they are ordinary; as natural as they are common; as divine as they are natural. I do not think they can appear frivolous and cold to anyone if he considers the majesty of nature, from which the authority of the soul is assessed. As much as you grant to the teacher, so much will you adjudge to the pupil: nature is the teacher, the soul the pupil. Whatever the former taught or the latter learned was delivered by God, the teacher, namely, of the teacher herself.

>

> It is for you to judge what the soul can presume concerning her principal instructor from her who is within you. Perceive her who causes you to perceive. Consider her as a prophet in presentiments, an augur in all things, and one who foresees among events. Is it marvelous if, given by God to the human being, she knows how to divine? It is equally marvelous if she knows him by whom she was given. Even when circumvented by the adversary, she remembers her author, his goodness, his decree, her own end, and the adversary himself. Is it thus marvelous if, given by God, she proclaims those same things which God gave his own people to know?

>

> But he who has not judged outbursts of this kind from the soul to be the teaching of nature and the tacit trusts of an inborn and innate consciousness will say rather that the habit of speaking in this manner has been strengthened from opinions circulated among the people and from the use of published writings, as though into a fault.

Finally:

> "Human being" is one name belonging to all nations, and there is one soul; the voice varies, but there is one spirit; the sound varies; each nation has its own language, but the subject matter of language is common. God is everywhere, and God's goodness everywhere; the demon is everywhere, and the curse of the demon everywhere; the invocation of divine judgment everywhere; death everywhere and consciousness of death everywhere; and testimony everywhere. Every soul by its own right proclaims things concerning which we are not permitted even to mutter. Therefore every soul is deservedly both accused and a witness: as much accused of error as it is a witness of truth. And it shall stand before the courts of God on the day of judgment, having nothing to say. You used to proclaim God and did not seek him; you abominated demons and adored them.

§ 6. Finally, all things tending in a most orderly manner toward their ends show that God is the maker and ruler of all dominions, and therefore of the whole world. For what art, what intelligence, can order actions, instruments, times, place, circumstances, and connected things so fittingly and without error? Yet the things themselves recognize none of these; they are produced and produce through a certain instinct and impulse of nature, ignorant of their own undertaking.

Consider a grain of mustard. It is small among seeds, and yet its smallest portion is alive and, by a rich and oily moisture, is to emerge into a tree. But within the smallest particle of the smallest seed there is the greatest variety of parts. One part is strengthened into the trunk and, as it were, wood; another softens into pith; another is stretched into bark; another unfolds itself into a leaf; another into a flower; another lowers itself downward into the earth to draw up juices. Nor is it divided only into these parts, but also into particles of the parts; for trunk, bark, leaves, and flowers possess their own flesh, bones, veins, and coverings, so far that there is no tree which you could not readily divide into hundreds of heterogeneous parts.

How, therefore, is there so great a power in so slight a little body, parts so distinct, and such marvelous efficacy in them that they distribute the raw humors of the earth, toward such various ends, into things so diverse? For one part they thicken and harden into wood, another into bark, another into flower, another into leaves. What works these things except distinguished wisdom, the architect of all things? And it directs all these things toward one end, namely the utility of human beings.

For whose sake, therefore, will anyone say the world was made? For the sake, namely, of those living beings that employ reason: these are gods and human beings, than whom assuredly nothing is better. Cicero, *On the Nature of the Gods*, Book II; and Lactantius, *On the Anger of God*, chapter 13. True is the opinion of the Stoics, who say that the world was constructed for our sake. For all things of which it consists and which the world generates from itself have been accommodated to the utility of the human being. Seneca says exceedingly well in *On Benefits*, Book VI, chapter 23, if only he acknowledged one GOD:

> Add now that external things do not compel the gods, but their own eternal will is a law to them. They established things which they would not change. Accordingly, they cannot appear about to do something although unwilling, because they willed to persevere in whatever cannot cease; nor do the gods ever repent of their first counsel. Without doubt, it is not permitted for them to stop and depart in the contrary direction. But they remain in their purpose not because their own force holds them there through weakness, but because it is not permitted to depart from the best things, and it was thus decreed to proceed.

>

> In that first constitution, when they disposed all things, they also saw our affairs and took account of the human being. Accordingly, they cannot appear to run their course and unfold their work for their own sake alone, because

> we too are a part of the work. We therefore owe a benefit both to the sun and moon and to the other heavenly bodies, because although the things for which they arise are more important than they are, they nevertheless assist us, who are going toward greater things.

>

> Add that they assist by design, and we are therefore placed under obligation: we did not fall ignorantly into their benefit, but they knew that we would receive these things which we receive. And although a greater thing was proposed to them, and the fruit of their activity was greater than the preservation of mortal beings, nevertheless their mind was also directed toward our advantages from the beginning of things, and that order was given to the world so that it may appear that care of us was not held among the last things.

>

> We owe dutiful affection to our parents, and many did not come together in order to beget us. The gods cannot appear not to have known what they were about to produce, since they immediately provided nourishment and assistance for all; nor did they beget through negligence those for whom they had generated so many things. For nature considered us before it made us, nor are we so slight a work that we could have fallen from its attention.

Would he not appear altogether Christian if he attributed these things to the one true God?

If, therefore, so great a mass turns for our sake; if things so small are composed with such great artistry and providence that within almost a single grain there is no less material for wonder than within the most immense spheres of the heavens, certainly the same God governs the society of human beings, the alternating turns of commanding and obeying, and all rewards and punishments.

How could he neglect the government of the most excellent creature, when he equipped the commonwealth of vegetables, so to speak, with laws so harmonious and so full for being born, growing, flowering, bearing fruit, and producing seed,

[Printed page 24]

and did so for this end, that they should serve the human being? If, therefore, he judged brute servants, estates, and beasts of burden worthy of such care, who would marvel that he judged us worthy to be ruled, he who governs all our possessions? For he does not imitate foolish parents who prepare fields, money, houses, and a household for their children, but neglect the children themselves.

CHAPTER XII

That the Commonwealth Is Ruled by God Is Shown by Examples

§ 1. There will be a place more proper to this disputation in Book II. For I shall show that the wicked are punished and good princes favored and defended.

Divine vengeance proceeds with a slow but weighty step, although punishment is sometimes made present swiftly. Indeed, this most especially demonstrates the active force of divine judgment against transgressors. Although no one among sinners escapes, but is either soon led to punishment or is deferred--unless through repentance and good deeds he anticipates the avenging hand of the divine power--the greatest part of punishments is preserved for the future. Yet in the meantime so many temporal evils precede those everlasting evils that no one can doubt that God exists, who rules and judges mortal affairs, rewards the good, and avenges himself upon the impious. He judges the world in equity and the peoples in his truth.

What some interpret as the necessity of fate, and others as a fortuitous event, is the judgment of God. Hence come the marvelous and unexpected revolutions of affairs. There is no year that is not marked by some distinguished fall or death of powerful persons--indeed, no day that does not see certain men lying low in the evening whom it had seen proud in the morning. This is not done by

> a star and the wondrous power of hidden fate,

but by God--God, I say, because he calls the stars and they say, “We are present”; he who made those lights not for their own service, but for the utility of human beings.

§ 2. Struck by that judgment, the first fratricide, wandering and trembling with perpetual dread, carried the marks of his crime around the world. By that judgment the flood inundated the lands, heavenly flame burned the Sodomites, the Red Sea overwhelmed the Egyptians, and Israel destroyed the Canaanites. By this judgment Korah, Dathan, Abiram, and many thousands fell in the desert. For many years Israel was oppressed by the tyranny of neighboring kings; afterward it was afflicted under its own kings and condemned to seventy years of servitude.

But let us consider greater examples. God permitted the avarice of the Assyrians to exhaust all Asia; he despoiled them through the Chaldeans; and the luxury of the Chaldeans through the Medes and Persians, who ruled most widely and, raised even to the highest summit and openly displaying vices greater than their dominion, were compelled through the Macedonians, the most contemptible nation of Greece, to accept the yoke of servitude. But he cast the Macedonians, who had collided among themselves, before the Romans to be defeated, crushed, and stripped to the bone.

Then, when the sins of the Romans exceeded their measure, so that they could neither be tolerated any longer nor bear a remedy, he first wore the Romans down by mutual slaughter and then divided them among the Cimbri, Heruli, Goths, Vandals, Lombards, and other barbarians. Now all Asia, the more excellent portion of Africa, and noble Greece pay the penalties of despised religion beneath the bitter and harsh dominion of the Ottomans.

All disasters that have afflicted either the whole world or its parts in turn are executions of divine judgments. “We read,” says Tertullian in the *Apology*, chapter 40, “that Hierapolis and the islands of Delos, Rhodes, and Cos perished together with many thousands of human beings. Plato also records that a land greater than Asia and Africa was taken away by the Atlantic Sea. The earthquake also drank up the Corinthian Sea. And the force of the waves severed Lucania from Italy and banished it into the name of Sicily.” The punishments were exceedingly ancient, but the crimes which drew punishment as their companion were still more ancient.

The ancients relate that during the reign of the impious Phaethon, Greece and Ethiopia were devastated by fires and the king himself destroyed by a thunderbolt. In vengeance for adultery, the kingdom of Priam and barbarian opulence passed into funeral pyres. Sardanapalus the Assyrian, together with a herd of shameful men and women, brought his immense luxury to an end in his burning palace. A most just thunderbolt crushed Tullus Hostilius, king of the Romans. We read of the fires of Jerusalem, Athens, Rome, Sidon, Tyre, Thebes, Persepolis, Saguntum, Corinth, Carthage, Numantia, Byzantium, Nicomedia, Aquileia, Padua, Antioch, Basel, Venice, and other cities, and that they were frequently repeated. I pass over earthquakes and other misfortunes.

I would show the great rewards given to the piety of kings and peoples, so that by this part too I might establish God's rule, but I prefer to defer them to that part in which I shall treat of piety. For no thing demonstrates divine sovereignty within the commonwealth more clearly than the rewards of virtue.

CHAPTER XIII

The Objections of Atheists Are Answered

§ 1. There are many things which atheists seriously, and the weak and inexperienced for the sake of learning, are accustomed to object against providence and the government of God. For since the world is, as Eusebius defines it in book [reading uncertain], "Σύστημα δὲ οὐρανοῦ, καὶ ἀέρος, καὶ γῆς καὶ θαλάττης, καὶ τῶν ἐν τούτοις φύσεων," a system or structure composed of heaven, air, earth, water, and the natures which are in these; since it is the common city of human beings and angels, so that one commonwealth is formed from the whole world--so much so that the Stoics say that heaven is properly a city, while they affirm that those which we inhabit are indeed called cities but are not cities--if, therefore, this commonwealth is governed by the best, most provident, and wisest prince, God, it is necessary that it also be ruled in the best and most tranquil manner, and that it be well with the good and ill with the wicked. Rewards should have been established for the well-deserving, punishments for the impious.

But in that commonwealth of the world, they say, in that vast city, the felicity of the wicked is often greater; and that weapon not only strikes lowly souls ignorant of heavenly things, but is also fixed in strong and fortified breasts. Why, therefore, do adverse things happen to good men and prosperous things to the wicked? This man plundered a province, drinks into the daylight, and, as the poet says, enjoys himself while the gods are angry.

> Licinus lies in a marble tomb, but Cato in a small one,
>
> Pompey in none: do we believe that there are gods?

Thus in David, Psalm 72:9: "They have set their mouth against heaven, and their tongue has passed through the earth. And they said: How does God know? And is there knowledge in the Most High? Behold, these themselves are sinners, and, abounding in the world, they have obtained riches. And I said: Therefore I have justified my heart without cause, and I have washed my hands among the innocent. I thought that I might know this: it is labor before me, until I enter into the sanctuary of God and understand concerning their last things."

This, then, is an ancient complaint:

> Τολμῶ κατειπεῖν, μήποτ᾽ οὐκ εἰσὶν θεοί·
>
> Κακοὶ γὰρ εὐτυχοῦντες ἐκπλήσσουσί με.
>
> I dare to say: are there gods?
>
> For prosperous wicked men render me astonished.

The second argument is that results generally correspond to industry, labor, counsels, cunning, and human providence; therefore human minds ought not to be turned toward other things, but each man ought to trust in his own ability

[Printed page 25]

and providence. Hence the Spartans warned that fortune must be invoked with the hand set to work, and the Attic people said, "Σὺν Ἀθηνᾷ καὶ χεῖρα κίνει," "With Pallas, move your hand as well." These do not yet wander far astray; worse is this saying:

> Divine power is not yet absent, if prudence is present.

For it sets human--that is, most wretched--prudence in the place of divine power. And others say: Why was God so inequitable in the distribution of fate that he prescribed poverty, wounds, and bitter funerals for good men? And so, if God does not bring it about, error, imprudence, or sloth brings it about. The Romans subdued the world, but by labor,

boldness, endurance, the appearance of justice, and prudence. The Laconians held the sovereignty of Greece, but by their own industry. If in every matter you employ stratagem, there is no reason for you to seek another God.

Hence come words impious and hostile to God. “That wise man, full of joy, cheerful and calm, unshaken, lives with the gods on equal terms,” says Seneca, Epistle 59. And not merely on equal terms, but not needing God: the same author, Epistle 31, says, “This is the supreme good; if you attain it, you begin to be an associate of the gods, not a suppliant.” But, that you may behold the highest summit of madness, hear Sextius in Seneca, Epistle 73: “Sextius used to say that Jupiter can do no more than a good man. Jupiter has more things which he may bestow upon human beings; but between two good men the richer is not the better, any more than, between two men who possess equal skill in directing a helm, you would call him the better whose ship is larger and more splendid.” And Seneca in that place: “In what does Jupiter surpass a good man? He is good for a longer time.” These are their words, and they exclaim:

> By this way one goes to the stars.

Here they make human beings equal to God not only in wisdom but also in felicity, so much so that someone spoke less wickedly when he said:

> My right hand is a god to me, and the missile weapon which I brandish.

The third argument: it is unworthy of divine majesty to summon it down to all things, even the vilest--to the offspring of worms and ants, and to the works of human beings, very many of which either are vicious or are joined with vices.

The fourth argument is this: Nature performs all things by the same course; the circuits of the heavens are fixed; the changes of the lower world are likewise, in their own fashion, not very different; the perpetual alternations in the birth and death of animals and plants, and also infancy, adolescence, manhood, and old age succeeding in the same manner in all human beings, show that nature suffices for itself and that all these things occur by a certain natural law and necessity, and not by some other mind which exercises dominion over nature itself.

The fifth argument: Monsters are born; therefore that most wise mind errs and fails in its work. Hence come two-headed, three-bodied, hundred-handed, and six-fingered creatures; and, by an opposite error, one-eyed and one-handed creatures; indeed, by an unsociable conjunction of natures, men who are half oxen or oxen that are half human, fetuses with a dog’s face, an ape’s hand, or goats’ feet. Error occurs in other ways too: by distortion of limbs and by the magnitude of certain limbs or of the whole body. And so the weary or exuberant workwoman often produces Longhands, giants, and dwarfs. To what end are there so many poisons of serpents and plants, so many terrors of wild beasts, and so many annoyances of insects, if provision has been made for us by God? Hence also arise the very many complaints of very many men against the works of God.

Hence it is that Cotta the Academic, in the third book *On the Nature of the Gods*, denies everything to God or attributes all evils to him, even crimes themselves. “For if,” he says, “the gods gave reason to human beings, they also gave malice. For malice is a crafty and deceitful method of doing harm.” From these things they conclude that fortune, prudence, cunning, successful crimes, human life, and all affairs rule events, and that no account is to be taken of a more divine providence.

§ 2. These are ancient objections proposed not by one man alone; nevertheless, a true and solid answer has customarily been given not only by the holy prophets and Fathers, but also by the most excellent of the philosophers.

§ 3. The first argument has always moved very many. The philosophers themselves in Cicero, and Cicero himself in the fifth book *On the Nature of the Gods*, can scarcely defend the gods. I shall set forth the complaints in Cicero’s words and shall answer them.

“Telamon,” he says, “indeed concludes the whole question in one verse: whether the gods neglect human beings.

> For if they cared, it would be well with the good and ill with the wicked;

which is now far from the case.

They certainly ought to have made all men good, if indeed they took counsel for the human race. But if that was too little, they ought at least to have taken counsel for the good. Why, therefore, did the Carthaginian crush the two Scipios, most valiant and excellent men, in Spain? Why did Maximus carry out the funeral of his consular son? Why did Hannibal kill Marcellus? Why did Cannae take Paulus away? Why was the body of Regulus handed over to the cruelty of the Carthaginians? Why did the walls of his own home not protect Africanus? But these things are ancient, as are very many others. Let us see things nearer to us. Why is my maternal uncle, the most innocent and likewise most learned P. Rutilius, in exile? Why was my companion Drusus killed in his own home? Why was Q. Scaevola, high priest, a model of moderation and prudence, slaughtered before the image of Vesta? Why also were so many leading men of the state killed by Cinna? Why could Gaius Marius, the most faithless of all men, order Q. Catulus, a man of the most eminent dignity, to die?

"The day would fail me if I wished to enumerate the good to whom things turned out badly; and no less if I were to commemorate the wicked for whom they turned out excellently. For why did Marius, after becoming consul for the seventh time, die so prosperously as an old man in his own home? Why did Cinna, the most cruel of all men, reign for so long? But he paid the penalty. It would have been better for him to have been restrained and prevented from killing so many eminent men than for him to pay the penalty himself at some later time. Q. Varius, a most savage man, perished with the greatest torment and punishment; but because he had taken away Drusus by the sword and Metellus by poison, it would have been better for them to be preserved than for Varius to pay the penalties of his crime.

"Dionysius was tyrant of a most opulent and most prosperous city for thirty-eight years. How many punishments before him did Pisistratus, Phalaris, and Apollodorus endure in the very flower of Greece, although they first tortured and killed many! And many robbers often pay the penalty; nevertheless, we cannot say that more captives have not been cruelly killed than robbers. We have learned that Anaxarchus, the Democritean, was tortured to death by the Cypriot tyrant, and Zeno of Elea killed under torture. What shall I say of Socrates? I am accustomed to shed tears at his death when reading Plato. Do you see, therefore, that in the judgment of the gods--if they see human affairs--the distinction has been removed? Diogenes the Cynic indeed used to say that Harpalus, who in those times was regarded as a prosperous robber, bore testimony against the gods, because he lived so long amid that fortune.

"Dionysius, of whom I spoke before, after he had pillaged the sanctuary of Proserpina at Locri, was sailing to Syracuse. And when he was holding a most favorable course, he said, 'Do you see, friends, what good navigation is given by the immortal gods to sacrilegious men?' And the clever man, when he had perceived it clearly and well, persisted in the same opinion. When he had brought his fleet to the Peloponnese and entered the sanctuary of Olympian Jupiter, he stripped from him a golden cloak of great weight, with which Gelo the tyrant had adorned Jupiter from the spoils of the Carthaginians. And in this too he jested that a golden cloak was burdensome in summer and cold in winter; and he threw a woolen mantle over him, saying that it was suitable for every season of the year.

"The same man ordered the golden beard of Aesculapius at Epidaurus to be removed [the transcription is defective here], for it was not fitting, he said, for the son to be bearded when the father was beardless in all his sanctuaries. He then ordered the silver tables to be removed from all the shrines

[Printed page 26]

on which, according to the custom of ancient Greece, the words 'Of the Good Gods' were inscribed, saying that he wished to make use of their goodness. The same man without hesitation took away the little golden Victories, bowls, and crowns which were supported by the outstretched hands of the images; and he said that he was receiving, not removing, them, for it was folly to be unwilling to take from those from whom we prayed for good things when they were offering and giving them.

"They say that this same man carried the things which, as I have said, had been taken from the sanctuaries into the forum and sold them through a herald; and, when the money had been exacted, he decreed that whatever each man possessed from the sacred things should be returned by each man to its own sanctuary before a fixed day. Thus he joined injury toward human beings to impiety toward the gods. Therefore neither did Olympian Jupiter strike him with a thunderbolt, nor did Aesculapius destroy him by making him waste away with a wretched and lingering disease. He died in his own bed and was carried to the pyre of Tympanis; and the power which he himself had obtained through crime he handed down to his son in place of an inheritance, as if it were just and legitimate."

He concludes at last in this fashion: "Therefore the prosperities and favorable affairs of wicked men refute--as Diogenes used to say--the force and power of all the gods."

§ 4. First, indeed, I answer that human judgment is deceived in the case of many human beings. For it is evident that those whom Cicero calls the best and holiest were entangled in many crimes and deserved to undergo punishments. Scaevola, Catulus, Drusus, Metellus, and the others whom he deplores as most holy men slaughtered with torment by the most savage men seem to me not to have been much better than their enemies--nor indeed Socrates, the most shameful teacher of crimes and every outrage. Who, however, will call the Romans innocent if he considers that, as they sat daily at the spectacles of the arena, they ordered the deaths of guilty and innocent alike? "Burn, scourge, cut, kill!" These were the customary words of the entire amphitheater. What greater thing did Phalaris do? Or Pisistratus? They killed fewer for their own protection than those most excellent Roman men killed for pleasure.

Second: human goods are not of such a kind as to contribute any weight toward felicity, nor are human evils such as can make men wretched. For how are poverty and exile burdensome except by estimation alone? Was Fabricius wretched when, beside the hearth, he dined upon the very roots which, as an old triumphator, he had pulled up while clearing his field? Or, to come to our own people, was the patriarch Jacob wretched when by night he placed a stone under his head? Or Paul and Antony, eating bread beside a spring? It is an error to judge that men are not happy unless they heap into their belly fish from a distant shore and fowl from beyond the seas, unless with exotic seasonings they rouse the sluggishness of a nauseated stomach, so that by a novel pleasure they may pile up dishes that will do them harm.

A good man is not rich; a wicked man abounds. What follows? The former will live frugally, the latter disgracefully. Tiberius Caesar sold a mullet of four and a half pounds; Apicius and P. Octavius bid for it. Octavius bought it for five thousand sesterces, that is, one hundred and twenty-five Philippics. Seneca, Epistle 95. Were those gluttons who bought the delicacy which Caesar sold happy? Or was the good man wretched if he could not buy what Caesar did not desire?

Caligula dined for ten million sesterces, and the ingenuity of all men was required so that the revenue of a middling province might become the cost of one dinner. Its price in our coinage is two hundred and fifty thousand Philippics. Let us hear even the pagans themselves, and rich men. Seneca, *Consolation to Helvia*: "Why do you seek so many things? Evidently our ancestors, whose virtue even now sustains our vices, were unhappy: they prepared food for themselves with their own hand; the earth was their bed; their roofs did not yet gleam with gold; their temples did not yet shine with gems. And so at that time oaths were sworn religiously by gods of earthenware. Those who had invoked them returned to die before the enemy lest they deceive them.

"Evidently our dictator lived less happily: while he heard the ambassadors of the Samnites, he himself turned the cheapest food on the hearth with his own hand--that hand with which he had already often struck the enemy and had deposited his laurel in the lap of Capitoline Jupiter--than Apicius lived within our memory. In that city from which philosophers had once been ordered to depart as corrupters of the young, he professed the science of the cookshop and infected the age with his discipline. It is worthwhile to know his end. When he had poured one hundred million sesterces into his kitchen, when he had swallowed up so many imperial gifts and the enormous revenue of the Capitol in individual revels, burdened by debt he was then compelled for the first time to inspect his accounts. He calculated

that ten million sesterces would remain to him; and, as if he would live in the extremity of famine if he lived on ten million sesterces, he ended his life with poison. How great was the luxury for which ten million sesterces was poverty! Go now, and suppose that the measure of money pertains to the matter, not the mind. Someone feared ten million sesterces and fled by poison from that for which others pray in their vows."

God's judgment, therefore, must not be censured in these matters, since that man is happy who desires less, and that man is unhappy whose appetite is immeasurable and incomprehensible, whose desire finds nothing sufficient.

§ 5. But many of the good pass their life amid hunger, thirst, prison, slavery, and torments, while in the meantime the wicked overflow with every pleasure. Their condition is harsher, I confess; nevertheless, this too confirms divine providence for us more than it overthrows it. Even for the public there is great utility in such examples. Reason taught unbelievers what faith taught Christians: we call them trials, they exercises. A wise man regards all adversities as exercises. Virtue withers without an adversary; endurance shows what it can do.

Seneca, *On Providence*, chapter 2: "Do you not see how differently fathers and mothers show indulgence? Fathers order their children to be roused early to undertake their studies; they do not permit them to be idle even on holidays, and they draw sweat from them, and sometimes tears. But mothers wish to cherish them in their bosom and keep them in the shade: they wish them never to weep, never to be sad, never to labor. God has a father's disposition toward good men, and loves them stoutly. 'Let them,' he says, 'be agitated by works, pains, and losses, that they may gather true strength.' Things fattened through inactivity languish; they fail not only through labor, but through bulk and their very burden. Untouched felicity does not endure any blow; but when it has had a continual struggle with its own inconveniences, it acquires a callus through injuries and yields to no evil; but even if it has fallen, it fights from its knee." These are the words of the Roman wise man.

§ 6. Next, adversities are medicines and means of calling men away from vices; they benefit those very men who suffer them. Hear Jerome on Ezekiel: "What is thought to be punishment is medicine." But because my business is with atheists, let them hear those whom reason led to the point from which they, falling away from faith, have fallen headlong.

Seneca says in *On Providence*, chapter 3: "Is it for their benefit to be cast into exile, to be led into poverty, to carry out the funerals of children and wife, to be affected by disgrace, to be disabled? If you marvel that this is for someone's benefit, you will marvel that some are cured by iron and fire, and no less by hunger and thirst. But if you consider within yourself that, for the sake of a remedy, some men have their bones scraped and picked out, their veins extracted, and certain limbs amputated which could not remain attached without the destruction of the whole body, you will allow this too to be proved to you: certain inconveniences are for the benefit of those to whom they happen, just as, by Hercules, certain things which are praised and sought are against those whom they have delighted--things very similar to indigestion, drunkenness, and the rest which kill through pleasure."

And a little later: "Let us come to Regulus. How did fortune

[Printed page 27]

harm him by making him an example of fidelity, an example of endurance? Nails pierce him, and wherever he has rested his exhausted body he lies upon a wound, and his eyes are suspended in perpetual wakefulness. The more torment, the more glory there will be. Do you wish to know how little he repents of valuing virtue at this price? Restore him and send him into the senate: he will express the same opinion.

"Do you therefore think Maecenas happier? Anxious because of his amours, and weeping over the daily repudiations of his peevish wife, he seeks sleep through the music of harmonies sounding softly from afar. Though he drug himself with unmixed wine, divert himself with the noise of waters, and beguile his anxious mind with a thousand pleasures, he will be as wakeful upon feathers as the other man upon the cross.

"Calamity is the opportunity of virtue. And so God tests, hardens, recognizes, and exercises those whom he loves. Those toward whom he seems indulgent, whom he seems to spare, he preserves soft for evils to come. For you err if you judge anyone exempt: his portion will come to the man who has long been prosperous. Whoever seems to have been dismissed has been deferred. Why does God afflict every excellent man either with ill health or with other inconveniences? Why also are dangerous tasks commanded to the bravest men in camps? A commander sends the choicest men to attack enemies in ambushes by night, or to explore a route, or to drive a garrison from a position. No one of those who go out says, 'The commander has deserved ill of me,' but, 'He has judged well.' Let all who are commanded to suffer things lamentable to the fearful and slothful say the same. We have seemed worthy to God that he should test in us how much human nature could endure.

"Flee pleasures; flee enervated felicity, through which minds grow sodden and, unless something intervenes to remind them of the human lot, are stupefied as if by perpetual drunkenness. A man whom windowpanes have always protected from a draft, whose feet have grown warm among fomentations repeatedly changed, whose dining rooms have been tempered by heat introduced beneath and poured around their walls--a light breeze will not chill this man without danger. Since all things which have exceeded measure do harm, the intemperance of felicity is most dangerous. It disturbs the brain, summons the mind into empty images, and pours a great quantity of intervening darkness between falsehood and truth. Why should it not be better to sustain perpetual unhappiness, which summons one to virtue, than to burst under infinite and immoderate goods? Death is lighter for the fasting; men burst from indigestion.

"And so the gods follow this method with good men which teachers follow with their pupils: they demand more labor from those in whom there is more certain hope. Surely you do not believe that the Spartans hate their own children, whose character they test publicly by applying blows? The fathers themselves exhort them to endure bravely the strokes of the lash and, when they are lacerated and half-dead, ask them to persevere in offering wounds to wounds. What wonder is it if God harshly tests generous spirits? An example of virtue is never soft. Does fortune scourge and lacerate us? Let us endure it. It is not cruelty; it is a contest. The more often we enter it, the stronger we shall be. The most solid part of the body is that which frequent use has exercised. We must offer ourselves to fortune so that by fortune itself we may be hardened against it. Gradually it will make us equal to itself; frequency of undergoing danger will give contempt of dangers.

"Thus the bodies of sailors are hardened by enduring the sea; the hands of farmers are calloused; soldiers' arms have strength for hurling missiles; the limbs of runners are nimble. In each person that which he has exercised is most solid. Through endurance the mind arrives at contempt for the power of evils. You will know what endurance can accomplish in us if you consider how much labor supplies to peoples who are unclothed and stronger through poverty.

"Why, however, does God allow any evil to happen to good men?" Seneca, *On Providence*, chapter 6. "In truth, he does not allow it. He has removed all evils from them: crimes and shameful deeds, wicked thoughts, greedy counsels, blind lust, and avarice threatening the possessions of another. He protects and vindicates the men themselves. Does someone also demand this of God, that he preserve even the baggage of good men? They themselves release God from this care: they despise external things. Democritus threw away his riches, judging them a burden upon a good mind. Why, therefore, do you marvel if God allows to happen to a good man what a good man sometimes wishes to happen to himself? Good men lose their sons: why should they not, when sometimes they themselves kill them? They are sent into exile: why should they not, when sometimes they themselves abandon their country, never to return to it? They are killed: why should they not, when sometimes they lay hands upon themselves? Why do they suffer certain harsh things? That they may teach others also to suffer: they were born as an example."

§ 7. But are the wicked happy? See the same wise man: "Those whom you regard as happy, if you see them not where they meet your view but where they lie hidden, are wretched, filthy, and shameful, ornamented on the outside after the likeness of their walls. That is not solid and genuine felicity; it is a crust, and indeed a thin one. And so, while they are permitted to stand and be displayed according to their will, they shine and deceive; when something occurs which disturbs and uncovers them, then it appears how much deep and true foulness another's splendor has concealed."

If you are pleased to hear pious and sound teachers, they will teach us the rationale of providence more rightly and clearly. Augustine, *The Literal Meaning of Genesis*, book 11: "Why also does God permit this--to be tempted? Is it because virtue is proved and exercised, and the palm is more glorious for one who, though tempted, has not consented than for one who could not be tempted? Since even those who, after deserting the Creator, go after the tempter, increasingly tempt those who remain in the word of God, furnish them an example for avoiding desire, and strike a pious fear into them against pride? Hence the Apostle says: 'Considering yourself, lest you also be tempted.'

"For it is remarkable how greatly that humility by which we are subjected to the Creator--lest, as if not needing his aid, we presume upon our own powers--is commended to everyone throughout all the divine Scriptures with continual care. Since, therefore, the just make progress even through the unjust, and the pious through the impious, it is said in vain: 'God should not have created those whom he foreknew would become wicked.' For why should he not create those whom he foreknew would profit the good, so that they might both be born useful for exercising and admonishing their wills and be justly punished for their own will?"

§ 8. Do you envy the prosperity of the wicked, or even shed tears over it? What is the cause of such great disturbances? Are not gladiators also distended with fattening so that they may perish more splendidly? Do not those condemned to fight wild beasts eat a final public meal? David resolves the question, but in the sanctuary of God and in their last things. For when the wicked are deferred here, they are reserved for punishments without end; and when the good labor here, they are exercised so that at the end they may obtain the inheritance.

The majesty of so great a reward is so arduous, its sweetness so pure and honorable, its eternity so secure and unchanging, that one must strive toward it through the most freely undertaken labors of doing and suffering, not through pleasures and earthly rewards. This whole thing which is called the human race, this whole mass of mortality, will come to examination, will come to the scales; all the works of human beings will be weighed there. For the present a cloud enfolds them, but the merits of each are known to God.

God did not wish to reward justice with gold. For what sort of justice is that which is maintained for the sake of gold? As though gold were more precious than justice itself, or, when someone denies another man his possessions, the man to whom he denies them suffers a greater loss than the man who denies them: the one loses his garment, the other his fidelity.

§ 9. It pertains especially to providence that God should leave the causes which he created with their own properties and powers, and that he should permit freedom in acting to those which he made free. Hence each person ought to impute his own failure to himself, not to God. For there is no praise of virtue unless labor is undertaken voluntarily and for an honorable end, nor any glory in avoiding a crime

[Printed page 28]

unless its enticements have been voluntarily despised. He who is innocent through fear is not innocent; much less does one who is wicked or good by necessity merit praise for virtue or vice.

§ 10. Nevertheless, the sole cause of this blasphemy--why they say that God turns his eyes away from the works of the faithful but attends the wicked with benevolence--is that they judge that all things are ended by death and that no life of the soul survives after death, either for the rewards of merits or for the punishments of transgressions. But this is itself a principal judgment in favor of eternity: by it we recognize that all the deeds of human beings, which here are assessed with such unequal punishment and reward, are at last made equal. You marvel that Nero is not killed immediately, that the Sicilian tyrant rages for forty years. Judge him most wretched for whom so many years have turned into greater torments.

Slow vengeance takes away excuse from the impious and gives the penitent time to amend. You would wish punishment to be made present as soon as someone has committed a crime; therefore, lest only a few live for a long time, fear that swift vengeance ought also to have taken you away.

§ 11. Finally, God wished certain evils to be common and certain favorable things to be available to all. Tertullian, in the *Apology*, chapter 41: "For he who once appointed eternal judgment after the end of the age does not hasten the separation--which is the condition of judgment--before the end of the age. Meanwhile he is equal over the whole human race, both indulging and rebuking. He wished both benefits to be common to the profane and inconveniences to his own, so that by equal participation we might all experience both his gentleness and his severity. We who have learned equity in his presence love his gentleness and fear his severity; you, on the contrary, despise both. And it follows that all the blows of the age, if perhaps they come from God for our admonition, come for your chastisement.

"Yet we are harmed in no way: first, because nothing concerns us in this age except how quickly we may depart from it; next, because if anything adverse is inflicted, it is assigned to your merits. But even if some things strike us too because we adhere to you, we rejoice rather at the recognition of divine predictions, which plainly strengthens the confidence and faith of our hope. But if all evils come to you from those whom you worship because of us, why do you persist in worshiping those so ungrateful and unjust, who ought rather to have assisted and vindicated you in the distress of the Christians--whom they ought to separate from the merits of the Christians?"

§ 12. It very often seems marvelous to me that the wicked, who will pay such great penalties, generally live anxiously even in this age, struggle with the most grievous calamities, and indeed obtain horrible ends. Yet even in this respect the severity of divine justice shines forth. For it will not permit sinners to pass their lives secure in present goods, since fear of future things would restrain many too little, and certain impunity would furnish the greatest enticement to crime.

§ 13. The second argument, in which the subtlety of human prudence marvelously pleases itself, was drawn from the result of industry. For good counsels ordinarily have fortunate outcomes, but foolish counsels calamitous ones; therefore there is no other providence which governs or corrects human counsels. But this reasoning also deceives by the appearance of truth. For not all things well deliberated have fallen out fortunately, so that a man deservedly lacks success if he judges that the soundness of counsels ought to be estimated from the outcome.

Nevertheless, even if everything which is conducted by counsel and reason in administering the commonwealth were prudently instituted and were always led to the desired ends, and no rash undertakings ever turned to good, God's part in the government of the city would not on that account have to be taken away from him. Experience of each is manifest, as is the reason. The smallest thing often disturbs counsels that have been most excellently instituted and renders them not only useless but even destructive. First Corinthians 1:19: "For it is written: I will destroy wisdom, and I will reject the prudence of the prudent. Where is the wise man? Where is the scribe? Where is the investigator of this age? Has God not made foolish the wisdom of this world?"

Egypt possessed a great reputation for wisdom. Instructed by Joseph, it cultivated Greece--for which of the wise did not deal with the Egyptians? Yet what did God say? Isaiah 8:10: "Enter upon a counsel, and it shall be dissipated." And 19:11: "The wise counselors of Pharaoh have given foolish counsel. How do you say to Pharaoh, 'I am a son of the wise, a son of ancient kings'? Where are your wise men now? Let them announce to you and indicate what the Lord of hosts has thought concerning Egypt." Why, indeed, was it foolish? Because, as he says in verse three, "I will cast down its counsel."

But because atheists have no faith in the sacred writings, they must be refuted by their own wisdom. With how great wisdom did many lawgivers found and adorn a commonwealth, and yet in those very laws how wretchedly did they compel the city to labor and the citizens to collide with one another? Indeed, these instances are so numerous that the patriarch of false politicians, in book 2, discourse 29, says that Fortune casts darkness before the minds of human beings lest they break the force of her onset. He speaks impiously, indeed, since he ascribes to fortune the divine vengeance by which God denies them wisdom; yet he speaks suitably for the purpose, so that we may recognize that the outcomes of human counsels are never not in doubt.

For many things intervene which cut through anxious cares and deceitful hopes. The fraud of Mettius was cunning, but Tullus made it ineffectual with a single word, when he falsely declared that it had been done by his command. A wolf reduced Dionysius from the scepter to the schoolmaster's rod, for it intercepted the letters, together with flesh, from the bag of the sleeping letter-carrier. A soldier dragged Claudius forth and by chance made him emperor. The death of Commodus was hastened because Philocommodus childishly carried out the paper on which the names of those marked for death had been written. How many battles, how many armies, has one utterance ruined and reduced all counsels to nothing?

§ 14. The cause of the blasphemous error is that we see the beginnings, transformations, and destructions of empires occur through intermediate causes highly suited to those ends. Hence they attribute the entire event to the causes which appear and do not know the eternal cause which governs even the intermediate causes. When the vast bodies of kingdoms tend toward their setting and, as it were, their death, many signs and criteria appear beforehand to prudent men, by which they prophesy the future ruin with certain foreknowledge.

When the Persian empire was already standing on a slippery place, monstrous luxury, sloth, the abandonment of military discipline, commanders inexperienced and slothful in war--with no one whom one could trust unless he came from Greece--avarice, outrages against subjects, ambition, and consequently discord among counsels and the alienation of peoples hastened every evil. Divine justice withdrew the gifts of courage and prudence from men so criminal and so arrogant.

§ 15. What was advanced in the third place--that infinite majesty ought not to be present to the smallest things--can move no one who has learned that the divine power is a mind of infinite efficacy, which has all the sands of the sea and all the particles of the universe numbered; that God is one who does nothing anxiously, nothing while distracted; who is not called away from the protection of individual things by the knowledge and government of all things;

[Printed page 29]

to whom all the hairs of our head are numbered; from whose care nothing can be exempted, just as it cannot exist without him. There were not lacking among the ancients those who considered care of the smallest things foreign to God. Pliny, book 2, chapter 7: "It is ridiculous that that supreme being, whatever it is, should exercise care over human affairs. Are we to believe, or doubt, that it is not polluted by so manifold a ministry?" Far better is Epictetus: "You, God, I do not deceive even in the smallest thing."

The reasoning is firm. For if God administers the greater things, his power must also be in the minute things, and therefore his providence too; for the greatest things consist of those minute things. God could not create the world such as we see it unless he had first known it completely. He could not know the whole unless he examined the individual parts. For how could he create an animal if he did not hold its veins, arteries, fibers, pores, and the instruments of all its actions perceived and comprehended in his mind?

It would therefore be unworthy of that majesty to be ignorant of even the smallest thing, not always to behold the smallest thing in the clearest light, or for anything to escape his awareness and knowledge even for a moment. For if we establish that some things can lie hidden from God, and lie hidden for a brief time, there is no reason why we should not say that very many things lie hidden for the longest time--indeed, that all things always lie hidden. For why should he know those things but not know these?

I shall state the most impious doctrine of all which follows from this reasoning: namely, if God is ignorant of certain things and is deceived, since he is immutable, he cannot ever learn those things either. And therefore that God from whose majesty they consider the care of small things foreign is not even God, but a block of wood which is ignorant of all things. You say that the majesty of God is polluted by contact with filthy things, yet you cannot deny that the rays of the sun shine upon every sewer and pestilential pool without contaminating themselves. Saint Augustine excellently

says in book 9 of *The City of God*: "God, who is assuredly incapable of contamination--far be it that he should fear contamination from the man whom he put on, or from the human beings among whom he lived in a man."

§ 16. The fourth argument most strongly asserts the government of God. For the fixed order of all motions, the conflicts of the elements, and a certain equality among them are not preserved except by incredible wisdom. For how, by fortune or chance, are the same things always born or destroyed according to the same plan? And why do those who gather from the features of bodies that the soul is mortal not rather conclude, from the soul's perspicacity, agility, and marvelous nature of thinking and reasoning, that so spiritual and divine a power is not corporeal and cannot be corrupted by the death of the body?

§ 17. The fifth argument concerned the errors of nature, or monsters; for these appear unable to exist if this universe is administered by God, since it is necessary that he be free of every error.

I answer that the wandering of nature in its parts does nothing against the common providence of God. "It is God," says Saint Augustine, book 16 of *The City of God*, chapter 8, "who himself knows where and when anything ought, or ought to have been, created." He intimates the cause: "Knowing the beauty of the universe, by either the similarity or the diversity of which parts he should weave it together. But he who cannot behold the whole is offended as if by the deformity of a part, because he does not know with what it agrees and to what it is referred."

God therefore has his own reason why he permits these defects in created things; for all those things which occur from the hidden causes of the world have been placed beneath that providence. Fabulous histories of monstrous human beings relate that some are one-eyed; others have feet turned backward behind their legs; others are Sciopods, Pygmies, Astomi, Onophthalmi, Cynocephali, and others marvelous by their very rarity. I am not led to believe that these exist or have existed. Rather, those historians, glorying in their curiosity, seem to have lied with unpunished vanity. If, nevertheless, such things existed, and if they were human beings, the judgment of Saint Augustine concerning them in book 16 of *The City of God*, chapter 8, pleases me: "But if they are human beings, concerning whom those marvels have been written, what if God wished to create certain nations thus for this reason: lest, in the case of those monsters which are known among us to be born from human beings, we should think that his wisdom, which fashions human nature, had erred, as though it were the art of some less perfect craftsman? Accordingly, it ought not to seem absurd to us that, just as there are certain monstrous human beings in individual nations, so in the whole human race there are certain monstrous nations."

Nor did Aristotle think otherwise: "ἔστι γὰρ τὸ τέρας παρὰ φύσιν τι, παρὰ φύσιν δ' οὐ πᾶσαν, ἀλλὰ τὴν ὡς ἐπὶ πολύ· παρὰ γὰρ τὴν ἀεὶ καὶ τὴν ἐξ ἀνάγκης οὐδὲν γίνεται παρὰ φύσιν. A monster is something contrary to nature, but not to every nature; rather, to that nature which is customary for the most part. For nothing ever occurs contrary to the nature which is eternal and which exists by necessity." Accordingly, when something monstrous is born, God himself does not err; rather, secondary causes, because of a defect, excess, or intemperance of matter and the violence of surrounding impediments, produce something new or rare which adorns the variety of the universe, although it possesses deformity within its own kind.

The works of God should no more be blamed on account of these than on account of the magnitude, smallness, and form of bodies which is found among all human beings. For whom has he fashioned so exactly proportioned in every limb that he does not possess something which is more becoming in another? Therefore, just as amid so great a dissimilarity of faces we admire divine workmanship, so we by no means say that his industry has failed when he willed certain persons to be deformed. He directed natural causes in such a manner that, according to the powers implanted within them, they should effect that which God wills.

Small things teach how great the workmanship is. Shave an eyebrow: how much beauty is taken away from the body! Turn an eye aside a little: the most beautiful face will be deformed. These things, therefore, just as they occur from the hidden causes of those who generate, are likewise governed by hidden divine providence.

Saint Augustine speaks most excellently in book 11 of *The City of God*, chapter 22: "Nevertheless, this cause--that is, the goodness of God for creating good things--this cause, I say, so just and suitable, when diligently considered and piously pondered, terminates all the controversies of those who inquire into the origin of the world. Certain heretics did not see it, because many things which do not agree with this needy and fragile mortality of the flesh, now coming from a just punishment, offend it: such as fire, cold, a wild beast, or something of this kind. Nor do they attend to how those things thrive in their own places and natures, and are disposed in beautiful order; how much beauty they contribute, according to their portions, to the universe of things as if to a commonwealth; or how much convenience they furnish to us ourselves, if we use them fittingly and knowingly.

"Thus even poisons which through unsuitability are destructive are, when suitably applied, turned into salutary medicines; and, on the contrary, even these things in which men delight, such as food, drink, and this light, are perceived as harmful through immoderate and untimely use. Hence divine providence admonishes us not to censure things foolishly, but diligently to inquire into the utility of things; and where our ability or weakness fails, to believe that utility to be hidden, just as certain things were hidden which we have scarcely been able to discover. For even the concealment of utility is either an exercise of humility or a wearing down of pride, since no nature at all is evil, and this name signifies nothing except the privation of good. But from earthly things all the way to heavenly things, and from visible things all the way to invisible things, some goods are better than other goods; yet they are unequal so that all things may exist.

[Printed page 30]

"God, however, is so great a craftsman in great things that he is not lesser in small things. Those small things must not be measured by their own greatness--for they have none--but by the wisdom of the craftsman. Thus, in the visible form of a human being, if one eyebrow is shaved away, how nearly nothing is taken from the body, and yet how much is taken from its beauty, because beauty consists not in bulk but in the equality and proportion of the members."

§ 18. I shall conclude this disputation concerning God as governor of the commonwealth with a distinguished discourse of Saint Augustine. Although this matter has also been treated above, it nevertheless seems to me to be expounded more vigorously by that most ingenious of all men.

In *The Literal Meaning of Genesis*, book 5, chapter 22, he argues thus: "And surely, if those who deny this and do not acquiesce in sacred utterances of such great authority saw in this part of the world--which they suppose to be disturbed by fortuitous motions rather than ruled by the wisdom of the divine supremacy, and, as if to prove this, misuse a twofold argument, either the one recalled above concerning the inconstancy of weather or the one concerning the felicities and infelicities of human beings, because these do not occur in accordance with the merits of their lives--if they saw as great an order as appears in the members of the flesh of any living creature, I do not say to physicians, who because of the necessity of their art have diligently laid open, counted, and investigated these things, but to any human being of moderate sense and consideration, would they not cry out that God, from whom comes every measure of dimensions, every equality of numbers, and every order of weights, does not cease from its government even for a point of time?

"What, therefore, can be thought more absurd or more foolish than that the whole should be empty of the direction and rule of providence when you see its outermost and smallest parts formed with so great an arrangement that, when considered somewhat more attentively, they strike one with an ineffable awe of admiration? And since the nature of the soul excels the nature of the body, what is more demented than to think that there is no judgment of divine providence concerning the morals of human beings, when in their flesh such great indications of its skill shine and are demonstrated?

"But because these smallest things are at hand for our senses and we easily investigate them, the order of things shines forth in them. But those who think that nothing exists except what they can see--or, if they think that something else

exists, think it to be such a thing as they are accustomed to see--judge those things whose order they cannot see to be disordered.

“We, however, whose steps the same divine providence directs through Holy Scripture lest we fall into that perversity, let us attempt, with its assistance, to investigate from the works of God themselves where he created these things simultaneously, when he rested from his completed works, the forms of which he works through the order of times even until now. Let us therefore consider the beauty of any tree in its trunk, branches, leaves, and fruits. This form did not spring forth suddenly, so great and such as it is, but in an order which we also know. For it rose from the root which the shoot first fixed in the earth, and from there all those things, formed and distinguished, grew. Furthermore, that shoot came from the seed. Therefore all those things were originally in the seed, not in the bulk of corporeal magnitude, but in causal force and power. For that magnitude was gathered from the abundance of the earth’s moisture. But in that tiny grain there is a more marvelous and excellent force, by which the adjacent moisture, mixed with the earth as though it were material, had power to be turned into the quality of that wood, into the spreading of its branches, into the greenness and form of its leaves, into the forms and abundance of its fruits, and into the most orderly distinction of all its parts. For what rises or hangs from that tree which has not been drawn and brought forth from a certain hidden treasury of that seed?

“But that seed comes from a tree, although not that tree but another, and that tree in turn from another seed. Sometimes, however, a tree also comes from a tree, when a shoot is removed and planted. Therefore seed comes from tree, tree from seed, and tree from tree. But seed in no way comes from seed unless a tree first intervenes. A tree, however, comes from a tree even if seed does not intervene. Thus, in alternate successions, the one comes from the other, but each comes from the earth, and the earth from neither of them. Therefore the earth is their prior parent. So also with animals, it can be uncertain whether seeds come from them or they from seeds. Whichever of these is prior, it is nevertheless most certain that it came from the earth.

“But just as in the grain itself all the things which would rise into the tree through the course of time were invisibly present together, so also the world itself must be conceived, when God created all things simultaneously, to have possessed together all the things which were made in it and with it when the day was made: not only heaven with the sun, moon, and stars, whose form remains in revolving motion, and the earth and the abyss, which undergo movements that are, as it were, inconstant and, joined beneath, supply the other part to the world; but also those things which water and earth produced potentially and causally before, through the delays of time, they arose in the manner now known to us among those works which God performs even until now.”

CHAPTER XIV

The Form of the Commonwealth, and Its Various Kinds

§ 1. Unless I am mistaken, enough has now been said about the parts and members which constitute the commonwealth, and about its author, God, and its nature. We must now treat of its form itself and of the divisions which arise from it.

Form--or, as Aristotle and Plato call it, "τὸ εἶδος," species, or "τὸ εἶναι" itself, that is, essence--is that which constitutes from human beings the assembly which is called a commonwealth. It is the order of those who command and those who obey, a certain harmony and soul, embracing, binding together, and giving life to diverse dispositions and functions. When this form perseveres one and the same, the species of the commonwealth is said to remain the same. If this is changed, although the buildings, walls, suburbs, and even the human beings remain the same, nevertheless the same commonwealth cannot remain. One commonwealth was established at Rome when, after Tarquin had been expelled, sovereignty was in the hands of the consuls; another when by the royal law power again devolved upon one man.

§ 2. It is customary for all authors to make the form of the commonwealth threefold. For there is monarchy, aristocracy, and polity, or government of the people. This is taken from Plato: "Εἶτ' οὐκ οἶσθ', ὅτι τῶν πόλεων αἱ μὲν τυραννοῦνται, αἱ δὲ δημοκρατοῦνται, αἱ δὲ ἀριστοκρατοῦνται;" If it is not evident to you, some cities are administered by one man, some by the people, and some by the best men. Aristotle, imitating his teacher, says in book 3 of the *Politics*, chapter 7: "It is necessary that either one, or a few, or many command." This is the most widely accepted division.

Yet one may observe in it that it is not a "τῶν ἀμέσων" division, that is, one whose members differ with equal breadth. Plato, therefore, sometimes establishes two species. For either one man or several govern the commonwealth. If one, it is called a kingdom or monarchy; if several, they are either a few or the whole people. From this arise two species of "ἀρχῆς τῶν πλειόνων," rule by several: government by the best and government by the people.

But let us hear Plato, book 3 of the *Laws*: "There are, as it were, two mothers of constitutions, from which one would speak rightly if one said that all the others had been born. The one is rightly called monarchy, the other democracy, or government of the people; and the Persian nation holds the extreme of the former, while we hold that of the latter." And in book 5: "Εστὸν γὰρ δύο πολιτείας εἴδη. Let there therefore be two species of constitution."

The same author in the *Statesman* establishes seven forms of administration: royal, tyrannical, government by the best, government by a few, popular government according to laws, and popular government contrary to laws. Those are six species, three legitimate and three by no means legitimate. The best is separated from these,

[Printed page 31]

namely monarchy, or the principate of one man bound by good writings, that is, by laws. It was necessary to give this warning so that the nature of the commonwealth and all its parts might be examined thoroughly. Nevertheless, since it has thus been accepted, let it stand that there are three legitimate forms of the commonwealth and three departures of those forms from good government. We shall speak of each of them in turn.

§ 3. We now establish that at this time those three species of commonwealth have generally been so tempered that nowhere is a pure monarchy, aristocracy, or polity found. For all emperors, kings, and princes--I do not speak of the Turk and the Muscovite--and any who have a similar form possess a power circumscribed by definite laws; they have bound themselves to their commonwealth by many oaths. This is far more true of those who undertake magistracies

among the best men or from the people. Accordingly, almost all the kingdoms of Christians are aristocratic and political monarchies.

The Roman Empire itself possesses a marvelous mixture of the three forms of commonwealth. Its supreme head is the august Emperor, who possesses jurisdiction over all but must judge according to the laws. The best men are the seven electors and the other princes; nor is the nobility without its distinctions and its liberty confirmed by many privileges of the emperors. The people are not excluded either. Free cities possess their own governments; their votes are heard in public assemblies; access to certain highest magistracies lies open to very many. The emperor cannot oppress the princes, nor can they oppress the nobility, since many princes from the nobility are patrons of their own nation. But neither, while the Emperor's authority remains, do the cities fear the power of neighboring princes.

The Swiss imitate democracy, and formerly either expelled the nobility or reduced it into the ranks; nevertheless, the best men administer affairs. The Venetians indeed possess one duke, but the whole power is in the hands of the best men, or the nobility, which is said to be threefold: old, middle, and new. Nevertheless, a way to the lesser dignities lies open to many citizens, but all things are carried out by the vote and decree of the nobles.

§ 4. I judge this to be the sole cause why the forms of Christian commonwealths are now changed more rarely, whereas we see that formerly at Rome, Athens, and Carthage men for the most part continually pursued revolutions: error arose from the excess of one part. Just as sick bodies are engaged in continual tossing and seek relief from pain by a change of place--because they cannot shake out the evil clinging to their entrails, they embrace variety in their suffering--so is the health of a commonwealth disposed. For when one of its parts, either the prince himself, the best men, or the lowest common people, grows contrary to the laws and with damage and oppression to the other members, the whole body is shaken and torn apart, and it seeks change.

For if a prince employs his power contrary to right, the best men, detesting not so much the prince as the conduct of the prince, prefer governments of the best. But when they see that, after power has been conferred upon a few men, new petty tyrants daily succeed one tyrant, they demand again either a king or government of the people. But when they experience still more inconveniences in the latter, they hate the tribunes and endure much more bitterly a liberty oppressed under the name of liberty.

Yet in this they perpetually err: when they wish to correct the whole commonwealth, they do not act so that, with laws made equal, they may coalesce into one concord and friendship. Rather, they agitate beyond measure that part which seemed to oppress the others and attempt utterly to subdue and destroy it. They then transfer its strength to another part, which they render more insolent than the former. For their intention is not to make the balance equal or moderate the city, but to depress and conquer the other part. Nor do I remember any commonwealth being corrected in which these things were not done.

§ 5. It remains for me to explain what form of commonwealth agrees with diverse nations. For, when the nature and disposition of human beings have been understood, the lawgiver will easily determine the form of the commonwealth, and the magistrate will govern without danger.

Aristotle, book 6 of the *Politics*, chapter 7, judges that an aristocracy should be established in a place where there is need of heavy-armed soldiers and cavalry. For to support horses for war and maintain heavy armor belongs not to men of small means, but to the rich. If, therefore, the rich are compelled to sustain dangers, take the expense of war upon themselves, and defend the fatherland, it is also just that they obtain the first parts in attaining honors and magistracies, so that benefits and dangers may reside in the same men.

Conversely, where there is need of light-armed soldiers and frequent sorties, government of the people is more suitable. For this must be considered: that those who are exercised in arms should obtain dignity in the commonwealth. Armed men are not accustomed to obey the unarmed for long, nor to lay down their arms except when it has seemed good to them, for they cannot be compelled. He who denies just things to a man holding weapons gives him all things.

§ 6. The inclinations and customs of minds must be considered. For some prefer a king, as did the Persians after the slaughter of the Magi and the Israelites in the time of Samuel. Others abominate the royal condition and even its name, as did the Romans after the Tarquins had been driven from the city. When liberty was restored to Greece through Quinctius, Greece cast birds stunned from the sky by its applause and shouting and threw heaps of flowers upon the proconsul. But the Parthians and several other nations requested a king from the same people.

§ 7. Nor indeed is it expedient for all peoples to be free. And so Augustus deprived many cities of liberty because they did not use it rightly. The Roman people itself, already unlike itself, when vices had grown within it so that they could no longer be sustained by the virtue of their ancestors, could not be the arbiter of its own liberty, since it now distributed honors according to price and partisan zeal, not equitably:

> The yearly contests return for sale upon the Field,

their own senator reproaches them.

Saint Augustine perceived this in book 1 of *On Free Choice*: "Can it ever be unjust that the wicked should be wretched but the good happy? Or that a modest and serious people should itself create magistrates for itself, but a dissolute and worthless people should lack that license? I see that this is an eternal and immutable law. At the same time, I judge that you too see that in that temporal law nothing is just and legitimate which human beings have not derived for themselves from this eternal law. For if that people at one time justly gave honors and at another time justly did not give them, this temporal alternation, in order that it might be just, was drawn from that eternity according to which it is always just for a serious people to give honors and for a frivolous one not to give them." By this, as though by a balance, we shall weigh which form of commonwealth and which arrangement of magistrates are suitable for each nation.

§ 8. I shall set down examples concerning distant or ancient peoples, lest I touch upon our own vices. These are so peculiar to individual nations that, although they are reproached for them by all other peoples, they nevertheless cherish them at home and do not recognize them.

Those who inhabit the regions within or nearest the tropics are cowardly by nature, headlong through fear, rash, and cruel when they rule. Almost all are of a servile disposition, especially those who,

[Printed page 32]

on account of the heat, are dark in body. For by excessive heat the heat implanted within them is called forth; the vital spirits and those which they call animal spirits are attenuated and weakened, so that neither their passions remain sound nor their reason remains steady. Accordingly, those who inhabit the region around the Cape of Good Hope, the Brazilians, and other peoples, if they were compared with Europeans, could be judged brute beasts rather than human beings. God could give them no better or more desirable gift than a good and merciful king, or absolute monarchy, for they themselves were born to obey; many of them are not only savage but also eaters of human beings.

But those whom the penetrating cold of Boreas burns are strong in boldness, but it is an unreflecting boldness. Therefore they too are less suitable for aristocracy unless they are mingled with foreigners or carefully instructed. Just as temperate regions produce healthier bodies, so they produce better and more moderate dispositions, and therefore dispositions more suited either to rule or to be ruled in a civil manner. Certainly, if we recall ancient things, the Germans, Franks, and before them the Cimbri, Heruli, Goths, and Vandals, and after them the Northmen, Huns, and Danes, proceeding from the north in very great numbers, possessed incredible boldness and savagery; afterward they established the commonwealth with great prudence and moderation.

§ 9. What, then, concerning those cities which are opulent through manifold commerce? They will embrace either the principate of one or government of the people. For if they are within a vast kingdom, they will easily distribute their commerce and will have secure trade. Experience has taught that autonomous and opulent cities which have powerful

neighboring princes are often endangered. Accordingly, even cities flourishing and free under the shadow of the Empire formerly selected princes as patrons and protectors for themselves.

Great commercial cities scarcely endure government by the best, the reason for which is this: very many from the lowest common people are most swiftly raised to great riches and to the authority which accompanies riches. The best men and nobles have annual revenues which in no way attain the profits of commerce. It is therefore necessary that one of two inconveniences occur. Either the nobles, imitating the most sumptuous merchants, contract debt, diminish their patrimonies, and, being needy yet retaining their dignity, turn themselves toward evil arts, embezzlement, extortion, and calumnies; or, if they make expenditures equal to their means, they are surpassed by very many of their subjects in liberality, splendor, household, and power, and are therefore despised. But overthrow of the constitution follows contempt. Authority is nevertheless preserved if they obey one man, as occurs in the German Empire, where the Emperor protects the authority of the magistrate.

I understand this to apply where the government of subject provinces is not annexed to the city, as it is among the Venetians. For where they also rule abroad, they have quite enough to support their power and authority.

The Republic of Venice also employs another method. For at one time it enrolled three hundred wealthy citizens at once into the body of the nobility with equal right. By this act it both assisted the treasury and cut off the causes of seditions, by admitting the more powerful citizens into its own party and casting before others the hope of equal dignity.

CHAPTER XV

The First Species of Commonwealth Is Monarchy, and It Is Manifold

§ 1. Monarchy is the principate of one man, whom all the rest obey. Aristotle divides it into two kinds in book 3 of the *Politics*, chapter 7: into "βασιλείαν," or kingdom, and "τυραννίδα," tyranny. He defines "Βασιλείαν" as "Τὴν μοναρχίαν τὴν πρὸς κοινὸν ἀποβλέπουσαν," that which regards the common utility. Lipsius defines it as: "The rule of one man, conferred, accepted, and conducted by custom or laws for the good of those who obey." But he says that tyranny is "μοναρχίαν πρὸς τὸ συμφέρον τοῦ μοναρχοῦντος," a monarchy which regards the utility of the monarch.

This, therefore, is the general distinction between a legitimate kingdom and a tyrannical one: a king regards the good of his subjects, a tyrant his private good. For either the lust for dominion, by which the human race is crushed, or other things which appear good fascinate the tyrant; the safety of his subjects rouses the king. Nevertheless, that safety also requires him sometimes to assume dominion. For this reason, as Tranquillus is our authority, Augustus deprived certain federated cities, which through license were rushing headlong toward destruction, of their liberty. He acted rightly and prudently if he did so not in order that he himself might rule, but lest they perish.

A strict law has indeed been imposed upon every magistrate: amid so great an abundance, amid so unrestrained a power, amid so great an importunity from friends seeking their own things, to keep watch over the advantages of strangers--often ungrateful men, and sometimes enemies. But the useful is what Plato has defined for us: "Δίκαιον τὸ τῆς καθεστηκυίας ἀρχῆς συμφέρον," "The just is the utility of the established government." This is also what Antigonus admonished his son when he was exulting in a youthful manner: "Know, my son, that our kingdom is a splendid servitude." Excellently said, if his deeds had corresponded to his words; for a servant regards the utility of his master, not his own.

§ 2. The kinds of kingdom are exceedingly various, differing not so much in power and breadth of sovereignty as in custom, law, and usage. For some devolve by hereditary right upon sons and male-line relatives, as do the kingdoms of the Spains, Gaul, and Britain, and many principalities of Europe. Others are given by election, as are the empire of the Romans, the kingdom of the Poles, and ecclesiastical principalities.

Some kingdoms are free, so that absolute power over all things is in the hands of one king: war, peace, sacrifices, and the pronouncement of law. This kingdom is called "παμβασιλεία" and exists without any law. The other kingdoms are constituted by laws.

§ 3. Aristotle defines "Παμβασιλείαν" as "ὅταν ᾖ πάντων κύριος εἷς ὤν": when one man, existing alone, is lord of all things, or when a king commands everyone according to his own will. He himself compares this kingdom with household government. For just as a household is an economic kingdom, so a city is a political kingdom. Such a kingdom is described in Daniel 5:19: "Whom he wished, he killed; and whom he wished, he struck; and whom he wished, he exalted; and whom he wished, he humbled." Thus did that Chaldean, whether by right or by injury.

The Persian kingdom at one time did not differ greatly from it. Although founded upon laws, it nevertheless sometimes crushed the laws by violent power. When Xerxes summoned the princes of Asia to deliberate about bringing war upon the Greeks, he showed himself the sole monarch. He affirmed that he had summoned them lest he use his counsel alone; but they should know that it belonged to them to obey him rather than to advise him.

Nor indeed is the rule of the Turks very different; to its subjects it is savage and burdensome, if ever any rule was. For that tyrant pronounces himself the absolute lord of life, death, and all fortunes. The Muscovite also governs his people altogether despotically, as if they were slaves. That saying of Mahomet Vesitus is known: the Muscovite and the Turk alone are lords of their kingdoms. The tyranny of the Inga in Brazil was formerly not dissimilar. There no one

possessed property of his own, but held it by the benefit of the Inga, nor did that property pass to heirs. Nevertheless, certain laws have been given to the Muscovite prince, as also to the Turk,

[Printed page 33]

but where there is so great a power, lawless license generally reigns.

Nevertheless, in the heroic ages rules of this sort were formerly legitimate and just. For if someone had transmitted an art to a multitude, freed them from servitude, gathered together those who were scattered, or affected them with some distinguished benefit, kings were created by willing people; and because they were regarded as rare examples of good and just men, the people freely entrusted themselves to their prudence and virtue without agreements and laws. For they did not prepare the protections of right and laws where they suspected no outrage and no injury.

A prince will not readily exercise absolute power even in a just cause--for example, by killing an accused man unheard, although he himself knows that the man is guilty.

An anonymous book *On the Right of Free Monarchy* has been published which approves the tyrannies of barbarian kings and pretends that 1 Kings, chapter 8, supports such great evils. But even authors who are not pious refute those impious things: Lorichius, *Commonplaces*, "On the Institution of the Prince," title "On the Power of Princes"; Buchanan, *On the Law of the Scottish Kingdom*; Haffenreffer on the passage in Deuteronomy, chapter 17; Althusius, *Politics*, chapter 19; Gentilis, *Royal Disputation*; Hunnius; Keckermann; and very many others. Indeed, there are among them those who judge that proceedings can be taken against such rulers by public authority: Lansius, discourse *On the Royal Law*, theses 94 and 101; Johann Gerhard, *One Hundred Political Questions*, final decade. But more concerning these matters elsewhere.

Nor was a reason lacking by which those men might defend their kings, namely: "τὸ καθόλου μόνον λέγειν τὸν νόμον, ἀλλ᾽ οὐ πρὸς τὰ προσπίπτοντα ἐπιτάττειν." A law speaks only universally and does not adapt itself to those things which happen; and thus in every art it is foolish to judge according to written prescriptions. But I shall speak of this matter in its own place. Let us now proceed in explaining the divisions of kingdoms.

§ 4. There both formerly were, and now are seen, various forms of kingdoms which prescribe definite laws to the supreme power. There are four principal forms. For sometimes the prince possessed the right of declaring and conducting war, pronouncing law, and performing sacrifices. The same man was commander, judge, ruler, and pontiff. In certain places he pronounced law and commanded the citizens, but did not possess the right of conducting war. In some places he bore only the care of sacrifices.

There were many kings who performed all those functions, but according to the prescription of laws. For Romulus and his successors administered the commonwealth according to laws. Then the kings and leaders of the Jews who flourished after the Babylonian captivity were commanders, judges, rulers, and pontiffs. This is generally the arrangement of all sovereignties which exist today, except that they abstain from the priesthood. Yet there is also great variety among them, according as it has seemed good to each commonwealth to guard itself against the license of those who reign.

§ 5. Kingdoms which endured only in war were very few and rare. At Rome in the greatest dangers a consul named a dictator, who, when the war had been conducted, abdicated his magistracy. His command was plainly royal and almost without laws, but nevertheless depended upon the people who moderated it; for at one time they made the master of the horse equal to the dictator.

Among the Spartans there was a perpetual dictatorship so far as the direction of wars was concerned. For at home the supreme power was in the hands of the ephors, not the king. The king possessed no right of life and death over citizens except in the camp; a Roman dictator was permitted to kill a citizen even without his cause having been pleaded. Plato in his letters vehemently commends a power tempered by so gentle an equality, being, of course, a lover of the people and of liberty according to the institution of the Greeks. Otherwise, that order impeded the greatest affairs and was a

cause of disasters to the Spartans. Aristotle, book 3 of the *Politics*, chapter 14, calls it military command: "αὕτη οὖν ἡ βασιλεία, οἷον στρατηγία τις αὐτοκρατόρων, καὶ ἀΐδιός ἐστι. This kingdom, therefore, is, as it were, a certain military prefecture of commanders, and it is perpetual."

Under the name of so mild a command, lest he be hateful to the free cities of Greece because of the royal title, Philip of Macedon attempted to establish his tyranny. For in the council of Greece he brought it about that he was decreed leader of the war, as if he were about only to undertake dangers against the Persians and by no means to violate the liberty of Greece.

In former times Agamemnon possessed a similar power, when Europe and Asia collided in a prolonged duel. For in assemblies and in the gathering of kings he endured curses and abuse; even Thersites and every most foul man called the king "Δημοβόρον βασιλέα," "devourer of the people." But outside the assembly, in battle and on expeditions, he possessed "καὶ κτεῖναι κύριος ἦν," the right of killing. He himself professes this in *Iliad* 2:

> Ὃν δέ κ᾽ ἐγὼν ἀπάνευθε μάχης -- -- οὔ οἱ
>
> Ἄρκιον ἔσσεται φυγέειν κύνας, ἠδ᾽ οἰωνούς·
>
> Πὰρ γὰρ ἐμοὶ θάνατος.

>

> But whomever I shall discover to have withdrawn from the battle,
>
> it will not be easy for him to escape the dogs and birds,
>
> for the power of death is in my hands.

Homer himself sufficiently indicates that this kind of command is useful neither in time of war nor in time of peace, since by disputes in the assembly they take authority away from the commander and fight only according to their own judgment. Hence the anger of Achilles brought it about that nearly all Greece perished, and yet Agamemnon could not compel him to battle.

§ 6. Another kind of kings is recalled by Aristotle, whom in book 3 of the *Politics*, chapter 14, he calls "αἰσυμνήτας." They were often employed by the ancient Greeks. Princes evidently chose certain persons by their vote either to preside throughout their whole life and always, or for a definite time, or for definite affairs, as when the Mytilenaeans chose Pittacus against the exiles. "αἰσυμνητεία" seems to have arisen from almost the same causes as the dictatorship, so that constitutions otherwise free and popular might more easily be composed by the rule of one man.

§ 7. We rarely read that kings were created solely for the sake of sacrifices, nor are they judged worthy of the name of kings. At Rome a King of Sacred Rites was created. Livy, book 2, and Dionysius, book 5, give the cause. Livy's words are: "After the kings had been expelled and liberty obtained, care was then taken for divine matters; and because certain public rites had habitually been performed by the kings themselves, lest there should be any longing for kings, they created a king of sacrifices. They subjected that priesthood to the pontiff, lest the honor added to the name should obstruct liberty, which at that time was their first care."

Dionysius says that he was designated by the pontiffs and augurs; Aulus Gellius, book 15, chapter 27, that he was created in the centuriate assembly. He possessed not only no political or royal dignity, but was not even permitted to hold a magistracy; indeed, he was not permitted even to address the people. Moreover, after the sacrifice had been made before the assembly, he hurried away in flight. He was therefore a mockery of the expelled kings rather than a king.

CHAPTER XVI

On the Corrupt Form of Monarchy Which Is Called Tyranny: Its Origin, Properties, and Condemnation

§ 1. All kinds of government, when they decline from their end and, through the fault either of those who rule or of those who obey, depart from justice, disturb the commonwealth

[Printed page 34]

marvelously and generally drive it to utter destruction. Just as there are three legitimate forms of commonwealth, so there are likewise the same number of deviations from them. The abuse of royal power is tyranny; that of aristocracy, oligarchy; that of polity, democracy. No general name has been established for these three vices. It could be called "κακοπολιτεία," the bad or corrupt administration of the commonwealth. Its definition is: "Ἀρχὴ πρὸς τὸ συμφέρον τῶν ἀρχόντων," government which regards the utility of those who govern.

By the name "those who govern" I also understand those who are joined to the rulers. For many act tyrannically more for the sake of their relatives, sons, or a definite party within the commonwealth than for their own sake. Someone, therefore, will offer a fuller definition if he says: it is government which regards the utility of those who govern or of some party within the commonwealth. Sulla attempted to establish the resources of the nobility, Marius to protect the power of the common people, and Caesar his own good; no one regarded the good of the whole commonwealth. Nor was the disposition of the others who belonged to the parties any better. In secret they pursued plunder, proscriptions, the auction spear, and the destruction of their enemies; they pretended to seek the good of the commonwealth.

§ 2. Therefore, when the end of monarchy has been changed, tyranny is introduced in place of kingship. For it is "Τυραννὶς μοναρχία πρὸς τὸ συμφέρον τῷ μοναρχοῦντι," monarchy directed toward the utility of the monarch. Aristotle makes three kinds of it in book 4 of the *Politics*, chapter 10: that of barbarians, that of the Aesymnetes, and the third, which is tyranny most of all, "ἀντίστροφος τῇ βασιλείᾳ," that which is opposed to kingship. He rightly calls this tyranny most of all. For the other forms of command can be just, although rarely, because there have been very few holy kings who, governing all things according to their own judgment without law, did injury to no one.

§ 3. But the third kind of tyranny is the most grievous evil, a violent and widely extending evil. Its origin is manifold, but it can be referred to one of three kinds. For legitimate princes, having changed their conduct, often change into tyrants. Next, the powerful friends of princes rise against their own lords and seize the kingdom. Third, within a polity demagogues and fickle leaders of the people usurp tyranny over those whom they have deceived.

§ 4. The first and most ancient origin of tyranny, therefore, is the change of kings for the worse. Ambition, avarice, and lust are the companions and plagues of power. For just as there is scarcely any prince who at the beginning does not display mildness, clemency, and liberality, so, when their sovereignty has been established, very many put off the simulation of virtue, and many put off virtue itself. This change is familiar to human weakness, and power drives minds inclined toward worse things onward with great force.

> If they do not know crimes,
>
> a kingdom will teach them.

Thus speaks Atreus while making his sons partners in his crimes. Hence it happens that, just as

> The gentlest lot among kingdoms
>
> is under a new king,

so the saddest is under a tyrant who fears nothing and has been brutalized by flatteries. The force toward vices is great in a kingdom because license is great, truth is insolent, and evil is approved. Saul was called king by divine testimony and vote, and nevertheless power changed him and handed him over to Satan. Royal license finally destroyed the wisdom of Solomon after it had flourished for a long time. Asa, Amaziah, Joash, and others, driven sideways by fortune and felicity, did many things tyrannically, although their beginnings had been most illustrious.

Let us see foreign examples. Romulus, agreeable at the beginning, finally advanced to such insolence and cruelty that he was torn apart by the hands of the fathers. The Roman fathers themselves acted moderately as long as they restrained their desires through fear of the Tarquins; once the Tarquins had been removed, they began to oppress their own citizens. The decemvirs for writing the laws were able to simulate virtue for only one year.

Tiberius, the most profound master of simulation and dissimulation, for a long time refused to accept the sovereignty which he nevertheless exercised. He called it a great beast, a wretched and burdensome servitude. Nonetheless, having assumed the persona of a citizen, he conducted himself as though he were a private person. But with how great a savagery he afterward reigned is unknown to no one, so that this was deservedly proclaimed concerning him:

> He has reigned with much blood,
>
> whoever came from exile to sovereignty.

For after mild beginnings, when his frenzy for slandering and accusing had blazed forth, his rule was nothing but a slaughterhouse of nobles, so that the event confirmed the foreboding of Augustus. Augustus pitied the Roman people, which would come under jaws that chewed so slowly. Suetonius, Tacitus, and others in their accounts of Tiberius.

Gaius was received with great joy; by every kind of popularity he conciliated the affections of human beings toward himself. He acquitted the condemned, restored exiles, and pardoned the accused. But a little later he migrated into his own character and showed how much the greatest vices could accomplish amid the greatest fortune.

Claudius, otherwise foolish and a block of wood, within a short time conciliated so much affection toward himself by affability and beneficence that, when he had set out for Ostia and it was announced that he had perished, the people did not cease to attack the soldiers as traitors and the senate as parricides with dreadful curses. But within a short time the most obtuse prince, and the most cruel through fear, paid the interest on that joy with great calamities.

The senate judged with the best right that Nero's first words and deeds ought to be engraved upon columns of gold and silver, and not many princes attained the standard of his first five years. The vices of scarcely anyone surpassed the remainder of his life. Neither Galba nor Vitellius nor even Domitian had harsh beginnings. Diocletian, Maximian, and even Julian himself had bloodless beginnings to their reigns.

The dispositions of princes are therefore changed, and they involve first the commonwealth and then themselves in great disasters. Nor is it marvelous that they are changed, since everyone invites them to joyful and pleasant things, and few to honorable and harsh things. Yet leading men and the people are frequently at fault when by biting sayings, seditions, and conspiracies they exasperate princes and compel them to become estranged and then, under the pretext of guarding themselves, cruel. Many peoples would enjoy the kingdoms of benevolent princes if they could bear civilly, or overlook, their moderate vices which do not burst forth into the destruction of their subjects or public disgrace. While they censure and expose those vices in an importunate manner, they do not amend them but, like wounds that have been irritated, make them worse and estrange the prince from themselves.

§ 5. The second origin of tyrants comes from the sloth or indulgence of princes, when they place certain friends in charge of affairs, from which those friends arrive at such increases of power that they are now equal to princes, or even superior, and certainly stand upon a position too firm to be cast down. One may well marvel at the custom of kings and princes in fostering the excessive power of friends whom, after they have raised them almost to an equal summit, they begin to fear or envy and often even to hate.

Examples exist under almost all princes: Sejanus, Germanicus, Felix, Plautianus; but, to pursue better-known examples, Rufinus, Eutropius, Stilicho, Alaric, Aetius, Narses, Belisarius, and Aristonicus,

[Printed page 35]

who, although they were powerful, offended the emperors and perished wretchedly or without glory. But if we look at tyrants, we shall learn that a great part of them arose from this source. Galba, Vitellius, Vespasian, Severus, Macrinus, Philip, Gaius, Diocletian, Julian, and more than a hundred tyrants who raged during their reigns began their tyranny from the power which they had received from the emperors, and they turned benefits toward overthrowing their benefactors.

Great danger always threatens princes from great men. Accordingly, the power of the prince, which in him is single and united, is soon divided by the prince among many equals. But if one man is second or third to the prince in dignity, his power must nevertheless be so moderated that he obtains from it more honor than strength. But if all things are conferred upon one man, justice is disturbed; people attribute to the prince the evils which that one man perpetrates; no one speaks his opinion freely. Since that one man is hated by many and is not ignorant of it, he attempts to overthrow many, to despoil the prince of friends, and to cast him into difficulties, so that he may now hold him bound and dependent. But how the prince should guard against this I shall say in its own place. For now the source and origin of tyrants is being shown.

Hence, therefore, many tyrannies have arisen, but peoples have nevertheless imposed more of them upon themselves. This was exceedingly customary in ancient times, as Aristotle teaches in book 5 of the *Politics*, chapter 10: “But the tyrant is taken from the people and multitude against noble and illustrious men, lest the people receive any injury from them.” This may be understood from events. For nearly all tyrants were made from fickle guardians and leaders of the people--if it is permissible to say it--having obtained trust among the people by falsely accusing and slandering distinguished and illustrious men.

In no other manner did Manlius and the Gracchi seek tyranny, and Marius and Caesar obtain it. And so it was in smaller sovereignties: Panaetius at Leontini, Cypselus at Corinth, Pisistratus at Athens, Dionysius at Syracuse, and, in later ages, many in the cities of Italy--Florence, Siena, Genoa, Milan, Pisa, and very many other cities--which were administered with much variation and lived under the most cruel demagogues until they were recalled to moderate and legitimate governments. For the most part, the people entangle themselves in their own evils. For when the people exalt citizens beyond what is just, after those men have obtained dominion, they oppress the same people contrary to right.

There are many signs by which we may distinguish a tyrannical principate from a legitimate one.

§ 6. The first is a simulation of virtues, especially justice and clemency. For although every tyranny is burdensome and hateful, one tyrant is nevertheless more humane than another; yet all display virtues which they do not possess, at least at some time. For men extremely wicked, like Nero, who boasted that no prince had known what was permitted to him, are rare. Therefore, whoever teaches a prince to simulate virtues and embrace vices is a detestable instructor of tyranny.

You will detect the simulation if tyrants display clemency and justice toward certain persons but employ cruelty and violence toward others. Andronicus Comnenus condemned those convicted of guilt without any distinction of dignities. His justice could have been praised if he had not himself inflicted the greatest injuries in the greatest matters. Alexander was sometimes merciful, but nevertheless killed a great part of his friends. How merciful did Caesar appear to Cicero? And yet he slaughtered one million one hundred thousand persons in a war which was not always necessary, but which he waged because he had been enticed by ambition and avarice.

The clemency of Octavian is praised because he pardoned Corocotta, a famous robber; but the proscription, which he exercised more bitterly than his colleagues, shows that he was cruel. So do the many knights sacrificed at the Julian

altar, and that savage utterance with which alone he met those who begged him: "You must die." Nero, when he was asked to sign the condemnation of two soldiers, said, "How I wish I did not know letters." Shall we for this reason count among the merciful, on account of those years, this enormous and monstrous creature, mud kneaded with blood? If, therefore, we consider these things, we shall not readily believe those virtues to be genuine upon which fear, hope, and ambition sometimes impress their traces. For vices often produce imitations of virtues.

§ 7. The second sign of tyranny, as Aristotle says in book 5 of the *Politics*, chapter 11, is "Τὸ τοὺς ὑπερέχοντας κολούειν, καὶ τοὺς φρονηματίας ἀναιρεῖν": to diminish eminent men and remove from the midst prudent men of great spirit. Thus Periander advised Thrasybulus when he cut off the taller ears of grain, and Tarquin advised his son by cutting off the poppy heads.

For magnates and tyrants possess a perpetual cause of contention. They exercise rivalry with one another as though they belonged to the same craft: tyrants [wish] to command by supreme right; the best men are unwilling to obey except in a civil manner. Accordingly, it is proper to tyranny to hate virtue, slaughter the brave, and envy everyone. The nobility experiences the cruelty of tyrants most of all. For cruelty consumed the Roman senate and the knights under nearly all the Roman emperors who reigned with much blood. Nor did counsels ever fail men so remarkably wicked. The varied deaths ordered for Regulus piecemeal seemed too laborious; he therefore advised Nero that the entire senate could be destroyed by a single word.

§ 8. The third indication of tyranny is to make subjects "μικροψύχους," human beings of pusillanimous, servile, and abject spirit, lest anyone think about vindicating liberty. Hence so many deaths were ordered in the Roman commonwealth if anyone as a private person seemed to pursue greater things.

There are at this time two powerful monarchs, the king of the Spains and the emperor of the Turks. The diverse pursuits of each show the latter to be a tyrant and the former a legitimate king. The Spaniard, at very great expense, exercises his subjects in academies, commerce, the art of war, and navigation; he rouses them to great things and expends such great resources to nourish and strengthen their spirits, upon the dignity of princes and the splendor of the nobility. The Ottoman, however, oppresses so many peoples with ignorance, poverty, and servitude. He fattens the Timariots and Janissaries, as though they were his attendants, upon the spoils of provinces; nevertheless, he raises them toward nothing greater than the hope of daily plunder and pleasure, and holds them by this enticement of impunity, which is the enlistment-bounty of every most foul man. Accordingly, although he has many bold and rash soldiers, he nevertheless possesses no provident and brave commanders--indeed, not even soldiers, but slaves prodigal of their lives.

Nor do the princes of the Muscovites protect their sovereignty and authority in another manner. In order that their people may admire the prince alone, they permit no one to visit foreign regions, lest they return home more prudent and instructed than is expedient for so despotic a sovereignty. They admit no schools except those in which people learn to read and write; nor is it free from danger to have shown a desire to advance in letters. This is so that no one may be wiser than the prince or equal to him. Accordingly, when inquiry is made concerning a great and hidden matter, they say proverbially: "God knows this, and the Grand Duke." It is therefore tyrannical for a ruler to claim for himself alone whatever a subject possesses that is ample, excellent, or beautiful, whether in movable things or even in talent and gifts of mind. Seneca

[Printed page 36]

was in extreme danger because he seemed eloquent to Gaius. Another man was killed because he had turned eyes upon himself with more conspicuous clothing, another with the arrangement of his curls.

§ 9. The fourth sign of tyranny is what Aristotle calls "ἀδυναμία τῶν πραγμάτων," the removal of the power to conduct affairs. For in this manner the tyrant judges himself secure: if no one is able to do anything, how will he overthrow the tyranny if he possesses no power in the commonwealth? Accordingly, a tyrant does not trust friends. He knows that

although everyone wishes to extinguish tyranny, almost only friends are able to do it. Hence tyrants variously change, persecute, and kill them.

§ 10. The fifth sign is if they set subjects, friends, and princes against one another and render them mutually suspect. Aristotle, book 5 of the *Politics*, chapter 11, judges this useful to a tyrant: namely, if they agree badly among themselves, slander one another, if discords exist among friends, and citizens are alienated from the nobility. For since every tyranny is weak of itself--for tyranny is the vice and error of kingship--it is brief by its own nature. Consequently, it is supported and endures more by the dissensions and weakness of others than by its own strength. I shall show in its own place that this counsel is destructive. For now I present only the signs by which tyranny may be recognized.

§ 11. The sixth indication of tyranny is to raise ambitious, avaricious, and cruel human beings to honors and dignities, and then to strip those same persons of their goods and life. Tyrants employ wicked human beings like sponges: dry and thirsty, they immerse them in the resources and blood of the provinces; when full, they squeeze them and plunder under another's name. Dionysius hung up full wineskins and threw away empty ones. What is more atrocious than the utterance of that beast who scarcely ever entrusted a magistracy to anyone without adding: "You know what we need," and, "Let us bring it about that no one possesses anything"?

That tyranny extends widely throughout Turkey. For scarcely anyone is found richer than the pashas and beys; and nevertheless their goods pass to an heir only rarely, but generally return to the fisc. There are other things which good kings sometimes do rightly and which are not proper criteria of tyrants: for example, supporting foreign soldiers, being feared, employing scouts and Corycaean informers, exacting great taxes, and severely punishing transgressors. I shall treat of these in their own place.

§ 12. Would that, would that all men avoided tyranny and the tyrant as earnestly as they condemn them. If any thing is destructive to the world and burdensome to itself, it is tyranny. The condition of tyrants is laborious; their joy is rare, their rise unhappy, their end most wretched. For how few among them have completed life by their natural fate? Juvenal speaks truly in Satire 10:

> To the son-in-law of Ceres without slaughter and a wound
>
> few kings descend, and tyrants by a bloodless death.

§ 13. The causes by which tyrants are removed through death are injustice, fear, and outrage, which Aristotle enumerates in book 5 of the *Politics*, chapter 5.

Turn your eyes around the whole world. Consider not those petty tyrants of towns--Alexander of Pherae, Dionysius of Syracuse, Phalaris of Acragas, Hanno the Carthaginian, Clearchus of Heraclea, Nabis the Chalcedonian, Hipparchus of Athens, the Pisistratids, and the Perianders--nor the poetic tyrants Diomedes the Thracian, Phineus, Eryx, Antaeus, Mezentius, and the Cyclopes. Rather, consider the great tyrants bearing the name of kings: the Antigonids, Seleucids, Antiochids, Perdiccases, Lysimachuses, Gaiuses, Neros, Vitelliuses, Galbas, Othos, Domitians, Commoduses, Maximini, Michaels, Phocases, Mauricii, and Aristonici. You will find that all continually passed their lives in fear; all feared those whom they terrified; fear returned upon its authors; and very many, although they lived fortified by swords and employed armies and citadels for their protection, perished by the sword or by a fouler death.

> I have seen bloodstained leaders shut in prison,
>
> and the back of a powerless tyrant torn
>
> by a plebeian hand.

For just as a tyrant takes liberty and quiet away from everyone, so he takes security especially from himself. For how can he live peacefully, securely, and quietly when no one is secure because of his cunning, violence, and injustice, and everyone trembles beneath his blow? How fearful was Constantius Augustus after he had turned his paternal kingdom

into a tyranny! Whatever made a noise, he judged to be directed toward the destruction of his safety. Marcellinus, book 14.

They themselves sometimes recognize their deserts. Thus Adonibezek, Judges 1:7: “Seventy kings, the extremities of their hands and feet having been cut off, gathered the remnants of food under my table. As I have done, so God has repaid me.” And Mauritius at Constantinople: “You are just, O Lord.”

This too is added to the wretchedness of tyrants: in whatever manner they are killed, even through fraud and injury, those who dared to do it nevertheless possess great praise among the wicked, even if they accomplished the deed through crime and contrary to the sanctity of an oath. This certainly pertains to the accumulation of their wretchedness: although their killing is unjust, it is nevertheless pleasing to many.

The prince of philosophers gives the cause in book 2 of the *Politics*, chapter 7: “Indeed, human beings inflict the greatest injuries because of immoderate desires, and not because of necessary things. For example, they seize tyranny and oppress the people with impious dominion, not so that they may avoid growing cold, but that they may fulfill their lusts with impunity. Therefore great rewards are proposed not for the man who kills a thief, but for the man who kills a tyrant.”

Nor is the sentiment of the nefarious attendants and ministers of a tyrant different. Dio narrates a bold deed of a senator concerning Caligula. After Gaius had been killed, the Praetorian soldiers, disturbed and running together, asked who had killed him. Valerius Asiaticus, a man of consular rank, calmed them contrary to expectation. For he ascended a high and elevated place and cried from it: “Would that I had killed him!” Stupefied by these words, they ceased to riot. The Praetorian soldiers--Gaius’s Praetorians, partners and instruments of all his crimes and participants in his lusts and plunder--moved by one utterance abandoned vengeance and showed by their action that he seemed to them to have been killed justly.

Therefore, since tyrants live, like lions, tigers, bears, and eagles, by mangling and plunder, and consequently know that they are exposed to the hatred of everyone and sought by the plots of everyone, after the likeness of wild beasts which love precipitous places and caves, they prepare citadels, camps, and arms by which they may be protected and conceal themselves as much as they can. They are equally hateful to God and human beings. Therefore even the man who kills them through crime is often pleasing to those who suffered injury.

CHAPTER XVII

The Definition and Consideration of Aristocracy

§ 1. The second species of commonwealth exists when several persons command. It is divided into two: either a few and the best men, or the whole people, participate in sovereignty.

[Printed page 37]

In agreement with what has been said, "Ἀριστοκρατίαν" may be defined as "Τὴν ἀρχὴν τῶν ἀρίστων πρὸς τὸ τῶν ἀρχομένων συμφέρον," government by the best which regards the utility of those who obey. Aristotle, book 4 of the *Politics*, chapter 7, requires in this government men who are best without qualification: "Ἀριστοκρατίαν μὲν οὖν καλῶς ἔχει καλεῖν, περὶ ἧς διήλθομεν ἐν τοῖς πρώτοις λόγοις, τὴν γὰρ οὖσαν τῶν ἀρίστων ἁπλῶς, κατ᾽ ἀρετὴν πολιτείαν, καὶ μὴ πρὸς ὑπόθεσιν τινὰ ἀγαθῶν ἀνδρῶν, μόνην δίκαιον προσαγορεύειν ἀριστοκρατίαν· ἐν μόνῃ γὰρ ἁπλῶς ὁ αὐτὸς ἀνὴρ καὶ πολίτης ἀγαθός ἐστιν. We may therefore call that constitution an aristocracy--as we treated it before--which is composed of men who are best without qualification and according to virtue, not those who are good according to a hypothesis or for some definite end. For in this commonwealth alone the man who is good without qualification and the good citizen are the same."

It will indeed be difficult not to explain its definition but to put it into use, if we consider human affairs. For who will recognize only the best men? Who will raise them to magistracies? Cato suffered an electoral rejection. Aristides was driven out by ostracism. Therefore no rather than many such "ἄριστοι," or best men, command. Yet the Philosopher responds in book 3, chapter 7, that "Ἀριστοκρατίαν" is said to be "διὰ τὸ τοὺς ἀρίστους ἄρχειν, ἢ διὰ τὸ πρὸς τὸ ἄριστον τῇ πόλει, καὶ τοῖς κοινωνοῦσιν αὐτῆς." A government may be called an aristocracy, or government of the best, either because the best men command or because they refer all things to that which is best for the city and its citizens. Yet this can also agree with other forms, for the best is sought in kingship and popular government. And a man who is not the best, yet is not unjust, can have this proposed to himself.

§ 2. We shall therefore call those men the best who, in comparison with others, are less wicked, or in whom more proofs of virtues are found than among the common people. But since the selection of men who are best without qualification is difficult--for every most worthless man very easily creeps toward the helm by simulating probity, and, once in power, reveals poorly concealed vices to the destruction of the commonwealth--an administration is not to be censured as corrupt if nobles and rich men frequently undertake a magistracy while better and more prudent men from the common people are passed over. For so long as an account of the common good is maintained, the form of the commonwealth remains legitimate.

Account must indeed be taken of nobles and rich men. For they prevail in birth, education, natural disposition, and power. They therefore possess a greater spirit for repelling enemies and a sharper stimulus for defending the fatherland, in which they possess fortunes and honors. In a public danger they fear that they will privately lose more; for when their fatherland has been oppressed or destroyed, they cannot be so honored elsewhere. The reasoning concerning the poor is different. For those who sustain life by their labor and industry do not judge themselves to owe much to the fatherland and easily find another fatherland where nourishment is supplied to their labor and art. Since, therefore, nobles are more loving toward their fatherland, braver, and more faithful, and it is in their interest that the condition of the commonwealth remain, those who excel in these things are generally deservedly judged the best men.

§ 3. Aristocratic commonwealths have been few and not long-lasting. The Spartan commonwealth belonged to the best men, but it was so intermingled with royal and popular government that it was by no means a pure aristocracy. The Carthaginian commonwealth joined longevity and power--a rare work, which none except the Venetian has thus far been able to imitate. Yet not even the latter is purely aristocratic, but rather a harmony composed of all forms. The

power of the principate is in one duke, the chief of the senate. The Great Council, or senate, consists of the nobility; all nobles are admitted to it when they reach their twenty-fifth year. Nevertheless, commoners too are assumed into various courts and offices.

I omit the free cities of Germany--Nuremberg, Ulm, and Frankfurt--which are governed by the patrician nobility, because they are not absolute commonwealths but parts of the Roman Empire and obey the Emperor.

The Roman aristocracy endured for a brief time, from the expulsion of the Tarquins until their death. For when fear of the kings had been removed, it degenerated into an oligarchy. Then the common people, inflamed by the injuries of the fathers, extorted tribunes, magistracies, and sovereignty through various seditions.

Many things are necessary for defending an aristocracy because there are very many causes why it perishes. For that reason it is not readily long-lasting.

§ 4. First, therefore, the best men must strive and exert themselves with the greatest force actually and truly to be "ἄριστοι," the best. For the eternal divine power favors virtue and advances it, and human beings do not disdain to be ruled by better men. This is the foundation without which all the other arts of politicians construct nothing but ruin. Therefore let them employ right, equity, clemency, affability, and liberality toward the citizens; among themselves, with harmonious opinions, let them regard the public good.

Nevertheless, because there are always many wicked, ambitious, and restless men in a commonwealth, and all are inclined to disparage those who command, virtue also employs political counsels and a stratagem that is not dishonorable; it removes inexperienced and destructive rulers from the helm. Yet I advise that this be done in such a way that the first account is taken of virtue, and every simulation is removed as a stain and plague.

Many of those who strive to establish a commonwealth of the best go astray not only because they attribute too much to the wealthy, but also by oppressing and harassing the common people. In the course of time, however, it is necessary that a true evil arise from false goods. For the resources and prerogatives of the rich dissolve the commonwealth more readily than those of the common people, as Aristotle truly warns in book 1 of the *Politics*, chapter 12. Good counsels for preserving aristocracy therefore proceed from virtue and tend toward the common good.

§ 5. The second measure is that some share of magistracies, offices, and honorable functions should be entrusted to many from the people. Yet these should be of such a kind that they either burden those who sustain them with expense--which rich men, enticed by the sweetness of honor, nevertheless readily bear--or possess something of envy; and then they should conciliate no power or favor among the people. There are also many functions whose administration possesses no dignity but profit. It is fitting that these be entrusted to industrious citizens who are under obligation to the rulers. For nothing is more dangerous than for a few men to draw all things to themselves.

The admonition of the philosopher-politician in book 3 of the *Politics*, chapter 11, is excellent: "To entrust no magistracies to them, however, and for them to participate in none is horrible and fearful. For when many are without honor and poor, it is necessary that the city be full of enemies. It remains, therefore, that they should participate in deliberating and judging. For this reason Solon and certain other lawgivers place them in charge of the assemblies for creating magistrates and of demanding accounts from those who have held magistracies; but they do not permit them to hold a magistracy by themselves and alone. For when they have all been collected and gathered together they possess sufficient understanding, and, mixed with better men, they benefit cities, just as impure nourishment joined with pure nourishment makes the whole more useful than a small quantity of the pure. For each man separately is imperfect and maimed in judging."

Hence these advantages follow. First, the people do not judge the government to be an aristocracy but a popular commonwealth, when they see their fellow tribesmen taking part in public affairs. Next,

many, enticed by hope, favor the best men and are faithful to them, since they themselves also expect equal things from them. Of this kind are the care of provisions, wine, grain, shops, roads, courts, and private lawsuits, in which they can be colleagues of the best men.

An example may be seen in the Republic of Venice. For although the whole authority and power--that is, the right of judging and commanding--is in the hands of the senate, that is, approximately two thousand five hundred nobles, they nevertheless admit commoners too to many functions and honors, such as the prefectures of certain arts and the offices of scribes and secretaries. Yet the nature of these offices is such that through them the commoners are bound more and more to the nobility and are, as it were, made its slaves.

Nor is this institution of the Venetians new. The Romans and Carthaginians formerly employed it, and those free cities which protect a domestic aristocracy under the eagle of the Empire also employ it now.

§ 6. The third measure is that provision should be made for the grain supply. For this is the tightest bond by which the multitude is held. I do not approve Roman customs, for by supplying bread to the multitude from the public resources they exhausted the treasury and nourished a useless and most vicious crowd; but I recommend moderate care.

The Venetian senate expends a great sum of money every year so that the things necessary for sustenance are both imported abundantly and procured at a low price. Scarcely any other thing establishes government more firmly. For when the people, who are generally led by advantages, observe that those men take counsel for the city so paternally, they honor and love them in the manner of sons. Indeed, this is also most agreeable to justice. For since the best men are raised to the highest honors and possess the greatest emoluments from magistracies, it is equitable that some things from the public goods should also be directed toward citizens of small means and the people, who have no share in the highest honor.

§ 7. The ingrained evil of nobility, pride, must be guarded against. For nothing exasperates more among equals or those who are almost equals. It must be guarded against in sons and little grandsons too, lest they become accustomed to despise companions and citizens.

At Rome the laughter of a little woman struck the consulship from the nobility. There were two sisters, one married to a patrician and the other to a plebeian. The latter had visited the former. But while the husband, a consul, was returning home and the lictor, according to custom, struck the door with the fasces, the woman who was in the plebeian marriage became frightened at the unfamiliar noise and was laughed at by her sister with a reproach concerning her ignoble marriage. Without delay the wife impelled her husband to hope for and seek magistracies; he impelled his fellow citizens, and thus the aristocracy, already declining, was converted into democracy.

Unless this is guarded against, there arises a city of slaves and masters, not of free persons, and of human beings who partly envy and partly despise one another. These are very far removed from friendship, society, and civil communion. For society is a communion pertaining to friendship. Indeed, we do not wish to enter into the fellowship of a journey with enemies.

§ 8. Liberality, which belongs to private persons, also possesses very great importance: that they should concede to citizens of smaller means the use of their possessions. It is indeed excellent also to imitate the counsels of the Tarentines. For by sharing with the needy the use of their beasts of burden and possessions, they procured for themselves the benevolence of the multitude. Therefore the nobles will employ the labor of the more industrious citizens in caring for villas, fields, and other things, will attend them with a liberal and honorable wage, and will admit them to their table. If individual best men employ this method, they will hold a great part of the city bound to themselves by sharing their household property.

§ 9. If the commonwealth is powerful, wages war, and commands various provinces, there is a great opportunity to benefit others in great fortune; for they will be able to enrich very many. Aristotle, book 6 of the *Politics*, chapter 5, testifies that the Carthaginians did this. His words are: “Administering the commonwealth in a certain such manner,

the Carthaginians gathered the goodwill of the people toward themselves. For whenever they send some from the common people to the surrounding cities, they enrich them. This too belongs to the humanity of cultivated, refined, and prudent nobles: after distributing the needy among themselves, to supply them with assistance for making a livelihood and to exhort and rouse them to perform work."

Nor was the judgment of the Romans different, who drained the refuse of the city and the army into colonies.

§ 10. The Philosopher proposes another counsel to us as though it were cunning. Namely, if the tribes are diverse and some persons from them possess the right to pronounce an opinion in the council, equality should exist in appearance in this manner: the nobles and rich should be compelled to attend, or a pledge should be seized; an excuse should not be accepted; and then, when asked, they should be required to explain their opinion and the judgments of their mind. The others should neither be compelled to assemble nor, if present, to express an opinion; neither an excuse nor a fine should be exacted from them.

By that stratagem they bring it about that the citizens judge themselves to be in a better condition than the nobles, because they possess an equal right of coming and deciding but by no means possess an obligation to come. Accordingly, they can attend to their own affairs according to their judgment; and if they please to come, they are free to remain silent in an invidious or hateful matter and to express an opinion in other matters. In appearance, therefore, the poor seem to be relieved and the rich burdened by that law. But in reality the matter is conducted by artifice. For this is what is sought: that the nobles should assemble in great numbers and be exercised in public affairs, while the common people are excluded through the appearance of privilege.

They are accustomed to summon the senate very frequently, draw out time by speaking, and deliberate about the smallest matters until the citizens, through weariness and contempt, cease to present themselves; then, when the opportunity arises, they treat of the highest affairs of the commonwealth. If they do this to defraud the commonwealth, they must now be called not the best men but oligarchs and tyrants within their own polity. If those counsels are directed toward preventing inexperienced, turbulent, and wicked human beings from violating the laws with their vote and bringing the commonwealth into danger, they are established without injury. For the right of that law is this: that a wise and upright senator should be commanded to assist the fatherland with counsel, while the inexperienced and wicked man should be freed by law from judging.

The other provisions tend toward the same thing:

> Let not a noble or rich man refuse a magistracy, or let him pay a great fine; let it be free for a plebeian to renounce every magistracy.
>
> Let nobles be compelled to judge causes; let citizens be assumed only if willing and pleased.
>
> Let nobles bear arms, let them be exercised in them, and let them go first against the enemy; let the other citizens possess the care of their own home.

These provisions are not inequitable if they possess a legitimate end. For the poor are freed from labor, burden, and envy, yet are not barred from magistracy, judgments, or military service.

§ 11. A similar stratagem is that, where the common people plot against an aristocracy and desire that some of their own be inserted into the nobility, the best men should arrange that all the best and most pleasing men from the nobility should be competitors, while the candidates from the common people should be the more contemptible. For thus the people will reverence the dignity of the magnates, despise the worthlessness of the others by comparison,

[Printed page 39]

and in addition envy their equals.

This was done at Rome. Military tribunes with consular power were created, and access to that magistracy lay open to plebeians as well as patricians. In order to strike reverence into the common people, the patricians produced the foremost and most eminent of the fathers as candidates. Thus they often prevailed so that no plebeian was designated by the common people.

But this is not firm. For the dignity of the best men often excites hatred and envy, striking malignant eyes by its light alone. At Rome, although at first the common people created patricians as magistrates, content that account had been taken of their own people, they nevertheless gradually became bolder and mingled some from their own body with them; at times they chose all from their own order; and frequently they also assisted by their vote bold and cunning human beings whom they hoped would oppose the patricians most strongly. Nevertheless, it possesses great force for the security and authority of the best men if it is evident that others are not more suitable, and that other human beings would exist, but not other conduct.

What Livy narrates in decade 3, book 3, concerning Pacuvius Calavius is distinguished. Since he happened to be in the highest magistracy in the year when the affair at Lake Trasimene was conducted badly, and since the common people had long been hostile to the senate, he judged that on the occasion of revolution they would dare a great crime: if Hannibal should come to those places with his victorious army, they would slaughter the senate and hand Capua over to the Carthaginians. He was a wicked man, but not utterly ruined. Since he preferred to rule in a commonwealth that was intact rather than overthrown, and believed that no city deprived of public counsel could be intact, he entered upon a plan by which he might both preserve the senate and render it subject to himself and the common people.

After summoning the senate, he prefaced that the counsel of defecting from the Romans would in no way please him unless it had been necessary, since he had children by the daughter of Appius Claudius and had given his daughter in marriage at Rome to Livius. But he said that a greater and far more fearful danger threatened. For now the common people, through defection, intended to remove the senate from the city and, by slaughtering the senate, wished to hand the commonwealth, emptied of it, over to Hannibal and the Carthaginians. He could free them from that danger if they entrusted themselves to him and, forgetting their contests within the commonwealth, trusted him.

When all, overcome by fear, entrusted themselves to him, he said: “I shall shut you in the senate house and, as if I myself were a participant in the contemplated crime, by approving counsels which I would oppose in vain I shall find a way to your safety. For this accept whatever pledge you yourselves wish.” Once the pledge had been given, he went out, ordered the senate house to be closed, and left a guard in the vestibule, lest anyone approach the senate house without his order or be able to depart from it.

Then, after summoning the people to an assembly, he said: “What you have often wished, Campanians--the power to exact punishment from a wicked and detestable senate--you now possess, not by storming the houses of individuals in a tumult, which they protect with guards of clients and servants, with the greatest danger to yourselves, but safely and freely. Receive them all, shut in the senate house, alone and unarmed. Do nothing in haste or perhaps rashly. I shall give you the right to pronounce judgment concerning the life of each, so that each may pay the penalties which he has merited. But above all you ought to indulge your anger in such a way that you hold your safety and utility preferable to anger.

“For you hate these senators, as I judge. But you do not wish to possess no senate at all, since you must have either a king--which is to be abominated--or a senate, which is the sole council of a free city. Therefore you must do two things simultaneously: remove the old senate and enroll a new one. I shall order the senators to be called individually and shall consult you concerning their lives; what you determine concerning each shall be done. But before punishment is exacted from the guilty man, you shall enroll in his place a brave and energetic man as a new senator.”

He then sat down and, after the names had been cast into an urn, ordered the man whose name first came out by lot to be summoned and brought out of the senate house. When the name was heard, every man shouted that he was wicked

and worthless and worthy of punishment. Then Pacuvius said: “I see what judgment has been given concerning this man. He is cast out as wicked and worthless; choose a good and just senator.”

At first there was silence because of the lack of a better man to submit. Then, when someone had put aside shame and named someone, a much greater clamor immediately arose: some denied knowing him; others cast against him now reproaches, now his low condition and sordid poverty, or his shameful kind of trade or gain. This happened much more in the case of the second and third senator, so that it became apparent that the human beings regretted the former senator; but someone to substitute in his place was lacking. For it was not worthwhile that the same men be named again: they had been named for nothing other than hearing reproaches, and the remaining men were far lower and more obscure than those who first came to mind. Thus the human beings dispersed, saying that every most familiar evil was especially tolerable and ordering the senate to be released from custody.

Pacuvius, a man otherwise wicked, certainly acted wisely. For very many men reduced a magistracy into order; very few amended the commonwealth. This man made the senate acceptable to the citizens and made it more moderate.

§ 12. The seventh measure consists of the mutual rights of patrons and clients, and so great a bond that, during a space of six hundred years, dissensions between the patricians and the common people scarcely descended to blood. But after those bonds too had been removed and fraud joined to the client, the commonwealth perished by mutual slaughters and was handed over to one tyrant. That custom has not yet died out among the Venetians. The name of protectors and the ancient right which existed among the ancients also remain in Germany, by which many provinces were said to be in the clientship of powerful families.

§ 13. It is prudent to establish various orders and distinctions among citizens, yet with such moderation that injury is inflicted upon no one. Thus was

> Martial Rome threefold in cavalry, common people, and senate.

That multitude and diversity brings it about that they do not readily conspire, and this is so in every form of commonwealth, but especially in an aristocracy. For the middle order, or that of the knights, vehemently desires that the authority of the senate be preserved safe and sound. If the common people remove the senate from the midst or undertake to diminish its right, the entire dignity of the equestrian order will also be destroyed. Nor will the common people rise so readily against the senate, from which it stands at a long interval and which it sees surrounded by squadrons of knights.

But neither ought the best men to fear the equestrian order. For if it attempts anything, it will not be difficult to restrain it by summoning the common people to their aid. I confess, nevertheless, that this diversity of orders is a nursery of many lawsuits and seditions. But this arises from the errors of those who govern, when law is pronounced unequally, one order is suppressed, and the other exalted to the detriment of the others.

These measures are generally observed in an aristocracy. In it this must especially be observed: that the few should command in such a manner that the many do not hate and abominate the constitution of the city. For a power which violently holds many unwilling persons is brief. Every aristocracy is therefore brief; nevertheless, where it exists, it is better that there be two other orders than one alone.

§ 14. It has been asked whether there was a monarchy when the Triumvirs oppressed Rome, when the two Antonines reigned, and when Maximian and Diocletian reigned with equal right. Bodin denies it in book 2, chapter 2 of *Six Books of the Commonwealth*; others affirm it. If you consider the words, it should be called a dyarchy or triarchy. If you consider the thing, it is a monarchy; for one of them always possesses primary authority and selects the other. But if their power is altogether equal, they nevertheless administer as though they were one; the whole government is as though that of one and will return to one. For when kings adopt their sons as partners in the kingdom, they are not judged to change the form of the kingdom but to establish the monarchy.

These things must therefore be estimated morally, not metaphysically. By the same reasoning, when daughters who are heirs of kingdoms marry foreign husbands and administer with equal right--as Ferdinand and Isabella administered Spain, and Albert and Eugenia Belgium--there is nevertheless no new form of commonwealth.

Those who deny that a head exists in an aristocracy, and therefore reject that kind of government, emphatically deny that they are political thinkers. For the greater part of the senate agreeing in one opinion is the head, since its counsel is united. Nor is the condition of a metaphorical and a physical head the same. Therefore neither the individual leading men nor senators are heads or possess sovereignty; rather, the entire senate together, or its greater part, does.

CHAPTER XVIII

On Oligarchy, Which Arises from Corrupted Aristocracy

§ 1. "Oligarchy" is sometimes employed for aristocracy, but properly and precisely it is defined by Aristotle as "Ἀρχὴ πρὸς τὸ συμφέρον τῶν εὐπόρων," government instituted for the utility of the rich. Book 3, chapters 7 and 8: "ὅταν κύριοι ὦσι τῆς πολιτείας οἱ τὰς οὐσίας ἔχοντες," when those who possess property are dominant in the commonwealth. It would perhaps be called more rightly "εὐποραρχία" or "πλουσιαρχία" when counsel is taken for the advantages of the rich and not of the whole commonwealth.

It can certainly happen that within some commonwealth there are more rich men than men of moderate or small means, as Aristotle testifies was the case at Colophon before the war of the Lydians. Therefore, if elsewhere there are more rich than poor, it will nevertheless be called an oligarchy, the dominion of a few. For although it is not then that of a few, when it was established it first belonged to a few; and even now in every commonwealth the number of the rich is small, while that of men of moderate and small means is very great.

§ 2. When magistrates are created on account of bodily height or beauty, as formerly among the Ethiopians, it is not an oligarchy, because those gifts can belong to men of moderate and small means as well as to the rich. Nevertheless, the name agrees with it, for it is necessary that the power belong to a few; very few excel in bodily dignity. If these men regard the common good, it will be called an aristocracy; if the good of only one party, an oligarchy.

Therefore, although, if only the rich command, it must be called "ἀρχὴ τῶν εὐπόρων," government of the rich, it can nevertheless also be "ἀριστοκρατία," aristocracy, if they do not command for the utility of the rich but of everyone. Plato observed this most prudently: "ὅταν ἄρα οἱ πλούσιοι ταύτην μιμῶνται, τότε ἀριστοκρατίαν καλοῦμεν τὴν τοιαύτην πολιτείαν, ὅταν δὲ τῶν νόμων μὴ φροντίζωσι, ὀλιγαρχίαν. When, therefore, the rich imitate that form, we then call that commonwealth 'ἀριστοκρατίαν'--'aristocracy'; but when the laws are neglected, we call it an oligarchy." The laws are neglected when the rich refer all things to their own advantages and desires.

The dominion of a few and of the rich is therefore not unjust if it keeps its aim, which is the safety of all. For it is equitable that the man who expends ten thousand gold pieces for the commonwealth should be preferred to another who contributes only ten to the common fund. Yet the man who furnishes so much to his fatherland ought not to obstruct the advantages of a citizen of smaller means.

§ 3. Aristotle recognizes four kinds of oligarchy in book 4 of the *Politics*, chapter 5. The first exists when a magistrate is selected according to the census, so that the poor are excluded. At Rome the senate was selected according to a census qualification of eight hundred thousand sesterces. Thus indeed the prices of life perished; nevertheless, they judged that the splendor of the most august order must also be increased by domestic means. Accordingly, when his census was diminished, both senator and knight lost his dignity.

The second kind exists when certain men are chosen according to the census, but those men select others for themselves, whether from those qualified by the census, from the best men, or from everyone.

The third exists when a son succeeds his father, as generally occurs among the Venetians, where all nobles who are twenty-five years old possess the right to enter the senate. Nevertheless, there is no corrupt oligarchy in these arrangements if the public good is regarded, but either aristocracy or polity. For just as in a kingdom one man can succeed one man without thereby incurring the mark of tyranny, so in an aristocracy several can succeed several while the integrity of the best government is preserved.

The fourth kind, therefore, is a corrupt oligarchy, when affairs are conducted not by law but by the decisions of those who govern, and all things are administered for the advantages of the powerful. This kind of government is most

destructive because in place of one tyrant it possesses several petty tyrants, and those cruel and needy. Just as this government is wicked, so it can by no means be long-lasting, since the greatest part of the commonwealth hates the smallest and desires it to perish.

Not only injury but even the suspicion of injury must be avoided. Otherwise anyone at all, however weak, can be a leader against them; nor in their overthrow is anything more difficult than the first utterance. At the beginning of the preceding century, many cities of the Empire rose against their own magistracy, and slaughters and plundering occurred. It makes no difference whether they suspect the senate truly or falsely.

The memory of the disturbance at Frankfurt is recent. Its leaders were human beings of the lowest condition but exceedingly powerful through the favor of the people, because government by the best was hateful. They could have done more harm if they had begun the sedition more moderately. Formerly at Massilia and Heraclea the rich rioted against the few and changed the form of the commonwealth. Aristotle, book 5 of the *Politics*, chapter 6.

§ 4. A tyranny of several is therefore overthrown with the easiest effort, but never more easily than when dissensions arise among them, or when one of them reveals secrets or makes himself popular. They do this either when they have suffered injury and seek power, or when they have broken and squandered their own resources and strive to conceal private disgraces with public evil. The more savage and importunate they are, the briefer their government is.

Those whose conspiracy is most inequitable have perished through foul examples. Aristotle recalls in book 5 of the *Politics*, chapter 9, that there was one of this kind: “For now in certain oligarchies they swear thus: ‘I shall be ill-disposed toward the people, and I shall devise against the people whatever evil I can.’” But it is necessary for them both to think and to display and simulate the opposite, signifying in the prescribed words of the oath that they will inflict no injury upon the people.

They swear, therefore, that they will be enemies of the people, and perjure themselves that they will be friends.

CHAPTER XIX

On Polity Strictly So Called, or the Popular Form of Commonwealth

§ 1. Aristotle and others sometimes call "Πολιτείαν" (polity) "δημοκρατίαν" (democracy). But because we are now distinguishing the parts, each must be treated properly and precisely. Thus Aristotle too, in book 3, chapter 7 of the *Politics*:

[Printed page 41]

"ὅταν δὲ τὸ πλῆθος πρὸς τὸ κοινὸν πολιτεύηται συμφέρον, καλεῖται κοινὸν ὄνομα πασῶν πολιτειῶν, πολιτεία. But when the multitude administers the city for the public good, that form of commonwealth is called by the name common to all constitutions, polity." Polity must therefore be defined as "ἀρχὴ τοῦ πλήθους πρὸς τὸ κοινὸν συμφέρον," government by the multitude which regards the common utility.

§ 2. The foundation and aim of this administration are liberty, and then equality. The people readily obtains liberty, but equality with the greatest difficulty. For although they are equal in this, that all command and obey in turn, nevertheless turns of commanding come to very few. Liberty, however, consists not in living according to one's own judgment and being altogether under one's own power, but in living according to the laws, subject to one's own magistrate, and under this condition: that the power of commanding should also belong to oneself. For thus the right and honor of the city is equal for all.

§ 3. There are various degrees and forms of polity. That one is most perfect when, without distinction of birth or wealth, all dignities and magistracies can be entrusted to everyone. This, I say, is most perfect within its own kind, evidently the most exact preserver of liberty and equality. It is nevertheless weak, tumultuous, and a promoter of the most foul human beings.

§ 4. Other forms are more tempered. For since there are various kinds of human beings within a commonwealth--craftsmen of necessary and useful things; craftsmen of things serving pleasure and display; farmers; herdsmen; merchants; soldiers; rich men and nobles living from their revenues; learned men; priests--and since there is also great diversity among magistracies and civil functions--for some magistracies are primary, others secondary; certain functions honored but expensive, others difficult but profitable--from this arises a great variety in constituting polities.

For they do not entrust all functions to everyone, but different functions to different persons with discrimination: honored and expensive functions to nobles and the wealthy; laborious functions to the industrious; judicial functions to equitable, experienced, and prudent men. From this distribution arise great varieties of government, for nothing prevents magistracies from being in the hands of one group and judgments in those of a different group. For certain peoples it is sufficient to possess the power of choosing magistrates from the best men; some are content if an account of the honors administered is rendered to them.

§ 5. In preserving the popular form, very great labor is expended lest one man institute a tyranny or a few men an oligarchy. Consequently, the administration is generally accustomed to fall back into the vice called democracy.

The first measure is that men generally of the middle condition should be brought to the helm of the commonwealth. For they do not possess such power that one man can seize tyranny, and they are too numerous for the establishment of an oligarchy; nor are they turbulent because of poverty and domestic difficulties. Aristotle warned of this in book 4 of the *Politics*, chapter 12: "Moreover, the lawgiver must always assume the middle classes in the administration of the commonwealth. For whether he establishes laws suitable for oligarchy, he ought to direct the laws toward the middle classes, or whether laws agreeable to democracy, these men must be joined to the laws. But wherever the multitude of

those in the middle exceeds either both extremes or only one of them, there it can happen that the form of administering the commonwealth is firm and stable. For it is not to be feared that the rich and poor will ever agree and conspire against these men, since neither will ever wish to serve the other."

For that moderation of the middle classes possesses something good, and those who are in the middle are judged good citizens. Therefore Phocylides too, in the Philosopher's judgment, spoke wisely:

> Πολλὰ μέσοισιν ἄριστα, μέσος θέλω ἐν πόλει εἶναι.
>
> Many things are best for those in the middle; I wish to live as one in the middle within the city.

§ 6. The second measure is that within the polity and power of the people itself it should be arranged that a ready road to honors not lie open to every worst and most audacious man, but that great account should be taken of the best part among the people. For just as in an aristocracy the form of government is changed within a short time unless every best man obtains a magistracy, so also the best and most upright part must be sought from the people. "Βέλτιστος δὲ ὁ δῆμος, ὁ γεωργικὸς ἐστι. The best people," says the Philosopher, "is that which practices agriculture."

No one doubts that the matter formerly stood thus. Hence the rural tribes were honored in the city, while the urban tribes were not free from contempt and stigma; for the dregs of the people and those who lingered beneath the rostra were cast into those tribes. Aristotle supplies the reason why the urban common people were more corrupt: because, accustomed to leisure and assemblies, they become cunning, fraudulent, desirous of revolutions, and ambitious; but the rural people, occupied by agriculture or pasturing livestock, rarely attend assemblies and rarely approach seditious gatherings.

There was formerly also another cause: the idle little common people, accustomed to assemblies, theaters, and spectacles and conquered by pleasures, scarcely raised their thoughts to the consideration of what is honorable and equitable. But now in well-ordered cities the reasoning is different. For citizens are less infected by tribunician assemblies, detestable spectacles, and public corruptions of morals; next, in schools and churches they are instructed toward virtue and piety. The rural common people are less cultivated and frequently less religious. Accordingly, with the times changed, the urban common people must be regarded as better.

The most flourishing cities of Europe teach that I judge thus. In their tribes, which consist of merchants and craftsmen, the greatest account is taken of justice, public honor, and piety. From these men, especially in free cities, serious, prudent, and moderate men are annually chosen to govern the commonwealth, for they are far removed from the causes of ancient corruptions. For how many thousands are there among them who, instructed from childhood by sacred sermons, pious readings, and the institutions of the Christian faith, have not even once drunk in through their eyes or ears the foulness of the theater, the cruelty of the arena, or turbulent declamations? Indeed, they do not admit criminals and infamous persons; they expel those who have been admitted.

Therefore the warning which the Philosopher gives in book 6, chapter 3--that the urban multitude should never be summoned without the rural--has no place here. I shall concede it concerning those ancient buffoons who regarded nothing except bread and circuses, who judged that money from the treasury by which the fleet should have been supported ought to be expended upon payments for the theater, who deprived poets of payment because they had abstained from obscene words, and who crowded around every wicked and seditious man. The urban common people admit such men to no share in public affairs; they do not even possess a place in the tribes.

§ 7. The third measure is that the election of magistrates should not occur in an assembly of everyone according to the Roman custom. For crowds, fights, ambitions, and corruptions cannot be avoided there. Rather, let the ancient arrangement of the Mantineans be approved. Among them certain persons--"αἱρετοὶ κατὰ μέρος"--chosen according to a division of the people entrusted the magistracies.

I saw in Münster of Westphalia, a distinguished and cultivated city, certain persons first chosen by the whole people who would designate others, by whom the senate is chosen annually.

[Printed page 42]

That arrangement is thoroughly popular, for those electors are established by the consent and vote of everyone. The election is then conducted with such care that no one can know who the final selectors are. They are enclosed after the manner of cardinals, decide concerning the whole senate, and elect it before night. There can be no corruption by gifts here, no solicitation for honor. Those electors judge it to pertain to their own reputation that they should mingle no man with their city's council unless he possesses proven virtue and prudence. But if favor or kinship should induce one or another to nominate someone, the others would nevertheless resist and would not wish to bargain away their own reputation for another man's honor. This arrangement certainly surpasses the Roman assemblies in many respects.

§ 8. The fourth measure is that they should establish, with no less care than the magistrates themselves, many serious men who demand from the magistrates an account of their administration of the commonwealth and present it to the tribes. "Τὸ γὰρ ἀπ᾽ ἄλλων κρέμασθαι, καὶ μὴ πᾶν ἐξεῖναι ποιεῖν, ὅπερ ἂν δόξῃ, συμφέρον ἐστίν. For to depend upon another's judgment, and not to be permitted to do everything one pleases, is useful." Indeed, there is no greater enticement to sin than impunity for sin.

This matter possesses such great importance that I judge the safety of the Republic of Venice to depend upon it for the greatest part. For the prefects of all the cities so conduct their government that they know certainly that an account must be rendered by them. Inquiry is made into their private life, their public acts, and their judgments.

This is easier and more effective in a polity than in the aristocracy of the Venetians. For in a popular form those who transgress in a magistracy can readily be punished because they are men of middle condition, not eminent in resources, clients, or power, so that they might evade or break the laws. In an aristocracy something is conceded to nobility, affinity, ancestors, and the hope of equal impunity.

§ 9. The fifth measure is that they should not offend or irritate the best men and the nobility, but should hold them in honor and esteem and revere them. They should entrust very many and the most honored magistracies to them; and when they have given commoners as colleagues to them, they should nevertheless grant the first place to the patricians. For thus the patricians will be most favorably disposed toward the common people and will strive to approve themselves to them.

Nor do I judge that any polity has thus far perished unless, first changed into a democracy, it vexed the best men and the rich with injuries and outrages. For from this certain men of the nobility have received an occasion to vindicate themselves. Men of great spirit and impatient of outrages, when they have despaired concerning their own affairs, readily overthrow the whole commonwealth. And just as, when kings degenerate into tyrants, there are many who seek the praise of a slain tyrant even at the danger of their life and are not deterred by the punishments of others, so, when a polity departs from law and seeks not the common utility but that of men of small means, and begins to oppress and despoil the nobles and best men through servitude, many avengers arise. For that commonwealth is a tyranny with many heads; just as it cannot be dispatched by a single blow, so it can be torn into parts and divided.

Read the Greek and Latin histories and, after the Empire ceased or declined, the Italian histories. You will find that the greatest calamities were introduced by exiles. Exiles, however, arose from the conflicts of citizens raging mutually against one another, and the struggles arose from the corrupt administration of the commonwealth.

To embrace the matter in one statement: the best form of popular commonwealth is that in which the supreme power is in the hands of the people, the highest honor in the hands of the best men, and those of small means are assisted with the greatest care; in which the dignity of the best men depends upon the votes of the people; and in which honor is conferred upon the best men by the willing people. For where that moderation is employed, no part of the city will wish the form of the commonwealth to be changed, and therefore they will defend the present condition by consent.

CHAPTER XX

On Democracy, Which Is the Vice of Polity Strictly So Called

§ 1. Democracy is "ἀρχὴ πρὸς τὸ τῶν ἀπόρων συμφέρον," government which regards the utility of the poor or those of small means. The end of this government is diametrically opposed to oligarchy. For the latter pleads the cause of the rich; the former, that of those who are poor or of small means; neither pleads that of the whole commonwealth.

No democracy has ever been long-lasting; or, if any endured for some time, it was agitated by perpetual dissensions and ended either in the tyranny of one or in oligarchy. It has ended more often in tyranny, because the dregs of the people, when divided within itself and unable to prevail, entrusts itself to one man from whom it expects rewards for the power it has given; but it is afterward oppressed by him.

The reason why that administration cannot be long-lasting is that, when the advantages of citizens of small means are provided for through injuries to the more honorable, it is necessary that the principal part of the city--without which the other part cannot exist--suffer distress. For if the nobility is harassed with outrages, or the condition of the city is so tossed about in the hands of the poorer men that the rich are uncertain about their property, who can doubt that the latter will either finally draw power to themselves or desert a commonwealth in which they are the mockery and prey of every most sordid man? Nor will they remain inactive for long in that danger when they possess a great faculty of taking vengeance.

§ 2. Democracy can exist even where the number of the poor is smaller than that of the rich, if the helm of administration is turned according to the judgment and advantages of the poor. Nevertheless, the portion of those of small means and of those who either possess no property or possess little is generally greater.

Formerly, however, in military cities the supreme power often resided among the lowest persons. To this form must be assigned those periods of the Roman commonwealth when the common people beneath the rostra enacted laws; when votes returned for sale annually upon the Field; and when the Praetorian soldiers, or a few legions, despising the authority of the senate and people and bargaining for gifts, plunder, and license, raised monsters of human beings to the august summit and soon killed those same men by a nefarious crime.

§ 3. Tyranny is most easily born from this form of commonwealth. Plato speaks excellently: "ἡ γὰρ ἄγαν ἐλευθερία ἔοικεν, οὐκ εἰς ἄλλο τι, ἢ εἰς ἄγαν δουλείαν μεταβάλλειν καὶ ἰδιώτῃ καὶ πόλει. εἰκὸς γάρ, εἰκότως τοίνυν, εἶπον, οὐκ ἐξ ἄλλης πολιτείας τυραννὶς καθίσταται, ἢ ἐκ δημοκρατίας. ἐξ (οἶμαι) τῆς ἀκροτάτης ἐλευθερίας, δουλεία πλείστη τε καὶ ἀγριωτάτη. For excessive liberty is accustomed to be changed into the most grievous servitude, among private persons as well as cities." For thus it is accustomed to happen, and I deservedly said that tyranny arises from no commonwealth other than democracy: from the greatest liberty comes the greatest and most monstrous servitude.

The reason why the man to whom the people has entrusted itself oppresses it with tyranny is that he distrusts that he can otherwise be safe. Since many wicked men seek many things

[Printed page 43]

and terrify him, he cannot hold them by love for himself; therefore he prepares force.

§ 4. There are four kinds of democracy. The first exists when the more honorable part of the city, which possesses moderate means, deliberates after excluding the rich and entrusts magistracies to rich men as well as those of moderate means. Because this form attributes more to magnates, it is firmer. For it does not exclude the rich and noble from public affairs, and it entrusts itself to be ruled by the fidelity of those whom it possesses as candidates and suppliants.

The second form exists when it is permitted to everyone, so far as birth is concerned, to administer the commonwealth, yet no one is admitted unless it is possible for him to be at leisure. This administration generally also belongs to the best men, for craftsmen, merchants, and others are removed.

The third form exists when by law even those who cannot be at leisure are admitted to the helm. Yet because they possess no leisure from their own affairs and do not wish to attend to public affairs to the detriment of their domestic property, they voluntarily abstain from magistracies.

The fourth species of democracy--or rather a tyranny of many, as Aristotle judges in book 5, chapter 11 of the *Politics*--exists when the poor are not merely admitted to government but are given payment so that they may be at leisure. That arrangement harms justice in many ways. For honorable and noble men suited to administering public affairs are barred from taking counsel for their fatherland by filth so unbecoming and indeed extreme. Next, since money must be gathered from the entrails of the commonwealth to support the leisure of the poor, the nobles and rich suffer injury, since they are compelled with their own money to buy magistrates for themselves and indeed to bring it about by their own resources that they cannot attain honors--than which nothing is more bitter. Finally, men of this sort are generally inexperienced in affairs, desirous, and abuse power.

But although a good man would not wish to conduct government for the sake of either money or honor, he nevertheless customarily undertakes this burden lest a worse man command him. For men judge there to be the greatest necessity of assuming the helm lest it be entrusted to the inexperienced and all be endangered for that reason. In this democratic tyranny, however, by violence, laws, and payment it is arranged that honorable men should not preside over the commonwealth, but that every most foul and needy man should command.

§ 5. Moreover, various democratic laws against the best men have been devised by popular leaders; nevertheless, those laws oppressed the people itself and converted liberty under the name of liberty into tyranny. Yet the tyranny of no single person is to be equated with a raging people.

The first law is that a magistrate should come from everyone. Both examples and reason teach how destructive it is. For what is more foreign to true reason than that rulers of the commonwealth should be placed in command by the judgment and opinions of the most imprudent? That those who possess the highest honors and supreme power should be selected from the dregs of human beings? No one entrusts a vineyard to an inexperienced cultivator or a field to an ignorant farmer. What prudence, then, is it to entrust bodies, fortunes, and liberty to the judgments of human beings seeking their own advantages?

What popular leaders say--that the common people generally do not err in selecting magistrates--is altogether otherwise. No one is a less suitable arbiter of his liberty than the people; no one abuses it more in any matter than in creating magistrates. All seek the man whom they judge advantageous to themselves, not the one useful to the commonwealth. Let us trust the Roman people, whose assemblies, after the likeness of the Euripus, changed in different directions. Cato twice suffered electoral rejection; Clodius, Vatinius, Piso, and Antony sat upon the curule chair.

§ 6. The second law: to command in turn and frequently change governments. The people loves this, but it leads to anarchy and license. For what man born from the common people, endowed with a brief power already about to expire, will restrain wicked and audacious human beings from injury to citizens? Who will contain by the fear and force of laws and penalties those whom he is going to see in the supreme position the next day, when the wheel of the assemblies turns? The powerful man whom you irritate today you will experience as your lord tomorrow. As a private person you will receive your enemy armed with public authority. To report familiar things, consider Cicero alone. During his most glorious consulship, the preserver of the fatherland aroused against himself the hatred of the most powerful citizens, and their hatred possessed such force that he was driven into exile.

§ 7. The third law: to divide the goods of condemned men among the common people. If the people judges the case, it would be manifestly inequitable, as Aristotle warned in book 6, chapter 5. Who doubts that a needy judge can be induced without difficulty to condemn an accused man by whose destruction he has determined to increase his own property? If those judgments are in the hands of the best men but the plunder in those of the common people, although there is less danger, it is nevertheless not equitable that a public fine be expended for the advantages of one party. Next, after neglecting labors, they will begin to direct slanders against the rich.

§ 8. The fourth law: that accusations against noble and brave men should be frequent. Nothing was more customary at Athens, and for this reason they fell.

§ 9. The fifth law: that magistrates should be selected by lot. Certainly nothing is more suitable than this law for overthrowing the commonwealth.

§ 10. The sixth law: that revenues should be distributed to those who come to the assembly.

§ 11. The seventh law: that the wealthy should receive no payment for the labor of judging, but those of small means a large payment.

§ 12. The eighth law: that no craft should prevent one from commanding.

§ 13. The ninth law: that no one, except rarely, should hold any magistracy twice.

§ 14. The tenth law: that this can nevertheless occur in a dangerous war.

§ 15. The eleventh law: that no magistracy should be perpetual; indeed, that all should be exceedingly brief, so that more persons may command.

§ 16. The thirteenth law: to admit foreigners also to honors.

§ 17. The fourteenth law: secretly to oppress the nobility, while outwardly cultivating it, and to entrust to nobles certain magnificent and expensive functions.

§ 18. The fifteenth law: to guard against their being irritated.

§ 19. The sixteenth law: to inflame them mutually against one another and wear them down with enmities; to furnish with honors and power, and defend, those from the nobility who possess many enemies.

§ 20. The seventeenth law: to institute very many tribes and intermingle them as much as possible.

§ 21. The eighteenth law: to unite various associations of craftsmen, merchants, and others.

§ 22. The nineteenth law: to permit the license of living as each person wishes. "ἥδιον γὰρ τοῖς πολλοῖς τὸ ζῆν ἀτάκτως, ἢ τὸ σωφρόνως. For it is sweeter for the multitude to live without order than temperately."

§ 23. The twentieth law: to surround all magistrates with the guardianship of other magistrates, lest they be able to do anything

[Printed page 44]

against the will of the people. Thus at Rome the tribunes of the common people often vetoed the best counsels and, under the appearance of defending the common people, disturbed the commonwealth.

If we weigh the origin, rationale, and examples of all those laws, they can do little to establish the democratic constitution. Consequently, no democracy was ever stable or without perpetual disturbances. Besides Athenian and Roman history, one may read the history of the Florentine Republic from the times of Frederick, in which you will read with astonishment of the greatest and swiftest changes of affairs, internal battles, and fighting from towers.

CHAPTER XXI

That the Best Form of Commonwealth Is Monarchy Tempered by Aristocracy and Polity

§ 1. I propose a question debated not only in the senate house and in an assembly of the people, but also in scholastic exercises. The reason is that it supplies abundant material to ingenious and eloquent human beings for speaking against tyranny, anarchy, and servitude, and in favor of liberty and equality. Accordingly, some inveigh against the excessive power of one man, others against the ambition and dissensions of equals, and others against the confusion and rashness of the common crowd. They do this with all the greater applause because examples of affairs badly administered are lacking in no age, and indeed abound in most. But let us speak of this matter politically and in a manner suited to the institutions of the commonwealth.

§ 2. First, when we compare the three forms of commonwealth with one another and inquire into the best, it is evident that this must be done by a prudent and suitable analogy. For the vices and injuries of one government must not be compared with the virtues and benefits of another, but goods with goods, evils with evils, lesser goods with lesser, and greater with greater; likewise, evils must be weighed with an equal balance. The best monarchy must be compared with the best aristocracy and polity, the middling with the middling, and the worst with the worst.

When, therefore, the matter stands at the same degree, it is asked which commonwealth is better, firmer, and happier. Is that government which is described in Judges 2:6--"Therefore Joshua dismissed the people, and the children of Israel departed, each into his own possession, that they might obtain it. And they served the Lord all his days and all the days of the elders who lived for a long time after him and knew all the works of the Lord which he had done with Israel"--is that aristocracy of elders to be preferred to the monarchy of David or Solomon or another king who regards the common good?

§ 3. Next, all things in this disputation are not to be discussed minutely and mathematically. Rather, because we are treating of the commonwealth, they must be treated in a moral and civil manner. For in vain do we form and construct in thought some Platonic or Utopian city if we give counsel to our cities, in which there are many imprudent, improvident, and wicked human beings, and frequently those very persons whose office it is to protect justice and equity are such.

The founder of a commonwealth ought not to regard one human being or one certain and definite period, but to embrace the whole duration. For although it may happen that one particular prince is excellent and the best men at some time praiseworthy, nevertheless conduct is frequently changed in power, and wicked rulers more frequently succeed good ones. Accordingly, that form of commonwealth must be established in which magistrates are permitted to do the greatest amount of good and the least amount of evil, so that the people may be safe by its laws and not by the virtue of one human being.

The lawgiver, therefore, will not fear to abandon many excellent goods in order to avert the most dangerous evils. Nor will he judge the form of that city most excellent in which one particular thing has been arranged excellently unless provision has been made from every direction concerning all things. All moderate things must rather be chosen than extremes attended by great danger. For amid such great desires, faithlessness, and ambition among human beings, it is impossible to establish a commonwealth in which there is no danger. I shall therefore speak distinctly concerning the best form of commonwealth.

§ 4. FIRST. A despotic form of commonwealth, in which the prince is absolute lord of all things, is unworthy of praise, inequitable, and not long-lasting. I call that form despotic which belongs today to the emperor of the Turks, which seems formerly to have belonged to Nebuchadnezzar and the kings of the Egyptians, and which now belongs to certain barbarians. The inhabitants of the Turkish Empire call themselves slaves of their emperor. No one is secure in

fortune or life; all things depend upon the nod of the most cruel, most arrogant, and most lustful tyrant. They even refer the very air which they breathe as something received from the great lord.

It is unnecessary to bring forward arguments. For there is no one who does not flee servitude and embrace liberty; but in that empire everyone, even wives and children, serves servitude. Indeed, divine Scripture numbers being oppressed by servitude among the greatest punishments but regards being asserted into liberty as the highest benefit. Isaiah 19:4: "And I shall hand Egypt into the hand of cruel lords." And when God had subjected the Jews to Shishak, or Sesostris the Egyptian, he said: "Nevertheless they shall serve him, that they may know the distance between my servitude and the servitude of the kingdoms of the lands."

Nor can a supporter of tyranny respond and say that an absolute lord can take account of the common good and that such a commonwealth will be like a great household. For if he is lord, he therefore expends the slaves for his own utility, and all the subjects are the possession of the great lord. Accordingly, they are held to care for the advantages of the lord, not their own.

I am not ignorant that the barbarism of certain nations, from native slowness and stupidity of disposition, is such that they seem born for servitude. If they have been captured in a just war, so that they can be reduced into servitude, I do not deny that they ought to possess the same man as king and lord. But this pertains to a few, since, although there are many who have surrendered within a great nation, few have merited servitude. Provision must be made for the whole nation in a royal manner, so that its people may be rightly instructed in religion, humanity, and civil order. It belongs to barbarians, however, to abuse the weakness and stupidity of wretched people for their own gain.

§ 5. This government cannot be long-lasting because it is violent and because everyone condemns it, even those who live amid the highest honor and pleasures. Those whose fortune is most wretched attempt extreme things; and since they consider all things better than those which they suffer, impelled by a slight movement, they dare something great and unexpected. For although they hope for nothing, they nevertheless possess nothing about which they may despair, since to remain in a most afflicted condition is the part of the despairing, but to move and disturb something is the mark of a spirit that is not ignoble.

Seneca therefore spoke wisely in truth: "Power which is exercised to the injury of many cannot stand for long," book 3 of *On Anger*, chapter 16. Phalaris reigned for more than thirty-two years, but after his first frenzy had raged itself out, he cultivated justice and clemency. He possessed ability and force for seizing power,

[Printed page 45]

but moderation was needed for retaining it. Although all hold tenaciously that one ought to leave a tyranny dragged by the feet, not seated upon a horse--Livy, book 24--nevertheless, very many who abused excessive power have been cast down and readily shaken off.

For since a human being is a political animal, while the most absolute monarchy is violent dominion and more suitable for wild beasts, it is not according to nature and therefore cannot be perpetual. Finally, since so great a power readily exceeds the limits of reason and crushes peoples, it comes about that it corrupts the commonwealth itself. All are free by nature; disaster introduced the name of servitude. Therefore a commonwealth in which there is no liberty is contrary to nature.

§ 6. The Turkish Empire is customarily objected against this, because it has now persevered for many years in the family of the Ottomans, although they oppress all those subject to it with inequitable and burdensome dominion. In that kingdom no one serves more abjectly or more dangerously than the man who moves amid the greatest dignity and power.

I indeed acknowledge that the iron yoke imposed by the Ottomans upon the peoples of Asia and many parts of Europe and Africa has almost grown old, so that it could seem a just government. The complaints of so many nations and the groans of cities testify to it. That tyranny has now persevered for three hundred years; for it was established in the year

1300 by the industry and fraud of Ottoman. It is therefore a savage and long-lasting sovereignty. Nor--shame!--are there lacking among Christians those who suggest Mohammedan counsels to their princes, in order to establish the strength and longevity of principalities by such barbarian examples.

§ 7. But I by no means attribute the stability of that monarchy to its unjust and barbarous domination, but principally to the just vengeance of the divine power, which rules and crushes with an iron rod nations that are impious, apostate, impure, and ignorant of being ruled. It both permits the tyrant to rage and corrupts the counsels and removes the courage of wretched nations, lest they rise to vengeance.

Next, the mutual enmities and wars of its neighbors raised that monarchy to be fearful to everyone. But because the long-lasting power of the Turks dazzles the eyes of many political thinkers, I intend to consider the matter more deeply.

In the year 1300 Ottoman struck down in various battles the petty rulers of the Turks, who were weakened by discord, and from the spoils of many he himself became a great emperor. He presided over the sovereignty for twenty-seven years, a man of great counsel and, when sudden circumstances occurred, of rash but nevertheless fortunate audacity.

Ottoman's son Orchan began his sovereignty with the parricide of two elder brothers. He conducted it somewhat better than he began it. He added a great part of the Empire of Constantinople to his own kingdom, assisted not by his own virtue but by the long dissensions and civil wars of the two Andronici, grandfather and grandson, and then of Cantacuzenus and Palaeologus. For while they contended in crime, faithlessness, and mutual slaughter, he readily occupied regions deprived of aid. Drawn into assisting the parties, as is customary for magnates, he converted the calamities of his neighbors into an opportunity for growth.

Amurath succeeded Orchan. In ambition, endurance of labors, cunning, military discipline, strength, equity, affability, moderation, and blandishments he was superior to all the leaders of the Turks. Access to him was easy; his countenance was mild; in distributing honors and addressing men he displayed the greatest humanity. Therefore at that time the face of the sovereignty was different, and under the growing monarchy there was, if not unimpaired liberty, nevertheless great security. Yet he did not break the Empire of Constantinople by his own martial power. He was summoned by Palaeologus, whom the Greek leading men, assisted by the Bulgarians, were oppressing, and he defeated them. Then again one of his soldiers, carried into Europe by the avarice of a Christian shipmaster, gained an easy victory over the Greeks.

Amurath's son Baiazet, the killer of his brother Solyman, was more ferocious. He stripped Sigismund, king of Hungary, of his camp, but in that battle the fault was rather with our men than courageously conducted by the Turks. For while the French, contrary to the wishes of their leaders, rushed forward without counsel, they were surrounded by cavalry and utterly destroyed. In 1402, he was defeated by Tamerlane and enclosed in a cage; at that time the Turkish Empire was affected by a great disaster. For besides the 140,000 who fell in the battle line, one hundred and twenty thousand were crushed by cavalry.

Calepinus, son of Baiazet, restored the collapsed affairs. After gathering the veterans and being assisted by Greek princes, he then established them by a successful battle against Sigismund of Hungary. For the cavalry of the Christians, borne against the enemy in a rash attack, was driven into flight before aid could be carried to it by the infantry, and it exposed the disordered infantry line to be destroyed by hostile arrows.

Moses killed Orchan, the son of Calepinus, after surrounding him with ambushes; Machomet killed Moses. Machomet was the first to render harsher and more atrocious the kingdom which until that point had been in some fashion political. For by force, fraud, and arms he oppressed and stripped of their dominions the petty kings and princes of the Turks who were suspect to him for any reason whatever. That destruction extended so widely that a little afterward there were no princes, but mere slaves. He died in the year 1419. From this one may gather that until that time the Turkish monarchy had been tempered by the power of the best men.

Another Amurath followed, whom John Hunyadi defeated in five battles and whom Scanderbeg, after driving him away from the siege of Croia, compelled to die. He inflicted disasters upon the Greeks, but their sloth was so great that, when about to fight, they selected as commander no one from their own nation but Mustapha, Amurath's paternal uncle; and when he had been defeated, they placed in command of the army another Mustapha, Amurath's thirteen-year-old brother. What wonder is it, therefore, if Amurath increased in power when the other Christians were inactive, certain ones even betraying them, and the Greeks entrusted the fortune of their sovereignty to an exiled boy?

This sovereignty degenerated into a perfect tyranny under Machomet II, who occupied Constantinople in 1453--not by the courage of his own Turks, but by the faithless labor and avarice of the Illyrians, Wallachians, Dardanians, Serbians, and Bulgarians. For these nations had come to him in the hope of military plunder. Savage toward his own people, a despiser of every right, oath, and divine power, he acted as a most absolute tyrant after the rival king at Constantinople had been removed. That beast died in 1481.

Then it became evident with how little counsel that kingdom had been established. For the purple-clad pashas and Janissaries disagreed concerning the successor, so that they came to battles and slaughters. The Janissaries, with men of that family striving in his favor, declared Baiazeth emperor. Others chose Corchutus, the son of Baiazeth, so that, with a boy as king, they themselves might be lords of affairs. But the youth yielded to his father, and the soldiers were placated by a largess. His brother Gemes brought no less a war against him and, defeated in three battles, fled to the Christians. Baiazeth inflicted many disasters upon the Venetians, but soon, after being repressed, was compelled to make peace. From the Persians, however, he suffered greater disasters, so that little was lacking before he lost northern Asia in a single expedition.

[Printed page 46]

Meanwhile, his three sons, Selymus, Acomathes, and Corchutus, contended for sovereignty. Selymus obtained it with the assistance of the Janissaries and killed his father with poison. He killed not only his brothers but the sons of his brothers. He crushed the Persians, but with one hundred thousand of his own men lost.

Solimannus followed Selymus, and Selymus III followed Solimannus; they surpassed their ancestors in savagery and rapacity.

§ 8. After examining these things well, we shall discover that this sovereignty had endured for one hundred and sixty years from the time when it began to be most absolute and plainly tyrannical. Yet it was most unhappy. First, within the Ottoman stock itself, from which one man is destined for the kingdom either by the blandishments of some concubine or by a military disturbance, the entire remaining house is compelled by its death to furnish security to the man who reigns. A crowd of brothers and nephews is slaughtered so that one man may command without fear. Yet that has never occurred. For the sons and descendants of Baiazet were worn down by civil and foreign wars.

Evils are therefore perpetual in this kingdom. First, since there are many sons, as is natural amid the great license of many marriages, all nevertheless conceive a hope of sovereignty, either from the favor of their father or that of the Praetorian soldiers. Next, the fear of death joined to it sharpens that hope, since nothing intermediate is left between throne and tomb, between diadem and noose. What, therefore, should men about to die fear? Extreme fear produces confidence and the pursuit of an honorable and glorious death.

Third, that fear and hope render sons suspect and hostile to their father. For when they have learned by the slightest sign that one is preferred to the others, they now judge themselves condemned to death by their father. I add that they reduce the entire imperial house to one head; if anything human should happen to him, either no heir or a boy will then exist.

Innumerable calamities for the subjects arise from this. Agriculture is altogether abandoned. They plunder the regions so thoroughly that scarcely the necessities of life are left to them. No farmer thinks about private property, for even noble and very fertile fields lie uncultivated far and wide, and through the injury of those who reign all things tend

toward devastation. Arms are taken from everyone; only a few men, as if they were robbers, are permitted everything. From this it is evident that this kingdom is most weak and has stood through the discord of its neighbors--if to be stained with so many calamities and slaughters is to have stood. I therefore conclude that that absolute and despotic monarchy is destructive, brief, full of fear and blood, and exposed to everyone who attacks it.

§ 9. It must therefore be established, second, that a tempered monarchy is to be preferred, one in which the authority of the best men, or of the senate, possesses force and in which the cities and other orders possess some power. Yet in it this must be guarded against: that the king should not command on sufferance; rather, when he has judged justly and according to the laws, his power should be supreme. For if the vigor of the supreme power withers, it is necessary that the property of the subjects be plundered and carried away, since without fear of the laws the injuries of the more powerful continually increase.

The first reason is that we see that most wise men judged thus: Plato in the *Statesman*; Aristotle in book 3 of the *Politics*, chapter 5, and book 8, chapter 10; Herodotus, book 3. Indeed, that Homeric saying has been approved by everyone:

> Οὐκ ἀγαθὸν πολυκοιρανίη· εἷς κοίρανος ἔστω.
>
> The dominion of many is not good; let there be one lord.

Philo, in the book *On the Confusion of Tongues*; Plutarch, in the *Banquet of the Seven Wise Men* and likewise *On Monarchy, Oligarchy, and Democracy*; Demosthenes, *Against Androtion* and *Against Timocrates*; Maecenas in the presence of Augustus; Philostratus in the presence of Vespasian; Isocrates, in the *Nicocles*; Stobaeus, discourse 45. The holy Fathers possessed the same opinion: Justin, *Exhortation to the Greeks*; Cyprian, *On the Vanity of Idols*; Athanasius, *Oration Against the Idols*; Jerome, the letter to the monk Rusticus; Saint Thomas, book 4 of *Against the Gentiles*.

Indeed, you will not readily find a dissenter even among those who, educated in a free commonwealth, held honors and magistracies. Cicero certainly admits that at one time the government of one man pleased the city and that the royal kind of constitution was rejected not because of the kingdom but because of the vices of the king. Book 3 of *On the Laws*.

§ 10. Not only is this the opinion and consensus of the wise, but it is also the practice of the whole world. For all ancient nations first obeyed kings. Cicero, book 3 of *On the Laws*. Justin, book 1: “In the beginning of affairs and nations sovereignty was in the hands of kings.” Seneca judges the royal kind of constitution to be according to nature in book 1 of *On Clemency*: “For nature devised a king. This may be recognized from other animals and from bees, whose king possesses the most spacious chamber in the middle and safest place. Moreover, he is free from labor, the exactor of the works of others; and when the king is lost, the entire swarm falls apart.”

Antiquity and sacred and profane history have confirmed the same thing for us by their authority. For after, while Noah and his sons were still living, the construction of the insane tower introduced the confusion of tongues, individual families began to possess kings. Indeed, even Nimrod, son of Cush and grandson of Ham, born near the very ark which had enclosed the whole human race within narrow spaces, planned a kingdom against his neighbors. For “he began to be powerful upon the earth and a mighty hunter before the Lord.”

Certainly, from the flood to Peleg there are 101 years. But he received his name from the fact that in his days the earth was divided, Genesis 10:25. From Peleg to Abraham there are 191 years. But at that time all things were already full of kings and cities; indeed, alliances and servitudes of kings were already known. For the kings of Canaan served Chedorlaomer, king of the Elamites, for twelve years, and the king of Shinar, or Babylon, was allied with him.

The Elamites are Persians. Thus it is marvelous that, while Noah and indeed Shem, Japheth, and Ham were surviving, and while even Arphaxad, Salah, Eber, and Peleg, who had been educated under one grandfather and beneath one roof,

were looking on, their descendants waged such great wars that they came all the way from Persia with a hostile army, struck the Rephaim, Karnaim, Zuzim, Emim, and Horites, and rushed as far as the wilderness of Paran.

Therefore, when they no longer lived under a true father of the household, they nevertheless did not wish to exist without a single magistrate, but placed over themselves men in whose integrity, prudence, and courage they trusted. Nor did that custom afterward cease to exist. Thus in 1 Kings 8 the Israelites request a king: “Establish a king for us, that he may judge us, just as all nations possess.” The liberty of commonwealths existed in Greece and in a few Italian and Punic cities. For few desire liberty; the greater part desire just lords.

§ 11. The second reason by which monarchy is commended to us is longevity. The kingdom of the Assyrians persevered for 1,240 years; that of the Medes, 260; that of the Persians, 233 and, after the power of the Greeks had been abolished, 480; Sparta, 500; and the kingdoms of the Moabites, Ammonites, and Egyptians for very many years. Of all cities which possessed aristocracy or polity, the government was exceedingly brief, followed by tyranny or destruction.

[Printed page 47]

Tyrants infamous for cruelty, avarice, and outrage existed in Greece and Italy because they judged that the brief power of the people must be worn down by burdensome servitude.

The Sicilian cities were free, but at intervals of time they were given as plunder to tyrants. How often did Athens, Corinth, and the other cities of the Greeks suffer tyrants? During the four hundred years between the kings and the Caesars in which Rome professed that it possessed liberty, did it not live as if in a perpetual contest and disturbance? Hence came secessions; hence the broken fasces of the consuls and, through hatred of a commander, victory furnished to the enemy; hence tribunician power, the sharing of marriages and honors, military tribunes, decemvirs for writing the laws, dictators, and masters of the horse. What year passed without disturbance, except when a common fear from an enemy threatened the parties? The inhabitants of the Roman city therefore collided with one another until the commonwealth arrived at one man.

The Republic of Venice alone, although it belongs to the best men, now numbers one thousand years, which is the sole example of a long-lasting aristocracy. But because it possesses a perpetual duke whom they call great, its government customarily seems to me as monarchical as aristocratic.

For although the authority of deciding and commanding is in the hands of the senate or Great Council, the duke is nevertheless the head of the senate and of the whole commonwealth. First, that magistracy or principate is perpetual, a thing which lovers of aristocracy are certainly accustomed greatly to dread. Therefore Antony, in order to conciliate the affections of human beings, abolished by an enacted law the name and power of dictator in perpetuity, because Julius Caesar had accepted a perpetual dictatorship.

Next, it belongs to the Venetian duke to summon the senate and consult it. Although he himself determines nothing except from a decree of the senate, this is the same as if at Rome he held a perpetual consulship. That kind of commonwealth certainly draws very much from the royal kind of government. Third, since at Venice there are easily sixty-nine councils, tribunals, or orders of judges, the duke can attend and preside over all of them; no one is ignorant of how important this is within a commonwealth. Fourth, royal honor is conferred upon him, whether you consider his public retinue or the observance of others toward him.

Finally, the fear of the best men shows how great the duke’s power is. For they are accustomed to raise to that summit a man advanced in age, moderate, loving the commonwealth, and of a civil disposition, and to strive with the greatest care lest he be able to become more powerful either by conciliating popular favor to himself or by courting the friendships of princes. For if some Sulla, Marius, or Julius obtained the authority with which the duke of Venice is endowed, he would subject the whole commonwealth to himself without a difficult outcome. In that matter he would be assisted not a little by the very form of the decrees, all of which are written out and published in the duke’s name.

He who weighs these things will readily understand that the longevity of the aristocracy comes from its conjunction with monarchy. For perpetuity of dignity; the right to summon and consult the senate; the right to approach all councils and assemblies of judges with dignity and prerogative; princely honor and splendor; and the power of publishing decrees in his own name are so proper to monarchy that the Romans abominated each as though royal.

What else did Pompey, although chief of the senate, desire than to belong to one who reigns? What did Caesar desire except that account should be taken of him while absent? How great were the wars which arose between father-in-law and son-in-law, because

> Caesar could not endure a superior,
>
> nor Pompey an equal?

Why was Caesar sacrificed with so many wounds before the statue of Pompey? Because he retained a perpetual dictatorship. But the great duke of Venice must deservedly be regarded as a perpetual consul or dictator, in whose name all things are conducted and to whom ambassadors direct their speech in the council. Although his power is not altogether dictatorial, his honor is nevertheless royal.

Accordingly, in this respect I prefer the Republic of Venice to the Roman commonwealth. For it is free from innumerable dangers which arose from the rivalries of ambitious men; nor in it

> do the yearly contests return for sale upon the Field.

§ 12. The third reason why I prefer monarchy is that in it concord and the conjunction of minds can be preserved most fully and readily. No commonwealth can subsist without concord; scarcely any has perished without discord. Unity is readily preserved under one man. Accordingly, God also willed in his Church to remove occasions of dissension and schism by establishing one governor and head. This was also the mind and opinion of political writers. Tacitus, *Annals* 1: "There was no other remedy for a discordant fatherland than that it should be ruled by one man."

Nature itself dictates the reason to us. For in government by the best, power is scattered among several men. Since it is tossed by diverse opinions and affections, it tears the commonwealth apart. Where one man commands, the minds of individuals accommodate themselves to his commands and cannot divide the city, being subjected to one greater power.

If we consider the dissensions of the best men in the Roman city, we shall find them both perpetual and most destructive. At Athens, where the popular kind of constitution prevailed, the discord and mutual hatred of the leading men were so great that no one among the best men escaped exile or a fine. For contests among powerful men always exist unless some greater power restrains and binds the strength and desire of each. Two consular colleagues were rarely harmonious; ten tribunes, most rarely. The Italian cities in the times of Frederick and afterward were almost exhausted by continual contests among magistrates, while they imposed and suffered exiles in turn. At Florence neighbors fought against neighbors from towers; at Milan nobles and common people raged mutually against one another; the people of Padua, Verona, and elsewhere, through hatred and disgust for their own citizens, preferred foreign judges.

§ 13. The fourth reason: not only can concord be guarded more readily, but justice also, if one body of government is ruled by one soul. For when the best men command, they have regard for one another, forgive themselves, and indulge one another so that they themselves may enjoy equal impunity. Meanwhile,

> Whatever madness kings commit, the Greeks are punished.

Kings possess greater care and more effective authority for preserving justice, and less cause for violating it. For either the prince himself pronounces the law, and thus does not readily depart from integrity and rectitude, or he establishes judges whom the obligation to render an account readily holds in their duty. They can neither oppress an accused man

nor gratify relatives or powerful men, since appeal to the prince and examination of the sentence pronounced not only commend observance of the laws but also announce immediate punishment to a transgressor.

For princes most readily punish wicked judges,

[Printed page 48]

although they themselves may not be lovers of justice. The reason for this is that, to their greatest glory, they punish them as public robbers; next, they also conciliate to themselves the love of their subjects as a protection, since they themselves are enemies of those whom everyone hates; finally, it is an ancient practice to enrich the treasury by the deaths and confiscations of wealthy magistrates. Since judges established by kings therefore are not ignorant that they themselves must at some time undergo judgment, they take great care lest by their own condemnation they be compelled to render the prince's reputation celebrated and increase the fisc.

The despotic government of the Ottomans is harsh, but nevertheless, amid so crude a tyranny, the prefects of provinces and cities vehemently dread every appearance of injustice. Many are slaughtered in individual years for the smallest offenses after their goods have been confiscated. That savagery renders the cruelty of the tyrant more tolerable to the peoples, since they understand that the instruments of tyranny are punished.

No one will estimate more readily the great indignity and violence with which justice and laws are harassed among the best men than one who weighs the deeds of the Romans, who were regarded as the most just of nations. Let us hear from a Roman consul what justice suffered among those lords of the earth. He says in the fifth oration *Against Verres*: "An opinion destructive to the commonwealth and dangerous to you has now become inveterate. It has grown widespread in the speech of everyone, not only at Rome but also among foreign nations: with the courts as they now exist, no wealthy human being, however guilty, can be condemned."

Nor did Verres boast without cause: "Those men ought to fear who stole enough only for themselves; I have plundered enough that it can suffice for many. Nothing is so sacred that it cannot be violated, nothing so fortified that it cannot be taken by money."

Nor did Cicero hesitate to profess this publicly before the Quirites when he spoke in favor of the Manilian law: "It is difficult to say, Quirites, in how great a hatred we exist among foreign nations because of the injuries and lusts of those whom in these years we have sent to them with command. For what sanctuary in those lands do you judge to have been sacred to our magistrates? What city holy? What house sufficiently closed and fortified? Rich and abundant cities are now sought against which a cause of war may be brought because of the desire to plunder." And: "Do you judge that you send an army for allies against enemies, or, under the pretense of enemies, against allies and friends? What city exists in Asia which can contain the minds and spirits not merely of a commander or legate, but of one military tribune?"

The same man exclaims: "There is no severity in the courts, no religious scruple; finally, the courts are now judged not to exist at all." Nothing, however, demonstrates the corruption of the courts more than what Cicero dared to recall at Rome before an assembly. He judged that foreign nations would send ambassadors to the Roman people requesting that the law and court concerning extorted money be abolished. For if there were no courts, they thought that each man would take only as much as he judged sufficient for himself and his children. Now, because courts of this kind existed, each man took as much as would be sufficient for himself, his patrons, advocates, praetors, and judges. This certainly was infinite: it was possible to satisfy the desire of the most avaricious human being, but not that of a most harmful victory. "O courts worthy of commemoration, and illustrious reputation of our order, when the allies of the Roman people do not wish courts concerning extorted money to exist, although they were established by our ancestors for the sake of the allies!" Thus a Roman consul spoke concerning his own commonwealth.

The aristocratic form of the commonwealth was the cause of so great a wickedness and shamefulness. For since the best men were joined to one another by kinship or affinity, were entangled in the same faults or desired indulgence for

themselves from others, lived avariciously, needily, and prodigally, and finally conciliated the favor of powerful men to themselves through shameful deeds and flatteries, they destroyed the people, provinces, commonwealth, and at last themselves.

For the world, which could satisfy the desire of even any single most avaricious man, did not suffice for so many thousands, especially when new robbers were sent every year. Having squandered their patrimonies, they judged that by the vote of the people they had obtained the right to harass and despoil the provinces. Justice is therefore difficult under the rule of the best men and of the people; it is preserved more readily even under an inequitable king. One man also restrains desire more readily, either by abundance or disgust, than many.

§ 14. The sixth reason. Although the complaint concerning the rarity of good princes is ancient, and is circulated either through the malice of the common crowd, which willingly disparages the magistrate, or because it is true--namely, that all good princes could be inscribed upon one ring--I nevertheless find more commonwealths administered rightly by kings and monarchs than by the best men or the people. For one man tenacious of what is right and honorable is found more readily than many.

Cicero censures Cato's imprudence because he expressed his opinion amid the dregs of Romulus as though he were in Plato's commonwealth. Who, therefore, was a good man in so vast a senate house, in so numerous an army of conscript fathers? Shall I indeed number Cato himself among the good? I do so with the agreement of Tullius, who in his letters complains that Cato had been malicious toward him. But he is not a good senator who is malicious toward the father of the fatherland.

Since there is, therefore, a great rarity of good, constant, and prudent men, it is necessary that, where many are employed in magistracies, those commonwealths should generally be administered by wicked, fickle, and foolish men. This is all the more so because the wicked open a path for themselves through canvassing, largess, fraud, audacity, and violence; the good rely upon virtue alone, which nevertheless is frequently oppressed by slanders and is often hateful. But the multitude of distinguished men which we see today in certain commonwealths is the work of the Christian faith, not of political discipline.

§ 15. The seventh reason is drawn from the nature of the people, who are accustomed to fear a king but envy the best men. For a king, as though a god, seems to have been placed above envy; the best men seem to be citizens and, in their own manner, equals. But spite blazes among "ὁμοίους" and equals. Hence a king is accustomed to be better disposed toward the people than the best men; and, conversely, histories relate the marvelous affections of peoples toward their kings. With how great a joy do they receive them? With what weeping do they accompany them when dead? Evidently they trust the kings but regard the best men with suspicion.

For it belongs to the king to protect the people, and he is generally formidable only to the powerful. "Βούλεται δὲ," says Aristotle, "ὁ βασιλεὺς εἶναι φύλαξ, ὅπως οἱ μὲν κεκτημένοι τὰς οὐσίας μηδὲν ἄδικον πάσχωσιν, ὁ δὲ δῆμος μὴ ὑβρίζηται μηδέν. The office of a king is to take care that the wealthy suffer no injury and that the people are subjected to outrage in no matter." Princes generally do this; but in another kind of commonwealth the rich aspire to immeasurable resources through the harassment and outrages of those of small means. Since, however, that city in which ruler and subjects are joined by mutual charity and concord is firmer and better than one in which subjects hate the magistrates, there can be no doubt that monarchy ought to be preferred to the other forms of commonwealth.

§ 16. The eighth reason. Nothing is more shameful or destructive in a commonwealth than contempt for magistrates. It occurs most rarely in a kingdom and always in popular government and the government of magnates. If a prince is fickle, foolish, poor, fearful, or lustful, he is accustomed to be despised. For these vices are accustomed to excite the biting sayings and disdain of peoples more than hatred. Yet, because the audacity of wicked and seditious men is strengthened by these things, that prince is readily overthrown. For the man commands on sufferance whom good men pity and wicked men despise.

But although all these things are present in a prince or monarchy, they are nevertheless not readily recognized or assessed. He can perform many things by himself and many through his servants spiritedly, prudently, magnificently, and chastely, which conciliate a reputation for honor and the stability of the kingdom.

Alexander the Great, a most shameful man, attained great praise by guarding the wife and daughters of Darius chastely. Claudius, fickle, foolish, and timid, was protected for a long time by the magnitude of the sovereignty; for men revere so great a power even in the most contemptible little man. Thus at the beginning of his reign he was certainly most pleasing. But if those disgraces are detected among the best men, they are published without fear by rivals, received most greedily by peoples, and, since there is nothing by which authority may be retained, they are held in the greatest contempt among everyone. This occurs even more in a democracy, when vices born amid domestic filth seize the helm of the commonwealth and display mimes and buffoons rather than rulers to the peoples.

[Printed page 49]

§ 17. The ninth reason. Monarchy possesses united forces; other kinds of commonwealth possess dispersed forces. Themistocles envies Aristides and is tormented by his trophies. Pompey is burned by Caesar's glory and would destroy his father-in-law even with the loss of the Gauls. Cato barks at Scipio, and Hanno at Hannibal; they prefer to lack victory rather than to see a fellow citizen glorious through victory.

Hence a commonwealth of the best men or of the people is never "αὐτάρκης" and sufficient to itself. Rather, when it is necessary to exercise power, when it is assailed by a disturbance or war, they designate a monarch. In war they place one commander in charge; in danger a consul names a dictator. Let us therefore conclude this part and establish with ourselves: there ought to be one God in the world, one sun, and one leader in one commonwealth. But now let us hear those who think otherwise.

CHAPTER XXII

That the Arguments for Government by the Best Men and by the People Are Weak

§ 1. The importunate conduct and vices of tyrants bring it about that learned men and political writers advance many things against the governments of kings and princes, as if I were defending the Mezentii, Phalarides, Neros, Ucilini, and similar disgraces to human nature, the memory of whom ought not even to cling to the minds of princes. Accordingly, I prefer a benign, moderate, prudent, and frugal prince to the dominion of the nobles or the common people.

I condemn the tyrant; I reject the absolute governments of the Scythians, Persians, and Turks, and "τὰς αὐτοβασιλείας," or autocratic monarchies. I proclaim a monarchy tempered by laws, constrained by customs, supported by the authority of the best men, and answerable to the just wishes of a good people. I approve fidelity bound by a reciprocal oath. To state it in one word: I approve that commonwealth in which the prince can do the greatest possible good and the least possible evil; in which the laws possess more power than might; in which a private person can contend with the king under equal right; and in which the supreme power does not judge it unworthy of its majesty to lose a case and be cast out of a private possession.

This is a great and plainly royal dignity of the Franks: when a lawsuit arises concerning possessions, they respond to their subjects under equal right. I judge that king who first enacted so salutary a law to have been above kingship. If we weigh these things rightly, we shall find that most arguments against monarchy have already fallen.

But now let the defenders, as they wish to appear, of the best men and the common people plead their cause.

§ 2. First, divine authority is objected against us, for God is most gravely angered at the Jews when they request a king. God says in 1 Kings 8:7: "Hear the voice of the people in all things which they speak to you. For they have not rejected you, but me, lest I reign over them. According to all their works which they have done from the day on which I led them out of Egypt even to this day, just as they abandoned me and served foreign gods, so they do also to you. Now, therefore, hear their voice."

And chapter 12:16: "But even now stand and see this great thing which the Lord will do in your sight. Is it not the wheat harvest today? I shall invoke the Lord, and he shall give voices and rains; and you shall know and see that you have done a great evil in the sight of the Lord by requesting a king over yourselves." The people too, stunned by the tempest and thunder, recognized its transgression. "Pray," it says, "for your servants to the Lord your God that we may not die; for we have added to all our sins the evil that we requested a king for ourselves." It is therefore evil to request a king, and kingship is not from God except when he is angry and punishing.

The reason which is added is certainly grave: "They have rejected me, lest I reign over them." Therefore, when a mortal human being is exalted into a kingdom, there is a withdrawal from the kingdom of God, and the immortal king is cast down from his throne.

§ 3. The answer in this case is not difficult. For the faculty of establishing a king is conceded by a divine oracle in Deuteronomy 17:15; and in Genesis 17:6 it is promised to Abraham that kings will be born from him. But there would be no favor in the promise if every kingdom were unjust and kings detestable after the likeness of robbers. Finally, God did not command the Israelites to return to aristocracy or democracy, but commanded that a kingdom should exist, and he gave many kings of distinguished virtue and knowledge of ruling.

In what, therefore, did they sin by requesting a king? First, they were ungrateful to Samuel, their prophet and leader. Although he had deserved excellently of them and governed the commonwealth excellently, they compelled him to abdicate his power and subjected him to a king. Next, they departed from the will and government of God, by whose

command and authority Samuel and the other judges had been given. Their power was less than royal power. For although this government was monarchical, the liberty of the best men and people was nevertheless very great, so much so that each did what seemed right to himself. They therefore importunately desired to change the form of commonwealth established by God.

Third, there was no sufficient cause for changing the commonwealth. For although Samuel's sons, degenerate from their father, did not walk in his ways but turned aside after avarice, accepted gifts, and perverted judgment, they could nevertheless have been corrected by Samuel and the commonwealth, cast down from their dignity, and judges of proven integrity and holiness established. It was not necessary to introduce a new form of commonwealth for that reason--as if kings could not also pervert judgment.

Fourth, they distrusted God and were ungrateful for his benefits, for through a vain fear of the Ammonites they requested a king. Samuel reproaches them for this in 1 Kings, chapter 12: "Now, therefore, stand, that I may contend with you in judgment before the Lord concerning all the mercies of the Lord

[Printed page 50]

which he performed with you and with your fathers: how Jacob entered Egypt and your fathers cried to the Lord, and the Lord sent Moses and Aaron and led your fathers out of Egypt and placed them in this place. They forgot the Lord their God, and he handed them into the hand of Sisera, commander of the army of Hazor, and into the hand of the Philistines and the hand of the king of Moab, and they fought against them. But afterward they cried to the Lord and said: 'We have sinned, because we abandoned the Lord and served the Baals and Astaroth; now, therefore, rescue us from the hand of our enemies, and we shall serve you.' And the Lord sent Jerubbaal, Bedan, Samson, Barak, Jephthah, and Samuel, and rescued you from the hand of your enemies round about, and you dwelt confidently.

"But, seeing that Nahash, king of the children of Ammon, had come against you, you said to me: 'By no means; rather, a king shall command us,' although the Lord your God was reigning among you. Now, therefore, your king whom you selected and requested is present; behold, the Lord has given you a king. If you fear the Lord and serve him and hear his voice and do not provoke the mouth of the Lord, both you and the king who commands you shall be followers of the Lord your God. But if you do not hear the voice of the Lord but provoke his words, the hand of the Lord shall be upon you and upon your fathers."

Finally, they requested a king such as all the surrounding nations possessed, evidently so that they might feed their eyes upon that external splendor and arrive at distinguished power and license. For the magnates contemplated honors and courtly dignities for themselves, and the people resources and luxury. Thus everyone, disgusted with present things and gaping after future ones, requested a king, as if God could no longer raise up any Gideon or Samson. In this matter they transgressed gravely by rejecting God, their supreme commander, who had been accustomed to establish judges and leaders of war, and by despising his most special and benevolent providence, by which he himself governed his people and directed them with a gentle government without tributes and exactions.

§ 4. Second, they object: Prudence is greater among many; among princes there is the greatest scarcity of truth. It is therefore better that the safety and fortunes of peoples be entrusted to the counsels of many than to the judgment of one man, however prudent.

I answer that this indeed is to be desired: that one man should command in the place of many; that kings should possess force in prudence and counsel and, above all, be governed by the divine Spirit itself, like David and Solomon. But wisdom does not always accompany the scepter, and the pride of the purple frequently excludes the Holy Spirit. Hence come rash counsels and frequently precipitate conduct of affairs without counsels--not through the fault of kingship, but of kings.

Nevertheless, I do not see why kings cannot possess counselors proven in prudence and experience; and it is evident that a great part of the best men is often untrained. Certainly now in Germany, Italy, and the other kingdoms of Europe

we see an extraordinary abundance of wise and brave men. Therefore, although either ability, learning, or prudence may partly fail the prince, he will nevertheless decree many salutary things according to the opinion of his council; and because what has been decreed depends upon one man, it can be effected swiftly. In the deliberations of the best men, although there is agreement, nevertheless, because of rivalry, favor, and other inconveniences, they arrive at execution slowly and not without altercations. Whatever superiority a multitude of votes might therefore possess in counsels, it loses through delay and impediments in conducting affairs.

§ 5. Third, they object: Several persons are corrupted with greater difficulty and judge more incorruptly; one man is readily enticed into fraud.

I answer that I taught the contrary in the preceding chapter: judgments in an aristocracy and polity were more corrupt than in a kingdom, as was evident from the example of the Romans. In a popular commonwealth the great city of Athens, "μεγαλοπόλιες Ἀθῆναι," inventress and nurse of all arts, supplies us with a proof. It seems similar to a monster that in the same city in which the cultivation of letters and arts and philosophy fixed its highest summit, judgments were also most corrupt, most inequitable, and truly predatory.

I do not accuse the Areopagus, although even its judgments lost their authority; nevertheless, its judgment owes its integrity not to fidelity but to night and darkness, and indeed to ignorance of the accused. I speak of the judgments of the people, than which nothing was more shameful, destructive, or unjust. They afflicted good and just men, even men unknown to them, by ostracism and harassed them with exiles. In this matter most cultivated Attica surpassed every barbarism.

I brought forward above the reasons why judgments of the best men and of the people are readily corrupted. Now I shall speak of corruption by gifts, which much more readily penetrates the homes of avaricious and needy judges than those of kings, whose immense resources bring it about that the sordid gifts of private persons are despised. For if a prince either possesses something of nobility in his spirit or displays it in his conduct, no one will readily show that he despises him so much that he boasts that he can purchase him for himself at a price and draw him into the shameful obedience of betraying justice.

Since, therefore, small and moderate gifts possess no weight amid the most ample fortune of kings, and since access to them is difficult and dangerous, more sincere judgments can be expected from them. But even a few coins, bullocks, little hares, little cheeses, and fruits of the strawberry tree, when carried into the homes of citizens, crush Themis--what wickedness!--in her own sanctuary, that is, in the tribunals. I would bring forward proof from Cicero concerning the corrupted and violated Clodian trial if modesty did not restrain me.

But I appeal to commonwealths. Who today accuses princes or kings as though they were hunters after gifts? This complaint concerns those who pronounce law upon the lower benches. It is less when princes are severe and strict defenders of justice and never pardon a corrupt judge. It is greater when princes are negligent and slow. It is greatest when no higher magistrate makes inquiry, or if that censorship is given to relatives, connections by marriage, and persons under obligation, and directed against those who have at some time conducted a prevaricating censorship or are feared as though they will conduct one. These things generally occur in government by the best men. Hence so many laws in cities struggle with so many frauds: that two brothers, father and son, or father-in-law and son-in-law should not sit in the same court.

§ 6. The fourth objection: No one dares to admonish a prince who errs, much less censure or teach him. But if anyone dares things that are true and strong, readily overcome by the multitude of flatterers, he is compelled to depart to the other side or withdraw from the court. Princes judge being admonished to be the same as being conquered; they judge their majesty injured unless someone praises even the vices of kings.

But in another form of commonwealth, since an adversary threatens each of the best men from the opposite side, all transgressions are not only noted but even drawn into judgment. In every aristocracy there are parties, and because

many are equal, all are watched by all and held in their duty. Aristides fears Themistocles, Demosthenes Aeschines, Pompey Caesar, each of them Crassus, Cicero Clodius, Scipio Cato; all fear many,

[Printed page 51]

and no one is free of danger. But that mutual fear restrains avarice, checks lusts, and represses anger.

I answer that a prince in whose presence truths are kept silent is most wretched, and more wretched is he whose evils are also praised. Nevertheless, kingship is not inferior to aristocracy on account of this. Or if the "αὐθάδεια" and pride of princes, ignorant of admonitions, often reject counsels, other goods by which this evil is compensated are nevertheless not lacking, as was explained some time ago.

But the conduct of a few is maliciously and enviously transferred to everyone. We know many kings who not only did not turn away timely admonishers, but attended their sincere liberty with beneficence and adorned them with dignities. Many also bore rumors, jests, and the sharp speech of the common people with a gentle and civil spirit, judging it sufficient if they had obtained this: that no one could do them harm.

In this matter the moderation of Augustus Caesar must certainly be commended greatly. He was content to bar from his house a historian by whom he had been gravely injured. But since I am treating of virtues, I shall treat this praise of civility there.

For now this is certain: princes have many admonishers. For they possess without offense the books of ancient and living authors, although they sometimes read their own errors in them; they hear sacred sermons; they themselves examine their conscience and demand an account from themselves. Finally, no prince is so unhappy that he does not possess many who counsel him freely and whom flattery and unbecoming servitude offend. This is especially true if they are Christians, among whom there cannot be lacking men like Hilary, Ambrose, Chrysostom, and Gregory, whose liberty can stand against the sins of those who reign.

Only let public, bitter admonition resembling reproach and mockery be removed from the midst, both because it is dangerous to admonishers and because it rouses exasperated powers to excuse and defend their error, lest princes appear to have been conquered, and not to amendment, which ought also to be the end in censuring private persons. For importunate liberty is foolish rashness. It does not correct the man who errs, since it always needs pardon itself and rarely obtains it.

He cannot be a teacher and corrector of a prince with whom matters are conducted excellently if he escapes punishment and if, by admonishing another, he does not overthrow himself. The people praises things spoken freely and delights in abuse of princes; but the same people does not marvel at the destruction of those who act thus--indeed, afterward it pours itself out in praises of the prince who rages. It judges that the man who spoke in such a way that the prince was deservedly angered against him deservedly perished.

Who approved Galba's rashness when in the forum he told Julius the dictator that he was being summoned concerning the money for which he had become surety to Pompey the Great, his son-in-law? For thus he reproached Caesar with his slain son-in-law and his goods subjected to the auction spear. Caesar did not rage then, but Rome nevertheless marveled that this was not Galba's final act of audacity. For he could have conducted the matter privately or through a written petition.

The common crowd is astounded by the mad harshness of Theodorus of Cyrene. For when he answered Lysimachus, who was threatening death, "A magnificent thing has fallen to you, because you have attained the power of a cantharid beetle," prudent men disapprove. For what purpose was served by driving a tyrant voluntarily cruel into madness through contumacy and giving him an occasion to seem to rage justly? And certainly, when raised upon a cross, he learned the difference between rotting on the ground and rotting aloft.

Through this perversity of admonishing, many persons make princes worse. Since they seek the praise of constancy and liberty rather than the good of the commonwealth or the amendment of princes, they must be kept far from princes. For they exasperate them and imbue them with the most perverse and destructive opinion that they are not loved by their subject peoples; conversely, they themselves begin to hate those peoples. They are inflamed much more when they understand that the things said against them are received by the citizens pleasantly and with applause. But I shall give counsel concerning admonishing princes in its own place. For I prefer this to admonishing princes and, unless I am mistaken, it is safer.

§ 7. The fifth objection. Laws are the soul of the commonwealth. Where laws either do not exist or are harassed by the more powerful, the commonwealth is corrupt. But who can enclose a prince within the barriers of the laws?

I answer with the great emperor that it pertains to the majesty of one who commands that he should obey the laws. Therefore I have already excluded "παμβασιλείαν," or universal monarchy, and the absolute dominion of one man over the rest. Yet that dominion is no more burdensome than the absolute government of the best men over the rest, for in the latter there are as many tyrants as heads. What good shall we judge those men likely to bring to the citizens who, when enrolled in the senate, swore, as Aristotle says, "ὅτι τῷ δήμῳ κακόνους ἔσομαι," "that I shall be ill-disposed toward the common people"?

The Roman citizens certainly experienced this when they seceded to the Sacred Mount and when, by the counsel of Coriolanus, grain was denied them. What equity of laws existed at Rome when even the tribunes themselves brought forward many bills conjointly? Appius Claudius says that this was the same as if someone set poison together with food before a man whom hunger presses and ordered him either to abstain from that which gives life or to mingle what is deadly with what gives life. Gather everything praised in the Roman commonwealth and show that the senate, the best men, or even the decemvirs for writing the laws were ever able to be restrained by laws.

§ 8. The sixth objection. Liberty is equal for all, and everyone ought to enjoy it. But where more persons participate in liberty, there the commonwealth is more just. Thus the wisest founder of a commonwealth, Aristotle, book 2 of the *Politics*, chapter 2: "διόπερ τὸ ἴσον τὸ ἀντιπεπονθὸς σῴζει τὰς πόλεις· ἐπεὶ καὶ ἐν τοῖς ἐλευθέροις καὶ ἴσοις ἀνάγκη τοῦτ᾽ εἶναι. Therefore equality and reciprocal alternation preserve cities; for among free and equal persons it is necessary that this exist." But nowhere is equality less than in monarchy, where all obey one.

I answer that Aristotle pronounces judgment for us. "Δῆλον," he says, "ὡς τοὺς αὐτοὺς ἀεὶ βέλτιον ἄρχειν. It is manifest that it is better for the same persons always to command." Nor is that injustice detected here, for equality agrees only with equals, and inequality with unequals; it is contrary to right to attribute equal things to unequals. Nor is there any commonwealth in which everyone can command.

Next, liberty is badly estimated when it is denied to exist under a prince. For some pursue an extreme license of liberty which is the beginning of extreme servitude; others do not judge themselves free unless they command; still others cannot bear even laws and a master. They are certainly deceived. Liberty is indeed that power of living as you wish, but it is nevertheless necessary that you wish justly and rightly. For just government and the restraint of written laws are not opposed to liberty.

There is no reason why we should call the Roman people free when quarreling with its patricians but call the Jews slaves under David and Solomon. Nor ought those who live under kings to be classified by the appellation of slaves because they are oppressed in a servile manner by wicked and unjust kings, since the common people never lived under an equal condition beneath the best men. We in

[Printed page 52]

Germany properly call certain cities free and their citizens free, although they are ruled by Caesar and call him their supreme head and lord. Therefore those who measure liberty by "ἀναρχία," or anarchy, and the wandering license of nomads err just as much as those who measure it by impunity for crimes.

§ 9. The seventh objection. Princes remove leading and illustrious men from the midst because they fear them; they hate men prudent and upright in life as troublesome censors of a luxurious court. But among the best men and among the common people these men alone are raised to the summit. The supreme power of one therefore oppresses virtue; but where there is government by several, because honor and magistracy are given as a reward to virtue, probity, industry, and courage are sharpened.

The answer: Princes are not accustomed to persecute good men unless they are plainly tyrants; and in a commonwealth of several, fraud and audacity more often than virtue obtain the people's fasces. For who can excuse the ostracisms of the Athenians and the exiles of virtues ordered by the people? Since they had frequently lost liberty and experienced the most grievous servitude from the sudden setting of liberty, they therefore rose against everyone in whom virtue, industry, eloquence, or resources seemed to be eminent. They removed not vices but suspicions of vices and dangers.

Concerning the Romans we possess an abundant witness in T. Quinctius in Livy: "Discord among the orders is the poison of this city. The contests of the fathers and common people--while neither for us is there a limit to sovereignty nor for you a limit to liberty; while you are weary of patrician magistrates and we of plebeian ones--have raised their spirits. By the faith of the gods, what do you wish for yourselves? You desired tribunes of the common people; for the sake of concord we conceded them. You desired decemvirs; we permitted them to be created. You became weary of the decemvirs; we compelled them to depart from the magistracy. While your anger against those same men as private persons remained, we permitted the noblest and most honored men to die and be exiled. You wished to create tribunes of the common people again; you created them. Although we saw that it was inequitable to the fathers, we saw consuls of your parties created and even a patrician magistracy made a gift to the common people.

"Tribunician aid, appeal to the people, decrees of the common people imposed upon the fathers--under the title of equalizing the laws, we endured and endure our rights being oppressed. What end will there be to dissensions? When will it be permitted to possess one city, when this common fatherland? We, conquered, rest with a more equitable spirit than you as conquerors. Is it enough that we must fear you? Against us the Aventine is seized; against us the Sacred Mount is occupied. When the Esquiline was almost taken by the enemy, and the Volscian enemy was climbing the rampart, no one drove him off; against us you are men, against us you are armed.

"Come now: when you have besieged this senate house, rendered the senate hostile, and filled the prison with leading men, go out with those same fierce spirits beyond the Esquiline Gate; or, if you do not dare even this, look out from the walls upon your fields devastated by sword and fire, plunder driven away, and houses smoking after being burned everywhere. But, you say, the common interest is in a worse position through these things: the field is burned, the city besieged, the glory of war is in the hands of enemies. In what condition, then, are your private affairs? The report of his own losses from the fields will now be brought to each. What is there at home from which you may replenish them? Will the tribunes return and restore what you have lost? They will heap upon you as much voice and words as you wish, and accusations against the leading men, laws one upon another, and assemblies."

Indeed, monuments relate that Camillus was exiled; Tarquinius Collatinus cast out of the city solely through hatred of his name; Valerius regarded with suspicion because he was building a house upon the Velia, a more elevated place; the Scipios made to waste away in the country; and others, through the fault of an ungrateful fatherland, possessed the most wretched ends. Thus princes must be judged moderate if one pleases to consider the rivalry and malice of citizens ordering wicked things.

Those who compelled a city still retaining the spirit of its ancient liberty to serve unworthy persons under violent and savage domination increased hatred of the principate. Indeed, conspiracies, seditions, sarcasms, and slanders inflamed the harshness of masters. Now in Europe there is a different appearance. How great is the rivalry among the most powerful kings to join brave, noble, and prudent men to themselves? I judge that the king of the Spains alone possesses so many men outstanding in experience, ability, and wisdom that he could furnish us even one hundred Scipios. Count the commanders, masters of cavalry, and tribunes, and admire the supports of so great a monarchy.

"Kings," they say, "hate brave men and remove them from the midst." I appeal to the history of our age and seek outstanding men slaughtered by the tyranny of kings. I deny that even one can be produced, unless one pleases to deplore those who, convicted of injustice, plunder, an offense against majesty, or treason, paid deserved penalties. For we do not now treat of those whom kings or princes following new opinions tortured and killed on account of the ancient faith and religion, although the people and petty tyrants killed more.

§ 10. The seventh objection. Nothing afflicts and tears apart the commonwealth as much as variety and inconstancy of laws and actions. For it altogether removes the ruler's authority; next, it renders everyone uncertain about his own affairs and therefore hostile to the prince. For just as no prudent man builds a citadel upon ground shaken by frequent earthquakes, so all are alienated from and withdraw from a prince who is carried into contrary courses, because he readily overturns his benefits and changes friends. Even those who have received benefits fear that, having changed his mind, he will soon take back what he rather cast away than gave and add loss and outrage besides.

Niccolò Machiavelli, book 1 of *Discourses on Livy*, attempts to prove that there is greater constancy among the people. But he compares a prince released from the laws with a people which employs no laws, and a prince who administers the commonwealth according to the prescription of the laws with a people which employs good laws; and in each case he prefers administration by the people. For the Romans most bitterly hated kingship for four hundred years. The people rarely affects manifestly wicked human beings with honor. The people rages more gently and is placated more readily. The reason why the people's inconstancy is censured by writers is not that the people transgress more than princes, but that it is safer to exaggerate the vices of the people than those of princes, for no individual is censured here.

I answer first that Machiavelli admits that he speaks and teaches against all writers. Livy in many places, and all the other writers with nearly one voice, testify that the multitude of the people is inconstant, variable, and mutable. What all writers and all rulers of peoples testify, one Machiavelli ought not to have denied--much less strike everyone with a grave accusation, as though they exaggerate the transgressions of the people and close their eyes to the vices of princes.

That is a malicious and manifestly false slander. For men who lived among a free people testify to it, for whom it was dangerous to praise monarchy and censure the people. Plato says: "The people is ungrateful, lightly sated with any thing, mutable, cruel, envious." But let us hear Tullius, the greatest patron of the people, thundering against his own people after receiving the greatest benefits from the people: "Within an inexperienced multitude there are variety and inconstancy and, just as frequent changes of weather, so frequent changes of opinions." *For His House* and *For Plancius*.

"The people does not always judge in assemblies, but is generally moved by favor, yields to prayers, and creates those by whom it has been most thoroughly canvassed. Finally, if it judges, it is not led to judging by any selection or wisdom, but sometimes by impulse and even a certain rashness. There is no counsel in the common crowd, no reason, no discrimination, no diligence. Wise men always judged that the things which the people had done must be endured, but not always praised." And *For Murena*: "No strait and no Euripus possesses so many movements and such great and various agitations of waves as the procedure of assemblies possesses disturbances and surges. One intervening day, or one night placed between, often disturbs all things; and a small breeze of rumor sometimes changes the whole opinion. Often, even without any evident cause, something other than what we judge occurs, so that sometimes even the people marvels that it was done thus, as if it had not itself done it."

These are Cicero's words concerning the people that was lord of the nations, the people which daily heard orators and the most prudent men contending concerning the commonwealth and, having heard them, commanded with supreme power what it wished to be done. The cause of so great a mutability is rightly pronounced by the same man: "It estimates few things from truth and many from opinion," *For Roscius of Ameria*. "They judge honorable that which is

praised by many." Since inexperience therefore often errs, is led by opinion, and hears imprudent and fickle human beings, it is necessary that it change often and be a source of honor and profit to its tribunes.

But the hatred of the Roman people against those seeking kingship was constant and bitter. Entirely so, because they feared tyranny; Cicero testified to this in his book *On the Laws*. For he who had seized dominion at Rome would reign with much blood. But I observed two things in the Roman commonwealth which implanted hatred of tyrants in the city. First were the examples of the Sicilians and of many cities in Greece which were tormented by barbarous and monstrous tyranny. In the period of Roman liberty the affairs of the Persians flourished; in Sicily there were Gelo and the Dionysii; in Greece Periander, Thrasybulus, Alexander of Pherae, and the Thirty Tyrants at Athens; and scarcely any city was ruled at that time without savage cruelty. Hence came so great a hatred of kings and, among a warlike people, a hand ready against them; and punishments imposed when the cause of suspected persons had scarcely been heard--certainly while the lawsuit was pending.

Under a mild and just king extreme liberty is not greatly desired; most live content with quiet and the protection of their affairs. But when they grow pale beneath the blow of a raging tyrant, they pour themselves into whatever nearby opportunity for liberty is opened, although with great danger.

But an angry people too, they say, rages more gently. Indeed, there is no beast more cruel than the people. The ambassadors of the fathers objected to the Roman common people that, through hatred of cruelty, they were rushing into cruelty; before they were free, they wished to dominate their adversaries. If you intend to consider the cruelty of peoples, see the Lemnians, Etruscans, Samians, and Athenians. The cruelty of the Lemnians passed into a proverb, so that whatever was done most monstrously was said to have been done by a Lemnian hand. The Etruscans joined living bodies to dead ones, for this was not the deed of Mezentius alone. The Samians carved an owl upon the foreheads of the Athenians; the Athenians carved a Samian ship upon the foreheads of the Samians--cruelty repaid by a foul example between the most cultivated peoples.

Do you wish me to speak concerning the Romans? The first emperors were cruel and certain monsters of human beings; I except no one, neither Augustus nor Titus. Yet the people was more cruel than they, delighted throughout entire days by the torments and deaths of the amphitheater. Next, were those very monsters not drawn from the citizens? Were the Roman best men gentle? Fimbria, Sulla, Telesinus, Catiline, Pompey, Pollio, Marius, and those who belonged to the Marian or Sullan parties--that is, all Romans. Few kings equaled the cruelty of the Roman leading men. But the Roman people surpassed them all, displaying horrible examples in the punishment of Nero, Caligula, Galba, and other princes, most cruel in punishing cruelty. The medicine exceeded its measure; the guilty and innocent perished.

The people is therefore both inconstant and cruel. The cause of its inconstancy is that it does not judge and is moved only by slight things, and therefore it is also moved to the other side. Although kings too frequently rave, nevertheless the ignorance of the people is greater, since its greatest part is occupied by private affairs. In the judgment of the people no one fears his own personal disgrace or hopes for praise if the counsels turn out badly; each imputes them to others rather than himself. For why should the reputation of the commonwealth touch the most sordid human beings? But where there is a prince, he both fears to establish what must immediately be changed and necessarily turns away from sudden transformations of affairs and the desire to fasten and unfasten laws as from a plague of the commonwealth.

CHAPTER XXIII

Machiavelli's Opinion concerning Monarchy, and Its Arguments Refuted

§ 1. I shall set forth and examine the opinion of a man who follows his own judgment rather than a prudent one, so that it may be evident to all that he not only employs weak reasoning but also sins against the fidelity of history and deduces conclusions and consequences from things that are utterly false. In book 2, chapter 2 of *Discourses on Livy*, he writes thus:

Love of preserving liberty, which at that time resided among many nations, rendered victory over neighboring and certain other peoples difficult and arduous for the Roman people. For they endeavored to defend it with so much zeal that they could not be conquered and overcome except by a certain extraordinary valor. As proof of this fact, you have examples of so many dangers which they were willing to undergo for the sake of defending and recovering it, and of so many and such dreadful punishments exacted from those who had furnished the cause of its loss. Nor is it obscure from the reading of histories how highly liberty ought to be valued, and how great and how difficult for a people the yoke of servitude is.

In our age a single nation seems to survive in which there are free cities; formerly the freest peoples existed throughout every region of the world. Certainly, in Italy, between the Alps, which divide Cisalpine Gaul from Tuscany, and the furthest shore of Italy, many free peoples dwelt: the Etruscans, Romans, Samnites, and others. Nor is mention made of any kings who then ruled in Italy, apart from the kings of the Romans and Porsenna. Although the histories have handed down nothing to memory concerning the destruction of his stock, it is nevertheless established that Tuscany, over which Porsenna had ruled, was free at the time when the Romans undertook war against Veii. Indeed, it enjoyed liberty with so much delight and held the designation of monarchy in so great hatred that, when the Veientes had created a king for the sake of defending themselves and had sought aid from the Etruscans against the Romans, the Etruscans, after long deliberation upon the matter, finally judged that assistance ought not to be brought to them so long as they had a king. For it was not fitting to bring aid to those who had subjected their fatherland to the government of one man.

Nor without cause does the love of liberty reside in every people. For experience testifies that no city enriches its citizens except in a time of liberty, nor even acquires dominion or augments the public resources in any manner. It is worthy of the highest admiration that the Athenians, freed from the tyranny of Pisistratus, were able to augment their strength and power so greatly within the space of one hundred years. And it is still much more astonishing that the commonwealth of the Romans, after the kings had been expelled, was able to arrive at so great a summit. All these things happen

[Printed page 54]

because it is not the resources of private persons but those which are public and common that augment the commonwealth; nor is account taken of the public good except in free cities, in which that which can equally benefit all or as many as possible is always decreed, while no account is taken of certain few whom that which benefits all might perhaps harm. The contrary occurs in those cities which obey the government of some prince. For in them it generally happens that what can benefit the prince harms all the citizens.

Hence it happens that, if a free commonwealth is reduced beneath the tyranny of someone, it may number among the lightest losses arising to it from that event the fact that it can no longer be augmented either in resources or in dominion, but begins even to decline gradually. For although we concede that this tyrant, beneath whose government it has been reduced, is an industrious man and outstanding in military valor, nevertheless he converts what he acquires to his own private advantage, not to public uses. And since, through fear of vengeance, he does not dare to select from his

subjects, whom he rules tyrannically, all the most outstanding men and put them in charge of affairs, if he should occupy any cities besides, he certainly will not make them tributary to this commonwealth. For the tyrant's aim is not to augment the power of his subjects, but to preserve them in subjection to himself and to crush the strength by which they might someday shake off the yoke. On this matter many excellent things are read in Xenophon's book on tyranny.

Since these things are so, it ought to seem astonishing to no one that the ancients burned with so great a zeal for liberty and held the name of tyrants in so great a hatred. Thus, when a messenger once reached the army concerning the slaying of Hieronymus, grandson of Hiero of Syracuse, and all the soldiers were roaring against the conspirators, nevertheless, when it was reported a little later that liberty was being proclaimed publicly at Syracuse, they laid aside their anger against the conspirators and began to deliberate concerning the manner of preserving liberty.

For the same reasons those who had been willing to become the authors of liberty's loss were very often afflicted with enormous punishments. Although very many examples of these exist, in this place I shall adduce only one, and that a dreadful and memorable one, which occurred at Corcyra in the time of the Peloponnesian War. For since all Greece was then divided into two factions, one of which endeavored to retain the friendship of the Athenians and the other that of the Spartans, and the best men at Corcyra, having become superior, had once taken liberty away from the people, it afterward happened that the people, assisted by the aid of the Athenians, again conquered the best men.

And so, after the yoke of servitude had been shaken off, they confined all the best men in a certain large prison. Then, leading them out of it ten at a time, one group after another, as though they wished to send them into exile, they afflicted them with various punishments. When the others in the prison were finally made more certain of this fact, they resolved to defend themselves from such foul punishments in whatever manner they could. Therefore, making an assault upon those who were entering the prison, they repelled them and prohibited their entrance. But when the people learned of this fact, they stirred up a tumult, opened the flooring laid over the prisons, and suffocated everyone at once through the collapse of the walls.

Several other examples of cruelty of this kind also occurred then in defense of liberty. Yet human beings are accustomed to avenge liberty when it has been taken away with a greater impetus than they are accustomed to be carried against those who wished to take it away. But not without reason might someone marvel in this place at the cause why those ancients seem to have labored far more for public liberty than we see done in our age. I indeed think that this happened for the same reason on account of which those same men were braver than ours, and that this reason depended for the greater part upon education itself and upon the difference between their religion and ours.

For since from our religion we perceive the truth of things, we learn from it at once to despise the honors and pomp of this world. But the pagans valued all these things greatly and thought that the highest good was situated in them; for this reason they were more ready and fierce defenders of things of this kind. This is apparent from many of their institutions. For if you compare even their sacrifices with ours, in theirs you will discern a certain dreadful magnificence, but in ours a certain delicate softness. In theirs the slaughter of many animals was joined to pomp and magnificence, and this terrible sight rendered even human beings fierce; ours lacks all these things.

The religion of the pagans rendered human beings blessed by no things other than glory and the praise of valor for affairs conducted well and successfully in war or peace. From the institution of our religion, those who are humble and devoted to the contemplation of divine things are judged more blessed than those who have accomplished great affairs. It establishes the highest good, moreover, in humility and contempt for the things of this world. The pagans believed that all things stood in the contrary manner, for they judged that the highest good was situated in greatness of spirit, in strength of body, and in all the other things customarily done by the bravest men.

This institution of the Christians' life seems to have rendered the world unwarlike, so that it is customarily a certain prey for criminal and faithless princes. For most mortals, through hope of the blessed life, think more about enduring injuries than about avenging them, as though heaven ought to be acquired without any arms, by leisure alone. But that explanation of our religion is not free from error, and those who have so interpreted it were abject human beings to

whom leisure rather than valor was dear. For the defense of one's fatherland and the enlargement of its dominion by a legitimate manner are in no way opposed to the Christian religion. It is permitted to all to love their fatherland, to hold it in honor, and to prepare themselves for its defense.

But that inept manner of education brings it about that, if in our age you traverse the entire world, you can by no means find so many free peoples and so many free commonwealths as formerly existed, nor human beings who are lovers of liberty and its keen defenders. Indeed, the magnitude of the Roman Empire also contributed not a little to this, since it subjected the free commonwealths throughout the entire world beneath its yoke. But even after the Roman Empire had been destroyed, nevertheless only a very few were able to recover their former liberty.

At the time when the Roman Empire was being increased, there were found in every region many free peoples, many free commonwealths excellently instituted, and the keenest defenders of liberty; and consequently they could not be conquered and overcome by the Roman people without extraordinary valor. The Samnites alone can serve as an example. Livy testifies that they were so powerful in peace and war, and so keen as defenders of liberty, that they waged war with the Romans for forty-six years and could not be conquered entirely before the time of the consulship of Papirius Cursor, who was the son of the first Papirius, although they had suffered innumerable slaughters.

For this reason it is all the more worthy of pity if anyone sees in our age that region almost desolate which was formerly inhabited by so many free human beings and adorned with so many free and excellently instituted cities. All these things derive the cause of their difference from liberty and servitude. For whatever cities and regions enjoy liberty are augmented in resources, dominion, and multitude of human beings. For who would not more gladly procreate human beings in those places where marriages and resources are free than where there is fear that, if by your labor you have acquired something for educating your children, it may be taken from you by some tyrant? Where liberty exists, you are able to promise yourself not only that the children whom you beget will not be slaves, but also, if indeed they devote themselves to virtue, that they will be employed in public affairs.

Resources are augmented here, not only from agriculture but also from all other honorable arts, because we are all so disposed that we gladly acquire in that place where we hope to be able to enjoy in safety the things acquired. In places of this kind all competitively take account both of public and of private advantages and endeavor to augment them. But where human beings are oppressed by the yoke of servitude, all things occur in the contrary manner, and all the more so, the harsher the servitude has been.

The servitude of those cities and regions which obey the dominion of a free

[Printed page 55]

commonwealth seems harshest. First, it is customarily of the longest duration, so that no hope of attaining liberty is set before them. Next, free commonwealths, for the sake of augmenting their own strength, are accustomed to diminish the power of cities subjected to their dominion and to suck out almost all their vital juice. Princes are accustomed to act otherwise--not those who are wholly barbarous, such as in our age are the eastern princes, corrupters of all civil life. The others, instructed in humane arts, are accustomed to be more equitable and to love their subjects; and they permit not only that their subjects acquire property by their customary arts, but leave their ancient statutes and laws intact, so that if, on account of this servitude, they can receive no further increase, they may nevertheless be able to preserve the things previously acquired by them.

And indeed in this place I speak of a principate which is occupied by an external man; concerning the tyranny which a citizen invades in his own fatherland, we spoke above. If you contemplate all these things diligently, it ought not to seem astonishing that the Samnites arrived at so great a power at the time when they enjoyed liberty and, after it had been lost, were ultimately reduced to the lowest condition. On this matter Livy says in the Punic War that the Samnites were oppressed by a single legion of the Romans near Nola to such a degree that they were compelled to send ambassadors to Hannibal for the sake of imploring aid. The ambassadors also complained of their misery before the

Carthaginian: they were those who had waged war with the Roman people by their own strength for one hundred years and had often withstood two consular armies; now they had been reduced to such misery that they could not withstand a single legion.

§ 2. The Machiavellian propositions are these. First: In our age a single nation survives in which there are free cities, whereas formerly there were innumerable free peoples. Second: No commonwealth other than a free one enriches its citizens or acquires dominion. Third: In a monarchy it ordinarily happens that what is advantageous to princes harms citizens. Fourth: When some free commonwealth oppresses other cities with servitude, that servitude is both long-lasting and most harsh. Fifth: Account is taken of the public good only in free cities. Sixth: The Christian religion brings it about that human beings are not lovers of liberty; the Roman Empire also contributed not a little to this.

§ 3. These things must be considered from reason and experience. For Machiavelli himself denies that, when the Romans possessed dominion, there were free nations, except for a very few. If we regard more ancient times, sacred scripture teaches us that there were kings throughout the whole East, and this from the time of Abraham down to the Roman Empire. The Roman wars teach sufficiently that Italy possessed free peoples in the time of the Roman kings and consuls; nevertheless, not all were free, but many cities also had their own kings. Gaul and Germany, except when their inhabitants dwelt dispersedly, were governed by kings and petty kings, as likewise were the Spaniards and, apart from the Carthaginians, the Africans.

Now Venice, Genoa, Ragusa, Switzerland, Holland, indeed also cities of Germany, and the Kingdom of Poland, although it has a king, are free. But many abuse the name of liberty. For why is Venice free, because many myriads of citizens are so governed by a few nobles that they are compelled to obey their word, while they themselves do not rule in turn, but the Colony of the Ubii is not free, which is so governed by its own citizens that it possesses alternations of obeying and commanding, the moderated governments of magistrates, and the readiness of citizens in obeying, although it recognizes the emperor as its supreme head? But it recognizes an emperor who, according to the laws and received rights, examines and decides controversies.

If these things are examined by reason, we shall find very many entirely free cities in Europe. For liberty is various, and that which is judged the greatest, and exists in democracy, is plainly the worst of all. The Roman common people extorted this liberty to its own destruction: first laws, then tribunes, finally participation in magistracies and intermarriage, until all things were now within its power. Thus the Roman people would have denied that the Venetian people was free. For the former sought and retained tribunician aid against the fathers; the Venetian people remains within the power of the nobles.

§ 4. Second, he says: No commonwealth enriches its citizens unless it is free. If he speaks of a free commonwealth such as the Roman or Athenian commonwealth was, where the supreme power was in the hands of the people, then no commonwealth is now free, and none enriches its people; for all are governed by princes or by the best men, unless one pleases to except the Swiss. But there are many distinguished cities in our age, and there were formerly, which we see have attained great resources under the government of kings. Look upon the distinguished cities of Europe under the emperor and under the kings of France, Spain, Poland, and Britain, and show me free cities formerly in Greece with equal cultivation, equal felicity, and equal resources.

In Italy, in Samnium, in Campania, and in Latium there were free peoples, but certainly their cities were small, rustic, poor, and--to speak truly--barbarous rather than free. Florus, the epitomator of Roman history, says that his Quirites led a rustic life and carried off rustic spoils, the cattle of the Volscians and the flocks of the Sabines, until, after they had entered Asia, they carried resources and luxury home. But in Asia, what cities and of what quality were founded, fortified, and adorned by kings and burdened beyond measure with riches? Babylon, Nineveh, Ecbatana, Persepolis, Sidon, Jerusalem, Damascus, Tyre, Memphis, Sardis. The Holy Spirit in Ezekiel describes for us the riches of Tyre as an example of a prosperous city.

But in Italy Rome was then the greatest, and Capua next. For when a triumph was celebrated over Tarentum and Pyrrhus, they received their first experience of riches. “Before this day,” says Florus, book 1, chapter 28, “it had seen nothing but the cattle of the Volscians, the flocks of the Sabines, the wagons of the Gauls, and the broken arms of the Samnites. Then, if you looked upon the captives, there were Molossians, Thessalians, Macedonians, Bruttians, Apulians, and Lucanians; if upon the processions, there were gold, purple, statues, paintings, and Tarentine delicacies. But the Roman people looked upon nothing more gladly than those beasts which it had feared, with their towers: they followed the conquering horses with necks lowered, not without a sense of their captivity.”

The Roman consul himself, when he speaks of the ancient Romans, teaches us that they were ignorant of Asiatic riches. The Romans judged that only three cities in all the lands--Carthage, Corinth, and Capua--were able to sustain the weight and name of empire. Therefore what Machiavelli reports in the third place is false: that in a monarchy all things are referred to the advantage of the prince; for a legitimate prince regards the advantage and safety of the people, and by this end is distinguished from a tyrant. Moreover, to possess opulent peoples is also the advantage and dignity of the prince. And so the Roman city also grew under kings, as did the other Italian cities; the affairs of the Corinthians grew under the civil and humane administration of tyrants. Therefore, he who accuses princes of being intent solely upon their own advantage condemns them all, by one vote, of tyranny unless they are extraordinarily clement and liberal.

§ 5. It is therefore a consequence that this statement too is false, which he makes: In free cities alone is account taken of public advantage. Is that truly so? Did those who defended their peoples and poured out their blood, not from desire for dominion but in defense of their fatherland, and the founders of so many cities, temples, and academies, accomplish nothing for the public good? Cobblers, evidently,

[Printed page 56]

and athletic anointers, while they are elevated by an annual government, take account of the public good, but kings and princes devote themselves only to their own affairs.

The contrary must therefore be established: in the government of the best men and of the people, each person is more zealous for his own advantage than for the public advantage. For the best men endeavor to turn the majesty and advantage of government toward themselves--to such a degree that at Rome the tribunes so often cried out, both spitefully and truly, that there were two cities. The common people regarded its own advantages: agrarian laws, new account books, and assemblies; it sought bread and circuses and the gifts of candidates. There was no mention of public advantage except where the magnitude of danger also threatened private losses.

T. Quinctius Capitolinus spiritedly reproaches his citizens with this: “But through these things the common interest is in a worse position: the field is burned, the city is besieged, the glory of war is in the hands of enemies. Yet in what condition are your private affairs? Now the report of his own losses from the fields is being brought to each. What, finally, is there at home from which you may replenish them? Will the tribunes return and restore to you what you have lost? They will heap upon you as much voice and words as you wish, and accusations against the leading men, laws one upon another, and assemblies. But from those assemblies no one of you has ever returned home increased in property and fortune.

“Has anyone carried anything back to wife and children besides hatreds, offenses, and public and private enmities, from which you are always safe not by your own valor and innocence but by the aid of others? But, by Hercules, when you served your campaigns with us as consuls, not with the tribunes as leaders, and in the camp, not in the forum, the enemies trembled at your shout in the battle line, not the Roman fathers in the assembly.”

§ 6. Finally, we admit that the Christian religion brings it about that human beings are less lovers of liberty, and this not only because they estimate fleeting and perishable things at their own value. For, instructed by divine oracles, they hope that one day they are to be asserted from servitude and the workhouse into the liberty of the children of God.

They believe and follow the admonition of the Apostle: “Let each one remain in that calling in which he was called. Were you called as a slave? Let it not be a care to you; but if you can become free, use it rather. For he who was called in the Lord as a slave is the Lord’s freedman; similarly, he who was called as a free man is a slave of Christ. You were bought with a price; do not become slaves of human beings.” 1 Corinthians 7:20.

But they fear the governments of princes less--indeed, they willingly entrust themselves to them--because those princes also know that they are slaves of Christ and treat their fellow slaves moderately and clemently, mindful that they themselves stand in the sight of their common Lord. For where among Christian princes are found the familiar and customary savagery and plunderings of the ancients? But I shall show that it is a slander that our religion makes men soft, not brave, when I treat of fortitude.

Now I shall refute this impious pseudo-politics by the testimony of Tertullian and by reason. For if Christians so despise death and torments, how brave would they be in battle, they who possess so great a desire for an honorable death? They endure so many devices of executioners when they are able to rescue themselves from vexations with one word, if they should say, “I am not a Christian.” Certainly, if I wish, I am a Christian; you will therefore condemn me if I wish to be condemned. But since you cannot do what you are able to do against me unless I wish it, what you are able to do is now a matter of my will, not of your power. Hence the common crowd also rejoices vainly in our vexation; hence the joy which they claim for themselves is ours also, since we prefer to be condemned rather than to fall away from God. On the contrary, those who hate us ought to grieve, not rejoice, because we have attained what we chose.

Certainly, one who is prepared to die and laughs at torments is not unfit for war. And in the *Apologeticum*, chapter 5: “Therefore, you say, why do you complain that we persecute you, if you wish to suffer, since you ought to love those through whom you suffer what you wish? We plainly wish to suffer, but in the manner in which a soldier also wishes war. No one indeed suffers willingly, since both trembling and danger are necessary; nevertheless, he both fights with all his strength and, when victorious in battle, rejoices--the man who complained of the battle--because he obtains both glory and spoil.

“For us, the battle is that we are summoned before tribunals, so that there, under peril of the head, we may contend for truth. But victory is to obtain that for which you have contended. That victory possesses both the glory of pleasing God and the spoil of living eternally. But we are overcome. Certainly, when we have obtained our object. Therefore we conquer when we are killed; finally, we escape when we are overcome. You may now call us *Sarmenticii* and *Semaxii*, because, bound to the stake of half an axle, we are burned amid a surrounding mass of faggots. This is the attire of our victory; this is our palm-embroidered robe; in such a chariot we triumph. Deservedly, therefore, we do not please the conquered.

“For this reason we are judged desperate and lost. But this desperation and destruction, when it is among you for the sake of glory and fame, raises the standard of valor. Mucius willingly left his right hand upon the altar. O sublimity of spirit! Empedocles gave his whole self to the Etnaean fires of the Catanians. O vigor of mind! A certain foundress of Carthage gave herself to the funeral pyre as a second marriage. O proclamation of chastity! Regulus, lest he alone live in exchange for many enemies, suffers tortures over his whole body. O brave man, and victor in captivity!

“When Anaxarchus was being pounded to destruction with the pestle for barley-groats, he said, ‘Pound, pound the sack of Anaxarchus! For you do not pound Anaxarchus.’ O magnanimity of the philosopher, who jested even thus concerning his own end! I pass over those who contracted for praise with their own sword or some other gentler kind of death. For behold, contests of torments also are crowned by you. An Attic courtesan, when the executioner was now exhausted, finally spat her own chewed-off tongue into the tyrant’s face, so that she might spit out her voice also and be unable to confess the conspirators, even if, when conquered, she had wished to do so.

“Zeno of Elea, when asked by Dionysius what philosophy furnished and when he had answered, ‘Contempt of death,’ was cast, insensible to suffering, before the tyrant’s scourges and sealed his judgment even unto death. Certainly, the

scourges of the Laconians, made more bitter beneath the eyes of kindred who even exhort them, confer as much honor of endurance upon their house as they have shed blood. O permitted glory, because it is human, to which neither a lost presumption nor a desperate persuasion is imputed in contempt of death and of cruelty of every kind; for which it is permitted to suffer as much for fatherland, for empire, and for friendship as it is not lawful to suffer for God!

"And nevertheless you both cast statues for all those men, inscribe images, and engrave titles for eternity, so far as you are able by means of monuments. Evidently, you yourselves also furnish this resurrection, in a certain manner, to the dead. Is he who hopes for the true resurrection from God, if he suffers for God, insane?"

Therefore softness is not the cause why Christians love their kings, but the ordinance of God, the moderation of those who command, and the virtue of those who obey. For the Romans also rejected their kings only on account of their vices. Florus himself is a witness, book 1, chapter 8: "Finally, the importunate domination of that proud man was of some--indeed, of the greatest--benefit. For thus it came about that the people, agitated by injuries, was inflamed with desire for liberty." Most wisely, therefore, did Tertullian show that Christians were brave and could bear commands, since they could bear martyrdoms.

I shall conclude a little differently. If through the Christian religion so many Muciuses, so many Anaxarchuses, so many Zenos, so many Laconians, and all in a better cause, have been made, the Christian religion does not enervate the strength of human beings but confirms it. But concerning these things in their own place. Now, against the pseudo-politician, I give this warning: when I praise the just government of a just prince, I do not act against liberty.

It is an inestimable good to become one's own. But, as Aristotle says, *Metaphysics* 1, chapter 2, the free man exists for his own sake, not for another's. All judge loss of liberty the gravest, and

[Printed page 57]

the poet sang with applause:

"οὐ θνῄσκει ζῆλος ἐλευθερίας."

The love of liberty does not die.

And rightly Strabo also:

"Ἐλευθερία μόνη ἴδια ποιεῖ τῶν κτησαμένων τἀγαθά. Τὰ δ᾽ ἐν δουλείᾳ τῶν ἀρχόντων, οὐκ ἀρχομένων ἐστί."

Liberty alone makes the goods of those who possess them their own; but the things that are under servitude belong to those who command, not to those who obey. But I have now shown that to obey a just government and one according to laws is not servitude, but the safest liberty. But if the prince departs from justice and breaks the laws through avarice, anger, and lust, nevertheless the tyranny of one will not be more grievous than the savagery and outrages of many masters.

CHAPTER XXIV

That the Magistrate Is Obligated to His Fatherland

§ 1. This question is customarily proposed concerning the prince; but because I have undertaken to instruct not only the prince but also the senate and the people, I have had to dispute concerning them all generally. The question, taken thus, is twofold. For it is asked: Can the supreme magistrate do more than the whole commonwealth? Next: In what matters is the magistrate obligated to the commonwealth?

The first question is difficult and perhaps dangerous. For if you say that the magistrate can do more, you will perhaps kindle tyranny; if you attribute supreme power to the commonwealth, you will seem to reduce kings to order. Therefore a method must be found by which both the magistrate, who is the head and likewise a part of the commonwealth, may be assured of his authority and the commonwealth may preserve its own right.

§ 2. Therefore, first I answer: Every commonwealth which places magistrates over itself--whether it elects a king, as formerly the Romans and now the Germans and Poles do; or a council of the best men and a public council, as the Romans did after the kings had been expelled; or designates rulers from the whole people, as we read was also done at Rome after patrician magistracies had been shared with the common people, and as now the Swiss and the federated provinces of Belgium have for their custom--every such commonwealth, I say, whatever magistrate it elects, ought to bind him by the prescription of certain laws, to deprive him of power over certain matters, and to reserve that power to itself. Otherwise it will introduce over itself a dominion almost despotic, as we now see has been done in Muscovy and Turkey; we have already rejected that form of commonwealth above as destructive.

Next, no province in Europe now struggles beneath governments of this kind, nor do Christian princes or magistrates seem to affect such a form. Nevertheless, if there is some such commonwealth, as that of the Turks now is, there is no doubt that supreme power is in the hands of one man, and neither any one of the others nor all together can lawfully oppose themselves to him, any more than slaves can resist masters. But that is a commonwealth of workhouse slaves, not of citizens.

§ 3. Second, I establish this: In a commonwealth constituted by laws, supreme right is in the hands of the magistrate, both because he is eminent above all private persons and because in certain matters he can do more than the whole commonwealth. Therefore his power is rightly, simply speaking, the greatest; nor is tyranny to be feared from this, for there can be supreme power even if it cannot do all things. But that power is called supreme which, according to the laws, has no equal or superior.

Accordingly, I call the king greater than the whole multitude. For no commonwealth can cast down its king from the throne; and although they may have designated him by the freest votes, nevertheless, once they have transferred their power to him, they cannot revoke it at will. Next, not even the whole commonwealth is able to impede or delay the exercise of royal right and its legitimate functions. For it did not institute an imaginary or painted king, but conceded to him the sword and the use of the sword.

Third, the commonwealth cannot compel its magistrate to yield even part of his right, but is bound to preserve it whole for him and diminished neither by force nor fraud. Finally, in the administration of justice, the defense of the innocent, and the pardon of offenses, even if the leading men, the council, and the people dissent from the king, they are nevertheless compelled to follow, assist, and support him. For the whole remaining commonwealth cannot compel the prince to release a guilty man, abandon the cause of an innocent man, or punish according to the laws a defendant to whom he could otherwise show indulgence.

It is my intention to demonstrate the matter by an excellent example conspicuous for the firmness of government. In the Samnite War, Camillus the consul named L. Papirius Cursor dictator. He named Fabius Maximus master of the horse, and, setting out for Rome to renew the auspices, commanded Fabius not to fight in his absence. But Fabius, having obtained an opportunity to conduct the affair successfully, engaged the enemy and carried back a distinguished victory. The dictator arrived while the soldiers' joy and congratulations were still fresh, threatened the master of the horse with death, and ordered him to be stripped and the rods and axes made ready. But the Triarii received and protected him when he implored the soldiers' fidelity, and the army pleaded on behalf of the master of the horse, now also a victor.

Yet they did not move the severe and excessively imperious dictator. Ordered to appear the next day, Fabius, when he understood that he would have him as a still more hostile judge, fled to Rome. He appealed to the foremost of the fathers and hoped that through the intercession of the senate he would be immune from the dictator's savagery. Papirius nevertheless persisted in his judgment until at last Fabius's father appealed to the people. In Livy he concludes his speech thus: "Since in your presence neither the authority of the senate, nor my age, for which you are preparing childlessness, nor the valor and nobility of the master of the horse named by you yourself, nor prayers--which have often softened an enemy and placate the anger of the gods--possess any force, I appeal to the tribunes of the common people and appeal to the people. I bring as judge over you, who flee the judgment of your army and flee the judgment of the senate, the one body which certainly can and does possess more power than your dictatorship. See whether you will yield to an appeal to which Tullus Hostilius, a Roman king, yielded."

But what did Papirius do after Fabius's most odious speech? He still persevered in his undertaking and demanded the master of the horse for punishment. What did the Roman senate, the Roman people, and the tribunes of the common people themselves do here? The people began to plead, and the tribunes of the common people likewise, that pardon might be given to the youth of Fabius and that the punishment of the master of the horse might be remitted for their sake. Fabius's father, prostrate upon his knees, entreated on behalf of his son.

Then indeed Papirius declared that he granted the condemned man to the people and the tribunician power. His words are: "It is well, Quirites. Military discipline has conquered; the majesty of command has conquered--things which had been placed in doubt, whether they would exist at all after this day. Q. Fabius, who fought contrary to the commander's edict, is not released from guilt; rather, condemned for his guilt, he is granted to the Roman people, granted to the tribunician power as it pleads, not as it brings lawful assistance.

"Live, Q. Fabius, happier because of this consensus of the city to aid you than because of the victory in which you exulted a little while ago. You dared a deed for which not even your parent would have granted you pardon, if he had been in the same position in which L. Papirius was. You will return into favor with me when you wish. You will furnish nothing greater to the Roman people, to which you owe your life, than if this day has given you sufficient instruction that in war and peace you must be able to endure lawful commands."

[Printed page 58]

I judge Papirius's severity in rejecting a suppliant rash and not to be imitated by any prince. Yet I judge that he acted lawfully and according to the laws. Neither the senate, nor the people, nor the tribunes could exempt from punishment a man lawfully condemned by the dictator; that entire popular and aristocratic commonwealth was a suppliant to the dictator. If that temporary magistrate was greater than the whole commonwealth, who would marvel that this is admitted in a monarchy?

But if in the administration of justice the prince depends upon the people or upon the senate and people, what will arise from this except appeal to the people, evasions of the laws, and eternal lawsuits? Next, the authority of the ruler must fall into contempt and ridicule if the people sits as his judge and renders void what has been judged rightly. Nor do I see how there is any monarchy if in every government supreme power is in the hands of all together.

I see that this also has assuredly been received through custom in the Roman Empire: although the German princes have established a measure and limits for the imperial power, they nevertheless preserve its authority in judging safe and intact. For this reason, when some of the princes attempted to diminish this right and endeavored to obtrude a certain other judgment of princes, they were gravely admonished by the Catholic princes not to pluck away and enervate the force, right, and gravity of the empire. They also exhorted the Emperor Matthias himself to protect the right of the empire whole, inviolate, and sacrosanct. Let it therefore remain established that supreme right resides with the prince. For although he is bound to his citizens by the laws and his oath, he himself is nevertheless the guardian of those laws.

§ 4. Third, it is most certain that it is useful and salutary not only for the whole people, but also necessary for the magistrate's peace and long duration, that there should be many things which he cannot do, but in which a lesser magistrate and the people can do more than he. First, that he cannot impose new tributes or establish new taxes without consulting the commonwealth, which has been established most wisely in Spain, Germany, and other kingdoms. For by no other thing is sin committed more grievously, and nowhere do more grievous disturbances arise, than through the excessive and harsh exaction of tributes and taxes. Since this touches individuals, it is equitable that, with the commonwealth consenting, they should rather be given by willing persons than extorted from unwilling persons with curses and imprecations against the prince and the groaning of the poor.

Deservedly, therefore, in this matter a bridle is placed upon princely license and upon the greed of ministers who, while they profess that they are defending the prince's fisc and treasury, seek their own profits by no unfamiliar arts. The fisc has many patrons and itself patronizes many.

§ 5. Next, it is most consonant with the laws of a good city that the authority of establishing and abolishing laws ought to be in the hands of the commonwealth, not of one magistrate, whether that magistracy is a principate or a senate of the best men. Since I shall treat this matter in the book on laws, I refrain from bringing forward the reasons here.

§ 6. Third, neither should it be within the power of one prince to select his successor. I think that this is observed in all provinces where the principate is conferred by election and votes; but where succession occurs by inheritance, this must be done by the norm of laws and by custom, not by the prince's will. And if a controversy arises concerning the heirs, the whole commonwealth will resolve it. For it ought to be able to do more than a doubtful heir, since this is a matter of the greatest consequence for everyone.

The reason why, where a prince is established by election, I would not wish the judgment even of a moderate and prudent prince to prevail is this: every worst man will insinuate himself through dissimulation and fraud; he will remove by plots, slanders, and the sword his rivals or those in whom he suspects that there is hope of the kingdom. Augustus was uncertain concerning an heir, and the man whom he appointed would become lord of affairs. What slaughters, what tragedies did that power produce? Germanicus and his stock were removed from the midst by the arts of women, and at last a successor was selected from exile who was to reign with much blood. Augustus himself said that he grieved for the lot of the Roman people, which would be beneath such slow jaws. He nevertheless made Tiberius emperor, whether from necessity, as though unequal to the latter's power, or from choice, so that he himself might be rendered more commendable and more desirable by the monstrous conduct of his successor. Nor was the condition of Tiberius better: after better men had been killed in various outcomes, Caligula succeeded him.

§ 7. Fourth, concerning peace and war also I would prefer the right to belong to the commonwealth rather than to the prince, although I see that this right belongs for the most part to kings, so that they are arbiters of wars and peace. The reason is that wars will thus be begun more slowly and ended more quickly. Princes, often greedy for praise and obstinate in vengeance, leap to arms for slight causes. Noble tribunes incite them; they set before them examples of Alexanders, Scipios, and Caesars and assail as though cowardly those who sit inactive at home and accomplish nothing. This is a great error of fierce human beings, as if it were not the greatest work of all to contain so many

thousands of human beings and so many hundreds of wicked men in peace and to compel them by authority and fear to live without injury to others.

That praise belongs to beasts: that the one stained with more slaughters is the bravest. A prince is selected for preserving human beings; otherwise, when a prince is peaceful, a notorious robber will be called more glorious. But since very many of the best and wealthiest of the subjects desire and seek peace, and since it concerns them especially that their lives and fortunes should not be committed to the uncertain die of wars, equity demands that their consent also be sought. This is especially advantageous to the prince, for he will experience as faithful helpers those who already decreed the war beforehand.

But since during a time of war the reputation of princes is torn apart especially, and since it can never be otherwise--for whatever losses subjects receive from the enemy and from friendly soldiers, they impute them all to the prince--it must be diligently arranged that war and the expenses for war should be decreed by the judgment of all. When this has been done, the prince will not indeed escape all detractions and slanders, but he will nevertheless attain this: that he does not possess everyone as an adversary, but has some as approvers.

§ 8. Fifth, I greatly approve what has been established in many provinces of Germany, especially ecclesiastical ones: that a prince should not be permitted to contract debt without the knowledge or against the will of his subjects. For in this manner a part of the kingdom is mortgaged to outsiders, its strength is dissipated, and the necessity of a new tribute is imposed under another name while either the principal or the interest must be discharged. Indeed, I judge it more tolerable to come to the aid of the prince's necessities by some mild tribute than to render the fatherland obligated to moneylenders and to expose the majesty of the prince to ridicule.

These are the principal things which are prudently reserved to the commonwealth as certain possessions of its own. There are others peculiar to many kingdoms: that it is permitted to assemble conventions of princes without the king's command; to establish a tribunal independent of the king; that the king has no right in punishing the offenses of princes or nobles; and that appeal from the king to lesser magistrates is given. I shall treat of these matters in their own place. Now I teach only this: it is altogether useful that the power of princes should be so enclosed by laws that it cannot easily wander beyond bounds and pass over into tyranny, yet so free that it suffices for coercing the wicked and protecting the good and is a terror to enemies.

[Printed page 59]

For many provinces, while they cut down the authority of princes excessively, have been overthrown; for wicked human beings, contemptuous of a precarious and, as it were, enslaved power, confound all things from top to bottom.

§ 9. The other obligation of the magistrate is discerned in the performance of his own office. Cicero said excellently and, as I think, from his heart, that he desired two things: first, that when dying he should leave the Roman people free; second, that as each man was disposed toward his fatherland, so also should he enjoy that fortune. He attained neither. For, when about to die, he saw his fatherland captive, and its defenders paid for their love of country with death and exile. Nevertheless, he showed us what sort of prince and what sort of citizen he wished: namely, one most loving toward his fatherland--the whole of it, I say, and the individual orders, individual parts, towns, villages, and human beings within that fatherland.

For even in private persons so great is love of fatherland that one fatherland embraces all the affections of all, as the same Cicero says in book 1 of *On Duties*. To demonstrate love for it, they imagine that Ulysses, the wisest man, preferred his fatherland to immortality:

"ἱέμενον τὸν καπνὸν ἀποθρῴσκοντα νοῆσαι ἦς γαίης"

Desiring to see smoke rising from the hearths of his fatherland.

If by nature nothing is more closely joined than fatherland; "οὐδὲν γὰρ ἐστὶ οἰκειότερον πατρίδος"; if no good man hesitates to die for the fatherland, if he will benefit it; if we ought to die for it and to stake and, as it were, consecrate all our possessions, with how much love and zeal toward it ought the magistrate, the prince of the commonwealth, to be affected? He ought not only to love the fatherland, to which he must furnish all things without payment, but that fatherland from which they possess so many pledges of reciprocal affection, and by which they have been carried up to honors, resources, and glory.

For the obligation of princes is most extraordinary and most grave. For, first, the fatherland has committed itself to their affection, fidelity, diligence, and justice. No one is so barbarous that he does not love the person whose so great love toward himself and so distinguished a judgment he has experienced. Next, the fatherland supports the prince most magnificently and sumptuously. Amid so many thousands of poor persons and so many myriads sustaining life by hard labor, all things are supplied to the prince most abundantly, not merely for necessity but for display, magnificence, and recreation.

Something is deducted from the industry of merchants, the vigils of craftsmen, the sweat of countrymen, and the hardships of miners for the prince to consume upon luxury and dignity. But it is not, nor ought it to be, the sentiment or will of the fatherland that it should confer these resources upon one or a few so that magnates may luxuriate from the labor of all, but that by their affection, prudence, labor, even dangers and death, they may render all and each safe and unharmed.

If a soldier is unwilling to discharge the duties of the camp, if he fears to stand in the battle line, the commander will withdraw his pay. But if a prince is guided by religion and conscience, he readily understands that he is supported by so great honor and such great resources in order that he may benefit his fatherland; that the royal retinue, purple, crown, conferred honors, splendor of the court, delights of the most exquisite banquets, treasures, and obedience of peoples are the pay for his labors, the earnest-money for his vigils, the alleviation of his greatest cares, and an incitement that he may augment his fatherland's goods and transfer its evils upon himself, and that he may judge negligence in caring for it a most grave disgrace.

Aristotle says excellently in book 5 of the *Politics*, chapter 9: "Those who are to conduct the greatest magistracies of the whole city, and in whose hands is the supreme power of the commonwealth, ought to possess three things: first, benevolence toward the condition of the commonwealth; next, the greatest faculty for discharging the duties of that magistracy which they conduct; in the third place, virtue and justice in each form of administering the commonwealth, according to the form of each commonwealth."

§ 10. I shall treat of the duty of magistrates in a separate book. Now I give this warning: the greatest care, industry, and diligence in every kind of affair is required in a prince. I judge that many princes otherwise blameless and just will be examined before the King of kings and Lord of lords in the most severe inquiry and condemned by the most sorrowful sentence because they did not conduct themselves in their office with the diligence with which they ought, and dedicated to amusements the time owed to serious business and the public safety.

For if, through the negligence of an advocate, a client has lost his case; if, through the sloth of a vine-dresser, the autumn harvest has perished; if, through a soldier's drowsiness, a town has been brought into danger, pardon is denied in the lesser offense. What if through a prince's negligence in the council chamber the whole commonwealth suffers loss--who will pardon him? It is easier to estimate than to expound the labors and miseries of a prince, if he himself understands the magnitude of his duty and the dangers of errors. It is wretched and full of innumerable cares to become a prince. For since individuals are bound to individual concerns, the whole mass of cares rests upon the prince--a mass burdensome even to a pagan prince, more troublesome to a Christian, who believes that he must prove to God the sedulousness and integrity of his duty.

It is necessary that those pressed by so great a weight of affairs either grow weary and almost fail in strength, or become stupefied so that they do not feel the gravity of their burden. Septimius Severus, praised by historians but

impious and a monstrous persecutor of Christian piety, was raised from a common soldier through every grade of honors and labors to the imperial summit. When dying, as he reviewed all the deeds of his life, he said, “I have been all things, and nothing is of advantage.” I do not doubt that this is the utterance of all princes.

Let an aged prince come forward before me, one who has now transferred the scepters to his heir. Let him say how he was offended and despised by his own people; what offenses of ministers he was compelled to dissemble; by how many plots of enemies and how many slanders of the malevolent he was assailed; how often he was led into fraud; how importunately he was vexed. I do not doubt that, if he recounts the entire course of his life without disguise, it will happen that he himself marvels that he was able to endure so much.

But if there is also a prince to whom piety is dear, who emulates justice, loves the commonwealth, and knows that an account concerning all things must be rendered to God, with what horror will he examine himself? Did he furnish promptly, diligently, and seasonably, without harm and without price, all things which had to be furnished to God, to the poor, and to the rich? Kingdom, scepters, and majesty are benefits of God; the greater they are, the more grievous are the judgments established for those who sin. For the more indulgent the liberality, the more inexcusable is the abuse of largesse. Gifts are augmented, and the accounts of gifts increase. As much majesty as is added, so much servitude--and servitude of the most dangerous kind--is demanded.

I shall close this part with a sentence of St. Augustine: “In this do kings serve God: if in their kingdom they command good things and prohibit evil things, not only those which pertain to human society but those which pertain to divine religion.”

[Printed page 60]

CHAPTER XXV

That It Is Better for a Prince to Be Hereditary than to Be Elected

§ 1. Not only the altercations of those who dispute, but also the judgments and practices of the greatest empires, render the question difficult. The Germans who possess the imperial government, the Poles, and others elect kings; the Spaniards, French, English, and most others possess hereditary lords. Whose institutions and laws, therefore, are to be approved? Is it fitting for me to judge concerning the ancient compacts and customs of kingdoms?

It is indeed fitting, if the purpose is to give counsel to the commonwealth. Nor will the heirs of kingdoms bear it ill if I prefer elected rulers, because they are friends of elected rulers; nor will elected rulers grow angry with one who praises hereditary kingdoms, since they too possess many hereditary things. For if either the emperor or the electors of emperors prefer all things to be established by free votes, let them themselves yield their inheritances and dominions and commit them to the decision of election. I shall therefore explain my judgment clearly and briefly in a few propositions.

§ 2. Proposition 1. A polity, or popular government, necessarily requires election. For since access to honors ought to lie open to all citizens, while those who can command must be few, a distinction must be made by election.

§ 3. Proposition 2. In an aristocracy also, election is necessary. For there are more of the best men than can be in magistracy. But if some obtained dignities by right of birth, the others would be excluded, and the commonwealth would degenerate into the domination of a few.

§ 4. Proposition 3. In general, I prefer hereditary succession to election.

The reasons which induce me to judge thus are various, and I bring them forward into the midst for everyone to consider.

§ 5. The first reason. In antiquity kings were born, not elected; but that which is most ancient in the commonwealth ought not readily to be changed. For the dignity of kings is most similar to paternal power. Those who were more prudent among the fathers governed the family; next, the firstborn were lords of their brothers, and the sons of their mother bowed before them. Isaac, his eyes growing dim but obeying the divine oracle, gave Jacob dominion over the brother who had preceded the supplanter by a brief interval of birth. “I have established him as your lord,” he says, “and I have subjected all his brothers to his servitude.” Genesis 27:37.

Concerning Reuben also he says the same: “First in gifts, greater in command,” because he too was the firstborn, but had fallen from his dignity through incest. Therefore the heads of families held that position by the valuation of primogeniture, not by the election of their brothers; and the first kingdoms were nothing other than great families. To Ishmael also were born twelve princes of their tribes, Genesis 25:1. At the same time also the Horites on Mount Seir entered upon their leadership by inheritance, as is established from Genesis 36:20.

Indeed, that custom remained afterward. For the king of the Moabites seized his firstborn son, who was to reign in his place, and offered him as a holocaust upon the wall. The kingdoms of the Assyrians, Chaldaeans, Egyptians, Medes, and Persians were also hereditary. By divine gift also princes were born from the stock of David; and among the Israelites, even in the schism itself, the sons of tyrants were the successors of their fathers unless, when another tyrant pressed upon them, they were slaughtered before obtaining government.

Nevertheless, the election of kings was not unknown even in that age. For in Genesis 36, from verse 31, eight kings of the Idumaeans are enumerated, none of whom obtained the kingdom by inheritance. Nor is it credible that they all obtained the kingdom of a warlike nation by adoption or tyranny; therefore they were elected.

§ 6. Therefore those prudent and great men ought not to be heard who maintain that election is more ancient and that in those heroic times kings were made in scarcely any other way, principates in peace or war being assigned by the prerogative of valor or strength. For they say that it belongs to nature to subject inferior things to superior ones. Hence Brazilians, when brought to Charles IX, king of France, marveled that strong and tall Swiss obeyed a small and tender king.

Those great men err. For in the heroic ages we see that those who fought at Troy were kings and sons of kings; most even referred their descent to the gods. If the matter is to be determined by fables and demigods are to be adduced, I shall collect in Egypt, through fifteen dynasties and 3,317 years, many kings, and the first eight as heirs by a continuous succession of children. Afterward, women also were admitted to the succession by a law enacted.

But I pass over those things. In the time of Moses, Dardanus reigned at Troy; his descendants were Erichthonius, Trosillus, Laomedon, and Priam. Who would deny that the government of Troy was hereditary? The kings of Tyre were Abibaal, Hiram, then Astarthus, Asserimus, and Pheles. The kings of Mycenae were Pelops, Eurystheus, Atreus, Agamemnon, Orestes, and Penthilus, the last of the Pelopidae.

Of the kings of the Athenians, Erichthonius, son of Vulcan, founded a family which held government for 285 years. Then, after the government had been transferred to Melanthus, it had fourteen kings, so that a son always succeeded his father. In the Spartan kingdom there was greater variation, heirs being driven out by tyrants; but many things show that it too was held by succession. It was not only hereditary but even dotal, for Menelaus, son of Atreus, received Sparta as dowry after marrying Helen. Afterward, the kingdom of the Heraclidae endured through an uninterrupted series of descendants longer than any other.

Among the Corinthians also in the age of the heroes, kings were born: Sisyphus, son of Aeolus, Ornition, Thoas, Damophon, Propodas, and Doridas; the Sisyphidae reigned for 259 years. I refrain from speaking of Janus, Saturn, Faunus, Picus, and Latinus, kings of the Aborigines, lest I seem to wish to establish the matter even by fables. But that ancient opinion of certain men who affirm that kings were formerly made by election and that the kingdom was granted by the prerogative of valor or strength must be plucked out. Certainly the kings themselves would deny it and would say, “I am a son of wise men, a son of ancient kings.” Nevertheless, I do not abolish every election: namely, if they should begin a new kingdom, if the royal stock should fail, or if an heir should be judged unfit for the kingdom.

§ 7. The second reason is taken from election itself, which is exposed to tumult and the new machinations of seditious persons. For transitions of affairs are opportune for evil attempts. And since the future outcome is uncertain, the spirits of many are raised and the hopes of many are inflated--all of which are restrained if the successor is not uncertain. The canvassings of the Roman assemblies, when a consul--indeed, an aedile--was elected, were turbulent and attended with blood, although that magistracy was annual. What if they had contended for a perpetual dictatorship?

How greatly dominions are endangered at the time of a new election is demonstrated by the very anxiety of human beings, and so many examples have taught it down to the present. And it is assuredly wretched that not only in a political magistracy but also in ecclesiastical offices and among sacred men an election sometimes cannot be conducted without a great wound to the Church and commonwealth. But no one acquainted with history is ignorant of what disasters election introduced into the Roman Empire. Nero rages at Rome; Galba brings savagery and avarice from Spain, Vitellius from Gaul, and Otho sets out from the city. They were equal in strength and vices; meanwhile Vespasian is elected in another region. If you regard the times of the Antonines and Gallienus, thirty tyrants invaded the government simultaneously. For while fortune permits and while it is lawful to hope, anyone attempts what can be done and judges that he has attained what he dreamed while awake.

[Printed page 61]

§ 8. The third reason. The foundation and safety of government is the authority of the ruler; contempt is its ultimate destruction. But the dignity and authority of those who are born from kings is greater. He who owes the kingdom to the

vote--that is, to the benefaction--of others is compelled to attribute many things and indulge many things to the authors of his majesty, and to dissemble concerning their offenses lest he seem ungrateful. Electors also provide for their liberty by many compacts and guarantees, so that they attribute as little power as possible over themselves to the man whom they have determined to elect. As much as they diminish from his power and arrogate to their own privileges, so much they detract from his authority; for authority is unstable when it is not supported by solid power.

Next, they do not value highly a man whom they have at some time seen as an equal and at another time as inferior to themselves. The Romans despised Tiberius, whom they had seen as an exile and cloaked after the custom of petty Greeks; from this arose suspicions, slanders, conspiracies, and the butchery of nobles. Galba was held in contempt as a man who previously, burdened by debt, had scarcely been able to remain at Rome; therefore the briefest government and a most shameful end befell him.

The soldiers killed Aelius Pertinax, Macrinus, Maximinus, Balbinus, Pupienus, Tacitus, Probus, and Carus with his sons almost in mockery, just as they had created them emperors. Nor was there greater reverence toward them than toward fellow soldiers who had deserved the cudgel. For once the insignia and name of Augustus had been taken away, since they excelled by no distinction or prerogative of virtue or lineage, the soldiers slaughtered most of them with exquisite punishments as the lowest and most guilty of human beings. From equality, therefore, comes contempt; from contempt, when something is commanded rather harshly, come indignation and the communication of one's grief with others; from these come plots and the destruction of one party, and more often of both.

Third, it is necessary that a king, unless he possesses extraordinary strength of spirit, should command timidly, not without cause fearing the rivalries and enmities of powerful and audacious human beings. For when he weighs the brevity of life and the variability of fortune, he will not readily offend, however deserving they may be, those whom he suspects will someday command. He will not judge it wise to leave many enemies to his family, sons, and wife. From this follows the great power of magnates, their greater impunity, the oppression and outrages of inferiors, the slowness of judgments, the delay of causes, and the difficult execution of pronounced sentences and adjudged matters.

I am not ignorant that by the providence of kings who possess a heroic spirit and an unstained equity in judging, the wicked attempts of all can be resisted; but I give warning of what follows from the nature of election. Fourth, if the man who has been elected by the votes of the commonwealth has sons, who does not see that the father will canvass all those possessing the right to vote on behalf of his sons and do all those things which eloquent and humble candidates are accustomed to do? Cicero judged it most alien to his circumstances to accuse Verres when he was seeking a magistracy, for all the friends of Verres would oppose his candidacy. And it is necessary that a prince who designates his son as his successor by the votes of others should often lay aside his majesty and conduct himself as equal or inferior to his subjects.

But if his spirit is insufficiently firm and he thinks himself a father more than a king, he will often concede many things and dissemble many things so that he may prepare voters for his son. Many things will also be requested from the father through the son who is a candidate for the kingdom, things which custom, reason, and equity will prohibit him from furnishing; and nothing will readily be denied to the person from whom the kingdom is sought. Nor will kings be lacking who, by giving and indulging beyond due measure, take greater account of their own blood than of justice.

§ 9. The fourth reason. What if the condition of that kingdom in which the king fears that he will be the last of his family is not even safe? Nature has so arranged it that parents are no less industrious and keen in procuring honors for their children than for themselves. Ptolemy, king of Egypt, after he had established his son as king in his own place, stood among his bodyguards as his guardian; to such a degree did he judge that to be the father of a king was something more august than to be a king.

Severus slaughtered, for the sake of his sons, all whom he suspected would attempt some novelty. Gordian, hearing that his son had been killed by the Maximini, was overcome by grief and strangled himself with a noose. Nero's

mother judged that her son's government was well purchased by her own life; for when seers had foretold that, if he should rule, he would kill his mother, she said: "Let him kill me, provided that he rules." Demetrius yielded his wife to his enamored son, with a signal outrage to the three. Since, therefore, so great is the force of human affection and blood, they ought certainly to fear that a father will strive by force, fraud, and blandishments to bring it about that his son cannot be barred from the kingdom. Nor do I see why this should be difficult, especially if the son shows himself fit for the kingdom and the father draws part of the nobles to his judgment.

§ 10. The fifth reason. If you regard the advantage of the kingdom, succession possesses many advantages in which election is deficient. He who hopes that he will leave heirs of his majesty cares for all the business of the kingdom as his own, provides for his heirs, and takes thought for the treasury, arsenals, and safety of the citizens. Thus David arranged all things carefully for Solomon.

But he who at his death will end government in his family has no great cause to provide for the protection and dignity of the kingdom far into the future, since it will soon be in the hands of others and perhaps even of enemies. Rather, he will direct every thought toward furnishing defenses and security for his children and family, to whom he leaves envy and many enmities, so that, once private persons, they do not suffer not only the mockeries and commands of the new king but also a shortage of necessary things.

§ 11. The sixth reason. The officials and ministers of those who have been elected are less faithful and in some measure more rapacious. For since they are not ignorant that their functions too will die with the life of the prince, they hasten toward resources and honors. For after the principate has been changed and transferred into another family, the old ministers are either dismissed or placed after others, because each man rightly judges that his own people, whom he possessed as faithful men and friends when he was a private person, ought also to enjoy the honors of their lord.

§ 12. The seventh reason. Affection toward a hereditary prince is greater, because from him not only, but also from his ancestors and descendants, every private person expects benefits. They are accustomed to disdain new rulers before they begin to love them; and after all their benefits the rulers attain much if a successor is awaited civilly, together with the honor of another family.

[Printed page 62]

§ 13. The eighth reason. A single reason is given for election: that it is possible to select from thousands the best and most prudent man, the most distinguished when fortitude and justice are considered. But this matter failed so often formerly--and now also, I fear--that it is rarely secure. I do not wish to blame the voters, as though they had elected wicked men. Human weakness, sudden felicity, arrogance made more insolent by emergence from slender circumstances, suspicions, opinion, contempt, and fear can cast down from his mind even a successor whose mind was well founded.

If they did not know crimes, the kingdom taught them; a flatterer instilled them; a minister induced them. Kingdoms made many good men wicked; few were made better in a kingdom. The reason why voters chose wrongly was love, hatred, and hope. These passions have been brought into every assembly and will not readily go into exile in the future.

Alexius, about to die without an heir, deliberated concerning a successor. Accordingly, different men were named by different persons in various ways, but all named those who would be opportune and useful to themselves. No one possessed any care or thought concerning the election of the man who would command best and according to the public advantage. Choniates, *On Alexius*.

The excuse for the Neronian election among the Romans, in Tacitus, book 13, is more honorable: "Others, on the contrary, said that it had turned out better than if Claudius, feeble from old age and sloth, were called to the labors of military service and were to obey servile commands. Burrus and Seneca, nevertheless, were known by experience of many affairs; and how much strength did the emperor lack, since at the eighteenth year of his age Cn. Pompey, and at the nineteenth Caesar Octavianus, had sustained civil wars? Most affairs in supreme fortune are conducted by auspices

and counsels rather than by weapons and hands. He would plainly give proof whether he employed honorable friends or otherwise; whether, after envy had been removed, he selected an outstanding commander, rather than a destructive one supported by favor through canvassing."

This excuse concerning Nero is more modest and rests upon some hope. Otherwise, scarcely any successions designated by the vote of the senate or soldiers were praiseworthy. Claudius was a blockhead and a monster, and lively only when he ordered men to be led away unheard. Nero was chosen by the senate; Galba, Otho, and Vitellius by the soldier. Titus succeeded his father and was accordingly among the good princes. Nerva lacked strength and age, not goodness. Trajan was both most shameful and cruel; I do not intend to collect the monsters that followed. Charlemagne and his progeny were better. Never were there so many good emperors in one series as from Albert II, from one family, down to Matthias I, who now sustains the honor of the empire.

Therefore those who approve election stir up great contests in a commonwealth. They render all things venal when morals are corrupt. Julian--not that apostate, but the one who preceded Severus--openly promised money to the praetorians if he were elected. Otho professed that he would possess only that which the soldiers had left him. Severus ordered the soldier to be cultivated and advised that the others be despised. The soldiers raised to government only each most loathsome man and one under whom they might conduct themselves more licentiously.

I know that Probus is excepted, whom they proclaimed prince; but soon, offended by his probity, they killed him. Nevertheless, they marked their own crime and the emperor's integrity with an epitaph: "Here lies Probus the emperor, truly *probus*." They therefore confessed that they were wicked men who had removed Probus.

What was more turbulent than the elected kings of the Goths in Italy--Athalaric, Theodahad, Witiges, Ildibad, Alaric, Totila, and Teia? All were wicked, badly elected, reigned badly, and perished badly, killed by their own people; captivity freed Witiges from that disgrace. The Goths who were in Spain possessed kings far worse than the Italian ones. Therefore I appeal to examples; the multitude of examples and the antiquity of ages have taught that the best men are not always carried up to the royal throne by election.

§ 14. I am not ignorant that various things are objected to me. First: The sons of kings, educated amid delights and flatteries, are inflated by pride, broken by pleasures, and do not know how to estimate the necessities of their subjects. Second: They readily burst forth into tyranny and regard the kingdom as though it were a patrimony, their subjects as though they were slaves. Third: In election a field is opened to virtue, and many will endeavor to prove themselves to their fatherland if they see that access to supreme government lies open to good men. Fourth: Succession took its beginning from flattery and evil arts. Fifth: Through succession it is often necessary to possess as prince a boy, a woman, a fool, an avaricious man, or a cruel man. A good man can certainly be elected; this lies within the power of the electors. Sixth: It is equitable that one who will command all should be elected from all. Seventh: Poland, a most flourishing kingdom, rich in men and virtues and warlike, creates its king by election, and quite often a foreigner. The imperial government of Germany is given by the vote of electors and is nevertheless governed by the best laws.

Eighth: Hereditary successions have possessed their own certain and great vices. For the sons of heroes have generally been banes. Solomon departs from the piety of David, and Rehoboam from the wisdom of Solomon. Jehoshaphat, a good king, intervenes; but Jehoram, Athaliah, Joash, and Amaziah were impious. Jotham fears God, but Ahaz made a secession from God and religion. Hezekiah, a most holy king, possessed in Manasseh and Amon a most wicked son and grandson. The fervent piety of Josiah is praised, but his degenerate posterity paid for its crimes by destruction and captivity.

Finally, nowhere is labor expended with so much zeal in procuring succession without sedition as in the monarchy of the Turks, but nowhere is it more unhappy. To recount a few things: Bayezid II slaughters the sons of his fleeing brother; the sons of Bayezid make war concerning the succession while their father is alive; at last Selim, as victor, kills his father in his absence, and his suppliant brothers and their sons in his own sight, by the noose. That tyranny is

never reached without the slaughter of blood relatives. Therefore election seems to be better than hereditary succession.

§ 15. These things have been answered in part, but I shall explain the matter more clearly.

Proposition 4. Election rather than succession is suitable to certain peoples, not because the former is to be preferred to the latter simply, but either by reason of their customs and regions or by reason of the parts of the commonwealth constituted long ago, which it belongs neither to a good man nor, therefore, to a political writer to change.

Accordingly, to elect some one king in a very broad kingdom is not unsuitable and does not possess all those disadvantages which I recalled above, if that kingdom embraces many princes and, as it were, lesser kings, as we see occurs by custom in Germany. For when this empire was first transferred into Germany, it did not seem good to bind it to some one house, but that it should be a benefit common to all. Nevertheless, the disadvantages of election down to the present have been very numerous, as have discords and wars; but the small number of electors removes very many dissensions. For there are six, and if the number of votes is equal, the king of Bohemia is added as arbiter and elector. Of these, three are archbishops, who cannot aspire to the kingdom; four are secular electors, who can themselves be elected, but there is always someone among them who cannot be elected on account of age or other causes.

Thus the election is by no means turbulent, nor are the other princes, although powerful, indignant that they are excluded from the votes; rather, they acquiesce in the laws. Next, the election of the Germans is joined with succession, not by a prescribed right or custom

[Printed page 63]

which possesses the force of law, but by the prudence, moderation, and affection toward the fatherland of the princes who are electors. Let us recount the monuments of antiquity: we shall find almost no emperor's son passed over in a peaceful election, although they were adolescents; nor do I think that it will readily happen in the future that supreme government will be conferred upon anyone other than the emperor's son.

Formerly Augustus, Tiberius, and others endeavored through adoptions of stepsons or grandsons to retain the diadem within their own family. Sons of emperors commanded: Titus, Domitian, Commodus, Caracalla, Heliogabalus, Gallienus, Carinus, Numerianus, Constans, Constantine, Constantius, Gratian, Valentinian the Younger, Arcadius, Honorius, Theodosius the Younger; then the progeny of Charlemagne and of the Ottos, a few others, and now that of the Austrians. Thus in the Roman Empire election was mingled with succession. In this manner the disadvantages of the fourth and fifth reasons were generally absent. For if the emperor possesses sons--or indeed if he is without children, provided that he possesses brothers worthy of government--he seems certain concerning the succession. Thus he will neither diminish the vigor of the government through anxiety nor neglect the affairs of the empire as though they were to be alienated from his family.

§ 16. The Germans also remove contempt for the ruler, for they generally elect the most powerful princes and those of the most illustrious name, such as Maximilian I, duke of Austria, and so forth; Charles V, the most powerful monarch of all Europe; Ferdinand; Maximilian II; Rudolf; and Matthias. For it is established that those princes were most noble and powerful.

Since, therefore, the order of election is accurately observed, since succession--although without prejudice to the freest election--is joined to election, and since great princes are elected, they avoid many detriments of election and attain many of its advantages. But this must be attributed to the gravity of the nation, its sincerity, love of peace, and zeal for the fatherland, especially because the princes of Germany, although most tenacious of their own right and dignity, nevertheless are not desirous or ambitious for what belongs to another. Accordingly, we owe peace and concord to their customs, not to the nature of election or the form of the commonwealth.

Look upon the customs of the Turks: see the mutual slanders and slaughters of brothers; see decrepit fathers slaughter sons in their sight and these fathers be removed by those sons with poison. How great would be the discords, what

corruptions of commanders and soldiers, if election should fall amid those customs? Let the moderation of the most august Austrian house be an example for us. The Emperor Matthias lives; his brother Maximilian lives, and another brother, Albert, prince of the Belgian provinces. The emperor has now yielded the Kingdom of Bohemia, Silesia, and Moravia to Ferdinand and will soon yield the remaining territories. Maximilian and Albert, whose right and succession is the nearest, assist that cession. Charles V himself and Philip, king of the Spains, had formerly yielded those regions to Ferdinand.

Compare the desires, frauds, and slaughters of the ancients with these things. See Romulus and Remus, whose kingdom was one hearth and merely the hope of a rustic city, and nevertheless:

"The first walls were drenched with a brother's blood."

But although the moderation, prudence, and gravity of the German princes is such, they nevertheless do not bring it about that during the time of an interregnum all are not in great fear lest most grievous wars someday wear down the fatherland. Recall to memory the Henrys, Louises, Fredericks, and Alberts; you will see:

"Standards, equal eagles, and javelins threatening javelins."

Nicetas, a foreign writer concerning us, judges thus: "O how much worse is the vote and election of many than that of one! You, illustrious Roman Empire and majesty to be adored by nations, what tyrants have you endured? What sort of lovers have sought you? Beneath what men, laid low, have you given possession of yourself? What sort of men have you adorned with crown, diadem, and purple garment?"

But let complaints cease. Let us pay vows to God for those princes and furnish such morals as deserve and bear good princes.

The Poles also have approved election, but in truth they too have often suffered enormous losses: they were deserted by Henry, king of France, and at one time elected two men through contrary partisan zeal. But in this part also the Poles conduct the matter moderately and prudently. First, they never excluded or passed over an heir and did not transfer the kingdom into another family, except when they deposed Ladislaus and substituted Wenceslaus of Bohemia in his place; nevertheless, they afterward restored Ladislaus.

They took account of royal daughters no less prudently than humanely. Hedwig, from the stock of the extinct royal family, was placed in marriage with Jagiello, who was prince of Lithuania, so that at least in this manner they might display their affection toward their kings; that deed occurred in the year 1380. They did not withdraw from the Jagiellonian family so long as heirs from it lived. When they had died, this also was arranged: that Anna, who remained from the royal stock, should marry Stephen, a distinguished hero. The fact that Sigismund III was born from Catherine, Anna's sister, rendered him commendable to them.

Therefore they prudently mingle election with succession, so that although the votes of the electors are entirely free, nevertheless so great an affection toward the children of their kings remains as if the kingdom were hereditary. By this one thing they protect the peace, tranquility, honor, and majesty of the kingdom. Nevertheless, they have not lacked enormous disadvantages. For since the nobility is magnanimous and warlike, if they were willing to endure a hereditary king, one to whom the kingdom belonged as his own, they could with easier business than any nation occupy all territories as far as the Euxine Sea and invade either the territory of Constantinople after crossing the Danube or Asia after crossing the Black Sea. The Turk assuredly fears this; and therefore he dissembles, as much as he can, the losses inflicted by the Poles and is content to purchase peace in whatever manner.

§ 17. I have discoursed concerning election and succession; now those who prefer the liberty of election must be answered. I shall not refute them in such a manner that I do not concede that there are many advantages of election in which succession is deficient, but in such a manner that, when all the advantages and detriments have been collected into one, I show that there are more detriments in election and more advantages in succession.

First, the arrogance and delights of kings who were born and educated in the purple are objected without cause. The pride of those who came to the kingdom from a private fortune was more intolerable. For a sudden and unaccustomed raising on high makes men swollen. And just as the eyes of those around whom a great light is suddenly poured when they rise from sleep grow dim, so private persons, stunned by the novel splendor of unexperienced majesty, forget themselves. Indeed, nature is so arranged that solar rays falling upon an opposing face drive out memory, especially from those accustomed to shade.

Thus Aristotle also, no poor teacher of kings, admonishes us in book 5 of the *Politics*, chapter 8: "The common method of preserving every commonwealth is to adorn no one beyond measure, but rather to attribute honors that are small and of long duration than great ones swiftly; for through such things men become worse. And not all can bear prosperous fortune." Certainly not all--indeed, few. Otho was the best servant before government and the worst master, as was cast about concerning him in a proverb.

[Printed page 64]

On the contrary, an emperor spoke prudently when, having been carried from command to the imperial summit by the soldiers' impetus, he cried: "O fellow soldiers, you have lost a good commander, nor yet have you made a good emperor." I do not deny that there is danger in the children of kings. "Most command their desires less amid the obediences of fortune." Curtius, book 8. Nevertheless, because tender dispositions are most readily incited toward love of the honorable and right, and because the natural quality of a human being is such that he is not born good or evil from the stock itself--I speak of that evil which is outside the inherited guilt of origin--but receives a disposition inclined toward each, all can be rendered better by care, work, and unwearied labor, even contrary to the inclination of nature.

§ 18. Nevertheless, in our age the children of princes have always possessed the least license. Formerly that manner prevailed, when their tender age was compelled to behold blood not only in the amphitheater but even at a banquet, and when, without their knowing, injuries to every kind of morals were displayed upon the stage. Now princes generally select those who are to instruct their children with as much judgment as many commonwealths employ in placing not even a prince over themselves. Meanwhile they are taught to moderate their passions, love justice, pity suppliants, and benefit all. But education must be treated in another place. I come to the second objection, which concerns the danger of tyranny.

I said above that tyranny is to be feared in every kind of government. I also added this: an elected prince possesses more cause to change the principate into tyranny than does one who commands by hereditary right. For the former shears and flays more greedily because he is soon to depart; the latter awaits the produce of the following year also and plants pear trees for his grandchildren to pluck.

§ 19. But third, they say, by election a field is opened to virtues. First, how many can hope? Out of one hundred myriads scarcely one commands. Next, what kind of virtue is it to hope for a kingdom as the reward of virtue? That hope will make dissemblers and candidates for the purple, not cultivators of true piety and justice. But what if the worst men are selected after the good have been passed over?

I do not speak of the Ethiopians, who placed over themselves as king a man selected from bodily beauty, a fallacious and fleeting thing; nor of others who estimated that dignity by the mass and magnitude of bodies. For it is easy to surpass them, as also the Auruncans, peoples of Peru, who placed a heavy log upon the shoulders of several men: the one who had carried it longer before collapsing was proclaimed king. Nevertheless, we who mock barbarians discern these and fouler things among the most cultivated peoples.

The Quirites elected Romulus, a fratricide; most of them were robbers and men who had escaped punishment by the asylum. After his death, they summoned Numa, a magician and impostor, from the Sabines. In Tullus Hostilius there was an appearance of fortitude, but the deeds of a robber, since without any right he stirred men at rest to arms. Ancus,

the most ambitious of the men of his time, received the kingdom by artifice. Priscus also imposed upon a rustic people through Greek arts. Servius, truly a slave, obtained the kingdom by fraud; Tarquin killed him.

There were seven kings. Romulus was changed into a tyrant and torn apart by the senate. Numa occupied the government by a simulation of piety. Tullus administered it tyrannically. Priscus thrust himself in by deceptions; Servius by the fraud of a woman; Tarquin by the slaughter of his father-in-law. Behold, consider these things and give virtue hope of honor. See Claudius, lifted into the camp by the shout of one soldier, command; see Otho purchase the government of the world for a few coins; one man selects Vitellius, and the stupor of the soldiers follows. Probus, while he is commended to the army so that they may name a brave, clement, and upright emperor, becomes Augustus through the prerogative of his name. Regillianus from his name, Proculus from a game, are imposed upon the world as robbers rather than princes.

§ 20. What is said in the fourth place--that succession arose from flattery--I refuted above when I showed that it is most ancient and was approved even among the people of God. But often a boy unequal to so great a burden will put on the purple. That will be rare; nevertheless, Solomon also was a boy and possessed adult brothers when all Israel marveled at his prudence. The boyhood of kings can be ruled by the prudence of mothers, guardians, and kinsmen. Joash also, as a boy, did what was right before the Lord all the days in which Jehoiada the priest taught him. The five-year period of Nero himself, with Seneca and Burrus as guides, surpassed many good princes. Boys too can command, but with the support and guidance of old men.

Theodosius the Younger was a boy, but what prince equaled the government of the boy? I dread the danger of the age, and I hear God saying: “Woe to the land whose king is a boy.” But I join Benaiahs, Jehoiadas, Senecas, Burruses, and Pulcherias for supporting weakness. For this reason Scripture does not reject tender age simply, but measures a land’s unhappiness by two things: namely, if its king is a boy and its princes eat in the morning. For if you place beside youth, which is inclined toward amusements and delights, voluptuous princes and artificers of enticements and banquets, truly not even safety itself could preserve that land.

§ 21. The seventh objection was that it is equitable that one who will command all should be elected by all. This is plebeian and, as Aristotle is accustomed to speak, “ἄγρειον.” It has been taken from tribunician declamations; now it has been refuted by laws, practice, reason, and the advantage of the commonwealth itself. It is certainly established that there is no people which as a whole elects its prince, except perhaps among Peruvians, cannibals, or wandering Ethiopians; nor did that “ὀχλοχειρία,” or mob election, ever turn out rightly for them.

I pronounce that these things are generally so, for I have never judged that the best princes selected from the common people should be placed after Sardanapaluses and purple-born plagues. Otherwise, there is in nobility a certain disposition toward great things and, if it is polished, honorable ones. They see the images of their ancestors in the archive so that they may imitate them. Father Aeneas and maternal uncle Hector are a great incitement toward virtue. Euripides says nobly:

“οὐκ ἔστι τοῦδε παισὶ κάλλιον γέρας,”

“ἢ πατρὸς ἐσθλοῦ κἀγαθοῦ πεφυκέναι.”

“No distinction is more beautiful for children than to have sprung from a good and honorable father.”

But only so that the progeny is no less of virtue than of blood; otherwise, the greatness of the father does not bring the son forward but overwhelms him. What Spartianus says is false and odious, but received by the inclined ears of the common crowd: “Almost none of the great men left behind a son who was excellent and useful; most left such sons that it would have been better to depart without posterity.” It is false. Many left good sons and many middling ones; many corrupted them by error and many by neglect of education; some corrupted themselves willingly.

Heliogabalus was a monster of government. “If I have an heir,” he says, “I shall give him a guardian who will compel him to do those things which I myself have done and which I am about to do.” Therefore it is frequently the fault of fathers; often the depravity of sons is obstinate against every labor of education.

§ 22. Those who leave kings free judgment in selecting a successor to the kingdom from among their children fill all things with slaughters. Plutarch writes concerning Pyrrhus, and others concerning others. No firstborn will permit himself to be excluded; and if he is excluded, avengers will not be lacking. The case of Pertinax is different, who wished election to be seen as reserved to the senate.

[Printed page 65]

Hereditary succession is not a benefit of the dead man, but a prerogative of the family. Thus Philip pressed his right in Portugal; thus the Britons rendered Edward’s testament void.

A firstborn son born while his father was not yet king is preferred to the others, although they were born in the purple. Thus the jurists hand down by consensus. Ulpian, in law 5, *On Senators*. For the rationale is the same.

CHAPTER XXVI

That the Governments of Women Are to Be Admitted, but Rarely

§ 1. I do not judge it equitable for a woman to hold government over men unless, in an extraordinary danger or through heroic virtue, the woman should be an example to the men themselves. Nevertheless, women are not excluded from public life through injury and contempt for their sex, but because they are weaker. "The counsel of a woman is without strength, that of a boy imperfect," says Aristotle in book 1 of the *Politics*.

Those who proclaim that all women are wicked and all instructed in the same school for wickedness are injurious toward their own mother. It is not astonishing that all speak against that sex which is defended by no one. Let us weigh the matter in a political and humane manner. For what an impudent persecutor of women says is bitter:

"Γυναῖκες εἰς μὲν ἐσθλὰ ἀμηχανώταται"

"Κακῶν δὲ πάντων τέκτονες σοφώταται."

"We women are indeed most unfit for good things,

but most cunning artificers of all evil things."

But it has seemed otherwise to others. The case is before the judge. The Salic Law bars women from the scepter. "Lilies do not spin," Philip of Valois announces to Edward the Briton. Cujas, book 8 of *Observations*, chapter 14; Tolosanus, book 7, chapter 16; Heigius, book 1, question 7. It seemed otherwise to the Spaniards, English, and Scots, and also to the Austrians.

§ 2. First, indeed, there is the natural weakness of women. Men, because they are strong and ambidextrous, can rule and be ruled; but women are ruled only, for they are subject to men. And they speak truly when they repeat what Hippocrates teaches in the *Aphorisms*, section 7, chapter 44: "γυνὴ ἀμφιδέξιος οὐ γίνεται"; "A woman does not become ambidextrous." Pliny also teaches this, book 7, chapter 17.

Weakness of counsels also follows this infirmity of nature. Assuredly, by the Roman laws a tutor and curator is given to women although they are fully adult, indeed even after the husband's death. Cicero, *For Flaccus*: "Women are not permitted to conduct any matter without the counsel of tutors and procurators." And *For A. Caecina*: "What a woman promised without a tutor as author is not owed." And *For L. Murena*: "Our ancestors wished all women, on account of the weakness of their counsel, to be within the power of tutors."

At Athens, a limit upon their transaction of business was prescribed by law, and it was defined as six *modii* of barley. This also seems to have been transferred to the Romans. "Our ancestors," says Cato in book 4 of the *Macedonian War*, "did not wish women to conduct even a private matter without an author." Much more, therefore, are they to be barred from scepters. That defect is one of judgment and prudence, from which arises a certain inconstancy of will, an inclination toward a fall, and a lack of control over the passions. Thus they neither possess authority nor can execute most things without others; it is also not fitting for them to speak in public.

"γυναικὶ κόσμον ἡ σιγὴ φέρει."

"Silence is a woman's ornament."

§ 3. For these reasons the Parthians and Thracians treated women after the fashion of slaves; more mildly did the Lydians and Numidians, among whom women commanded at home and men outside. More mildly, but not rightly; more consonant with nature and reason was the law of Romulus, by which a chaste wife who was compliant toward

her husband was mistress of the family equally with the man. For since a woman has been added to a man and it has been said, "You shall be beneath the power of the man," and since Lucretius sings truly in book 5:

"The whole male sex far excels in art

and is much more skillful,"

equity demands equal rights for the same nature, so that the man may command after the manner of a father of a family, not with the harshness of a master.

Those who cast down into the condition of female slaves the women from whom they were born with pain and by whose milk they were nourished are ungrateful toward nature--women whom they ought to assert into liberty, even at peril of their own head, lest they be slaves. But if, because their nature is less noble than that of men, they must for that reason be deprived of participation in liberty, "Τὸ χεῖρον γὰρ ἀνάγκη νικᾶσθαι ὑπὸ τὸ κρεῖττον, ὅπου τὸ χεῖρόν ἐστι." For it is necessary that what is inferior should be conquered by what is better, wherever the better exists. Let us also diminish the civil standing of men debilitated by vices, in strength, and in mind, and consign them to workhouses. For there are many women more excellent than many men in many things, as Plato says in book 5 of the *Republic*.

Therefore the liberty of women, their right within the family, and their honor must be defended no less than their chastity and reputation. For the Christian law also orders that more abundant honor be placed around the weaker vessels, 1 Corinthians 12:23. But only so far that they are companions and assistants, not that they dominate.

Among the Achaeans indeed dominion and the conduct of business resided with women. Hence in Homer's *Iliad* they are called insultingly, "κρατούμενοι," or "those ruled [by women]," "Ἀχαΐδες οὐκ ἔτι Ἀχαιοί": "Achaean women, no longer Achaeans." Histories hand down that the Lycians also were subjected to governments by women. And, what I grieve to report, Tacitus says concerning the unconquered Germans: "A woman dominates; to such a degree do they degenerate not only from liberty but even from servitude." At Rome it was the highest reproach to live an Achaean life. For Plutarch says most truly: "ἡ φύσις παρανομεῖται γυναικοκρατουμένη"; "It is a transgression of nature to be governed by a woman."

§ 4. Therefore I approve a middle way. Let women and slaves not be held in the same position, as occurs among barbarians according to Aristotle's testimony. Nor let a husband possess the right of death over them, as among the Gauls, as Caesar teaches in book 6; much less let old women be sold, oppressed by labors, or even buried alive, as was customary among the most monstrous of the barbarians, the Parthians and Thracians.

Conversely, I would not wish government to be conferred upon them by human law unless a great reason demands it. For if it is fitting that an honorable woman should obey her husband, how is it suitable that she should command armies and kingdoms? A man is rendered infamous if he obeys his wife; a wife infamous if she commands her husband.

§ 5. This is a strong presumption against the scepters of women, but not a judgment by which all power and right of governing is denied them. For although the laws order that a woman obey her husband, she is nevertheless mistress of the family--that is, of the maidservants and servants--and illustrious women retain right over their cities and dominions.

§ 6. Therefore I judge the government of a woman legitimate and useful to the commonwealth when, after her husband has died, the children are heirs at an age too young to administer government. Then I judge that, together with the tutors, the mother must be admitted not only to a share in the kingdom but even in precedence over the tutors, with chief authority for educating the son and governing. For she is the mother of the family, and care of the offspring ought not to be denied to her. But that care possesses as an annex the care of the inheritance--that is, of the kingdom. Nor will maternal authority suffice for ruling the son and the son's ministers unless she also possesses lawful power in the kingdom.

Next, great dangers surround an infant king; and many make use of his age for wrongdoing, many attempt novelties. In this necessity

[Printed page 66]

no one is more sagacious than the mother, no one more faithful to the son, especially since the son's danger will also drag the mother with it. And the practice of the noblest kingdoms possesses this rule. France does not allow women to be heirs of the kingdom, nor does almost any part of Germany. Nevertheless, queen mothers and princely matrons in Germany, as the most loving guardians and helpers of their sons, are always held in chief honor and consulted concerning public business. I judge that this is done most prudently for many reasons.

For first, it is a decree of divine law that a son should honor his mother. Therefore to approach her, seek counsel, and admit her into participation in affairs is consonant with the bond and obligation of nature. For whom will the prince trust if he does not trust his mother, by whose pain he was born, from whose breasts he hung, and whose safety rests upon the preservation of her son?

Next, it is useful to none of the administrators that the mother should be separated from the administration of affairs. The prince will soon grow to adolescence and recognize the authors of that alienation. He will either disdain the ministers or certainly cast them away when they are detected in some error. Nor will errors be lacking among many; and if they are lacking, nevertheless they will not escape denunciations. Meanwhile the mother will be reconciled with her son; they themselves will pay the penalties of their ill-considered rashness.

But if they possess the prince's mother as conscious of and authorizing their business, their accounting will not be difficult with such an advocate, nor, in an offense, their pardon with such an intercessor. Therefore it is advantageous to all that authority should remain with the mothers of princes.

§ 7. Second, I approve the government of a woman when, according to the laws of the kingdom, she herself is the heir. For if a farm or castle ought not to be taken from a woman because she is a woman, neither, therefore, should a kingdom, unless by the laws of the kingdom the inferior sex is barred from the scepter. This, nevertheless, under the condition that, with the fatherland consenting or not opposing, she should come under the laws and into the house of a husband; meanwhile, she herself should administer the state.

In this matter, the advantage of the fatherland and the integrity of religion show that two things must be observed. First, let her not love a bridegroom unwelcome or suspect to the fatherland; next, let the fatherland not obtrude upon the heir a man hateful to her. Rather, by mutual consent let them select both a good husband and a good prince. By this method the Spains grew to so great a magnitude; and the best poet begins Roman majesty from a dotal kingdom, "when an only daughter preserved so great a house."

But it is fitting that this kingdom of a woman should be brief. For there are customarily many competitors when a wife draws so great a dowry; some even advance to such shamelessness that they adorn nuptials with war and blood. For most of the wars which Francis, king of the Gauls, waged with Charles, duke of Guelders, although other causes were displayed as pretexts, tended toward this: that Charles should select for himself a son-in-law from the princes of Gaul. This was so much the case that at times the king himself and Charles were ignorant of the true and inward cause of the war, as Commynes, a most prudent counselor of kings, left in writing.

§ 8. Third, I approve it if the matron is of proven constancy, piety, and prudence, of royal lineage, and possesses the favor of the common crowd and the nobles, especially if otherwise seditions and the promotions of unworthy persons are feared. Pulcheria assuredly preserved the commonwealth while her brother was alive and vindicated it excellently after he died, calling Marcian, a man both brave and just, into partnership.

§ 9. The crimes of women in administering governments which political writers enumerate provide insufficient cause for us to bar all women from public affairs. Jezebel was impious, Athaliah cruel. Laodice, the wife of the Cappadocian,

was the murderess of six sons born from herself, much more savage than Medea. Cleopatra was wanton and savage toward her brother. Messalina, Faustina, and Fredegund were monstrous harlots; for these royal women are adduced.

But if we employ that argument, we should not judge even men to have the right to command; they have sinned more often and in more things. Against one Jezebel I set Ahab together with all the apostate kings of Israel; against Athaliah, Abimelech, who killed all his brothers, seventy men, upon one stone. They are indignant that Laodice was savage toward her sons; the Turks do this daily, for they are not ignorant of the law and custom by which they decree government for one and death for the others.

We deny that Messalina, Faustina, and Fredegund commanded. They were powerful harlots and poisoners, and they employed male administrators no better than themselves. Nero surpassed Messalina; Commodus, his mother Faustina. We certainly can recount excellent heroines and bring forward women constant beyond manly strength.

The first is Jael, wife of Heber the Kenite, blessed in her tent. She gave milk to him who sought water and offered butter in the bowl of princes. She put her left hand to the nail and her right hand to the workman's hammers, struck Sisera, and sought a place for the wound in his head. The second is Deborah, who judged the people, for all Israel ascended to her for every judgment. Judges 4 and 5: "Arise, arise, Deborah; arise, arise, and speak a canticle. The remnants of the people were saved; the Lord contended among the brave. The leaders of Issachar were with Deborah and followed the tracks of Barak, who exposed himself to danger as though plunging headlong into an abyss."

I would not even exclude from the kingdom that wise woman who settled a most grievous sedition through her eloquence, 2 Kings 20. For she went out to the people and spoke wisely to them, and they cut off the head of Sheba, son of Bichri, and cast it to Joab. She furnished more than victory itself, more than David's bravest army. The histories of Judith and Esther also are known; I hasten to others: Mamaea, the mother of Alexander; Placidia; Pulcheria; finally Matilda, who, although of unequal power, nevertheless with the highest constancy, fidelity, piety, and prudence defended Italy and the Church against the most powerful kings.

I add to them Isabella, wife of Ferdinand; Irene Augusta; and especially Libussa, queen of the Bohemians, whose government was peaceful, just, and brave. Then she lost the kingdom not through sloth or tyranny but by making a correct judgment for the people, as Aeneas Silvius relates. Two of the best men were contending before her concerning possession of fields. A sentence was pronounced from goodness and equity: the more powerful was condemned in favor of the humbler. He, as if it were an injury for the more powerful man to succumb in a trial, appealed to the people and said that it was dishonorable and unworthy that so great a people, so many nobles, and so great a government should be subject to the judgment of one woman.

The multitude, stirred by his voice, began to accuse government by a woman, to bring forward the customs of neighboring nations, and to seek a man who would rule over them. Libussa, after ordering silence, said that she had perceived the desire of the people and would not frustrate them in it; after her father's death she had held government for her subjects, not for herself. She ordered them to return on the following day. They obeyed; they departed and returned.

When Libussa saw in the assembly that the multitude was present, she said: "Bohemians, down to this day I have commanded you peacefully and gently, as is the custom of women. I have taken from no one what was his; I have injured no one. You have experienced a mother, not a mistress. But my government is unacceptable to you. You act with me according to the custom of human disposition: nothing pleases a human being for long. Peoples desire a pious and just prince more readily than they endure one.

"Be free, therefore, by my judgment. I shall give you a man who will be over you and judge your heads according to his own decision, as you wished. Go, saddle my white horse and lead it into a broad, open field; release it there free and unbridled, following it wherever it goes. The horse will run for some

time; finally it will halt before a man eating upon an iron table. He will be my husband and your prince."

The speech was pleasing to the assembly. The released horse traversed ten thousand paces. At last it halted beside the river Biela before a plowman named Primislaus. The nobles and people, reassured after they saw the horse standing and caressing and fawning upon the plowman, came nearer and said: "Hail, good man, whom the gods have given us as prince. Unyoke the oxen, mount the horse, and come with us. Libussa seeks you as husband, Bohemia as leader." Primislaus, although rustic, received the messengers kindly and answered that he would do what was asked. Thus the most learned man relates it most briefly from Silvius.

But if the rationale of those who admit women also into the hope and inheritance of the kingdom does not yet please, let them assuredly hear of many other reigns by no means to be regretted. Semiramis augmented Babylon. Tomyris propagated the bounds of her government widely and--what is a distinguished glory--satiated the slain Cyrus with blood. Rhodogune vindicated her fatherland; and the kings of the Persians, delighted by her valor, stamped coins with an image of Rhodogune startled, her hair loosened and blowing. For when she heard of the defection of her people while she was washing, she set out against the rebels without drying her hair and even bound herself by an oath that she would not wash her hair unless victory over the enemies had been carried back.

Zarina, queen of the Sacae, by prudence and clemency led her nation toward a gentler and more humane cultivation and founded many cities. So great was her glory among her own people that the Parthians defected from the Medes to her, a distinguished commendation of government by a woman. For they preferred her justice and humanity to the insolence of the Medes and judged that so great was the strength in a woman that they did not doubt they could be defended by her against their former lords.

With how great valor did Blanche, queen of France and mother of St. Louis, both administer the kingdom and educate her son? Margaret, queen of England and wife of Henry VI, when her husband's zeal for quiet withdrew his mind from public affairs, administered all things in peace and war as an equal to great kings. She restored Henry, captured by conspirators, to liberty by war; expelled from the kingdom, with an indefatigable spirit she sought it again three times with a fleet.

The Poles, bravest of peoples, conferred government upon the heroine Wanda. Since she said, "I prefer to be a prince rather than the wife of a prince," she lived unmarried and triumphed over the Marcomanni. What people is fiercer, what people more arrogant, than the Lombards? Nevertheless, when Authari died and, as occurs, they divided into factions concerning the successor and sedition and civil war began to grow, they conferred government upon Theodelinda of Bavaria, Authari's wife, under this law: that whomever she chose as husband, the entire nation would also venerate as king. Thus it was done. She named Agilulf, and from his government that nation began to be more cultivated and humane.

And these things suffice concerning the first causes of the commonwealth--efficient cause, matter, and form. Now let us treat of the end.

CHAPTER XXVII

That Majesty Shines Forth in All These Forms

§ 1. In all these forms shines forth human majesty, but one of divine origin and nearest to God. For it--as they are accustomed to speak--is either real or personal. The former endures together with the kingdom, even when there is an interregnum; the latter, attached to persons, shines forth now in one, now in several, whether in a king, the best men, or the people. But wherever government exists, there is care for another's safety. Oppian, book 5 of the *Halieutica*, names kings "ὀλύμπια τείχεα γαίης," "the heavenly walls of the earth." See Augustine, *The City of God*, book 19, chapter 15. For government undertakes that all are to be defended, whether its reign extends widely or its city bounds are narrow. Alexander used to say that the world was one city and that his camp was its citadel.

By real majesty the kingdom is constituted, and its fundamental laws are confirmed by common consent. Personal majesty is the power of governing and disposing all things. Hence there is something admirable and beyond nature when all obey one or a few, as Tolosanus and Lipsius rightly teach. Thus also *Fasti* 5:

"Hence Majesty was born, who tempers the whole world,

and on the day she was brought forth, she was great."

Hence the crime of injured majesty is the gravest among all, because it is against the greatest thing and against all.

§ 2. The rights of majesty are: to give laws, not receive them; to dispense contrary to the laws; to defend the fatherland; to administer the highest affairs; to judge all and be judged by no one. Majesty is the right or power itself from which all these so great effects flow.

The regalia are the effects of majesty, or rights consequent upon majesty, among which many number being released from the laws, as Bocer, book 1 *On Regalia*, §2, and Arnisaeus, book 2 *On the Right of Majesty*, number 1. They all arise from the supreme power of commanding, which contains both lawgiving and judging.

§ 3. They distinguish the regalia into greater and lesser. They call the former rights of dignity and the latter rights of utility or of the fisc. Not rightly; for those of the fisc contain all the defenses and sinews of power. Without them majesty is either nothing or precarious. Thus they are not lesser but great, often greater than those which are called rights of dignity.

Joachim Stephani, book 3 *On Jurisdiction*, chapter 8, §2, says that the regalia consist in "αὐτεξουσία & δεσποτεία." This is confusedly said and not truly. For we do not acknowledge "δεσποτείαν" in a moderate government. If we speak properly, it is the name of a private person; if broadly, it is power itself. Next, "αὐτεξουσία" is each person's free judgment, which is supreme in the supreme prince--but "νόμιμον," or lawful; otherwise it is unjust.

But I would not wish that name to be abused in this matter, lest the will of the prince be judged justice. Those things assist royal dogs--parasites who are destroyers of kingdoms--excessively.

§ 4. The regalia which are customarily given to lesser princes in a kingdom are called so improperly, for they are "ἀπόρρωγες," or offshoots, and communications of rights similar to supreme right. The highest right of princes under a king in Germany is to promulgate edicts and establish laws. Therefore what Fachinaeus, Bocer, Camman, and others refer among the things reserved to supreme majesty is false.

It belongs to the same authority to establish new laws and to approve or repeal old ones. Bodin, book 1 of the *Politics*, number 94. But, as I said, not only an evident advantage but a certain necessity ought to exist for departing from that which has long seemed equitable. Law 2, *On the Constitutions of Princes*. Every most factious person learns to dispute all laws when he sees that what was long held sacred is repudiated.

ADAM CONTZEN

TEN BOOKS OF POLITICS

BOOK TWO

On Religion to Be Maintained in the Commonwealth

CONTENTS

Chapter I. The Connection and Order of the Two Following Books . . . 3

Chapter II. The End of the Commonwealth Is Its Happiness . . . 4

Chapter III. That Virtue Must Necessarily Be Cultivated in the Commonwealth . . . 9

Chapter IV. Machiavelli's Impious Doctrine Is Refuted . . . 12

Chapter V. That the Commonwealth Cannot Be Governed without True Virtue and Piety Is Taught from Sacred Scripture . . . 16

Chapter VI. All Holy Men Estimated the Happiness of the Commonwealth from Virtue . . . 21

Chapter VII. That Pious Princes Agree with the Holy Fathers . . . 25

Chapter VIII. It Is Taught by Testimonies of the Civil Law That Religion Must Be Cultivated Seriously in the Commonwealth . . . 26

Chapter IX. By the Judgment of Impious Human Beings, All Private and Public Happiness Comes from Virtue . . . 31

Chapter X. From the Nature of Virtue We Are Taught That It Is Necessary to the Commonwealth . . . 33

Chapter XI. Friendship and Concord Cannot Exist without Virtue . . . 34

Chapter XII. Examples Teach That Things Turned Out Unhappily for the Impious and Prosperously for the Good . . . 36

Chapter XIII. That the Simulation of Virtue, and Especially of Religion, Is Harmful to the Commonwealth . . . 38

Chapter XIV. Superstition Must Be Removed from the Commonwealth . . . 46

Chapter XV. Machiavelli's Imprudence and Superstition Demonstrated . . . 60

Chapter XVI. The Prince Must Establish Nothing in Religion . . . 68

Chapter XVII. The Method of Preserving True Religion . . . 71

Chapter XVIII. The Method of Restoring True Religion . . . 77

Chapter XIX. Other Lesser Aids for Restoring True Religion . . . 86

CHAPTER I

The Connection and Order of the Two Following Books

ON RELIGION TO BE MAINTAINED IN THE COMMONWEALTH

§ 1. In the first book we treated of God, the principal cause of the commonwealth, from whom all power comes and in whom it terminates; of the human beings from whom that political body is fitted together as though from its members, and is moved and acts; and likewise of its manifold form. Now a discourse must be undertaken concerning the cause which is first in the mind of the agent and last in the execution of the work--namely, concerning the end of the commonwealth. Since that end consists in the exercise of virtue and the contemplation of what is honorable, we must hereafter speak concerning the virtues of magistrates and subjects. But since true faith in God is the foundation of all virtues, I shall treat principally of it in the second book, and of the others in the third book.

Although that doctrine might seem to pertain to individuals rather than to the commonwealth, nevertheless, mindful of my undertaking, I shall accommodate all the precepts of the virtues to the formation of magistrates and of subjects insofar as they are citizens and members of a great body, so that it may be wholly evident to all by what things the majesty of governments has grown, and by what things it has been afflicted and given over to destruction.

CHAPTER II

The End of the Commonwealth Is Its Happiness

§ 1. The happiness of individual human beings and of the whole commonwealth is the end. All seek this; in this are all the things that make one happy. There can be many who do not seek to be rich, kings, or brave; there is no one who wishes to be wretched or does not wish to be happy. The ancients believed Happiness to be a goddess--almost truly, for Lucullus was the first to establish a temple for her. But no one who worships the gifts of God in place of God can be happy.

§ 2. All therefore seek to be happy; but in what thing does happiness consist? For if it consists in riches, pleasures, freedom from pain, or honors, the commonwealth must be directed toward those goods; if in virtue, the minds of human beings must be exercised toward this. The commonwealth must therefore stand or fall with this judgment. For **τὸ τέλος**, "the end," is the target, cynosure, and norm by which all public and private plans are directed. What must be sought so greatly in life as what its end is--what is the final and ultimate thing to which all counsels for living well and acting rightly must be referred? Seneca, Epistle 71: "Whenever you wish to know what must be avoided or what must be sought, look to the highest good and the purpose of your whole life. For whatever we do ought to agree with it. No one will arrange individual things unless the sum of his life has already been set before him. No one, although he has his colors prepared, will reproduce a likeness unless it is already settled what he wishes to paint. We err for this reason: we all deliberate about the parts of life, but no one about the whole. He who wishes to shoot an arrow ought to know what he seeks, and then direct and govern the missile with his hand."

Since these things possess the greatest force in private life, they possess so much the greater force in the commonwealth as the fall of great bodies is more serious. For if some Epicurean or Aristippean should set an end for the city, all will be dissolved into pleasures; they will become Sicyonians, Sybarites, and Babylonians. They will overthrow everything honorable and, finally, the commonwealth itself.

It is indeed untimely now to pursue the opinions of the ancient philosophers. For who is now so mad as to place the highest good in pleasure or riches, although he lives in such a way that he seems to acknowledge no good besides feeding and lust?

I leave these things to the philosophers in their thinking-shops. I deny that anyone who refers all things to his own advantage and pleasure can be a statesman; I affirm that he cannot be a good citizen. He will not protect right, he will not rescue an innocent person from punishment, he will not offer food to one perishing from hunger, much less will he put on arms or descend into the arena except for the sake of pleasure. Such savagery and brutish folly will remove from the midst every association of the human race and civil fellowship.

§ 3. More humane, and in a certain manner more cunning, is the reasoning of others who think that commanding is a great part of happiness, and therefore that government exists for its own sake. Dionysius indeed substituted the schoolmaster's rod for the scepter at Corinth and, lest he should not command, sought a scholastic kingdom. Caesar's mind was no different: he preferred to be first in an Alpine town rather than second at Rome. But not even that error is tolerable, as St. Augustine rightly says in book 5 of *The City of God*, chapter 24:

"For we do not call certain Christian emperors happy for the reason that they either ruled longer, or left sons ruling after a peaceful death, or subdued enemies of the commonwealth, or were able both to guard against and to crush hostile citizens rising against them. For certain worshipers of demons, who do not belong to the kingdom of God to which these men belong, deserved to receive these and other gifts or consolations of this wretched life. And this was done by his mercy, lest those who believed in him should desire such things as though they were the highest goods.

"But we call them happy if they rule justly; if, amid the tongues of those who honor them sublimely and the exceedingly humble services of those who salute them, they are not exalted, but remember that they are human beings."

§ 4. If we also weigh the matter by human reason, this readily occurs: kingship is not the ability to command, but a duty. For neither does the principate exist for its own sake, nor is the prince an end to himself; rather, the supreme good of both is the safety and protection of peoples. No prudent person will have thought that so many thousands of cities and peoples which obey the king of the Spains exist for his sake, but that the king exists for the peoples, and that the king's duty is to provide for the safety of all and to remedy the evils of all.

Therefore, since servitude exists not for its own sake but for the sake of the master, and kingship is servitude, it does not exist for its own sake. Thus Antigonus most prudently said to his son when he was conducting himself rather insolently and fiercely: "Know, my son, that our kingship is a splendid servitude." There is also the royal utterance of Sopater to his brother Demetrius in Stobaeus, Sermon 44: "See that you are worthy of government, not by the condition of the commonwealth, but by excellence of virtue and devotion toward your subjects. Those whom previously you did not acknowledge, and whom you thought pertained to you no more than any human being does by the common nature of all, once made prince you ought to revere as now known and familiar."

Would that all kings, in imitation of Moses, the mildest of human beings upon earth, loved their own people. Numbers 11:11: "And he said to the Lord: Why have you afflicted your servant? Why do I not find favor before you? And why have you placed the weight of this whole people upon me? Did I conceive all this multitude, or beget it, that you should say to me: Carry them in your bosom, as a nurse is accustomed to carry an infant, and bear them into the land concerning which you swore to their fathers?" Moses, established as prince by God, is oppressed by the weight of the people, and God shows how capacious the bosom of princely clemency ought to be. "Carry it," God says; "carry it as a nurse, solicitously, gently, as one who will render an account to me, the parent." To that sense another also rightly said: "A good king is a public servant." And Antoninus the Philosopher received royal adoption sadly, not ignorant how many cares and dangers one headband bound together.

Therefore happiness in kingship exists only in opinion; and when opinion deceives, it removes all happiness, for error makes people wretched. If we also believe those with experience, we shall discover that magistracy is not even to be desired. "The inexperienced man seeks great power; the experienced man hates it," Pompey used to say. But if he had not hated it too late, he himself and his sons, after nations had been triumphed over, would not have made expiation by so pitiable a death.

I would scarcely believe Themistocles if, endowed with the highest talent, he could not have condemned his own ambition. He used to declare that he preferred to go to the tomb rather than to the tribunal (Aelian, book 6). It is assuredly a great servitude; but because it is splendid and honored, it is loved, especially because insults are feared in private life.

§ 5. So great a labor and care, therefore, belongs not to one who is happy but to one who is busy. Seleucus used to say: "If the common crowd knew how laborious it is merely to read and write so many letters, it would not judge the diadem worth lifting even from the ground." It is beautiful, I confess, to admit into one's mind the care of the whole commonwealth, to undertake the destinies of a people, and, in a certain manner forgetful of oneself, to live for nations; to receive innumerable reports from every direction and send out as many commands; to think about so many cities, nations, and provinces; to endure anxieties all nights and days and to take thought for the safety of all. This is beautiful; it is not happy. For happiness is not laborious, is not anxious, does not expend itself upon the advantages of others, but accomplishes whatever it does without any vexation.

Antiochus had this consolation for his defeat: when conquered by the Romans and ordered to reign within Taurus, he declared that he would be freed from a great care because he had been enclosed within modest boundaries of a kingdom. Henry VII, son of Frederick II, applied himself continually to affairs and remembered to take food only late.

When admonished that he should have regard for his strength and health, he answered: “For a private person, every time is a time for food when he wishes or is accustomed; but for a king, if he does not renounce his name, only that time in which he is free.”

Alfonso, king of Aragon, experienced this; for when an old man pressed upon him rather importunately during dinner, he said that asses were happier than kings: “For while they eat, their drivers take the packsaddles from them; but this old man places one upon me while I dine.” Tiberius testified that he was a servant--with a feigned mind, but with an utterance to be emulated by good kings: “I have said both now frequently and at other times, Conscript Fathers, that a good and salutary prince, whom you have furnished with so great and so free a power, ought to serve the senate and all citizens, often and generally even individuals; nor do I repent of having said it.” Tiberius said it but did not do it. Charles V both said it and added weight to his words; for by deed he showed what kingship was. Lord of as many kingdoms as others scarcely are of cities, he wished to die a private person; and when he transferred the Belgian provinces to his son Philip, he said: “O son, I place a great burden upon you. For throughout the whole time of my principate I never had a quarter of an hour free from great cares and anxieties.”

Therefore, if he is an emperor in the true sense of the name, if he weighs his duty not merely in appearance and name, and if he considers not the purple, scepter, and diadem but the affair of the people, he is never his own, always the commonwealth’s, and often even the property of individuals. Rudolf I accomplished this excellently, as he did many other things. For when he saw poorer persons being kept away by his attendants, he exclaimed: “By God, permit human beings to come to me; for I was not called to government so that I might be shut up in a little chest.”

§ 6. Those occupations are grave and troublesome; nevertheless, because they are mingled with the sweetness of commanding and the enticement of the highest honor, they are loved by the frivolous and tolerated by the serious, and therefore are thought to hinder happiness less. But if princes should look upon the dangers and evils, they will confess themselves most wretched. This is indeed accustomed to happen to wicked princes; for because they lay aside the care of the commonwealth, they are oppressed by fear. Indeed, as perpetual labor exercises the good prince, so fear--a worse evil than labor--exercises the wicked one.

Hear the oracle of a wise man fleeing government (Vopiscus, *Proculus*): “You do not know, friends, what an evil it is to rule. Naked swords hang over our necks; spears threaten from every direction, missiles from every direction. The guards themselves are feared; the companions themselves are dreaded. Food is not taken for pleasure, a journey not for authority, wars not according to judgment, arms not according to devotion. Add that every age in government is criticized. Someone is old: he is judged incapable; but if he is not, madness is within him. For because you desire me as emperor, you draw me into the necessity of death. But I have a consolation for death: I shall not be able to perish alone.”

§ 7. What furies, what torments shall we believe tore apart the mind of Heliogabalus? Aelius Lampridius writes thus concerning him: “And it had been predicted to him by Syrian priests that he would die a violent death. He had therefore prepared cords entwined with purple, silk, and scarlet, with which, if necessary, he might end his life by a noose. He had also prepared golden swords with which he might kill himself if some violence pressed him. He had also prepared poisons in thunderstones, hyacinths, and emeralds, with which he might destroy himself if anything more grievous threatened. He had also made a very high tower, with gold and jeweled tablets laid beneath it before him, from which he might cast himself down, saying that even

[Printed page 70]

“his death ought to be precious and in keeping with the appearance of luxury, so that it might be said that no one had perished in such a manner. But those things availed nothing. For, as we have said, he was killed by buffoons and dragged most foully through the streets. This was the end of the name of the Antonines in the commonwealth, since all knew that this Antoninus had been as false in life as in name.”

If anyone, seeing him swimming either among roses or in pools of perfumes, thinks that he was happy, he is no less mad than the gladiator himself. He certainly was not secure, although security in the possession of good is the first portion of happiness. If he knows the dangers that threaten, he is anxious; if he is ignorant of them, he is foolish; nowhere is he happy. Therefore the flattery that is in the open will not inflate a wise king, but the envy that is always hidden, and the conspiracy that must always be feared, will restrain him with salutary fear.

§ 8. What, therefore, is the happiness that is the end of the commonwealth and, as they say, the highest good? I answer:

The end of the commonwealth is the highest good, the public good, the civil and human happiness of all and of individuals, consisting in acts of virtue; also divine happiness, toward which human happiness tends and without which human happiness is scarcely obtained. To these I add external order, peace or the defenses of war, an abundance of resources, and a copious supply of provisions. Since individuals do not suffice for themselves, they unite into one so that they may live honorably, peacefully, easily, and abundantly. Aristotle describes the public good to us no differently: "Εστὶ δὲ πολιτικὸν ἀγαθὸν τὸ δίκαιον. Τοῦτο δὲ ἐστὶ τὸ κοινῇ συμφέρον." "The civil good is right, or what is just; for this is suitable to all." Those words must be understood concerning a distinguished part of happiness; for generally, where administration is just, the commonwealth flourishes most greatly.

Moreover, the same Aristotle, book 7 of the *Politics*, chapter 2, affirms that the happiness of each individual human being and of the city is the same. His words are: "Whether the happiness of each individual human being and of the city must be said to be the same or not remains for us to explain. But this too is readily apparent. For all would grant with one voice that it is the same. For whoever places living well for one human being in riches also declares a city happy if it is wealthy and abundant; and whoever places the tyrannical life before all others also pronounces the city that commands the most people the happiest; and if anyone especially admires and approves an individual on account of virtue, he will also have said that the more adorned with virtue a city is, the happier it is.

"But there are now two things that need consideration: one, whether that life is more desirable which is passed in participation in the administration of the commonwealth and the city, or rather the private life of a foreigner, segregated and released from civil society; the other, what form of administering the commonwealth and what disposition--or ordering or, so to speak, arrangement--of the city must be judged best, whether participation in civil society is desirable and to be sought by all, or by some not at all but nevertheless by most."

And in chapter 3 he says that **εὐδαιμονίαν** is **πρᾶξιν**, "that happiness is action," and finally concludes that the same life is the best end for each individual human being and for the whole commonwealth.

§ 9. Nevertheless, I propose that two things be observed here. The first is that the happiness which we define is very imperfect, scarcely to be designated by the name of happiness; for it is both inconstant and insincere, contaminated by the intervention and mixture of many evils. It is rather the way to true happiness; nevertheless, he who is upon the way of happiness is also called happy. Thus the royal prophet also pronounces: "Blessed is the man who has not gone away in the counsel of the impious, and has not stood in the way of sinners, and has not sat in the chair of pestilence, but his will is in the law of the Lord." Yet that happiness does not consist in the goods of pleasures, resources, and honors, which call the mind away from the good and do not lead it to the end.

The second admonition is that I join to happiness begun, or to the actions of the virtues, peace, resources, fortifications, and dignity--not as though people could not be happy without these things. Certainly the poor, the afflicted, and the martyrs have been happier through contempt for and loss of these things. But because these things are sought in the commonwealth, and are preserved well and with virtue--for that fortitude by which people can sustain calamities gladly and willingly belongs to few--the safety of all must therefore be pursued. Although the Stoics deny that soundness of limbs, health, strength, honors, and resources are goods, nevertheless the holy Fathers also number these things among the good gifts of God, which ought both to be sought and to be causes for thanksgiving. For it is permissible to use these as defenses toward true happiness; but when they are absent, the wretched are often cast headlong into crimes through need.

This, therefore, is the political end; yet it tends farther and searches out a richer happiness--namely, heavenly happiness. For the earthly city was established by God for this purpose: that it might transfer its citizens to the heavenly city. Hence it comes about that the earthly commonwealth ought not to be separated from the Church, but that there ought to be the highest conjunction of both. Nor will anyone obtain natural good and the moral virtues without the assistance of more divine grace.

Let no one teach that this can be done; it has not hitherto been done. All things were full of vices and crimes wherever the grace of God was not acknowledged. The Christian religion teaches us that without a special influx of divine goodness, one can neither arrive at perfect virtues, even human and moral ones, nor avoid sins for long. Aristotle himself, book 1 of the *Ethics*, chapter 9, and the final book, final chapter, taught that attaining the virtues is a divine gift. But we shall treat of that matter afterward in its own place. Now let us establish this with Aristotle, book 7 of the *Politics*, chapter 18: "Εὐδαιμονίαν εἶναι ἐνέργειαν καὶ χρῆσιν ἀρετῆς τελείας." Happiness is action and the use of perfect virtue, with those aids added which conduce publicly to virtue.

CHAPTER III

That Virtue Must Necessarily Be Cultivated in the Commonwealth

§ 1. Let no one attempt to remove virtue from the commonwealth. It is an arduous thing; a narrow path leads to it; it has need of a spirited guide and teacher. Vices are learned without a master, and they drag those prone to them down the slope. I commend virtue, as the supreme treasure of the commonwealth, to kings, aristocrats, and the people. Virtue regulates kingdoms, cities, and provinces; it bears laws; it cultivates friendships; it distributes duties among relatives and children. Let princes and the people pursue virtue, but especially the prince, whose virtue has three distinguishing marks: for it both benefits the greatest number, is most conspicuous, and instructs, preserves, and corrects the commonwealth by example, not merely by deed.

No one is ignorant that it benefits the greatest number, since we read that great vices joined with supreme power have destroyed the world, and that all have been restored by the virtue of one good prince. For what floods, fires, famines, and pestilences are, wicked magistrates are; and just as provinces are compelled to endure storms and public brigandage, so too the losses caused by evil princes.

[Printed page 71]

But what fertility of the earth is, what a favorable wind is to the sea, what the sun is to the world, this a prince endowed with virtue provides to the commonwealth. He speaks thus with himself: “Of all mortals I have found favor and been chosen to discharge the office of the gods--of God--upon earth. I am the arbiter of life and death for nations; what condition and lot each person has is placed in my hand. I shall therefore do this: harm no one, benefit all. The fatherland is a sacred thing; to harm it is sacrilege. But he harms the fatherland who injures individuals; and he who possesses power in the fatherland but does not aid individuals does not use his power rightly.”

§ 2. But the principal glory of princes lies in example. The most faithful manner of giving precepts is to teach by examples; for virtue is shown by example, not recommended. The heliotrope and certain other plants are bent toward the movement of the sun by continual turning, and the people, intent upon the morals of princes and aristocrats, are drawn by their example. But they are drawn more powerfully when there is a departure from virtue, because enticements coming from so great an authority do not bring shame with them but wipe it away from those who possess it. Nazianzen truly said: “Subjects imitate the vices of their governors more readily than their virtues.” Accordingly, this too is true: princes harm more by example than by sin. For camps are accustomed to be very like their king; and because those who pursue a contrary life seem to condemn the deeds of magistrates, magnates sin most dangerously, since their crimes are born for the ruin of others. Therefore a good prince is exceedingly praiseworthy, whose condition is such that right deeds possess a double reward from the edification of others, and offenses a greater punishment from the corruption of subjects.

Yet the citizen is not to be excused, although the prince has supplied examples by his vices, although the commonwealth, wounded by another’s deed, has rushed headlong into vices. For he too, because he is a member, is burdensome by his disease not to himself alone, but makes the whole commonwealth worse and infects his neighbors by the contagion of his corruption. And although a disease that descends from the head is more serious, nevertheless that which clings to the members is often more troublesome. We see daily how private and foreign vices increase and spring up in the commonwealth. Nothing can be opposed to these more powerfully than the examples of magnates and of citizens of greater standing, which are stronger than punishments and laws. Moreover, the same change that is accustomed to occur in the prince follows in the people, but more swiftly when it is toward evil.

Next, it is highly fitting that princes and the whole commonwealth labor at this: that they struggle toward virtue especially when placed between contrary vices. For unless the prince’s diligence and the severity of the

commonwealth oppose them, custom, like a torrent, will abandon the whole people to the open field of vices. There are often atheists, impious persons, dissemblers, and the ambitious in courts; the prince must therefore take all the greater care lest he become worse through their company. For he who perseveres as good among the wicked must be exceptionally good.

§ 3. I am ashamed to say it, yet it must not be kept silent: in the courts of Christian princes there are often such corruptions that purveyors of vices and peddlers of lust, drunkenness, and vanity seem to have established their seat in them. How often have I heard courtiers complain that they could not tolerate that life any longer, that by the continual practice of drinking their strength was buried, their intellect diluted, and their death hastened--and they drank, and drank down a great cohort of weariness and fevers. This is the supreme evil in courts: that their examples flow out among the common people. At public assemblies a law necessary for the Germans was passed against pledging drinks and compelling men to equal draughts. It could have been observed, but at its first utterance it was crushed by the license of the court, and thereafter employed only in mockery.

Would that what Tacitus says of Roman morals did not apply to our commonwealth: “Modesty is scarcely retained amid honorable pursuits, much less is anything of upright morality preserved amid contests of vices.”

§ 4. The first care of the commonwealth ought also to be divine worship, because it is under one God and can be corrected by him alone. If it publicly repudiates reverence, fear, and love for him, there is nothing by which it may be brought onto the way; it reckons it of little importance that it is vicious if it thinks sin will go unpunished. Nor has any other thing destroyed the highest powers more than liberty to sin. In a private person, poverty, fear of the laws, an accuser at hand, and a mocking neighbor restrain and curb this liberty; in magistrates, unless it is checked by reverence for God, it will burst forth into public disgraces. Therefore, under God alone as judge of the contest and judge, they stand before him who regards

> The settled law and divine right of the mind, and the holy recesses
>
> Of the soul, and the heart steeped in noble honor.
>
> This I bid them bring to the temples, and they will sacrifice acceptably with meal.

For the divine power demands not ceremonies but the purity of an undefiled heart. The mind of that man, cultivated more by eloquence than by life, also acknowledged this when he said:

> The heavenly powers rejoice not in a slaughtered ox,
>
> But in faith, which must be displayed even without a witness.

§ 5. Fourth, if we seek the end, it lies in virtue while we live, and in the reward of virtue while we die--or rather, while we pass to immortality. If the commonwealth neglects this, it runs beside the way and indeed labors, but falls away from the fruit of its labor; finally, troublesome to itself and dashed against itself, it will either be crushed by its own vices or yield to an external enemy into servitude. This was the outcome of all--of all, I say--commonwealths, when evil morals brought the laws under their power, when laws without efficacy were fastened to the wall, while evil morals insulted those wretched laws and, with their standard raised and in square battle formation, entered the citadel of liberty.

§ 6. Finally, the natural judgment of our conscience impels us to embrace virtue and flee vice. For no good work is ever deprived of its most pleasant fruit, nor is a crime committed without a savage bite; for only after its commission is its magnitude and atrocity understood. The sorrowful thought of duty violated in any manner torments and reproaches the mind; approval of justice and honor preserved raises it up with quiet and joy and kindles it toward better things. Nor can this be torn away from the impious without its always striking with a muffled lash, so much so that it ravages and afflicts not only the mind but the body besides.

Those testimonies are greater than every exception for everyone, because each person announces them to himself, each speaks thus to himself and feels himself convicted. Seneca speaks truly in Epistle 105: “A great portion of security is to do nothing unjustly. The uncontrolled lead a confused and disturbed life; they fear as much as they harm, and are at leisure at no time. For when they have acted they tremble, they remain fixed; conscience does not permit them to do anything else and continually forces them to look back upon themselves. Whoever expects punishment suffers it; and whoever has deserved it expects it. Some circumstance affords safety amid a bad conscience, but none affords security. For even if he is not detected, he thinks that he can be detected; he is disturbed among his dreams, and whenever he speaks of someone’s crime, he thinks of his own.

[Printed page 72]

“It does not seem sufficiently effaced to him, nor sufficiently concealed. The guilty man has sometimes had the good fortune of lying hidden, never the assurance.”

§ 7. Crimes can therefore be safe from a human being, but cannot be secure; from God, however, they cannot even be safe. Epicurus himself, amid his cups, perceives that force. Thus he writes to Menoeceus: **οὐκ ἔστι τὸν λάθρᾳ τι ποιοῦντα πιστεύειν ὅτι λήσει, κἂν μυριάκις ἐπὶ τοῦ παρόντος λανθάνῃ· μέχρι γὰρ καταστροφῆς ἄδηλον, εἰ καὶ λήσει.** “It is not possible for one who does something in secret to trust that he will escape notice, even if he should escape notice ten thousand times at the present; for until his destruction it is uncertain whether he will escape notice.” Seneca expresses it thus in Epistle 97: “It can befall a guilty man that he lies hidden; confidence that he will lie hidden cannot befall him.” **Οὐδεὶς οὕτως οὔτε μάρτυς ἐστὶ φοβερὸς, οὔτε κατήγορος δεινὸς, ὡς ἡ σύνεσις, ἡ κατοικοῦσα ταῖς ἑκάστων ψυχαῖς.** “No witness is so formidable, nor any accuser so vehement, as conscience dwelling in the minds of all.”

Take this away from a private person, from a senator, from a king, and you have driven them all together into an evil dwelling. Take it away from a commonwealth, and from so many nations you will make a single slaughterhouse. He therefore puts off humanity who dares deny what nature herself declares. But I desire a prince who not only does not fear himself, but even lives in public, who does not desire to lie hidden; who frequently impresses this upon himself: “What you think secret is the rumor of the people; you are the last to learn of a deed which you ought to have prevented.” Hear, prince, the counselor of a Roman prince, Seneca, Epistle 43: “Then judge yourself happy when you can live in public, when your walls cover you but do not conceal you--walls which for the most part we judge to stand around us, not so that we may live more safely, but that we may sin more secretly. I shall tell you a thing from which you may estimate our morals: you will scarcely find anyone who can live with his door open. Our conscience, not pride, has set doorkeepers before us. We so live that to be suddenly looked upon is to be detected. But what does it profit to hide oneself and avoid the eyes and ears of human beings? A good conscience summons the crowd; a bad one is anxious and troubled even in solitude. If the things you do are honorable, let all know them; if shameful, what does it matter that no one knows, when you know? O wretched you, if you despise this witness.”

Therefore cultivate virtue, whose prerogative is also this: that those who do not imitate it nevertheless admire and look up to it; that it is not removed by calamity but persists unmoved amid either fortune.

CHAPTER IV

Machiavelli's Impious Doctrine Is Refuted

§ 1. Vices have no need of a teacher, because examples always strike those they meet: every age will produce Clodiuses, not every age Catos. We are readily inclined toward worse things because neither a leader nor a companion can be lacking; indeed, the thing itself advances even without a leader and without a companion. We are not merely inclined toward vices, but headlong. Indeed, as Cyprian reproaches Demetrianus: "Amid the very adversities in which the soul, constricted and hemmed in, scarcely breathes, you have leisure to be evil and, amid dangers so great, to judge not yourself so much as another. You are indignant that God is indignant, as though by living badly you merited something good, as though he did not still permit all those things that happen to be less and lighter than your sins."

But this is a peculiar evil of our age: to possess a public teacher of vices, one celebrated besides with the morals of many voting in his favor. He is Machiavelli. He so instructs a prince toward virtue that he nevertheless also permits vices and sets them before the virtues as though more useful to a kingdom. Let us therefore hear him. In *The Prince*, chapter 15, he says: "I know that no one will fail to confess that it would be a thing celebrated with the highest praises if a prince were adorned with all those qualities which, from what has already been said, are considered good. But since they can neither be possessed nor, because the condition of human life opposes it, preserved, it is necessary for him to employ that prudence by which he may flee the infamy of those vices through which his government could be taken away from him. Let him also beware, if it can be done, of those which nevertheless will not take it away; but if this cannot be accomplished, they can be disregarded with less loss. And assuredly let him not labor greatly if he incurs the infamy of those vices without which he could not easily preserve dominion. For if the matter is diligently considered everywhere in the mind, certain things will be found which are said to bear the appearance of virtue but which, if you follow them, will result in your great evil; while, on the contrary, some things will be discovered vicious in appearance which, if you assume them, will return to your security and safety."

And in chapter 16: "And again, if someone should say that many princes have existed who accomplished great things with their armies and who nevertheless excelled in that beneficence, it must be said that a prince makes expenditures either from his own goods or those of others. If the first, he ought to be sparing; if the second, it is necessary that he omit no part of liberality. Yet for a prince leading an army on campaign--which army must be sustained by booty, plunder, and tribute--and handling the possessions of others, this liberality is necessary; otherwise the soldiers would not follow him. But that which is neither yours nor your people's can be bestowed more liberally, as it is agreed was done by Cyrus, Caesar, and Alexander. For that which you expend from the goods of others does not take away your reputation but rather increases it; but loss comes to you when your own resources are consumed."

In chapter 17 he advises the prince to act so that he is feared rather than loved, and says that a prince already engaged with an army and possessing the management of a multitude must determine entirely to reckon the name of inhumanity as nothing. Accordingly, he even attributes Hannibal's achievements to that man's savage cruelty. In chapter 18 he also teaches him to deceive and dissemble.

These things are drunk in by ready ears; they were practiced of old even without a teacher. Yet they are altogether false and ruinous to the commonwealth, and we shall have to treat them rather often in this book and the following one.

§ 2. I shall now proceed against him from his own words. In chapter 9 of *Discourses on Livy*, he thinks that Romulus's deed is excused by the successful result that followed the killing of Remus. Let us establish that these things be introduced into morals, and that Machiavelli himself be killed so that his colleague may alone be secretary to the Florentine Republic. Let there also be a right to kill others, seize property, and swear falsely for the sake of a kingdom;

and let us concede these things not only to kings, but to praetors, senators, and nobles. What peace can exist in so great a disturbance of the commonwealth?

Let him himself decide the question--eloquent against himself--in chapter 17: “Unless the kings had immediately been expelled from Rome, it was necessary, as it assuredly seems to me, that the city be weakened and lose its former virtue and strength. For consider how depraved and corrupt in morals those kings already were at that time. But if the same corruption had been propagated as far as a third successor, it would readily have crept also into the people; and with them infected, the city could never have been restored and recovered its strength and virtue. But because this destruction had indeed occupied the head of the commonwealth, while the other members were not yet infected, the remaining members could, once that destructive head had been removed, be healed and the liberty acquired be preserved.

[Printed page 73]

“For it must be established as certain that a city which has grown accustomed to obey the command of a prince and in which the morals of the people are wholly depraved cannot preserve liberty for itself if it should obtain it, not even if that prince’s entire family should be extirpated; but it will continually be compelled to obey new lords, who will expel one another, while without a prince it will never subsist--unless perhaps some one citizen should arise in it whose heroic virtue and goodness preserve it for some time. But not even this could last longer than the life of him who preserves it, as we know befell the Syracusans, who at different times preserved liberty by the virtue of Dion and Timoleon, but, when these had died, returned beneath the ancient yoke of tyranny.

“But the most evident example of all is that of the Romans, who, after the Tarquins had been cast out, immediately grasped the method of preserving liberty; but after Gaius Caesar had been killed, and Gaius Caligula and Nero removed together with the whole stock of the Caesars, they were able neither to preserve liberty nor to introduce any beginning of it. The cause of so great a difference depended solely upon the fact that in the time of the Tarquins the morals of the Roman people were not corrupt, as they afterward were in the age of Gaius Caesar, Caligula, and Nero. This can be gathered even from the fact that at that time, to preserve the people’s zeal against tyranny, the oath by which they swore that they would never consent that anyone should reign at Rome sufficed. But after Gaius Caesar had been killed, neither the authority and severity of Brutus nor the legions stationed in the East could move the people to defend with a constant and firm mind the liberty which Brutus had introduced into the city in imitation of the first Brutus.

“So great a corruption had by then infected the morals of the Roman people, especially of those who had belonged to the Marian faction; and when Gaius Caesar had obtained leadership in that faction, he had won over the plebs to himself and gradually subjected them with so great an artifice that they did not feel the yoke being placed upon their necks. This example of the Romans is most suitable to the proposed disputation, but examples are also not lacking of peoples to whom the same thing that befell the Romans has occurred in our own age. For the Milanese and Neapolitans, in whatever manner they may be freed from the yoke of servitude, can never preserve liberty; and this befalls them because of the depraved and corrupt morals of all. The Milanese themselves, after Filippo Visconti had died, had obtained liberty and wished to introduce a method of preserving it, but they could not preserve it. It was therefore auspicious and fortunate for the Romans that their kings quickly began to grow insolent and to be depraved in morals; for thus it came about that they were expelled before that corruption of morals could also creep into the people. If it had infected them also, the many contentions of plebs and senate which afterward arose could not have obtained so happy an end that they profited the city rather than bringing any loss upon it.”

§ 3. Indeed, in chapter 18 he also denies that liberty can be restored to a people if it is corrupt in morals. But I conclude in like manner that a kingdom also cannot be preserved when the corruption of morals is extreme. For why can the liberty of the people not be preserved amid extreme corruption? He answers: “Because scarcely any laws can curb the extreme corruption of a people. For neither are good morals preserved in a city without good laws, nor good laws

except through people of good morals." Entirely excellent--but on behalf of truth and against his own propositions. Good laws therefore need a good guardian and a good avenger; but such is not an evil prince.

In the time of Caligula there was extreme corruption, good laws, and the worst morals; there came in addition a most shameful prince, who exhausted the treasury, killed two hundred thousand soldiers, and cut down the senate. What if he had been able to live and command longer--with need pressing, lusts increasing, and cruelty grown savage? Would he not have reduced Rome to a solitude? Vices therefore destroy the commonwealth; virtues preserve and fortify it. Let us hear the voice of nature: she will testify that vices are against God and nature, and therefore cannot subsist unless they are mingled with virtues.

Moreover, there are two kinds of sins: some are seen in the corruptions of disgraceful acts, others in deeds of doing harm. Both overturn the commonwealth by their own wickedness, but more swiftly those that are injurious to others. For since these are hateful and give offense, they necessarily violate charity, stir up enmities and wars, and commit the human race to hatred and fury. Hence therefore arises the vengeance of those injured--or flight, if vengeance is despaired of or believed likely to cost dearly. Show me a divided household or army, a city turned against itself, and you will understand that it can be preserved only by peace; but crimes are troublesome to all, often even to those whom they profit.

If therefore virtue is in exile, if all in the commonwealth are unjust, avaricious, lustful, and timid, if judgments are predatory and laws conquered, a city cannot stand amid these vices. Seneca speaks elegantly and wisely in book 2 of *On Anger*, chapter 31: "It is impious to harm the fatherland; therefore also a citizen, for he is a part of the fatherland. The parts are sacred if the whole is venerable; therefore human being is sacred to human being, for he is a citizen with you in the greater city. What if the hands should wish to harm the feet, or the eyes the hands? As all the members agree with one another because the preservation of the whole concerns each one, so human beings will spare individuals because we have been born for union. Society, however, cannot remain safe except through the love and guardianship of its parts. We would not even crush vipers and water-snakes, and any things that harm by bite or blow, if we could tame them as we can other animals, or bring it about that they should not be a danger to us or to others. Therefore we shall not harm a human being because he has sinned, but lest he sin; punishment will never be referred to the past but to the future. For it is not angry, but takes precaution. For if everyone whose nature is depraved and disposed to evil must be punished, punishment will except no one."

§ 4. Experience supports the reasoning. If vices are once admitted and approved because they are thought sometimes to have profited, they assuredly cannot be endured when they grow. In the ancient age, luxury played with water in little Rome; to have worn a gold ring, built a suburban villa, or dined for ten asses was a great thing. But afterward pearls were trodden underfoot, royal structures were cast into the sea, and the revenues of provinces were heaped together for a single dinner: thus pomp, thus plunder, thus cruelties grew. What then? Can the commonwealth remain safe even while evils so mature and so great reign? If it cannot, let them be met at their beginnings, because once strengthened they either conquer or are conquered at greater loss.

Cities and kingdoms have this property: that when they have withdrawn too far from virtue, they burst like excessively swollen bodies. Vices have this property: that they do not stand still. It is an ancient complaint that wickedness reigns, that human affairs slip toward worse things and rush into every impiety. Vices do not remain in place, but through practice and imprudence acquire confidence. Vices are needy; they are nourished only by injury to others. They advance and increase until they are crushed by divine vengeance. Since therefore nature recommends virtue and exercises her force within us to such a degree that even what we cannot or will not do we nevertheless judge to have been rightly done in others--and Juvenal truly said,

> Never will nature say one thing, wisdom another--

he therefore fights against nature and against the judgment of all wise persons who introduces crimes and the simulation of virtue into the commonwealth.

[Printed page 74]

CHAPTER V

That the Commonwealth Cannot Be Governed without True Virtue and Piety Is Taught from Sacred Scripture

§ 1. It is agreed that without a true understanding and worship of God, without religion, without justice, prudence, temperance, fortitude, and--in one word--without true, solid, and genuine virtue, no commonwealth can be happy for long, but must struggle with many seditions, wars, and disadvantages; and that it experiences these the more greatly the more it departs from virtue, but experiences lesser evils if it somehow maintains possession of certain virtues.

First let us hear God concerning this matter: the holy divinity, the God whom we believe both to exist and to be a rewarder; but those who do not believe this will experience him as avenger. Yet I maintain this: kingdoms are not always given on account of justice, since I see that the most savage of human beings have commanded; but there are only the most wretched kingdoms in which great vices rule, and kingdoms are overthrown through vices. The Lord warns the Israelites, Deuteronomy 9:4: "Do not say in your heart, when the Lord your God has destroyed them in your sight: 'Because of my justice the Lord has brought me in to possess this land,' when those nations have been destroyed because of their impiety.

"For you do not enter to possess their land because of your just deeds and the equity of your heart; rather, because they acted impiously, they were destroyed as you entered." The crimes of the Israelites were serious, so that they deserved death, much less the best of all lands; but on account of Abraham and the patriarchs, with Moses interceding, pardon and Palestine were given, while very numerous and very powerful nations were destroyed because of impiety that was now complete. For the same oracle teaches that it had not yet been completed in Abraham's time, Genesis 15:16: "But in the fourth generation they shall return here, for the iniquities of the Amorites are not yet completed up to the present time."

§ 2. To this pertains that whole speech of Moses which is in Deuteronomy 11, 12, and 13, and especially chapter 28: "But if you will hear the voice of the Lord your God, so that you do and keep all his commandments which I command you today, the Lord your God will make you higher than all the nations that dwell upon the earth. And all these blessings will come upon you and overtake you--if only you will hear his precepts. Blessed shall you be in the city and blessed in the field. Blessed shall be the fruit of your womb and the fruit of your land, and the fruit of your beasts, the herds of your cattle and the folds of your sheep. Blessed shall be your storehouses, and blessed your remnants. Blessed shall you be when entering and when departing.

"The Lord will give your enemies who rise against you falling down in your sight; by one way they will come against you, and by seven they will flee from your face. The Lord will send blessing upon your cellars and upon all the works of your hands, and will bless you in the land which you will have received. The Lord will raise you up as a holy people to himself, as he swore to you, if you will keep the commandments of the Lord your God and walk in his ways. And all the peoples of the earth will see that the name of the Lord has been invoked over you, and they will fear you. The Lord will make you abound in all goods: in the fruit of your womb, the fruit of your beasts, and the fruit of your land which the Lord swore to your fathers that he would give you. The Lord will open his best treasure, the heaven, that he may give rain to your land in its season; and he will bless all the works of your hands. And you will lend to many nations, and you yourself will receive a loan from none. The Lord will establish you as the head and not the tail; and you will always be above and not beneath--if only you will hear the commandments of the Lord your God which I command you today, and will keep and do them, and will not turn aside from them either to the right or to the left, nor follow foreign gods or worship them.

“But if you will not hear the voice of the Lord your God, so that you keep and do all his commandments and ceremonies which I command you today, all these curses will come upon you and overtake you. Cursed shall you be in the city, cursed in the field. Cursed your storehouse, and cursed your remnants. Cursed the fruit of your womb and the fruit of your land, the herds of your cattle and the flocks of your sheep. Cursed shall you be when entering and cursed when departing. The Lord will send upon you famine and hunger and rebuke in all your works which you perform, until he crushes you and destroys you swiftly because of your most wicked inventions in which you abandoned me. May the Lord join pestilence to you until he consumes you from the land which you enter to possess. May the Lord strike you with want, fever, and cold, with burning and heat, with corrupt air and blight, and may he pursue you until you perish. May the heaven above you be bronze, and the earth you tread iron. May the Lord give dust as the rain of your land, and may ash descend upon you from heaven until you are crushed.

“May the Lord deliver you falling before your enemies; by one way may you go out against them, and by seven may you flee, and may you be scattered through all the kingdoms of the earth. And may your corpse be food for all the birds of heaven and beasts of the earth, with no one to drive them away. May the Lord strike you with madness and blindness and fury of mind, and may you grope at midday as the blind man is accustomed to grope in darkness, and may you not direct your ways. At every time may you endure calumny and be oppressed by violence, and have no one to deliver you. May you take a wife, and another sleep with her. May you build a house and not dwell in it. May you plant a vineyard and not harvest it. May your ox be slaughtered before you and you not eat from it. May your ass be seized in your sight and not be returned to you. May your sheep be given to your enemies and there be no one to aid you. May your sons and daughters be delivered to another people while your eyes see and fail at the sight of them the whole day, and may there be no strength in your hand. May a people whom you do not know eat the fruit of your land and all your labors; and may you always endure calumny and be oppressed all your days, and be stupefied at the terror of the things your eyes will see. May the Lord strike you with the worst ulcer in your knees and calves, so that you cannot be healed from the sole of your foot to the crown of your head. The Lord will lead you, and the king whom you establish over yourself, into a nation which neither you nor your fathers know, and there you will serve foreign gods, wood and stone.

“And you will be lost, as a proverb and a tale among all the peoples to whom the Lord will lead you. You will cast much seed into the earth and gather little, because locusts will devour everything. You will plant and dig a vineyard, but you will not drink wine nor gather anything from it, because it will be laid waste by worms. You will have olive trees in all your boundaries and will not be anointed with oil, because they will shed their fruit and perish. You will beget sons and daughters and will not enjoy them, because they will be led into captivity. Blight will consume all your trees and the crops of your land. The stranger who dwells with you in the land will rise above you and become higher, but you will descend and be lower. He will lend to you, and you will not lend to him. He will be the head, and you will be the tail.

“And all these curses will come upon you and, pursuing you, will overtake you until you perish, because you did not hear the voice of the Lord your God nor preserve his commandments and ceremonies which he commanded you. And they will be signs and wonders in you and in your seed--in joy and gladness of heart because of the abundance of all things. You will serve your enemy whom the Lord will send against you, in hunger and thirst and nakedness and every want; and he will place an iron yoke upon your neck until he crushes you. The Lord will bring upon you a nation from afar and from the outermost boundaries of the earth, like an eagle

[Printed page 75]

“flying with violence, whose language you cannot understand: a most insolent nation which will not show regard for an old man nor pity a little child, and which will devour the fruit of your beasts and the crops of your land until you perish, and will not leave you wheat, wine, and oil, herds of cattle and flocks of sheep, until it destroys you and crushes you in all your cities, and your strong and lofty walls in which you had confidence throughout all your land are destroyed. You will be besieged within your gates throughout all your land which the Lord your God will give you;

and you will eat the fruit of your womb and the flesh of your sons and daughters, whom the Lord your God gave you, in the straitness and devastation with which your enemy will oppress you.

“The delicate and exceedingly luxurious man among you will begrudge his brother and the wife who lies in his bosom, lest he give them any of the flesh of his sons which he will eat, because he has nothing else in the siege and want with which your enemies have laid you waste within all your gates. The tender and delicate woman who was not able to walk upon the ground nor set down the print of her foot because of her softness and excessive tenderness will begrudge her husband who lies in her bosom concerning the flesh of her son and daughter, and concerning the uncleanness of the afterbirth which comes forth from the midst of her thighs, and concerning the children who were born at that very hour; for they will eat them secretly because of the want of all things, in the siege and devastation with which your enemy will oppress you within your gates.

“Unless you will keep and do all the words of this law which are written in this volume, and fear his glorious and terrible name--that is, the Lord your God--the Lord will increase your plagues and the plagues of your seed, great and persistent plagues, the worst and perpetual infirmities; and he will turn upon you all the afflictions of Egypt which you feared, and they will cling to you. Moreover, the Lord will bring upon you every illness and plague not written in the volume of this law until he crushes you; and you will remain few in number, who before were like the stars of heaven because of your multitude, since you did not hear the voice of the Lord your God. And just as the Lord formerly rejoiced over you, doing good to you and multiplying you, so will he rejoice in destroying and overthrowing you, that you may be taken away from the land which you enter to possess.

“The Lord will scatter you among all peoples, from the summit of the earth to its boundaries; and there you will serve foreign gods, which neither you nor your fathers know, wood and stone. Among those nations also you will not rest, nor will there be rest for the sole of your foot. For there the Lord will give you a fearful heart, failing eyes, and a soul consumed by sorrow; and your life will be as though hanging before you. You will fear by night and day and will not trust your life. In the morning you will say, ‘Who will grant me evening?’ and in the evening, ‘Who will grant me morning?’ because of the fear of your heart by which you will be terrified and because of the things you will see with your eyes. The Lord will lead you back by ships into Egypt by the way of which he said to you that you should see it no more. There you will be sold to your enemies as male and female slaves, and there will be no one to buy.”

If the world believed these things, if these sounded privately and publicly in the ears of kings and counselors, we would now possess the matter as settled. Those cunning devices and prudence of counsels would melt away at this thunder. I am not ignorant that the impious have reigned, for the Canaanites also already ruled in Abraham’s time; but as morals slipped toward worse things, calamities, the companions of impiety, increased until they were utterly destroyed. Nor were the kingdoms of others due to merit, but in order that they might punish the wicked. “Kingdoms,” says Cyprian in *On the Vanity of Idols*, “do not fall to anyone by merit, but are varied by chance. Furthermore, before them the Assyrians, Medes, and Persians held command, and we know that the Greeks and Egyptians reigned. Thus, in the alternations of powers, a time to command befell the Romans also, just as the rest. But if you return to their origin, you blush. A people is gathered from criminals and the guilty, and, when an asylum has been established, impunity for crimes creates their number. In order that the king himself may possess primacy in crimes, Romulus becomes a fratricide. And in order to make marriage, he inaugurates a thing of concord through discords.”

§ 3. The wicked punish the wicked; the impious are dashed against the impious, and both are broken. Nor is it remarkable, for it is a battle of potsherds and clay. “This is the portion of an impious man with God and the inheritance of violent men which they will receive from the Almighty. If his sons are multiplied, they will be for the sword, and his grandsons will not be satisfied with bread. Those who remain of him will be buried in destruction, and his widows will not weep. If he heaps up silver as though earth, and prepares garments as though clay, he will indeed prepare them, but the just man will be clothed in them, and the innocent will divide the silver. Want will seize him like water; a tempest will oppress him by night. A burning wind will take him up and carry him away, and like a whirlwind will snatch him from his place.”

"God," says David, "will destroy you unto the end, and will pluck you out and remove you from your tabernacle, and your root from the land of the living." And Psalm 91: "When sinners have sprung up like grass and all who work iniquity have appeared, it is that they may perish for ever and ever."

The impious therefore perish, although they blossom most splendidly with swift germination. But there is no need to remain upon this passage: the whole of Scripture indicates this to us. Abraham, an exile from his fatherland, follows God when he calls and is defended; even his increase is a terror to kings. The same God is given as a possession to Isaac and Jacob. That commonwealth was happy when Joshua and pious judges administered it; but when they did evil in the sight of the Lord, they were delivered into servitude to neighboring kings.

Let us read the history of the kings, and the fortune corresponding to each one's morals. David, a man according to God's heart, raised the kingdom to its highest summit, although it suffered disasters on account of his sins. Solomon administered it peacefully and most happily until by his vices he stirred up Hadad the Edomite and resigned ten tribes to Jeroboam. As the deeds of Rehoboam and Abijah were rash and impious, so too their calamities were new: the city was captured, the temple plundered, and royal dignity transferred from gold to bronze. Asa, pursuing virtue, removed the impure and reduced his mother to her proper station; he defeated Zerah the Ethiopian, who was drawing one million men with him, but at last, turning away from God and afflicted by arthritis, he died through his own fault alone. Asa's son Jehoshaphat was pious, brave, and renowned, but he had as heir the degenerate Jehoram, who defiled the kingdom with fratricide and idolatry; therefore the Edomites and other tributary nations revolted.

But it is preferable to hear from Scripture itself the vengeance of God upon the impious king, 2 Chronicles 21:12: "Letters were brought to him from Elijah the prophet, in which it was written: 'Thus says the Lord, the God of David your father: Because you have not walked in the ways of Jehoshaphat your father and in the ways of Asa, king of Judah, but have proceeded along the way of the kings of Israel and have made Judah and the inhabitants of Jerusalem fornicate, imitating the fornication of the house of Ahab; moreover, you have killed your brothers, your father's house, who were better than you: behold, the Lord will strike you with a great plague, together with your people, your sons, your wives, and all your substance. But you will fall sick with the worst disease of your belly until your vital parts come forth little by little on each successive day.'

"The Lord therefore stirred up against Jehoram the spirit of the Philistines and of the Arabs who border upon the Ethiopians; and they ascended into the land of Judah and laid it waste, and plundered all the substance found in the king's house, and moreover his sons and wives; nor did a son remain to him except Jehoahaz, who was youngest by birth. And beyond all these things the Lord struck him with an incurable disease of the belly. And as day succeeded day and the spans of time rolled by, the cycle of two years was completed; and thus, consumed by a long wasting disease, so that he even discharged his entrails, he was deprived alike of disease and life. And he died in

[Printed page 76]

"the worst infirmity; and the people did not make funeral rites for him according to the custom of burning, as they had done for his ancestors."

After him Ahaziah, Athaliah, Joash, and Ahaz obtained wretched ends, with the shaking of the whole kingdom. Hezekiah restored all things by his piety; Manasseh lost them. Josiah, again imitating his grandfather, restored the former happiness; his descendants perished by impiety.

§ 4. It would be easy to object that the lot of other nations was happy amid the greatest crimes; but I appeal to the whole of history. Success exists in some one matter; happiness in the whole commonwealth does not. If it pleases, let us examine the kingdom of Macedonia, which is accustomed to be adduced as an example of human happiness. After war had been waged in Greece and his brothers and relatives killed, Alexander entered Asia; he passed twelve years most calamitously in the greatest care, pain, many wounds, fury, the blood of his household, conspiracies, and fear, until he perished through drunkenness or poison. A little later all his posterity was cut off--and not only it, but also his

commanders and the Silver Shields whom he had burdened with the spoils of the East. But it is no happiness to rage for twelve years so that the whole nobility may obey. He who reads history with prudence will understand that the kingdom of Macedonia, while King Alexander and his commanders strove together, was unhappier than the kingdom of Israel, even when it paid penalties for evil morals. In this it is also memorable that so many commanders, apart from the Ptolemies and Seleucids, were cut off together with their entire families.

But here we are treating of the kingdom of Israel and Judah, concerning which 4 Kings 17:6 says thus: "In the ninth year of Hoshea, the king of the Assyrians captured Samaria and transferred Israel into Assyria. He settled them in Halah and in Habor beside the river Gozan, in the cities of the Medes. For it came about, when the children of Israel had sinned against the Lord their God, who had led them out of the land of Egypt, from the hand of Pharaoh, king of Egypt, that they worshiped foreign gods. And they walked according to the rite of the nations which the Lord had consumed in the sight of the children of Israel, and of the kings of Israel, because they had acted similarly.

"And the children of Israel offended the Lord their God with words that were not right, and built themselves high places in all their cities, from the watchmen's tower to the fortified city. And they made themselves statues and groves upon every high hill and beneath every leafy tree; and there they burned incense upon altars according to the custom of the nations which the Lord had transferred from before their face. And they did the worst things, provoking the Lord; and they worshiped uncleannesses concerning which the Lord had commanded them not to do this thing. And the Lord testified in Israel and in Judah by the hand of all the prophets and seers, saying: 'Return from your most wicked ways, and keep my precepts and ceremonies according to all the law which I commanded your fathers and as I sent to you by the hand of my servants the prophets.'

"They did not hear, but hardened their neck according to the neck of their fathers, who were unwilling to obey the Lord their God. And they cast away his statutes and the covenant which he made with their fathers, and the testimonies by which he testified against them; and they followed vanities and acted vainly, and followed the nations that were round about them, concerning which the Lord had commanded them not to do as they did. And they abandoned all the precepts of the Lord their God, and made themselves two molten calves and groves, and adored the whole host of heaven; and they served Baal, and consecrated their sons and daughters through fire; and they devoted themselves to divinations and auguries, and delivered themselves up to do evil before the Lord, so that they provoked him.

"And the Lord was exceedingly angry with Israel and took them away from his sight, and none remained except the tribe of Judah alone. But not even Judah itself kept the commandments of the Lord its God; rather, it walked in the errors of Israel which it had committed. And the Lord cast away all the seed of Israel and afflicted them and delivered them into the hand of plunderers until he cast them from his face." Divine wisdom, therefore, which is the fountain of all goods, defines happiness by religion and virtue.

CHAPTER VI

All Holy Men Estimated the Happiness of the Commonwealth from Virtue

§ 1. The harmonious and true judgment of all the saints is that there are two foundations of political society, justice and religion, and that as soon as a prince withdraws from God, he also experiences the greatest rebellion within himself. True piety alone is sufficient for princes unto safety; just as, on the contrary, without it armies, horses, attendants, the force of swords, innumerable forces of men, gold and silver, and whatever other equipment there is besides, profit nothing. These things are spiders' webs unless they stand firm through piety.

It is indeed not right to number Tertullian among the saints, because although he began rightly, he nevertheless fell with great scandal to the Church. Yet he, before the rest, pressed this argument in the *Apologeticum*. This was the judgment of the nations: if the Tiber rose to the walls, the Nile did not rise into the fields, the heaven stood still, the earth moved, or famine or pestilence invaded the world, immediately the Christians, as guilty of the crimes, were sought for the lion. But he proves that the gentiles especially furnished the causes, and that those evils are now lighter because the Christians are intercessors before God. The common judgment of the world, therefore, was that punishments are inflicted for offenses.

St. Cyprian also, in the book *On the Vanity of Idols*, teaches that the disasters of the Jews were the punishment of impiety: "The Jews first possessed favor before God. Thus once they were just; thus their ancestors obeyed religious observances. Hence both the sublimity of their kingdom flourished and the greatness of their race advanced. But afterward they became neglectful, undisciplined, and proud, and, inflated by confidence in their fathers, while they despised the divine precepts, lost the grace given to them. But how profane their life was, and what offense was contracted from violated religion, they themselves also testify; although they are silent in voice, they confess by their outcome: scattered and wandering, they roam alone, exiles from their own sky, and are tossed among the dwellings of strangers."

And St. Jerome, on Jeremiah 15: "I shall give them into heat, or commotion, and the straits of the whole earth." This was fulfilled in part under the Babylonians and is now fulfilled in whole, when an impious people imitated the worst king, who had filled Jerusalem with the blood of the just from gate to gate. From this we learn that peoples are generally destroyed by the crime of kings, princes, and governors. The supreme destruction, therefore, is an impious prince.

§ 2. St. Ambrose, on Jonah 4, says that the sole means of preserving the fatherland is the uprightness of the citizens, just as their sins are the cause of its overthrow: "The Ninevites possessed so great a wisdom that they defended themselves not by external protections but were saved by their own devotion. For they did not immediately despair of their safety because they heard from the prophet that they would be overthrown together with the walls of the city; rather, when their destruction close at hand was announced, they armed themselves all the more with religious acts. Nor did they abandon their city to be overthrown, but instead remained in it--wise indeed, so that the city which was afflicted by the sins of its citizens might be saved by the prayers of its citizens, and that religious devotion might confer safety upon the city to which an evil manner of life had brought destruction. For it was just that the very persons whom it had endured as sinners should be its own defenders.

[Printed page 77]

"For destruction is inflicted upon a city only because of the sins of its citizens. Cease therefore to sin, and the city will not perish. Why do you flee your fatherland? If you wish to be safe, flee rather from your sins. If you cease to sin, the enemy has been conquered. Divine Scripture says to Abraham that the fatherland can be saved by ten just persons. Therefore, if the just are those who make the fatherland safe, assuredly the unjust are those who abandon it. And if the

former obtain favor because of their presence, it is necessary that the latter deserve offense because of their desertion. Plainly unjust and impious is the son who abandons his mother when she is in danger. For the fatherland is in a certain manner a sweet mother, who bore you, who nourished you, who made you rich so that you might be able to suck."

And St. Augustine, on Psalm 118, especially impresses virtue upon princes: "It must be greatly attended to that, within the sanctuary of his mind, humility should sit presiding in its chair in the man who is set above others for governing human beings; and when others stand outside in attendance upon him as he judges, he should with vigilant eye look unceasingly upon the judge before whom he himself must one day stand to be judged concerning these things." Deservedly, indeed: for an appeal to God remains open to all who have been condemned under any law; whoever has lost his case is restored in full before that great tribunal, and is sometimes raised up to the honor of his own judge.

The same Augustine is witness, in book 2 of *The City of God*, chapter 23, that the Roman commonwealth perished through evil morals: "While that commonwealth was therefore perishing through evil morals, their gods did nothing to direct or correct its morals so that it should not perish. Indeed, they contributed to the depraving and corrupting of its morals, so that it should perish."

Finally, in book 19 of *The City of God*, chapter 21, he teaches that a commonwealth cannot exist without justice: "For he briefly defines a commonwealth as the thing of a people. If this definition is true, there never was a Roman commonwealth, because it never was the thing of a people, which he wished to be the definition of a commonwealth. For he defined a people as an assemblage of a multitude associated by agreement in law and community of advantage. What he means by agreement in law he explains in his disputation, showing by this that a commonwealth cannot be administered without justice. Where true justice is therefore absent, there can be no law. For what is done by law is assuredly done justly; but what is done unjustly cannot be done by law. For unjust enactments of human beings are neither to be called nor thought laws, since they themselves also say that law is that which has flowed from the fountain of justice; and what is accustomed to be said by certain persons who think incorrectly is false: that law is what is useful to him who possesses greater power.

"Accordingly, where true justice does not exist, there cannot be an assemblage of human beings associated by agreement in law, and therefore no people according to that definition of Scipio or Cicero. And if no people, then neither the thing of a people, but the thing of some sort of multitude which is not worthy of the name of a people. And by this reasoning, if a commonwealth is the thing of a people, and there is no people which is not associated by agreement in law, while there is no law where there is no justice, it is gathered beyond doubt that where there is no justice there is no commonwealth. Moreover, justice is that virtue which distributes to each his own. What justice of a human being is there, then, which takes that very human being away from the true God and subjects him to unclean demons?"

§ 3. Orosius too attributes to the religion and piety of Christians the fact that the world is shaken by lighter evils; Arnobius indeed expressly strives to prove it. So much did they attribute to piety and virtue. Hippolytus the martyr predicted that the gravest calamities would invade the world in a great column at the time when, morals having been loosed, Antichrist would reign most widely, when the laws of all kingdoms would fall; and, alas, preparations and preludes to those evils now already exist.

In this manner the bishops [name illegible in the print] exhort Emperor Leo to virtue: "When these things have been well arranged, the hand of the enemies is turned to fear, and those who formerly had learned rashly to resist will, confounded because of the greatness of your faith, come to ruin. For, being established as imitators of those princes who were illustrious for justice and equity, you will most readily prevail over present affairs." And the bishops of Mesopotamia: "When your piety, together with the priests of Christ, holds and confirms these things, it will govern the rudders of the empire in peace."

And Julian, bishop of Cos: "Marcian is crowned with the diadem of divine love; receiving spiritual truth also, and kindled by desire for the orthodox faith, he hastened that the dogmas of the Apostles should be confirmed by the

prelates of the Church. When your piety imitates this, it both obtains victory against the barbarians and destroys the enemies of truth as well." The sixth synod promises Constantine IV that because of his piety God will make all his acts happy and prosperous, he who promises in his holy Gospels, saying: "Seek first the kingdom of God, and all these things will be added to you."

The seventh synod to Constantine and John: "May God the Savior of all, who reigns with us, grant his peace to the Church as his reward; and may he preserve your empire, together with the senate, commanders, and most faithful army of soldiers, for many years, and grant us victory. For he himself said: 'As I live, says the Lord, those who glorify me I glorify.' He it is who, girding you with power, will remove from you every hostile assault and procure obedience among you." The Synod of Toledo to Sisenand: "The wrath of heaven has so changed many kingdoms of the earth that, because of their impiety toward the faith and morals, one was dissolved by another. Hence we too ought to guard against the fall of nations of this kind, lest we be similarly struck by a headlong plague and punished with a cruel penalty."

Most truly Ambrose, Epistle 31 to Valentinian: "This is the love to be expected; this is the love greater than empire: if the faith is kept safe, which preserves the empire."

§ 4. We too experience in Greece and Hungary what Jerome complained of concerning his own times in the epitaph for Nepotian: "By our sins the barbarians are strong; by our vices the Roman army is overcome. Wretched are we who so greatly displease God that through the hands of the barbarians his anger rages against us. Hezekiah did penance, and one hundred eighty-five thousand Assyrians were destroyed by one angel in a single night. Jehoshaphat sang together the praises of the Lord, and the Lord conquered on behalf of him who praised. Moses fought against Amalek not with the sword but with prayer. If we wish to be raised up, let us prostrate ourselves.

"For shame! A mind foolish even to cruelty! The Roman army, victor and lord of the world, is conquered by these men, fears these men, is terrified at the sight of those who are unable to walk, who think themselves dead if they touch the earth. And we do not understand the voices of the prophets: 'A thousand flee when one pursues.' Let us cut away the causes of the disease, so that the disease may likewise be taken away."

Would that these things were impressed upon the hearts of all amid today's calamities. Although many endeavor to resist the calamities, nevertheless few abandon the vices because of which we suffer them.

St. Augustine, book 5 of *The City of God*, chapter 25: "The good God, lest human beings who believed that he must be worshiped for the sake of eternal life should think that no one could obtain these high stations and earthly kingdoms unless he supplicated demons, on the ground that those spirits possessed great power in such things, filled Emperor Constantine--who did not supplicate demons but worshiped the true God himself--with earthly gifts so great as no one would dare desire. He also granted him to establish a city as an associate of the Roman Empire, as though a daughter of Rome itself, but without any temple or image of demons. He ruled for a long time; as sole Augustus he held and defended the whole Roman world. He was most victorious in administering and waging wars; he was prosperous in all things in suppressing tyrants; he died at a great age from disease and old age; he left sons ruling."

[Printed page 78]

St. Gregory Nazianzen teaches in his oration against Julian that an empire is overthrown by impiety: "With the saving doctrine of Christ poured out far and wide and flourishing especially around us, to attempt to overturn and undermine the Christian religion would have been nothing other than to tear down the Roman Empire and endanger all parts of the commonwealth, and to receive from our own selves those things than which not even enemies could imprecate anything more grievous against us."

St. Chrysostom on Isaiah: "'The affairs of princes do not stand rightly'; of these things we speak very often. It is an immense danger. But what is its cause? 'The thoughtlessness,' they say, 'of those who exercise the principate.' It is not the thoughtlessness of princes; rather, our injustice is a punishment exacted for our crimes. Our crimes have mixed all

things above and below, have contrived whatever calamities exist, have armed the enemies, and have brought it about that we descended as conquered. A swarm of evils has flooded in from no other source than this cause."

Today also, how many persons amid lawsuits, usury, hatreds, drunkenness, and adulteries accuse the idleness of princes, although by their own sins they draw punishment upon themselves, and desire peace for no other reason than that they may indulge their vices and pleasures securely.

But lest I pursue more, the following may be read: St. Cyril, *On the Right Faith in Our Lord Jesus Christ*, to Theodosius; Hilary on Psalm 137; Gregory to Theodoric the Frank; St. Leo to Theodosius and the Augusta Pulcheria; Athanasius to Constantine and Jovinian; John to Justinian; the Council of Meaux to Charles the Younger, king of the Franks; Symmachus to Anastasius; the Council of Paris to Louis and Lothair; St. Bernard to Louis; Hormisdas to Justin; Nicholas to Michael; and the bishops of the Spains at the coronation of the king.

CHAPTER VII

That Pious Princes Agree with the Holy Fathers

§ 1. We deservedly ought to believe so great an authority, since they had no occasion or cause for deceiving. I omit those kings who are in Scripture, because those who do not acknowledge divine oracles yield more readily to human testimonies. Nevertheless, all prudent princes have considered that decree to have been declared to themselves which the divine oracle announced to David: “If your sons will keep my ways and walk before me in truth, with all their heart and all their soul, a man from the throne of Israel will not be taken away from you.”

Philip the Arab, since he was not ignorant that he had obtained the empire by parricide, having been instructed better concerning religion, stood as a suppliant among the penitents before the Church at the command of Fabian the pontiff. By his deed he showed that no governments acquired by crime are lasting, for he too was soon killed.

Among princes scarcely any obtained greater glory than Constantine, for he both ruled most widely and cultivated religion before the rest: he closed the temples of demons, built temples for the true God, and fostered the commonwealth. Yet he attributed all things received to piety and subjected all matters in the judgment of religion to the Council of Nicaea. Jovian, a man of the greatest spirit and loftier than the august empire itself--first a confessor and afterward the successor of him whom he had endured as a tyrant--denied that, being a Christian, he wished to command an army which worshiped false gods, because he judged that amid such great crimes no happiness of the commonwealth could exist.

Theodosius and Valentinian wrote to the Synod of Ephesus that through those things which pertain to preserving piety and religion they could attain all other things also. Accordingly, Theodosius himself, accustomed to sing Psalms and say prayers with his wife Eudoxia and his sister Pulcheria, held the kingdom for a long time and happily.

The same is the judgment of Justin to Hormisdas, of Honorius to Arcadius, of Justinian II, of Charlemagne to the bishops of Spain, and of the others whose commendation is in history and whose memory is among posterity.

But in this matter no reasoning can be produced more illustrious, more effective, and more approved through many centuries than the law of the Roman Empire--that is, the public law of the world--which has now been accepted by so many nations and confirmed by so many kings that to wish to tear away its primary part is to disturb human affairs and overthrow the commonwealth.

CHAPTER VIII

It Is Taught by Testimonies of the Civil Law That Religion Must Be Cultivated Seriously in the Commonwealth

§ 1. The emperors Gratian, Valentinian, and Theodosius: "We desire all the peoples whom the government of our clemency rules to conduct themselves in that religion which the religion introduced by the divine Apostle Peter and continued from him until now declares that he delivered to the Romans, and which it is evident that Damasus the pontiff and Peter, bishop of Alexandria, a man of apostolic holiness, follow: that is, that according to apostolic discipline and evangelical doctrine we believe in one Godhead of the Father and the Son and the Holy Spirit, under equal majesty and under a pious Trinity."

§ 2. Nor do the same men merely think thus, but they willingly and of their own accord abrogate their own laws if any have crept in against religion. To Eutropius, praetorian prefect: "Let there be no place for the ministries of heretics; let no occasion lie open for exercising the madness of a more obstinate mind. Let all know that even if anything has been obtained by this kind of people through some special rescript elicited by fraud, it is not valid. Let the crowds of all heretics be restrained from unlawful congregations, but let the name of the one highest God be celebrated everywhere. Let the observance of the Nicene faith, long ago delivered by our ancestors and confirmed by the testimony and assertion of divine religion, possess enduring permanence."

Marcian, in the best faith, to Palladius, praetorian prefect: "Let no cleric, soldier, or person of any other condition hereafter attempt to treat publicly of the Christian faith before crowds gathered and listening, seeking from this an occasion for tumult and perfidy. For he also does injury to the judgment of the most reverend synod if anyone should strive to reconsider and dispute publicly what has once been rooted and rightly settled, since the things now established concerning the Christian faith by our commands by the priests who assembled at Chalcedon are recognized as defined according to the apostolic expositions, like the institutions of the 318 holy Fathers at Nicaea and of the 150 in this royal city."

Justinian indeed says: "Applying every providence concerning the most holy churches, to the honor and glory of the holy and incorrupt consubstantial Trinity, through which we have believed that both we and the commonwealth will be kept safe, and adhering also to the doctrine of the holy Apostles concerning the creation of irreproachable priests--who are ordained chiefly for this purpose, that by their prayers they may obtain the kindness of the most humane God for common affairs--we enact by the present law."

And to Epiphanius: "Always applying every providence concerning the most holy churches,

[Printed page 79]

"through which we have believed that both our empire is sustained and common affairs are fortified by the grace of the most merciful God; and striving for both our own souls and those of all others to be saved; and for that reason being continually solicitous lest the resources of the most holy churches, in whatever city they have been established, be diminished by any means; lest the divine liturgies performed in them be hindered by the absence of the priests most beloved of God or be tended unsuitably; and lest the property of the most holy churches be consumed by the expenses both of journeys and of priests traveling here and the clerics accompanying them."

And to John, praetorian prefect: "With God furnishing us aid, we desire to establish by laws and fulfill by works all things which, for the honor of the holy Catholic Church, we hasten to accomplish according to God's pleasure. And indeed we have already established with his aid many things which accord with ecclesiastical doctrine and condition."

Justinian, the distinguished lawgiver, excellently expounded this in Novel Constitution 137: “If we strive for the civil laws, whose authority God in his kindness toward human beings entrusted to us, to be kept firmly by all unto obedience and security, how much more zeal ought we to employ concerning the keeping of the sacred canons and divine laws, which were defined concerning the salvation of our souls? For those who keep the sacred canons are worthy of the aid of the Lord God; but those who transgress them render themselves liable to judgment. Therefore the most holy bishops, to whom it has been entrusted and committed both to examine and preserve the canons, are subject to greater condemnation if they leave uncondemned and unpunished anything that has been neglected from them.

“Assuredly, since the canons have hitherto not been observed rightly, we have consequently suffered various complaints against clerics, monks, and certain bishops, on the ground that they did not live according to the divine canons, and that some among them were found who neither retained nor knew even the prayer of the holy oblation or of holy baptism. Understanding, therefore, and fixing in our mind the judgment of God, we have commanded both the investigation and correction of the individual things reported to us to proceed canonically. For if the general laws do not permit the things sinned by laypersons to remain without investigation and punishment, how shall we suffer the things canonically established by the holy Apostles and Fathers concerning the salvation of all human beings to be despised?

“Assuredly, we have discovered that many fell into sins especially because synods of the most holy priests were not held according to the things defined by the holy Apostles and Fathers. For if this had been observed, each person, fearing a grave accusation in the synod, would assuredly have striven both to learn the sacred liturgies thoroughly and to live temperately, lest he be subject to the condemnation of the divine canons. This also afforded certain persons an occasion of sinning: that bishops, presbyters, deacons, and other clerics are ordained without examination and testimony of right faith and an honorable life. For if those destined to pray for the people are found unworthy of the divine ministry, how will they be able to make God propitious for the transgressions and offenses of the people?

“That the ordinations of priests ought to be conducted with all diligence and rigor is taught to us also by Gregory the Theologian, who is numbered among the saints and followed the holy Apostles and divine canons. For thus he says in his great *Apologeticum*: ‘But who, directing himself according to Paul’s canons and definitions which he established concerning bishops and presbyters--that they should be dry, or sober, modest, not given to wine, not strikers, fit to teach, irreproachable in all things, and not associating with the wicked--will not discover that he wanders greatly from that rectitude of the canons?’ And the same man again speaks in these words: ‘One ought first to be greatly cleansed, and then to cleanse; to become wise, and then to teach wisdom; to become light, and afterward to illuminate; to approach God, and then to lead others to him; to be sanctified, and then to sanctify; to lead by the hand with hands, to counsel with counsel.’

“And again the same Gregory, numbered among the saints, writes this concerning the same persons in the same oration: ‘Who, like a potter turning his earthenware in a single day, would thus suddenly fashion a guardian of true worship, standing with the angels, singing praises with the archangels, and sacrificing together with Christ?’ By these words the Theologian indicates what sort of persons ought to be promoted to the priesthood. But concerning those who are ordained unworthily, the same man says these things in the same oration: ‘Although they have brought nothing to the sacred altar of God and to the priesthood, nor first sweated and labored in virtue and what is beautiful, they are shown simultaneously as disciples and teachers of piety; and before they have been purified, they purify; yesterday sacrilegious, today priests; yesterday outside the sacred rites, today prelates of the mysteries; veterans in wickedness, novices in piety; persons who are the work and fabrication of human favor, not of the Holy Spirit.’

“Moreover, Basil, numbered among the saints, also teaches that the divine canons prohibit those who have married a second wife from being clerics, saying thus: ‘The canon has excluded twice-married men from the ministry, and those begotten from them.’ Thus far St. Basil. But the Fathers possessed so great a care for priests that those who assembled at Nicaea issued a canon having the following content: ‘The great synod has wholly forbidden a bishop, presbyter,

deacon, or anyone at all who is in the clergy to possess a woman brought in under pretext, unless perhaps a mother, sister, aunt, or only those persons who escape suspicions.'"

§ 3. The constitution of Tiberius Constantine displays no less piety in words: "Since works that befit God and have, together with him, the same origin as the human race are to be beneficent toward suppliants, to extirpate evil deeds, and both to consider and to perform whatever things are useful to subjects; and since we have judged those very things to be the principal distinguishing mark of imperial majesty, from the time when God gave us the command and rudders of the commonwealth, on no day or night, so to speak, have we held anything more ancient or dear than zeal for those things."

§ 4. What King Reccared admonishes in the Third Synod of Toledo ought also to obtain the force of law: "Although the omnipotent Lord God granted us to ascend the summit of the kingdom for the advantages of the peoples and committed the government of not a few nations to our royal care, we nevertheless remember that we are constrained by the condition of mortals and cannot merit the happiness of future blessedness otherwise than by devoting ourselves to the worship of the true faith and pleasing our creator at least by the confession of which he is worthy. For this reason, by as much as we are raised above our subjects by royal glory, by so much ought we to be provident in the things that pertain to God, either to increase our hope or to take counsel for the nations entrusted to us by God."

Justinian, Code, title 4: "We believe most certainly that the purity and honor of priests, their fervor toward the Lord God and our Savior Jesus Christ, and the perpetual prayers sent forth by them furnish much favor and increase to our commonwealth; through these it is given to us both to subjugate barbarians and reduce under our dominion those whom we did not possess before. And by as much as honor and dignity are added to their affairs, by so much the more do we believe our commonwealth also to be increased. For if they display an honorable and wholly irreproachable life, and instruct the rest of the people so that they, looking toward their honor, abstain from many sins, it is plain that from this the souls of all will also become better, and suitable clemency will readily be bestowed upon us by the most high God and our Savior Jesus Christ."

For this reason good emperors possessed so great a care for protecting true religion, abolishing the heresy of the Jews and

[Printed page 80]

the superstitions of the gentiles, that they endeavored, insofar as lay within them, to restrain the negligence and ambition of bishops.

§ 5. Emperors strike heretics with many laws to show that the commonwealth cannot be preserved amid so great a variety of religions and license of the impious.

Constantine, Constans, and Constantius: "The privileges bestowed in consideration of religion ought to benefit only the observers of the Catholic law. We desire heretics not only to be excluded from these privileges, but also to be constrained and subjected to various public duties."

Gratian, Valentinian, and Valens, Augustuses: "Let all heresies forbidden by divine laws and imperial constitutions remain perpetually at rest. Let no one hereafter attempt either to teach or learn any profane precepts which he has discovered. Nor let their prelates dare to instill a faith which they do not possess, or create ministers who are not such. Nor, through the connivance of judges and of all to whom care concerning this matter has been committed through paternal constitutions, let audacity of this kind be neglected and increase. Moreover, under the designation of heretics are contained, and ought to succumb to the sanctions enacted against them, those who are found to have deviated even by a slight argument from the judgment of the Catholic religion and from the straight path."

And afterward: "Arians, Macedonians, Pneumatomachi, Apollinarians, Novatians or Sebatians, Eunomians, Tetradites or Tessarescaedecadites, Valentinians, Paulians, Papianists, Montanists or Priscillianists, Phrygians or Pepuzites, Marcionists, Barborites, Messalians, Euchites or Enthusiasts, Donatists, Audians, Hydroparastatae, Tascodrogites,

Batrachites, Hermogenians, Photinians, Paulinians, Marcellians, Ophites, Encratites, Carpocratians, Saccophori, and the Manichaeans, who have arrived at wickedness reaching even to the lowest depth of crimes, are nowhere to possess the ability to assemble or remain in a Roman place." There are also laws concerning the Manichaeans' expulsion from cities and their delivery to capital punishment, "since no place is to be left here in which injury is done even to the elements themselves."

Thus, in title 7, the same Augustuses Theodosius and Valentinian condemn decurions who are Nestorians. Marcian likewise condemns the Eutychians in the law *Quicumque*.

§ 6. But so that it may also appear how much that matter was at heart for later emperors, it is worthwhile to hear the constitution of Emperor Frederick: "Moreover, we condemn believers in, receivers, defenders, and supporters of heretics, firmly establishing that if, after any such person has been marked by excommunication, he has disdained to make satisfaction within a year, from that time he shall by the law itself be infamous; he shall neither be admitted to public offices or councils, nor to choosing others, nor be admitted to testimony. He shall also be incapable of making a testament, so that he has neither a free power of making a will nor access to hereditary succession. Moreover, no one shall answer to him concerning any matter, but he himself shall be compelled to answer others. But if perhaps he has been a judge, his judgment shall obtain no validity, nor shall any causes be brought to his hearing. If he has been an advocate, his patronage shall in no wise be admitted. If a notary, instruments prepared by him shall be judged utterly without effect."

§ 7. The imperial code, title 7, demonstrates how great a severity they employed against apostates. Thus the emperors Theodosius and Valentinian, in the law *Apostatarum*: "Let the sacrilegious name of individual apostates be assailed by the continual voice of accusation, and let investigation of a crime of this kind be restrained by no limitations of time. Although previous prohibitions suffice for them, nevertheless we also repeat this: that after they have departed from the faith they shall possess no ability to make a testament or donate anything, nor shall they be permitted to defraud the law under the appearance of a sale; but the whole shall descend by intestacy preferably to relatives who follow Christianity.

"Moreover, we desire an action against sacrileges of this kind to be perpetuated to such a degree that we do not deny to all coming by intestacy, even after the offender's death, an unrestricted voice of suitable accusation. Nor shall we permit this to stand as an obstacle: if nothing concerning the profane person was brought into contestation while he lived. But lest the interpretation of this crime wander more widely in uncertain error, we pursue by the present oracles those who, clothed with the name of Christianity, have performed sacrilegious sacrifices or commanded them to be performed. Their perfidy, proved even after death, is to be punished in this manner: with donations and testaments rescinded, those to whom legitimate succession would convey it shall possess the inheritance of persons of this kind."

§ 8. They also oppose the wickedness of the Jews, title 9: "Jews will be condemned both to confiscation of goods and perpetual exile if it is established that they circumcised, or caused to be circumcised, a person of our faith."

And in the Code, title 10, law *Iudaeus*: "A Jew shall neither be permitted to purchase a Christian slave nor obtain one as a gift or by any other title. But if any Jew has possessed a slave who is either a Christian or one whom he believed could be possessed from any cause although of another sect or nation, and has circumcised him, he shall not only be fined by the loss of the slave but also punished by a capital sentence, with liberty being given to the slave himself as a reward."

§ 9. They also attacked and crushed with laws and immense penalties the impiety of the pagans, which was powerful in practice and strength.

Thus Emperor Constantius: "It has been resolved that temples in all places and all cities shall immediately be closed, and, access being forbidden, the license of sinning shall be denied to all the abandoned. We also desire all to abstain from sacrifices. But if they should perhaps perpetrate anything of this kind, let them be laid low by the avenging

sword. We also decree that the property of the slain be claimed for the fisc, and that governors of provinces be punished similarly if they neglect to avenge the crimes."

And the emperors Valentinian and Marcian: "Let no one, with the intention of venerating and adoring, reopen shrines which were long ago closed. Far be it from our age that the former honor be restored to unspeakable and execrable images, the impious doorposts of temples be wreathed with garlands, profane fires be kindled upon altars, incense be burned upon them, victims be slain, wine be poured from bowls, and sacrilege be regarded as religion. But whoever attempts, contrary to this sanction of our serenity and contrary to the prohibitions of the most holy ancient constitutions, to perform sacrifices shall lawfully be accused before a public judge as guilty of so great a crime and, when convicted, shall undergo confiscation of all his goods and capital punishment. Those conscious of the crime and the ministers of sacrifices shall sustain the same penalty which was inflicted upon him, so that, terrified by this severity of our law, through fear of punishment they may cease to celebrate forbidden sacrifices. But if a most illustrious man who is governor of a province, after lawful accusation and after the crime has been proved at the inquiry, should dissemble in avenging so great a crime, the judge himself shall be compelled immediately to pay fifty pounds of gold to our fisc, and his office fifty also.

"Let no one dare to attempt the things that have rather often been forbidden to persons of pagan superstition, knowing that he commits a public crime who has dared perpetrate these things. Moreover, we desire deeds of this kind to be cut away to such a degree that, even if something such should be perpetrated on another's estate or in another's house, with the owners of course knowing, the estate or house shall be adjudged to the most sacred rights of the treasury. But the owners, for the sole reason that they knowingly consented that their own places be contaminated by such crimes, if indeed they are adorned with some dignity or military rank,

[Printed page 81]

"shall be punished by loss of military rank or dignity, and also by confiscation of their property; but those established in private or plebeian condition, after corporal tortures, shall be assigned either to labor in the mines or to perpetual exile.

"If anything has been given or bequeathed to places or persons, or for the construction of pagan error, the city in which the persons dwell or under which the places are subject shall receive it; but it shall be expended in the likeness of imperial revenues. Governors shall punish the impieties of pagans and report to the emperor those things which exceed their own power.

"Those who after holy baptism remain in the error of the pagans are punished by capital punishment. But those who have not yet been baptized shall bring themselves, together with their children, spouses, and all their people, to the holy churches, so that they may cause their little children to be baptized without delay, while the older are first taught the Scriptures according to the canons. But if, in order to possess military rank, dignity, or property, they pretend to be baptized and leave their children or spouses, or their domestics, in error, and those who belong to them and are joined by kinship, they shall be deprived of their property and suitably punished, and shall not engage in public affairs. But if they have not been baptized, they shall have no share in any part of public administration, nor shall they be owners of movable or immovable property; rather, the fisc shall claim these things, and they shall be suitably punished and go into exile. But if they appear to sacrifice or worship idols, they shall be punished like Manichaeans. Moreover, a pagan shall not teach any kind of doctrine, nor shall they enjoy the public grain allowance, not even according to the sacred register."

All these things are directed to this: that since all make a display of piety, the true may be introduced and the false abolished.

CHAPTER IX

By the Judgment of Impious Human Beings, All Private and Public Happiness Comes from Virtue

§ 1. So great is my confidence in the cause that I deliver the decision to an adversary: let him speak testimony for us against himself. A cause to which aid is furnished from the opposing camp cannot appear bad. Profane authors relate that their princes were reduced to madness because piety was violated. Look upon Tiberius in Tacitus, book 6 of the *Annals*: "What am I to write to you, Conscript Fathers, or how am I to write, or what at this time am I altogether not to write? May the gods and goddesses destroy me worse than I feel myself perishing daily, if I know." To such a degree his own crimes and disgraceful deeds had turned against him as punishment. Nor without reason was the most distinguished teacher of wisdom accustomed to affirm that, if the minds of tyrants were laid open, lacerations and blows could be seen, since minds are torn by cruelty, lust, and evil counsels just as bodies are by lashes.

For among all the evils of sinners this is the greatest: that every crime is a punishment to itself.

Plato in the tenth book of *The Republic*: "I ask," he says, "that you explain what reward justice receives from gods and human beings, so that it may also carry off the palm from opinion and manifest estimation, by which it too adorns its cultivators, after it has been openly seen that by its very appearance it confers benefits upon us and does not deceive those who truly possess it."

"You ask what is owed. First, indeed, you will grant me this: that what sort each of the two is--the just and the unjust--does not escape the gods." "We grant it." "If it does not escape the gods, the former will be loved by God, the latter held in hatred, as we confessed at the beginning." "It is so." "The best things are altogether bestowed by the gods upon the friend of the gods, insofar as this can be done, unless some evil threatens from an earlier offense and a certain necessity." "Altogether." "Thus one must judge concerning the just man: whether he is subject to poverty, diseases, or any other things that seem evil, these things ultimately conduce to some good for him, either living or dead. For he is never neglected by the gods who will emerge as just and endeavor, through the duties of virtue, to become like God insofar as is permitted to a human being; for it is fitting that such a man not be despised by one like him. But concerning the unjust man, one must judge altogether to the contrary."

And in book 4 of *The Laws* he impresses these things with many more words, so that it is remarkable that so great a knowledge of virtue and piety flourished in a gentile philosopher.

§ 2. Aristotle teaches wholly the same things: for him only the wise person is happy, and he proclaims that commonwealth happiest in which virtue is cultivated most greatly. This is so true that without reverence for God good laws are of no profit, nor is any discipline preserved, and therefore the ruin of governments necessarily follows.

Valerius, book 1: "Governments do not hesitate to serve sacred rites, for God is the keen avenger of his divinity. Although punishments for evil deeds are sometimes late, they are nevertheless never ineffectual."

§ 3. Certain persons became so religious from this that they ended in superstition. Hence the image of Hercules is carried before the army into battle against Porus, Curtius, book 8. Hence the Germans carry into battle images and standards taken down from groves. Hence the innumerable imitations of piety recounted in sacred and profane histories.

Bias makes laws with the Prieneans: "Let the prince of the Prieneans be religious and the highest defender of sacred buildings; otherwise, if he does not revere God, there is no reason for human beings to hope that justice will be commanded to them by him."

And Xenophon, *On Revenues*: **Σὺν θεῷ τῷ προϊσταμένῳ, εἰκὸς καὶ τὰς πράξεις προϊέναι ἐπὶ τὸ λῷον ἀεὶ τῇ πόλει.** "If affairs begin with God, it is reasonable that the undertakings will turn out for the advantage of the city."

§ 4. How great a care the nations possessed concerning religion Plutarch shows in his book *Against Colotes*: "In the constitution of laws, the first and greatest thing is opinion concerning the gods. Therefore Lycurgus consecrated the Lacedaemonians to the gods, Numa the Romans, Ion the ancient Athenians, and Deucalion almost all the Greeks, rendering them devoted and bound to the gods by vows, oaths, divinations, and all things through hope and fear. And if you traverse the lands, you may find cities lacking walls, letters, kings, resources, or coin, and knowing nothing of gymnasia and theaters; but no one has ever seen a city lacking temples and gods, which does not employ prayers, an oath, or an oracle, does not sacrifice for the sake of goods, and does not strive to avert evils by sacred rites. But I think that a city could more readily be founded without ground than that, with opinion concerning the gods utterly removed, a civil community could assemble or remain standing."

Papinian therefore also says rightly: "That is the highest reasoning which acts on behalf of religion."

Isocrates to King Nicocles: "Preserve," he says, "the religion you received from your ancestors, and consider this the solemn and most beautiful sacrifice and the greatest worship: if you yourself are the best and most just. For there is greater hope that persons of this kind will obtain something good from the gods than those who build altars and shrines."

Varro, book 14, chapter 7: whenever the senate was convened at Rome, no matter was treated before religion.

It was also provided by the law of Octavius that supplication should first be made with incense and unmixed wine. And Plutarch, in the life of Marcellus, is assuredly witness that the Romans judged religion to possess more force than arms for preserving the commonwealth.

[Printed page 82]

§ 5. From that source flowed hatred against Christians, as though they were enemies of piety. "Through sacrilege," says the superstitious man, "this year has withered; it was necessary that all things perish because they were denied to the religions."

Claudian, an enemy of the true religion, nevertheless sings that victory depends upon piety:

> O you too greatly beloved by God, for whom Aeolus pours
>
> Armed winters from his cave, for whom the sky fights,
>
> And the winds come in league at the trumpet calls.

Nor does Cicero speak badly, if he changes the persons: "With piety toward the gods removed, it is necessary that trust and the association of the human race, and justice, the one most excellent virtue, also be removed." Let piety therefore be preserved in the commonwealth. For just as pearls, although they are born in the sea, nevertheless possess more kinship with heaven, whose face they reproduce, so a pious and noble commonwealth depends more upon heaven, from which it draws its origin, than upon the earth on which it lives.

But human affairs would have been most badly provided for if the government and happiness of the commonwealth did not depend upon virtue and piety. Just as neither a household nor a commonwealth would appear to be ordered according to a certain reason and discipline if in it there were no rewards for right deeds and no punishments for sins, so there is assuredly no divine governance of the world over human beings if in it there is no distinction between good and evil persons. But leaving behind those who either did not acknowledge God or did not worship him, but vanished in their thoughts, let us fight atheists with other weapons.

CHAPTER X

From the Nature of Virtue We Are Taught That It Is Necessary to the Commonwealth

§ 1. If we consider the duties and functions of the virtues, and the infinite desires and deviations of the vices, we shall readily conclude that no commonwealth can stand without the cultivation of the virtues and the flight from and punishments of the vices. Let us establish a human being adorned with many gifts of fortune, distinguished by eloquence, strength, beauty, and resources, but foolish--some Nabal, as it were, and a golden wether. He will assuredly be able neither to administer the commonwealth, govern a household, nor be useful to friends; he is commended to his relatives, lest he turn all those things into the reproach of himself and his friends. Can a city therefore be governed, a war waged, or a kingdom maintained without prudence?

Next, let the commonwealth indeed be prudent, but a deserter of justice: will it be able to stand? It will endure for a time, like certain bands of brigands. If justice is absent, the stronger will despoil the inferior; he will suffer the same from one greater; weapons will remain to those despoiled. Now, amid rods, axes, red-hot plates, racks, pyres, and crosses, wickedness exults; all things are full of evils; the name of innocence has almost perished, because **οὐδὲν οὕτω ῥᾴδιον ὡς τὸ γίνεσθαι κακόν**, "nothing is so easy as becoming bad." Unhappy wickedness finds rivals; what if it should flourish and thrive?

Third, without fortitude and constancy there can be no city, indeed no justice; for if the judge is fearful, he will not pronounce sentence against the powerful. The soldier will flee before the trumpet and surrender himself to the enemy as bloodless booty. What shall I say of temperance? Let him be wise, just, and brave. If he is the slave of drunkenness or lusts, he will not be able to be happy. Luxury broke the strength of Samson; lust and its companion idolatry cast down the wisdom of Solomon. The calamitous ends of the Babylonians, Tyrians, and indeed of many regions of the world teach this: very many kingdoms were overthrown by lust; one adulterer committed Asia and Europe to war; and incestuous marriage-beds again, the Trojans and Latins. Therefore, if these vices are strengthened and become powerful, if they pass into morals and into a second nature, there will cease to be a place for remedy. But when the poison has so occupied the inward parts that the contagion rejects medicine, the evils are ended only by death and destruction, as in Sardanapalus, Nero, Gallienus, Heliogabalus, and the other pests of the human race, whom God willed by their horrific ends to be examples unto the detestation of crimes.

§ 2. Since those virtues are therefore altogether necessary to the commonwealth, and nevertheless cannot be stable without true piety and fear of God--for religion is the foundation of every virtue--it is necessary that he who governs the helm of the commonwealth keep continually before his eyes the supreme Lord of all things, to whom an account must be rendered even of right deeds. Otherwise, when occasions offer themselves, even good princes will readily slip toward worse things.

Nor will subjects be able to be contained in duty without fear of eternal punishment or hope of reward. For fear of the laws and the penalties customarily inflicted upon the guilty possess little effectiveness for terrifying and obstructing crimes. Many despise death, or do not so fear it that they bring themselves to restrain their desires by that thought. They also hope that they can deceive and escape punishments until they are in the very chains. Therefore, he who has cast away piety will not only dare whatever crimes he has conceived whenever there is hope of lying hidden, but will carry the criminal desires of a criminal mind into prisons, chains, the rack, and pyres. He will not be corrected by lashes but made more savage; he will condemn not the crimes but their unhappy outcomes, and will prepare himself for the future so that he may offend more cautiously and secretly.

CHAPTER XI

Friendship and Concord Cannot Exist without Virtue

§ 1. The friendship of citizens, like the harmonious adjustment of members in a body, is necessary for the safety of the commonwealth; for there is no gathering, no assembly, without friendship. Friendship, I say, that is gratuitous, not venal, not a cunning observer of its own advantage. But true friendship does not exist without virtue and cannot exist without it; therefore neither can the commonwealth.

Friendship ought first to be entrusted through practice, weighed by proofs, and free from suspicions. Its most tenacious bond is similarity of morals; it is fostered by conversation and services. But if each person does all things for his own sake, if each one's end is his own advantage, the most beautiful thing of all after the virtues falls--namely, friendship. Cicero rightly teaches that the Epicureans, who said that they did all things for the sake of their own pleasure, removed friendship altogether. Plato therefore taught excellently that to lack friends and faithful men is a greater sign of vice than any other can be, and that to abound in friends is an indication of virtue, Epistle 7.

But the rich, and those who are in principate and power, have the greatest need of friendships, as Aristotle admonishes in *Ethics* 8, chapter 4. So great is the necessity of friendship that even the wise person seems to need it; certainly everyone desires to possess very many friends. But true friendship is that toward which no advantage or natural propensity carries a human being, but an honorable reason for deserving well of another. The sweetness of friendship is innate in us, and nature has implanted a certain stimulus toward loving and joy concerning friendship.

[Printed page 83]

None of these things can exist in a commonwealth of atheists. If a tyrant plunders and rages; if wisdom, the examiner of true affection, is absent; if justice is neglected; if each person measures all things by his own pleasure, no one will love another. A new poison will permeate households and the families of the powerful, and will stir the natural affections of parents and children mutually against one another. The judgment of Epicurus and of political atheists is that friendship is not the reward of virtue and that each person does all things for his own sake. The words of Epicurus in Laertius are: **ἕνεκα γίγνεσθαι τὴν φιλίαν διὰ τὰς χρείας**, "friendship comes about because of needs." So much so that Plutarch, in his book *On Affection for Offspring*, testifies that this disgraceful doctrine of Epicurus was refuted by a shout from the theater:

Μισθῷ γὰρ ἀνθρώπου τίς ἄνθρωπον φιλεῖ;

> For who loves a human being for a human being's payment?

He says that this was an object of admiration in the theaters; but according to Epicurus a father and mother love a son in this way, and the children themselves love their parents in this way.

Seneca speaks with much greater wisdom, Epistle 9: "The wise person, even if content with himself, nevertheless wishes to have a friend--if for no other reason, so that he may exercise friendship, lest so great a virtue lie idle. Not for the reason which Epicurus stated in this very epistle: that he may have someone to sit beside him when sick, or assist him when cast into chains and in need; but that he may have someone beside whom he himself may sit when that man is sick, someone whom he himself may free when surrounded by an enemy guard. He who looks to himself and for this reason comes to friendship thinks badly; as he began, so will he end.

"He has prepared a friend who will bring aid against chains; as soon as the chain rattles, he will depart. These are the friendships which the people call temporary. He who was adopted for the sake of utility will please as long as he is useful. For this reason a crowd of friends sits around the flourishing; around the fallen there is an immense solitude, and friends flee from the place where they are tested. For this reason there are so many impious examples, some

abandoning through fear, others betraying through fear. It is necessary that beginnings and ends agree with one another. He who began to be a friend because it is expedient will be pleased by some price against friendship, if any price in it pleases him beyond friendship itself. For what do I prepare a friend? That I may have one for whom I can die, that I may have one whom I may follow into exile, to whose death I may oppose and devote myself. That which you describe is commerce, not friendship: it approaches for advantage and considers what it will obtain."

Friendship is therefore necessary, but that friendship which, as the philosophers establish as certain, can exist only among the good. The Stoics say: **φιλίαν ἐν μόνοις τοῖς σπουδαίοις εἶναι διὰ τὴν ὁμοιότητα.** "It exists among the good alone, and this because of similarity." But since among the wicked there is no love of a friend, nor anything in which one approves the other, it is necessary that through the vices of the wicked the commonwealth utterly perish, because all plead their own private cause and no one the public cause.

CHAPTER XII

Examples Teach That Things Turned Out Unhappily for the Impious and Prosperously for the Good

§ 1. It is scarcely worthwhile to collect examples; Thomas Bozius has done this at length and laboriously in eight books *On the Ruins of Nations*. To this I appeal to all and admonish that, if words do not satisfy anyone, he should tremble at the examples of the whole world. We are moved more by a few examples than by very many words; but now there are more examples than any volume could contain words. Let each person, contemplating in those examples an image of his own danger, abstain from vices.

§ 2. I shall omit those familiar things: the Flood and the vices of the primeval world settling into the waves; the fires of the Pentapolis; the Canaanites destroyed; fifty nations that afflicted the chosen people cut off; the corpses or slender remains of nearly all ancient cities; and the changes of all kingdoms with the shaking of the whole world. Let us look upon one commonwealth--not its whole course, but a brief and nevertheless most calamitous time.

Julius Caesar, the most disgraceful of human beings, cut down 1,100,000 in various battles in Gaul; afterward he wages civil wars and is himself preserved for his enemy for a few years, until he is sacrificed by many wounds in the sight of the senate. Poisons from domestic plots avenged Augustus and Tiberius; the avenging sword, Gaius; a mushroom, Claudius; his own hand, Nero. No less were those who followed vessels of wrath and examples of heavenly vengeance. Vitellius, Otho, and Galba seem to have been raised to government so that history might not be silent about their bloody and horrific ends. The force of disease and despair brought Vespasian’s life to an end; Titus, dying by a brother’s poison, was buried nearly alive; a conspiracy of Domitian’s household, among whom was his wife, crushed him. Disease and sorrow extinguished Nerva; poison given in food, Trajan; impatience with torments, and starvation voluntarily undertaken, Hadrian--and avenged Christian blood. Apoplexy carried off Lucius Verus; voluntary hunger, Marcus Aurelius.

Commodus, the most criminal of all, was slaughtered with mockeries added. His successor Pertinax, after he had ruled for eighty-two days, was stripped of government and life by his own praetorians. Severus, often assailed by plots from his son Antoninus Caracalla and attacked by open parricide, died of sorrow. Caracalla himself, after he had killed his brother Geta in his mother’s bosom, was stabbed by his own centurion; for he was a parricide, incestuous, and especially an enemy of his father, mother, brother, and God. The emperors Macrinus and Diadumenian afterward fell by the hands of their own soldiers. The slain Heliogabalus’s body was dragged and cast into the Tiber. Not even a certain piety profited Alexander so as to prevent his being killed by Maximinus. But Maximinus was slaughtered together with his son, and their heads sent to Rome for the consolation of the afflicted city. Soldiers killed Balbinus and Pupienus--raised to government by the senate--after subjecting them to mockery and torturing them most dreadfully.

Philip, Gordian’s colleague and unmindful of his benefit, killed him most cruelly and indignantly. Philip, together with his son, although now a Christian with changed morals, was nevertheless struck down by Decius in vengeance for his offenses--the father at Verona, the son at Rome. Their successor and parricide Decius, after his son had been slaughtered by the commander Trebonianus, while fleeing the sword of his own soldier, was swallowed in a marsh together with his horse. Gallus and Volusianus, while marching against Aemilianus, were killed by their soldiers, and Aemilianus four months afterward by the same men. Valerian served a servitude in Persia. His son Gallienus, together with his brother and sons, was killed by his own commanders. Claudius, broken by plague, died; his brother Quintillus, made emperor by the soldiers, was killed by the same men on the seventeenth day. The same punishment befell Aurelian, and the fortune of Probus was no different; his parricidal soldiers set up this epitaph for him: “Here Probus

has been placed, truly upright." God struck Carus with a thunderbolt from heaven. Carinus, conquered in battle in vengeance for adultery, was afterward

[Printed page 84]

stabbed by a member of his household. Numerian was killed by his father-in-law Aper, and Aper by Diocletian. Diocletian ended his life through sorrow, Maximian Herculius by a noose.

Behold, in the most noble and powerful monarchy, the most thoroughly furnished with laws, the emperors succeeding one another in uninterrupted order for three hundred years: all died by violent death, none extinguished on his own day, none by his own fate. I permit you to except one, Antoninus Pius, whom they report to have died from disease. Behold, the wrath of God is revealed against all impiety and injustice; resources or majesty protect no one. Why did God for so long avenge himself upon the wicked by so conspicuous an example? Assuredly, lest anyone be ignorant that punishments for crimes are made present, and lest a private person hope for impunity when he saw the heads of the world destined for the executioner in so long a series.

Look upon so many deaths of emperors; but first let us consider the monstrous, shameful crimes hostile to the nature of things; then the remarkable misfortunes of the many tyrants who warred with them, the senators who were killed, and the cities that were overturned, so that it may appear most clearly to us how the wrath of God is revealed against every impiety and injustice of human beings who hold the truth of God in injustice.

For emperors and heads of peoples fell amid the greatest shaking of the world, through the flanks of princes and the destructions of peoples.

CHAPTER XIII

That the Simulation of Virtue, and Especially of Religion, Is Harmful to the Commonwealth

§ 1. The pseudo-statesmen sometimes also praise virtue; but when it is seriously required in a prince, when the senatorial order and the tribes of the people are formed toward it, they set before us the shadow and dead image of virtue in place of virtue itself. They consider it sufficient to simulate justice and temperance; they fashion for us a city which is Helen outside, Hecuba within. They so instruct the prince that he formulates prayers in these words:

> Grant me to deceive; grant me to seem just and holy.
>
> Set night before my sins, and a cloud before my frauds.

But they fashion senators and tribunes not dissimilar to the prince:

Οἳ τ' εὖ μὲν λαλέουσι, κακῶς δ' ὄπιθεν φρονέουσι.

> Who indeed speak well, but afterward contrive evil.

Machiavelli assuredly denies that a prince can be good, chapter 15: "For the manner in which human beings live is so far removed from that in which it would be right that they live, that he who neglects what is done in order to follow what ought to be done summons ruin for himself in learning this, rather than willing that counsel be taken for his safety. For he who strives to profess himself a good man in every part must assuredly be endangered among so many who are not good. It is therefore necessary for a prince, if he wishes to be safe, to have perceived the manner by which he can be not good, and, according to the necessity of the matter, either turn this to his use or not turn it.

"Therefore, setting aside the things fashioned in the mind concerning a prince only, and discoursing concerning those things which are true, I say that all human beings--and especially princes, since they are placed in a higher position--are accustomed to be noted for some of the following qualities: one is called liberal, another restrictive and tenacious; one munificent, another a plunderer; some cruel, others merciful; some breakers of treaties, others religious; some effeminate and soft, others, on the contrary, manly and fierce; many humane, others swollen with pride; very many lustful, some endowed with chastity; integrity of life is perceived in not a few, most harmful fraud in many; very many are harsh in morals, some adorned with affability and mildness; some grave and severe, others, on the contrary, light and dissolute; many cultivate piety, while, on the contrary, there are those who oppose it exceedingly--and other things similar to these."

Since therefore he denies that a prince can be good, he nevertheless admonishes him to beware of the infamy of those vices by which his government might be taken from him, and not to labor greatly concerning the others, without which he cannot easily protect his dominion. And chapter 18: "He who was more sagacious, so that he expressed the nature of foxes better, found all things turning out more happily. But since there are two kinds of contending, one by the right of laws, the other through force; and since the former is proper to a human being and the latter to beasts, one must have recourse to the latter if it is not sufficient to employ the former. Accordingly, it is necessary that a prince hold the right use of both, beast and human being.

"This part was delivered to princes under a certain covering by the ancient writers, who assert that Achilles and many other princes of old were entrusted to Chiron the centaur to be educated and placed under his discipline. For in saying that they had a teacher of mixed kind, both human being and beast, they teach nothing other than that the use of both natures will be necessary for a prince. Since therefore it matters greatly that a prince skillfully put on the nature of a beast, he must assume the morals both of the fox and the lion. For the lion does not guard himself against snares, while the little fox fears wolves. Therefore, in order that snares be perceived, one must act the little fox; but in order that

wolves be terrified, the leonine nature must be assumed. Those who simply insist upon the lion's tracks assuredly do not grasp the matter itself.

"A prince who is endowed with wisdom ought therefore to avoid those promises which he sees will be contrary to his own advantages. And indeed, if human beings were all upright, this precept would have been plainly useless; but since they are wicked, their wickedness and perfidy must be carefully eluded. Moreover, causes will never be lacking to human beings by which they may introduce a color over violated faith. Almost infinite recent examples could be brought forward on this matter and show how many treaties of peace, promises, and agreements have been rendered ineffective and vain by perfidy. But it matters greatly that one know how rightly to clothe this nature with color, both by simulating and dissimulating. For human beings are so simple and so compliant with present necessities that one who is deceitful and instructed in the art of simulation will immediately have someone who delivers himself to be deceived by him. Such persons must therefore be guarded against all the more, and their art frustrated by art."

And even if that teacher of vices had said none of the other things, these assuredly suffice abundantly to overthrow the commonwealth.

§ 2. Nothing is more shameful than a simulator, whom no one except a madman can believe even when he acts seriously. For the present I shall omit most things against hypocrisy and the deceptive art of simulating and dissimulating, but shall touch chiefly upon those which pertain to civil government.

The Holy Spirit frequently impresses that simulation, deceit, and hypocrisy greatly displease God. Job 8:13: "The hope of the hypocrite will perish. His folly will not please him, and his confidence will be like spiders' webs." And Job 36:13: "Simulators and the cunning provoke the wrath of God." And Psalm 5:8: "The Lord will abominate the bloodthirsty and deceitful man." The same things are repeated in Job 15:34 and 20:5; Psalm 54:24; Matthew 7:5; Luke

[Printed page 85]

16:15. The magnitude of this crime is taken from four causes.

§ 3. First, it most gravely offends God, because it always joins and couples two crimes. For, as St. Augustine says on Psalm 36: "Simulated innocence is not innocence, and simulated equity is not equity, but a double iniquity, because it is both iniquity and simulation." A most beautiful reason has been given. Alfonso explained it when, returning victorious from Africa to the island of Aenaria, he heard that Antonio Piceno, a distinguished craftsman of simulation, had ended his life most wretchedly, eaten away by little worms because of his blasphemies and hypocrisy. He said that hypocrites were so hateful to God because they bewitched and deceived mortals, made God the mediator of this crime and perfidy, and undertook crimes under the pretext of so great a majesty. Therefore they are not only consigned to eternal punishments after death, but are generally punished and tortured in the sight of the human beings whom they deceived.

Accordingly, we see that when God brings out what was done in darkness and makes it manifest in the sight of this sun, the error is removed. For unless divine justice, the immutable exactor of sincerity, acted so severely against those wicked persons, human beings, from the habit of deceiving, would judge that they could deceive even God. Isaiah, chapter 29:15, testifies that counselors and statesmen who thought thus were not lacking to perishing Judaea: "Woe to you who are deep in heart, so that you hide counsel from the Lord, whose works are in darkness, and who say: 'Who sees us, and who knows us?' This thought of yours is perverse, as if clay should think against the potter and the work should say to its maker, 'You did not make me,' and the thing fashioned should say to its fashioner, 'You do not understand.' Will not Lebanon yet, in a little and a short time, be turned into Carmel, and Carmel be reckoned as a forest?"

§ 4. Second, the simulator himself both readily slips and is cast headlong by his own arts, so that he can never escape. For he cannot be admonished and corrected, since he himself, as though innocent and just, anticipates chastisements as the leader and author of others. They are tombs, but closed ones, and for as long as they can, they restrain their stench.

Such were the monks in Syria and Egypt whom they call Sarabaites; Jerome calls them Remoboth. They feigned holiness by habit, gesture, and solitude, while most wicked in their minds. They are obstinate in this very evil: that whatever good thing they are commanded to do, they simulate it.

§ 5. Third, human beings are accustomed to be offended by nothing more than the simulation of justice and piety, just as they are delighted by sincerity and faith. It is an oracle of St. Ambrose, book 2 of *On Duties*: "Direct simplicity of mind abounds for all things and sufficiently commends itself." Therefore nothing in the commonwealth is more harmful than suspicion of simulation, which renders all benefits ineffectual and every courtesy and every humanity hateful. Without a reputation for faith and piety the commonwealth cannot be governed; but if simulation is perceived, the most extreme hatreds and contempt follow. It is certain that nothing feigned and painted is the work of true virtue; indeed, it is not even accustomed to endure. At the beginning it blossoms; in its course it is scattered and dissolved like a little flower. But what is right and sincere is established upon a deep root. Not even simulators and the wicked themselves can endure hypocrites who are rivals in their art.

Assuredly, a certain poet contemplates flight lest he injure his eyes, so burdensome to him was the sight of simulation--Juvenal, Satire 2:

> I desire to flee from here beyond the Sauromatae and the icy
>
> Ocean, whenever they dare anything concerning morals,
>
> Who simulate Curii and live Bacchanals.
>
> First, they are unlearned--although you may find all things full
>
> Of plaster busts of Chrysippus. For the most perfect of these is
>
> One who buys an image of Aristotle or Pittacus
>
> And commands archetypal Cleantheses to guard his shelf.
>
> There is no trust in the face; for what street does not abound
>
> In gloomy obscenities?

But where will you flee? Perhaps you will carry a hypocrite with you even beyond the icy Ocean; perhaps some pus is concealed in your own heart, and a foul crime is covered by a polished forehead. Perhaps the countenance is a lamb's, while the inward parts are a dragon's. How hatefully Seneca lashes these things in the *Hippolytus*:

> Where is that countenance, and the feigned majesty of the man?
>
> And his bristling appearance, seeking ancient and bygone things?
>
> And the gloomy old age of morals, grave in aspect?
>
> O deceitful life, you bear hidden thoughts,
>
> And put a beautiful face upon troubled minds.
>
> Modesty conceals the shameless man, quiet the audacious,
>
> Piety the impious; the false approve true things,
>
> And the soft simulate hard things.

§ 6. I doubt whether any prince surpassed Tiberius in the art of simulation. Dio of Nicaea describes his nature: "Tiberius was a patrician and learned, but of a peculiar and uncommon nature and morals. For he so concealed all the affections of his mind that he scarcely ever said what he desired, and his will and desire fought against his speech. For he professed hatred for what he sought most greatly and dissembled what he hated. He was angry although disturbed

by no circumstance; when angry, he was thought to possess the most tranquil and equable mind. He pitied those against whom he had acted severely, and was sometimes angry with those whom he pardoned. He so embraced the most hostile human beings as those most familiar and closely joined to him; but, on the contrary, he conducted himself no more truly with his closest friends than with the most alien human beings. Finally, he thought that the mind of a prince ought to be known to no one.

"If this had stood alone in Tiberius, his will could not have been obscure to those who tried and strove to know it, since they would have taken everything in the contrary sense. For when he had denied that he wished something, they would have judged that he desired it most greatly; and when he said that he desired it, they would then have judged that he did not wish it. But beyond the things said above, he bore it grievously when he suspected that anyone was conscious of and a participant in his counsels; and he commanded many to be killed for no other reason than that he said his will had been observed and perceived by them. Accordingly, almost the only man safe--and this occurred very rarely--was he who neither was ignorant of his character and morals nor revealed that he knew them. For in this manner those who obeyed him were not deceived and did not therefore come into his hatred by showing that they perceived the things he did.

"Endowed with these morals, Tiberius, as though he had immediately obtained the empire, sent letters from Rome not only to the army but also to all nations; yet in them he did not write that he had been made emperor, because he rejected that name decreed to him by the senate together with his other names, and admitted the inheritance of Augustus but not his surname."

§ 7. Such was the disposition of the prince, fashioned for dissimulating and simulating. But now let us look upon the things that followed from it. First, when he had refused the empire, there was more dignity than faith in such speech. Therefore someone objected that others were slow to perform what they promised, but Tiberius slow to promise what he would perform; for only when he spoke in the senate was he a delayer.

[Printed page 86]

§ 8. Second, he had now accustomed his mind to simulation to such a degree that he could not bring forth sincere words. "And in Tiberius," says Tacitus in book 1 of the *Annals*, "even in matters which he did not conceal, whether by nature or habit, his words were always suspended and obscure. But then, when he strove utterly to hide his thoughts, they were entangled all the more in uncertainty and ambiguity." How great a loss joined with dishonor it is for deceit and falsehood to appear in every speech of a prince, and for the fox's skin always to flash forth!

§ 9. Third, nothing was accomplished by so great an art. For just as actors or hypocrites are regarded as better hypocrites by as much as they adapt voice and gesture to theatrical trifles with greater skill and assimilate feigned things more closely to true ones--for hypocrites are simulators, as though reciters of other persons, as Augustine says in the *Sermon on the Mount* and Basil in the homily *On Fasting*--so magistrates are judged more cunning and fraudulent by as much as they simulate benevolence, justice, and piety with greater art.

For no one believed Tiberius. Behold the miseries of the subjects under that ape. Tacitus, *Annals* 1: "But the Fathers, who possessed one fear--that they might appear to understand--poured forth into complaints, tears, and vows, stretching their hands toward the gods, toward the image of Augustus, and toward his own knees." Nor without cause. It was afterward understood that the doubt had been introduced in order also to inspect the wishes of the nobles, for he stored away words and countenances, twisting them into a charge. Great was the danger for minds so consternated, so doubtful. For if even one man of the spirit of Brutus or Cassius had then existed, by one word he could have freed all the Fathers from so great a fear. Assuredly that prince possessed no true friend: a painted friend of all human beings, a true enemy, he wasted away in the dreadful hatred of all.

§ 10. Fourth, not only the things which he simulated openly and concerning which they labored lest they appear to understand, but all his secrets were published. The quaestor Crispinus charged Marcellus, praetor of Bithynia, with

treason and accused him of having held sinister conversations concerning Tiberius. The charge was unavoidable, since the accuser selected from the prince's morals each most shameful thing and cast it against the defendant. For because they were true, it was believed that they had also been said. Therefore all his secrets lay open, and what was covered by so great an art was already rumor.

Suetonius, chapter 66: "Moreover, various reproaches from every direction burned his anxious mind, since every one of those condemned cast every kind of insult upon him, either in his presence or by placards set in the orchestra. By these he was indeed affected in the most diverse ways, sometimes so that from shame he wished all to be unknown and concealed, and sometimes so that he despised the same things and voluntarily brought them forth and published them. Indeed, he was also torn apart by a letter from Artabanus, king of the Parthians, who cast parricides, killings, cowardice, and luxury against him and admonished him to make satisfaction as soon as possible, by voluntary death, to the greatest and most just hatred of the citizens. Finally, having become weary even of himself, at the beginning of a letter he all but professed the sum of his evils."

§ 11. Fifth, he was never secure by that simulation. Clemens, a slave of Agrippa, had prepared a force not to be despised in vengeance for his master, and many secretly assisted him. Lucius Scribonius Libo was attempting revolution; there was a mutiny of the soldiers in Germany and Illyricum. Finally, hateful to everyone at Rome, Tiberius shut himself upon an island. What disposition human beings had toward him was disclosed at his death. For the people rejoiced so greatly at his death that, when the first report arrived, some, running about, shouted that Tiberius should be dragged into the Tiber; some entreated Mother Earth and the gods of the dead not to give the dead man any dwelling except among the impious; others threatened his corpse with the hook and the Gemonian stairs.

He also passed his life in perpetual fear. For through fear of Sejanus, when the matter was uncertain, he prepared ships and contemplated flight to any of the legions, repeatedly observing from the highest rock; and, lest the messengers delay, he had commanded signals to be raised far off according as each thing had been done. But even after the conspiracy of Sejanus had been crushed, no more secure or steadfast, he did not depart during the following twelve months from the villa called that of Jupiter.

§ 12. Sixth, hence there was no care for the commonwealth in the senate, even if the most extreme things of the empire were dishonored, for inward dread had besieged it. Meanwhile simulation did not abandon Tiberius even when he was now dying; for even when failing, he ordered a banquet to be renewed, until Macro, prefect of the praetorian cohort, ordered the old man to be smothered by a heap of clothing. Thus it came about that he possessed no friend except a simulated one. By the just and true judgment of God he perished by his own arts: throughout his whole government he had labored to disclose the secrets of his heart to no one, and had killed many solely because they seemed to have perceived his will and counsels.

§ 13. Simulation is therefore useless to a government and always ruinous to a prince. Human minds are so constituted by nature that they immediately hate a person whom they hold suspect and perceive to be distrustful; they neither commit themselves to him nor remain faithful, for mutual trust binds trust.

Nor can simulation in a prince be concealed for long. With the passage of time many things must be done which had been covered, while their contraries had been simulated.

The observation and experience of one year therefore instruct most people sufficiently concerning the nature of a prince.

They see persons driven into exile or slaughtered whom a little before the prince appeared to carry in his bosom. They cannot doubt that those persons were raised on high so that a heavier fall might shatter them.

The following admonition is therefore for a good prince:

> You live--and rule--rightly if you take care to be what you hear yourself called.

For the simulator, however, this is the proper admonition: Ἐχθρὸς γάρ μοι κεῖνος ὁμῶς Ἀΐδαο πύλῃσιν, ὅς χ᾽ ἕτερον μὲν κεύθῃ ἐνὶ φρεσίν, ἄλλο δὲ εἴπῃ.

He is as hateful to me as the gates of the infernal regions,

Who hides one thing in his mind and speaks another.

§ 14. Therefore the evil of hypocrisy is supreme, because it secretly covers, fosters, and increases all crimes. Since so many true evils are concealed by a thin, uncertain, and mutable simulation of false good, it is necessary that the commonwealth perish by that art.

§ 15. Nevertheless, atheists remain in their opinion and maintain that opinion can accomplish the same thing as truth. Minos, king of the Cretans, pretended that he was descended from Jupiter. He was accustomed to descend into a deep cave of the most ancient superstition, as though to receive laws from Jupiter. Following his example, Numa wished it to be believed that he held nocturnal meetings with Egeria, was instructed by her, and delivered sacred rites received from the immortal gods.

Lycurgus, with a similar fabrication, declared Apollo the proposer of his laws. Zaleucus persuaded the Locrians that he had employed Minerva's counsel. Scipio Africanus did not go forth to business unless he had delayed in the cell of Jupiter. Sulla embraced a small image of Apollo before battle and asked it to hasten what it had promised. More foolishly than all, Sertorius deceived the Lusitanians--a nation fierce and barbarous at that time, now the most cultivated of all--by leading around a white doe, tame and familiar, as though prophetic.

[Printed page 87]

Therefore a prince can sometimes employ simulated religion.

I indeed confess that the common people are held by superstition and are sometimes moved by it more strongly than by true religion. Just as those who suffer from pica are carried more ardently toward inhuman and filthy foods than healthy persons, whom natural appetite stimulates, so a people whose morals are already corrupt is led by the shadow and vanity of religion. But when superstition is treated, I shall show that this is not only impious but useless to a kingdom.

But because they employ examples, these too must be refuted. For I deny that the sacrileges of feigned religion ever turned out well either for these men or for others.

§ 16. Minos bound the minds of the Cretans by superstition, so that they received the laws as though from Jupiter's parchment. Thus indeed; but the Cretans neither preserved the laws and were infamous for two things, being counted among the three worst kappas--namely, because they were fraudulent and contentious. Hence the name "Cretism" denotes malicious cunning, and "syncretism," according to usage, a fraudulent pacification.

Minos himself paid penalties for simulation. For although he boasted that he enjoyed conversation with Jupiter, was admonished by him concerning all matters, and even possessed foreknowledge of the future, he did not know his domestic disgraces. That unhappy simulator went so far as to possess an adulterous wife--that is, a simulator, or, if tales are to be believed, a follower of the most impious lust--and no faithful person at home to disclose the arts of Daedalus. Nor, when Theseus guided his footsteps by the dowry-thread and led away his daughter, did Jupiter his father admonish him. Nor did he foretell the king's unhappy death when Minos went to Sicily to avenge the injuries received from Daedalus, although this pertained more greatly to the king's safety.

For whether he was killed by Sicilian women, as Herodotus says, or was suffocated by Cocalus with the heat of a bath, as Diodorus maintains, he gave a distinguished proof that God is the avenger of simulated religion and wills to be honored only by true and sincere religion. He was also regarded as a fool by his subjects: although foreknowing the future, he was ignorant of the lusts of his wife and daughter.

§ 17. Numa and Lycurgus imitated Minos. Numa, a magician, indeed established superstition at Rome. Augustine speaks prudently concerning him in book 3, chapter 9 of *The City of God*: "That man ought to have been congratulated for so great a leisure, if only he had known how to expend it upon salutary things and, with most destructive curiosity neglected, to seek the true God by true piety. But as it is, the gods did not confer that leisure upon him; rather, perhaps they would have deceived him less if they had not found him at leisure. For by as much as they found him less occupied, by so much the more did they occupy him. Varro discloses what he attempted and by what arts he was able to associate such gods with himself or that city. If it pleases the Lord, this will be discussed more diligently in its own place."

But for the present, since the question concerns their benefits, peace is a great benefit. Yet it is a benefit of the true God, generally bestowed even upon the ungrateful and wicked, like the sun, rain, and other supports of life. But if those gods conferred so great a good upon Rome or Pompilius, why did they never afterward furnish it to the Roman Empire during its more praiseworthy times? Were the sacred rites more useful while they were being instituted than when they were celebrated after institution? But at that time they did not yet exist and were being added so that they might exist; afterward they did exist and were preserved so that they might profit.

What, then, is the reason that those forty-three--or, as others maintain, thirty-nine--years were passed in so great a peace while Numa reigned, but afterward, with sacred rites instituted and those very gods who had been invited by the rites now acting as guardians and protectors, scarcely one year, after so many years from the founding of the city down to Augustus, is commemorated as a great marvel after the First Punic War, in which the Romans were able to close the gates of war?

Thus Numa, by simulating, made the city unhappy; afterward no one believed him, for all confess that he simulated conversations with the gods. But many gods were added afterward, and they were not content with Numa's divinities; and Rome, burdened by so many divine powers, lived amid perpetual disaster.

§ 18. Lycurgus and Zaleucus are also praised. But although I grant that certain things in each are worthy of praise, I condemn their vain pursuit of the glory of divination. Lycurgus gave laws to the Lacedaemonians, but laws which no city wished to employ and which soon became obsolete. He indeed bound all by oath that they would preserve the laws while he was away; but lest by his return he release them from the religious obligation of the oath, he chose voluntary exile. And lest he himself someday return to the fatherland through weariness of wandering, he took his own life. He was unhappy not only in his death but also in his laws, a great part of which Lacedaemon soon abrogated, whether by practice and morals or by contrary sanctions.

Lycurgus was therefore not wise, as is evident from his laws, which are in Xenophon's *Constitution of the Lacedaemonians*. Next, if he loved his fatherland, he should have returned himself and brought good laws into morals; for even while present he could compel them by oath. But if he did not wish to return, why did he kill himself? What had he himself deserved so badly from himself that, contrary to the law implanted by nature, he wished to be his own executioner? Did he trust himself so little? Was the desire to see his fatherland so great that it could be quieted only by death? Although others--and I believe this more readily--relate that, inflamed by grief and anger because he understood that his laws were being violated, he wished by death to withdraw himself from that insult.

§ 19. Zaleucus, the lawgiver of the Locrians, also paid penalties for hypocrisy. For when he had established that an adulterer's eyes should be dug out, and his son had deserved that punishment, he divided the punishment with him so that his son would not be altogether blind: one eye was dug out for his son, the other for himself. But not much later all the laws were neglected and adulteries went unpunished.

The matter is more obscure concerning the death of Zaleucus; nevertheless, many things throughout history teach of the disasters of the Locrians, showing that they were not made happy by the lawgiver's simulation. The case of Lycurgus is better attested from Plutarch, Herodotus, and Stobaeus. It will suffice me to append what Valerius Maximus has in book 5, chapter 3: "Lacedaemon produced no man greater or more useful than Lycurgus, since Apollo

at Delphi is reported to have answered him when he sought an oracle that he did not know whether to number him among human beings or gods. Yet neither the highest sincerity of his life, nor his most constant love toward the fatherland, nor laws salutarily devised could assist him so that he did not experience hostile citizens.

“For he was often attacked with stones, at one time driven out by public fury, and even deprived of an eye; finally, he was expelled from his own fatherland. What should other cities do when even that one, which claims for itself the outstanding praise of constancy, moderation, and gravity, proved so ungrateful toward one who had deserved so well?” Behold a distinguished priest of feigned sanctity and simulation, and the punishment of violated religion made present for you. How, therefore, was Lycurgus happy amid these things through simulation?

§ 20. Concerning Scipio, it is agreed that he was not at all superstitious, that his simulation was mocked at Rome by his adversaries, and that he contended against Hannibal by virtue, not superstition. Nevertheless, he paid penalties: despised and with the people offended, he grew old upon his little farm,

[Printed page 88]

and died wasted away by sorrow. Sulla too was assuredly not at all happy: after abdicating the dictatorship, he was consumed by worms at Puteoli. The outcome mocked the divinations of Sertorius; for, killed by his own men amid a banquet, he taught the Lusitanians that he had not been a prophet. Why did that beast foretell the time and manner of all things to be done, but warn nothing concerning the death of Sertorius, which was followed by the servitude of the whole nation?

§ 21. Vain and hateful, therefore, is the simulation of virtues; indeed, it is generally destructive. The reason is that although the rude common people are led by vanities, nevertheless among the citizens there are many who both recognize and laugh at these things. Who does not know that Proculus swore falsely when he said that Romulus had been seen by him departing into heaven and being called Quirinus? It was said with perjury that Drusilla, Augustus, and Tiberius had gone to the gods; nevertheless, no one believed them for so good a report.

For these things are accustomed to be derided. But if the stupidity of certain persons is entangled by and trembles at such things, it is nevertheless readily instructed by the witty sayings of clever human beings, so that those who hunted a reputation for sanctity by deceptions are regarded as impostors. But if it happens that they err and slip in any matter, as human weakness does, a great part of their authority immediately falls.

Finally, let the prince, magistrates, and people hold this fixed: that the reputation which is tossed about by the opinions of fools is made of glass, and once broken can be repaired among neither the wise nor fools; but such is the glory that does not arise from truth. That saying of Cicero is an oracle: “True glory puts down roots and is also propagated; all feigned things quickly fall like little flowers, nor can anything simulated be lasting.”

When their fraud has been detected, aristocrats come into the greatest contempt. No one laughs at a grave matron if she lacks the grace of beauty; but if her painted purple and antimony run down, she becomes the tale of the common people, because she affected an allurement beyond what was fitting to her age. Thus the impiety of magnates is less detestable if it lacks a veil of piety. Applause was given to him who said that fraud in a prince is more shameful than violence. Deservedly indeed; I add also that the fraud of princes is violent. For if a higher power wishes to circumvent you by malicious deceit, you will permit yourself to be deceived with less danger than you will judge the fraud once understood. For when deceived you will bear only the loss; if you meet the fraud, you will be counted among the enemies, as though conscious of the prince’s sin.

CHAPTER XIV

Superstition Must Be Removed from the Commonwealth

§ 1. There are two rocks against which religion and piety, if they turn aside from their right course, are dashed and frequently shattered. One can be seen from afar, for it rises above the waves and openly threatens those sailing by with the sea's immense ridge; the other lies hidden beneath the waves and catches the unwary, and therefore is avoided only by the skilled and vigilant. Those rocks are impiety and superstition. Hence there are two kinds of those who administer the commonwealth: one plainly of atheists, the other of the superstitious.

Those who are altogether atheists rejoice to be called *politicians*, by an altogether false name; for nothing is more opposed to civil prudence than atheism and ignorance and contempt of God. Nevertheless, atheists, or pseudo-politicians, hold a twofold opinion concerning the governance of the commonwealth. For some openly remove from its midst not only all religion but also superstition. They follow the Epicureans and Diagoras, as Mezentius does:

> My right hand is my god, and the weapon that, as a missile, I hurl.

And older than Mezentius was Capaneus, who was heard speaking in the midst of the stars, in book 10 of the *Thebaid*:

> Do no divine powers stand for trembling Thebes?
>
> Where are those sluggish offspring of the infamous earth,
>
> Bacchus and Alcides? It is irksome to challenge lesser beings.
>
> You rather should come--for who is worthier
>
> To meet us? See, ashes hold Semele and her tomb.
>
> Come now, Jupiter, strain against me with all your flames.
>
> Are you stronger at frightening timid girls with thunder
>
> And destroying the towers of your father-in-law Cadmus?

Antiquity sings to us of such Giants and Aloadae; but those accursed prodigies among humankind have never been wanting. Dionysius plundered temples as a jest; Brennus likewise plundered Delphi, and others did the same. Nor were they wanting in Christian times. Frederick II said that there had been three distinguished impostors who had led the human race astray: Moses, Christ, and Muhammad. Many now tend toward the same position, for, since amid so great a variety of religions they cannot choose any, they are without all religion.

I have long been arguing against these men. For they are little concerned about the piety, justice, and innocence of their peoples; they hold it sufficient if they use them as subjects and if they obey their will. Indeed, they desire them to be devoted to crimes, enervated by lusts, and given exclusively to pleasures, lest they dare to move anything against their rule. Among them one sin alone is acknowledged and punished: the crime of injured human majesty. But they err, and by their error overthrow both themselves and the commonwealth. For it cannot happen that they govern gently a people depraved by pride, luxury, anger, and avarice. Such people therefore need a harsh and imperious ruler, just as untamed horses with defiant mouths must be restrained by a sharper bridle and hard curb-bits. Then from license arises greatness of expenditure; from this, poverty, whose offspring are injustice, theft, rebellion, and a desire to disturb or overthrow the commonwealth.

§ 2. The other kind of atheists consists of those who are themselves held by no superstition, yet judge that the common people must be oppressed by the terrors of the shades of divine powers. They add ceremonies to ceremonies and

divinities to divinities--irreligious founders of various religions. Very many magistrates of states have done this, and Varro teaches that it was already long ago established as custom. He says that there are many true things which it is not only not useful for the common people to know, but also many things which, although false, it is expedient for the people to judge otherwise; and that for this reason the Greeks enclosed initiations and mysteries in secrecy.

"Here certainly," says Augustine in book 4, chapter 31, "he betrayed the whole counsel, as it were, of the wise men through whom states and peoples were to be governed." And in chapter 32: "He also says that, concerning the generations of the gods, peoples were inclined more toward the poets than toward the natural philosophers, and therefore that their ancestors--that is, the ancient Romans--believed both in the sex and the generations of the gods and established their marriages. This assuredly appears to have been done for no other reason than that it was the business of supposedly prudent and wise men to deceive the people in matters of religion and, in that very thing, not only to worship but even to imitate the demons, whose desire to deceive is very great. For just as demons cannot possess any except those whom they have beguiled by deceiving, so too human princes--not indeed just men, but men like demons--recommended to the peoples as true, under the name of religion, things which they knew to be vain, in this way binding them, as though more tightly, to civil society, so that they might possess them similarly as subjects."

[Printed page 89]

"But what weak and unlearned person would escape at once deceitful princes of the state and demons?"

Cicero, in book 1 of *On the Nature of the Gods*, teaches that Augustine does them no injury: "Who was ever so blind in contemplating things that he did not see that these forms of human beings had been transferred to the gods either by some design of the wise, so that they might more readily turn the minds of the unskilled from the depravity of life toward the worship of the gods; or through superstition, so that there might be images which, when venerating them, they would believe themselves to approach the gods themselves? Moreover, poets, painters, and craftsmen increased these same things. But it was not easy to represent gods doing and contriving anything in the likeness of other forms."

§ 3. This whole kind of superstition must therefore be driven out; for it matters little whether superstition is introduced into the commonwealth by a superstitious man or by an atheist.

The harms of superstition are indeed great. First, because it is itself a pretender to, and corrupter of, true religion, and by error holds minds captive as though in chains. Plutarch marvels in his *Camillus*:

Ἀνθρωπίνην ἀσθένειαν ὁρῶ, οὐκ ἔχουσαν ἀλλ' ἐκφερομένην, ὅπου μὲν εἰς δεισιδαιμονίαν καὶ τύφον, ὅπου δὲ εἰς ὀλιγωρίαν τῶν θεῶν καὶ περιφρόνησιν.

He marvels at human weakness, having no limit but rushing beyond bounds, here into superstition and pride, there into neglect and contempt of the gods. Superstition, therefore, belongs to timid and petty minds and makes commonwealths liable to impostors. Indeed, by the appearance of piety it makes human beings not merely servile but even childish.

§ 4. Next, excessive anxiety about worshipping and fearing the gods makes minds anxious--indeed, it makes human beings foolish and ridiculous. Thus it particularly assails barbarians, little women, and those whose judgment in discerning matters is weak from youth or old age. I know that among the Romans, even when already cultivated, superstition was great; but its fabricators were generally objects of mockery. Numerius Atticus indeed swore that he had seen Augustus ascend into heaven, but no one believed him, not even Livia, although for so infamous a perjury she had paid the man a million sesterces.

§ 5. Third, worshippers of vain divine powers and those addicted to superstitions never remain in the middle, but pass into vain, absurd, horrible, and shameful things. For superstition is a dreadful thing, and there is no crime so foul to tell or deed so monstrous that it has not driven into it minds subject to false religion and opposed to truth.

Augustine, however, sets forth its miserable and ridiculous vanity in book 6, chapter 10 of *The City of God*: "Certainly the freedom which this man"--Seneca--"lacked to dare to censure openly this civil theology, which was most like the

theatrical one, as Varro censured the latter, was not altogether lacking to Annaeus Seneca, whom we discover from certain indications to have flourished in the times of our apostles; it was lacking not entirely, but in some part. For it was present to him when he wrote, but absent when he lived. For in that book which he composed against superstitions, he censures this civil and urban theology much more copiously and vehemently than Varro does the theatrical and fabulous theology. For when he treated of images, he says: 'They dedicate the sacred, immortal, and inviolable gods in the vilest and immovable material; they clothe them in the shapes of human beings, beasts, and fishes, while some clothe them in mixed sex and differing bodies. They call things divine powers which, if they suddenly met us after receiving breath, would be considered monsters.'

"Then a little afterward, when, commending natural theology, he had arranged the opinions of certain philosophers, he posed a question to himself and said: 'Someone will say in this place: Am I to believe that heaven and earth are gods, and that some are above the moon and others below it? Am I to endure either Plato or the Peripatetic Strato, of whom one made God without a body, the other without a mind?' And, responding to this, he says: 'What then? Do the dreams of Titus Tatius, or Romulus, or Tullus Hostilius appear truer to you? Tatius dedicated the goddess Cloacina; Romulus, Picus and Tiberinus; Hostilius, Pavor and Pallor, the ugliest affections of human beings, of which one is the motion of a terrified mind, the other of the body--not even a disease, but a color. Will you rather believe these divine powers and receive them into heaven?'

"But concerning the cruelly shameful rites themselves, how freely did he write? 'One,' he says, 'cuts off his male parts; another cuts his arms. Where they fear angry gods, how will they merit those gods as propitious? But gods ought not to be worshipped at all if they desire this. So great is the madness of a mind disturbed and driven from its seat, that the gods are appeased in a manner in which not even the most savage human beings and those whose cruelty has been handed down in tales rage. Tyrants have torn apart the limbs of some men; they ordered no one to tear apart his own. Some have been castrated for the pleasure of royal lust; but no man, at his master's command, laid hands upon himself lest he be a man. They cut themselves to pieces in the temples; with their wounds and blood they make supplication. If anyone has leisure to observe what they do and what they suffer, he will find things so unbecoming to the honorable, so unworthy of the free, so unlike the sane, that no one would doubt that they were mad if they were mad with fewer companions; as it is, the multitude of the insane is the defense of their sanity.'

"Next, the things which he relates were customarily done on the Capitol itself, and which he convicts altogether fearlessly--who would believe them to be done except by mockers or madmen? For when he had derided how in the Egyptian rites the loss of Osiris was mourned but soon afterward there was great rejoicing at his discovery, although his loss and discovery are fabricated, while that grief and joy are truthfully expressed by those who had lost nothing and found nothing, he says: 'Yet this madness has an appointed time. It is tolerable to be insane once a year. Come to the Capitol: you will be ashamed of the publicly displayed madness and of the duties which vain frenzy has assigned to itself. One submits names to the god; another announces the hours to Jupiter; one is a lictor, another a conveyer, who by the vain motion of his arms imitates one conveying. There are women who arrange the hair of Juno and Minerva, standing far from the temple--not merely from the image--and moving their fingers in the manner of those adorning hair. There are women who hold a mirror; there are those who summon the gods as sureties for their court appearances. There are men who offer petitions and teach them their case. A learned arch-mime, an old man now decrepit, daily performed a mime on the Capitol, as though the gods gladly watched one whom human beings had ceased to watch. Every kind of craftsman, laboring for the immortal gods, sits idle there.'

"And a little afterward: 'Yet these,' he says, 'even if they promise the god a superfluous service, promise one neither shameful nor infamous. Certain women sit on the Capitol who think themselves loved by Jupiter; they are not terrified even by the sight of Juno--most irascible, if you wish to believe the poets.'"

§ 6. Let those things be ridiculous; but how shameful are others? The Babylonians prostituted the whole sex in the worship of their divine power; I prefer to pass over the shameful acts of others in silence. Let us consider the cruelty of

superstition. They slaughtered human victims to Tauric Diana and brought foreigners to the altar; nor were the Greeks more merciful, to whom it is said:

> With blood you appeased the winds, and by a maiden's slaughter;
>
> With blood must the return be sought, and atonement made with an Argive life.

For many, too, the bloody oracle of a demon was destruction:

[Printed page 90]

Καὶ κεφαλὰς ἄδῃ, καὶ τῷ πατρὶ πέμπετε φῶτα.

> And send heads to Pluto, and a man to the father.

When danger threatened Rome, a Greek man and a Greek woman, a Gallic man and a Gallic woman, were buried alive in the earth. At Carthage noble youths were burned to Saturn. The very people of God sacrificed their sons to the idol Moloch. The king of the Moabites offered his firstborn son and heir to the kingdom upon the wall to a demon. Heliogabalus and Julian examined the entrails and fibers of human beings who had been sacrificed. The Malabars, from no hatred but solely from superstition, hurled weapons among themselves; but those who fell among them were judged blessed. American priests gave plucked-out eyes in honor of the sun. Superstition is therefore of the greatest danger if an unskilled multitude is stirred up against the senate, king, or chief men. What crimes will a commonwealth flee when an opinion of religion and sanctity drives it to such atrocities? Great, therefore, was the error of the wise men whose foolish heart was darkened: to commend such great crimes to peoples under the name of religion.

§ 7. Fourth, many examples declare this. Daniel 14:26: "Daniel therefore took pitch, fat, and hair, and boiled them together; and he made lumps and gave them into the dragon's mouth, and the dragon burst asunder. And he said: Behold what you worshipped. When the Babylonians had heard this, they were exceedingly indignant; and, assembled against the king, they said: The king has become a Jew. He has destroyed Bel, killed the dragon, and slain the priests. And when they had come to the king they said: Hand Daniel over to us, otherwise we will kill you and your house. The king therefore saw that they pressed violently upon him and, compelled by necessity, handed Daniel over to them. They cast him into the lions' den, and he was there six days. Moreover, in the den there were seven lions, and two bodies and two sheep were given to them daily; and these were then not given to them, so that they might devour Daniel."

The imposture of the petty sacrificers had been detected and the beast burst asunder; but superstition was so opposed to truth, or so heedless of the fact, that the whole city rose against the king himself. Thus superstition is not only imperious but seditious. The Magi among the Persians commanded kings; Egyptian priests were no less fearsome to kings. Superstition pronounced law even to the Roman Empire. Metellus the pontifex maximus detained Postumius, the Flamen of Mars, who was consul, lest he depart for war in Africa and abandon the rites of Mars. Because Tiberius Gracchus said that he had taken the augural tent defectively, he brought it about that, by order of the senate, Gaius Figulus returned from Gaul and Scipio Nasica from Corsica. Publius Clodius Siculus, Marcus Cornelius Cethegus, and Gaius Claudius, because the entrails had been brought to the altars of the immortal gods with too little care, were at various times and in different wars ordered--and even compelled--by the pontifex maximus to depart from their provinces. Livy, book 26.

There are innumerable examples of these things. But certainly, if commands were taken away from Sulla, Marius, Caesar, Pompey, and Antony because of trifles of this kind, truly they would make all things pay for it with a great slaughter. And yet how often did they observe signs from the sky? How often by auspices did they disturb elections, wars, and peace? Hence Augustine spoke most truly: "Rome lived more happily with fewer gods"; for the greater number filled minds with superstition and emptied houses. Cicero perceived the same thing; for, lest his house be restored to him, its site was consecrated by his enemies.

I pass over what occurred in Christian times. The world has suffered very many things because superstition raged with savagery and avarice. Tertullian reproaches the gentiles with this in chapter 44 of the *Apology*: "But no one observes that injury to the commonwealth, as great as it is real; no one weighs that injury to the state, when so many just persons are expended, when so many innocent persons are squandered. For now we call your own proceedings to witness--you who preside daily over the trials of prisoners, who conclude indictments with sentences. So many guilty persons are reviewed by you under various indictments of crimes: which of them is an assassin? Which a cutpurse? Which a temple-robber, or a corrupter, or a robber of bathers? Which of them is also inscribed as a Christian? Or, when Christians are brought forward under their own designation, which of them is also such as all those guilty persons? From your people the prison always seethes; from your people the mines always sigh; on your people the beasts are always fattened; from your people the providers of spectacles feed their herds of criminals. No Christian is there, unless he is simply only a Christian; or, if he is something else also, he is no longer a Christian."

§ 8. In the history of the Jews also, public calamities followed superstition. Jerubbaal, the bravest of the leaders, was demanded for punishment because he destroyed the altar of Baal. Jeremiah was stoned, and the remnants of the land of Israel departed into Egypt. In the time of the Maccabees, the Sadducees and Pharisees disturbed the commonwealth and brought destruction upon the royal family. What formerly harmed the Palaeologi, what harmed the Bohemians, except error and rivalry in false religion? What of the dreadful superstition of the Calvinists today? Is it not an inciter of rebellions, and does it not contrive the increase of its sect through civil bloodshed? There can be no honorableness in that sect in which falsehood is law, the devil religion, and factions the works.

§ 9. Fifth, God is truth; only by true things is advancement made with him. The society of the human race is from nature and from truth; only by true things is advancement made in it. Therefore, when action is taken through simulation and fraud, the return upon lying is small: amid so many who have eyes, the people are not deceived for long. Every superstition, because it consists in opinion, is easily changed; and because it consists in an absurd opinion alien to reason, even those who seemed most obstinate become ashamed of their madness. For what if someone instructs the wretched and shows that it is not human beings who are preserved by images, but images by human beings?

Therefore, the prince who deprives those subject to vain religions of their reason is in perpetual danger lest a fraud so well known to the wise become known also to the deceived peoples. Once that error has been removed, whatever protection there was in superstition will go away into smoke--indeed, it will turn into hatred and contempt. For when the people understand that they have been led into fraud by empty and vain things, that through panic fear they have suffered loss of property or reputation, that they have trembled without cause, and that they have been an object of mockery to the prince or aristocrats, they are no less indignant than if they had been confined by prison and chains and bound to another's will. For this is the nature of human beings: no one wishes to be deceived, and one who has been deceived turns his anger against the author of the deception.

That fraud never remains hidden, because by its increase and mass it is compelled to betray itself. The Romans once believed that the gods existed. But after altars began to be decreed to proconsuls, after the flattery of the Smyrnaeans established a temple to Porcius, after the Alabandans imitated a servile religion, who did not laugh at the novel gods? Especially since those new heavenly beings were consecrated whom no sane person would wish to have as parents. When Augustus, while alive, was worshipped through altars and flamens; when Livia was priestess of her husband and made him by poison, from a terrestrial god, a celestial one; when all the provinces imitated this--and kings too, or assuredly were compelled to it; for neglect of the rites of Augustus was charged against the Cyzicenes, with crimes of violence added, and they therefore lost the liberty given during the Parthian war--what wise person did not laugh when

he saw Caligula come forth in the garb of Hercules or Venus? When he saw Augustus, adorned with thunderbolts and rays, placed upon an altar? Indeed, when he saw that house approached through temples? But although in reality no one believed it, they nevertheless said that they believed it.

Pliny speaks absurdly in his *Panegyric of Trajan*: "Tiberius dedicated Augustus to heaven, but so that he might introduce back again the charge of injured majesty; Nero dedicated Claudius, but so that he might mock him; Titus dedicated Vespasian, and Domitian dedicated Titus--but the former so that he might be seen as the son of a god, the latter as a brother. You have restored your father to the stars, not to inspire fear in the citizens, not in contempt of the divine power, not for your own honor, but because you believe him to be a god."

What are you saying, most prudent man and, unless I am mistaken, most studious of all human beings? Your Quirites made so many gods whom they did not believe to be gods.

> With a flamen and altars he worshipped Augustus; with a calf and lamb he appeased him;
>
> The inscriptions bear witness, the decrees of the senate disclose it,
>
> Establishing a Caesarean temple in the likeness of Jupiter's.

Pliny does not believe that they were gods, nor does he believe that the Romans believed it. Yet he says that Trajan believed his father to be a god. What then? Did Pliny believe it? How does he believe Trajan's father to be a god if neither Augustus, nor Claudius, nor Vespasian, nor Titus was a god? Or again, if Trajan had not come to the empire, would his parent have been worshipped as a divine power?

§ 10. This evil is ancient: kings' ambition for divine honors. Curtius, in book 8, relates the speech of Cleon, a man of the most abject flattery, in which he speaks on behalf of Alexander's divinity. He says that the Persians acted not only piously but also prudently in mingling their kings among the gods, since the majesty of command is the safeguard of safety. They acted impiously and imprudently: impiously, because they adored the most abominable human beings as the holiest divine powers; imprudently, because, when they saw them take pleasure in an empty and false honor, they did not judge them worthy even of a moderate honor, but made them proud and hateful to their peoples. For divine honor, transferred to kings among human beings by sacrilege, afflicted both the kings themselves and the kingdom.

Certainly no divinity defended Cyrus from death, nor did the queen of the Massagetae judge him a god when she enclosed his head with Persian blood in a skin. No one believed Cambyses, the son of Cyrus, who was endowed with the vilest morals and was the murderer of his brother and his sister, who was also his wife, to be a god--any more than the Egyptian bull which Cambyses slaughtered. The sword proved that Cambyses was not a god when, falling from its sheath as he mounted his horse, it inflicted a deadly wound upon his thigh. The Magi, having ruled for a few months, were killed without any reverence for royal divinity. Darius followed; being more moderate, he reigned more happily. Xerxes, although he almost believed himself a god, wrote letters to mountains and inflicted lashes upon the sea; he was killed by Artabanus. After seven months of tyranny, Artabanus paid the penalty.

The longest rule was that of Artaxerxes Longimanus, who, as it appears, was a worshipper of God; for he commanded that the building of Jerusalem and the temple be completed and held the most holy man Nehemiah exceptionally dear. And so he administered the kingdom happily for forty years. Next, the divinity of Sogdianus lasted only seven months. Artaxerxes was wounded by Cyrus, who neither loved his brother nor feared God. Nor did Darius, the son of Artaxerxes, ever regard him as a god; for if he had thought him a god, he would neither have sought his concubine Aspasia nor, after sending in Tiribazus, have attempted to inflict an abominable murder upon his father. But neither did Artaxerxes regard his son Darius, whom he had made king, as a god; nor did the princes of Persia, by whose judgment he was slaughtered as a parricide. Ochus then came to the throne after killing his brothers, but was killed by the general Bagoas. Arsames, the son of Ochus, was made king by Bagoas and was destroyed four years later. The last of the kings was Darius Codomannus, whom Alexander overthrew; he was treated contemptuously by his own friends and slaughtered with immense cruelty.

§ 11. From this certainly the faithful person will learn the rectitude of divine judgments; but the impious man and impostor will learn that superstition and vain fears instilled into the people not only do not help to protect a kingdom but greatly harm it. For they prepare hatred and contempt. The Roman emperors can also serve as evidence. While they lived, divine honors were lavished upon them and altars were set up upon which oaths had to be sworn by their name; yet, when the least occasion was given, the Romans dragged their new gods with the hook and hurled them down the Gemonian stairs.

Numa's counsel, therefore, was imprudent: he thought that the most effective means of keeping the multitude--rude in those times--in its duty was to instill fear of the gods. For when that vain fear of monstrous divine powers was dispersed by some good ray of the light implanted by nature, they judged that there was no God, and through weariness with superstition stripped off all religion. Indeed, when a savage and ungovernable multitude has been captured by vain religion, it obeys seers better than leaders; but when it understands that the seer is betraying his trust and, like that oracle, φιλιππίζειν--"to Philippize," or favor Philip--it suppresses every consciousness of right and judges that there is no divine power, because where it believed that divine power alone resided, there it found sheer fraud.

Finally, superstition makes nations restless and mutable; experience has taught this. But where there is restlessness and changeableness, there too is sedition. The cause is that all false and vain things frequently change, and that, when religions suffer a defect in some slight ceremony, they judge all things to have been thrown into confusion. The Romans, certainly, in order to diminish the superstitions by which they were burdened, forbade Sibylline verses to be held and read privately. Dio, book 54. Augustus gathered together from every quarter and burned more than two thousand prophetic books, of both Greek and Latin kind, which circulated commonly under no authors or authors of little fitness; after making a selection, he stored these too in two gilded cases beneath the base of Palatine Apollo. Thus they also frequently persecuted foreign religions because they did not dare to recall their ancestral ones to the assay and anvil.

§ 12. The Egyptians were most tenacious of their superstitions. Cicero speaks truly of them in book 5 of the *Tusculan Disputations*: "Who does not know the custom of the Egyptians, whose minds are steeped in depraved errors? They would undergo execution sooner than violate an ibis, an asp, a cat, or a crocodile." Diodorus Siculus describes a sedition born from superstition: "Ptolemy"--he says--"whom the Romans afterward restored to the kingdom, had at first been named ally and friend by the senate and people of Rome, and there was great public rejoicing and a gathering. Romans too were in the crowd, and among them a soldier by chance--for not intentionally--killed a cat. Shouting, anger, and tumult arose. Neither the ignorance of the wretched man, nor reverence for the Roman name, nor the king's authority--although he had sent the foremost of his courtiers to quiet them and make entreaty--none of these things, I say, availed to prevent the man from immediately being torn apart by thousands of hands, so that nothing remained for funeral or pyre."

[Printed page 92]

The matter is therefore clear concerning the superstition of the Egyptians. Since the authors have much to say about their most restless life, I must recount a few things, so that it may appear that the companion of extreme obstinacy in superstition is the greatest levity and mutability. These are Hadrian's words to the consul Servianus, by which he testifies that he learned that all Egypt was frivolous, wavering, and flitting about at every movement of rumor, and that its people were the most seditious, cowardly, and injurious. The cause was perpetual dissensions and conflicts over religion; for cities often join battle with one another over ridiculous things.

Next, those most religious people, who were set up by kings as though gladiators for mutual quarrels concerning divine powers--that is, garlic and onions, for these divine powers grew in gardens--were insolent and faithless toward kings. Seneca, in chapter 9 of the *Consolation to Helvia*, calls Egypt faithless; and in chapter 17 of the same discourse: "And so this talkative province, inventive in insults against its prefects--a province in which even those who avoided

guilt did not escape ill repute--looked up to him as the one example of holiness; and, a thing most difficult for it, although dangerous witticisms also please it, restrained all license of words." Herodian, book 4, says: "The Egyptians are by nature people disposed to mockery and formed for uttering taunts or jests. They hurl many of these against eminent men, things which appear pleasing or witty to themselves, but which bite and sting those against whom they are hurled." Innumerable killings and disturbances followed these insults.

Examples are the kings called Philadelphi, Philometores, and Physcones--because of a brother and mother killed, and because of the fat of a pendulous belly. Although these names conveyed insults concerning crime, they nevertheless clung perpetually as though proper and family names. Flavius Vopiscus calls them windy, furious, boastful, injurious, and avid for revolution. Ammianus records that the Alexandrians were also deceitful, always thinking one thing and pretending another, becoming inflamed at every movement, contentious, and most vehement demanders of restitution. Philo of Alexandria, a domestic witness, also testifies to this in *Against Flaccus*. Juvenal, Satire 15.

Dio likewise says of the Alexandrians: "The Alexandrians have sufficient spirit to hear anything; and by nature they are most ready rashly to carry out in words whatever they have proposed to themselves. The same people are the most unfit of all for war and its labors, although in the seditions which occur among them both most frequently and on the greatest scale, they repeatedly come to killings and, through zeal for contending about the matter proposed, hold life in the greatest contempt and judge death in those conflicts to be a certain good especially to be sought."

Thus the Egyptians were frivolous, discordant, and seditious, and in addition so fraudulent that their malicious cunning passed into a proverb. Aeschylus:

δεινοὶ πλέκειν τοι μηχανὰς Αἰγύπτιοι.

> The Egyptians are excellent at contriving devices.

And Theocritus:

οὐδεὶς κακοεργὸς δαλεῖται τὸν ἰόντα παρέρπων Αἰγυπτιστί.

> No evildoer harms the passer-by by creeping up in Egyptian fashion.

That these things were accustomed to arise, and to draw their habitual character, from sacred rites and superstitions is easy to gather from the things Herodotus relates in his *Thalia*. For because of an ibis, a cat, and other trifles, they raged so greatly:

> We see peoples for whose anger it does not suffice
>
> To have killed someone, but who have believed his breast, arms,
>
> And face to be a kind of food.

§ 13. A poet indeed, but with historical truth, teaches that superstition is the source of all these evils--Juvenal, Satire 15:

> Who does not know, Volusius Bithynicus, what monsters
>
> Demented Egypt worships? One part adores the crocodile;
>
> Another trembles before the ibis glutted with serpents.
>
> The golden image of the sacred long-tailed ape gleams
>
> Where the magic chords resound from half of Memnon,
>
> And ancient Thebes lies buried beneath its hundred gates.
>
> Here they venerate blue fishes; there, a fish of the river;

Whole towns worship a dog; no one worships Diana.

To violate a leek or onion and break it with a bite is sacrilege.

O holy nations, for whom these divine powers grow

In gardens! Every table abstains from wool-bearing animals;

There it is sacrilege to slaughter the offspring of a she-goat;

But it is permitted to feed on human flesh. When Ulysses,

Astonishing him, related over dinner such a deed

To Alcinous, perhaps in some he had stirred bile or laughter,

As a lying teller of marvels. “No one casts this fellow

Into the sea, worthy of the savage and genuine Charybdis,

Who fabricates monstrous Laestrygonians and Cyclopes?

For I would sooner believe in Scylla, or the Cyanean rocks

Colliding, and skins full of tempests,

Or Elpenor, struck with the slender wand of Circe,

Grunting with his fellow oarsmen as pigs.

Did he judge the Phaeacian people so empty-headed?”

Thus someone not yet drunk would justly speak, one who had drawn

The least wine from the Corcyraean jar;

For this Ithacan alone sang these things, with no witness.

We shall relate wonders indeed, but things done recently,

When Iuncus was consul, above the walls of hot Coptus--

A crime of the common people, and more grievous than all tragedies.

For, though you unroll all the tragic robes, no people

Among the tragedians commits a crime from the time of Pyrrha.

Hear what example dreadful savagery has produced

In our own age. Between neighboring peoples an old

And ancient feud exists--an immortal hatred

And a wound never to be healed. It still burns

Between Coptus and Tentyra. Hence the highest fury

On both sides among the common people, because each place hates

The divine powers of its neighbors, since each believes that only

Those gods whom it itself worships ought to be held as gods.

But at the festival of one people, all the leading men

And commanders of its enemies thought the opportunity should be seized,
Lest they should feel the glad and cheerful day, the great joys
Of a feast, with tables set and arranged at the temples,
And with a couch kept wakeful, on which the seventh sun sometimes
Finds a man lying through night and day. Egypt is savage indeed;
But, so far as I myself have observed, in luxury its barbarous throng
Does not yield to infamous Canopus. Add that victory is easy
Over men drenched, stammering, and staggering from unmixed wine.
On one side, therefore, there was men's dancing to a black piper,

[Printed page 93]

Perfumes of every kind, flowers, and many garlands on the forehead;
On the other, fasting hatred. But the first quarrels begin
To resound in their burning minds. These are the trumpet of the brawl.
Then they meet with equal shouting, and the naked hand
Rages in place of a weapon. Few cheeks are without a wound;
In the whole contest scarcely anyone--or no one--has a nose intact.
You could now see throughout all the ranks half-faces,
Faces of another form, bones gaping from broken cheeks,
And fists filled with blood from eyes.
Yet they themselves believe that they are playing and exercising
Childish battle lines, because they tread upon no corpses.
And, indeed, why should so many thousands of a brawling crowd
Do so, if all are alive? Therefore the attack grows fiercer,
And now with arms bent they begin to hurl stones
Sought along the ground--the weapons of domestic sedition--
But not a rock of the weight with which Turnus and Ajax,
Or the son of Tydeus, struck the thigh of Aeneas;
Rather one which right hands unlike theirs, born in our age,
Are able to discharge. For this race was already diminishing
While Homer lived. The earth now produces evil and puny men.
Therefore whatever god looked on laughs and hates them.
Let the story be resumed after this digression. When one side,
Increased by reinforcements, dares to draw iron

And renew the battle with hostile arrows, all who dwell
In neighboring Tentyra, shaded by palms, press upon the backs
Of those who excel in rapid flight. Here one man slips,
Hastening his course through excessive fear, and is caught.
The victorious crowd cuts him into very many pieces
And little portions, so that one dead man may suffice for many;
With the bones gnawed clean, it eats him whole. It did not cook him
In a blazing bronze cauldron or upon spits; so long
And slow did it judge waiting for fires, content with the raw corpse.
Here one may rejoice that it did not violate the fire
Which Prometheus, snatched from the highest region of heaven,
Gave to the earth. I congratulate the element, and think that you too
Exult. But the man who endured biting the corpse
Never ate anything more gladly than this flesh.
For in so great a crime, do not ask and doubt whether
The first throat felt pleasure. But the last man,
Who stood when the whole body had already been consumed,
Draws his fingers along the ground and tastes something of the blood.
The Vascones, as report has it, prolonged their lives
By the use of such foods; but the case is different. There
The blame there lies with fortune: the extremity of wars, extreme circumstances,
And the dreadful famine of a long siege.
For this example of food which is now at issue ought to be pitiable.
The people just mentioned, after all herbs and every animal,
After whatever the madness of an empty belly compelled,
While their pallor and leanness and thin limbs moved even enemies
To pity, tore with famine limbs not their own, ready
To eat their own also. What human being or god would have denied
Pardon to those who suffered dreadful and monstrous things,
And whom the very shades of those whose bodies they ate
Could forgive? Zeno’s precepts advise better than we do,
For he judges that some things, not all, must be done for life.
But whence was the Cantabrian a Stoic, especially

In the age of the ancient Metellus? Now the whole world

Has Greek and Roman Athens. Eloquent Gaul has taught

The Britons to be advocates; Thule now speaks of hiring a rhetorician.

Nevertheless, that noble people of whom we spoke--and Saguntum,

Equal in courage and fidelity but greater in disaster--excuses

Some such deed. Egypt, more savage than the altar by the Maeotic Sea,

Does not. For that altar, inventor of the abominable Tauric rite,

Sacrifices human beings, so that you may believe the poems which now

Hand these things down to be worthy of trust--but no more than that.

The victim fears nothing further or more grievous than the knife.

What accident drove these men? What so great hunger, what arms

Hostile to their rampart, compelled them to dare so detestable

A monstrosity? Or would they create another object of reproach

For land dry around Memphis when the Nile was unwilling to rise?

With a madness in which neither terrible Cimbri nor Britons,

Fierce Sauromatae, nor monstrous Agathyrsi ever raged,

This unwarlike and useless common people rages,

Accustomed to spread little sails upon earthenware skiffs

And lean upon the short oars of painted pottery.

You will find no penalty for the crime, nor will you devise

Punishments worthy of peoples in whose mind anger

And hunger are equal and alike.

§ 14. To all these is added a greater evil, and one dangerous to those who reign: namely, concern for future things, auspices, entrails, and the impostures and profits of seers. By these whole nations have often been sent into the greatest dangers. Croesus, deceived by an oracle, became the mockery of his enemy. Demons, by lying, drew Julian into Persia. The seers sang:

We gods shall go against Theren; victory is certain.

I, Mars, unconquered in arms among the gods, shall be the leader.

Indeed, even Ahab, a patron of impious superstition, was deceived by his prophets and destroyed himself, his army, and his family. This thing frequently afflicted the Gauls and Germans. Plutarch, in his *Caesar*: “Moreover, the prophecies of their divining women disturbed them more, women who foretold the future by inspecting the eddies of rivers and observing the windings and noises of streams. They forbade battle to be joined before the new moon had shone. When these things had been reported, Caesar, since he perceived that the Germans were at rest, judged that he would act best if he fought with them while they were sluggish rather than, by awaiting their times, fail in his desire. And so, by attacking their fortifications and the mounds on which they had settled, he harassed and provoked them so

that they descended with fury to fight. After routing them with immense slaughter, he pursued them thirty-seven thousand five hundred paces all the way to the Rhine and filled this whole plain with corpses and spoils."

Those predictions were also destructive to Spain. Our Mariana relates the affair in book 2, chapter 14 of *The Education of a King*: "It was harmful that Martin Barbuda, Master of Alcántara, deceived by a certain John, a magician who had long conducted a life secret from everyone and promised victory as though by divine admonition, contrary to the laws of the treaty recently struck

[Printed page 94]

with the Moors, gathered a great but disorderly multitude of men under the appearance of religion and, while making an incursion into the territories of Granada, was surrounded by the enemy's onset and perished with all his men. And the eighth day commemorating Christ restored to life, white both in fact and in name, was turned black; and by a noble example it was established that fraud is often present beneath an extraordinary appearance of holiness."

We therefore do not wish the prince readily to lend his ears to these human beings. We do not wish him to consume whole days and nights in prayers and anxiety of mind, which would be no less harmful. But he ought so to order himself that he does not labor greatly over future events; that he places the hope of safety in divine protection and piety; and that, to treat illnesses, he summons none other than those skilled in the medical art and employs wholesome herbs according to their counsel.

§ 15. But it is so clear that useful counsels are hindered by these things, that seditions, hopes of revolution, and plots arise, that no times of a pagan emperor were without them. For under what emperor were there not investigations against those who had consulted magicians concerning the prince's life or his successor? Moreover, this great mystery of impiety vehemently afflicts the minds of the ignorant common people. To tremble at every movement, every advance, every voice, every meeting with either human being or beast, at the song of an ominous bird, at the flight of birds, at a morsel falling from the mouth of a chicken--and not only to tremble, but to lead out an army or confine it in camp, to cross the sea with a fleet or remain in harbor, and to govern the arts of war and peace--is of such great folly that it does not seem capable of befalling a human being.

Julian is terrified by a falling star and consults soothsayers, who advise him to do nothing. Augustus was of such a character regarding religions, as Suetonius says, that "he was somewhat excessively frightened by thunder and lightning, so that always and everywhere he carried the skin of a sea-calf around as a remedy; and at every suspicion of a greater storm he withdrew into a concealed and vaulted place, having once been terrified during a nocturnal journey by a flash of lightning," as we said above.

Alexander was even more pitiable than Augustus; he conducted himself in such a way that there was nothing so small or absurd--provided only that it was unusual--which he did not turn into a prodigy or omen. Consequently, the palace was full of sacrificers, purifiers, and diviners.

But if an enemy rushed upon him while heaven thundered, would the veteran commander not hide himself in concealment? If the army were held by an equal fear, would it not become bloodless booty solely because its members falsely believed their own destruction to be indicated by the lightning?

§ 16. Superstition makes people trembling, unwarlike, and servile, just as true religion makes them spirited, brave, and confident in the protection of the divine power. The Egyptians, the most superstitious of nations, were unfit for war; they were almost always enslaved. Indeed, although they possessed so fertile a region, they ministered to foreigners in the vilest occupations. And so, by way of contempt, they were called ἀχθοφόροι, πλινθοφόροι--burden-bearers and carriers of bricks. Yet they were of a huge and sinewy body, which, however, they exercised not with arms but with servile burdens, because they possessed minds humbled by fear of the gods and pressed down toward the earth.

Thus Aristophanes jokes about those βαστάζοντας--"carriers":

δύ᾽ ἅρματ᾽ εἰσέθηκε καὶ νεκρὼ δύο, οὓς οὐκ ἂν ἄραιντ᾽ οὐδ᾽ ἑκατὸν Αἰγύπτιοι.

> He placed upon it two chariots and two dead men,
>
> Whom not even a hundred Egyptians could carry.

For how can there be a great spirit in one who venerates such worthless things as a divine power? Who locates the supreme good in the smallest things? How servile in spirit are the Turks? They say that the stars hang from golden chains; they superstitiously supply food to animals. Some Indians build hospices and palaces for birds, while meanwhile neglecting human beings. How superstitious are the Americans and Japanese! Yet they are all foolish, unwarlike, abject, and, as it were, born to serve. For since they are compelled to fear all things, they cannot be magnanimous.

CHAPTER XV

Machiavelli's Imprudence and Superstition Demonstrated

§ 1. Since many of the pagans judged it to have been done wisely that they restrained the multitude by fear of ceremonies and by a certain tragedy of religion, I have already refuted this. But because Machiavelli, who wished to be regarded as a Christian, nevertheless leads his prince to the same thing, what he wrote in book 1, chapters 11, 12, 13, and 14 of *Discourses on Livy* must be examined. For these writings combine great imprudence with the utmost superstition.

Chapter 11: "Although Rome derived its first origin from Romulus and ought deservedly to acknowledge him as a daughter acknowledges her father, nevertheless the immortal gods saw that the laws and institutions established by Romulus were not sufficient for acquiring so great an empire. Therefore, when he departed from this life, they moved the senate to choose Numa Pompilius as his successor, so that he might supply the things which had been neglected by Romulus. When, therefore, he had come to power, he found the Roman people trained in the arts of war and fierce; and since he desired to train them for peace and tranquillity, he directed all his effort toward establishing the worship of religion. He established it so excellently that for many centuries nowhere among nations was there so great a fear of God as that which existed among the Romans from Numa's institution; and this thing greatly advanced all those institutions."

He proves that Rome's safety depended upon that reverent worship of religion because they were accustomed to keep the oath which they had been compelled to swear. Thus, after the disaster at Cannae, Scipio compelled the frightened youth, who under the leadership of Metellus were contemplating departure to some king, to swear at sword-point that they would not desert their fatherland. Thus Titus Manlius compelled the tribune Pomponius at dagger-point to swear that he would desist from accusing Manlius's father. Accordingly, he affirms that the Romans owed more to Numa than to Romulus. Finally he concludes in these words: "Since these things are so, I conclude that the worship of religion instituted by Numa Pompilius was one of the principal causes because of which the Romans were so fortunate in conducting affairs. For where religion exists, good laws and good discipline have a place; and from these arise fortunate and happy outcomes of affairs, especially in military expeditions. Conversely, with religion removed, the commonwealth must fall; for with fear of God removed, impiety follows, and from this the ruin of empires. For although the prince himself may perhaps be pious and may in some manner compensate by his virtue for the impiety of his subjects, nevertheless, because he is mortal and perhaps also of a brief life, it must happen that, when he dies, the virtue which had prevailed gradually declines together with the empire."

§ 2. In chapter 13 he says: "I think that I shall not act irrelevantly if, by setting forth examples, I show that the Romans often settled a disturbed commonwealth and undertook certain expeditions by the assistance of religion. Although many examples of this kind occur in Livy, I shall nevertheless adduce only these few.

"After the Roman people had created tribunes of the plebs with consular power, and all of them except one

[Printed page 95]

were plebeians, there arose in Rome in the same year a severe plague and scarcity of grain; in addition, certain other portents appeared. The patricians therefore seized this occasion and asserted that these calamities had been sent upon the Roman people by the immortal gods because of abuse of the majesty of government and wrongful usurpation of tribunician power, and that the gods could not be appeased otherwise than if the lawful arrangement of tribunician power were restored. Terrified by this matter, the plebs created all the tribunes from the patrician order.

"In the very long siege of Veii also, when the soldiers, wearied by tedium, wished to return to Rome, they were kept by their leaders in continuation of the siege under a certain pretext of religion. For when the Alban Lake had risen, they

interpreted the oracle of Apollo as though that inundation of waters announced that the city would be taken in that year; and a seer, who was held captive at Rome, was employed for the expiation of this Alban prodigy and the appeasement of the gods. Persuaded by all these things, the soldier patiently endured the hardships of war; and from this it came about that Camillus, having been created dictator, took the city which the Roman people had besieged for an entire decade. The Romans would never have accomplished these things so happily, nor could they have restored tribunician power to the patricians, unless, assisted by the pretext of religion, they had known how to keep both the soldiers and the plebs in their duty.

"Similar to these examples is what happened when Terentillus, tribune of the plebs, wished to promulgate the Terentillan law, concerning which we shall dispute later. For then also, to quiet the disturbances which this matter had produced, the Fathers employed a certain pretext of religion in two ways. First, they ordered the duumvirs to consult the Sibylline books and then announced from them that danger threatened the state of losing its liberty in that year unless men abstained from seditions. Although the tribunes charged that this had been done by the Fathers to obstruct the law, it nevertheless moved the minds of the plebs so greatly that it no longer followed the tribunes with such ardor.

"Next, when, amid the same disturbances, a certain Appius Herdonius, with the aid of exiles and slaves--of whom he had four thousand five hundred with him--occupied the Capitol and citadel by night, and there was danger that, if either the Aequi or Volsci, perpetual enemies of the Roman name, should arrive, they would take the city; and when the tribunes still did not cease to press the promulgation of the law and asserted that this too had been fabricated by the Fathers in order to obstruct the law, then the consul Publius Valerius, a grave and eloquent man, came out from the senate and, mingling threats with arguments, demonstrated to the people what dangers threatened the city because the Capitol had been seized and how untimely that occasion was for carrying the law. He accomplished so much that all were bound by oath not to depart from the consul's will. The plebs therefore followed him and recovered the Capitol.

"But when Publius Valerius had been killed in that assault and Lucius Quinctius Cincinnatus had succeeded him in the consulship, he resolved to lead the legions against the Volsci and Aequi, lest he leave the plebs leisure or furnish it an opportunity to consider and press the same Terentillan law. But when the tribunes tried to frustrate this and asked by what arrangement the consuls would lead out an army, since no one would permit them to conduct a levy against the will of the tribunes, Quinctius said: 'But we have no need of a levy. For when Publius Valerius gave arms to the plebs for the recovery of the Capitol, all swore allegiance: that they would assemble at the consul's command and would not depart without his command. We therefore proclaim that all of you who swore allegiance are to be present armed at Lake Regillus tomorrow.'

"Although after these words the tribunes resisted and attempted to release the plebs from its religious obligation, on the ground that the oath had been rendered not to Quinctius, who was then a private man, but to the consul, nevertheless the plebs, moved by reverence for religion, preferred to follow the consuls rather than appear to violate its oath in any manner. To such an extent, assuredly, were those times happy and human beings very little evil. And as Livy says: 'That neglect of the gods which holds our age had not yet arrived, nor did each man make oaths and laws suitable to himself by interpreting them; rather, he accommodated his own morals to them.'

"With these things thus established, when the tribunes saw that they could not resist the consuls, they themselves descended to the consuls' will through fear of losing their dignity; and an agreement was made that throughout the entire year neither would they themselves do anything concerning the Terentillan law, nor would the consuls summon the plebs from the city to war. Here too, accordingly, you perceive that the senate, by the assistance of religion, quieted these turbulent movements of tribunician power and overcame the present difficulties, and that it could not have overcome them without religion."

§ 3. In chapter 14 he says that the Romans employed auspices, yet frequently fought contrary to omens and at other times interpreted them contrary to common usage, as Papirius did against the Samnites. For when the *tripudium solistimum* had falsely been reported to him and this had been disclosed to the commander, who was now intent upon

the business, he answered the messenger: “May you indeed be honored for your courage and diligence. But if the one who attends the auspice reports anything falsely, he takes the religious guilt upon himself. To me the *tripudium* has been reported, and it is an excellent auspice for the Roman people and army.”

When he had said these things, so that the outcome might answer his omen, he commanded the centurions to station the chicken-keepers among the foremost standards. And so, while the standards were advanced against the enemy, before the shout was raised and battle joined, a chicken-keeper was struck by a spear discharged at random and fell before the standards. When this was reported to the consul, he answered that all things would now proceed under good auspices, since the chicken-keeper had expiated his falsehood by his own destruction and the gods, now appeased, would assist the army. In this passage you perceive manifestly that Papirius interpreted the auspices so that he neither omitted the opportunity of fighting contrary to what they appeared to advise, nor could anyone nevertheless object to him that he had despised the auspices and religion.

The senate approved that dexterity and, by decreeing honors, ratified it publicly.

§ 4. Although the preceding arguments have shown that this is impious imprudence, I shall now nevertheless demonstrate it from histories and from the commonwealth itself--and, unless I am mistaken, from Machiavelli himself.

First, he says that the immortal gods saw that the laws enacted by Romulus were insufficient for acquiring so great an empire, and that they therefore moved the senate to choose Numa so that he might supply what was lacking. What here should I first marvel at or censure? Did the gods foresee that Romulus’s laws were insufficient? But neither the divine powers of Romulus nor those of Numa not only foresaw anything, but even saw anything. All those gods grew without foundations and were therefore inclined toward ruin. Romulus made a few gods, Numa more. But those were not gods whose divinity was weighed according to human judgment, since those human beings were propitious to the god: for unless they had decreed it, that crowd of little gods would never have been adorned with ray and stars.

Minucius Felix judged better concerning this business: “The Romans were not so great because they were religious, but because they were sacrilegious with impunity.” But nevertheless the gods moved Numa to establish divine powers and, as Machiavelli wishes, to deceive the simple people. Yet those gods did not suffice for posterity.

“Nor,” says Augustine in book 3, chapter 12 of *The City of God*, “did Rome deign to be content with these sacred rites, although Pompilius had established so many there; for it did not yet possess the chief temple of Jupiter himself. King Tarquin built the Capitol there. Aesculapius, moreover, left Epidaurus for Rome so that, as a most skilled physician, he might practice his art more gloriously in the most renowned city. The Mother of the Gods also came--I do not know whence--from Pessinus. For it was unworthy that, while her son already presided over the Capitoline Hill, she herself should still

[Printed page 96]

lie hidden in an ignoble place. Yet if she is the mother of all the gods, she not only followed certain of her sons to Rome but also preceded others who were to follow. I marvel indeed whether she herself gave birth to Cynocephalus, who came much later from Egypt. Whether the goddess Fever was also born from her, let Aesculapius, her great-grandson, see to it. But from wherever she was born, I do not think that the foreign gods will dare to call her, a Roman citizen, an ignoble goddess.

“Under the protection of so many gods--who can number them? Native and foreign, heavenly, terrestrial, infernal, marine, of springs and of rivers; and, as Varro says, certain and uncertain; and in every kind of gods, just as among animals, males and females--under the protection, therefore, of so many gods, Rome ought not to have been shaken and afflicted by such great and horrible disasters, of which I shall commemorate a few out of many. For by her great smoke, as though a signal had been given, she had gathered far too many gods for her protection; by instituting and furnishing temples, altars, sacrifices, and priests for them, she offended the supreme and true God, to whom alone these things, rightly performed, are owed.

"And she certainly lived more happily when she had fewer. But the greater she became, the more she judged that more must be employed, as a ship employs sailors; I believe she despaired that those fewer gods under whom, in comparison with her worse life, she had lived better were sufficient to assist her greatness. For first, under the kings themselves, except Numa Pompilius, of whom I have already spoken above, how great was the evil of discordant strife which compelled Romulus's brother to be killed?"

§ 5. I omit the twelve select gods and the twenty celestial gods. Was that crowd necessary--Cautius, Ops, Lucina, Vagitanus, Cunina, Rumina, Statilinus, Mens, Adeona, Volumnus and Volumna, Bellona, the rustic god, Honorinus, Victoria, Aesculanus, Fessonia, Pellonia, Spiniensis, Fortuna, the goddess Mutua, Agenoria, Stimula, Murcia, Jugatinus, Vallonia, Runcina, Sera, Segetia, Tutilina, Flora, Matura, Ruana, Carda, Limentinus, Forculus, Silvanus, Fever, Fear, Flora, Rest, and the one who alone has a rightful name, Cloacina? These and more were added; for I omit many because I cannot name them honorably. Therefore, if Machiavelli judges that the Roman state stood by the superstition of these gods, he departs very far from the truth. For what did Fever and Pallor foresee concerning the commonwealth?

§ 6. Second, it is owed to Numa that the Romans preserved the religious obligation of the oath, as Metellus did with his companions, and Pomponius. But they observed the religious obligation of the oath not from fear of vain divine powers, but from natural reason and a certain fear concerning the eternal divine power, whose implanted πρόληψιν--"preconception"--they could not shake off; and much more truly from fear of death and infamy. For through their gods--Apollo, Mercury, Venus, and Jupiter himself--they learned to swear falsely and deceive.

Do you wish me to set the crowd of perjurers against these very few? First, Numa himself was an occupier of the kingdom through guile and a corrupter of so great an empire through the fraud of religion introduced among the citizens. Next, Tullus Hostilius, waging war against the treaties of Alba--that is, against its parent--was consumed by lightning together with his whole house. Tarquinius Priscus was killed by the sons of Ancus contrary to the pledged faith. Servius was killed by his son-in-law. Tarquinius Superbus, a parricide, erected the Capitol and reigned. Brutus expelled his colleague Collatinus without cause. Roman youths conspired against their fatherland on behalf of tyranny. Where here is Numa's profane piety?

"The Roman senate dealt according to equitable and moderate law while fear from Tarquin and the grave war with Etruria remained. Afterward the Fathers exercised the plebs by servile domination, decided concerning their life and body in the royal manner, drove them from their land, and, with the rest excluded, acted alone in government. Harried by these cruelties, and especially oppressed by usury, the plebs, since it bore tribute and military service at the same time amid continual wars, occupied the Sacred Mount and the Aventine under arms, and then procured for itself tribunes of the plebs and other rights. The end of discord and strife on both sides was the Second Punic War." Thus Sallust.

It was therefore not through religious piety but through fear that the Fathers showed themselves equitable; and because fear is not a lasting teacher of duty, when it was removed they proceeded to injuries against the plebs. What of Sergius Galba, a man of the utmost perfidy, who sold some and slaughtered others of seven thousand Lusitanians, although he had summoned them after giving his word? The senate banished Bituitus, king of the Arverni, perfidiously captured, to Alba for confinement.

I am not ignorant that there was a greater religious regard for the oath at Rome than among any nation. Cicero, book 3 of *On Duties*: "Our ancestors wished there to be no bond tighter than an oath for binding faith." Aulus Gellius and Dionysius praise this. Dionysius, book 2, refers it to Numa; Polybius likewise in book 6. But this was in comparison with the Carthaginians, Egyptians, and other most faithless nations.

For as regards fidelity to an oath, I appeal to an author who knew Roman affairs better and assessed them more prudently than Machiavelli: Augustine, book 3, chapter 2 of *The City of God*: "Therefore the great gods Neptune and Apollo, not knowing that Laomedon would deny them their pay, became builders of the walls of Troy for nothing and

without thanks. Let them consider whether it is not more serious to believe in such gods than to swear falsely by such gods. For even Homer himself did not readily believe this, since he makes Neptune indeed fight against the Trojans, but Apollo for the Trojans, although the tale relates that both were offended by that perjury. If, therefore, they believe the tales, let them blush to worship such divine powers; if they do not believe the tales, let them not put forward Trojan perjuries, or let them marvel that the gods punished Trojan perjuries but loved Roman ones.

“For whence did the conspiracy of Catiline, in so great and so corrupt a state, have also a great abundance of those whose hand and tongue were nourished by perjury or civil blood? For what else did senators so often corrupted in judgments, or the people so often corrupted in voting or in whatever cases were treated before it in assemblies, do except sin also by swearing falsely? For amid the most corrupt morals the ancient custom of swearing was preserved for this purpose: not that they might be restrained from crimes by fear of religion, but that perjuries too might be added to their other crimes.”

§ 7. But whatever religious regard existed in the oath soon vanished through contempt for vain divine powers that laughed at and taught perjuries. Therefore, later men swore by the genius of Caesar; and when an oath was demanded of Christians by the safety of Caesar, Tertullian, *Apology* 35, says: “We swear, just as not by the genii of the Caesars, so by their safety, which is more august than all genii.” This, moreover, was judged the greatest oath at Rome, not because they were moved by religion, but because vengeance was readily at hand. “It is safer,” says Minucius, “to swear falsely by the genius of Jupiter than by that of Caesar.”

§ 8. Third, he praises the Romans because they employed the pretext of religion. For when they had created plebeian tribunes with consular power, they persuaded the people that the plague which was raging had been sent because of abuse of the majesty of government; and thus the plebs created all the tribunes from the Fathers. Next, they fabricated that the inundation of the Alban Lake portended the capture of Veii in that year, so that they might keep the soldier in the siege. Third, they first obstructed the Terentillan law by a pretense involving the Sibylline books; then they led the Quirites, bound by the religious obligation of their oath, against the Volsci.

But all the centuries of the Quirites will give testimony for me and for the truth: namely, that by those deceptions the authority and strength of the nobility

[Printed page 97]

collapsed. For, to omit the tribunes, after a five-year contest they made consuls from the plebs, the first of whom was Lucius Sextius. This was done while Camillus the liberator was still alive. When a new plague afterward arose, a remedy was sought through new religious rites--that is, dramatic games--and not by depriving the plebs of the right to undertake the consulship. And so the Terentillan law was carried, superstition was shaken off, and not in this manner only: they also transferred the priesthoods and auspices to themselves.

Do you desire, reader, to see the fruit of so trivial and so brief an imposture? Read the speech of the consul Decius Mus: “Since this is so, to whom among gods and human beings can it appear unworthy,” he says, “to add pontifical and augural insignia to those men whom you have honored with curule chairs, the bordered toga, the palm-embroidered tunic, the painted toga, the triumphal and laurel crown, and whose houses you have made distinguished among others by the spoils of enemies affixed to them? If a man who has been adorned with the attire of Jupiter Best and Greatest, borne through the city in a gilded chariot, and ascended the Capitol, is he not to be seen with the sacrificial bowl and augur’s staff, with his head veiled, slaughtering a victim or taking an augury from the citadel? Although the consulship, censorship, and triumph will be read with equanimity in the inscription beneath his image, if you add the augurate or pontificate, will the readers’ eyes not endure it?

“For my part--may I say it with the gods’ pardon--I hope that by the benefit of the Roman people we are already men who render no less honor to the priesthoods by our own dignity than we receive, and that we seek them for the sake of the gods more than for our own sake, so that we may worship publicly those whom we worship privately. But why

have I thus far conducted my case as though the patricians' claim regarding the priesthoods were intact and we were not already in possession of one most ample priesthood? We see plebeian decemvirs for performing sacred rites, interpreters of the Sibyl's verses and of this people's fates, and likewise overseers of the Apollinarian rite and other ceremonies. Nor was any injury done then to the patricians when, for the sake of the plebeians, the number was added to the duumvirs for performing sacred rites; and now a tribune, a brave and vigorous man, has added five places of augurs and four of pontiffs, to which plebeians may be nominated--not that they may expel you, Appius, from your place, but that plebeian men may assist you also in administering divine affairs, just as in other human affairs they assist according to their manly share.

"Do not blush, Appius, to have as colleague in the priesthood one whom you could have as colleague in the censorship and consulship, to whom you can be master of the horse when he is dictator, just as you can be dictator when he is master of the horse. A Sabine newcomer, the founder of your nobility--whether you prefer Appius Clausus or Appius Claudius--was received into their number by those ancient patricians. Do not disdain to receive us into the number of the priests. We bring many honors with us--indeed, all the same things that have made you proud. Lucius Sextius was made the first consul from the plebs; Gaius Licinius Stolo the first master of the horse; Gaius Marcius Rutilus the first both dictator and censor; Quintus Publilius Philo the first praetor. Those same things have always been heard: that the auspices are in your possession, that you alone have lineage, that you alone have lawful command and auspice at home and in war. Up to now this has been equally prosperous for plebeian and patrician, and so it will be hereafter.

"Or have you ever heard it said at Rome that the patricians were first created not by descent from heaven, but that those who could name a father and grandfather--that is, nothing further than freeborn men--were patricians? I can now name a consul as father, and my son will now be able to name one as grandfather. There is nothing else at issue, Quirites, except that we should attain all things that have been denied. The patricians seek only a contest and do not care what outcome the contests have. I judge that this law, which may be good, favorable, and fortunate for you and the commonwealth, ought to be commanded as you have been asked." Thus the fraud, once disclosed, harmed more than it profited during the brief time when it lay hidden.

§ 9. They turned the overflowing of the Alban Lake into a prodigy signifying that Veii would be taken in that year. This was a political lie, intended for a brief time and rash--especially since its interpretation was entrusted to a captive. But how was Camillus uncertain of his own fate, which was already impending, while he predicted the fatherland's fate from the outpouring of the Alban waters? I, if it pleased me to prophesy, would affirm instead that the outpoured multitude of the Senones, which devastated everything all the way to Rome--and Rome itself, except the Capitol--was signified by that portent.

But Papirius interpreted the auspices dexterously. It is plainly so. Nor did Claudius act badly when he commanded that the chickens should drink, since they were unwilling to eat; and Scipio acted wittily when, after the commander's slip while disembarking from his ship appeared ominous to the inexperienced soldier, he drew it into a favorable auspice by saying that he held Africa. Thus Augustus, when a comet appeared which is ordinarily regarded as fatal to kings, said that it pertained to the king of the Persians, because that king was long-haired. All these things altogether destroy the superstition of auguries and furnish an occasion for mocking this entire kind universally.

In the same manner Cicero acts in books 1 and 2; although himself an augur, he denies that either Romulus or anyone possesses true auspices, yet says they are retained for the opinion of the common people and the great advantages of the commonwealth. But against Cicero, the Christian Cicero rightly teaches in book 2, chapter 5 of *The City of God*: "For what kind of thing is that which they said was a most beautiful auspice, which I commemorated a little before: that Mars, Terminus, and Youth were unwilling to yield their place even to Jupiter, king of the gods? For thus, they say, it was signified that the Martial people--that is, the Roman people--would yield to no one the place it held; that no one would move the Roman boundaries because of the god Terminus; and that Roman youth because of the goddess Youth would yield to no one.

“Let them therefore see how they regarded that king of their gods and giver of their kingdom, since they set those auspices against him as an adversary to whom it would be glorious not to yield. Yet if these things are true, they have altogether nothing to fear. For they will not confess that the gods yielded to Christ, who were unwilling to yield to Jupiter. For, with the boundaries of the empire preserved, they could yield to Christ both from the seats of places and, especially, from the heart of believers.

“But before Christ came in the flesh, before, finally, those things which we bring forth from their books were written, yet after that auspice occurred under King Tarquin, the Roman army was several times routed--that is, turned to flight--and proved false the auspice that Youth had not yielded to Jupiter. The Martial nation was crushed in the city itself when the Gauls prevailed and broke in; and the boundaries of the empire were constricted into a narrow compass when many states defected to Hannibal. Thus the beauty of the auspices was emptied out, and obstinacy against Jupiter remained--not the obstinacy of gods, but of demons. For it is one thing not to have yielded, another to have returned from the place whence you had yielded.

“And yet afterward, in the eastern regions, the boundaries of the Roman Empire were changed by Hadrian’s will. For he conceded three noble provinces--Armenia, Mesopotamia, and Assyria--to the empire of the Persians, so that the god Terminus, who according to them protected the Roman boundaries and by that most beautiful auspice had not yielded his place to Jupiter, may appear to have feared Hadrian, king of human beings, more than the king of the gods.”

§ 10. It is time for us to hear the pseudo-politician speaking against himself for once. In book 1, chapter 12 of *Discourses on Livy*, he requires true worship: “Whatever princes and commonwealths desire to preserve themselves ought, before all other things, to devote themselves to this one thing: that they rightly establish and venerate the true worship of religion. Nor will you ever be able to have a surer judgment concerning the ruin and destruction of any religion than if you perceive that divine worship is held in contempt and scorned within it. But, so that you may understand that the matter is so, observe upon what foundation the religion of the place in which each person is born rests, because every religious worship stands upon some foundation.”

[Printed page 98]

Next, in chapter 15, he relates the history of the monstrous conspiracy of the Samnites. Reduced to straits, since they had decided to attempt every extremity and nevertheless understood that they could not conquer unless they had the most resolute spirits among their soldiers for fighting, they fled to religion as their final remedy. For from an old book, with Ovius Paccius as priest, a man advanced in age, they sought a sacrifice according to the ancient religion of the Samnites.

When the sacrifice had been completed, their commander ordered every most noble man to be summoned by an attendant. The apparatus of the sacred rite was of such a kind that it could suffuse the mind with religious awe. For a place stood enclosed with latticework in the middle of the camp and covered with barriers and linen, extending equally two hundred feet in every direction. In the middle were altars, victims slaughtered around them, and centurions standing about with drawn swords. The soldier was brought to the altars more as a victim than as a participant in the sacred rite and was compelled by oath not to disclose what he had seen and heard in that place. Then he was compelled to swear by a certain dreadful formula, composed as a curse upon his person, family, and stock, unless he went into battle wherever the commanders led them, and unless, if he himself fled from the battle line or saw anyone fleeing, he immediately killed him.

At first certain men who refused to swear were cut down around the altars; then, lying among the heaps of victims, they served as a warning to the others not to refuse. So that those bound by this oath might be held by a greater religious obligation, they also adorned them with various distinguishing marks. For, out of the forty thousand whom they had gathered, they clothed about half in white garments and assigned them decorated arms and crested helmets so that they might stand out among the rest. At last they encamped at Aquilonia.

But when the consul Papirius was about to fight against them, he made light of all these things and addressed his own soldiers lest they be terrified by a religious oath of this kind: “Crests,” he said, “do not make wounds; rather, a Roman javelin passes through painted and gilded shields, and the whiteness of clothing and a gleaming battle line, where the affair is conducted by the sword, will be stained with blood. Finally, all these things will recoil upon their own heads, since in an abominable sacred rite they mingled the slaughter of human beings and cattle and, because of treaties so often broken, incited gods, citizens, and enemies against themselves.”

At last the Romans conquered in the conflict because their courage instilled in the Samnites, through remembrance of disaster so often suffered, a greater fear than religion could infuse into them of either courage or obstinacy for fighting. Although this is so, we nevertheless see plainly that, when their affairs were so deeply afflicted, they fled to religion as their final remedy and placed so great a hope for the recovery of courage in no other thing. From this it is possible to understand how much protection anyone may possess in the right use of true religion. And so I have judged that this matter must be discussed in this place, as one which depended upon the most necessary institutions of the Roman commonwealth.

From these things I conclude that no fabricated religion is lasting, and that Roman soldiers, such great despisers of religion, could laugh at the foolishness of their augurs; and therefore that it is the most inconsiderate rashness to rest upon that foundation which can be overturned by one blow and a slight jest. The consular augur confesses that it is so: “Antiquity erred in many things,” he says, “and we see it changed either by practice, learning, or age.” Since, therefore, those opinions are ordinarily changed by practice and learning, the lawgiver who contrives a true and stable commonwealth will not employ them. Although such a commonwealth derives all things from truth, nevertheless its most solid foundations are very frequently shaken by the vice of human beings. How will it be stable if its highest interest and safety depend upon the most foolish and most inconstant opinions of the common people?

CHAPTER XVI

The Prince Must Establish Nothing in Religion

§ 1. To the prince is entrusted the care of protecting true religion; nevertheless, he has absolutely no power to institute or innovate it. The magistrate is the foster-father of the Church; he bears the sword for the vengeance of the evil and the protection of the good. By "evil" I mean thieves, the incestuous, robbers, blasphemers, and the impious. For he avenges not only his own majesty, but much more the divine majesty, which is true and immense, of which every majesty that appears great and dreadful to human eyes in purple and diadem is an ἀπόῤῥοια--a streamlet and trace. Certainly it is fitting that the Best be worshipped by the best, the divine power by the prince, and the King of all kings especially by all kings. Thus Aristotle too, in book 7, chapter 8 of the *Politics*, says that the first royal care is τὴν περὶ θεῶν ἐπιμέλειαν, the solicitude that concerns divine things.

Let it therefore remain certain and fixed that the prince himself ought to be religious, a keen guardian of religion, and a vigilant avenger of impiety.

§ 2. The prince will nevertheless attend diligently to this: that he himself does not innovate the ancient religion or fashion any articles under the name of reformation. For the prince is not the arbiter of religion but its disciple. Let him hold in mind, and demonstrate in practice, that piety is to be cultivated and not rendered perplexed by political edicts. Let him hear Saint Cyprian, Epistle 73: "Nor, dearest brother, do we propose this without the authority of divine Scripture: that we say that all things have been arranged by God under a certain law and proper ordinance, and that no one can usurp for himself, against bishops and priests, anything which is not within his own right and power. For Korah, Dathan, and Abiram also attempted to usurp for themselves, against Moses and Aaron the priest, the license of sacrificing; yet they did not do with impunity what they unlawfully dared."

There are many enactments on this matter not only of the holy Fathers but also of emperors and kings. It is not within my undertaking to pursue them all; I shall admonish only concerning those which pertain to polity and government.

§ 3. The first reason is that the administration of the commonwealth is connected with religion, as I demonstrated in my book *On the Peace of Germany*. Therefore, when religion is changed, a disturbance or change of the commonwealth must follow. And since true religion is one, while departures from it and mutually conflicting sects are infinite, it will belong to princes to permit no departure from the truth. For since the stimulus of religion is vehement, and there are many who refuse to abandon ancient things even when death is set before them, the indignation of many and discord of all arise.

Next, when the kings of Egypt fabricate or permit new superstitions, they gave the strength of the kingdom to be torn apart by civil contentions. Nebuchadnezzar almost deprived himself of his most faithful and prudent chief men when he disturbed his subjects by the dedication of a new statue. Antiochus the Illustrious for the same reason destroyed both his kingdom and himself when he persecuted the piety of the Jews. If he had defended it and wished to have so brave a nation as a friend amid so many wars, he could easily have obtained dominion over all Asia. Thus Constantius, Valens, Justina, Justinian, Heraclius, Leo the Isaurian, and others innovated religion to the greatest harm of the commonwealth.

[Printed page 99]

§ 4. The second reason is taken from the nature of magistracy and the court. For since every power is liable to flatteries, men readily creep in under an appearance of sanctity who pervert magnates by lying and flattering. Thus Constantius was led astray by Eusebius, Valens by the Eusebians, and Leo the Isaurian by a Jewish sorcerer. An impostor who was a Monothelite corrupted Justinian when he was already old. But whatever rests not upon divine institution but upon human things is wholly fluid and momentary.

No clearer example of this principle exists than the calamities of our own age display to us. Because by a certain law the princes in Germany regulate religion according to their own judgment, there is hence so great a variety and ignorance of religions that almost no religion survives. Because this is not yet wholly evident to foreign nations, it must be shown clearly and forcibly.

It is the hundredth year since Luther, led by weariness with the ancient faith, together with disgust for monastic discipline and by ambition, laid the foundations of a new heresy. Meanwhile, all things have changed, so that Germany appears to me not unlike ancient Egypt, in which the madness of all superstitions aroused daily disturbances and wars. In this one respect the condition of Germany is worse than that of Egypt: the Germans move about in perpetual change, and things which have pleased them rashly very quickly displease them, whereas the superstition of the Egyptians was more constant.

In these days a man came to me and offered a paper containing an invitation to the jubilee of the γνησίως (*genuine*) Lutheran churches. For ten Lutheran doctors incite all the others to jubilate because Luther made his attack upon the pontiff one hundred years ago. Behold absurdities most worthy of laughter, if the malicious blindness of these most wretched human beings did not call instead for pity and tears.

This rejoicing must therefore be treated, so that the whole world may recognize that there is no constancy in a religion which depends upon the opinion of princes. For this reason the Zwinglians two years ago prudently kept silent concerning their own jubilee, lest they furnish laughter to everyone: they are scattered into so many sects, of which none retains the Zwinglian archetype--indeed, there is none which is not compelled to condemn Zwingli. Although I have disputed copiously concerning this matter in three books--namely, *The Jubilee of Jubilees*, its *Apology*, and its *Coronis*--the disasters of our fatherland are not to be repeated here. From those books magistrates will see how, through the vaunting of religions, faith and piety, and finally human beings and kingdoms, perish.

§ 5. First, those ten commissioners jubilate and exult over the worst affairs, while meanwhile the other Lutherans are so oppressed that, unless moderate men intervene, there is danger that they will be compelled to migrate to Veii or the Sacred Mount. For the condition of the γνησίως Lutheran churches was already miserable fifty-seven years ago and, in their own judgment, almost desperate; but now it is much more afflicted. Yet it is preferable to hear the whole tragedy from themselves. No one lies to his own disgrace. In its preface, the Synod of Mansfeld, an eloquent herald of its own miseries with grief and groaning, expresses the progress of political religion:

“But it is not so greatly to be wondered at,” they say, “that the opinions and sects of fanatical human beings are daily multiplied.

“First, because, since truth is unwelcome to human beings and they do not acknowledge the goodness of God, God is accustomed, in order to punish this sin, to send effective and signal errors, so that human beings believe a lie and are punished for the very reason that they do not believe the truth but delight in injustice. Second Thessalonians 2.

“Second, sects must grow because truly all princes and magistrates neglect their duty in this matter and instead strengthen the wantonness of intellects, because they permit anyone the license to fabricate according to his judgment any false opinion whatever.

“Third, those fat and powerful doctors, as the Psalm calls them, the authors of sects, unite with one another with the greatest effort; they mutually protect the same opinions and the same dispositions. They live peaceably with one another; one defends and excuses another. And although a man may by no means approve another’s sect, he nevertheless loves him, so that it happens as is commonly said: ‘Spare me, so that I may spare you; at least close your eyes if you do not wish to approve, and I shall do the same.’ Thus it often happens that some heresiarch does not attack another’s sect which he does not approve; and if for a time he does something, he nevertheless does not persevere. For this reason the prophet David complains with grief in Psalm 17 concerning the success of heretics, when he says: ‘Their fat ones are joined together.’

“Fourth, the matter has now come to such a pass that many at this time account it a place of shame and disgrace to oppose false brethren and the authors of sects by voice or writings, although this was always the greatest honor in the Church and was celebrated as a true proof of Christian virtue.

“Fifth, what prevents various heresies from arising at this time, when no human beings must endure greater insults, injuries, curses, and taunts than those very men who oppose fanatical doctors? Indeed, by way of insult they are called Stoics--that is, harsh and precipitate men, who wish to have nothing in common with others and to whom nothing belonging to others is pleasing--as though it were a great virtue to be most lightly and even willingly seized and carried about by every wind and breath of false dogmas.

“Next, they are called clamorous--that is, wranglers and brawlers, who with full lips and importunate shouting sound the trumpet-call for the sedition and tumult of human beings. They do not see that the deed they censure decrees the highest praise to us. For it is more tolerable and better to play Cato and the Stoic in these affairs and shout until hoarse than by shameful silence to throw all windows open to frauds. For the wolf is driven off not by silence but by a voice. We pass over the fact that Scripture itself commends the cries of prophets and doctors and, conversely, censures silence so greatly that it compares Silenuses and Mutiuses of this kind to mute dogs.

“Sixth, fanatical human beings have sufficient opportunities to grow at this time because, through a certain dread and fear of losing tranquillity, fortunes, favor, and praise, almost all sincere doctors also remain silent, act feebly, and with horrible rashness and unconcern commit the business to itself and its own fortune. And although some cry out, nevertheless, since they are most shamefully deserted by others, they cannot alone sustain upon their shoulders the mass of so great a business.

“Seventh, even if any sincere doctors still survive and have not yet been infected by the poison of fanatical opinions, they are nevertheless feeble, fearful, and of a spirit somewhat too abject to be willing to incur danger for truth. They therefore remain at rest and are spectators of that drama, although at first they do not wish to applaud it. But if the catastrophe is favorable to the other party--namely, to those men who shout and scribble--they wish it to be favorable to themselves also and arrogate no small part of the victory to their own courage and constancy. But if the contrary happens, as a good cause is often oppressed by violence, they withdraw their neck from the noose, professing that nothing was done by them, and therefore for the sake of external peace surrender themselves, against their conscience, to the others, whose cause is unjust. When heretics therefore observe this,

[Printed page 100]

“that we do not press our purpose together and with the same fidelity, they are emboldened, maliciously and obstinately cling to the falsehoods they have instituted, and repeatedly devise other new ones.

“Eighth, sects also grow because of that new tyranny which arises in the Church. If anyone does not immediately approve another’s error, he incurs the indignation and offense of the more powerful and is often endangered in his life. The applauders of sects establish this tyranny in others; and they themselves are so far from being free of this tyranny that they cannot restrain themselves even when the most humane conferences and dealings are instituted with them. Thus they strike human beings so that they can no longer profess their own opinion freely. Accordingly, all devote themselves to this one thing: that they force errors upon others by a tyrant’s violence. Nevertheless, with God’s help, they will not do this forever. AMEN.”

CHAPTER XVII

The Method of Preserving True Religion

§ 1. First, indeed, this one thing must be done in the commonwealth: that one true and ancient faith, handed down by the Scriptures and apostolic tradition and known to the holy Fathers, be taught and preserved after all superstitions have been torn out.

For the conflicts of those who think differently not only rupture peace, but also break covenants, religion, and fear of the divine power joined with veneration. For no one readily enters into friendship with one whom he knows to be an enemy of God. And the illustrious example of Theodoric, commander of Africa, is praised: for although he was an Arian, he nevertheless immediately killed a deacon who had defected to Arianism in order to gain the prince's favor--not through an error of understanding, but through the baseness of flattery; for he judged that one who had violated faith with God would not keep faith with him. Without faith, therefore, friendship cannot exist, since friendship is agreement in human and divine things together with charity. This agreement does not exist if each regards the other as impious and detestable. Then all strive, with a certain great desire, to protect and increase their own religion. Our age teaches this, which has seen no heresy so foul, so abhorrent from piety and reason, that it has not embraced it most eagerly--although, as is the custom of those who love greatly, it has very quickly grown weary of it. Hence the most bloody wars are those waged from an opinion of piety, in which killing is judged holiness and falling in battle happiness. No regard is had for affections or kinships; public and domestic peace is disturbed; battles are mingled in the same house; the magistrate necessarily has one part of the people, and often both, as an enemy, for he can comply with only one; and his authority falls, since he is judged impious and profane by the greater number. But these matters have already been discussed above. Let us now set forth the means of preserving religion.

§ 2. The first thing, and as it were the foundation for preserving truth and faith, is to resist vices, beat down the arrogance of subjects, restrain lusts, and set a limit to avarice. No heresy has ever arisen for its own sake: through the novelty of a superstition, nourishment or impunity has been sought for some vice. A human being whom his crimes weigh down is readily driven into error; and just as there are certain prognoses of diseases in a human being, so in the commonwealth there are **προγνώσεις**, and conjectures, of heresies and superstitions. Seneca speaks truly in Book III of *On Anger*, chapter 10:

"It is an old saying that a weary man seeks a quarrel. But the same is true of a hungry and a thirsty man, and of every human being whom anything torments. For just as sores hurt at a light touch, and afterward even at the suspicion of a touch, so an afflicted mind takes offense at the slightest thing, to such a degree that a greeting, a letter, a speech, and a question summon certain persons into a quarrel. Diseased parts are never touched without complaint. It is therefore best to apply a remedy to oneself at the first sensation of the evil; then also to grant the least possible liberty to one's own words and to check the impulse. But it is easy to detect one's passions when they first arise: signs precede the disease. Just as indications of storm and rain come before the things themselves, so there are certain forerunners of anger, love, and all those tempests which torment minds. Those who are accustomed to be seized by epilepsy understand that an attack is already approaching if warmth has left the extremities, if their sight is wavering and there is a trembling of the sinews, if memory slips away and the head grows dizzy. They therefore anticipate the incipient cause with their customary remedies, and whatever estranges the mind is repelled by smell and taste; or they fight cold and stiffness with fomentations; or, if the medicine has accomplished too little, they avoid the crowd and fall without a witness. It will profit us to know our disease and to crush its powers before they have room to spread. Let us see what it is that especially excites us. One person is moved by insults in words, another by insults in deeds. This man wishes his nobility to be spared, that man his beauty; one desires to be accounted the most elegant, another the most learned; this one is intolerant of pride, that one of obstinacy; one does not think slaves worthy of his anger; this one is savage

within his house and mild outside it; one judges it an odium to be asked, another an insult not to be asked. Not all are struck on the same side."

Heresies arise on account of each of these things: hope has driven one person, fear another, indignation another, drunkenness another, and lust and ambition very many, into new opinions and sects.

§ 3. A prudent magistrate will observe and correct these things in the commonwealth. The ambition of Jeroboam alone introduced superstition among the ten tribes; partly ambition and partly court hatreds produced the dissensions of the Pharisees and Sadducees, when hypocrites began to creep up to powerful men by evil arts. This is, and always has been, the disposition of heretics: before they rendered themselves unworthy of the fellowship of the faithful and liable to punishments through error and obstinacy, and before they separated themselves with the loss of the people, they did so through crimes. What Cyprian writes concerning Novatus in Epistle 49 applies to them all:

"For nothing concerning Novatus needed to be reported from there to you, since he ought rather to be exposed to you by us: Novatus, always greedy for revolutions, raging with the insatiable rapacity of avarice, swollen with the arrogance and stupor of a proud swelling, always ill-known to the bishops here, always condemned by the voice of all the priests as a heretic and a perfidious man; always inquisitive in order to betray, flattering in addition in order to deceive, never faithful in order to love; a firebrand and flame for kindling the conflagrations of sedition, a whirlwind and tempest for bringing about shipwrecks of faith, an enemy of quiet, an adversary of tranquillity, a foe of peace."

Then he describes his character in such a way that he seems to portray the wrathfulness of Hus, the luxury of Luther, the cruelty of Zwingli, the lusts of Calvin and Beza, and the secret murders of the Anabaptists:

"Nor," he says, "should anyone wonder at this in such men. Evil men are always carried along, demented by their own fury, and after they have committed crimes they are agitated by the very consciousness of a criminal mind. Nor can those remain in the Church of God who have maintained neither divine and ecclesiastical discipline in the conduct of their actions nor the peace of good morals. People despoiled by him, widows defrauded, and monies also denied to the Church exact from him those punishments which we behold in his madness. His father also

[Printed page 101]

died of hunger in a village, and afterward, at his death, was not even buried by him. His wife's womb was struck by his heel, and, the miscarriage being hastened, the offspring was forced out unto parricide. And does he now dare to condemn the hands of those who sacrifice, when he himself is more guilty in the feet by which the son who was being born was killed? He had long feared this consciousness of his crimes. On this account he held it as certain that he would not only be expelled from the presbyterate but also prohibited from communion; and, as the brethren pressed the matter, the day of examination was imminent, on which his cause would be heard before us, had persecution not come first. Receiving this as a certain object of prayer whereby he might escape and gain exemption from condemnation, he committed and confounded all these things, so that he who was due to be cast out of and excluded from the Church might anticipate the judgment of the priests by a voluntary departure--as though to have anticipated the sentence were to have escaped the punishment."

Such things apply to all the ancients. Lust drove Nicolaus of Antioch into heresy; no cause other than monstrous lusts severed Cerinthus, Menander, the Gnostics, and the Manichaeans from the Church. It is not necessary to speak of the Donatists, Arians, Macedonians, and Mohammedans. Concerning Luther, Oecolampadius, Carlstadt, Zwingli, Calvin, Menno, and the rest, they themselves bear mutual witness that they were most corrupt in disposition, practice, and morals. The magistrate, therefore, should hold as entrusted to himself what the Apostle sets before Timothy, 1 Timothy 1:18: "This precept I entrust to you, son Timothy, according to the prophecies going before concerning you, that in them you may wage the good warfare, having faith and a good conscience, which some, rejecting, have suffered shipwreck concerning the faith; among whom are Hymenaeus and Alexander, whom I have delivered to Satan, that they may learn not to blaspheme."

§ 4. The second thing is that sacred doctrine be investigated with great care and zeal; that suitable teachers be appointed; and that they labor to teach, preach, catechize, and profit others by word and example. For since faith is from hearing: "How shall they believe him whom they have not heard?" Romans 10:14. "And how shall they hear without one preaching? But how shall they preach unless they are sent? As it is written: How beautiful are the feet of those who proclaim peace, of those who proclaim good things! But not all obey the Gospel. For Isaiah says: Lord, who has believed our report? Therefore faith is from hearing, and hearing through the word of Christ. But I say: Have they not heard? Indeed, their sound has gone forth into all the earth, and their words unto the ends of the whole world."

For there was no other cause of so many errors than that sacred doctrine was neglected, and ignorant, profane men and soldiers occupied the benefices, priesthoods, and honors of the learned: little children wailing in their cradles were made bishops; scarcely born, they were already abbots.

§ 5. The third thing, which I have already advised above, is that even those whose dignity, as it is superior to every command, is likewise accustomed to be impatient of admonitions, should hear bishops and teachers. Most praiseworthy is that law of Gratian, Valentinian, and Theodosius, Augusti, Title 2, law *With every innovation ceasing*: "We command that antiquity and the ancient ecclesiastical canons, which have prevailed until now, be preserved also throughout all the provinces of Illyricum; so that, if any matter of doubt should arise, it ought to be reserved--not without the knowledge of the most reverend man, the bishop of the holy law of the Church of the city of Constantinople, which rejoices in the prerogative of ancient Rome--for a sacerdotal assembly and holy judgment."

Those emperors acted excellently, according to the mind and judgment of Constantine the Great, who attended the Council of Nicaea not as lord, but as disciple. Theodosius not only valued Ambrose, who opposed and rebuked him, more highly than the flatterers of his purple, but also loved him. For flattery, when it becomes apparent, offends great men, because it is a reproach of pride; sincerity is loved, because it is confidence in virtue. Since bishops have been commanded by the severe law of God to persevere in teaching, admonishing, reproving, and punishing, even when death is proposed as the penalty, no one ought to doubt that the necessity of obeying has been imposed upon all, since so weighty a province of ecclesiastical government is enjoined upon them. But if that principle is removed, truth cannot be defended for long. Golden are the admonitions--but strong ones, and given to the strong--of the most valiant martyr Saint Cyprian in Epistle 55:

"But if the matter is thus, dearest brother, that the boldness of the most wicked is feared, and that which evil men cannot accomplish by law and equity they accomplish by rashness and desperation, then it is all over with the vigor of the episcopate and with the sublime and divine power of governing the Church; nor can we any longer either endure as Christians or be Christians, if matters have come to this, that we should fear the threats and snares of the lost. For Gentiles and Jews threaten, and heretics and all whose breasts and minds the devil has besieged daily testify with a furious voice to their poisoned rage; nevertheless one must not yield merely because they threaten, nor is the adversary and enemy therefore greater than Christ because he claims and assumes so much for himself in the world. There must remain with us, dearest brother, the immovable strength of faith, and a stable and unshaken virtue must withstand all assaults and attacks of the barking waves, by the strength and mass of an opposing rock. Nor does it matter whence terror or danger comes to a bishop, who lives exposed to terrors and dangers and yet is rendered glorious by those very terrors and dangers. For we ought not to consider and behold only the threats of Gentiles or Jews, when we see that the Lord himself was seized by his brethren and betrayed by him whom he himself had chosen as an Apostle; and in the beginnings of the world none but a brother killed righteous Abel, and a hostile brother pursued the fleeing Jacob, and the boy Joseph was sold by his brethren; while in the Gospel also we read it to have been foretold that those of one's household would be enemies the more, and that those who had first been joined by the sacrament of unanimity would themselves deliver one another up. It matters nothing who delivers up or rages, when God permits those whom he disposes to be crowned to be delivered up. For it is no disgrace to us to suffer from brethren what Christ suffered; nor is it glory to them to do what Judas did."

§ 6. The fourth thing is that provision be made aright not only for the learning and integrity of life of bishops and teachers, but that they also be fortified with resources and authority. For if the dignity of governors and judges must be strengthened so that by the excellence of lawful power they may settle civil controversies, with how much ampler majesty must those be adorned who judge concerning heavenly and eternal matters? I am not unaware that the resources of bishops and the clergy appear excessive to many; but I shall dispute concerning that matter in the book on the ecclesiastical magistracy. For now I advise that it profits the commonwealth very greatly if the resources of the churches are great. For first, if the prelates of religion live upon a very slender crust of bread, they are turned toward cares for bodily things; and not only do they lose the opportunity for studies, but they cannot even procure suitable books.

Then they are readily despised not only by the rich and arrogant, but also by the moderate. For this reason the Romans, among whom

[Printed page 102]

worshipers of the gods were nevertheless held in great contempt, and some were even infamous, added dignity together with the thing itself to the supreme pontiff. Certainly under the old law the majesty of the priesthood was not much less than that of the kingdom, and at length it even coalesced with the kingdom. Third, experience has taught that, when priests are occupied with solicitude for domestic affairs and distracted by the evils of their household, the teachers themselves treat sacred doctrine incidentally and hold it, as it were, in second place; for their first care is living, their second teaching. Hence, if we look upon the Lutherans and Calvinists, we shall easily see that, after the heat of the first fury subsided, and after the multitude of apostates--who, educated in Catholic academies, turned their knowledge into poisons--failed, all things are full of ignorance, impiety, and contentions, and that the name of evangelical ministers is now utterly despised. For because most of them are fathers of families and poor, they are led more by hunger than by piety to retail fables to the people. Hence through fear and hope they are pliable in every direction, and, as actors are accustomed to do, they accommodate themselves to the theater. They hold their reputation and the opinion of their constancy cheap while they gape after the increase of their property.

Therefore, in order that the prince may have prelates and teachers of religion who are constant, of good reputation, noble, powerful, and faithful to the kingdom, he will increase their advantages and will even entrust fortresses and courts to them, as we see done in the Empire and in other kingdoms. For since they are devoted to peace and have remote from them causes for raising tumult, they very greatly assist the cause of the commonwealth.

§ 7. The fifth thing, and a solid safeguard against novelty and discord, is that the handles and beginnings of contentions be cut off, the wantonness of intellects be restrained, and those who judge it more glorious to dispute than to live be banished betimes. The king of Britain shrewdly advised the nobles of Holland to crush the Arminians in the blade; if they had done this, there would have been no need to fight against so great a crop.

This evil is not in the people but in the leading men, and it was so of old. Cyprian, Epistle 64: “But as to contention and guile, what does it concern me to speak, when those vices are more grievous not among the common people, but in our own number?” The mother of these diseases, however, is pride and the greed for human praise, which also often begets hypocrisy.

True is the complaint of a great man: “For often I have perceived, with sorrow and groaning, that many disturbances among the weak are brought about through the contentious obstinacy or superstitious timidity of certain brethren. In matters of this kind, which can be brought to no certain conclusion either by the authority of Holy Scripture, by the tradition of the universal Church, or by usefulness for the correction of life--merely because there lies beneath them some manner of reasoning on the part of the person thinking, or because he himself was thus accustomed in his own country, or because he saw it where he regards his sojourn, the farther removed from his own people, as having made him the more learned--they stir up questions so litigious that they judge nothing right except what they themselves do.”

When this zeal for contention rushes upon the commonwealth and religion, it excites the greatest quarrels and hatreds among the closest friends and carries them into the contrary error. Thus Eutyches, by assailing Nestorius, plunged into heresy.

§ 8. Frederick, Elector Palatine, acted advisedly of old when, at the beginning of the changed religion, the Academy of Heidelberg was divided into two factions, Lutheran and Calvinist: he enjoined silence upon both parties. The nobles of Holland acted advisedly when they endeavored to establish concord between the old and new Calvinists and commanded that no one accuse or condemn another of impiety. But where superstition is at issue on both sides, there can be no stable concord, unlike when the liberty of error against truth is taken away. At the beginning of emerging heresies, all demanded, as if by a certain right, the authority of Scripture and the liberty of prophesying or interpreting. But that liberty of errors afflicted the commonwealth in many ways. For it always changes everything, and soon seeks again what it changed, or turns it in another direction. Julian, the most cunning tyrant and apostate, was not ignorant of this; for by an entirely new kind of persecution he inflicted more damage upon the churches than by raging against them. For he permitted each person to live according to his own judgment and to teach according to his own rite, so that by license he might increase the dissensions of Christians.

But if the magistrate should seriously weigh the evils that emerge, he will readily understand that, just as, if license to steal, commit adultery, and rob is permitted, all crimes and shameful acts will soon inundate everything, so, where wickedness has been introduced of thinking about God at will, of blaspheming, and of impious ceremonies and rites--a wickedness destined to range most freely against everything and everyone--the commonwealth must necessarily collapse.

§ 9. The sixth safeguard for preserving religion is the prudent force and compulsion, fines, and punishments employed by the prince and every magistrate according to the laws. I know that it appears harsh to give laws to free minds and bind consciences, since each person ought to be the arbiter of his own salvation or destruction, and God himself is not accustomed to compel anyone to salvation. Indeed, this appears absurd to many, since that severity of laws makes hypocrites, not worshipers of true piety. Do you think that by threats and fear of torments you can compel anyone to love God, or to judge true what he thinks is false?

Nevertheless, not only has this right been given to the prince, but without the crime of neglecting his duty he can in no way omit some severity. When Saint Augustine was consulted concerning this matter, he answered in this manner:

“It displeases you that you are dragged to salvation, although you have dragged so many of ours to destruction. For what do we wish except that you be apprehended and brought forward and preserved, lest you perish? But whatever injury you have suffered in your body, you did to yourself, for you refused to use the beast of burden immediately brought to you and dashed yourself heavily upon the ground. For indeed the other man who was brought with you, your colleague, arrived unhurt, because he did no such things to himself. But you do not think that even this ought to have been done to you, because you judge that no one should be compelled to good. Attend to what the Apostle said: ‘He who desires the episcopate desires a good work’; and nevertheless, in order that they may undertake the episcopate, so many are held unwillingly, led away, shut in, guarded, and suffer so many things which they do not wish, until there is present in them the will to undertake the good work. How much more must you be dragged away from the pernicious error in which you are enemies to us and led to the truth, either to recognize or to choose it--not only that you may possess honor wholesomely, but also that you may not perish most wickedly. You say that God gave free will and that therefore a human being ought not to be compelled even to good. Why, then, are those of whom I spoke above compelled to good? Attend, therefore, to what you do not wish to consider. A good will is mercifully bestowed precisely so that a human being’s evil will may be directed. For who does not know that a human being is condemned only by the desert of an evil will, and is delivered only if he has had a good will? Nevertheless, those who are loved must not therefore be permitted, with impunity and cruelty, to follow their evil will; but, where power is given, they must both be prohibited

[Printed page 103]

from evil and compelled to good.

“For if an evil will must always be permitted its own liberty, why were the Israelites, refusing and murmuring, prohibited from evil by such harsh scourges and compelled toward the Promised Land? If an evil will must be permitted its own liberty, why was Paul not permitted to go where he was going with the most wicked will by which he persecuted the Church, but was laid low that he might be blinded, and blinded that he might be changed, changed that he might be sent, and sent that he might suffer for truth the same things that he had done in error? If an evil will must always be permitted its own liberty, why is a father admonished in the Holy Scriptures not only to rebuke a stubborn son with words, but also to beat his sides, so that, compelled and subdued, he may be directed to good discipline? Hence the same Scripture says: ‘You indeed strike him with the rod, but you deliver his soul from death.’ If an evil will must always be permitted its own liberty, why are negligent shepherds rebuked, and why is it said to them: ‘You did not call back the wandering sheep; you did not seek the lost’? You too are Christ’s sheep; you bear the Lord’s mark in the sacrament which you received, but you wander and perish.

“Let us not therefore be displeased with ourselves because we call back the wandering and seek the lost. For we do the will of the Lord, who admonishes us to compel you to return to his fold, better than we would consent to the will of wandering sheep and permit you to perish. Therefore do not now say what I hear you say continually: ‘Thus I wish to wander; thus I wish to perish.’ For we do not permit this at all, so far as we are able. Just now, when you cast yourself into the well so that you might die, you assuredly did so by free will. But how cruel would the servants of God be if they permitted you this evil will and did not deliver you from that death? Who would not deservedly blame them? Who would not rightly judge them impious? And yet you willingly cast yourself into the water so that you might die; they raised you unwilling from the water, lest you die. You acted according to your will, but unto your destruction; they acted contrary to your will, but for the sake of your salvation. If, therefore, this bodily salvation must be guarded in such a way that it is preserved even in the unwilling by those who love them, how much more must that spiritual salvation be guarded, in the desertion of which eternal death is feared?”

§ 10. The seventh thing is what was customary of old: the prohibition of pestilential books. To our sectaries this indeed appeared unjust at the beginning, but now they themselves employ the same law, and prohibit not only books of the Calvinists but even those of their own people. There are the complaints of Illyricus and of others: that the presses of Wittenberg and Leipzig stand open to some and are closed to the rest. Since our most learned Jacob Gretser has written most accurately concerning this matter, I refer the reader to him.

CHAPTER XVIII

The Method of Restoring True Religion

§ 1. Most of the things that have been said concerning the preservation of truth and religion also avail for bringing those who wander back into the way. Yet they must be handled in one way and another by political men. Truth is discovered with difficulty, but it is persuaded to one who wanders with much greater difficulty. Nevertheless, it is the prince's duty to apply himself also to this: that depraved opinions be removed from the midst, that his own honor be restored to God, and that provision be made for the salvation of souls that are perishing.

§ 2. The first method is that what musicians do with strings, so as to bring them back little by little into harmony, and physicians in diseases, who draw off harmful humors piecemeal and at intervals, must likewise be done in a commonwealth which labors under the sickness of errors and superstitions. I do not approve the slow and ineffectual advances of the languid, when the undertaking is often abandoned; I counsel that all things which can be applied be attempted, but with a slow and firm step, lest the work be precipitated. Gentle commands and admonitions are of the greatest advantage here.

§ 3. Second: it would be difficult for no prince of Europe, if only he wished it, to recall the minds of human beings to the ancient rites of our forefathers--a thing which formerly was thought never to be possible. For many now begin to love the ancient religion, and they cannot be induced by any calumnies of the ministers to prevent many from returning every year to Catholic unity:

> So greatly can long-lived age change things.

What they most ardently desired, they now disdain or even hate. That levity of the common people which marvels at new things and despises old ones is fatal. Therefore, when heresy was in its course, it could be stopped or checked by no force; afterward it proceeded more languidly, and, divided and dashed against itself, lost its impetus; finally it turned backward. Many provinces of Germany, after undergoing several religions, now retain none, their attention fixed upon the will of their lords. The cause of this matter, as I have said, is levity and ignorance of the truth. Another reason is that they cannot long remain ignorant of the wickedness of heresies and heretics, and that they experience everything being changed in almost every single year. Of their own accord they depart in different directions, so that they cannot stand for long. Just as, if you release a crowd of blind persons from a prison, it is easier for none than for all to reach the goal, so, if the magistrate prudently uses this argument, they will permit themselves to be led spontaneously into the way, weary of so many pathless places and having experienced so many deceits of criminal apostates.

§ 4. Therefore one must act with this gentleness, unless perhaps those heresies are of a kind which admit no delay, such as those of the Müntzerites and Anabaptists, and of those who rise up against the magistracy. For, like acute diseases, these deny place and time to a slow medicine; therefore they must be suppressed by a swift and perilous remedy.

§ 5. Third, heresiarchs and teachers of errors must be driven from the commonwealth--on one occasion, indeed, if it can conveniently be done; but if not, gradually and little by little. There is no need of proof in this matter. For, once the turbulent and dizzy Aeoluses have been driven away, the sea which they stirred from its deepest bottom will grow quiet of its own accord. And an error which lacks patronage will fall without a battle. Therefore those emperors who punished Arius, Nestorius, Vigilantius, and others with exile can never be praised enough; but execrable were the Vandals who trampled assembled priests and bishops in Africa beneath horses, or transported them to desert places. There are many reasons for expelling violators of religion, although they scatter their poisons with the people's favor; but the magistrate will do this lawfully and justly, and will allow no calumny to be inflicted. Three powerful princes of

Germany effected a change from the Lutheran religion to the Calvinist, or, as they themselves call it, the Reformed: the Elector Palatine, the Landgrave of Hesse, and the Margrave of Brandenburg, also an elector. And although almost all their subjects hated Zwinglianism, they accomplished that transfer without any tumult--except that Berlin presumed to grow angry.

§ 6. In these changes I have observed approximately the following things from the history of the religion changed in the Palatinate, from the Marburg proceedings, and from the Brandenburg edict.

First, they concealed the intention of changing religion and extirpating Lutheranism--not, indeed, so that the more prudent would remain ignorant of it, but lest the people be disturbed.

Second, by the artifice of the Zwinglians certain persons were suborned to request the exercise of the Reformed religion,

[Printed page 104]

and to do so with many gentle words, lest the prince appear inclined of his own accord toward a hateful novelty, but rather appear to indulge the consciences of his subjects, and to love and foster liberty. For a prince's affability is commonly praised when he shows himself able to be entreated even in those matters which it would have been better to deny.

Third, one church, or a second, was requested for them. Not even this appeared harsh to the people, since they would retain several and were not excessively solicitous about those.

Fourth, here nevertheless the jealousy of the Lutherans opposed itself, for they perceived that, together with a church, revenue and sustenance were being taken away. The sagacious foresight of the politicians was not ignorant of this, and therefore they contrived a conference and pacification. They met at court; the matter was argued in the prince's council; a notary and witnesses were denied. This must by no means be approved; rather, if a conference is to be instituted, liberty and advantages proper to each party must be left to it. For those who have been pressed by another's power and have occupied the worse position are judged the victors--as were the Arminians in Holland, since, if those whom the prince's favor protected trusted their cause, they ought to have contended with equal right and arms.

Fifth, a decree was published concerning not calumniating, not contending, not condemning others beforehand, and concerning fostering peace and concord. This edict of the princes was effective for the instituted change of religion. For in this way it was brought about that no one dared contradict the Calvinists, Zwinglians, and Sacramentarians--indeed, dared not even name them. But error made much progress when it obtained this: that it should not be uncovered. Yet not even then did any of the people make a disturbance, since otherwise many of the more moderate detest contentious and insulting sermons. For this reason, therefore, the prince was not reviled as a patron of heresies, but praised as a lover of peace, especially since he permitted thesis and antithesis to be taught.

Sixth, an academic disputation was instituted with a Calvinist presiding, who afterward was also appointed ordinary professor.

Seventh, not even after all these things did it appear that this had been done so that Zwinglianism should succeed Lutheranism, but so that peace should be established. For nothing else was then required than that the Lutherans, retaining both dignities and revenues, should be willing to sit and deliberate together with the Reformed in the consistory concerning ecclesiastical matters. When they refused this, they were accused as proud, obstinate, disobedient to the magistrate, and seemed to have deserved dismissal, because they spurned their colleagues and peace.

All these things had thus far been transacted in such a way that they might test what the people could bear. For if a tumult arose, if the co-guardians who had been appointed with John Casimir for the purpose that he should not change the religion bestirred themselves, there was a plausible excuse for these proceedings.

Eighth, when the people of Heidelberg petitioned for the retention of the Lutheran preachers, the matter was passed over in silence, and meanwhile it was arranged that those preachers should be represented as excessively obstinate and headstrong. The common people therefore easily desisted from their petition; and if those who were present displeased them, they requested at least other men, more moderate and suited to peace. For they believed that the offense was against the men, not hatred of Lutheranism; and therefore they continued to hope, and, while there was hope that liberty of belief could be obtained by entreaties, they abstained from force, until finally they laid aside concern for Lutheranism and hope.

Ninth, when everything now appeared secure, the Lutherans were commanded to depart from the parochial house; all the churches were given to the Calvinists. Those who were being driven into exile did not dare complain, but, turned toward domestic cares, requested posthumous and honorific pay, immunity from taxes, and similar things, while the Calvinists laughed profusely that a matter of so great a mass had come down to such humble and abject entreaties.

Tenth, since the academic auditors were Lutherans, they too were dealt with by various arts. Calvinism was offered to the pensioners, or electoral alumni, or dismissal was placed before them; a Zwinglian catechism was forced upon all in place of the Lutheran one. Thus in a brief moment the greatest conversion occurred, as though without movement; for the rural preachers readily changed opinions with the prince.

Eleventh, in the Hessian change I also noted this: that when the Lutherans, both academic professors and preachers, refused to yield their offices and honors, the prince said that he wondered at this, since he had not yet received them into those positions and put them in possession; for at the death of the deceased prince their places too had become vacant, and the rights were in his own power.

Twelfth, in Hesse too they proceeded slowly and piecemeal. Calvinism was not presented whole, but only a certain part which seemed small--namely, the restoration of the precepts of the Decalogue and the breaking of bread. And so, although at the beginning the people of Marburg anxiously ran to the sermons of the Lutherans whom they had heard were about to depart, and took the Supper, they nevertheless afterward made no disturbance, but gradually migrate to Calvinism, being destined to obey much more readily if they are summoned elsewhere--namely, into Arminianism or another sect.

Thirteenth, writings followed from both sides, but those whose favor came from the court prevailed. Moreover, it helped very greatly that the wickedness in morals of the Lutheran ministers became known; on this account they dishonorably dismissed certain of them beneath the gallows.

§ 7. The fourth method is one which I see was employed of old and is now also in vigor--namely, that those who are opposed to true religion be barred from honors, dignities, and public offices. Nor is it unjust that one who obstructs the safety of the commonwealth should not obtain honors and resources from the commonwealth. Those accused of great crimes are barred from honors; why should blasphemers and despisers of truth be admitted?

Theodosius thus decreed; and before him the three sons of Constantine the Great took away from heretics all privileges which had been granted out of regard for religion, *On Heretics*, law *Privileges*. Frederick condemns not only heretics but also those who receive and favor them, and commands that, unless they make satisfaction within a year, they be infamous. He also commands that they not be employed for public offices or councils, or for electing anyone, and adds other penalties which were noted above in the constitution. There are many advantages to this policy. For if adversaries of religion are in dignity, they will have many means by which they may oppose themselves to the prince and harass his subjects without the prince’s knowledge. For no one who maintains a religion different from that of his prince is as faithful to him as he is to others with whom he agrees. Then subjects come more slowly to truth when they see their own perfidy honored in the associates of their errors. Third, only the true and Catholic faith grows by persecution, because it alone rests upon hope of future goods; superstitions, unless perhaps in the first impetus, are diminished and vanish when advantages are taken away. Certain princes of Germany understood how important this matter was at the last diet held at Regensburg. For they requested that the Emperor choose court counselors in equal

number from the different religions, although they themselves do not employ Catholics--indeed, neither do the Lutherans employ Calvinists, nor the Calvinists Lutherans.

[Printed page 105]

§ 8. The fifth method is that, when some entire heresy is to be extirpated, and this must be done moderately and by reason, not by sheer command, those things should first be seized upon which are ill-reputed among the common people and which at first sight display their absurdity even to the unlearned. The Calvinists furnish an example. In order that they might easily wear down the authority of the Lutherans, they often employed the name of Luther with veneration, but called all those Lutherans against whom they acted Flacians; the Flacians, however, were especially a sect of stupidity and madness among the Lutherans. Thus Pareus, who wishes that all Lutherans had one neck, professes that he acts against Ubiquitarians, violent enemies of truth. When the people of Utrecht endeavored at their synod to extirpate rigid Calvinism, they prohibited by edict that which was the chief point of its impiety: all should beware of teaching those things from which God could be held the author of sin. Therefore, when an orthodox magistrate wishes to restore ancient piety by right of return, he will take care that the manifest enormities of the opinions--in which there is greater shame even among the shameless--are seized upon first. For they conceal many things and shadow many things with words, for which, if you look upon the matter itself, there is no pardon. These must be drawn into the light, so that they may be routed with deserved hatred. For thus authority will be taken away from false teachers caught in manifest crime. To have displayed such superstitions is to have refuted them.

§ 9. The sixth method of restoring piety and abolishing error is to turn the quarrels of those who wander to one's own advantage. For who would not readily reduce the Puritans in England to order if he extorted from them approval of the bishops, or those same Puritans from Belgium if, while the controversy raged, he adhered to the milder party? For variety of belief makes doubtful those who seemed certain to themselves. Thus, when the prince's assent is added to one party of those disputing, it easily overthrows the other and renders the whole liable. The Apostle is a great example: in a council which consisted of different sects, by approving the true opinion of one he earned the vote of acquittal, and brought it about that, hindered by their own dissension, they could not conspire against truth. I would especially recommend this to an orthodox prince, for he will use the dissensions of those who wander no less conveniently than the concord of those believing rightly in order to extirpate errors. For even in battles, not only skill and strength in military affairs, but often also the enemies' carelessness or lapse have offered to a commander the most desirable opportunities for accomplishing the business. Let him only remain on watch, so that he may see the critical moments and make a remedy for diseases which is not only suitable but also opportune. A regimen cures many. Formerly, when rigid Calvinism was assailed by the Lutherans in the very heat of its paroxysm, the evil was exacerbated and sudden coercion brought much damage; now, of their own accord, the Arminians have remitted the harshest part of the rigor, judge the Calvinists impious, persecute them in the Academy itself, and compel them to be exiles in other towns; they would dare more and more atrocious things did they not fear the forces of the opposing party. Certainly, if the generous force of Maurice alone stood on behalf of the mild party, the rigor of the Counter-Remonstrants would soften or be broken.

§ 10. The seventh method is that clandestine and public assemblies be prohibited. Thus Arcadius denied Gainas a church for Arian perfidy; thus the emperors Leo and Anthemius forbade the pagans to assemble for impious rites, Code, Title 11: "Let no one dare to attempt those things which have rather frequently been forbidden to persons of pagan superstition, knowing that he commits a public crime who shall dare to perpetrate these things. Moreover, we will offenses of this kind to be cut away to such an extent that, even if any such thing be perpetrated on another's estate or in another's house--the owners manifestly knowing it--the estate or house shall be adjudged to the most sacred rights of the treasury. But the owners, for this alone, that they knowingly consented for their places to be contaminated with such crimes, if indeed they are adorned with any dignity or military office, shall be punished by loss of the military office or dignity, and also by confiscation of their property; but those established in a private or plebeian condition shall, after bodily tortures, be assigned either to work in the mines or to perpetual exile." And before him

Valentinian and Marcian decreed: “Let no one reopen, with the intention of venerating and adoring, the shrines which were formerly already closed. Far be it from our age that the ancient honor be restored to unspeakable and execrable images, that the impious doorposts of temples be wreathed with garlands, profane fires be kindled upon altars, incense be burned upon them, victims be slain, wine be poured in libation from bowls, and sacrilege be regarded in place of religion.”

§ 11. The eighth method is to bring the obstinate to their duty by severity of laws and punishments. The penalty for violated religions differs in one place and another, but everywhere there is some penalty--deservedly and by right. For what is committed against divine religion is directed to the injury of all; what harms all harms to the peril of the commonwealth, and therefore ought to be repelled by the commonwealth. But since these things are taught with danger among those whom conscience does not permit to be at rest, I prefer, concerning that whole class of evil, to cite and set forth a great doctor of the Church.

First he teaches, Epistle 50, that many were corrected in this way: “For that which befell the accusers of Saint Daniel befell the Donatists. For just as the lions were turned against the former, so the laws by which they wished to oppress the innocent have been turned against the latter--except that, because of the mercy of Christ, those laws which appear adverse to them are rather for them, since many have been corrected through them and are corrected daily; and, being corrected and delivered from that furious destruction, they give thanks. And those who hated now love; and, once health has been received, they rejoice over the most wholesome laws that had been troublesome to them, as greatly as in their madness they detested them; and now, with a like love together with us, they are stirred up against those who remain, with whom they would have perished, that together we may press on lest those persons perish. For a physician is troublesome to a raging madman, and a father to an undisciplined son--the former by binding, the latter by beating--but both by loving. But if they neglect them and permit them to perish, this false gentleness is rather cruel. For if a horse and mule, in which there is no understanding, resist with bites and kicks the human beings by whom their wounds, which must be cared for, are handled; and although human beings are often endangered and sometimes injured amid their teeth and kicks, they nevertheless do not abandon them until, through medicinal pains and troubles, they restore them to health: how much more must a human being not be abandoned by a human being, and a brother by a brother, lest he perish eternally, when, once corrected, he can understand how great a benefit was being furnished him when he complained that he was suffering persecution?”

But here let that law prevail: that it restrain by loving, not by raging; that it chastise in order to correct, not take vengeance in order to overthrow.

Then he continues: “Why, therefore, should the Church not compel her lost sons to return, if lost sons compelled others to perish? Although even those whom they did not compel, but only seduced, if they are called back through terrible but wholesome laws into her bosom, their pious mother embraces more tenderly and rejoices over them much more than over those whom she had never lost. Does it not pertain to pastoral diligence that even those sheep which were not violently snatched away but gently and softly seduced, and which wandered from the flock and began to be possessed by strangers, once found, should be called back to the Lord’s fold, if they should wish to resist, by terrors or even pains of scourges?”

[Printed page 106]

§ 12. These are Augustine’s words. Yet at another time he held this opinion: that it should not be sought from the emperors that they command the Donatist heresy altogether not to exist. But afterward he changed, for he judged medicinal trouble necessary for depraved, cold, and hard minds. “Hence,” he says, “it came about that, when causes of this kind had been brought to his knowledge, the religious and pious emperor preferred by most pious laws altogether to correct the error of that impiety, and, by terrifying and coercing, to bring back to Catholic unity those who bore the signs of Christ against Christ, rather than merely to take away their license to rage and leave them license to wander and perish. But when the laws themselves had now come into Africa, those especially who were seeking an

opportunity, or feared the savagery of the raging, or were ashamed to offend their own people, immediately passed over to the Church. Many also, who were held there solely by a custom handed down from their parents, and who had never before considered what sort of cause the heresy itself possessed, and had never wished to seek and consider it, soon, when they began to attend to it and found nothing in it worthy of the losses they were suffering, became Catholics without any difficulty. For solicitude taught those whom security had rendered negligent. Many who were less capable of understanding by themselves what difference there was between the error of the Donatists and Catholic truth followed the authority and persuasion of all those who preceded them. Thus, when the true mother joyfully received great hosts of peoples into her bosom, there remained hard crowds, standing in that pestilence with an unhappy obstinacy. Of these also, very many communicated by dissimulation; others lay concealed by reason of their small number. But those who dissembled, by gradually becoming accustomed and by hearing the preaching of truth--especially after the conference and disputation which took place at Carthage between us and their bishops--were in great part corrected. Yet in certain places where a more obstinate and implacable multitude prevailed, which the smaller number whose opinion concerning communion was better could not resist, or where crowds subject to the authority of a few more powerful persons obeyed toward the evil side, labor was required for a somewhat longer time."

The same author, *Against the Letters of Petilian*. Petilian said: "But if it had been permissible for anyone to be compelled by law even to good things, you wretched men ought yourselves to have been compelled by us to the purest faith. But far be it, far be it from our conscience that we compel anyone to our faith." Augustine answered: "No one indeed is to be compelled to faith unwillingly; but through severity--indeed, through the mercy of God--perfidy is accustomed to be chastised by the scourges of tribulations. Is it the case that, because the best morals are chosen by freedom of the will, therefore the worst morals are not punished by the integrity of the law? Nevertheless, discipline which avenges evil living is inverted unless it is preceded by doctrine concerning living well. If, therefore, any laws have been established against you, by them you are not compelled to do well, but are prohibited from doing evil; for no one can do well unless he has chosen, unless he has loved, which lies in free will. But the fear of penalties, even if it does not yet possess the delight of a good conscience, at least restrains evil cupidity within the barriers of thought. Yet those who established the adverse laws by which your audacity is repressed--are they not those concerning whom the Apostle says: 'For not without cause do they bear the sword; for they are ministers of God, avengers unto wrath against him who does evil'?"

§ 13. What, therefore? Will the prince act against all by right and law, and compel them to faith? Not against all, but nevertheless he will act on behalf of all. If they are few, if it can be done without disturbance, let him command that heresies, magicians, and idolaters not exist; but let the vigor of the laws be exerted gradually, except where there is danger of contagion. Let those who are pernicious be removed; the prince's authority will lead the remaining crowd. Shame restrains many, fear many, but most are held by empty security, as though nothing better appears for them to follow. Within a few years more than one hundred thousand were converted to the truth in France, more in Germany. No prince of Germany who attempted to bring his people to the Catholics experienced force contrary to his laws. Only the Belgians rebelled; but religion was neither the sole cause nor the pretext. Privileges and liberty were held forth, together with dominion by a foreign nation, always hateful to cultivated peoples; and the exaction of tithes incited the people to sedition.

§ 14. Nevertheless, the decree of politicians who think otherwise remains: they are not to be compelled, for thus they both remain impious and add dissimulation to impiety, and the crime is doubled. Thus you will make worshipers of the purple, not of God. But they err, and oppose the peace of the commonwealth, not religion alone. For first, it is commanded by a wholesome law that they not do evil, not worship a demon by idolatrous sacrifices, not lay waste churches, mock sacred things, inscribe God upon their crimes, and assail truth. For although they obey unwillingly, it is nevertheless better that, when compelled, they be borne into crimes in mind alone than in both mind and deed

together. In the same way, the dread of secular laws also deters many who are already guilty in mind and will from daring and obtaining their object.

§ 15. Nor is law accustomed merely to lead persons away from evils, but also to introduce them into the school and sanctuary of virtue. For it commands honorable and pious things and prohibits their contraries. It commands pious things, I say, and commands them to act piously, not by simulation; let each person impute hypocrisy to his own wickedness. Even the obstinate are commanded to honor the magistrate, because the command is right; nor ought the law for that reason not to command honorable things because a dissembling mind vitiates honorable deeds, but it ought to admonish them to accomplish of their own accord what duty requires. Yet, for the most part, when they are impelled toward honorable things, gradually they also perform them honorably and apply their minds to virtue, since it is necessary for the hands to be applied to the work. But if the hardness of some resists, it is nevertheless softened by custom; and tender age, not yet imbued with evils, is imbued fresh with piety and will carry the sweetness of its good odor into old age. I certainly remember that children were the authors to many parents of laying aside error; and when they grow up, lay aside the bordered toga, and enter a tribe or senate, they show themselves the best citizens of the commonwealth. We now see many thousands doing this in Germany, especially in Bavaria, Styria, Carinthia, and Belgium. And so even a reformation which does not help the advanced nevertheless presents childhood as Catholic.

§ 16. The ninth method, and almost the most efficacious of all, is that the governors of the commonwealth cultivate integrity of life and purity of morals. At the beginning I spoke concerning the morals of all; now I advise particularly that reformation will be slow and difficult unless prelates and teachers shine before the whole commonwealth not only by distinguished innocence but also by a reputation for innocence. For since superstition is a thing so malicious and calumnious that it detracts from the virtue and reputation of the most holy, exposes even the most blameless Athanasiuses to the speech of human beings by fabricated crimes, and drags them to tribunals by the purchased perjuries of witnesses, as though in another's crime there were sufficient cause why heresies should not be abandoned, who can doubt that, when the crimes of priests are public, they are tolerated to the great loss of religion? The shameful life of clerics--of clerics, I say, of clerics, but evil ones--made, increased, and preserves heresies. Frequently I enter into disputation with heretics or with those who believe heretics. After arguments which are solved and turned back with the least labor,

[Printed page 107]

they turn to the accusation of clerics and bring forth things which can neither be denied nor defended.

What, therefore, will the commonwealth do in this matter? First, it will labor that bishops and prelates be chosen who are chaste, liberal, sober, courageous, and zealous for divine law, who will reform morals; the princes themselves should add whatever power they can. Nor is the remedy difficult: is a canon or parish priest a drunkard or keeper of a concubine? Let an accuser be opposed to him; let another candidate for his dignity and prebend come forward; once convicted, let him be deposed and another receive his bishopric. If the prelates connive with one another and do not correct the vices of their own people, let the Vicar of Christ grant free power of reforming to kings and princes, as he recently entrusted it, to the great benefit of the province, to a certain most serene prince. But since I have dealt sufficiently with this matter in Book II, chapter 9, *On the Peace of Germany*, and this place requires the same things, I prefer to transfer those things here rather than rehearse them here in other words.

§ 17. In the first place, as a thing supremely necessary, without which no peace will ever be established, and once established will not endure, I place the restoration of ecclesiastical discipline where it has grown feeble, and its preservation where it flourishes. The cause of old and recent heresies and persecutions was, for the most part, the dissolution of the Christian clergy and people. It is an ancient wound of the Church, but one which is renewed excessively, so that it may never grow old throughout the whole world and may never be perfectly healed. "The Lord," says Saint Cyprian, "wished his household to be tested," when, namely, he permitted persecution. He speaks, however, of that which occurred under Decius and which was preceded by thirty-eight years of peace in Africa. "And because

long peace had corrupted the discipline handed down to us by God, heavenly censure raised up faith which lay prostrate and, I might almost say, sleeping; and although we deserved to suffer more for our sins, the most clement Lord so moderated all things that everything which was done appeared to be a trial rather than a persecution. Each person devoted himself to increasing his patrimony and, forgetful of what believers had either done before under the Apostles or always ought to do, they gaped after the increase of their possessions with the insatiable ardor of cupidity. There was no devoted religion in priests, no entire faith in ministers, no mercy in works, no discipline in morals. The beard was corrupted in men, the appearance painted in women; eyes were adulterated after God's hands had made them; hair was falsified by falsehood. There were cunning frauds for deceiving the hearts of the simple, treacherous wills for circumventing brethren; to join the bond of marriage with unbelievers, to prostitute the members of Christ to Gentiles; not only to swear rashly but even to perjure oneself; to despise superiors with a proud swelling, to curse one another with a poisoned mouth, and to be divided from one another by obstinate hatreds. Very many bishops, who ought to be an exhortation and example to the rest, despised divine administration and became administrators of secular affairs; abandoning their chair, deserting the people, wandering through foreign provinces, they hunted the markets of profitable commerce; while brethren in the Church hungered, they did not come to their aid; they wished to possess silver abundantly, to seize estates by insidious frauds, and to increase capital by multiplying usury."

These are the words of the holy martyr in his treatise *On the Lapsed*, in the age of the martyrs. Our evils have had more grievous causes, a greater loss of discipline, and a greater dominion of vices, which at length ended in rebellion and heresy. Nor is it wonderful. Without care for discipline, not only can the peace of religion not be maintained, but not even religion itself. "Discipline is the guardian of hope, the bond of faith, the guide of the saving journey, the kindling and nourishment of a good disposition, the teacher of virtue; it causes one always to remain in Christ and continually to live for God, and to attain to heavenly promises and divine rewards." Cyprian, *On the Discipline and Dress of Virgins*.

At this time nothing prevents most people more from returning to the ancient religion than the examples of certain persons who live badly in it. For the common people estimate doctrine from life. When they behold a man enslaved to riches, burning with lusts, swollen with arrogance, they do not believe that they can rightly learn from him the doctrine of liberality, chastity, and modesty. Do you marvel that those who wander are not converted? Do you marvel that you labor without fruit? They doubt your faith because it lies hidden in the mind; your vices are in the open. They avail more toward hatred than uncertain faith toward love. You promise the food of the word of God to the hungry. But while you offer it with an impure and festering hand, you render it suspect and cause enemies to blaspheme the name of the Lord. Your sin is indeed exceedingly great before the Lord, because you draw human beings back from the Lord's sacrifice--not from a sacrifice of rams and calves, but from the sacrifice of prayers, faith, and piety. They are turned away from God whose minister they see stained by so many vices. By nothing do heresies grow more than by the vices of clerics and by the sins of laymen, who so infect their offspring with their vices that it never becomes accustomed to piety. The heretics themselves testify to this: when convicted by Scriptures and reasons, they turn to the accusation of the Roman Curia and of the whole ecclesiastical estate. I shall answer them in another place, for they are no more excusable than the children of Israel, who, drawn back from the sacrifice of the Lord by the crimes of Hophni and Phinehas, worshiped the Baals and Ashtaroth.

Now I admonish those who live from the Church, have grown fat from Christ's patrimony, and receive large donatives from the pay of our commander, but by their sloth, ignorance, drunkenness, and baseness betray their own camp to the enemies, in no way solicitous about the destruction of perishing souls and locating the peace of the Church in the opulence and quiet of prebends. O good God, if it is expedient for him who shall have scandalized one of these little ones who believe in you that a millstone turned by an ass be suspended from his neck and he be drowned in the depth of the sea, what mountains or rocks will be able to suffice to bind to so many necks? How often must those be drowned who scandalize not merely the little ones but the whole world: great and small--the little ones who believe in you, the great so that they cease to believe, and unbelievers so that they do not come to faith?

It has been said to all Christians: “Be without complaint and simple children of God, without reproach in the midst of a depraved and perverse nation, among whom you shine as lights in the world, holding forth the word of life, unto my glory on the day of Christ,” Philippians 2:15. But to bishops and prelates it is said: “Be an example of the faithful in word and conduct, in charity, in faith, in chastity,” 1 Timothy 4:2. And: “In all things present yourself as an example of good works, in doctrine, in integrity, in gravity; a sound, irreproachable word,” Titus 2:7. And why? He adds the reason: “So that he who is opposed may be ashamed, having nothing evil to say concerning us.” Not by word alone, but above all by example, did the Apostles convert the world; by examples men travel again to unbelief, for while they deny conscience, they make shipwreck concerning the faith. For because they live badly in the sight of the people, so far as lies in them they kill those by whom they are known. Everyone who lives badly in the sight of those over whom he is placed, so far as lies in him, kills.

What, therefore? Do you foretell perpetual war in those regions where ecclesiastical discipline is neglected? Either war, or servitude, or destruction. For if morals are amended, abuses taken away, and scandals removed, a very brief war will be followed by solid victory. If God is further provoked by sins, those who wander will be confirmed in heresy; those who hesitate and are doubtful will be plainly turned away; and God will strike away license and wantonness, as he has now done in many places.

[Printed page 108]

If bishops and prelates are unequal to the vices of certain persons, God the Zealot will send a stronger avenger, by whom he will at once take away the impious man and his impiety. Thus the Turks occupied Asia, Egypt, and Greece, while neither the clergy obeyed the bishops nor the bishops the supreme shepherd, and while their morals surpassed the wickedness of barbarians. We see that it is generally so arranged that, when vices have climbed to their summit, all things fall together. But they must be believed to have climbed to their summit if they are committed by public law, or by custom and approval; if they break all the force and vigor of the laws and the authority of the magistrate. What cannot be healed dies away. Religion will perish in Europe unless an integrity of morals corresponds to the sanctity of religion. “What, then, do you think must be reformed?” someone who both fears and needs reformation will say to me. In general, whatever has been deformed; whatever, even if it is not deformed, nevertheless, through the circumstances, is the cause of some deformity in the Church.

CHAPTER XIX

Other Lesser Aids for Restoring True Religion

§ 1. There are very many things, according to the variety of times and places, which prudence and an ingenious love of piety suggest and which can be applied to those who are perishing, so that they may be saved. The Chinese are captivated by admiration for the mathematical disciplines; the Japanese rejoice in a prudent exposition of moral matters; very many of the Indians are captivated by beneficence, the Americans by ceremonies and music. Therefore all things must be attempted for the salvation of human beings, since that ever-watchful Dragon contrives all things for their destruction. For the commonwealth is wretched if, indeed, a great multitude overflows in it, but a multitude of those who are perishing.

§ 2. In the first place I set pious and grave music, which should not caress the ears by modulation and harmony alone, but much more instruct the mind by the light of words and thoughts, and affect the will by holiness. Truth is most readily learned and retained by that sweetness. This is clear from the example of those who teach falsehoods and of heresiarchs. Paul of Samosata changed ecclesiastical hymns into foul and flattering songs. The Arians and Pelagians also destroyed faith and discipline by this aid to their errors. Indeed, the audacity of certain persons advanced so far that they even introduced Sotadean songs into the Church. Nor have our own times been rendered infamous by the multitude and foulness of sects in any other way than by songs which insinuate heresy with sweet melody and sound forth mockery of truth. Thus Lutheran hymns, thus Bezan hymns, have killed more souls than writings and declamations. Why, therefore, should an orthodox prince not employ for medicine what impostors devised for destruction? Those things once moved Augustine, *Confessions*, Book X, chapter 33: “How greatly I wept during your hymns and canticles, sharply moved by the voices of your sweetly sounding Church! Your voices flowed into my ears, and your truth was distilled into my heart, and from it the affection of piety grew warm, and my tears ran, and it was well with me together with them.” And afterward: “Thus I fluctuate between the peril of pleasure and the experience of wholesomeness, and I am led more--although not uttering an irrevocable judgment--to approve the custom of singing in the Church, so that through the delights of the ears the weaker mind may rise up into the affection of piety.”

Aristotle, in his books of the *Politics*, prescribes many things concerning music which some have judged superfluous or even insufficiently consonant with the gravity of the subject. But Plato truly thought so as well; and Tullius, the father of his commonwealth and a skilled craftsman of governing, says in Book II of *On the Laws*: “For I agree with Plato that nothing so flows into tender and pliant minds as the varied sounds of singing; and it can scarcely be said how great their force is in either direction. For it both incites the languid and renders the excited languid; it now relaxes minds and now contracts them. And it was important to many cities in Greece to preserve the ancient mode of sounds. When their morals slipped into softness, they were changed together with their songs--either depraved by this sweetness and corruption, as a certain man thinks, or, when their severity had collapsed because of other vices, there was then also room for this change in ears and minds that had been changed. Therefore that man, the wisest of Greece and by far the most learned, greatly fears this stain; for he denies that musical laws can be changed without a change in public laws.”

Germany and Gaul have taught this. For while minds hung in doubt, new music intervened in place of that old music, sweetly severe and the servant of virtue--a new music more licentious, which by enticing sweetness offered heresies smeared upon incautious minds. Now, therefore, it is the office of a prudent physician to season truth and holiness with greater sweetness of harmonies, lest they strike harshly upon minds which have slipped into softness and be rejected. For this reason, after the likeness of David, Asaph, and Jeduthun, many most learned men have adorned psalms and hymns with musical modes; very many bishops have also introduced sacred songs in the vernacular language into the churches.

§ 3. This remedy is sweet, but nevertheless wholesome. The one which follows is harsher, yet neither unjust nor difficult: that before the public announcements and contracts of marriages, both bridegroom and bride be compelled to give an account of their faith. That matter produces no few advantages. For first, they can be instructed and educated in the truth through this occasion. Then a certain care for religion is instilled into all; and in this way, while they promise that they will be in the Church and will embrace the ancient faith, little by little they are bound to the truth and love it.

Heretics must also be caught by their own arts. For when I once heard Lutheran youths hurling dreadful things against the Calvinists, although their prince, after expelling Luther, commanded Zwingli to be received, I wondered that they had not yet been dragged into that trap. And when I asked how Lutheranism was left to them while the reformation was raging, they answered that for the present they rejoiced in the liberty of youth and did not greatly care about the threats of a raging minister, but that a time would come when they saw that the yoke must be undergone. For when they had begun to aspire to marriage, they must yield to consistorial violence and, together with a wife, receive the concubine of shameful obscenity--namely, Calvinism. So harsh is the condition among heretics of men taking wives and women marrying, for whom a new plague and pestilence must be led into the nuptial chamber. How, therefore, will an orthodox prince excuse himself to God if he himself does not take greater account of salvation and decree by a law enacted that, together with the sanctity of the sacrament and the indivisible bond of marriage, they join the truth of sincere and chaste religion--especially since only in the orthodox faith is the nuptial covenant contracted without the stain of fault?

§ 4. Other things also are connected with marriage: namely, that no one approach the laver of regeneration except according to the Catholic rite; that no one enjoy the right of godparents unless his sincerity in the faith has been ascertained;

[Printed page 109]

and that no one obtain the honor of ecclesiastical burial unless he has shared the sacraments of the Church with them.

§ 5. But if the souls of those who wander must be restored to the way gradually and by pious art, the propagators of perverse dogmas cannot be left alone. Let the orthodox magistrate apply himself to this: that their appointment, presentation, confirmation, and examination be entrusted to him. For thus he will bar every most harmful person; he will set over those synagogues men who are divided among themselves, incurious about controversial matters, and devoted to domestic affairs or even to the prince; and he will extinguish the heat of heresy. Nor will he remove the unlearned; for thus the error will be despised, and, because the unskilled are accustomed often to err, constancy will be taken away.

§ 6. He will nourish dissensions among the teachers who wander and bring it about that they confer often and accuse one another. For thus, when all understand that nothing certain is found among them, they will readily give their hands to truth. That discord is also useful for recognizing the morals of the most wicked human beings. For if anyone should wish to read the contentious books of the Lutherans against the Calvinists, or of the latter against the Lutherans, he will persuade himself that they are not invectives of human beings against human beings, but the furies and roarings of demons against demons. From these a just cause for change will be offered to the prince, and a cause for inquiring into the origin of such great evils; for if he discovers the things to be true, he will punish the guilty; if false, the calumniators. For he will bring the truth of the errors into public view.

§ 7. There are many other things which prudent charity and care for one’s neighbor will of themselves dictate to a prince. All those things which conciliate love and veneration for the magistrate also avail to this end, that they readily embrace the prince’s judgment in religion. Of this kind are remission of tributes and burdens; prompt aids when some part of the dominion has been disfigured by fires or collapses; and provision for the grain supply. For by these it is brought about that they hate whatever they think adverse to the magistrate. If the prince employs these together with divine grace and fervent prayers, within an altogether brief time he will extirpate heresies, although at the beginning they appear more powerful than the laws themselves and the magistrate.

ADAM CONTZEN

TEN BOOKS OF POLITICS

BOOK THREE

On the Virtues Necessary to the Commonwealth

CONTENTS

Chapter I. All the Moral Virtues Are Required in a Well-Constituted Commonwealth 3

Chapter II. Prudence Is Necessary to the Commonwealth, and Its Office and Function 6

Chapter III. Those Who Prefer Prudent Princes and Magistrates but Imprudent, Foolish, and, as They Say, Simple Citizens Are in Great Error 11

Chapter IV. Cunning, the Imitator of Prudence, Is Harmful to the Commonwealth 14

Chapter V. Diligence Must Be Joined to Prudence 23

Chapter VI. Justice Is Especially Commended to the Prince 30

Chapter VII. The Commonwealth Ought to Keep Faith with All 38

Chapter VIII. The Commonwealth Ought to Be Grateful Toward Those Who Have Deserved Well 44

Chapter IX. The Prince and the Commonwealth Ought to Be Liberal 50

Chapter X. Parsimony Is Necessary to the Commonwealth, and Prodigality Pernicious 58

Chapter XI. Affability Is a Distinguished Ornament of Citizens and Princes 62

Chapter XII. Chastity Ought to Be a Matter of Great Care in the Commonwealth 68

Chapter XIII. Spectacles Harm Good and Chaste Morals, and Therefore Must Be Abolished, or Only Those Which Excite to Virtue Retained 82

Chapter XIV. Sobriety Is the Firmament of the Commonwealth 88

Chapter XV. Anger Is Equally Harmful to Rulers and Subjects 106

Chapter XVI. Clemency Must Be Cultivated in Every Commonwealth 122

Chapter XVII. All Persons in the Commonwealth Must Be Trained in Fortitude 143

Chapter XVIII. Fortitude Is Not Acquired by Bloody Spectacles 151

Chapter XIX. A Commonwealth, However Powerful and Rich, Ought to Hold Most Tenaciously to Modesty 158

Chapter XX. Magnanimity Ought to Be Commended to the Commonwealth, and Especially to Magistrates 168

Chapter XXI. Charity, the Queen of All the Virtues, Ought to Be Esteemed Most Highly in the Commonwealth 174

CHAPTER I

All the Moral Virtues Are Required in a Well-Constituted Commonwealth

ON THE VIRTUES NECESSARY TO THE COMMONWEALTH

§ 1. I have already explained in the preceding book that virtue is necessary to the commonwealth; I have demonstrated this concerning faith and religion. It now remains for me to treat of the other virtues that are necessary to the prince, senators, and citizens. I treat of civil life, and of that life for which nature itself has fashioned and advances us. For although virtue itself has very great force in household management, in private dealings, and in private life, nevertheless every virtue without exception is necessary in the commonwealth. Wherever its protection has withdrawn, there the enemy is admitted. Silence overthrew silent Amyclae; lust, Colchis and Crete; avarice assessed the Roman city in bracelets; credulity received Zopyrus as a traitor; through ambition almost all kingdoms have perished. Wherever there is even a small departure from what is right, the commonwealth lies open to blows; nor is any vice so small that it does not suffice to overthrow great kingdoms, if you despise it. It is an oracle of Pythagoras:

> Ἀρετὴ τὸ ἰσχύον μόνον, τὰ δὲ ἄλλα λῆρος.

For virtue alone is powerful; all other things are trifles: riches, the strength of walls, a fleet, an army, auxiliaries--if they are apart from virtue, they accomplish nothing other than that the ruins may terrify with a greater crash as they fall. While morals had not yet declined, not even Manlius could drive the people into servitude; but when the commonwealth had been corrupted, even princes flatter Claudius and enroll Nero among the gods. The commonwealth desires examples of all the virtues, just as it desires those devoted to and skilled in all the arts. For if examples of any virtue are lacking, the enemy is invited through a breach in the rampart.

These were the last words of a bad but shrewd emperor, who found it easier to think and speak rightly than to act rightly: “Everywhere I received a commonwealth in disorder; I leave it pacified even as far as the Britons. An old man, infirm in my feet, I shall leave a strong empire to my Antonines if they are good, a feeble one if they are bad.” It was an oracle. They were bad; swiftly they destroyed both the empire and themselves.

But it is too little for one member in so great a body to be sound. For a state which the virtue of one or a few raises up will not be able to stand if the impulse of the multitude drives and snatches it into vices. The influence of the ruler toward virtue is indeed supreme; yet frequently the vices of the multitude outweigh it. “We are pliant and are led in whatever direction by the prince, and, so to speak, we are followers; we also desire to be dear to him and approved by him. Those unlike him have hoped for this in vain; and by a continuance of compliance we arrive at the point that almost all human beings live by the morals of one man” (Pliny, *Panegyric*). And so the ancients thought no gift of the gods more excellent or more beautiful than a chaste and holy prince, one most like the gods. For if a prince prefers pleasures and riches to virtue, the people must necessarily become vicious by a swift contagion.

[Printed page 110]

§ 2. There is need, moreover, of all the virtues as though they formed one indivisible body; for they are all fitted and joined together among themselves and, as the Stoics were accustomed to say, **ἀχώριστοι**, “inseparable.” I do not agree with those who think that one virtue is diversified by its duties. This is a Stoic doctrine. For Chrysippus speaks thus in Laertius:

> Τὰς ἀρετὰς ἀκολουθεῖν ἀλλήλαις, οὐ μόνον τῷ τὴν μίαν ἔχοντα τὰς πάσας ἔχειν, ἀλλὰ τῷ τὸν κατὰ μίαν ὁτιοῦν ἐνεργοῦντα κατὰ πάσας ἐνεργεῖν, οὔτε ἄνδρα τέλειον εἶναι, τὸν μὴ πάσας ἔχοντα τὰς ἀρετάς, οὔτε πρᾶξιν τελείαν, ἥτις οὐ κατὰ πάσας πράττεται τὰς ἀρετάς.

The virtues accompany one another, not only because he who has one has them all, but because he who acts according to one acts according to them all. Nor is the man perfect who does not have all the virtues, nor is the action perfect which is not done according to all the virtues.

There is not so great a conjunction of the virtues as they devise, such that none can exist without another; nevertheless, no virtue in its own condition is altogether perfect without the fellowship and companionship of the others. For one is an aid to another, so that it may perform perfect actions consistently; one protects another and makes it invulnerable. And this is what Cicero in book 5 of *On Ends*, and afterward Jerome, admonishes: "Since the virtues are so coupled and joined together that they all participate in all, and one cannot be separated from another, nevertheless each has its own proper office, so that fortitude is discerned in labors and battles, temperance in pleasures, prudence in choice." And Seneca, Epistle 67: "When someone endures torments bravely, perhaps he employs all the virtues, although one--patience--is at hand and appears most of all. Yet fortitude is there, of which patience, endurance, and toleration are branches. Prudence is there, without which no counsel is entered upon, and which advises one to bear as bravely as possible what one cannot escape. Constancy is there, which cannot be cast down from its station and does not relinquish its purpose when any force attempts to wrench it away. There is that indivisible company of virtues. Whatever is done honorably, one virtue does, but upon the judgment of the council. But what is approved by all the virtues, even if it seems to be done by one, is desirable."

§ 3. All participate in all. And it is necessary that this occur in the commonwealth. Otherwise, what happens to a soldier whom his comrades have abandoned alone in the battle line will befall a solitary virtue: while he fights most bravely, even the most cowardly of the enemy strikes him down from the rear or the flank with a stealthy wound. Samson's fortitude, stripped of the aid of chastity, fell and lay in bonds and filth. The sacrilegious ambition of King Uzziah removed his great virtues from the commonwealth; intemperance overthrew John Maccabaeus. If we also consider our own men, we shall find that sometimes all the virtues have yielded to one vice. What drove Tertullian, with so great learning, gravity, and holiness, out of the Church and into the Montanists, if not a proud obstinacy excessively tenacious of its own judgment? What turned Hosius, renowned throughout the whole world and already in extreme old age, aside from his course, if not fear of torments? For so many virtues and labors, deserted by fortitude, fell at a single blow, as it were. Haste in judging, and a certain indulgence toward his own talent, destroyed Origen.

But since it is rare for a man in the commonwealth to be fortified by the company of all the virtues, and since even the most fortified things are fragile in some part of themselves, it is nevertheless necessary that all these virtues exist in the commonwealth. The fierceness of some must be tempered by the counsels of the prudent; the levity of others must be restrained by gravity; pleasures must be chastised; ambition must be suppressed, so that there is no virtue which is not taught by morals and words. Since, therefore, these goods rarely come together in any one person, let the commonwealth act so that it may at least have them dispersed. It is most difficult for someone to be both vigorous in battle and good in counsel. An equal talent for both camp and gown is not frequently found. Therefore let the legislator so govern his citizens that one supplies the mind, another the hand; and let the warlike right hand strike and avoid the enemy by the counsel of the prudent man, so that it may be unconquered.

§ 4. The conjunction and harmony of the virtues is also discerned in a certain moderation, which consists in a mean. In all of them there is a certain firmness, which is the greater the more virtues are present, just as that battle line is strongest which has both the greatest number and the best soldiers. All are also ruled by a certain equality that directs actions. All are bound together in one prudence; for there is no action of virtue unless prudence has directed it. What is done rashly is impulse, not virtue; and although it has been done with a good outcome, it nevertheless has not been well done.

§ 5. A discourse concerning the political virtues must therefore be undertaken, but concerning true virtues, for I rejected hypocrisy and dissimulation already in the preceding book. Now I also give this warning: vices must not be honored with the names of virtues. This is the most ancient evil of states and will be the last, unless I am mistaken. They call license liberty; they think audacity fortitude; they impose avarice under the name of frugality, prodigality

under the name of magnificence, and pride under the name of magnanimity, as though under a covering, upon inexperienced minds. In the schools, when young men have entangled their equals by an ambiguous word or a twisted argument, they rejoice as victors and grieve as defeated men. But in the state, it is not words but the things themselves that entangle many and lead them into fraud. Dissimulation itself is more ingenious in devising things than truth is. Pliny, *Panegyric*. Horace also gives that warning:

> As those hired to mourn at a funeral say
>
> And do almost more than those who grieve from the heart.

Vices creep in under the name of virtues. Flattery surpasses friendship in blandishments, and the flatterer often drives out the friend, pleasing by the very thing by which he harms. If rashness is successful, it is praised as fortitude. Fawning enemies call the timid man cautious, the coward moderate. For evils have often presented the appearance of what is honorable.

§ 6. Finally, I wish these things to be understood in such a way that they know there is need of virtue, not of impulse. In virtue there are order, decorum, and constancy; it has harmony among all its actions; it itself distributes duties; it itself moderates all things. It is exceedingly harmful that those who read histories at once admire the sudden desire for action which they call **ὁρμήν** and number it among the virtues. Many have done something with a noble, liberal, or temperate mind, but once or perhaps twice; their whole life is discordant with the one deed. Such men are most dangerously employed in public affairs, for they have the reputation of a good man and the vices of the ruined. He did something that was right, or in which there was the likeness of what is right, but that was an accident, not an exercise of character. In a state, however, there is need of a brave and constant virtue, one that rests upon judgment and prudence.

Moreover, the virtues I require in the commonwealth are prudence, justice, fortitude, temperance, and friendship with true charity, which contains all those virtues. Just as these embrace various parts within themselves and are pressed on the opposite side by various vices, so they supply abundant matter for discussion. But now let us speak of prudence.

CHAPTER II

Prudence Is Necessary to the Commonwealth, and Its Office and Function

§ 1. Prudence is a habit of acting with true reason concerning those things which are good or evil for a human being (Aristotle, book 6 of the *Ethics*, chapter 1, and St. Thomas, *Summa theologiae* II--II, question 47).

[Printed page 111]

He calls it right reason concerning things to be done, **τῶν πρακτέων**. Clearer is the definition of others derived from Cicero: knowledge of things to be done and to be omitted. For this definition comes to the same thing: knowledge of things to be sought and to be avoided; or: knowledge of things good, evil, and neutral. Prudence therefore extends most widely and is occupied in the actions of all the virtues; like a blameless mistress, it sets for all of them certain boundaries and a measure,

> Beyond or short of which what is right cannot stand.

It is therefore the eye, cynosure, and leader of all the virtues; for neither temperance, nor justice, nor fortitude exists unless prudence moderates it. **Οὐκ οἷόν τε ἀγαθὸν εἶναι κυρίως ἄνευ φρονήσεως**: nothing can properly be good without prudence, Aristotle teaches in book 6 of the *Ethics*, chapter 5. For since every virtue consists in a mean, in choice, and in measure, without that ruler and dispenser the mean cannot be chosen nor the measure found; without this plumb line nothing but a ruin is built up. That magnet directs the course of navigation, unmoved, toward the goal of happiness and carries a torch before it; when this is extinguished, all things are in darkness. Hence let the commonwealth pursue a ray of divine light through so great a darkness with unclosed eyes. “For where there is no prudent governor, the people will fall; but safety is where there are many counsels” (Proverbs 5).

§ 2. Perfect prudence must hold first place in all affairs: **ἅπαντα δὲ διὰ τὸ φρονεῖν καθίσταται**; all things obey prudence.

Its functions are to investigate a matter by counsel and in that counsel to understand and select what is right and to reject what is harmful; to determine what, above all, must be done out of many things, and whether anything must be done at all. The most ingenious of poets expressed this:

> You have a right hand useful in war;
>
> Yours is a talent that needs our direction.
>
> You bear strength without mind; mine is the care of the future.
>
> You can fight; with me Atreides chooses
>
> The times for fighting. You avail only in body,
>
> We in mind; and by as much as he who steers the ship surpasses
>
> The oarsman’s office, by as much as a leader is greater than a soldier,
>
> By so much do I surpass you.

If, therefore, the commonwealth, senate, or prince is without this, what else shall we say it is than an eyeless Cyclops, which pours out its mighty strength upon the wind, dashes it against the rocks, and at last overwhelms itself with its own mass?

§ 3. The parts of prudence are innumerable--namely, as many as there are kinds of virtues and of things to be done. Nevertheless, for the sake of order and discipline, it is customarily divided into certain species. One is discerned in

individual and private actions and extends most widely, for it embraces all duties that pertain to the ordering and adornment of the mind. The office of another is to administer the family property and the household, which they call economic prudence. But that which is most excellent is called political prudence, which presides over peace and war, kingship, aristocracy, polity, and laws. He who governs that most difficult animal, the human being, needs to know, take up, and arrange as many affairs--so great and so dissimilar--as political prudence moderates and brings to their ends. The human being's nature is greedy for liberty, and command is so troublesome to it that it obeys grudgingly even when useful and just things are commanded benignly: **οἱ ἄρχοντες μισοῦνται· φιλελεύθερον γὰρ τὸ ἀνθρώπινον**, says the scholiast on Thucydides. Rulers are hated because the human race loves liberty.

§ 4. Eight parts constitute complete prudence: memory, docility, reason, understanding, quick-wittedness, foresight, circumspection, and caution. Consideration of these has great force in all actions, for they generally concur in giving counsel. First, certainly, for pronouncing an opinion in public affairs or giving counsel, I require memory of many things, and a vivid recollection--acquired either by learning or experience--of outcomes and causes. He who is ignorant of the things done before him is always a child. So many and such varied things have been written that they could instruct even a blockhead; but such is the weakness of human talent that, when people read adverse and prosperous events, they take good omens for themselves and believe the flattering things. Although I admire the memory of Caesar or Mithridates, I do not demand it in a prince. I nevertheless judge that prudence must consider the outcomes of notable affairs, not only ancient but also recent. Memory is not indeed worthy of the name of prudence; nevertheless, we read of certain exceedingly prudent men who were distinguished by memory. Mithridates of Pontus addressed twenty-two nations, each in its own language; Cyrus could repeat the names of his soldiers, and Lucius Scipio those of the Roman people; on the day after he had come to Rome, Cineas addressed the senate and the equestrian order by name. Hadrian, Seneca, Porcius Latro, and others were strong in an excellent memory. But those marvels have scarcely appeared once in individual ages; I set before my prince those things which can come into use.

Let prudence and reflection upon useful things be in him. When food retains its own nature and floats undigested upon the stomach, it is a burden and irritates and oppresses health; when it has passed into the blood, it supplies strength and fills the veins. In the same way, knowledge of affairs ought not merely to reside in the memory but to pass into the understanding, and with its wholesome juice to strengthen and support the firmness and constancy of counsels. Nothing harms prudence more than the unconsidered rashness of inexperienced men, who either possess no part of human affairs or have lightly touched history without meditation; yet I have observed that these men most frequently display themselves in citations. I judge them like Calvisius Sabinus, and altogether his twins. In him, amid the greatest poverty of a poor little memory and utter thoughtlessness, there was a most greedy desire for glory, Seneca relates in Epistle 27:

"In our memory Calvisius Sabinus was a rich man: he had both the estate of a freedman and the character of a freeborn man. I have never seen a man more indecently happy. His memory was so bad that now the name of Ulysses escaped him, now that of Achilles, now that of Priam--men whom he knew as well as we know our schoolmasters. No aged nomenclator, who does not return names but imposes them, ever saluted the tribes as wrongly as he did the Trojans and Achaeans. Nevertheless he wished to appear learned. And so he devised this shortcut: for a great sum he bought slaves, one who should possess Homer, another Hesiod; in addition, he assigned one slave to each of the nine lyric poets. There is no reason for you to marvel that he bought them at a great price: he had not found them ready-made, so he contracted for them to be made. After this household had been procured for him, he began to harass his dinner guests. He had these men at his feet, and, when from time to time he requested verses from them to repeat, he often failed in the middle of a verse.

"Satellius Quadratus--a gnawer at foolish rich men and, what follows from that, a grinner at them, and, what is joined to both of these, a mocker--advised him to keep grammarians as excerpt-readers. When Sabinus had said that each slave cost him one hundred thousand sesterces, he replied: 'You could have bought as many book chests for less.' He nevertheless was of the opinion that he himself knew whatever anyone in his household knew. The same Satellius

began to urge him to wrestle, though he was a sickly, pale, thin man. When Sabinus answered, ‘And how can I? I scarcely live,’ he said: ‘Please, do not say that; do you not see how many very strong slaves you have?’”

[Printed page 112]

Far more troublesome than Calvisius are those who have scraped together varied stories from commonplace collections and recite them without order, without regard to time, and without decorum or prudence.

§ 5. Memory is not always, but nevertheless frequently, accompanied by a second aid to the actions of prudence, **εὐμάθεια**, or docility, which in this place I restrict to the actions of prudence. It is the mark of a great mind, since it does not possess all things from itself, to learn without shame--not only from books, which arrogance does more readily, because it is conscious of its own ignorance, but also from colleagues in the senate chamber and in the prince’s council: to hear and judge their opinions, even those of younger men, and to exchange the opinion you have pronounced for a better one. In this part prudent men often err most seriously, while they stubbornly urge not what is best to be done, but what they themselves have judged best.

§ 6. More excellent than docility, but rarer, is quick-wittedness, **ἀγχίνοια**, by which, through a swift movement of the mind, the rationale and means of resolving a difficulty is found. For it settles arduous affairs suddenly and in a short time, and procures reputation and authority. By such fortunate quick-wittedness Solomon adjudicated the most intricate affair of all, in which neither witnesses nor other proofs were present; without threats and tortures he elicited the litigants’ secrets. For when he had ordered the disputed infant to be divided by the sword and a part to be given to each woman, true affection immediately revealed the mother, and cruelty the stranger.

§ 7. The fourth part is reason or intelligence, which is a habit--the faculty of knowing and judging other things from things known and thoroughly perceived. For it is necessary that he who has learned very many things bring them into use, when there is need, by a discursive movement and activity of mind, and bring them toward the public advantage. The Crotoniats were at war against the Sybarites. The horses of the latter, as men utterly ruined by luxury, had been trained so that at certain measures of the trumpet they would leap and turn to dances. Since the Crotoniats had learned their disposition and this training, they turned it to their own advantage. For, having imitated the melody of the Sybarite dance, they easily crushed the dancing and disordered cavalry: the beasts of burden, upon hearing the accustomed song, were so impelled toward their usual sport that neither the ranks could be preserved nor the battle line governed.

§ 8. That reason chiefly looks to three things: first, that it act with foresight; second, with circumspection; third, with caution.

Foresight, therefore, is the part of prudence which looks ahead to future things and orders present things toward them. For when it foresees future things, it disposes present things so that the former may readily be met; when it looks upon present things, it easily conjectures what is to come and, by its care and solicitude, acts either so that evils may be averted or may fall most gently, or so that good things may be most opportune. **Πρόνοια**, foresight concerning future things before they occur, has never been sufficiently praised and ought to be the sole care in the commonwealth. For although our acts of foresight are timid and uncertain, nevertheless the wisest of all human beings truly admonishes us: “The cunning man sees evil and hides himself; the little ones pass on and sustain losses” (Proverbs 22); and: “The shrewd man sees danger and is hidden; the simple break through and suffer harm.” It was the utterance of a wicked but nevertheless provident king when he declared Rome to be for sale if it should find a buyer: from present conditions he foresaw the outcome, and the buyers were already threatening. After Greece and Carthage had been conquered, Scipio foresaw the destruction of Rome, and therefore judged that luxury must be resisted; but morals conquered care, and the conqueror of nations fell through her own delights and left the spoils of the world to the fiercest of barbarians. Thus Hannibal the enemy judged better concerning Fabius the Delayer than did his friends at Rome. For when all interpreted his delay as a reproach, Hannibal alone feared him and foretold that the cloud hanging upon the mountain would someday bring forth storms.

In this comparison and ordering of present and future affairs, judgment and action must be circumspect and cautious.

§ 9. Prudence has as its proposed end a good end, and as proposed means those things that lead to the end and are good or indifferent. But it is too little to have these rightly unless all the adjuncts and the things that surround the affair are also surveyed. This part of prudence is called circumspection. Images of emperors were formerly honored with civil reverence; this could seem a duty, but because images of the gods were joined to those statues, the crime of idolatry was connected with the veneration of lawful magistracy. It therefore belonged to prudence to look around, lest, while they honored the emperor, they should worship a demon. Macrinus, raised to the imperial office, recognized that military discipline had fallen and resolved to repair and restore it by crosses and unaccustomed punishments. He had a right end proposed, but neglected a circumstance; for he ought to have considered what was the principal circumstance--namely, the long-established and strengthened license of the camps, which must never be torn out by a single assault, but little by little. The deed was one of great constancy, but nevertheless it increased the calamities.

When Julian was reigning, an idol-serving temple attendant sprinkled Valentinian, then a tribune and afterward made emperor, with lustral water. Valentinian both gave him a slap and cut off the part of his garment upon which a drop had fallen, and so incited the tyrant to persecution. I praise the zeal; I require circumspection. I praise more highly the Christians of Antioch, who at first, during that time, prudently abstained from things sacrificed to idols according to the custom of the Church; but when Julian abused that law for their disgrace and deprivation and polluted all the food in the marketplace with sacrifices, they freely ate the food and mocked the idols while eating. For the tyrant's malice and the insults of the Gentiles brought it about that Christ was worshiped with ingenuous liberty rather than with anxiety.

§ 10. In pursuing goods, caution against evils also has great importance. For many advantages in the commonwealth, even those received in practice and even those long blameless, must be abandoned so that the evils customarily following them may be avoided. What obstructs virtue must always be considered, lest the whole labor perish by a single accident. Written bonds and contracts are full of precautions; our life is almost empty of them. With how many formulas do buyers protect themselves, and what little word dearer than gold is inserted in the records? Is the commonwealth, exposed to so many evils, treated negligently? First the strength of the enemy and all obstacles are brought into counsel. When Antiochus looks upon his resources and golden arms, he anticipates victory in his mind; Hannibal, who knew the military practice of the Romans, judges that all those things will pass into plunder. This part of virtue rarely accompanies even the most perfect men. Cassius and Brutus endeavor to free their fatherland from tyranny; because the disposition of Antony and of others who rejoiced in civil blood had not been sufficiently perceived, they imposed three most cruel tyrants upon their fatherland in place of one moderate one.

§ 11. The final thing that pertains to true prudence is understanding, or a true estimation of moral principles, from which the rules and actions of prudence are deduced. For just as all sciences have certain principles of their own, from which they derive conclusions by certain and true reasoning, so also prudence rests upon certain general principles which all judge true when they have apprehended them at first sight. They are these: God is to be worshiped, one must act justly, magistracy must be obeyed,

[Printed page 113]

and the other things which all by consensus judge true. Therefore those in whose minds so great a darkness of vices has settled that they tremble and are blinded at so clear a light lack not only the virtue itself but the principles of prudence. This is exceedingly rare even in the worst people, for almost all seek honorable pretexts even while they contrive crimes.

§ 12. And these things I establish generally concerning prudence in this manner. I commend it to the prince and senate and generally hand down its laws.

The first: Let them esteem as small nothing in the commonwealth which can be the decisive point of a greater advantage or danger. “The unforeseen force of death has seized, and will seize, nations”--indeed, a force that has been despised. The Romans fear the Parthian, and a poorly girded boy will rule over those who fear foreign things. Ishbosheth fears David, but is killed by brigands. Philip is armed against the Persians and is slaughtered by Pausanias.

The second: Just as good physicians skillfully forestall the causes of disease, let all who administer the commonwealth prudently, not by impulse, anticipate all dangers. It is easy to support a tottering column; to raise one that lies fallen is laborious. And so let them always look upon the corpses of other commonwealths--such as the Athenian, Corinthian, Spartan, Tyrian, and Carthaginian--the scars of others, and **ἰάματα**, “remedies,” so that they may guard against living wounds.

The third: It must be established with certainty by all kings, commonwealths, and peoples that all kingdoms which have hitherto perished have perished through imprudence in wars and seditions. For although accumulated iniquities drew down deserved punishment, nevertheless all counsels were corrupted so that the enemy could not be resisted. I freely appeal to all histories: among so many changes of kingdoms, overthrows of states, destructions and migrations of peoples, I seek one **ἔνστασιν**, “counter-instance,” and find none; nor, reader, will you find one. Let us look at the Western Empire. The emperors were unwarlike and inconsiderate; the commanders of the army were barbarians--Stilicho, Arbogast, Aetius. For what shadows of emperors were Maximus, Avitus, Majorian, Severus, Anthemius, Olybrius, Glycerius, Nepos, and Augustulus? All were subject to the barbarians. And lest any assistance should be present, Aetius was killed, and indeed by the hand of Emperor Valentinian. Eudocia summoned Genseric to Rome. Theodoric killed the Suevi in Aquitania. Ricimer conspired against his master; Basiliscus, having set out for Africa, surrendered the fleet of the Constantinopolitan emperor to Genseric in order to win the favor of Aspar and Ardaburius. Orestes and Odoacer were summoned for vengeance. But those times were such that all, as though by agreement, made and killed emperors in sport; and administration under the tyranny of the prefects was so intolerable that, according to the testimony of Salvian in book 4, the inhabitants of the Roman Empire fled from its cities to the barbarians and preferred hard servitude to a wretched liberty.

The fourth: The supreme law of prudence is not to trust oneself, but gladly to hear others.

The fifth: No commonwealth has ever been governed with so great a wisdom that wise men and the people have not found much wanting in it. Let the rulers of peoples certainly persuade themselves of this: that they rule amid great complaints from their subjects. For they rule over many wicked people, and over very many desiring contrary things; and they themselves also often stray.

The sixth: Let no one among the subjects complain against the magistracy unless he is one who has administered his house without the complaint of his household, inhabited a city without offense to his neighbors, and entered upon an inheritance without disputes with his kinsmen. For if those men raise so great storms in a little lake, what wonder is it if tempests arise upon a vast ocean, where the winds are free to fight?

CHAPTER III

Those Who Prefer Prudent Princes and Magistrates but Imprudent, Foolish, and, as They Say, Simple Citizens Are in Great Error

§ 1. No discussion is more difficult than a discussion concerning prudence. For many fear lest there be too many prudent people and lest wisdom, if made common, become cheap; they would wish to arrogate so great an honor to themselves alone. Let wisdom, they say, belong to the prince, from whom counsel is derived, and let it belong to those few who are around the prince, while all effort is expended, as it were, in obeying and executing commands. Let no one be more learned, no one more prudent, than the prince. They praise the custom of the Muscovites, among whom all must be less wise than the Grand Duke, and to be excessively devoted to prudence is a crime of majesty. They therefore approve the counsels of tyrants, who remove vivid and ready talents from their midst, lest there be anyone who censures or exposes things not well done. They praise the ancient stupidity of the Arcadians, the Lesbian and Cumaean asses, the minds of the Abderite common people, and the childishness of the Thracians, who could not proceed in counting beyond four and who, when their leader threatened that he would climb to Juno by the ladders which he had caused to be made and accuse them, were terrified and granted everything that was demanded. They judge that Brazilians, Americans, Guineans--in one word, golden slaves, wethers, and blocks--are proper subjects.

But I affirm entirely the contrary: it is altogether expedient for the commonwealth that all should be strong in wisdom, judgment, and talent, so that they can judge concerning public and private affairs. The greatest and truest simplicity does not injure true wisdom, since the Lord commands that dovelike simplicity be joined with serpentine sagacity. I banish crafty, cunning, and deceitful citizens from the commonwealth; wise, cautious, circumspect, and intelligent citizens I judge not only useful, but also people to be instructed in these things with the greatest care.

§ 2. The reasoning of the pseudo-politicians is that through inexperience, imprudence, and want of consideration citizens may be prompt and pliant toward commands; that they may not examine the princes' orders, and that they may repose trust in the speeches and persuasions of counselors, courtiers, and senators. But they will attain these things better by teaching them prudence than by casting them into stupidity and keeping them in it. I shall not employ the argument of the Stoics and say that all who have not attained the highest summit of wisdom are foolish and consequently insane, and that therefore the prudence of the pseudo-politicians is insane, since they devise a commonwealth in which they alone seem wise and wish the rest of the crowd to be stupider than a terebinth. Those things belong to the Porch of Chrysippus, as does the equality of virtues and sins. I do not believe it, if only for this reason: since the whole Stoa confesses that it has hitherto produced no wise man, Cleanthes, Zeno, Chrysippus, and the others of that sect must be insane; but it is fitting that the insane possess no public authority, since, when they ought to be commended to the custody of their kinsmen, they have by a domestic judgment lost the right to pronounce an opinion and give a vote.

I omit these things. For if I followed them, no king, no consul, and no praetor would be sane; all would be insane, for no one would be wise. I speak in a civil and human manner. It is expedient neither for kingship, nor for aristocracy, much less for polity, that the citizens be foolish, dull, and stupid, such as the Ethiopians around Cape Verde, the Brazilians, the Mexicans, and formerly the Thracians,

[Printed page 114]

Phrygians, Arcadians, and others whose rudeness was mocked in the proverbs of more cultivated nations.

§ 3. The first reason is valid and, from the nature of the thing, refutes their erring wisdom. For the dunces with whom they wish the state to be filled do not sufficiently weigh either the dignity of magistracy or the obligation of obeying, and therefore obey neither readily nor constantly. They define the prince's duty by a triumphal robe, scepter, diadem,

procession of attendants, hunts, and courses at the table. They cannot even suspect what cares oppress and what torments vex that shadowy happiness.

§ 4. Hence another reason follows: namely, that magistracy is not loved by such men, since they do not recognize the causes for loving it; and from this it is customary for the worst thing to occur--that they perform their duty through fear alone. “A similarity of morals joins friendships,” Quintilian says; “somehow the lights of minds see and recognize one another, and no one can love in another anything except what he silently approves.” For they cannot have a fellowship of affairs and persons so as to live in common, much less, as friends, will they expose or devote themselves to death for the prince’s sake. Friendship will never flourish in those mushrooms, with which and for which they might die. For such men do nothing by judgment, prudence, or regard for the public good.

§ 5. The third reason is this: that crowd is the most inconstant of all, and therefore a government hanging upon mobility so slippery is fragile. For a foolish multitude is led by the lightest impulse and is credulous toward specious words. And so they represent the Gallic Hercules as leading foolish nations by their ears with a golden chain hanging from his mouth; and when the Thracians saw ladders being made by which their accuser would ascend to Juno, they became afraid. We see stupidity exposed to every imposture. Histories teach that peoples were alienated from kings by one speech. At Athens the foolish people was led by orators; at Rome the men beneath the Rostra were the slaves of the tribunes. Everything barbarous is **ἠλίθιον**--foolish, simple, and therefore easily deceived, but, on the contrary, faithless.

Trajan’s letters recount so many conquered nations that it was difficult to retain their names; but because they were barbarous, they rebelled with the same levity with which they had acceded. In the year of Christ 116, the Cyrenian Jews, ignorant of all things except wickedness, revolted upon a slight occasion under their leader Andrew, and two hundred thousand were killed. The ignorance of those whom Artemion seduced was no less, and the disaster even greater, for with an army sent against them, as many were slaughtered more cruelly. What aroused the sedition of Münzer and Campanus except the uncultivated malice of a people ignorant of its duty and zealous for new things? For when religion had been abjured, it was also easy to alter the commonwealth.

§ 6. The fourth reason: a stupid people cannot resist enemies, for war is an affair of prudence, skill, and stratagems. How easily did Cyrus seize the whole world, and the Spaniards the Indies, though they were comparable neither in bodily mass, strength, nor multitude? One part of Belgium resists for so many years in an almost equal contest, while such extensive dominions come beneath the yoke and desert their kings, because they know neither how to protect them nor to defend their own things. Therefore these men advise the prince just as if a commander should select foolish soldiers who can only hear the trumpet and strike. You would not require prudence in battle, in camp, or in a garrison.

In this year the Portuguese fought a battle against barbarians; letters from India relate the history in this manner. Another enormous fleet of two hundred ships was approaching from the Acehnese--people of the island of Sumatra and perpetual enemies of the Portuguese. Of these, sixty were triremes, and quadriremes larger than those of our countrymen, whose cannon vomited stone balls of thirty and forty pounds. The king of the Acehnese himself sailed in that fleet, together with sixty thousand fighting men. Four Portuguese squadrons unexpectedly encountered that fleet--which it can be believed had conspired together with the Dutch for the destruction of Malacca--and attacked it, with a daring or a fortune the greater of which you might doubt; and after a most bitter battle they routed it, two whole days having been spent in fighting. As many as forty triremes or quadriremes of the enemy were sunk; thirty thousand human beings are written to have fallen. Indeed, in that very confused multitude the cannon fought among themselves against one another; a multitude of other vessels perished; one Portuguese ship of more than a hundred tons, having caught fire, was entirely burned--whether by accident or by enemy force.

Behold what prudence and dexterity bestowed upon the Portuguese, and how the barbarians perished through their own stupidity.

§ 7. Finally, who would prefer a stupid slave to a prudent one? What besides the mill could you safely entrust to a slave who does nothing by reason but is driven by impulse wherever he is moved? Do you therefore wish citizens to be those who cannot go but must be carried? Whom, when your wise mind has deserted them, the enemy may overwhelm as they stand stupefied in the midst of the whirlwind of affairs? “The life of a fool is thankless, it is fearful, it is borne wholly toward the future.” Seneca speaks not only of the life of Baba and Ixion, whom stupidity ennobled, but of the life of those whom pseudo-political prudence calls simple. For disgust with present things, security concerning future evils, and the ostentation of frivolous people cast them headlong into things that will harm them. Do you seek such citizens, subjects, and defenders of the fatherland, whose folly will sell itself to the enemy sooner than it will conquer him?

But since we are treating of the commonwealth, ancient examples can also teach us. More experienced and wiser men have commanded barbarians and stupid men. The Trojan War exercised the victors and the conquered for ten years; in one siege they served half a lifetime of campaigns. Those who as recruits pitched the first tents of the camp, as veterans, aided by hand and stratagems, undermined the walls. Afterward Antenor, Diomedes, Aeneas, Acestes, and the others, scattered through the lands, established kingdoms, prudent and skilled in ruling. The more cultivated Greeks obtained Ionia and the best part of Italy and Africa. Seneca says truly in his *Consolation to Helvia*: “What do Greek cities intend for themselves in the midst of barbarian regions? What does the Macedonian language intend among Indians and Persians? Scythia, and that whole tract of wild and unconquered nations, displays cities of Achaea planted upon the shores of Pontus. Neither the savagery of perpetual winter nor the dispositions of human beings, bristling in the likeness of their climate, obstructed those transferring their homes. There is an Athenian crowd in Asia; Miletus poured out the population of seventy-five cities in diverse directions. The entire side of Italy which is washed by the lower sea was Greater Greece. Asia claims the Etruscans as its own; Tyrians inhabit Africa, Carthaginians Spain; Greeks thrust themselves into Gaul, Gauls into Greece. The Pyrenees did not prevent the passage of the Germans. Through trackless and unknown places human restlessness has tossed itself.”

If you examine all things, history, which is the teacher of prudence, will demonstrate that a few prudent people who employed laws and discipline held government over many savage and strong peoples. The Germans and Gauls indeed formerly changed their abodes, but occupied kingdoms only after they had been taught civilization. But the Greeks, more civilized than others, and the Tyrians, more civilized than the Greeks, founded long and enduring empires.

The prince must therefore do this: see that all, so far as can be done, are exercised in every respect, but especially in prudence. For thus he will easily rule by good reason and good law those who have learned to follow reason as their leader; and he will correct those who err with a gentler command.

[Printed page 115]

For correction accomplishes more with a prudent man than a hundred lashes with a fool. For stupidity is the mother of all evils: it is always beginning to live, has the slightest occasions for treachery, and is, like a golden flock, a source of profit to the more cunning.

CHAPTER IV

Cunning, the Imitator of Prudence, Is Harmful to the Commonwealth

§ 1. Cunning, craftiness, and like words are customarily taken in either sense. Augustine, Epistle 29: "For, as you know, certain vices are contrary to virtues by an evident distinction, as imprudence is to prudence. But there are certain things which, because they are merely vices, are therefore contrary, yet are similar by a certain deceptive appearance, as not imprudence but cunning is to that same prudence. For now I call that cunning which is more commonly understood and named among the malicious, not as our Scripture is accustomed to speak, which often places cunning in a good sense. Hence: 'Be cunning as serpents'; and this: 'That he may give cunning also to the innocent.' Although among them too the most eloquent man of the Roman tongue said, 'Yet neither deceit nor cunning for taking precautions was lacking to him,' placing cunning in a good sense. But among them this is exceedingly rare; among us it is exceedingly frequent."

Augustine is altogether right. For Cicero, in book 5 of *On Duties*, calls cunning those whom the Greeks call **πανούργους**, and places them plainly among vice: "Not open," he says, "not simple, not ingenuous, not a good man, but crafty, obscure, cunning, deceitful, malicious, sly, practiced in deception, artful." In the first book he himself explains what cunning he understands: "Injuries also frequently arise through a certain chicanery and an excessively cunning and malicious interpretation of the law. From this, 'the highest law, the highest injury,' has now become a proverb worn by speech." In this kind many sins are also committed in the commonwealth, as by the man who, when a truce for thirty days had been made with the enemy, laid waste the fields at night, because a truce of days, not of nights, had been made.

Nor is our own man indeed to be approved, if it is true that Quintus Fabius Labeo--or whoever else it was, for I possess nothing beyond hearsay--was given by the senate as arbiter to the Nolans and Neapolitans concerning the boundaries of their territory. When he had come to the place, he spoke to each party separately, urging them not to act or seek anything greedily and to prefer retreating to advancing. When both had done this, some land was left in the middle. And so he fixed their boundaries as they themselves had said; what was left in the middle he adjudged to the Roman people. This is indeed to deceive, not to judge. Therefore such cleverness must be avoided in every affair.

§ 2. I therefore define malicious and deceitfully practiced cunning as a habit of mind for deceiving and harming others. The end of prudence is always good; but the ways and means which it chooses for reaching its purpose must also be right, for the wise person does not strive toward his undertaking through crimes. But the cunning or crafty man, whose mind turns and rolls swiftly in conducting affairs, either chooses an evil end, or evil or counterfeit ways to a good end. If he uses a fallacy of words, it is evil deceit; if malice in actions, it is called fraud, although usage in speaking has long since abolished those distinctions. God detests that deceptive cunning: "The Lord will abominate the bloody and deceitful man" (Psalm 5:7); and, "The Lord will destroy all deceitful lips" (Psalm 11:4). But deceitful men are hated not only by God but also by human beings beyond what can be said.

Cicero, book 2 of *On Duties*: "Of these two, therefore, justice possesses more power for creating confidence, since it has sufficient authority without prudence, while prudence without justice has no power at all to create confidence. For the craftier and more cunning anyone is, the more hated and suspected he is when the reputation for probity has been removed. Therefore intelligence joined to justice will have as much strength as it wishes for creating confidence. Justice without prudence will have much power; prudence without justice will have none." Who has not detested Cleomenes, a leader notorious for fraud, who perished in prison, killed by the captives with a deserved wound? Lysander, the leader of a magnanimous state, was endowed more with Spartan power than with spirit; he accomplished almost everything by his foxlike devices. Aristomenes the Messenian was the object of the greatest hatred while alive; after his death his heart is said to have been found bristling with hairs. I scarcely believe that those who believe this

have a heart, Pliny relates in book 11, chapter 37. After frequently deceiving the Spartans, he was at last killed by them.

The cause of hatred is that no one wishes to be deceived: people prefer that a thing be openly denied them rather than that hope be deferred and mocked by fraud and flattering words. But a greater evil is that malice of nature, once exposed, utterly abolishes all confidence thereafter, as I taught in book 2. But princes and magistrates in whom no confidence is placed are without protection, although they possess kingdoms, resources, and armies.

Pericles acted shrewdly but maliciously. For when he had sworn that he would spare his enemies if they put down their iron, he killed those who had iron clasps upon their military cloaks. The cunning of the Calvinist Church setting out for Florida was no different--indeed, it was more cruel; their history relates the affair. In the year 1556 a French fleet was going to Brazil. It carried thirteen ministers who were to serve the Brazilians; all were inflamed to transport the Reformed Church. They drove off much plunder. On the voyage they took a Portuguese light vessel through surrender, yet promised the Portuguese that, if he quickly found and brought another light vessel, the one they had seized would be returned. The Portuguese, released with an armed force, came upon another Liburnian vessel, captured it, and brought it to that holy Church. The matter greatly pleased our centurions, says the historian, for the vessel was excellent and full of white salt; as they had decreed, they brought it to Villegagnon in Brazil. But in keeping faith with the Portuguese concerning the restoration of the light vessel, they showed themselves so cruel that, after Spaniards and Portuguese had been thrown together into one and the same vessel, not even a morsel of sailors' bread was left to them; the sails were deliberately torn, and even the skiff, without which they could not reach land, was taken away. They would have seemed to have adopted a gentler counsel if they had sunk the wretched men than if they released them thus; for unless a skiff from somewhere else came to the aid of those in distress, it is certain that they perished at last either by shipwreck or by hunger.

§ 3. The Romans indeed believed that the gods delighted in deceit. Valerius, book 7, chapter 3: "When Servius Tullius was reigning, a cow of exceptional size and extraordinary form was born to a certain head of a household in Sabine territory. The most trustworthy interpreters of oracles answered that it had been produced by the immortal gods for this purpose: that the fatherland of whoever sacrificed it to Diana on the Aventine would obtain command of the entire world. Its master, joyful at this, drove the ox to Rome with the greatest haste and placed it before Diana's altar on the Aventine, intending by the sacrifice to give the Sabines dominion over the human race. When the priest of the temple had been made more certain concerning the matter, he instilled a religious scruple into the stranger, so that he should not slaughter the victim before he had washed himself in the water of the nearest river. And while he sought the channel of the Tiber, the priest himself sacrificed the cow and, by a pious theft of the sacrifice, rendered our city the mistress of so many states and so many nations."

This too was foul malice amid error, and he sacrificed fraud to the demon no less than the ox. But when I censure cunning, I do not mean that which has a good and right end proposed and does not employ evil means in pursuing it;

[Printed page 116]

for I relegate that honorable cunning to stratagems. David feigns madness in danger of death; Solomon in judgment at first sight displays cruelty; Marcus Volusius, a proscribed aedile, deceived the triumvirs in the garb of a beggar and arrived safely in the camp of Brutus. "Somewhat more splendid," says Valerius, "was the aid of last resort in the same kind of case employed by Sentius Saturninus Vetulio. When he heard that his name had been posted among those proscribed by the triumvirs, he immediately assumed the insignia of the praetorship. With men suborned to precede him in the manner of lictors, attendants, and public slaves, he commandeered vehicles, occupied lodgings, removed those in his path, and by so audacious an assumption of command poured the thickest darkness upon enemy eyes in the greatest daylight. Likewise, when he came to Puteoli, just as though he were conducting public business, he seized ships with the greatest license and made his way to Sicily, then the surest refuge of the proscribed."

Anaximenes freed his fatherland Lampsacus by an ingenious and praiseworthy craftiness. For when Alexander was advancing with the greatest zeal toward its destruction and saw Anaximenes, his tutor, coming out beyond the walls, because it was evident that he would oppose his own entreaties to the king's anger, Alexander swore that he would not do what he requested. Anaximenes then said, "I ask that you destroy Lampsacus." This swiftness of sagacity snatched the town, renowned for its ancient nobility, away from the destruction for which it had been destined.

Such things must often be employed in counsels of peace and war. Others are things that cause harm unjustly or consist in lies, perjuries, and wicked dissimulation; these I wish to be removed utterly from the commonwealth. For no path except the right path leads to the end; to turn reason given by God toward frauds and malice is an outrage.

§ 4. Many nevertheless admit frauds; indeed, they substitute cunning for prudence. We live among evil people, they say; princes themselves

> Keep a cunning fox beneath a stale breast.

Kingdoms are overthrown through fraud; why should you not preserve them by the same means? He always performs his duty who takes counsel for the advantage of human beings.

Machiavelli indeed thinks these things openly and wickedly. Others do so more gently, for they make cunning and fraud threefold: light, intermediate, and grave. They counsel the light, tolerate the intermediate, and condemn the grave. Thus Justus Lipsius in book 4 of the *Politics*.

He calls distrust and dissimulation light fraud; but he describes it in such a way that it seems to contain caution and taciturnity rather than any vice. He forbids princes to believe readily, because they lie open to injury; because offenses against them are committed with less fear and for a greater reward; because confidence is rare in a court--indeed, among so many peoples there is scarcely one faithful person. These, I say, are precepts of virtue, not indulgence toward vices. For nothing is more useful than a wise distrust. Nor is the dissimulation by which one covers one's mind always vicious. A matter which he can believe only rashly and foolishly is proposed to the senate or to the prince, but he nevertheless has no need to say that he believes none of it. He suppresses his judgment; for why should he carry his mind on his forehead or tongue? Silence is a faithful reward. Yet I do not wish dissimulation to advance farther, to ambiguous and fraudulent utterances, when injury to God and human beings lies there; for then he will be guilty of a graver fraud.

Justus tolerates, but does not counsel, intermediate fraud. In it are conciliation, corruption, and frustration through letters and embassies. But these things too must be distinguished. You shall never draw the subject of another into friendship with you or with your commonwealth by a lie and wicked dissimulation, for God forbids it: "Do not wish to use any lie, for the repeated use of it is never profitable" (Ecclesiasticus 1); and, "Elaborate words do not become a fool, nor a lying lip a prince" (Proverbs 17). He says these things rightly, for he confesses that they are sins, albeit small ones. But if that is so, not only must they not be counseled; they must be dissuaded by every means.

§ 5. What, therefore? Will it not be permissible to preserve a state by one little lie? Do not daily perjuries so often resound without causes, or for ridiculous and often even evil causes? Surely one guilt, and not a great one, will forestall and avert so many crimes that would occur in its destruction. Permit a lighter evil by which you may exclude a graver; tolerate smoke lest you fall into flames.

But the oracle of uncreated wisdom, of creative wisdom, thunders against these fearful voices of human wisdom. The vessel of election, the teacher of the nations, cries aloud that evils must not be done so that goods may come (Romans 3:6): "For if the truth of God has abounded in my lie unto his glory, why am I still judged as a sinner? And why not--just as we are blasphemed and as some say that we say--let us do evils that goods may come? Their condemnation is just." Therefore no lie belongs to prudence; no prudence lies; every lie belongs to folly, because carnal prudence and malicious cunning are folly before God, before the angels, in the infallible tribunal, according to the eternal sentence.

§ 6. Against all the pseudo-politicians let Augustine alone come forward for me. He too had been nobly engaged in political life and among the dignities of the powerful, and, in accordance with the custom of his own and our time, had told many lies in unbelief; for sins belong not to times but to human beings. He wrote one book *On Lying* and another *Against Lying*, from which whoever wishes to read him rather than the teachers of lies will draw the true judgment. For in the book *On Lying* he proves that none of the eight kinds of lies is lawful, even if it brings about no one's harm and the advantage of many. Next, a lie must never be told, even to escape any evil whatsoever, since it is written: "The mouth that lies kills the soul." Third, vain is the excuse of those who lie so that what ought to be detested still more may be avoided.

"But in this," he says, "human beings err because they subordinate precious things to cheaper ones. For once it has been granted that some evil must be admitted lest another more grave be admitted, each person measures the evil not by the rule of truth but by his own desire and custom; and he thinks that graver which he himself abhors more, not that which truly must be avoided more. This entire vice is begotten from a perversity of love. For since there are two lives of ours--one eternal, which is divinely promised, and the other temporal, in which we now are--when anyone has begun to love this temporal life more than that eternal one, on account of the life which he loves he thinks that all things must be done. Nor does he esteem any sins graver than those which injure this life and either unjustly and unlawfully remove from it something of advantage or, by an inflicted death, take it away entirely. And so they hate thieves, robbers, the insulting, torturers, and killers more than the lascivious, drunken, and luxurious, if these trouble no one. For they do not understand, or do not care at all, that the latter do injury to God--not indeed to any disadvantage of his, but to their own great destruction--when they corrupt his gifts in themselves, even temporal gifts, and through those very corruptions are turned away from eternal gifts."

[Printed page 117]

He had said a little earlier that one must not lie even for the praise of God. Afterward he adds: "One must not lie with the sixth kind either, for the truth of testimony is not rightly corrupted even for anyone's temporal advantage and safety. But no one must be led to eternal salvation by the aid of a lie." And he adds the reason: "For no one must be converted to good morals by the evil morals of those converting him."

But what of this--is not a little lie praiseworthy for the good of the commonwealth? Augustine answers: "For neither anyone's temporal advantage nor safety is to be preferred to perfecting faith. And so, although someone offended by right deeds should retreat from virtue, right deeds must not on that account be abandoned." In the other book, which is written *Against Lying*, he labors to show that a lie must not be abused either for the peace of the Church or for the conversion of those who err. The Priscillianists thought that their heresy must be concealed not only by denying and lying but even by perjuring themselves; but it seemed to certain Catholics that they ought to pretend to be Priscillianists so that they might penetrate their hiding places. He says that their design is contrary to Paul's judgment, which forbids doing evils so that goods may come.

Since snares and hunts altogether similar to these entangle the unwary throughout the whole world by means of lies, let us compare their deeds with one another. The end of the Catholics was most honorable: to remove the danger of an obscene heresy from the Church and to draw the heretics out of their hiding places so that they might be converted. Augustine teaches that this must be done piously and truly, not by lying, and proves it by the sacred writings; but he also adduces reasons from the very midst of the nature of things.

§ 7. First, there are many kinds of lies; there is none that is not contrary to truth. Every lie, therefore, is in evil, and injury inflicted upon God is graver than human disadvantages. But since that injury touches few people, let us look at the human disadvantages.

§ 8. Second, while human and foolish wisdom opens a crack for fallacy, from small beginnings it builds for itself a broad and open gate. Moreover, so great a blindness has occupied the minds of human beings that it is too little for them if we say that certain lies are not sins, unless in certain cases they also say that it is a sin if we refuse a lie. And in

defending lying they have been brought to the point of saying that the Apostle Paul used even that first kind, which is the most criminal of all. He says that the first kind of lie occurs when someone lies in the doctrine of piety.

§ 9. Third, and what is more pitiable, that prudence, as customary as it is harmful, brings it about that confidence is abolished. For what envoy, what orator now trusts--not to say another envoy or orator; not to say the prince to whom or against whom he is sent--but even his own prince, by whom he is sent? For the envoys themselves are often deceived. "And what is more pitiable," Augustine says, "even those who have now been made, as it were, our own cannot discover how they may trust us. For if they suspect that we speak even the Catholic dogmas themselves deceitfully so that we may conceal some other thing--I know not what--which we think true, you will certainly say to one suspecting such things, 'I did that then for this reason: that I might capture you.' But what will you answer when he says: 'How, then, do I know whether you are doing it even now, lest you be captured by me?' Or can anyone truly be persuaded that the man who lies in order to capture does not lie in order not to be captured? Do you see where this evil tends: namely, that not only do we rightly seem suspect to them, and they to us, but every brother to every brother? And thus, while the endeavor through lying is that faith may be taught, what is accomplished instead is that no one should be trusted. For if we also speak against God when we lie, what evil so great will be able to be found in any lie that we ought by every means to avoid it as most criminal?"

Look upon obscure words, covered faces, the gentle torments of cups, and trials made through the most intimate friends: you will affirm under oath that through this doctrine confidence has now perished from the world, or certainly lies hidden among a few.

§ 10. Fourth, this excuse does not suffice: I lie not only for the advantage of my own commonwealth but even for the good of my adversaries, so that they may become friends and, by inflicting injury upon us, may not sin more gravely. "This opinion," St. Augustine says, "dishonors the martyrs; indeed, it abolishes holy martyrdoms altogether. For according to these men the martyrs would act more justly and wisely if they did not confess to their persecutors that they were Christians and did not make them murderers by their confession, but rather, by lying and denying what they were, both preserved for themselves the advantage of the flesh and the purpose of the heart, and did not permit their persecutors to fulfill the crime conceived in their minds. For those men were not their neighbors in the Christian faith, so that they should have been obliged to speak to them with their mouth the truth which they spoke in their heart; rather, they were moreover enemies of truth itself.

"For if Jehu, whom among others they seem prudently to regard as an example of lying, lied that he was a servant of Baal so that he might kill his servants, how much more justly, according to their perversity, would Christ's servants in time of persecution have lied that they were servants of demons, lest the servants of demons kill the servants of Christ; and would they have sacrificed to idols lest human beings be killed, if Jehu sacrificed to Baal so that he might kill human beings? For according to the excellent doctrine of the lie-speakers, what would harm them if they pretended to worship the devil in the body when the worship of God was preserved in the heart? But the true martyrs, the holy martyrs, did not so understand the Apostle. For they saw and held what is written: 'With the heart belief is made unto justice; with the mouth confession is made unto salvation'; and, 'In their mouth no lie has been found.' And thus they went blameless to the place where they will not guard against being tempted further by liars, because in their heavenly assemblies they will no longer have liars either as strangers or as neighbors."

The reasoning is weighty: so many thousands could have freed themselves from the gravest torments and death, and others from crimes, by one little lie; and nevertheless they preferred to hold to truth through so many torments. What reasoning, therefore, compels you to lie in little temporal affairs, and indeed to those who will not believe?

§ 11. Fifth, if one must lie so that we may lead human beings to praise God, we teach not only the speaking of true things but also lying. If, therefore, we refer this to the commonwealth and profess the art of lying as honorable, I think we shall state no reason why we should not be attacked with our own arts, and accomplish this: that, by our own desert, all others who can do so lead us into fraud. But if lies are lawful and without harm because they are opportune

for the advantages of the commonwealth, in that manner adulteries too will be chaste, thefts just, homicides blameless, and poisons permitted. Histories disclose human crimes to us. There have been those who slaughtered flocks of illustrious men as though they were victims for their own security. There have been those who pursued adulteries with matrons--not so much from lust, although they were most impure, as from a zeal for prying into the secrets of their husbands.

For he who has once admitted into government sins as though either necessary or useful, because small guilt is well counterbalanced by enormous advantages to public affairs, is not far from refusing no crime which he judges conducive to what they call reason of state. They make use of the offense of a small fraud:

[Printed page 118]

"What if you utter a little word for the public safety otherwise than you think--have you sinned?" Will not that man also say: "What if I also add an oath to a useful and salutary lie? What difference does it make that I lie with God as witness, if I lie in his sight? How great a sin is there in one little soul, if for the common good it is dismissed from its little body? How great an evil is there in one embrace, that it should not be permissible to preserve life and the state even through pleasures?" Tiberius killed many because he knew that they had perceived his mind. Others did many things by which they showed this: that they fled no crime which offered advantage and pleasure. For this opinion not only presents small offenses as almost nothing but also, in comparison with public safety, preserving a kingdom, or conquering an enemy, defends great crimes as though pardonable and prudently admitted.

Zopyrus, the servant of Darius and an example of wicked compliance, when he saw that Babylon was being besieged in vain, fled into the enemy city after his body had been torn with lashes and mutilated--an injury which he himself had inflicted upon himself--and complained that his king had treated him with that cruelty. His wounds created confidence, for no one suspected so effective and so cruel a deceit. No prudent man would have endured those things even if a kingdom were the reward for himself, much less for an impious king. He counted lying praiseworthy and built confidence in the lie by means of torments. But this had been too little, for the Babylonians were not ready to believe; and so by a greater crime the lives of many were expended upon his frauds. For he had agreed with the king that, if he were placed in command of the army by the Babylonians, the king should expose soldiers to them when they sallied out, whom by that disorder and fraud he could easily cut down. And thus, by perjury, mutilation of his body, and successful parricides, he most criminally betrayed to a most savage enemy those by whom he had been elected to the highest dignity, and carried about forever the marks of shameful compliance and perfidy.

I use a familiar example which is customarily brought forward to commend fidelity; but here all things are full of perfidy, both in the king and in Zopyrus. It is of more value, indeed, that fidelity be preserved than that Babylon be captured. I shall conclude this argument with a judgment of St. Augustine: "It indeed matters very greatly from what cause, for what end, and with what intention anything is done. But things which are established to be sins must be done under no pretext of a good cause, with no supposedly good end, and with no seemingly good intention." Augustine, the same man who ought to possess great authority in this important case, proceeds:

"But when the deeds themselves are already sins, such as thefts, debaucheries, blasphemies, or other such things, who is there who says that they are to be done for good causes, so that either they are not sins or, what is more absurd, they are just sins? Who is there who says: 'So that we may have something to give to the poor, let us commit thefts against the rich; or let us sell false testimonies, especially if innocent men are not thereby injured, but rather guilty men are rescued from judges who would condemn them'? For two goods are accomplished by this sale of a lie: money is obtained from which the needy person may be fed, and the judge is deceived lest a human being be punished.

"If we can, why do we not also suppress true wills and substitute false ones, so that unworthy people who accomplish no good from them may not possess inheritances or legacies, but rather those by whom the hungry are fed, the naked clothed, strangers received, captives redeemed, and churches built? For why should those evils not be done for the sake of these goods, if for the sake of these goods even those things are not evil? Again, if certain impure and wealthy

women appear likely to enrich their lovers and debauchers besides, why should a merciful man not undertake those parts and arts and use them for so good a cause, so that he may have something from which to bestow upon the needy? And why should he not listen to the Apostle saying: 'He who was stealing, let him now steal no more; rather, let him labor, working with his hands what is good, so that he may have something from which to give to one who has need'?"

§ 12. Evil, therefore, will not be good, even if it is perpetrated for the cause that there may be something from which good is done. Who would say such things except one who strives to overthrow human affairs and all morals and laws? He sins less who sets a good end before evils--who steals from a rich man so that he may give to a poor man, who sins not from avarice but from pity; but prudence does not rule that corrupt pity--error possesses it.

Will prudence, then, never counsel lying? Not even so that grave sins of others may be avoided? Let them hear the great and holy dictator of politics: "If we open this road to sins, so that we commit lesser ones lest others commit greater, all things will enter and reign over an infinite space, with a broad boundary--indeed, with no boundary, but with all limits torn out and removed. For when it has been determined that one human being must sin less lest another sin more, then surely by our thefts the debaucheries of others will be guarded against, and by debaucheries, incest; and if some impiety is seen that is even worse than incest, it will be said that incest too must be committed by us, if it can be contrived in this manner that the impiety is not committed by others.

"And in each individual kind of sin, thefts for thefts, debaucheries for debaucheries, incests for incests, and sacrileges for sacrileges will be thought necessary--our sins for the sins of others--not only lesser for greater, but even, if the very greatest and worst are reached, fewer for more, if the course of affairs should so turn itself that others will not otherwise abstain from sins unless we sin somewhat less, but nevertheless sin. Thus, whenever an enemy who has power of this kind says, 'Unless you are criminal, I shall be more criminal,' or, 'Unless you commit this crime, I shall do more such things,' we would seem to ourselves to admit a crime if we wished to abstain from crime. What else is it to judge this wise than to be unwise, or rather to be insane? For I must guard against damnation arising from my own iniquity, not from another's, whether perpetrated against me or against others. For the soul that has sinned shall itself die."

§ 13. But human weakness still rises up, brave only in the defense of vices. Augustine himself confesses that he is not yet in the number of those whom compensatory sins do not disturb. Behold, a sick man is in danger from a grave disease, whose strength could no longer bear it if the death of his only and dearest son were announced to him. If he asks you whether the son lives, when you know that he has ended his life, what will you answer? For whatever else you say besides one of three things--"he is dead," "he lives," or "I do not know"--he believes nothing other than that the son is dead, because he understands that you are afraid to say it and unwilling to lie. It has the same force even if you remain silent in every way. But of those three, two are false--"he lives" and "I do not know"--and cannot be said by you except by lying. But if you say that one true thing, namely, that he is dead, and the death of the distressed man follows, it will be cried out that he was killed by you. And who could endure human beings exaggerating how great an evil it is for a salutary lie to be avoided and for truth, the murderess, to be loved?

"I am moved vehemently by these objections, but it would be a wonder if wisely too. For when I shall have set before whatever eyes my heart possesses the intelligible beauty of him from whose mouth nothing false proceeds, although where truth grows more and more clear as it radiates, there my palpitating weakness is beaten back, I nevertheless am so inflamed by love of so great a beauty that I despise all human things which call me back from it. But it is much that this affection should persevere to such a degree that the effect may not fail in temptation. Nor, while I contemplate the luminous good in which there are no shadows of lying, am I moved by the fact that, when we are unwilling to lie and human beings die upon hearing the truth, truth is called a murderess. For if an immodest woman demands debauchery and, when you do not consent, dies disturbed by savage love, will chastity too be a murderess?"

[Printed page 119]

What if it should be permissible to preserve a soul by a lie? An infant is held captive. Can I deceive the guards by a lie so that there may be access to him for baptizing him? Augustine denies it, for if they can be deceived by a lie, why can they not also be enticed by debauchery? The conclusion, therefore, is: "Either lies must be guarded against by acting rightly, or they must be confessed by repenting; but, since they abound, they must not be increased by living unhappily and by teaching them."

These things are Augustine's, from whom we also learn this: the rationale of those who frequently use lies without harm to another and repent of those committed is far different from that of those who increase lies without measure by teaching them.

I wished to teach most of these things in the words of so great a doctor. For if any theologian, especially a religious, gives these warnings, those deceitful and obscure schemers, compliant with their princes in frauds, immediately object: "Be unconcerned about what those young men from the school or shade say; we do not judge them suitable arbiters of civil discipline. A man not ignorant of the things that occur in this life is required, and the Italian Maculonus must not be condemned so strictly." For thus they wrest words of a good man, spoken without complete caution, into the worst sense. But let them acknowledge that Augustine neither lacks talent nor is inexperienced in human affairs, and that he is a constant censor of vices.

§ 14. But what is it in which that prudence vaunts itself while the crowds favor it? By my cunning I preserved the city; I resolved intricate affairs; I removed the commonwealth's fear--how great the utility of one lie! But God did not will it; he prohibited even a useful lie. Will you take better counsel for the commonwealth than God? It is the Lord who, unless he guards the city, the man who guards it lies in vain. But I ascend the tower and proclaim with the voice of God and the voice of nature: the fellowship of the human race is not preserved by sins, but dissipated.

All things depend upon God, upon supreme truth, supreme power, and supreme goodness. Do you judge your little subtleties and little lies necessary for so great a mass of affairs? Unless you teach that one must lie, will human affairs slide backward? O pure deity, O most limpid truth, disperse the wretched clouds of vanity with a ray of true light! In your hand are all the ends of the earth and the hearts of kings; yet these men trust that by their fallacies and frauds they can regulate and administer all things. It is great imprudence to wish, without God and against God, to secure happiness not for one human being alone but for the commonwealth. Do you please yourself so greatly that you think a prince will be happy through your lie?

What, then, shall I do when I must either lie or incur danger? You indeed will do what is not lawful and what I dissuade: you will lie. But you ought rather to incur danger than to lie, because he who forbade you to flee danger by a lie can free you from it; or, if you undergo it, can turn it into greater goods. But if you persist in the purpose of lying, he will cast you into other evils from which you will emerge neither by lying nor by telling the truth. Commit the affair and the waves of your thoughts to omnipotent wisdom, certain that human affairs--even the wills of wicked men, the artifices of courts, and the sly counsels of cities--are so ordered by infinite wisdom that the most provident goodness of God suffices for the common safety, and a cunning in lying within you, contrary to the laws of God, is not required.

§ 15. But to me, considering the affair in human terms, a great part of calamities seems to arise from that deceitful art. First, they conduct the affair not with simplicity, prayer, modesty, contempt of self, hope, and confidence in heavenly aid; rather, they summon troops of fallacies into their breast and, as the more cunning little slaves are accustomed to boast in comedy, place every protection in crafty deceits. And so the outcome of such counsels is generally unhappy: "They enter upon counsel, and not from God"; therefore it is dissipated.

Next, those cunning counsels contend with equal fallacies of the adversaries, wherefore greater distrust, dissimulation, and fraud arise on both sides, as does knowledge of the mutual fraud. "Rome too has its Hannibal," the Carthaginian used to say, when Fabius recovered Tarentum by the same art by which Hannibal himself had seized it. Third, those who have practiced the art of deceiving for so many years are not faithful counselors to princes or senators to states. By a severe but just vengeance of God, those inventors of frauds have generally paid the penalty to their own prince or

fatherland: Themistocles, Pericles, Theramenes, Lysander, Cleomenes, Aristomenes--I omit others, for politicians cannot read here all the deeds or ends of these men. Let them recall what is easiest for them: namely, within these last twenty years, the lamentable falls, disgraces, dishonorable removals from office, poverty, disasters of family, and sometimes prisons and death of men swollen with prudence and of cunning men ruling in courts, assemblies, and public affairs.

CHAPTER V

Diligence Must Be Joined to Prudence

§ 1. I would wish that what always sounds in the Church in the Apostle's voice were inscribed upon the citadels of all princes and the senate houses of all cities (Romans 12:8): **ὁ προϊστάμενος ἐν σπουδῇ**. "He who presides, with solicitude, zeal, diligence." Prudence cannot be idle. I take diligence and solicitude as the same, as do the ancient translator of Scripture and St. Thomas. For although among non-Christian writers *solicitude* signifies a vicious and anxious restlessness and agitation of mind, it nevertheless has a better signification among our writers. St. Thomas says: "One is called solicitous as though *sollers citus*, 'skilfully swift,' insofar as someone, from a certain skilfulness of mind, is swift in pursuing the things that are to be done." Diligence, therefore, is an alacrity and faculty of mind by which swiftness, with right reason, is prescribed for those things which have been prudently resolved.

The enemies of this virtue are **ἀμέλεια**, negligence, when, with care and solicitude set aside, good counsels perish through not acting--a frequent but deadly evil in the commonwealth; next, sloth, or **ὀκνηρότης**, when the times for action are postponed until affairs come into danger; third, torpor, or **νωχεία**, which so dissolves the mind that it interrupts things well considered and rightly begun. O prince, O consul, O commander:

> Ἔργοις φιλόπονος ἴσθι, μὴ λόγοις μόνον.

>

> Love labor in deed, not only in words.

The saying is brief, but it embraces all the things of prudence: **νόει καὶ πρᾶττε**--think and act. For diligence is truly the mother in every good thing. A little earlier I praised the verse concerning wisdom:

> Ἅπαντα δὲ διὰ τὸ φρονεῖν καθίσταται.

>

> All things serve wisdom.

But a similar saying demonstrates that this must be understood of efficacious, laborious, and operative wisdom:

[Printed page 120]

> Τῆς ἐπιμελείας πάντα δοῦλα γίγνεται.

>

> All things serve diligence.

§ 2. I indeed judge every care, solicitude, diligence, and vigilance of the magistrate honorable and almost royal. For whatever things, having been prudently resolved, are executed with princely authority and swift vigor are great because they pertain to many. Every virtue requires **ἀκρίβειαν**, exactness, and that the result answer the art precisely; but under government, diligence even in small things is of the highest importance and is a certain and stable proof of a mind not degenerate. To many it is accustomed to seem beneath majesty to take an interest in the accounts of quaestors and to exercise care over expenditures. But in truth this especially procures and strengthens majesty; otherwise, through that negligence the treasury is exhausted and the rapacity of officials and ministers is increased without measure. And when war threatens, all flee; for both those who have plundered wish to preserve their possessions, and those who have no hope from a poor prince transfer themselves to the rich.

Then indeed they feel the penalties of negligence, when citadels, revenues, and towns must be pledged--not to friends and faithful men, but to thieves who buy the prince for themselves with the princes' money. I shall discuss this matter in book 8. For now I admonish that the lively eyes of princes and senators must be cast upon the smallest things. All those smallest things are decisive points of the greatest things. The sum is this: either let the prince or senate do all things itself, or let it demand accounts of all things done; if it can do neither, let it act so that all believe that accounts of all things must be rendered daily.

Not only is this useful to the commonwealth and an antidote to embezzlement; it also conduces to the safety of administrators, of whom there is not one in a thousand who is not compelled to disgorge things badly acquired and restore them with disgrace, since no one lacks an enemy and, in truth, an accuser. Princes sharpen the industry of others by example: the prince carries a palisade, raises an earthwork, sights the cannon, polishes the sword, exercises the horse, demands accounts, and learns small things. Majesty is not reduced to the ranks; rather, distinction from majesty is added to common works. The majesty of God is infinite, and nevertheless he always looks upon all lowly things: he disposes limbs and members for flies and fleas, and executes these small things without diminution of majesty just as he governs the world. Therefore in Amos 7:1 God himself is named "the Maker of the locust." For the same wisdom of his shines in great and small things.

§ 3. Finally, who does not daily experience what the disadvantages of negligence are? I do not treat of private matters; public ones lie open to everyone's eyes. Nothing is so rightly constituted that idleness does not overthrow it. The opportunities of affairs never wait for the idleness of rulers. I condemn precipitation in counsels, which nevertheless is sometimes successful not by its own merit but by the indulgence of the divine power; but I condemn still more delay and languor, which corrupt all things. For just as diligence corrects the depravity of nature, so negligence in a great body nourishes and increases the plagues of all diseases. There is nothing that persistent labor and intent and diligent care do not conquer; and, on the contrary, there is nothing that does not waste away through idleness and fall through relaxation and torpor.

Why do you look upon distant things? The surest protection is from what is nearest--indeed, from yourself. The magistrate, therefore, will imitate farmers, whose rustic axiom is this: wherever the eyes of the present master have frequently approached, in that part the fruits abound to a greater degree; for the master's eye feeds the horse. Therefore let no one, like the Chinese king or the later Persians, think that the fruit of kingship is leisure with dignity; rather, let him judge that it is royal to act well and to hear ill. The gait of the Egyptian king was a matter of ridicule to Scipio and the Roman envoys: it displayed **ἀεργίαν**, idleness, and **ἀδυναμίαν**, weakness.

The constancy of Alexander Severus in laboring is to be praised. Lampridius describes it thus: "Indeed, if necessity compelled, he gave his attention to business before daybreak and prolonged it to a late hour; nor did he ever become weary or withdraw morose or angry, but always with an even countenance and cheerful toward all things. For he was of enormous prudence, a man upon whom no one could impose, and one whom, if anyone wished cleverly to attempt to deceive him, he understood, and the man paid the penalty."

And Herodian: "He himself made the journey without interruption, greatly regarding neither feast days nor any labors, equally enduring cold and heat. Often he also went through the highest mountains in a savage winter, with snow falling heavily from the sky, his head uncovered, so that in deed he might exhort the soldiers to alacrity and endurance of labors. Therefore they were incited to endure all things not by a certain fear and law, but rather by emulation and the prince's example. He also sent men to occupy the narrows of the Alps and beset the approaches to Italy."

Nor did he wish others to act differently, for he gave the watchword "Let us labor," just as Pertinax had given "Let us serve as soldiers." Hadrian was energetic and laborious, if any emperor was; for he frequently traversed the provinces, administered justice, and punished the greed of governors. The poet Florus mocked his august labors: "I do not wish to be Caesar--to walk among the Britons and endure Scythian frosts." To him Hadrian wittily replied: "I do not wish to be Florus--to walk through taverns, hide in eating houses, and endure round mosquitoes." Vespasian indeed died amid

imperial cares while he was attending to embassies; his maxim was this: “An emperor ought to die standing.” What would he have thought concerning those whom soft inactivity buries alive? In the morning, after he had awakened from sleep, he read letters, conducted public business, inspected petitions, and heard parties. Domitian too, among his greatest vices, retained this through a certain emulation. Trajan, however, sat upon the tribunal and heard cases without weariness.

§ 4. But as in other affairs, so especially in military affairs, in which it is not permissible to err twice, there is need of most cautious speed. For it strikes great terror into enemies and does not grant those terrified an interval for recovering themselves. But how will a prince suffice for so many and such minute cares? I answer: not only lesser kings and commanders, but even monarchs and lords of very many kingdoms, can have ordered times for arranging affairs.

§ 5. First, therefore, let the prince arrange his times in order; for things out of order hinder not only themselves but also those things which are well ordered. If he distinguishes these times, affairs will present themselves in their order, and times will not be lacking for them; yet neither will times--which the prince will count as profit--remain over for vices. The time expended upon business is sacred; that expended upon other things is profane, unless it is expended so that health may be equal to the business.

Second, if there are several provinces, he will assign their own counsels to each, just as to individual affairs, and thus he himself will also be able to be present with them by turns.

Third, if seven hours are allotted to sleep, two to food, and the same number to recreation and honorable relaxation of the mind, thirteen will remain for business. If he so arranges these that all can say:

> The day itself is distinguished by a beautiful order of affairs,

[Printed page 121]

he himself will dispatch many affairs. For fixed hours he will assign to fixed consultations, and other hours which he wishes to be free for extraordinary matters and for hearing the wretched, widows, and wards. For pity is due first to them, and the prince ought especially to be a father to those deprived of other protection.

It pleases me here to append what the most prudent man Antonio de Guevara rightly and wisely wrote concerning Marcus Aurelius, in imitation of Xenophon’s *Education of Cyrus*. “By these intervals,” he says, “the excellent emperor Marcus Aurelius divided his times, so that he might have sufficient time both for caring for his own affairs and for public business. For a man released from cares and solicitude--not idle--accomplishes many things even in a short time; one distracted by solicitude scarcely accomplishes a few in a long time. He ordered his time so that he slept seven hours at night, rested at noon for one, and allotted two to lunch and dinner--not because he lunched or dined for so long, but because the banquet was prolonged by the disputations of philosophers. For during all seventeen years he was never seen to take food without hearing either a reader or a philosopher.

“Although he commanded many kingdoms and provinces, he gave individual hours to the affairs of Asia, Africa, and Europe; but for two hours on each day he associated familiarly with his children, wife, and friends. He likewise allotted one hour to extraordinary business--for example, hearing the complaints of the oppressed, the grievances of the poor, the burdens of widows, and the spoliations of wards. For poor people, who have little power, must be heard by princes who love the praise of clemency just as much as rich people, who possess very much.

“Whatever remained of either daytime or nighttime was distributed to the reading of books, the writing of works, the composition of poems, the investigation of antiquities, the conversations of learned people, and the disputations of philosophers; for nothing was more pleasant to him than learned conversations.

“Unless he was hindered by difficult wars or called away by arduous business, ordinarily in wintertime he always went to bed at the ninth hour and arose from bed at the fourth; and lest he be idle, he always had a book placed beneath his pillow, by reading which he passed the time until it grew light. For it was solemn custom for fire to be carried before

the Roman emperors--glowing coals by day, but lamps to be lit in their chambers at night--so that candles might burn while they watched and lamps while they slept. It was instituted by the Romans that oil born from the olive tree and wax prepared by the industry of bees should be burned before princes, so that they might remember that they ought to be as placid and mild as oil born from the olive, and as useful to the commonwealth as the bee in the hive.

"When he had risen at about the sixth hour, he dressed publicly, not in a common manner but rather with the greatest pleasantness, by asking those standing around how they had passed the whole night and by explaining either what he had dreamed, what he had meditated upon, or what he had read. Once dressed, he washed his face and hands with scented waters, since he especially delighted in pleasant odors and was endowed with so acute a sense of smell that he was sometimes not a little offended when passing foul and fetid places. First thing in the morning he ate one or two morsels of the electuary *diastoechados* and drank three cups of Cretan wine or a little distilled liquor, because his stomach and breast were weaker from excessive exertion in studies. For those devoted to studies are exposed to various diseases, as experience teaches, since, enticed by the sweetness of studies, they do not perceive the harm to life.

"In summertime, first thing in the morning, he walked on foot along the bank of the Tiber for about two hours and heard while standing those who addressed him; and this was certainly wise. For a prince who is sitting always makes him who speaks brief. As the day gradually advanced and the heat grew stronger, he ascended to the Capitol, where he was awaited by the senate. When it had been dismissed, he went to the amphitheater of Titus, where the envoys and procurators of the provinces assembled, and remained there for a good part of the day. When he had eaten lunch and withdrawn for a little while, he went to the temple of the Vestals and heard the individual nations in the order assigned to them by him. He ate only once in the day, and that sometimes rather late, but pleasantly and abundantly, rejoicing in few dishes, but the best; for foreign and varied feasts always produce foreign diseases and infirmities.

"Not rashly did he go out to walk through the city more than once in each week, without any retinue either of his own people or of strangers--attended by only ten or twelve servants--so that all needy people and orphans might have free power to speak to him and, if they wished, to complain concerning his officials. For it can in no way happen that anyone heals the commonwealth unless he whose duty this is thoroughly knows its diseases."

§ 6. Experience teaches that a prince can perform these things and embrace the care of all. Unseasonable and seasonable banquets, journeys, hunts, fowling, games, and other pleasures take away much time. If they cut off a part from these, so much time will be supplied for ordering serious affairs very well that all subjects will enjoy the prince's vigilance, all faithful administrators will rejoice that their works are inspected, and the wicked will be in continual fear.

The province of magistrates is certainly hard and laborious. Since through their negligence justice is oppressed, religion despised, enemies gain strength, and satraps exercise tyranny, their negligence is very often a mortal sin--indeed, among mortal sins the most detestable. By one word, one subscription of a name, one cast of the eye, how many scandals can they remove, how many good men can they raise up, how many efforts of the wicked can they repel? Nor can they be excused. They tolerate no negligence in their own affairs; people fly to execute the commands of the court. How, amid so many acts of obedience, do they not understand that the most exquisite diligence is required from them?

Distinguished counsel was given to Augustus by Maecenas: "It belongs to the best and excellent prince not only that he himself perform all things according to duty, but that he also take care by what means all the others may become as excellent as possible." Let him try to learn all things; this belongs to diligence. I know that many things must be forgiven to one who knows all things; but if he is blind to many, most things will be done in such a way that they ought not to be forgiven. People fear and dread to offend again one who forgives; they mock one who is ignorant. He who sits at the helm never dozes without danger; yet a shipmaster is in one part of the great sea, which is often at rest, while all the storms of the whole kingdom beat upon a prince wherever he sits. Unless he watches perpetually, they will

shake him out. Yet he ought to fear not for himself but for his people, so that the people too may fear for the prince, upon whom they know their safety depends.

§ 7. There is one distinguished abridgment of diligence by which things well constituted are faithfully completed with swift execution and without great labor. I have observed the Reverend Father General employ it in our Society, and provincials also employ it sometimes; it will be applied with great advantage in the governance of the commonwealth. When commands and constitutions are sent by the prince to distant places, let this clause be added to the diploma: that the inferior magistrate write concerning the execution performed--whether it has been performed, whether it cannot be performed, or whether he judges that it will be performed--and order the cause to be written if anything obstructs it.

[Printed page 122]

For that precaution instills great solicitude for obeying; otherwise, those through whom it occurred that the prince's command was not obeyed are themselves compelled to write letters bearing witness to their own negligence. But if, from the circumstances of the place, there should appear a just cause why it was not obeyed, when the inferior magistrate is ordered to write this very thing, full knowledge of the affairs will be gathered from those letters. With the same efficacy, good laws--even ancient ones which have yielded somewhat to customs--will be restored to force and practice without trouble to the prince. For if viceroys, governors, and satraps are ordered at a fixed time to make the prince more certain concerning them, they will strive to prove their work to the prince and to show that by their care and labor his will has been satisfied.

The mutual fear of ministers among themselves is also a great bridle, since without the knowledge of the other one cannot sin, and with his knowledge does not dare. The prince will instill this fear in all with easy care if at fixed times he demands a sincere report, confirmed even under oath, concerning the condition of the province, the administration of justice, the morals of governors, the treasury, and the complaints of subjects--not only from viceroys, governors, and satraps, but also from their counselors, assessors, quaestors, and praetors. I shall say more concerning this matter when I treat of magistracy. For now my purpose was only to show how a prince can most rightly direct very many things with the least trouble to himself. For if those letters arrive at a fixed time and errors are corrected, he will correct more by a word than by a laborious and costly journey, which, although I sometimes counsel it, I do not approve when frequent.

Therefore, although I praise Hadrian's diligence in greatly disturbed affairs, I nevertheless prefer that, when the commonwealth is at peace, the prince ordinarily remain in one place or another. Since, therefore, the prince himself cannot be present at all business, while there are many duties and many places which never enjoy the sight of their lord, this is the most convenient means by which he can preside over all, even though he is not present among all. Although it is necessary that he forget many things and fail to notice many things, nevertheless, because all things come beneath his gaze, security is taken away from malicious ministers.

§ 8. I summon my prince to labors and solicitude; I shake delights and pleasures, sleep and inactivity from him. He follows willingly if he has weighed that, when he ascended the throne as lord of all, he placed the care of all upon himself together with the diadem, and that he cannot be negligent without both the destruction of many and condemnation to the gravest eternal punishment. In a private person:

> Ἔργον δ' οὐδὲν ὄνειδος, ἀεργίη δέ τ' ὄνειδος.

To work and labor is not a disgrace, but sloth and cessation are a disgrace. In a king, prince, or senate it is not only a disgrace; it is a crime, it is perfidy, it is often robbery, often tyranny, when through their idleness the injuries of the wicked rise up against their subjects.

Human weakness desires a quiet and unencumbered life; flatterers inculcate it; harpies, for whom wealth grows from the prince's lack of diligence, drive him toward idleness. But he will hold to the right path:

> Τὴν μὲν γὰρ κακότητα καὶ ἰλαδὸν ἔστιν ἑλέσθαι,

ῥηϊδίως· λείη μὲν ὁδός, μάλα δ᾽ ἐγγύθι ναίει.

Τῆς δ᾽ ἀρετῆς ἱδρῶτα θεὸς προπάροιθεν ἔθηκε

ἀθάνατος· μακρὸς δὲ καὶ ὄρθιος οἶμος ἐπ᾽ αὐτὴν

καὶ τρηχὺς τὸ πρῶτον· ἐπὴν δ᾽ εἰς ἄκρον ἵκηται,

ῥηϊδίη τε ἔπειτα πέλει, χαλεπὴ περ ἐοῦσα.

It is easy to embrace idleness; the road is level and very near. But God placed the sweat of virtue before our eyes; long, steep, and rough is the road to it. But after you have gained the summit, it then becomes easy, although it had been difficult.

Let the prince have men by whose liberty he may be admonished and incited to labors. Under the morning twilight, someone from the company of honored men cried aloud to the Persian kings: "Arise, king; care for the commonwealth," as Plutarch writes in the book *On the Education of a Prince*; and: "Care for those things, O king, for which Oromasdes wished you to labor." Sometimes scarcely a year repairs the negligence of one moment; sometimes even successors are compelled to lament it. Therefore a true prince and lover of his fatherland will foster royal care beneath his breast even when the rest are released into games. The great commander Epaminondas, while the citizens celebrated festivals, alone made the circuit of the walls. When his friends asked about his untimely solicitude, he replied that he was solicitous so that the citizens' joy could be secure. And indeed, at his death Theban dignity and liberty fell, because the labor and care of princes had been turned into delights.

§ 9. Do you therefore set all hard things before the prince? All things hard, anxious, and solicitous; for I ought not to be a flatterer, but an admonisher. To me he is truly a prince whom cares possess to such a degree that he would prefer private leisure, if this would be for the commonwealth's good. Those from whom the splendor of majesty, foolish flattery, senseless joy, and fawning acts of obedience have taken away the sense of this solicitude perform their duty least of all; rather, they criminally do not know the grievous things which they especially ought to know. Those who thought they would render an account to no one wished to strip themselves of public cares. What will the prince do whose zeal, vigilance, diligence, solicitude, and idle word--not merely his leisure and idleness--will be judged destructive to peoples?

You will see utterances fall from the most powerful human beings raised on high by which they wish for leisure, praise it, and prefer it to all their goods. Meanwhile they desire to descend from that summit of theirs, if it can be done safely; for even if nothing external assails or shakes it, fortune collapses upon itself. The divine Augustus, to whom the gods granted more than to anyone, did not cease to pray for rest for himself and to seek release from public affairs. All his conversation always returned to this, that he should hope for leisure for himself. With this sweet consolation, though false, he comforted his labors: that someday he would live for himself. In a certain letter sent to the senate, after he had promised that his rest would not be empty of dignity or discordant with his former glory, I find these words: "But these things can be done more splendidly than they can be promised. Yet desire for a time most greatly wished for by me has carried me so far that, since the joy of the reality still delays, I might take beforehand some pleasure from the sweetness of words." Leisure seemed so great a thing that, because he could not possess it in use, he took it beforehand in thought.

He who saw all things depending upon himself alone, who gave fortune to human beings and nations, thought that day most joyful on which he would strip off his greatness. He had experienced how much sweat those goods shining through all lands pressed out, how much hidden solicitude they covered. Compelled to decide by arms first with citizens, then with colleagues, last with relatives, he shed blood by sea and land. Driven about by war through Macedonia, Sicily, Egypt, Syria, Asia, and almost every coast, he turned armies wearied by Roman slaughter toward foreign wars. While he pacified the Alps and subdued enemies mingled into the midst of peace and government, while he advanced the boundaries beyond the Rhine, Euphrates, and Danube,

[Printed page 123]

in the city itself the swords of Murena, Caepio, Lepidus, and the Egnatii were sharpened against him. He had not yet escaped their plots when his daughter and so many noble young men, bound together by adultery as though by a sacrament, terrified his already broken age; afterward a woman together with Antony was again to be feared.

Amid so many evils and cares a prince cannot interpret his summit as a place of rest. Labor, and great labor, dwells upon it; if he flees this labor, he betrays at once both the commonwealth and his own salvation.

CHAPTER VI

Justice Is Especially Commended to the Prince

§ 1. Justice is the bond of the commonwealth; the prince's labor and prudence must serve it. For this is the cause for which princes are constituted, and when they have overthrown it, they are cast out. The Greeks say that it is more beautiful than the morning star. Justice is twofold: universal justice, which is also called perfect, concerning which there is an ancient saying:

Ἐν δὲ δικαιοσύνῃ συλλήβδην πᾶσ᾽ ἀρετή ᾽στιν.

In justice, in sum, is every virtue. This justice ought to shine in the prince as in the jewel of the whole province, and in the senate as in a girdle that encircles the world and measures seasons and labors in a fixed succession. For the whole world confirms by its testimony the saying of Bias: "Magistracy reveals the man." This justice is not a part of virtue, but the whole of virtue; and injustice is not a part of viciousness, but the whole of viciousness. This injustice is **ἀνομία**, or iniquity. There is another justice, which they call particular and which is properly **ἰσότης**, or equality. It is defined as that which renders to each his own right. More suitably for my purpose, the jurists say: "Justice is the constant and perpetual will to render to each his own right." For it signifies a habit and inclination of the mind.

There are two kinds of this justice. It is occupied either in distributing public advantages and burdens, or in contracts, such as purchases, sales, exchanges, and agreements. In the former kind it does not maintain the equality that exists in the latter, but employs analogy or proportion, which they call geometrical, by which equal things are apportioned to equals and unequal things to unequals from the goods and burdens of the commonwealth. It apportions a greater stipend to the tribune than to the centurion, and to the centurion than to the decarch or soldier; for as dignity is compared with dignity, so stipend is compared with stipend. There is a similar distribution in civil affairs; for the measure of tribute or the necessity of military service is greater for the rich and noble, but that must be counterbalanced by prerogatives of honor and advantage. But because desire violates equality in all these things, it must be restored by laws and judgments, and, when their force is broken, by sword, punishments, and wars.

§ 2. The prince sits as arbiter of so great a good, bringing all unequal things down to a level by his nod and equating all things according to their proportions. Nor is there another origin of principate; for when the weaker saw that they were oppressed, they transferred all their right and strength to one more powerful man by whom they might be defended.

Therefore let the prince, the optimates, and whoever has been raised on high by whatever hand or fortune render to each his own, not claim what belongs to another, neglect private advantage, and guard common equity. For thus the Milanese Doctor, who presided not as a judge but as a bishop, admonishes.

You are a priest of right, whoever you are who govern the commonwealth in any part. I exhort you to exhibit in yourself what the panegyric praises in Theodosius: "You are the same man you were, and only as much is lawful to you through yourself as was lawful before through the laws. You experience supreme right in the faculty and abundant opportunity of benefiting, not in security for sinning."

§ 3. God is the beginning of justice so salutary and so necessary. Its beauty is infinite, because it contains the whole order of the commonwealth, since it is a virtue, as Aristotle says, toward another. For the oppressed flee to the prince's justice as to a most sacred altar, as Archytas used to say, so that the sanctity of justice may protect those whom neither common nature, nor strength, nor prayers defend from injury. It was honored formerly, for it is the mistress and queen of the virtues, the empress even of kings. They say that it was the custom among the Egyptians that, when diplomas had been given throughout the kingdoms, they commanded the governors of cities to resist without hesitation if the kings commanded anything unjust. For they judged that no one was harmed when justice was observed.

Ambrose, both in the tribunal and at the altar a wise and distinguished priest of justice, says in book 1 of *On Duties*: "Great is the splendor of justice, which, born for others rather than itself, assists our community and society and holds an exalted place, so that it has all things subjected to its judgment." And the disciple of Ambrose, greater than his master, says on Psalm 64: "Your temple is holy, wonderful in justice. These are the goods of his house. He did not say, 'Your holy temple is wonderful in columns, wonderful in marbles, wonderful in gilded ceilings,' but 'wonderful in justice.' You have eyes outwardly with which to see marble and gold; inwardly is the eye with which the beauty of justice may be seen. Inwardly, I say, will be the eye with which the beauty of justice may be seen.

"If there is no beauty of justice, whence is a just old man loved? What does he bear in his body that delights the eyes? Bent limbs, a wrinkled brow, a head made white with gray hairs, and weakness on every side full of complaints. But perhaps because this decrepit old man does not delight your eyes, he delights your ears. With what utterances? With what song? Even if perhaps he sang well as a young man, all things have failed with age. Or perhaps the sound of his words delights your ears, though with fallen teeth he scarcely fully pronounces words? Yet if he is just, if he does not covet what belongs to another, if from what he possesses he gives to the needy, if he admonishes well and thinks rightly, if he believes with integrity, if he is prepared to expend even his broken limbs for the faith of truth--for many martyrs were also old--from what source do we love him? What good do we see in him with the eyes of flesh? Nothing.

"There is, therefore, a certain beauty of justice which we see with the eyes of the heart, and love, and for which we burn. How greatly human beings loved it in the martyrs themselves while beasts tore apart their limbs! When blood befouled all things and their entrails were poured out by the bites of beasts, did their eyes not possess only what they might shudder at? What was there to be loved, except that in that foulness of mutilated limbs there was the unimpaired beauty of justice?"

Plato speaks in the same sense--indeed, those holy Fathers speak from Plato's meaning. He says that nothing is better than justice, which holds first place among the virtues and is their first ornament. O holy and praiseworthy justice,

[Printed page 124]

beneath you, and through you, chastity reigns, peace triumphs, security and dignity flourish, and fruit is brought forth in patience. Justice makes kings greater than their kingdoms--indeed, sons of God. It draws even strangers and posterity to love it. Frederick, ruler of the Roman Empire, was educating the boy Ladislaus, king of Hungary and Bohemia. Those to whom utility was more powerful than honorableness urged him to join two most flourishing kingdoms to himself through the fall of one little body, without envy or infamy. But to Frederick, truly great, justice was of greater value than a heap of kingdoms; indeed, with a salutary admonition he suppressed the criminal counsels. "What, then?" he said. "Do you wish a rich king rather than a just one?" By this answer he struck them, since they saw that he would employ against themselves the same right which they had prescribed to him against another. Imitate this, prince; you have no greater gift from God.

§ 4. How different from him was Valentino, the tyrant of Italy, who retained by slaughters what he had seized by force and at last was compelled by death to restore it. And nevertheless he found a praiser; for Machiavelli, in chapter 7 of his *Prince*, after he had recounted Valentino's crimes, says: "Therefore, when all the reasons for these deeds of Prince Valentino have been brought together in sum, I do not see in what matter I should censure him. Rather, I judge that he should be proposed for imitation by all those, as he was by me, who have been advanced to governments with fortune as leader and by the arms of others. For otherwise, since he bore a great and exalted spirit, and the purposes of his mind impelled him toward higher things, he could not administer his affair."

But he both swiftly perished, and it is certain that kingdoms are preserved only by justice. If what is stronger is judged more equitable, first the weak, and then the strong when oppressed by stronger men, perish. For right and equity are the bonds of states; without them, what are kingdoms except great robberies? Kings are therefore **δικασπόλοι**, "ministers of justice," for there is no commonwealth where there is no justice. And so Scipio argues splendidly in

Cicero, as St. Augustine reports: “Therefore,” he says, “where there is no true justice, an assembly of human beings associated by a consensus of right cannot exist, and therefore neither can a people. And if it is not a people, neither is it the affair of a people, but of some multitude unworthy of the name of a people.”

There has never been another cause why peoples and provinces acquired by labor and blood revolted except injustice; for this reason governments are transferred from nation to nation. This affair drew the cities of Liguria and Lombardy away from the German Empire and dispersed them among various dominions. For when they had complained before the emperor and had shown that in two years alone they had suffered more harm from the German prefects than from tyrants during all the rest of the time, and nevertheless were held in contempt, they revolted. Having made a conspiracy and obtained security, they turned injuries against one another. For human beings first customarily act so that they cannot be oppressed; when they believe that they have obtained this, they also seek the power by which they can oppress others.

And so they bring it about that what Augustine inculcates to us in book 2 of *The City of God*, chapter 4, is true: “With justice removed, what are kingdoms except great robberies? For what are robberies themselves except little kingdoms? The band itself of human beings is ruled by the command of a leader, is bound by a compact of association, and divides booty by an agreed law. If this evil grows so greatly by the accessions of abandoned men that it also possesses places, establishes settlements, occupies cities, and subjugates peoples, it assumes the name of a kingdom all the more openly--a name conferred upon it not by desire taken away but by impunity added. For a certain captured pirate answered that famous Alexander the Great elegantly and truly. When the king asked the man what it seemed to him that he kept the sea hostile, he answered with free insolence: ‘The same that it seems to you that you keep the world hostile. But because I do it with a little vessel, I am called a robber; because you do it with a great fleet, you are called an emperor.’”

§ 5. I see that most kingdoms of this kind existed formerly. What else was Nebuchadnezzar than a great robber? He killed whom he wished and kept alive whom he wished. And what sort of robberies were the kingdoms of the Medes, who did not seek gold and silver but killed little children with arrows? The administration of the Persians was no better: their injustice was equal toward strangers and members of the household; for the fault of one, all his kindred were punished although innocent. Because the empires of the Greeks and Romans have more writers, they also supplied more examples of injustice punished. Therefore no riches and no power is stronger than justice; but there is no firmness of a kingdom so great that injustice does not dissolve and break it.

The reason for this is that the beginning of justice proceeded from nature; then certain things came into custom from a consideration of utility; afterward fear of the laws and religion sanctioned both things proceeding from nature and things approved by custom. When injustice removes these, it overthrows nature and again scatters the association of human beings which came together into an assembly to repel injuries.

§ 6. Therefore cultivate justice, prince, and be diligent in cultivating it. Against the crowd of courtiers be active and inquisitive, trust few, and scrutinize the smallest things; you will find no small deceits in the smallest ministries. Esteem nothing small. For where the affair even of abject human beings is conducted, where the eternal destruction of your magistrates--judging beneath you and at your peril--is to be feared, we call all things great. This extends so far that not even among monetary affairs, whether to be acquired or lost, should the things which the ecclesiastical Doctor discusses appear small, whether the money is great or small. For justice is not small, and we certainly ought to preserve it even in a small sum of money, as the Lord says: “He who is faithful in the least is faithful also in much.” What is least, therefore, is least; but to be faithful in the least is great.

For just as the principle of circularity is that all lines are drawn equal from the central point to the circumference, and this is the same in a large disk as in a little coin, so, where small things are conducted justly, the greatness of justice is not diminished. Finally, when the Apostle was speaking concerning secular judgments--which surely concern nothing but monetary affairs--he says: “Does any one of you, having a matter against another, dare to be judged before the

unjust and not before the saints?" Why is it that the Apostle is so indignant, so corrects, so reproaches, so rebukes, so threatens? Why is it that he testifies to the disposition of his mind by so frequent and so harsh a change of voice? Finally, why does he speak so grandly concerning the smallest things? Did secular business concerning that affair merit so much? Far from it. Rather, he does this on account of justice, charity, and piety, which--even in affairs however small--are great, as no sober mind doubts. Augustine, *On Christian Doctrine*, book 4, chapter 18.

§ 7. Nor can justice be defended by words or kindness alone; there is need of the sword and instruments of torture. Otherwise, in its own sanctuary, in its own tribunal, justice will be oppressed. The sanctity of all laws and the integrity of all judges rest upon the vigilant, severe, constant, inexorable justice of the prince. Its primary function is to appoint suitable judges and to punish prevaricators without hope of pardon. I praise the clemency of princes; but in the case of governors and judges who take gifts, who have delivered an inequitable sentence, and who have dissembled the injuries of the wretched, let severity alone have a place.

[Printed page 125]

Louis XII, king of France, thought that the prince who does not punish a crime when he can is no less guilty than the man who perpetrated it. I judge this to be most true, therefore, in this most grave and difficult censuring of inferior magistrates. For through dissimulation not only does the audacity of the inequitable and rapacious increase, and the weakness of the innocent become their prey, but the prince's good faith is also accused, as though he were an associate of honored and purple-clad thieves. For if the prince is said to be ignorant, the excuse is judged insulting, if it is not even his care to have knowledge of others' calamities, when it belongs to him to bring the remedy.

In other matters an excuse has a place: if there has been a faltering in war; if battle was begun with too little courage or too little prudence; if a garrison surrendered through fear; if an error was made in an embassy; if the prince's grain supply was preserved negligently. To exact, severely and constantly, penalties for justice violated by its own judge is not cruelty, but a most beautiful virtue among the parts of justice. He who is fierce against wolves is merciful toward sheep. The security of the unjust is the destruction of the best men.

No city, no household, not even one single human being can be governed without justice; and nevertheless rebellion against justice arises everywhere. O wretched human race! O dreadful spectacles, and yet daily ones! Scourges resound; full prisons are squalid; cords tear; claws shriek; rivers swallow; wheels are burdened; flames devour; quadrupeds drag men apart--and justice is not sufficiently sanctioned by so many punishments. The crimes that are avenged are always perpetrated by new authors. Amid so many deaths of the wretched, the thefts and robberies of judges, governors, and purple-clad men ought not to be unpunished. For how will men who sin more gravely avenge those crimes?

Who will give me holy kings, severe avengers of their own tyrannical men who range through their subjects' fortunes and make a mockery of them, and guardians of kingdoms? Germany and Gaul once had Clovis and Charlemagne; Gaul had Sigebert and Louis; Spain, Alfonso the Chaste and Ferdinand III; England, two Edwards, two Ethelberts, William, Oswald, and Edmund; Hungary, Stephen and Ladislaus; Poland, Casimir and Boleslaus the Chaste; Germany, Rudolf and Henry; Denmark, Canute; Bohemia, two Wenceslauses; Norway, Olaf; Sweden, Henry; Austria, Leopold; Burgundy, Sigismund. Other kingdoms have had just, holy, severe, laborious kings who judged that no license capable of doing harm was to be permitted to their men, and who kept the good in their duty by their own sanctity and the wicked by the vigorous justice of vengeance.

I am not ignorant that clemency is expected of me, that human life is sacred, and that a magistracy occupied with the lives of guilty men is most difficult. But so many calumnies and oppressions of the innocent, and the so intolerable insolence of certain magistrates who crush the heads of the poor together with the dust of the earth, compel princes to be severe. Let him be gentle in spirit, let him be mild, let him be slow to punishment and swift to rewards. Yet let him condemn--even with tears, after the example of Bias--the wicked and rapacious judge, the client or intimate who has abused confidence in the king's love for crimes and the calamities of the needy; but let him condemn him nevertheless.

Let him expend guilty blood, although it be that of a friend, upon justice and the public peace, not upon the sweetness of vengeance.

Themistocles used to say that he preferred to go to a tomb rather than to a tribunal. This is a remarkable example of mildness--if he said what Aelian recounts concerning him, or felt what he is reported to have said. Here the prince must be brave and cautious. Brave, because powerful men must be dragged to punishment; the condemnation of cheap blood is easy, because there is no difficulty in its execution. Brave, because the laws often act against friends, kinsmen, and brothers. Cautious, because powerful men have many patrons, and many arts, if they do not defend a bad case, at least prolong it; and, if all else fails, guilty men purchase perjuries.

Walk upon the royal road, you who rule the multitude. Think all men yours; consider all to be your sons. He is more closely joined to you whose cause merits your patronage. This is your condition: when judging between friends, you will have one of the two as an enemy. Do not fear; God is present to justice. Even men not particularly just will furnish examples for you. Publius Rutilius refused a friend's inequitable requests. The friend, raging, said: "What need have I of your friendship if I do not obtain what I ask?" Publius replied: "Rather, what need have I of yours, if I am to do something dishonorable for your sake?" The friend of Rutilius acted most wickedly, for he wished friendship to be the procuress and broker of injustice; Rutilius acted excellently, for he renounced false friendship in order to patronize true justice.

Agis likewise resisted the desire of his parents. Although they pressed him importunately, lest he fail their cause, and urged him by their paternal right, he remained unmoved: he had already surrendered himself to his country and its laws and could not act against those laws whose obedience and veneration he had learned from his parents.

Antigonus showed the same affection for his brother Marsyas and the same constant will for a reputation of justice. For when Marsyas, on account of their brotherly intimacy, requested that his case be heard at home within the walls, Antigonus answered nothing except: "If we are doing nothing besides what is right, it will be done better in the forum, with everyone listening." This equality in judging is altogether necessary for a kingdom. For if people see the prince yield to affections in certain cases, they cry out that justice has been taken away universally. Of those who have lost a case, few acknowledge that they were defeated by right; instead, they become angry either at the judge or at their advocates. They assert that even their most inequitable suits were condemned not by right and laws but by hatred and money, count themselves, according to the customary manner of human beings, among those whom it is agreed were unjustly oppressed, and seek consolation for their loss from slander and insults against their rulers.

§ 8. But if it pleases us to recount examples of those who gravely avenged the crimes and robberies of their judges, I fear that too many will occur. And this is by the fault of the supreme magistrate, who entrusts the web and guardianship of right, laws, sanctity, and equity to depraved and perverse violators of the laws, just as one entrusts a sword to madmen. Yet they themselves are not free of fault, because it is manifest madness to undertake burdens which you cannot carry. For burdens greater than the bearer must necessarily crush him. Therefore let there be the greatest solicitude in appointing good judges; thus there will be fewer punishments of those who have failed in their duty. Yet even thus there will be many punishments of those whom either the opportunity for sinning has made wicked or the license of power has exposed.

What Cambyses, king of the Persians, did belongs to a crude antiquity and is not praiseworthy in every respect; nevertheless, by this one splendid deed amid infinite crimes he is celebrated. Sisamnes had sold judgments for a price. Cambyses ordered him killed, his skin stripped off, and the tribunal covered--or, as others say, fitted together--with it; and, to show that he was angry at injustice and not at the man, he wished Sisamnes' son to pronounce law from the same

[Printed page 126]

seat, admonished that, terrified by his father's punishment, he should pronounce law according to the prescription of the laws, not from love of gifts. This latter act was harsh and, in keeping with the king's disposition, plainly barbarous; but nevertheless it is something that inculcates zeal for justice in a prince.

Aurelian pursued provincial thieves--men guilty of extortion and embezzlement--beyond measure in a military fashion, so that he punished them with immense penalties and torments. Severus was violently moved against inequitable judges and judged that their eyes should be dug out with a finger. Andronicus punished Theodore, a foremost man, with twelve strokes of clubs because, when he had lodged with farmers, he had paid absolutely nothing. I make an end; the most learned Justus Lipsius and others adduce more examples in their admonitions.

I give this warning: if princes are severe, they will have many Vespasians, who administered a province as governor with a better reputation than he administered the Empire when made Augustus. Tranquillus speaks thus of him: "Thereafter, having obtained Africa by lot, he administered it with the greatest integrity and not without great dignity, except that, in a certain disturbance at Hadrumetum, turnips were thrown at him. He certainly returned no richer, since, his credit now almost ruined, he mortgaged all his estates to his brother and was compelled, in order to sustain his dignity, to descend to the profits of mule-dealing; on account of this he was commonly called the Muleteer."

A muleteer of this kind should certainly be preferred to all knights and masters of knights, if the other things corresponded. Therefore in your kingdom let those words and precepts be heard which Comnenus repeatedly inculcated upon his prefects: "Leave behind either injuries or life; for that you should act unjustly and live is neither pleasing to God nor tolerable to me, his minister." Agapetus spoke truly:

> Δυσθήρατος ἐστὶν ἡ τοῦ δικαίου εὕρεσις, ῥᾳδίως ἐκφεύγουσα τοὺς μὴ λίαν προσέχοντας.

Justice is difficult to capture; it easily slips from the hands of those who do not attend diligently. When you have commanded, subscribed, sealed, and sent a messenger, there will be someone who evades, someone who delays the commands, someone who warns the accused. I certainly approve the saying of St. Cyprian: "The justice of the king is the peace of peoples, the protection of the fatherland, the immunity of the common people, the fortification of the nation, the care of the sick, the joy of human beings, the temperateness of the air, the serenity of the sea, the fertility of the earth, the consolation of the poor, the inheritance of sons, and for himself the hope of future blessedness."

§ 9. Therefore let him inquire into judges. In Spain and Venice commissions of inquiry are most useful and ought to be introduced everywhere. For without justice concord cannot be preserved, nor without concord can a city remain safe. A judge ought to regard justice, not the will of the prince; much less ought the prince to regard the judge, whom he will rightly condemn if he sees that the judge has pronounced not according to justice but according to the prince's affection. Hanno, bishop of Cologne, ordered the eyes of inequitable judges to be torn out; he left one of them one eye so that he might lead the rest home. Philip of Valois provided by testament that an inquiry should be made into the judges even after his death. This ought altogether to be done. If human punishment is evaded, divine vengeance will nevertheless seize both the judges and the prince by whose connivance a judge sins--perhaps late, but gravely. Nor is discretion in determining permitted to a judge; rather, a law is laid down. The supreme prince alone can grant pardon for an offense; this too has been granted to the princes of Germany among the regalian rights. And certainly to bend and mitigate the harshness of the laws by kindness is a royal work.

Nor will the prince easily concede to a judge the diminution or remission of a punishment. Although Charles V made great concessions to the Senate of Milan, he retained this part for himself. The decrees of France do not concede it even to the king's mother. In Spain there is a singular tribunal in which deliberation is held concerning the giving of pardon and the granting of grace. Jerome Casteg, *On the Union of Portugal and Castile*, book 8. Charles ordered a judge hanged who had punished by cutting off the hand of a guilty man worthy of hanging.

§ 10. It has been asked whether a prince can judge in his own case. They answer affirmatively from law 3, *Concerning Those Things Which Are in Testaments*; law 41, *Concerning the Institution of Heirs*; and the final section at the end of

the Institutes, *Concerning Ordinary Substitution*. They add that he cannot be alleged as suspect. I see that many of the heretics think thus, and some Catholics also have sometimes appeared to me to approve the same thing.

Now this matter can be asked in two ways. First, whether, every law set aside, it is inequitable by nature itself to have the same man as judge and adversary. Second, whether in well-constituted commonwealths and kingdoms, where there is an order of laws and judgments, this is lawful. It seems to me contrary to nature and justice that an emperor, king, or prince himself should judge in his own case. A judge, or **δικαστής**, is in the middle between the parties, so that he may protect the equality of right on both sides. Second, in the commonwealth of the Hebrews it was not lawful for Ahab to deliver judgment between himself and Naboth; therefore he took refuge in calumny. Third, a private person defeated by that judgment is never bound to acquiesce. For since princes are changeable, subject also to affections and errors, and for the most part also lovers of themselves and tenacious of majesty, no one is bound to entrust himself to the judgment of a man whom he knows and experiences as an adversary.

The highest reason for this matter is that, when truth and justice are investigated, in order that the investigation and adjudication may be legitimate, the parties ought to be equal in all things, so that only the weight of the case and the reasons may constitute inequality. Let this be an example. The empress Eudoxia entered a widow's vineyard and plucked grapes; therefore both she and the emperor contended that the vineyard had passed into the empress's right. If in her own case either she herself or the emperor is judge, the matter is already concluded, for the matter has been decided in the highest tribunal. But the widow denies that Caesar or his wife can be given to her as judge. Nor is it less unjust for her to be compelled to undergo such a judgment than to yield the estate. For she is in the worse position not by the kind of case but by the desire of the judge, which obstructs the establishment of equality between the litigants. This judgment, therefore, is always contrary to justice by its own nature.

But the prince, even without affection, will pronounce sentence against himself. A heroically just prince will sometimes do this; but no one believes that all will always do so. God alone is judge in his own case, because his will is immutable justice and his judgments are true, justified in themselves. God alone is truthful, but every human being is a liar. Why, then, will a senator be compelled to abide by the sentence of Gaius or Nero when they themselves are present and torture him with their countenance? The prince is sometimes said himself to judge because he pronounces through his judges; but in this case they are sworn not to the prince but to the whole commonwealth and to justice. Therefore the prince may neither inquire into them nor show that their sentence displeased him if he lost the case, for he casts fear into the judge.

§ 11. Hence in all kingdoms governed by law and institutions, the cases of kings and princes against subjects are judged by others. The count palatine judges the emperor's case when he judges in Caesar's court, according to the Golden Bull. The king of France, Spain, or Bohemia can be sued by his subjects. Hence there are so many royal advocates in France. Hence, I think, law **π.**, *Concerning the Right of the Fisc*. Hence the holy

[Printed page 127]

constitution of Philip II, king of the Spains, that the president of the royal council should pronounce against the fisc in a doubtful case. For no commonwealth wished to commit the bodies and fortunes of its subjects to the private affections of princes, but to the public declaration of justice. Therefore the rejection of a suspect judge belongs to natural right, so that it cannot be denied; and the custom of all nations proves this. But if the prince himself is suspect--and in his own case he is always suspect--his judgment is refused much more justly than that of any inferior person, because both appeal is cut off and execution is readier.

Nor can the commonwealth grant this. For just as it cannot determine that Gaius's estate be given to Titius--for that is spoliation--so neither can it determine that Gaius, without fault, come into danger of losing his estate. For to cast an innocent person without cause into danger of life and fortunes is as inequitable as to strip him of life or fortunes: unequal in degree, indeed, but like in injustice. Will you then compel me to entrust myself to my adversary, to whom my losses are profit? Will kinship, affinity, a similar case, or favor toward an enemy--that is, something

extraneous--bring it about that I am not compelled to abide by the sentence of an adversary, but will the person himself, **αὐτότης**, not bring this about?

CHAPTER VII

The Commonwealth Ought to Keep Faith with All

§ 1. I have demonstrated that prudence, diligence, and justice are necessary to the prince. For if he is destitute of wisdom, none of the remaining virtues will attain its purpose. But if diligence is necessary in a private house, lest the whole house perish through a defect of the roof, how great a diligence is at last demanded in that vast body in which some part is always being injured? For the idleness of the prince involves great danger. Agapetus the Deacon seriously admonished Justinian concerning this matter:

> Ὥσπερ ἐπὶ τῶν πλεόντων, ὅταν μὲν ὁ ναύτης σφαλῇ, μικρὰν φέρει τοῖς συμπλέουσι βλάβην, ὅταν δ᾽ αὐτὸς ὁ κυβερνήτης, παντὸς ἐργάζεται τοῦ πλοίου ἀπώλειαν· οὕτω κἂν ἐν ταῖς πόλεσιν, ἂν μέν τις τῶν ἀρχομένων ἁμάρτῃ, οὐ τὸ κοινὸν τοσούτῳ, ὅσον ἑαυτὸν ἀδικεῖ· ἂν δὲ αὐτὸς ὁ ἄρχων, πάσης ἐργάζεται τῆς πολιτείας τὴν βλάβην. Ὡς οὖν μεγάλας ὑφέξων εὐθύνας, εἴ τι παρίδοι τῶν δεόντων, μετὰ πολλῆς ἀκριβείας, ἃ λεγέτω πάντα, ἃ πραττέτω.

Just as among those who sail, if one of the sailors has erred, he brings a small loss, but if the helmsman errs, he causes the loss of the whole vessel, so in the commonwealth, if one of the subjects sins, he harms himself more than the commonwealth; if the prince sins, he brings detriment to the whole commonwealth. Therefore, since he will have to render a great account if he has neglected anything among those things which ought to be done, let him both say and do all things with great exactness.

From this prudent diligence follows justice, concerning which I spoke just now; and the inseparable companion of justice is faith, or constancy in words and deeds.

It must therefore be established that the commonwealth ought to preserve faith safe and intact. Faith adorns the prince; perfidy disgraces him. Deceit attacks the fickleness of the people more severely. An upright senate is accustomed to cultivate faith most steadfastly. Faith, moreover, must be kept with the people, and in turn the people are bound to the prince; then it must be kept with private persons; third, with neighboring commonwealths; finally, with enemies. And not only in prosperity, but in every fortune, constancy in all words and deeds must remain. Let the saying of the Roman sage in Epistle 88 adhere to the mind and grow old together with it: “Faith is the most sacred good of the human breast; it is compelled by no necessity to deceive and corrupted by no reward. Burn,” it says, “strike, kill; I shall not betray. But the more deeply pain seeks secrets, the more deeply shall I conceal them.”

Therefore let truth be preserved in deeds, words, and the whole of life. Socrates said that truth and virtue were the same. Plato judged truth to be, not indeed the **τέλειον ἀγαθόν**, the supreme and perfect good, but **ἀγαθοειδές**, good-like; for it always adheres to the highest good and attends it as light attends the sun. “**Οὐδέν**,” he says, “**οἰκειότερον τῇ σοφίᾳ τῆς ἀληθείας**.” Nothing is more closely joined and familiar to wisdom than truth. It removes the crowd of evils: “**Ἡγουμένης τῆς ἀληθείας, οὐκ ἂν ποτε χορὸν αὐτῇ κακῶν ἀκολουθῆσαι**.” The chorus of vices does not follow when truth leads.

§ 2. And first, the prince ought to preserve altogether whole and uninjured the faith which he gave to his subjects. Whatever princes promised at the beginning of their assumption of power to the estates concerning liberty, privileges, immunities, and donatives must be performed, provided that they are just and honorable. For inequitable or shameful things are never promised without crime and are performed with a greater crime than that with which they were promised. The emperor binds himself in many ways to the Church, the princes, and the subjects; and I think that there is no people in Europe which does not admit a sworn prince and commonwealth.

Therefore shameful is the method of those princes who, after they have placed their powers in safety, seek various pretexts for violating promises. Nor are wicked craftsmen lacking for cloaking perfidy, to whom nothing is so accepted

as to deceive faith. Deceit certainly does not make men just; for faith is the foundation of justice. Although, indeed, where the magnitude of profits is regarded, unbroken faith rarely remains, nevertheless the judgment of the Roman consul remains firm and valid: “Nothing holds a commonwealth together more powerfully than faith.”

§ 3. Certainly perfidy brings the least evil upon those who are deceived and harms its author most. For no perfidy is lasting. What prince who occupied power through force and blood did not give his own blood to his successor? What murderer of his own prince, who succeeded through crime, was not sacrificed by his successor for the safeguarding of power? For it is the custom of princes to give every tyrannicide over to death, both so that they may not appear to have committed the slaughter by their own command and so that they may meet conspiracies beforehand. Why, then, should anyone bind himself with perfidy, which even the man to whom it brought a kingdom will avenge? For they prefer to punish the audacity of conspirators rather than to appear to owe a kingdom to another’s crime. Thus perfidy has no place anywhere, neither among those whom it has ruined nor among those whom it has benefited.

Among all who were notorious for perjury and perfidy, Lysander the Lacedaemonian possessed the greatest name among the ancients. To cruelty, avarice, and lust he finally added shamelessness, so that, when he was to return to Sparta, he asked Pharnabazus for testimony to his continence and equity, by which he might be assisted against the accusations of citizens before the ephors. But Pharnabazus avenged perfidy by deceit. For after he had ordered a commendatory letter for Lysander to be written, and Lysander had approved it, while it was being sealed he substituted another one entirely like it, which explained Lysander’s wickedness and crimes. The ephors ordered Lysander himself to read it in the senate; and so the perfidy by which alone he believed himself safe returned upon his own head.

§ 4. But the reason why punishment soon overwhelms the perfidious, the perjured, the **ἀσπόνδους**, contemners of treaties, is the vengeance of the divinity itself, which is always provoked by the perfidious. For he who deceives others by false promises and calls God as witness--what else does he do than either mock God or command him to be the minister of his

[Printed page 128]

crimes?

And so when Sennacherib had broken faith, he first fled after his soldiers were slain, and then was butchered by his sons before his own idol. For he who mocked whatever divinity he believed in, and who severed the commerce of the human race, was deprived of life by those whom he brought into the light, by a great crime indeed, yet according to his own desert. Zedekiah likewise violated faith with an impious king, but he nevertheless paid the penalty by the destruction of his nation.

Antiochus the Illustrious, in 1 Maccabees, and his son Eupator are a sorrowful example of violated faith. He and his princes swore to the Jews. “And he entered into the mountain and saw the fortification of the place, and he broke more quickly the oath which he had sworn and commanded the wall round about to be destroyed.” But Alexander and Demetrius soon exacted the penalties of the violated oath. For when the army had seized Antiochus and Lysias in order to offer them to Demetrius, and he had answered, “Do not show me their face,” the army killed them. Alcimus, Bacchides, and Nicanor perished by the same perjury. For Nicanor and Bacchides fell; Alcimus died with great torment. Demetrius also, deserted by the Jews on account of his notorious perfidy and defeated by Alexander, was deprived of kingdom and life.

But neither was perfidy fortunate for Alexander. Led into deceit by his father-in-law Ptolemy through the covenants of marriage, and defeated by a perfidious Arab, he was punished with decapitation. Shortly afterward Ptolemy likewise paid the penalties of perjury and contempt for human right: he died on the third day and paid for three days of joy with immense infamy. But the other Demetrius, for whom Jonathan preserved kingdom and life--how ungrateful, how forgetful of his oath he was! “And he lied in all the things which he said,” says Scripture, “and estranged himself from Jonathan; he did not repay him according to the benefits which he had bestowed upon him.” Avenging justice did not

delay the punishment. Routed in battle by Antiochus through Tryphon and cast down from the kingdom, he was at last stripped of his camp by Arsaces the Mede and cast into chains.

But Tryphon, after he broke the faith given to the Jews and removed the young Antiochus his lord by parricide, paid the penalty, late indeed but within a few years, as a fugitive, and was killed by his own men. Nor indeed did Antiochus Sidetes perform the things promised to Simon Maccabaeus; Tryphon therefore killed him as he occupied his brother's kingdom.

Demetrius, the son of Demetrius, succeeded, together with his father's perfidy and hatred. Alexander Zabinas harassed him with war and perjuries for six years. Demetrius' son was Antiochus Grypus, while Antiochus Cyzicenus was the son of Antiochus Sidetes. For a short time they fought, not more with arms than with perjuries and by soliciting peoples to perfidy, until Antiochus Grypus was butchered by the most perfidious Heracleon, and Antiochus Cyzicenus by Seleucus, the son of Grypus. Their sons likewise waged war, as their fathers had, with perfidy and contempt for every treaty.

What of the two Antiochi, sons of the former men, for eleven years--one the son of Grypus, the other of Cyzicenus; Seleucus, son of Grypus; and Philip and Demetrius, sons of Cyzicenus? Did not the perfidy of all their predecessors reach these men, and Philip, who survived them all by two years? At last, after Tigranes was defeated, the dominion of the Macedonians came into a Roman province; and with the resources of great kingdoms luxury is always their ruin, and thence come perfidy and perjuries, civil wars and ruins, which gave beginnings to the kingdoms of Europe today.

After such clear examples, it is irksome to recall others: Manuel Comnenus, betrayer and likewise poisoner of Emperor Conrad and the German army. I pass over the sole art of the Turks when their affairs are prosperous--perjuries. For since they judge it holy to destroy enemies in whatever way, they hold no treaties valid except when it pleases them. Consult history, especially Bonfini concerning the siege of Famagusta. Although their malice in agreements is so manifest, nevertheless Murad, about to fight Ladislaus, king of Hungary, whom he alleged had first broken the treaties, arraigned him as guilty before the tribunal of God. For before the battle he read aloud the letters that witnessed the treaty and thus concluded his speech in Bonfini: "These, Jesus Christ, are the treaties which your Christians struck with me. By your holy name they swore and violated the faith given under your name; perfidiously they denied their God. Now, Christ, if you are God, as they say, and we are hallucinating, avenge, I pray you, your injuries and mine. Show to these men who have not yet known your holy name the penalties for violated faith."

However the matter was conducted, after these words the uncertain battle inclined and was more favorable to the Turk. In the memory of our grandfathers also, treaties between Louis and Charles the Bold were rather frequently broken and still more shamefully renewed, but by the perfidy of the counselors more than of the king and duke. For often, although they clashed with all their strength, neither king nor duke knew the true cause of the war, as Philippe de Commines recounts.

Philip of Valois likewise had promised Louis the Bavarian by oath that he would act so that Edward, king of Britain, might be reconciled to the Roman Pontiff; and although he seemed outwardly to conduct this matter solicitously, he nevertheless secretly obstructed it. He paid for the perjury so fraudulently covered by a vast slaughter and almost the destruction of the French nobility; and, routed by the Englishman at Crécy, he showed that God is never deceived. Claudian therefore sings falsely:

> Now he who breaks treaties is enriched;
>
> he who keeps them is in need.

Rather, because what the better instructor of morals, Theognis, sings is true:

> Παῦροι τῶν πολλῶν πίστιν ἔχουσι νόῳ.

Few among the many have faith in mind.

For this reason kingdoms are oppressed by so many calamities. I have related the examples of the Seleucids, of whom it can truly be said:

Faith never enters a royal threshold.

Nor was the perfidy of their own people ever absent from a royal threshold; by it they paid the penalties for the perfidy they exercised against others. They thought it prudence to deceive others by an oath until, deceived themselves, they perceived destruction.

§ 5. Deservedly did those Thracians perish who, during a truce agreed for the days, invaded the fields of the Boeotians by night in order to plunder them. Deservedly also did Cleomenes afterward rage against himself. For when he had sworn that he would deliberate all things with the head of Archonides--which Archonides understood according to the Greek custom as though Cleomenes had promised to do all things according to his counsel--Cleomenes turned the matter into a cruel mockery: he carried the head of Archonides around and held his deliberations concerning the things to be done in its presence.

Among the other origins of calamities for Suleiman was the killing of Ibrahim, whom, after he had advanced him to the highest position, he swore that he would never kill. He therefore caused Ibrahim's throat to be cut while he was sleeping. For the Turkish pontiff had interpreted it to be lawful because he denied that sleeping men were counted among the number of the living. But that fraud binds the perjury; it does not release it.

§ 6. The second reason why nothing that is faithless is stable is drawn from the nature of the thing itself: because he who has lost faith can lose nothing further. Therefore, when human beings observe someone acting either by manifest perjury or by criminal sophistries, they not only furnish him no faith but hate him in turn and strive to withdraw from his friendship and to place themselves and their

[Printed page 129]

possessions in safety.

Everyone thinks it madness to entrust oneself to the man who has denied faith. Thus this is the greatest evil of the perfidious man: no one is faithful to him. If no one is faithful, therefore, he cannot be safe. Although friends devote themselves, although armies, with swords placed at their necks, swear to your safety, although they surround you with a multitude of ambitious guards--if you yourself teach them to deceive faith, you will alienate even the most faithful men. And since otherwise,

No fortune ever stands long for mortals

when faith totters,

you will find faith wholly closed to the wretched and doubtful man. You will hold no one bound by love or mutual faith. Payment inflames avarice; it does not bind hearts to the giver if he is perfidious. That whole crowd thinks itself to have an oath to fortune, not to faith.

Sejanus was once faithful to Tiberius. "Sejanus," says Tacitus in book 4, "suspended above Caesar by knee, countenance, and hands, set himself against the falling masses; and in such a posture he was found by the soldiers who had come to their aid. Greater from that event, and although he advised ruinous things, he was heard with confidence as one not anxious for himself." What, therefore, made him from faithful into faithless, an ambusher, and an aspirant to power?

Taught to deceive by Tiberius' perfidy itself, he had determined to occupy the empire. A perfidious man is very like ice; no one but a fool builds upon it. Thus, just as ice is without houses, so the perfidious man is stripped of friends. We see, indeed, that those who cross rivers bound by frost are always in a state of suspense and anxiety and are afraid

if the slightest cracking sound occurs, since they are not ignorant that they stand upon a fragile nature. The friendship of the perfidious, through which very many have perished, is more uncertain.

Cyrus acted prudently when he employed Hyrcanian leaders. When they said that hostages should be awaited so that he might set out under a pledge of faith, he answered: “I think that the pledge for us all is in our minds and in our hands. For we seem to be so disposed in our minds that, if you are truthful, you will have us fit to deserve well of you; if you deceive us, we judge the condition of our affairs will be such that we shall not be in your power, but we believe that you, with the gods helping us, will be in ours.” But this was altogether to distrust the barbarians. And since perfidious princes can by no means be in another’s power, it is certain that no faith is placed in them. The Parthians have no faith except insofar as it is expedient; and thus, always clashing against themselves, they were worn down until they were reduced to servitude. Just as the Syrians have no faith, so they have never had any liberty.

§ 7. Therefore Francis, king of the Gauls, also spoke rightly in a human manner. For when he had Charles V in his power and was admonished by his men to hold him captive in violation of faith, he said: “If faith were exiled from the whole world, it nevertheless ought to be preserved by kings, who can be constrained by it alone and by no fear.”

Our Germany, always an unshaken preserver of faith, held the Empire for a very long time; and, what you may marvel at and not find in another nation, for so many years no king of Germany, no Augustus, was led into captivity by foreigners or fell in battle. Yet they waged very many wars and subdued the Pomeranians, Rani, Livonians, Slavs, Helvetians, and others.

But you may marvel at this also: in almost eight hundred years only six emperors were reduced to order by their own people--Charles the Fat, Ataulf, Wenceslaus, Henry III, Otto IV, and Frederick II. And these too had degenerated from German sincerity. Deservedly, indeed, faith and the religion of the oath were furnished by their own people to emperors tenacious of faith and the oath. You, reader, compare these things which I have said concerning the ancient emperors with these present ones. Meanwhile, while civil perfidy devastated the eastern empire, it polluted itself with the blood of eighty-six or eighty-seven emperors. They had learned to deceive faith and were crushed and cut down by their own deeds.

The perfidious Zeno was buried alive by his wife Ariadne. Anastasius, who obtained power by the crime of the perjured and parricidal Ariadne, paid the penalties of perfidy when struck by lightning. Heracleonas and his wife Martina deprived Constantine, the son of Heraclius, of life; but he, with his nose cut off, and she, with her tongue cut out, perished detestably in exile. Constans killed his brother Theodosius, and in vengeance for his brother’s death he was killed by Andrew, almost the only man whom he trusted. From Philippicus, than whom no one was more criminal and who held all faith as a mockery, power was taken away together with his eyes. No one was more wicked than Copronymus, who kept faith with no one; but as he died he cried out that he had been delivered alive to unquenchable fire. Leo IV was killed by his own men; Leo the Armenian, by Michael the Stammerer. Andronicus, Isaac, and Alexius, all perjured, fell by the perfidy of their own men.

Who, therefore, would not say that those who teach perfidy and perjuries overthrow the commonwealth? For how can commerce, wars, peace, cities, or households stand without faith? If the prince can violate faith, who will be bound to preserve it?

§ 8. But must faith be kept with one who violates faith? Indeed, it must be kept even with treaty-breakers and barbarians. Caesar, to be sure, according to Plutarch, judging it madness to keep faith with men so perfidious and barbarous, led an army against them. Nevertheless faith must be kept, nor must another’s perfidy be punished by your perfidy. For if Hannibal besieged Saguntum contrary to the treaty, it was not therefore lawful for the Romans to break the peace afterward made with the Carthaginians. Nor, if Roman legates were violated by the Carthaginians, was it therefore right that Hanno likewise be led into chains. Much less, if the Lusitanians attacked the Romans contrary to their oath, did it therefore become Lucullus to entice the Lusitanians by a promise of impunity and butcher them.

Yet when enemies deceive faith within the same agreement, the man whom another's perfidy has afflicted is released from obligation. For if the Messenians plunder Spartan territory during an agreed truce, the Spartans will repay like for like by the best right. For those who exercised hostilities rendered the common peace void. But when, after the first treaties have been violated, a new one is struck, it is not lawful to violate it because the first treaties were violated.

CHAPTER VIII

The Commonwealth Ought to Be Grateful Toward Those Who Have Deserved Well

§ 1. Gratitude is akin to faith, just as not to acknowledge a benefit, or to repay it with evil deeds, is a kind, as it were, of perfidy. It belongs to a great spirit to be grateful.

For--as you say--all foolish men are wicked; but he who has one vice has them all; and all men are foolish and wicked; therefore all men are ungrateful. What, then? Is reproach not directed against the human race from every side? Is it not a public complaint that benefits have perished, and that there are very few who do not in turn deserve most wickedly of those who have deserved well of them? And there is no reason for you to suppose that this is only our murmuring, since we count as most wicked and depraved whatever has fallen short of the rule of right. Behold, I know not what voice is sent forth, not secretly from the house of the philosophers but from the midst of the assembly, to condemn peoples and nations:

> No guest is safe from guest;
>
> no father-in-law from son-in-law; even the favor of brothers is rare.
>
> The husband threatens the destruction of his wife, and she of her husband.

[Printed page 130]

This is already something more: benefits have been turned into crime, and the blood of those for whom blood ought to be shed is not spared. We pursue benefits with sword and poisons. To lay hands upon the fatherland itself and to crush it with one's own fasces is power and dignity. Whoever has not stood above the commonwealth thinks that he stands in a humble and abject place. Armies received from it are turned against it, and this is the commander's address: "Fight against your wives; fight against your children; assail altars, hearths, and household gods with arms. You who, not even when about to triumph, ought to enter the city without the Senate's command, and for whom, as you led back a victorious army, a senate-house would be provided outside the walls--now, after citizens have been slain, drenched in kindred blood, enter the city with standards raised. Let liberty grow mute among the military standards; and let that people, conqueror and pacifier of nations, now that wars have been removed far away and every terror suppressed, be besieged within its walls and dread its own eagles."

Coriolanus is ungrateful--dutiful too late and after repentance for his crime. He laid down his arms, but laid them down in the midst of parricide. Catiline is ungrateful. It is too little for him to capture the fatherland unless he overthrows it, unless he sends cohorts of the Allobroges against it, unless an enemy summoned from beyond the Alps satisfies ancient and innate hatreds, and Roman leaders pay to Gallic tombs the funeral rites long owed them.

Gaius Marius is ungrateful: brought from the soldier's boot to the consulship, unless he equals Roman funerals with Cimbrian slaughters, unless he not only gives the signal for civil destruction and butchery but is himself the signal, he will perceive his fortune to have been insufficiently changed and restored to its former place.

Lucius Sulla is ungrateful: he healed the fatherland with remedies harsher than its dangers. After he had walked through human blood from the citadel of Praeneste all the way to the Colline Gate, he produced other battles and other slaughters in the city. He butchered two legions crowded into a corner--cruelly, after victory; impiously, after a pledge of faith--and devised proscription. Great gods! A man who killed a Roman citizen received impunity and money, and almost a civic crown.

Gnaeus Pompey is ungrateful. In return for three consulships, three triumphs, and so many honors, which for the greatest part he had seized prematurely, he returned this gratitude to the commonwealth: he introduced others also into

possession of it, as though he would diminish the odium of his own power if what ought to have been lawful to no one had become lawful to several. While he desired extraordinary commands, while he distributed provinces so that he might choose them, while he so divided the commonwealth among the triumvirs that nevertheless two parts were in his own house, he reduced the Roman people to such a state that it could not be safe except by the benefit of servitude.

Ungrateful was Pompey's own enemy and conqueror, who turned the war from Gaul and Germany round upon the city; and that friend of the plebs, that popular man, placed his camp in the Circus Flaminius, nearer than Porsena's had been. He did indeed moderate the right and cruelty of victory; he fulfilled what he used to say: he killed no one except an armed man. What then? Others wielded arms more bloodily, yet, when at last they were sated, cast them aside. He quickly sheathed the sword but never put it down.

Antony was ungrateful toward his dictator, whom he pronounced to have been killed lawfully, and whose killers he sent away to provinces and commands; but after the fatherland had been torn by proscriptions, incursions, and wars, after so many evils he assigned it not even to Roman kings, so that the city which had restored full right, liberty, and immunity to the Achaeans, Rhodians, and very many renowned cities would itself pay tribute to eunuchs.

The day will fail one who enumerates the ungrateful, even to the final destructions of the fatherland. It will be equally immense if I begin to run through how ungrateful the commonwealth itself has been toward its best and most devoted men, and how it has sinned no less often than sin has been committed against it. It sent Camillus into exile; it dismissed Scipio. After Catiline, Cicero was exiled, his household gods overthrown, his goods plundered; everything was done that Catiline would have done if victorious. Rutilius bore as the price of his innocence that he lay hidden in Asia. The Roman people denied Cato the praetorship and utterly denied him the consulship.

We are publicly ungrateful. Let each man question himself: there is no one who does not complain of someone as ungrateful. Yet it cannot happen that all complain unless complaint must be made concerning all. Therefore all are ungrateful. Only that? All are covetous too, all malicious, and all timid--those especially who appear bold. Add that all are ambitious and all impious. But there is no reason for you to be angry. Pardon them: all are insane.

I do not wish to recall you to uncertainties, so as to say: "See how ungrateful youth is." Who does not desire his father's last day, provided he is innocent; await it, provided he is moderate; think of it, provided he is dutiful? How rare is the man who fears the death of the best wife without also calculating it? For what litigant whom you have defended, I ask, has the memory of so great a benefit lasted beyond the next few matters?

This often applies to princes and commonwealths, among whose errors, among others, it is not the least to return either no gratitude or evil gratitude to those who have deserved well. How much detriment the commonwealth has incurred from this matter is taught both by the nature of the thing and by these examples. Nor is it wonderful that the commonwealth is ungrateful toward citizens who have deserved well of it, and that others in turn are ungrateful toward it, because no one is sufficiently grateful to God for so many goods.

§ 2. The Romans were ungrateful toward those who had deserved well of them: they drove Tarquinius Collatinus into exile solely from hatred of his name; they compelled Valerius to incur danger on account of the house erected on the Velia; they were either cruel or unjust toward Manlius, Camillus, Scipio, and Cicero. The Athenians were no less so. Through the barbarous law of ostracism they were the most ungrateful of all nations; among them great benefits were a matter of certain danger. This arose precisely from the fact that, since they had endured many grave tyrants--men whom before they had regarded as renowned, beneficent, and popular--they thereafter began to distrust everyone equally. The Lacedaemonians were no milder; the Carthaginians were the cruelest of all and the most ungrateful toward their generals.

§ 3. The vice of ingratitude extends widely, so much so that an Italian asks whether princes or the people are customarily more ungrateful. I would prefer their morals to be such that one could instead ask whether the people or princes are customarily more grateful. He concludes that ingratitude arises from avarice and ambition, and then from

suspicion; that the people are never ungrateful from avarice, and much more rarely than princes from suspicion. But I can by no means approve these things as prudently said.

For an avaricious people frequently, through desire for money, deprives brave men who expend themselves for their fatherland of a just honorarium. Amid their very dangers, while Philip carried around the terror of war and deceit, the Athenians not only sat idle in the theater, but also judged that the naval fund should be spent as payment for the theater. The Romans appointed a day for Camillus to stand trial, as though he had distributed the Veientine booty inequitably. Whence came so great an injury against so great a man, unless from avarice? How great were the contests which the Agrarian Laws stirred up at Rome, by which the revenues, the sinews of the commonwealth, were cut? That avarice, moreover, not only took away the donatives of commanders and the rewards of armies, but wore down the commonwealth more than the wars themselves. Thus even the people are ungrateful from avarice.

And they are so all the more because the optimates will not easily consent to great advantages for one citizen who has deserved splendidly; for what is given extraordinarily to one is withdrawn from his colleagues. But ungrateful citizens envy the wealth of their preservers after receiving safety, although they have received life and wealth from those same men.

The people are not customarily ungrateful from ambition, indeed, because they are not customarily a competitor for great deeds and rewards

[Printed page 131]

but, because they are governed and, as it were, animated by a few men, they are led by the ambition of those men. Popular leaders and demagogues, moreover, are accustomed to envy renowned men, detract from their praises, and exercise rivalries and hostilities. Scipio sails to Africa and undergoes dangers; meanwhile the ungrateful Senate and ungrateful people listen to Cato barking against his greatness. Thus by another's ambition,

> As wood movable by another's sinews
>
> is led.

In place of ambition, however, the people possess the implanted poison of envy. They are so imbued with it that they cannot bear those who have deserved best, and they grieve more that the faculty of doing good remains to great men than they rejoice in the benefit. Then the people are not only an unfit but also a malevolent assessor of benefits. For since individuals care little for the commonwealth, they value no benefits highly unless private advantages are joined to them; and nevertheless, when they have obtained those advantages, they expect more or complain that greater ones have been given to others. But the highest ingratitude is not to acknowledge a benefit.

Nor is it true that the people do not have many causes for suspicion. Athenian, Corinthian, and Roman history teaches the contrary. The people, who for the most part are ignorant of the sequence of the deed, suspect plots against liberty, embezzlement, judgments, and all matters. But princes, since an account is customarily rendered to them personally for the most part, have knowledge of all things. Nowhere are the people more moderate, more cultivated, and more fitted for magistracies than in the free cities of the Empire. Yet a hundred years ago most cities rose up from suspicions against the senate, and some also shed blood. Today many harbor grave suspicions concerning senators and would demand accounts if they did not remain quiet out of regard for a greater power.

§ 4. Princes, however, have a twofold condition. Some possess a single principality and have neighboring enemies or rivals. If they have a renowned commander in war, fortified by victory and the favor of provincials, they easily suspect and fear him. The reason is that such commanders almost equal the prince and, if they wish, will either betray him to the enemies or themselves succeed him. These princes are customarily ungrateful through suspicion, and often even wish death upon their commanders to their own ruin. This is all the more so if they perceive that their own resources are slender in comparison with so great a name.

Others are very powerful and possess many provinces, governors, and viceroys. Such princes are rarely ungrateful through suspicion, because even the most renowned commanders stand far below the greatness of their lords. Thus envy is not customarily dominant in such men either. Then a probable fear never arises from a commander's perfidy, because he has neither the strength nor the spirit, after occupying the tyranny of one province, to rouse the entire body of the kingdom against himself. Although these things are so, nevertheless both the people and the prince frequently sin in this matter. Gratitude, however, procures friends and preserves the commonwealth.

§ 5. For, first, it is of great importance that gratitude be laid up for those who have deserved well of the commonwealth. An ungrateful prince will scarcely retain good men, and never men of great spirit. If you are ungrateful for the great labors of any citizen whatsoever, you will not only have him as a mortal enemy, but will also blunt the industry of others and bring it about that they look elsewhere and seek where they may bestow their benefits better and with hope of advantage. For in truth:

> τὴν εἰς ἀτιμίαν ὀλιγωρίαν οἱ φιλότιμοι, καὶ οἱ ἐπιεικεῖς φέρουσι βαρέως.

Those desirous of honors, and prudent men, bear it heavily when they are neglected through contempt. The deeds of great men when left without honor have brought on immense calamities. Coriolanus pressed his ungrateful fatherland with siege; Carbo attacked it through barbarians; Narses imposed the Lombards upon Justinian. Boniface, count of Africa, brought in the Vandals. For those who, after their illustrious labors, the dangers they have encountered, and the fidelity they have expended together with their blood, experience the dispositions of princes or of the commonwealth as estranged from them--if they are strong in resources and tenacious of their dignity--generally devise something so as to take care (as Octavian used to say) that they cannot be removed. And so they conciliate to themselves the spirits of the soldiers, conspire with neighbors and sometimes with enemies, occupy fortifications, and avenge the contempt shown them. What ambition does in frivolous men, indignation does in others. Accordingly, from the ingratitude of princes and commonwealths many pernicious tyrannies have arisen. And certainly, even if a prince's ingratitude is not a just cause of rebellion, yet among the common people it is a plausible one, and favor is shown to an injured man who pursues his injuries. And this is all the more so because ingratitude is a shameful vice. Herodian says truly:

> Καὶ τὰ μὲν δεινὰ τῷ ἔργῳ ἀεὶ μνημονεύεται. Τὸ γὰρ λυπῆσαν δυσέξαλειπτον· τὰ δὲ χρηστά, ἅμα τῇ ἀπολαύσει, καὶ τὴν περὶ αὐτῶν μνήμην συναναλίσκει.

The memory of grievous things that have happened always remains; for whatever causes sorrow is erased with difficulty, but the memory of benefits is consumed together with their enjoyment.

They oppress those by whose labor they were freed from fear, and begrudge them the fruit of their labors. For after the daughters of Jerusalem sing, "Saul has slain a thousand, and David ten thousand," the safety of the whole kingdom, when joined to the praise of the bravest man, is now unwelcome. Saul is therefore angry with David, all of whose benefits were burdens to him, whose punishment he counted as gain. He disdains to appear to have been affected by a benefit, as though he were the lesser man, and--as is characteristic of raging men--he does not forgive the benefit. He overturns all the benefits and remembers only that he has been placed second. Nor is it wonderful that men are moved when they behold new tablets drawn up concerning benefits, a thing most pernicious to states; God himself detests forgetfulness of benefactors. After God, the Israelite people owed life and liberty to Moses. "I see," says God, "that this people is stiff-necked. Let me alone, that my wrath may be angry against them and I may destroy them; and I will make you into a great nation." But the mildest of mortals, forgetful of his own dignity, intercedes for the ungrateful. If those stiff necks had obtained another prince, they would have lain crushed in the very desert among thorns and thistles. Joash removed from their midst Zechariah, the son of Jehoiada, to whose father he owed his life, his kingdom, and piety more excellent than life and kingdom--so much more powerful was one unjust offense than a kingdom bestowed. Thus nothing grows old more quickly than a benefit. From this, great disasters flowed into that commonwealth.

Augustus often considered returning command to the people, but examples of an ungrateful people frightened him. He had read, in a deserted town, the epitaph of the elder Africanus, who had restored the commonwealth by conquering Carthage: “Ungrateful fatherland, you shall not even have my bones.” He knew that Africanus's brother Scipio Asiaticus, after he had filled his fatherland with the riches of the most opulent part of the world, was ordered to be led to prison as one accused of embezzlement. There came to his mind the unworthy death of the younger Africanus, which found no avenger in the Forum. The speech of Publius Lentulus was in men's hands, in which he reproached the people for ingratitude and prayed to the gods that he might never return to his fatherland; and he died in Sicily. He also knew that Cicero had been driven out, that slight gratitude had been shown to Pompey, and that death had even been inflicted upon Caesar. And so, from fear of ingratitude, he retained the scepter and, under the most savage tyrants,

[Printed page 132]

brought it about that Rome should serve.

The Roman people owed much to those men because they did not think about avenging the old wrongs; for what could those men not have done--supreme commanders of their own times--if they had gone over even to enemies who were not strong? Sertorius taught what they could have done; the tyrants who followed taught it. Greece's greatest men were Solon, Miltiades, Aristides, Themistocles, Alcibiades, and Phocion. All of them were, as Themistocles used to relate, plane trees beneath which the people took refuge when a storm raged, but which they abandoned when the sky was clear. And although no one avenged his injuries, yet if Themistocles had preferred to pour out his fatherland's blood rather than drink bull's blood, he would have destroyed the three foul beasts of Athens: the owl, the dragon, and the disorderly people. Therefore those men perceived that their beneficent deeds perished, and they drew others back from benefits. For he who bestows upon the ungrateful sends benefits into a perforated cask, while there are as many cracks in the commonwealth's cask as there are forgetful, ungrateful, and malicious souls.

When Pythius, the son of Atys, had won Xerxes over by means of an army, money, and obedience, Xerxes overturned all those benefits when Pythius asked that, out of five sons, he might be permitted to retain one as a consolation for his old age--and he lost him. For Xerxes, provoked, immediately commanded that Pythius's eldest son, whom the unhappy love of his father had desired, be cut through the middle. Nor did he wish his cruel ingratitude to be concealed, for he ordered the parts of the corpse to be set out on either side of the road so that the army might pass through their midst. I judge Xerxes to have been conquered on that day on which, by this mournful proof, he displayed an ungrateful spirit to so many peoples whom he could scarcely bind to himself by benefits. For who would take up arms for such a monster? Who would not believe that it would go well with the human race if so malignant a spirit were removed from its midst? Pindar said too little:

> Παλαιὰ μὲν εὖδει χάρις, ἀμνήμονες δὲ βροτοί.

Ancient gratitude indeed sleeps, but mortals are forgetful.

He said too little, I say: new, fresh, flourishing, and living gratitude sleeps; and men are not merely unmindful, but do not even feel gratitude. Emperor Frederick complained that men were made faithless by benefits. It is so, because great benefits furnish an opportunity for displaying faithlessness. The ungrateful man therefore turns the poison upon himself while he alienates everyone from himself. “To this ungrateful man,” says Seneca in Book IV *On Benefits*, “who is a defrauder of benefits and whose spirit has fallen wholly in this direction, no one will give a benefit any more than he will entrust money to a bankrupt or commit a deposit to a man who has already denied several deposits.”

§ 6. Therefore let the prince be grateful, and the commonwealth grateful; but let it bestow gifts in such a manner that it makes no one an object of fear to itself. Let it give quickly and honorably, and let its gifts be lasting and splendid. But those who receive should know that they owe not only gratitude, but also a lawful use of the benefit, so that they may turn it toward the safety and liberty of the commonwealth. Meanwhile, let princes consider as addressed to themselves what Seneca admonishes in his book *On Benefits*:

"There is no reason, however, why the multitude of the ungrateful should make us slower to deserve well. For first--as I have said--we increase that multitude ourselves; then, not even sacrilegious men and those who neglect the immortal gods deter the gods from this so lavish benignity. They employ their own nature and assist all things, and among them even the wicked interpreters of their gifts. Let us follow them as guides, so far as human weakness permits: let us give benefits, not put them out at interest. He deserves to be deceived who, when he gave, thought about receiving back. 'But it turned out badly.' Both children and spouses have disappointed our hope; nevertheless we both rear children and marry, and we are so persistent against experience that, though conquered, we return to wars, and, though shipwrecked, to the seas. How much more fitting it is to persist in giving benefits! If anyone does not give because he has not received back, he gave in order to receive, and makes a good case for the ungrateful, for whom it is shameful not to repay if they are also permitted to do so. How many are unworthy of the light? And nevertheless the day arises. How many complain that they were born? Nevertheless nature begets new offspring and permits even those who would prefer not to have existed to exist. It is the property of a great and good spirit not to pursue the fruit of benefits but the benefits themselves, and even after wicked men to seek a good man."

CHAPTER IX

The Prince and the Commonwealth Ought to Be Liberal

§ 1. In Chapter XVI Machiavelli commends to his prince the appearance of liberality, but in reality avarice. First, indeed, he does not deny that it would be best for the prince to be regarded as liberal; but surely it is better that he both be liberal and be regarded as such. For if he is not truly liberal but only hunts after the reputation, he will cast himself and the commonwealth into great evils: either, liberal only in countenance and words, he will deceive men and thus incur hatred, and by delaying his benefits will himself spoil them; or, by failing to observe a measure, he will take away from the worthy what he may bestow upon the unworthy.

§ 2. Next, he rightly reproves the man who, in order to retain the name of beneficence, pours out everything, who must thereafter turn to plunder and rapine, and whom public hatreds will easily overthrow, since he takes from all what he gives to a few. Third, he says that it is better for him to be sparing, for in this way all from whom he has taken nothing will be his friends. Fourth, that a reputation for liberality is necessary to those who are about to seize a principality. Finally, he advises him to be generous with what belongs to another.

And again, if someone were to say that many princes have existed who performed great deeds with their armies and yet excelled in that beneficence, it must be said that a prince makes expenditures either from his own goods or from those of others. If the former, he ought to be sparing; if the latter, it is necessary that he omit no part of liberality. But this liberality is necessary to a prince who leads an army on an expedition--an army that must be maintained by booty, pillaging, and tribute--and who handles the goods of others; otherwise the soldiers would not follow him. What is not yours or your people's can be conferred more liberally, as it is agreed was done by Cyrus, Caesar, and Alexander. For what you spend from another's goods does not diminish your reputation but rather makes it more abundant; but from the consumption of your own resources comes detriment to you. And there is nothing that consumes itself more than liberality, in the use of which you lose the ability to use it and are reduced to want or to contempt of you; or, if you judge poverty to be avoided, you then turn to rapine and to procuring hatred for yourself.

This counsel is wicked, for in order that princes may appear liberal, he commands them to be robbers and plunderers of the whole world. But that course turned out well neither for Cyrus, nor for Alexander, nor for Caesar--wealthy brigands--and it will not turn out well for any prince. Apart from the civil wars, Caesar cut down eleven hundred thousand human beings, and almost always had avarice as the cause of his wars; at last he paid for all those things with his own wounds. Alexander was harassed by a brief enjoyment of goods ill-gotten, and he devoted his whole progeny to the vengeance of the nations he had violated. Cyrus's insatiable greed wasted away in human blood.

[Printed page 133]

Yet I advise this to a prince: if he wages a just and lawful war, let him show himself munificent toward his commanders and soldiers, and let him distribute not only booty, but also villages, castles, cities, and little provinces as fiefs or on an emphyteutic tenure to those who have deserved well, together with a new title of honor. For in this way he will always secure a faithful and ready band of soldiers and commanders, because they will defend their own possessions more steadfastly than the prince's. But those matters pertain not so much to liberality as to military prudence, which I shall discuss in Book X.

§ 3. True liberality, therefore, is fitting for a prince and is especially becoming, because, as a virtue that wins the greatest favor, amid so great an abundance of material it appears altogether divine. It is a measured rule in preserving and expending wealth, holding the middle between the extremes of avarice and prodigality. In the affection it is named benignity; in the effect, beneficence. The Greeks sometimes call it ἐλευθεριότητα, sometimes δαψίλειαν; but εὐδαπανία especially expresses the force of this virtue, for liberality places all expenditures well. And although they

are received by the ungrateful, another's baseness nevertheless does not contaminate the dignity of liberality, just as it is not contrary to the beauty of the sun that its shining rays fall into caves and sewers.

There are, moreover, two kinds of liberality: one of giving a benefit, the other of repaying one. I dealt with repaying in the preceding discussion, for it pertains to gratitude. I now deal with giving, of which the manner is likewise twofold, for it is accomplished either by service or by money. It is always a great virtue, whether it is brought forth from the treasury or from labor. “He who gives benefits,” says Seneca, “imitates the gods; he who demands them back, moneylenders.” Nothing is more adapted to the nature of man than liberality. For by nature we are inclined toward liberality. Nature commands human beings to benefit human beings. But it placed the prince on high so that he might demonstrate his greatness by doing good.

The beneficence which is in a prince also has this feature, that it is most properly called liberality. For it is so called not because it is given to free men, but because it proceeds from a free spirit--one not coerced, not bound, and not demanding repayment. The prince is supremely free in giving; neither fear extorts his liberality nor hope bids for it. Nature commends beneficence to all; the prince, because he is a father, and the commonwealth, because it is a mother, and both, because each is rich, ought to exercise it. For a prince to be conquered in arms is human; to be conquered in liberality is disgraceful. Anaxilaus was capable of a great monarchy, for he judged the happiest thing in a kingdom to be not to be conquered in benefits. I consider it a great thing among human affairs to be incapable of being conquered in this way; yet I consider that kings can be conquered. For it is a matter of great virtue to be the friend and intimate of a prince who can easily be offended and, when offended, can do much harm. To be the prince's friend, I say--not the friend of his purple, nor of one's own hope.

Nor did Alexander define the best king badly: he is the one who binds both friends and enemies by benefits. By benefits, not words; for liberality in words together with a restriction of benefits scarcely becomes even a private person, and that pretence cannot be concealed for even one year. For when many petitioners understand that words have been given them, they think themselves mocked by a flattering prince, not assisted by a beneficent one. Only by a favorable interpretation might a prince approve the softened form of this:

> Let him be munificent in praise, but not prodigal of gold.

For that great flatterer retains an image of liberality, and in words shows what is becoming, while avarice forbids deeds akin to the words. Yet I do not say these things in order to maintain that the affections ought not to be shown. For, as Seneca rightly admonishes in *On Benefits*, neither gold nor silver nor anything of those things which are received from one's neighbors is a benefit; rather, it is the very will of the giver. Care must be taken that the man who receives the gifts recognize this will.

Therefore let the prince determine that what Ptolemy, the richest of kings, said is true and has been set before him for imitation: “It is more kingly to enrich than to grow rich.” And what Artaxerxes said with the same meaning: “It is more kingly to add than to take away.”

§ 4. Therefore let the prince be generous. But in beneficence let him follow measure and reason, not impulse.

First, indeed, let him make a selection of those to whom he gives, for benefits are not to be poured out rashly upon the multitude.

> When you have undertaken to bestow benefits upon the multitude,
>
> many must be lost in order that you may place one well.

You will not understand this as though the prince ought not to show himself beneficent toward the wretched common people, for those in misery must especially be succored. But judgment ought to accompany that liberality; otherwise, if by inept largesse he fosters the vices of the people, under the appearance of liberality he deceives both himself and the peoples. The grain-distribution and the meat-distribution were a foul corruption of the Roman plebs; luxurious

ambition fattened the crowd beneath the Rostra and in the theater, which was fit for being driven to riots in every vice. Augustus condemned this, but did not dare remove it. Thus Suetonius: “He writes that he conceived an impulse to abolish the public grain-distributions forever, because through reliance upon them the cultivation of the fields had ceased; and yet he did not persevere, because he held it certain that at some time they could be restored through ambition. And so thereafter he moderated this matter in such a way that he took no less account of farmers and merchants than of the people.”

No less criminal is a false liberality of another kind, which was also prohibited. Caesar decreed, as Tacitus says in Book XIII, that no magistrate or procurator who governed a province should present a spectacle of gladiators or wild beasts or any other public entertainment. For previously they afflicted their subjects no less by such largesse than by seizing their money, while through canvassing they defended what they had committed through lust. I would not even approve the custom of the Persians, among whom it was customary for a king to deny nothing to the first petitioner. For, such is human malice, something joined with disgrace or injury could be sought, and the new king would be compelled either to dishonor the beginnings of his reign by a crime or, contrary to the received custom, to deny the requests with the reproach of avarice.

§ 5. Second, it belongs to liberality to give things that will not cause harm. I am not speaking of cruel gifts, of δῶρα ἄδωρα, of gifts that are no gifts, such as those of Heliogabalus, who scattered presents so that those running together for them would crush one another and perish transfixed upon the soldiers' shields. Rather, I speak of those gifts which do harm more secretly, such as those of Vespasian, who appointed the most avaricious men as provincial governors and afterward slaughtered them when they were full of plunder, so that he was said to use them as sponges. Why does he entrust jurisdiction to an irascible man, the treasury to an avaricious man, an army to an insolent man? He will not give even money to a prodigal any more than he will give a sword to a madman. Now it is so common that a great part of princes' gifts is lost and that a man is struck by the very adornments bestowed upon him.

Seneca says in Book IV of *On Benefits*, Chapter X: “To return a deposit is a thing desirable in itself; nevertheless, I shall not always return it, nor in any place whatsoever, nor at any time whatsoever. Sometimes it makes no difference whether I deny it or return it openly. I shall consider the advantage of the man to whom I am about to return it, and I shall refuse him the deposit if it will harm him. I shall do the same in the case of a benefit. I shall see when I give, to whom I give, in what manner, and why. For nothing must be done without reason; and it is not a benefit unless it is given according to reason, since

[Printed page 134]

reason is the companion of everything honorable. How often have we heard this utterance from men reproaching their own ill-considered gift: ‘I would rather have lost it than given it to that man’? An ill-considered gift is the most shameful kind, and it is much more grievous to have given a benefit badly than not to have received one in return. For it is another's fault that we do not receive back; that we did not choose the man to whom we would give is ours. In making my selection, I shall regard nothing less than what you suppose I will regard: from whom I am going to receive back. For I choose one who will be grateful, not one who will repay. Often a man who will not repay is grateful, and a man who has repaid is ungrateful. My assessment is directed toward the spirit. Therefore I shall pass by a rich but unworthy man; I shall give to a poor good man. For he will be grateful in the utmost want, and when he lacks everything, his spirit will remain. I do not seek profit from a benefit, nor pleasure, nor glory. Content to please one man, I shall give for this purpose, that I may do what I ought; but what I ought to do is not without selection. You ask what sort that selection will be? I shall choose a man of integrity, sincere, mindful, grateful, abstaining from another's goods, not avariciously tenacious of his own, and benevolent.”

And in Book II, Chapter XIV: “There are certain things which will harm those who command them to be given; not to give but to deny these is a benefit. Therefore we shall assess the advantage rather than the will of the petitioners. For often we desire harmful things and are not permitted to discern how pernicious they are, because affection interrupts

judgment. But when desire has subsided, when that impulse of the blazing spirit which puts counsel to flight has fallen, we detest the authors of pernicious, evil gifts. As we deny cold water to the sick, and a sword to those who mourn and are angry with themselves, or to lovers whatever their ardor seeks to use against themselves, so shall we persevere in not giving things which will cause harm, even when they ask earnestly and submissively, and sometimes even pitiably. It is proper to regard both the beginnings of one's benefits and also their ends, and to give things which delight not only when they are received but also after they have been received. There are many who say: 'I know this will not profit him, but what am I to do? He asks; I cannot resist his entreaties. Let him see to it: he will complain about himself, not about me.'"

§ 6. Third, it is neither becoming for a prince, I add, nor safe, to give without reason. Seneca says in Book II of *On Benefits*, Chapter XVI: "The frenzied Alexander, who conceived nothing in his spirit that was not grand, was giving a city to someone. When the man to whom it was being given had measured himself and shrank from the ill will belonging to so great a gift, saying that it did not suit his fortune, Alexander said, 'I do not ask what it is fitting for you to receive, but what it is fitting for me to give.' This utterance appears high-spirited and kingly, although it is most foolish. For nothing is fitting for anyone in itself; it matters what is given, to whom, when, why, where, and the other circumstances without which an account of the deed will not stand. Most swollen creature! If it is not fitting for him to receive this, neither is it fitting for you to give it. Let there be a proportion of persons and dignities; and since there is everywhere a measure of virtue, what exceeds sins equally with what falls short. Let this indeed be lawful for you, and let fortune have raised you so high that your distributions are cities: how much greater a spirit did it take not to accept them than to scatter them? Yet there is someone too small for a city to be founded in his lap. Who would think that he was going to receive, or had received, anything great when he sees an uncultivated and unworthy man made the master of a state? What will be bestowed upon veteran commanders, comrades-in-arms, and the flower of the Macedonian nobility? Each man grieves more that he has been placed after one unworthy man than that he has been made equal to many. If a city is to be given because you are king, give it to your own men and to the veterans of your father. Prince, give to the faithful; give to prudent counselors; be sparing toward lyre-players, fowlers, and entertainers--this is praiseworthy. Those men soothe the senses for a brief time; the others relieve a great part of your labors and die for you."

§ 7. Fourth, this rule must be observed: let liberality be proportionate to one's means; thus you will give without yourself being in want. Yet I forbid it to be sordid. Dio writes of Galba: "He was insatiable in heaping up money, as though he lacked many things, and he expended so little of it that he bestowed upon some men not drachmas but obols." Antigonus mocked Diogenes more in jest than from avarice. For when Diogenes asked for a talent, he refused and added that it was more than a Cynic ought to ask; but when, after being refused, Diogenes asked for a denarius, he replied that it was less than it was fitting for a king to give. Let liberality, therefore, be proportionate to one's means. In whatever way you can, be merciful: if you have much, bestow abundantly; if you have little, strive gladly to impart even a little. Aristotle says that it pertains to liberality not to bestow in such a way as to leave fewer things for oneself. For great liberality can exist even amid small resources.

Seneca says excellently in Book I of *On Benefits*, Chapter VI: "It is the spirit which exalts small things, makes sordid things illustrious, and dishonors things great and held in esteem. The things themselves which are sought have neither nature, neither of good nor of evil; it matters where the directing spirit impels them, by which a form is given to things. Therefore the benefit itself is not what is counted out or handed over. Just as even in victims, though they be the finest and shine with gold, the honor of the gods does not consist in them, but in the pious and upright will of the worshipers. And so the good are religious even with meal and a little sacrificial cake; the wicked, in turn, do not escape impiety, although they have stained the altars with much blood. If benefits consisted in things and not in the very will of doing good, they would be greater in proportion as the things which we receive are greater. But that is false. For sometimes he who gave small things magnificently binds us more: he who in his spirit equaled the riches of kings; who bestowed a little, but gladly; who forgot his own poverty while he regarded mine; who had not only the will to assist but an eager

desire; who thought that he was receiving a benefit when he gave; who gave as though he would not receive, received as though he had not given; who both seized and sought an opportunity that might profit. On the contrary, thankless are those benefits--as I have said--which, although they appear great in substance and appearance, are either extorted from the giver or fall from him; and what is given with a ready hand comes much more agreeably than what is given with a full one. ‘What he conferred upon me is little, but he could do no more. But what this man gave is great; yet he hesitated, yet he delayed, yet he groaned when he gave, yet he gave haughtily, yet he paraded it about, and wished to please not the man upon whom he bestowed it. He gave to ambition, not to me.’”

§ 8. Fifth, let him also give quickly. He who was willing late was unwilling for a long time. Delayed gratitude makes a benefit unwelcome. Every benignity hastens; it is characteristic of one who acts willingly to act quickly. But in a prince inequality must especially be guarded against in this matter. He has an aged minister, a veteran commander; that man sees others enriched in a short time for slight services that involved no danger, while he himself is abandoned--and it is not so bitter to be abandoned as not even to be admitted into the crowd. Whatever they see given to men less worthy, they think has been taken from themselves. Therefore, in this matter a most honorable promptness must be established. For they cease to love a prince by whom they think themselves passed over. A stage-player or flatterer in one hour snatches away what a senator awaits for ten years, what a faithful soldier has earned with much blood. And sometimes a new lyre-player receives the rewards of a veteran commander.

But if they observe that order is preserved and that honors and riches are distributed with regard to merits, they will attempt to prove their service for the opportune time, and will judge not that they themselves have been deferred, but that others have been sent ahead.

§ 9. Sixth, a prince must often moderate his liberality not according to his own judgment but according to the good of the commonwealth, for gifts must often be conferred upon the unworthy so that they may do no harm. It pertains to the stability of rule to bind the spirits of wicked men by benefits, so that they may do harm less or later, or may abandon an altogether depraved will. At the beginning of his reign Nero bound every very powerful man to himself by largesses, as Tacitus relates.

[Printed page 135]

After a drinking-party, liberality and affability were Alexander's salvation, for one of the conspirators disclosed the devices undertaken for his murder. The wicked whom you have bought in this way will not be faithful, nor will traitors to whom you have given a price; rather, after receiving the bait, they will withdraw, lest they seem to owe obedience. Nevertheless, they will hope again.

§ 10. Seventh, to give willingly, to give quickly, and to give before you are asked are the adornments and, as it were, the seasonings of benefits. But to give even secretly and without causing shame to the recipient is greater than the gifts themselves. It is a rare virtue to be unwilling that one's liberality be known to men, and to wish it to be hidden even from the recipient. Rare, I say, and so praised in Saint Nicholas, bishop of Myra, and celebrated throughout the Christian world by the pleasantness of little gifts received with gratitude: many have given more; few have escaped the recipient's awareness. Those who give with the best spirit and do not reckon up their benefits so that they may pass into the form of a debt nevertheless desire those to whom they give to be grateful. That holy bishop wished the benefit to be pure; he permitted nothing to be deducted from it and therefore concealed it. But God, who had seen in secret, made it public in the sight of this sun, and seeks imitators.

§ 11. A liberality that supports ancient and noble families and raises up afflicted cities is welcome and suitable for strengthening a kingdom. Suetonius relates thus of Vespasian: “He was most liberal toward every class of human beings. He made up the senatorial census; he sustained impoverished men of consular rank with five hundred thousand sesterces annually; he restored to a better condition very many cities throughout the whole world which had been afflicted by earthquake or fire.”

Tiberius incurred great hatred because of certain noblemen who were poor not through their own fault but through the injustice of fortune and whom he haughtily rejected. The reason is that nothing appears so wretched to everyone as nobility cast down; all favor such men, all pity them, and sometimes even their enemies do. Therefore the glorious liberality of a prince affects the spirits of all, especially those of noble and powerful men. Many examples show how much pity a noble house and disposition arouses for itself when it has undergone an unworthy fortune.

Valerius, Book VIII, Chapter I: "Aulus Gabinius, in the greatest heat of his infamy, was subjected to the votes of the people, with Gaius Memmius as his accuser, and seemed to be a man whose hope was cut off, because both the prosecution was plainly discharging its part and the supports of the defense rested upon feeble trust, while those who were judging, with headlong anger, eagerly sought the man's punishment. The lictor and prison therefore stood before his eyes. Meanwhile, all these things were dispelled by the intervention of favorable fortune. For Gabinius's son Sisenna, driven by consternation, prostrated himself as a suppliant at the feet of Memmius, seeking some alleviation of the storm from the place whence the whole violence of the tempest had burst. The insolent victor repelled him from himself with a savage countenance, struck the ring from his hand, and allowed him to lie upon the ground for some time. This spectacle caused Laelius, with all the tribes of the plebs approving, to order Gabinius released, and furnished a lesson that neither ought one insolently to abuse the outcome of prosperous affairs, nor ought anyone hastily to be broken by adverse ones.

"Likewise, Lucius Piso, accused by Publius Claudius Pulcher because he had inflicted grievous and intolerable injuries upon the allies, escaped the fear of an undoubted ruin by a chance assistance. For at the very time when grim votes were being cast concerning him, a sudden violent rainstorm broke out. And as he lay prostrate on the ground kissing the feet of the judges, he filled his face with mud. When this was seen, it transferred the whole court from severity to clemency and gentleness, because they judged that he had paid the allies sufficiently grievous penalties when he had been brought to this point of necessity: that he was compelled either to cast himself down so abjectly or to raise himself so hideously.

"Quintus Flavius the augur was prosecuted before the people by Gaius Valerius the aedile. When he had been condemned by the votes of fourteen tribes, he cried out that he, though innocent, was being crushed. Valerius replied in an equally clear voice that it made no difference to him whether he perished guilty or innocent, provided that he perished. The violence of this statement gave the remaining tribes to his adversary. He had cast down his enemy; when he believed that same man certainly ruined, he raised him up and lost the victory in the midst of victory itself.

"Marcus Aemilius Scaurus also, when accused of extortion, brought a defense so ruined and given up for lost into court that the accuser said that the law permitted him to summon one hundred and twenty men to give testimony, and that he would not object to Scaurus's acquittal if he named just as many from whom he had taken nothing in the province. Although he could not make use of so favorable a condition, nevertheless he was acquitted because of the extreme antiquity of his nobility and the recent memory of his father."

If the people so favor the wicked--indeed, if even the sworn judges themselves do so--how much love will the commonwealth or the prince gather for itself if it makes innocent and good men, whom impoverished nobility burdens more than it adorns, equal to the honor of their birth? Lactantius spoke truly of all liberality in his book *On the Anger of God*: "Justice and beneficence are as immortal as the mind and soul, which by good works attains the likeness of God."

§ 12. Ninth, I would also admonish the prince to exercise liberality toward his own family and agnates. But because, out of many, few sin in that direction, while the churches frequently complain that the riches of provinces are heaped upon little nephews and little kinsmen, the hand which is munificent toward its own family alone and not toward the fatherland seems instead to need restraining. I shall speak opportunely of this matter when I have treated magistrates.

§ 13. Tenth, let a prince never pour out everything from a full granary, or, as the Greeks say, from a βαθὺν σάκκον, "deep sack." Let him give frequently and in portions. The reason is that in this way recipients will remember both the

present gift and past gifts, and benefits are heaped upon benefits; then, if they receive the whole at once, they easily run away, whereas an eager hope for the future detains those who otherwise would depart. Hence princes frequently have it in their mouth that this is given not as a gift but as an indication of favor; that it will not be the last, but will be the beginning of a more ample beneficence.

Finally, no one has received so much from a prince that he has not wished for more and does not hope for more. Seneca described this disposition in one man, but it exists in almost all, in Book II, Chapter XXVII of *On Benefits*: "Gnaeus Lentulus the augur, the greatest example of riches before his freedmen made him poor--he saw four hundred million sesterces belonging to him; I spoke precisely, for he did nothing more than see them--was of a disposition as barren as it was petty. For although he was most avaricious, he let coins escape more quickly than words, so great was his poverty of speech. Although he owed all his advancements to the deified Augustus, to whom he had brought poverty laboring beneath the honor of nobility, and though he was now the first man of the state in money and favor, he was accustomed from time to time to complain to Augustus, saying that he had been drawn away from his studies; that nothing had been heaped upon him equal to what he had lost by abandoning eloquence. But among other things the deified Augustus had also conferred this upon him: he had freed him from ridicule and useless labor. Greed permits no one to be grateful, for what is given is never enough for a depraved hope. The greater the things that have come to us, the greater the things we desire; and avarice placed amid a heap of great wealth is much more aroused, just as the force of an immense flame is fiercer the greater the conflagration from which it has flashed forth."

Therefore a prince can enrich many, but satisfy few.

§ 14. Eleventh, care must also be taken that liberality not appear compelled. Daniel, long neglected by Belshazzar and already almost unknown, is summoned in the utmost necessity; honors and the third place in the kingdom are offered to him. But he did not want the gifts of a kingdom about to perish, which would have made his cause worse before the conqueror, and so he freely rejects them: "Let your gifts," he says, "be yours, and give the gifts of your house to another."

[Printed page 136]

When Antiochus and other kings of Syria were in fear and danger, their promises toward the Jews were abundant but unwelcome, because they were extorted by fear. Therefore the prince will promptly preoccupy the spirits of the nobility and the plebs by gifts and advantages. For what is given in danger they think has been thrown away because it cannot be retained, and they think it will be recalled when the fear has been removed. When the kings had been expelled and the Roman Senate saw a great mass of war approaching from Etruria, it prudently granted much to the people--indeed, it courted the people: the consul lowered the fasces; it permitted appeal to the people; it was liberal toward those bound by debt and debtors; it lived on equal terms of law with the plebs; and, what is of the highest importance for conciliating the spirits of the common people, it remitted taxes, took care for the grain supply, and gave salt without charge.

If these things are given in such a way that they appear to be gifts of necessity, besides being harmful they alienate the people still more. For from the prince's great fear and distrust of his own affairs they judge him prodigal and no longer liberal, though until now he has devoted himself to avarice. Just as, when they see merchandise thrown into the sea from a ship breaking apart, those standing on the shore, although they do not see the cause of such great losses, nevertheless infer that the passengers are in great danger, so also, when the plebs suspects hidden dangers from an avaricious prince's sudden largesse, it transfers its hopes and affections elsewhere.

§ 15. Twelfth, give to the powerful. In Tacitus, Book III, Nero binds each of the most powerful men by largesses. In a good cause, for the safety of the people, the prince will carry owls to Athens, wood into a forest, and water into the ocean. For because the greed of the rich is more aroused, and the costly life of the powerful needs many things, to conciliate them by gifts belongs to liberality; but to alienate them by neglect belongs to avarice. The prince will not

fear to imitate the example of a prudent supplanter, who said, Genesis 32:20: “I shall appease him with the gifts which go before me, and afterward I shall see him; perhaps he will be propitious to me.”

§ 16. Thirteenth, since princes are in great danger of avarice and tenacity--for patrons of the treasury and of rapine are always present, and besides this human nature is greedy for riches, while with an increase in money the madness of greed is increased--he will ensure this one thing before all else: that he not be ready to receive. And so he will moderate all tolls and tributes. He will appoint just and upright collectors.

Therefore he will certainly persuade himself that such abundance as exists in bodies when a quantity of vicious humor distends them is not the support of a kingdom but its pestilence: when treasuries swell with unjust exactions, but the subjects have neither property nor any hope except in a change of affairs. Such is the prince who is never wearied τῷ κερδαίνειν--“in making gain,” as Epictetus said to Hadrian. Such is the prince who heaps the riches of the world into one house, as Severus, the most avaricious of all emperors, had undertaken to do. Such was Justinian, whom Zonaras records to have been always avaricious, always needy, and often prodigal. Yet there is no need of ancient examples: the emperor of the Turks exceeds the rapacity of all, for he judges everyone's resources to be his own.

§ 17. Let a magnanimous prince weigh in his own mind that it is greater, and certainly more welcome, to benefit all than to possess great riches. For to what purpose are great treasures unjustly collected and heaped up over many years, which one Julius will break open and one Gaius will dissipate? The labor of avarice belongs to the avaricious man; the advantage belongs to his successor, and often to an enemy.

An example for us is Haolonus, mentioned in the history of Hayton the Armenian, Chapter XXVI, “Armenia.” He, the brother of Mango Khan, the fourth emperor of the Tartars, baptized in the year 1258, captured Baghdad, or Babylon, and ordered the caliph to be brought to him and all his treasure to be carried to him. Haolonus then said to him, “Why did you not summon your neighbors and mercenaries to you with so great a treasure, to defend you and your country from the incursions of the Tartars?” He replied, “I seemed to myself to have enough strength if I fought with my own men alone.” Haolonus answered, “You are the master of all who believe in Mohammed the false prophet; therefore so great a master ought to be nourished by no food other than this treasure. Let this be your food.” Thus he shut him inside a chamber filled with gold and gems, without any food, and compelled him to die of starvation.

Midas's fate in this respect was milder, for by his touch he turned everything into gold; for at least he delighted his eyes by variety and transformations of things.

Deadly money adheres to an avaricious prince no less than to private persons, and it is not torn away without feeling. Avarice may even appear to be proof of a great spirit: it lies upon heaps of gold and silver, cultivates fields under the names of provinces, and under each individual steward possesses territories wider than those which consuls used to receive by lot. This vice is fatal among the powerful. For they draw not merely estates and houses, but kingdoms and nations into their patrimonies. They join not only house to house and couple field to field, but join kingdoms to kingdoms and seas to seas, and expend the deaths of nations upon a single title.

CHAPTER X

Parsimony Is Necessary to the Commonwealth, and Prodigality Pernicious

§ 1. Parsimony, which the Greeks call φειδὼ, remains joined to liberality by a perpetual bond; indeed, it is the fountain and sinew of liberality. It is a rich and present revenue, a short road to wealth for private persons, and a most honorable road to supreme power for a prince and a commonwealth. I do not define it by the sordidness of certain men, which disgraces even private persons. I detest the Phasaelites and the Sidetans, the extremes among the Pamphylians, because they gave occasion to a proverb. Nor do I judge that Fabricius, cooking a turnip more for a display of glorious sordidness than from political moderation, acted rightly. Blessed are those who have held the mean. Let the commander's table be furnished with liberal and manly parsimony; let tribunes, centurions, and every very brave man be invited as testimony to fidelity and valor. Let no prince imitate those things which the Romans themselves preferred to admire rather than follow. Nor are these precepts of the times but of nature, which placed majesty in a prince together with liberality. Pyrrhus, a commander of such great prudence and of such great armies, at the same period treated his own men with liberal magnificence and was a match for the Romans.

Parsimony, therefore, is the virtue by which men acquire property, preserve what has been acquired, increase it, and restore it, by a lawful and honorable measure and toward a good end. In this no less does the splendor of liberality shine forth than in conferring gifts. Nor, among the people, is the esteem of parsimony which retains less than that of liberality which expends. Its end is not only that the treasury may be equal to expenditures and that the province may have a reserve fund laid up against the uncertainties of the times, but also that it may not be necessary to oppress any of the subjects with tributes. This benefit extends widely, for it is conferred upon all from whom nothing is taken away. Then, a prince will never be poor if he is sparing. It is agreed that in our own time many ecclesiastical and secular princes have gathered great riches from provinces of moderate size not only without vexing their people, but have also restored many towns, villages,

[Printed page 137]

monasteries, and churches. Certainly the Most Reverend Julius, Bishop of Würzburg, after endowing the academy, furnishing a distinguished and wealthy poorhouse, and building and restoring citadels, monasteries, and churches, left the commonwealth in the best condition; and yet he did not manage its economy unbecomingly and displayed magnificence in many things.

§ 2. Therefore let the first consideration make the prince sparing, not avaricious. Long experience has taught that nothing illustrious has been accomplished except by sparing men. For although Caesar and Alexander were prodigal at the beginning, they nevertheless acted thus, especially in civil wars, from necessity, not from liberality or prodigality. It is more difficult to retain command than to acquire it: it is seized by force, but retained by justice, industry, parsimony, and a treasure stored away for uses. Alexander was avaricious, not sparing, and sometimes prodigal; nevertheless he attempted to establish his kingdom by riches and parsimony. Certainly he retained much from the spoils of the East: his noble but unfortunate defendant objected to him that thirty thousand mules carried captive gold for him. Caesar, now victorious, demanded money back from Antony; and when Antony indignantly said, “Money from me, Caesar? Did he conquer without me? Why do I not rather demand it from him?” Caesar compelled him to pay. Nero, after pouring out his resources, turned to rapine. And he taught that what Timotheus once reproached Aristophon with was most true: “For him to whom nothing is enough, nothing is shameful.” He must take from another who cannot borrow from himself--that is, from parsimony. For this counsel from Socrates was also given to kings, although it was spoken to Aeschines as a private man: παρ’ ἑαυτοῦ δανείζεσθαι, “to borrow at interest from oneself.” Poverty will halt at whatever place frugality has taken its stand.

§ 3. The second rule of parsimony is that they not give where they ought not, but give where giving is required. How many errors are committed in this matter I shall say elsewhere, when I teach my prince to gather riches. Now I admonish that much is often given to the devil, little to Christ. Let us listen instead to the discourse of the bishop and martyr of Carthage, in his book *On Works and Alms*:

"Let each man place before his eyes the devil springing forth into the midst with his servants--that is, with the people of perdition and death--and, with Christ himself present and judging, challenging the people of Christ to an examination of comparison and saying: 'For those whom you see with me, I neither received blows nor endured scourges, nor bore the cross, nor poured out blood, nor redeemed my household at the price of suffering and gore; but neither do I promise them the heavenly kingdom nor call them back anew to paradise with immortality restored. And what precious gifts, what great gifts, sought by what excessive and long labor, they procure for me with the most costly preparations, either pledging or selling their property to procure the gift! And unless the presentation turns out honorably, they are cast out with abuse and hissing and are sometimes almost stoned by popular fury.

"'Show your gift-givers to be such men, O Christ: admonished by your precepts and about to receive heavenly things in return for earthly ones, those rich men, those men overflowing with abundant resources. In the Church, with you presiding and looking on, do they present a gift of this kind, their property pledged or sold--indeed, transferred to the heavenly treasuries by a change of possession for the better? In these fleeting and earthly gifts of mine, no one is fed, no one clothed, no one sustained by the solace of any food or drink. All things perish amid the fury of the one presenting them and the error of the spectator, through the prodigal and foolish vanity of pleasures which frustrate. There, in your poor, you are clothed and fed; you promise eternal life to those who work, and scarcely are your men, who are honored by you with divine recompenses and heavenly rewards, made equal to mine, who are perishing.'"

§ 4. Amid such great preparations, how often is hunger imposed upon the poor? Indeed, the poor are bought so that they may be torn apart, as the cruelty of the amphitheater commanded to be done. But since both parsimony and prodigality are discerned in various things, profusion must be avoided by a prince in absolutely all of them. For if, by the law of the Twelve Tables, the administration of a patrimony is taken away from a prodigal no less than from a madman, who would bear a king prodigal of his own peoples? Who would wonder at sedition amid such contempt of the subjects? Antiochus was prodigal of riches and contemptuous toward his own people. "It happened," 2 Maccabees 4:30, "that the Tarsians and Mallotians raised a sedition because they had been given as a gift to the concubine of King Antiochus."

The frugality of others consists in their table, as did that of Severus, of whom Lampridius says: "This was his daily provision for a banquet: thirty sextarii of wine for the whole day; thirty pounds of fine bread; fifty pounds of the bread which followed, for distribution. For from his own hand he always gave the attendants at the banquet both bread and portions either of vegetables, meat, or legumes, behaving with altogether elderly maturity as the father of a household. Thirty pounds of different meats were also prescribed, and there were chickens and eggs; a goose was also employed on feast days. On the Kalends of January, however, and on the festivals of the Mother of the Gods, the Apollinarian Games, the banquet of Jupiter, the Saturnalia, and feast days of this sort, a pheasant was served, and sometimes even two were set out, with two chickens added. He had a hare daily and game frequently, but divided it with his friends, and especially with those whom he knew not to have it of themselves. Nor did he send any of such gifts to rich men, but always received them from those men. He had daily four sextarii of millet without pepper, and two with pepper."

§ 5. The prodigality of others was immense, as the same author relates monstrous things of Antoninus Heliogabalus. "He had couches made of solid silver, both dining-couches and bedroom-couches. He quite often ate, in imitation of Apicius, the heels of camels, combs cut from living chickens, and tongues of peacocks and nightingales, because whoever ate these was said to be safe from epilepsy. He also presented to the courtiers immense feasts filled with the entrails of mullets, the brains of flamingos, eggs of partridges, brains of thrushes, and heads of parrots, pheasants, and peacocks. Indeed, he ordered so many beards of mullets to be presented that he served them in place of cress, parsley, bean-plants, and fenugreek in full bean-dishes and platters--a thing especially astonishing. He fed dogs with the livers

of geese.” What will you do with this monster, to whom so many things that would cause harm--indeed, so many evils--were pleasing?

§ 6. Some have exhausted themselves by the prices of clothing, something frequent among private persons. Gaius Caligula, the heir of the most avaricious Tiberius, poured out everything in every manner. “He put on no garment twice,” says Suetonius, Chapter III. “He gambled at dice for four hundred thousand sesterces on a single throw. He fished with a gilded net, with cords woven of purple and scarlet. He is said never to have made a journey with fewer than one thousand carriages, with silver shoes for his mules, muleteers clothed in Canusian cloth, and a band of litter-bearers and runners adorned with bracelets and trappings.” What ornament must we believe to have been absent, if not the necks but the hooves of asses were shod underneath with silver?

The prince will take the greatest care that citizens not burden themselves by the expense of dinners or clothing. From this come many destructions of souls. Thus Propertius once sang:

> The matron walks forth clothed in the wealth of her descendants,
>
> and draws the spoils of our reproach across our faces.

The luxury of clothing is very often derived from the wages of a prostitute. Spartan matrons dressed modestly; harlots splendidly.

Caligula used to boast, repeatedly saying, “A man ought to be either frugal or Caesar.” Indeed, for several days he scattered coins of no moderate sum from the roof of the Basilica Julia among the plebs. He also built Liburnian ships of cedar, with jeweled sterns, many-colored sails, great spaciousness for baths,

[Printed page 138]

porticoes, and dining rooms, and also with a great variety of vines and fruit-bearing trees, in which, reclining at table by day amid choruses and symphonies, he might traverse the shores of Campania. I judge that not even infinite worlds could suffice for this man, for there is no bottom to infinite greed.

What wonder is it that, after such great luxury, Galba's frugality in diet and his parsimony in making expenditures, as Plutarch relates, were imputed to him as sordid vices when he obtained command? For empty opinion accompanied his moderation and temperance.

Many in former times poured out everything upon mimes, human monstrosities, and parasites. Aurelian is no less to be blamed than the gullet of the man whom he fed deserves to be consigned to Orcus. These are the words of Victor: “But in a wondrous manner he delighted in mimes; and he was delighted most vehemently by Phagon, who ate so much that in one day before his table he ate an entire boar, one hundred loaves, a ram, and a little pig; and, with a funnel applied, drank more than a large jar.”

§ 7. Some men's structures have exhausted all their wealth. What wonder?

> Rome will become a house; migrate to Veii, Quirites.

Rome when burned gave the greedy and needy monster an opportunity to plunder the provinces, while money was sought for the imperial city.

The prince will attend diligently to what must be given and when his hand must be drawn in. Witty and urbane was Alfonso's reply to a prodigal knight who asked for gifts inopportunely and repeatedly: “I shall sooner make myself poor than make you rich.” But sumptuary laws, economy, and the other matters must be treated minutely and individually when I discuss wealth.

§ 8. At this point I admonish that whatever is conferred upon the wretched and needy contains a promise not only of eternal life but also of temporal life. “Therefore,” says Daniel 4:24, “O king, let my counsel be pleasing to you, and

redeem your sins with alms and your iniquities with mercies toward the poor; perhaps he will forgive your offenses." And the liberal king: "Blessed," says Psalm 40:1, "is he who understands concerning the needy and the poor; on the evil day the Lord will deliver him. May the Lord preserve him and give him life, and make him blessed upon the earth, and not deliver him into the soul of his enemies. The Lord will bring him aid upon the bed of his sorrow; you have turned all his couch in his infirmity."

Tiberius replied excellently to Sophia, an avaricious and scheming woman, that he in no way obstructed the advantages of the treasury who assisted the poor and redeemed captives. Divine liberality showed this also by a distinguished miracle, when the treasure of Narses the eunuch was disclosed. This happened in the year of Christ 582, by which God adorned liberality toward the poor with so illustrious a testimony.

Radegund, the captive Thuringian and wife of Chlothar, experienced no lesser beneficence: when from a vessel of eight modii, as the history calls it, she drew forth wine for the poor, the cup was always full. It pleased God to give to the most holy queen material equal to her spirit. When Gualbertus had distributed grain from the third hour all the way to the ninth, supplements were given by a hidden power so that abundant produce filled the granary. Greatest in this virtue, as always, was Flavius Constantine, who by a law promulgated in the year 322 commanded that the poor be fed from the public granaries. O God, how far did that soul then differ from the ancient executioners, who bought the poor for the sword, the mines, naval combats, and wild beasts? The same liberality was in his son Constans, who sent Paul and Macarius through Africa with alms; and by that liberality he raised up the Church, oppressed by the Donatists, something that until then had been attempted in vain by so many laws.

He who is God, rich toward all, is never conquered by human liberality; and I judge that there is no one to whom what he has expended toward his neighbors with a benign spirit has not been repaid with much interest. Saint Germanus, as Constantius the priest relates in his life, had ordered three gold pieces to be given to beggars. The deacon--as the spirits of ministers are solicitous--had expended two; but a little afterward two hundred were returned to the holy bishop. It was signified by an oracle that there would have been three hundred, so that a hundredfold might be returned even in this life, if the deacon's avarice, by retaining one, had not lost one hundred.

Therefore, care of the poor is a support of the kingdom; but the care is twofold: first, that they not be the prey of the rich; second, that they be enriched by the commonwealth and the prince. Euphemianus, the parent of Saint Alexius, was of a noble and truly Roman spirit. If ever he had been less benign toward the poor, as a severe exactor of liberality he thought that the accounts stood against himself, and, prostrate upon the ground, cried out with voice and tears: "I am not worthy to walk upon the earth of my God."

§ 9. Prostrate your heart before your God, O prince, from whose single, brief, and slight pleasure--better omitted--a thousand poor persons could have been refreshed. See also whether your delights have been collected from the sweat of a thousand poor persons. Weigh in your spirit not what great men do, but what ought to be done.

CHAPTER XI

Affability Is a Distinguished Ornament of Citizens and Princes

§ 1. Saint Thomas, *Summa theologiae* II-II, Question 114, Article 1, refers affability, which the Greeks name εὐπροσηγορίαν, to the virtue of justice. Under this I also place courtesy, humanity, εὐτραπελίαν, and φιλανθρωπίαν, which are nearly the same virtues, or certainly very closely neighboring ones. Affability holds the mean between contentious quarrels and flatteries. For it so moderates fellowship and friendship by words and deeds that, through its humanity, it delights others becomingly and for a good end. Courtesy, or urbanity, which the Greeks call εὐτραπελίαν, moderates severity or moroseness, and excessive relaxation, which they are accustomed to call buffoonery, and which the Apostle also condemns by the name εὐτραπελίαν. For nothing is more difficult than to hold the measure in courtesy and urbanity.

Humanity, according to the custom of speech, is accustomed to embrace all those things. In Sermon VIII *On the Words of the Apostle*, Saint Augustine calls him humane who shows himself a human being, and especially one who receives a human being as a guest. Φιλανθρωπία, or humanity, is a certain benevolence common toward all human beings, implanted by nature and the force of society. Those who have put it off, like that Timon μισάνθρωπος, "the misanthrope," must be regarded as beasts--and all the more so, the more they extend deadly hatreds to the whole race. But we are now treating the humanity which is displayed by signs, words, and deeds, in which a prince ought to excel. For humane men cherish every class of human beings and repel injury from all, even from the lowly and from slaves. This also, as Aristotle admonishes, causes our spirit to be moved by the suffering of guilty men when they are tortured and torn, although you do not pity them. If this virtue has driven firm roots in the spirit, it will easily disclose itself toward others. I called it a virtue because Aristotle so teaches in his little book *On Virtues*, referring the pretence of humanity to injustice.

[Printed page 139]

But it is enough for me that my prince should φιλανθρωπεύεσθαι, "practice humanity," showing himself benign, courteous, and affable toward everyone--as an ornament of virtue. "Humanity," says Seneca, Epistle LXXXVIII, "forbids one to be haughty toward one's associates; it forbids one to be avaricious. In words, deeds, and affections it shows itself courteous and accessible to all. It considers no evil another's. But it especially loves its own good when that good is going to become a good for someone else." Such a man will in no way be ἄμουσος, ἀγροδίαιτος, ἀπρόσιτος: he will appear unskilled, rustic, and difficult of access neither to his own people nor to strangers.

§ 2. Among these morose men I place those whom Seneca judges to foster a delicate kind of irascibility. They are δυσάρεστοι, "hard to please"; and therefore, since many things are done by many persons before them, while very many displease them, they must turn out bitter, harsh, irritable, rabid, clamorous, and rough. Let no senator of this kind in the senate-house, nor any prince in his court, when he is inhuman and, as the Greeks say, ἀπάνθρωπος, persuade himself that he has any human being as a friend. All services are unwelcome if courtesy is absent; all gifts are poisoned by the inhumanity of the giver. At the summit of command harshness of words is atrocious. Even when kings command arduous things, let their words be gentle.

§ 3. One objection is customarily made: authority and majesty, which those who think it beautiful to form Timons, Stoics, and Scythians out of princes suppose are brought into contempt by affability and courtesy. Authority does not lie in roughness and moroseness, but hatred does. Since everyone hates this in a prince, and concerning it they speak with one another against the prince, I do not see what authority it procures for him. Do you suppose that man possesses authority against whom this is cast:

> σοὶ δέ τις ἐν στήθεσσιν ἀκήλητος νόος ἐστίν;

Odyssey κ.

> But in your breast there is an implacable mind.

That majesty belongs to the Cyclops, who was:

> Accessible to none in countenance, nor affable to any in speech.

I would never wish the man who presides over human beings to put off humanity. Let the prince be sparing in words, stern in countenance, a strict exactor of duties. Thus he will be revered. This is well done, but let all those things in their proper place be seasoned with much sweetness; let men know that benignity is natural to the prince, and severity extorted by the vices of others. Those who make use of an inhuman prince do what mountebanks do, who lead lions, bears, or similar wild beasts about for gain at public spectacles. First, they never do anything except for their own advantage, nothing for the prince's good, for they do not love him. Next, they never entrust themselves and their own possessions to him, for they rightly hold his savage disposition in suspicion. It follows from this that they place greater trust in another prince.

The first and principal fruit of humanity is that men procure friends for themselves. There are those who prefer a prince who speaks courteously to one who gives haughtily. Caelius preferred to be consulted by Caesar rather than gilded by him.

> Indulgence especially captures minds with its right hand;
>
> harshness bears hatred and savage wars.
>
> We hate the hawk because it always lives in arms,
>
> and wolves accustomed to go against the fearful flock.
>
> But the swallow is free from plots against human beings because it is gentle,
>
> and the bird of Chaonia has towers which it may inhabit.

The man who joined the highest courtesy to the highest eloquence, Cicero, did not fail to know this; he would never have attained the consulship except through courteous and flattering eloquence. “It is difficult to say,” he writes in Book II of *On Duties*, “how greatly courtesy and affability of speech conciliate the spirits of human beings.” There also survive letters of Philip to Alexander, of Antipater to Cassander, and of Antigonus to Philip--three most prudent kings--in which they command them to attract the spirits of the multitude to benevolence by benign speech and to soothe soldiers by flattering discourse. This is more powerful even than lavish largesse. “What companions more fitting for liberality,” says Valerius, Book V, Chapter I, “could I give than humanity and clemency? For they seek the same kind of praise: the first of these is displayed in want, the next amid occupation, the third in doubtful fortune. And although you do not know which one you should approve most, nevertheless the commendation of that one whose name was sought from the human being himself seems to run ahead.”

He then proceeds to relate examples of humanity, or rather of humane liberality. Among the rest, distinguished is the deed which Alexander, mindful of his father Philip's precepts, accomplished. While Alexander traversed all nations in his tireless course, in a certain place, when oppressed by a winter storm, he noticed a Macedonian soldier, already exhausted by old age, stupefied by excessive cold, while he himself sat in a raised seat near the fire. Having made an assessment not of fortune but of the age of each, he descended, and with those hands by which he had crushed the power of Darius he placed the body doubled up by cold in his own seat, saying that what among the Persians would have been capital--occupying the royal throne--would be salutary for him.

§ 4. If that king's other deeds had been similar, neither would so many plots have surrounded him, nor would Babylonian poison have taken away from him the fruit of so many victories. What of Quintus Aelius Tubero? Did he not draw upon himself rejection and disgrace by the inhumanity of his deed? Valerius, Book VII, Chapter V: “Quintus

Aelius Tubero, when asked by Quintus Fabius Maximus--who was giving a banquet to the people in the name of his uncle Publius Africanus--to furnish the dining room, covered Punic couches with kidskins and set out Samian ware in place of silver vessels. By the ugliness of this affair he so offended everyone that, although he was otherwise regarded as an outstanding man and had descended into the Campus as a candidate in the praetorian elections, supported by Lucius Paulus his grandfather and Publius Africanus his maternal uncle, he departed from it marked by rejection. For just as they always approved continence in private, so in public the greatest care was taken for splendor. Therefore the state, believing that not merely the number present at one banquet but the whole state had lain upon those little skins, avenged the shame of the feast by its votes."

§ 5. Store also in your spirit what happened to Scipio Nasica. The affair is related thus by Valerius: "Publius Scipio Nasica, the most illustrious light of power in the toga, he who as consul declared war upon Jugurtha, who received with most holy hands the Idaean Mother as she migrated from her Phrygian seat to our altars and hearths, who suppressed many pestilential seditions by the strength of his authority, under whose leadership the Senate gloried for several years--when as a young man he sought the curule aedileship and, in the manner of candidates, grasped rather firmly the hand of a certain man hardened by rustic labor, he asked him by way of a joke whether he was accustomed to walk upon his hands. This saying, taken up by those standing around, flowed out to the people and brought about Scipio's rejection. For all the rural tribes, judging that their poverty had been reproached by him, unsheathed their anger against his insulting urbanity."

Therefore golden is the precept of that most prudent governor and bishop, Ambrose, in Book II of *Duties*, Chapter VII: "Goodness," he says, "is popular and welcome to all, and nothing so easily glides into human senses. If it is aided by gentleness of manners, accessibility of spirit, moderation of command, affability of speech, honor in words, a patient interchange of discourse, and the grace of modesty, it is incredible how greatly it advances toward the accumulation of affection. For we read not only in private persons, but even in kings themselves, how greatly

[Printed page 140]

the ease of flattering affability has profited, or how greatly pride and swelling of words have harmed, so that they shook kingdoms themselves and dissolved power."

He then adds two illustrious examples. The first is of Moses. "How great were the insults," he says, "inflicted by the people of God which Moses swallowed; and although the Lord wished to punish the insolent, he nevertheless frequently offered himself for the people, so that he might withdraw the plebs from divine indignation. With what gentle discourse after their injuries did he address the people; he consoled them in their labors, soothed them by oracles, cherished them by works; and although he spoke steadfastly with God, nevertheless he was accustomed to address human beings with a humble and pleasing appellation."

The second is of King David. "What of his imitator, holy David, chosen out of all to govern the plebs? How gentle and flattering, humble in spirit, diligent in heart, accessible in speech. Before his reign he offered himself for all; as king he placed his own military service on an equality with all and shared the labor: brave in battle, gentle in command, patient under abuse, more ready to bear injuries than to repay them. Therefore he was so dear to all that, when a young man, he was sought for the kingship even against his will and, though resisting, was compelled; when an old man, he was asked by his people not to take part in battle, because all preferred to be endangered for him rather than that he be endangered for all. Thus by gratuitous services he had bound the plebs to himself."

Humane men, therefore, attend others with benevolence, assistance, and dangers themselves; against rough men they cast this:

Ἀλλ᾽ ἤτοι κεῖνον μὲν ἐάσομεν, ἤ κεν ἴῃσιν,

ἦ κε μένῃ.

But let us leave that morose man alone, whether he goes or remains.

For the punishment of inhumanity is ready at hand: solitude, and the mockery of all who do not need their aid. The morose man is hated by his own people, but by strangers he is both hated and mocked. The authority of Scripture is also at hand for us here. “A sweet word,” says Scripture, Ecclesiasticus 6:5, “multiplies friends and mollifies enemies. And a gracious tongue abounds in a good man.”

Cato, with immense haughtiness, refused to hear Eumenes. Nicomedes, unmindful of royal dignity, put on the cap and professed himself a freedman of the Roman people.

§ 6. The second good of humanity, therefore, is the reconciliation of enemies. It was said to Rehoboam with good counsel, 3 Kings 12:7: “If today you obey this people, and serve them, and yield to their petition, and speak gentle words to them, they will be your servants all their days.” But he alienated them from himself by roughness. Much more prudently, when a Roman commander could restrain his mutinous soldiery neither by force nor by authority, he called them “Quirites”; by this humanity he made them obedient.

Alexander the Great dispelled, by humanity alone, the supreme danger in which he was placed. The conspirators had assembled; that night had been appointed for the crime. But when he went out and addressed the conspirators rather flatteringly--men whom he supposed had increased their watches for his protection and honor--by that courtesy he moved one of them to make a disclosure. Courtesy shining forth from serenity of countenance also brought safety to Augustus. Thus Suetonius: “Whether in conversation or silent, his countenance was so tranquil and serene that one of the leading men of the Gauls confessed among his own people that he had been restrained and softened by it, so that he did not, as he had intended, when admitted nearer under the pretence of conversation during the passage of the Alps, thrust Augustus over a precipice.”

§ 7. Am I mistaken, or is it from that unvarying humanity that today the title “Serenity” is bestowed upon the greatest kings? For humanity is in the countenance as much as in words. Serenity of countenance therefore furnished authority to a man for whom savageness and a centaur-like gloom would have been ruinous.

Let gentle words be joined to benignity of spirit and serenity of brow; for, as a queen used to say with manly prudence, silken words ought to be employed by kings. The wisest of kings instructs us excellently, Ecclesiasticus 18:15: “Son, in good things do not give a complaint, and in every gift do not give the sadness of an evil word. Will not dew cool heat? So too a word is better than a gift.”

§ 8. Lest anyone wonder, let him look at those who attempt to seize a tyranny, for they accomplish more by flatteries than by gifts. Look at Absalom, courteously saluting all, hearing their cases, embracing them, and thus enticing their spirits by an appearance of humanity, so that they preferred a parricidal son to David, their liberator and most just and brave king. Prince, I admonish you: boldly emulate Absalom for the good of the commonwealth. By a pretence of humanity he was preparing to destroy his parent and brothers and to oppress the people by tyranny; do you, by true humanity, keep spirits so bound and constrained that another's pretence does not cast you into danger.

By what did William of Nassau draw the Belgians, a most cultivated nation whose principal gift is courtesy, away from Spanish rule more than by the affability and humanity which he opposed, to its discredit, to Spanish gravity? Imitate him, whoever rules peoples, and especially you senators of cities and men of patrician blood. The greatest kings have gone before with a great example. Caesar had learned to address nearly every one of his soldiers by name. Nor was any commander loved by his soldiers for so long and so steadfastly. Antoninus the Philosopher calmly gave his right hand to those who approached and barred no one from access. Hadrian dealt most pleasantly and civilly even with the humblest citizens. Let a Christian prince do this more sincerely, to whom it is said, “Make yourself affable to the congregation of the poor,” Ecclesiasticus 4:7. For those whom he addresses, and those whom he despises, are members of Christ; Christ does not disdain to call them brothers. He ought to please those whom he commands if he desires them to be ready and brave for commands. Above all, as Antalcidas replied when asked, he pleases human beings who speaks the most pleasant things.

§ 9. How greatly this virtue of which I treat avails either for preserving or for overthrowing the commonwealth the voice of nature teaches. For all men, even kings and great men, when they are in danger, turn to humanity and courtesy. When the outcome of battles is doubtful, when spirits waver, they employ humanity alone. Therefore, if in the greatest dangers affability can sustain a tottering commonwealth and can even raise one that has fallen, who denies that it can thus be preserved? What was more abject than Pompey's party after the battle of Pharsalus, after Pompey's murder commanded by a boy king? Yet Cato raised it up, not by gifts--for he had been conquered and was an exile--but by soothing the spirits of the soldiers through humanity and binding them to himself, while he goes before, while he shows how to endure labors rather than teaches it. He stands while the camp-follower drinks. Nor throughout that whole journey could it be discerned whether he was commander or soldier, except that he was the first to undertake the greatest share of labors and dangers.

§ 10. Three things in particular must be guarded against in the courtesy of governors. First, let him not furnish easy access to the wicked, for that accessibility is not the accessibility of a modest prince but the prostitution of supreme power. Andronicus always furnished access to flute-players and harlots. The kings of the Chinese associate only with eunuchs and concubines. By that relaxation or flattery the life of the subjects is dissolved. I therefore seek a prince such as Paul the Deacon describes Valentinian in Book XI. He says that Valentinian was of an acute disposition, becoming in countenance, grave in spirit, most cultivated in speech,

[Printed page 141]

although sparing in speaking; severe and vehement in punishing crimes; industrious in business; patient in adversities; most hostile to criminals; temperate in food and drink; most friendly to those excelling in virtue and to religious men; so that by everyone's judgment he was said to be most similar in character to Emperor Aurelian. For what honor will a noble man judge to have been furnished him by the prince's accessibility if he observes that the same access always lies open to infamous persons and Jews?

Therefore let the prince's virtue profit all, but not the wicked except for their correction. For it is necessary that a prince be held in hatred by the good if they understand him to be the friend of the wicked. Alexander Severus carefully guarded against both, as Lampridius is the authority in his life: “When Septimius Arabianus, notorious for the crime of thefts and already set free under Heliogabalus, had come among the senators to salute the prince, he exclaimed: ‘O divine powers, O Jupiter, O immortal gods! Arabianus not only lives but even comes into the Senate. Perhaps he also hopes for something from me; he judges me to be so foolish, so stupid.’ He was saluted by name, that is, ‘Hail, Alexander.’ If anyone bowed his head or said anything too flatteringly, he was either cast aside as a flatterer, if the quality of his station permitted, or was mocked with immense laughter if his dignity could not be subjected to a graver injury. When saluted, he offered a seat to all senators; and indeed he admitted to the salutation none but honorable men and men of good reputation.”

§ 11. The second is that by excessive accessibility he not come too near to flattery and blunt the force of command. Excessive familiarity is not to be borne even in a father. Gravity must be retained, self-seeking must be removed. “Gravity shines forth pleasantly when haughtiness has been removed,” said a good poet and the best senator. Nor is the proverb empty, but taken from experience:

> Καλὸν φύει καρπὸν οἱ σεμνοὶ τρόποι.

Splendor and gravity of character bear the most beautiful fruits. Through mere familiarity with excessively flattering masters, fear grows obsolete among slaves. It is as harmful for them not to fear as it is hard to obey a cruel master. Flattering men grow cheap through association.

§ 12. The third is that by accessibility and courtesy he not prostitute his fidelity: let him not promise things which he does not intend to discharge. Vespasian gave counsel altogether most badly for his reputation and, if he had lived longer, for his safety. For when many petitioned, he himself, rich in promises, promised everything; when asked the

cause, he replied, “It is not becoming that anyone depart sorrowful from Caesar.” The utterance is more splendid than prudent, and therefore neither true nor useful to the prince. Neither frugality nor the treasury suffices for so many expenditures and disbursements as are demanded by the desires of many thousands. Therefore he cannot satisfy all; for this reason he must not promise to all.

For when something has been promised by the princely voice, they think it is owed. When they perceive that they have been mocked by a joyful countenance, or held in suspense, they conceive the gravest indignation and judge themselves to have been affected by an injury if the benefit has been denied. And although what was wickedly sought is deservedly denied, nevertheless, after it has been promised, if it is not given, they accuse the prince's fidelity. For it belonged to prudence to examine the justice of the requests before the promises. Otherwise the prince is judged to have promised either rashly or fraudulently. Thus no one will depart joyful from him; for however much he promises mountains of gold, nevertheless, since he has so often deceived, he will not create trust. There is no need to explain how shameful it is, after flattering indications of a beneficent will and after fidelity has been bound by a promise, still to doubt the prince's intention, since even private and slender men count this dishonorable for themselves. And so Vespasian was hated, and after he had deceived a few no one thereafter trusted him.

§ 13. What certain princes possess is not courtesy but pusillanimity, so that they think it kingly to promise many things but to prevent them from being granted through administrators. He promises abundantly to the petitioner, takes care that letters be written, and entrusts execution to the satrap or quaestor; meanwhile, either the form of the letters or the manner of the mandate is such that the ministers understand that the man is being led on by an empty hope and has received words. In this matter, indeed, there are many offenses: the prince's fidelity is prostituted; the immense hatred of the man who is exposed to mockery is contracted without cause; authority grows cheap among the officials. For they never trust his countenance, never his words, by which they have experienced so many men led into deceit. At last they are also indignant that they are ministers of most mendacious courtesy; and they rightly foretell that they themselves will be remunerated not with wealth or dignities but with the benevolence of words. This is to be mocked by one's own prince.

Therefore let the prince's courtesy be honorable, grave, and faithful. By this he will lead where he wishes--not wild beasts, like Orpheus, nor stones, like Amphion, but human beings following of their own accord. And with the easiest labor he will gather the most abundant fruits.

It belongs especially to humanity to hear everyone. Law 6, π; law *Adducis*, title *On Appeals*. Antonius Perezius says well: “If a prince denies an audience to the people, neither do the people furnish him their spirit.” Demetrius wickedly cast the petitions of suppliants into the river in their presence.

CHAPTER XII

Chastity Ought to Be a Matter of Great Care in the Commonwealth

§ 1. The prudence of the prince and of the whole commonwealth, justice, and the virtues connected with them have been discussed; it follows that I deliver precepts concerning temperance, which is especially concerned with moderating pleasures by reason. Its principal parts are chastity and sobriety; gentleness and clemency are annexed to it. These must be discussed in order.

I join chastity and modesty, although the former restrains lust, while the latter removes the signs of wantonness through shame. The thing itself altogether teaches that lust and every incitement to lust must be removed from the commonwealth. Distinguished is Agapetus's precept and his serious admonition to his prince:

> Βασιλέα σε κατ' ἀλήθειαν ὁρίζομαι, ὡς βασιλεύειν, καὶ κρατεῖν, τῶν ἡδονῶν δυνάμενον, καὶ τὸν στέφανον τῆς σωφροσύνης ἀναδήσαμενον.

I define you as an emperor in truth, since you are able to rule and hold pleasures under your power, and are bound with the diadem of temperance.

§ 2. Reader, I beg you--whether concern for the court and princely counsels occupies you, or you deliver your opinion among fellow senators--I beg you not to pass over this part of the discussion as though it pertained only to churches and monasteries. It is of principal concern to the commonwealth that both princes and private persons live chastely and modestly. The causes and origins of wars and tumults, and the manifold occasions for overturned kingdoms, have very frequently been lust. Seditions arise from injustice, fear, and contempt. Aristotle says in Book V of the *Politics*, Chapter X:

> Τῆς δὲ ἀδικίας μάλιστα δι' ὕβριν.

But out of every kind of injury, they arise especially on account of insult. Of the attacks that are made upon kings or tyrants, some are made upon the body and head of the princes themselves,

[Printed page 142]

and others upon the principality. Those which are made on account of insult pertain to the body. Since insults have many kinds and many parts, each of them arouses anger. Indeed, of those who become angry, almost all invade another for the sake of avenging an injury received, not for the sake of preeminence.

For example, the attack upon the Pisistratids was made because they had affected Harmodius's sister with disgrace and dishonor and had attempted to inflict sexual violation upon Harmodius. For Harmodius attacked them because of his sister, Aristogiton because of Harmodius. Men also plotted against Periander, tyrant of Ambracia, because, while they were drinking together, he asked a boy who was with him and whom he kept among his delights whether he was already pregnant by him. Violence was inflicted upon Philip by Pausanias because Philip had permitted him to be affected with insult and dishonor by Attalus without punishment; upon Amyntas, surnamed the Little, by Derdas, because Amyntas had boasted that he had enjoyed his youthful age; and upon the eunuch by Evagoras the Cyprian. For because that man's wife had been taken from him by the eunuch's son, he killed him as though he had received an insult.

Many attacks were also made upon certain monarchs because they had taken chastity from someone by violating his body--for example, Crateus's attack upon Archelaus. For Crateus always bore it gravely and painfully that Archelaus had intercourse with him for the sake of violation. And so, although the following pretext was far slighter and this cause less weighty, it was nevertheless sufficiently suitable and just: that Archelaus had given him in marriage none of

the daughters whom he had promised to give him. Rather, he betrothed the elder to the king of Elimea while entangled in the war which he waged with Sirras and Arrhabaeus, but the younger to Amyntas's son, thinking that by this arrangement the latter, especially since he had been born from Cleopatra, would by no means dissent from him. But the origin of the estrangement from the prince was that Crateus had borne it grievously that he had submitted to his lust in sexual matters.

Hellanocrates of Larissa attacked him together with Crateus and for the same cause. For when he saw that he was not recalled from exile by the man to whom he had given the flower of his age to be used and enjoyed, especially since Archelaus had promised that he would do this, he judged that the intimacy with him had been instituted not because of amorous desire but for the sake of insult. Parrhon and Heraclides of Aenus killed Cotys, avenging an injury to their father. Adamas abandoned Cotys and revolted from him because he judged himself affected with insult in having been castrated by him when he was a boy.

It is indeed so. A foreign woman overturned Troy. Lavinia in turn delivered Italy, and in turn incestuous marriage-beds, to the descendants of Troy. A stranger's love crushed the newness of the Punic kingdom and its rising citadels, and delivered them into the hands of the barbarian Hiarbas.

That virtue was rare among the nations. Therefore, when Valerius invokes it, he scarcely finds where it may have a place: “Whence,” he says in Book VI, Chapter I, “shall I invoke you, Chastity, the principal support equally of men and women? For you inhabit the hearths of Vesta consecrated by ancient religion. You lie upon the couches of Capitoline Juno. By constant station you frequent the summit of the palace, the august household gods, and the most sacred marriage-bed of the Julian clan. By your protection the insignia of boyhood are defended. Out of regard for your divinity, the uncorrupted flower of youth remains. With you as guardian, the matron's robe is esteemed. Be present, therefore, and acknowledge what you yourself wished to be done.” But chastity wanders far from these things.

The cause of so great an evil is that God delivered them into passions of dishonor. For such grave vices followed idolatry. Tertullian explained this in his book *On Modesty*, Chapter V, where he places fornication midway between idolatry and murder: “There is also a dignity of evil in that it is placed at the summit or in the midst of the worst things. I behold a certain pomp and raised platform of adultery: on this side a procession led by the idolatry which precedes it; on that side an escort furnished by the murder which follows it. Without doubt, it has taken its seat worthily between the two most eminent pinnacles of crimes, and through their midst it has filled, as though vacant, a place of equal authority in guilt. Who will tear it, enclosed by such sides and supported by such ribs, from the body of the things adhering to it--from the bond of neighboring crimes, from the embrace of kindred wicked deeds--so as to separate it alone for the fruit of repentance? Will not idolatry on this side and murder on that side detain it? And if they have any voice, they will cry out: ‘This wedge is ours; this joining is ours. We are marked off by idolatry; with it distinguishing us, we are joined. We attend upon it as it shines forth from our midst. Divine Scripture has embodied us together; the letters themselves are our glues; now it cannot exist without us. I indeed, idolatry, very frequently supply occasion for adultery. My groves know, and my mountains, and living waters, and the very temples in cities, how much we procure for the overthrow of chastity.’” Thus idolatry was the common bawd of the world, the procuress of lusts, and the violator of marriages.

§ 3. But Seneca is the best witness to the morals of his own time, in Book III of *On Benefits*, Chapter VI: “Then he does not desire it to become known to all how many are ungrateful, for the multitude of sinners will take away shame from the thing, and a common curse will cease to be regarded as a disgrace. Does any woman now blush at divorce, after certain illustrious and noble women reckon their years not by the number of consuls but by the number of husbands, and depart for the sake of marriage and marry for the sake of divorce? That was feared so long as it was rare; but because no public records were without divorce, by often hearing of it they learned to do it. Is there now any shame in adultery, after matters have reached such a point that no woman has a husband except to provoke her adulterer? Chastity is a proof of ugliness. What woman will you find so wretched, so sordid, that a single pair of adulterers is enough for her, unless she has divided the hours among individual men and the day is not sufficient for

all; unless she has been carried to one and remained with another? She is uncultivated and old-fashioned who does not know that the adultery of one man is called marriage. Just as shame for these offenses has now vanished after the practice wandered more widely, so you will make the ungrateful more numerous and more daring if they begin to count themselves." Histories teach that what Seneca says is truth, not hyperbole.

Thus, under such morals, the mass of so great an empire could not stand. And although, through the zeal of brave and sometimes prudent emperors--Vespasian, Trajan, Hadrian, and the Antonines--it moved its arms, at last it grew languid and served barbarians.

Therefore, let those who deny that chastity is necessary to rulers, and who do not disapprove the Babylonians, Corinthians, and Sybarites, look upon the transformations not of one commonwealth but of the whole world. After all flesh of the primeval world had corrupted its way, the cataclysm destroyed it by inundation. The sorrowful monuments of the Sodomites and Gomorrheans remain to the present day. The destructions of the Midianites and Benjaminites are recalled daily. A son rebelled against David the adulterer. At Rome kingship ended through adultery, and the decemvirate was abolished through lust. Every age has had lusts and punishments for lusts. The immodesty of the Sybarites was punished with such severity by the Crotoniats that "Sybaritic evils" passed from it into a proverb. Lacedaemon paid grievous penalties for impious lust when its strength was worn down in the battle of Leuctra. The Volsinians were thus reduced to servitude. Philip of Macedon was killed because he did not avenge the obscene injury inflicted by Attalus. Bryas was stripped of command because of violence inflicted upon another's betrothed. Antiochus, king of Syria, called θεὸς, "God," was killed by Laodice because he had married Berenice. Ptolemy Philopator perished after being attacked by plots even from his wife. Antoninus

[Printed page 143]

Verus, poured out into wandering lusts, was killed with poison by his wife Lucilla. Fredegund, his mistress, killed Chilperic, king of France and infamous for adulteries, through Landeric. Julian, a nobleman, attacked Roderic, king of the Goths in Spain and the violator of his daughter, with a most grievous war; for after the Saracens and Moors had been brought into alliance, the Goths conquered, and seven hundred thousand human beings slain, the Spains were oppressed by the harshest and most enduring servitude, into which one man's lust cast them. Why should I recall the Sicilian Vespers, in which the Gauls were slain as though in a single hour, and the right to the kingdom was transferred to Constance, Frederick's wife? A great disaster was inflicted upon a most noble kingdom when it was deprived of the strength of that island. The cause was the wantonness of governors and soldiers.

Therefore divine justice, always vigilant as the avenger of luxury, rises vehemently against lusts even in this life. "Adultery and fornication are a fire consuming even to destruction and rooting out all offspring," Job 31. "He who is an adulterer, through want of heart, will destroy his own soul, and he gathers dishonor to himself, and his reproach will not be blotted out," Proverbs 6. And Wisdom 3: "The children of adulterers will come to destruction, and the seed of an unlawful bed will be exterminated." Certainly Scripture most frequently recalls this also among the causes of perishing Israel. For this vice is foul, and because nature is prone to it, it is always punished by God with great examples. But because my business is not only with pious governors of the commonwealth and their counsels, but also with atheists and those whom advantage alone, or reason of state, moderates in delivering an opinion and making laws, let us explain the cause itself why lust is so harmful.

§ 4. The stimulus toward pleasures is sharp, and it belongs to a brave and prudent man to be an enemy to the sweet evil. Love and desire are vehement; they never lay down hope; whatever is preserved they desire more. That flame at first warms with a slight fire, but presently burns out the whole of virtue and the spirit. It never stops at what is lawful, never at what is small; it purchases unlawful things with money, life, and reputation. And if any other vice does so, this one certainly passes most quickly into a monster. Shame forbids the recollection of the deeds of the ancients and their monstrous lusts.

During Julian's reign, the inhabitants of Arethusa and Heliopolis showed themselves most cruel toward virgins because the virgins had been taught chastity by Christian governors. The cause of such great cruelty among the Heliopolitans was that the virgins were forbidden to prostitute themselves to those they met before they were given in marriage, for they had formerly employed that law. They were therefore borne against chastity with a rage so great as was not fitting even for punishing lusts. And so what Cicero admonishes in Book IV of the *Tusculan Disputations* is especially forceful here: “He who has hurled himself headlong cannot hold himself back when he wishes.” Bodies given to a precipice have no command of themselves. If lust has hurled the spirit headlong, the choice of crime indeed remains in the falling man's liberty, but it is a wretched choice, which by its impulse urges on the ruin rather than struggles against it.

Therefore, since this evil is violent and, if it falls upon powerful men, most insulting, great harms must necessarily arise from it. For the good which is taken away--namely, chastity--is regarded as the greatest. Mortals can bear two things with the greatest difficulty: losses and contempt.

> Lost money is mourned with true tears.

In the deaths of parents, spouses, brothers, and relatives, rehearsed and often feigned tears flow; no one has mourned shipwrecks, the destruction of villas, or the confiscation of a patrimony with a hired mourner going before. True grief has sufficient strength for tears. And so, on account of adverse things which they see others enjoy, human beings retain anger either perpetually or for a very long time, and, though it has been effaced, sometimes renew it by sight and hearing.

They receive contempt of themselves, and especially insult joined with loss, much more harshly. They interpret the supreme insult to have been done to themselves in the chastity of themselves or their people being taken away, because they value it highly--or at least wish to be seen to value it highly--and because it is infamous to be negligent concerning the chastity of one's own people. Virginius killed his daughter, whom Appius Claudius sought for violation after judgment had been given against her liberty and for her enslavement, and judged it better to be the killer of a chaste daughter than the father of a corrupted one. With the same spirit, Pontius Aufidianus killed his daughter, corrupted by her tutor, after he had taken punishment from the corrupter. Publius Maenius punished a freedman who had given his daughter a kiss. Nor was Roman severity so great only toward chastity itself. Publius Atilius Philiscus, who had himself made shameful gain, nevertheless killed his daughter when she was discovered in violation: thus, once a victim of lusts himself, he nevertheless exacted chastity from his daughter. Quintus Fabius Maximus, accusing his son of doubtful chastity, brought it about that by voluntary withdrawal he avoided his father's sight. Scantinius, tribune of the plebs, because he solicited the son of Marcus Claudius Marcellus for violation, was condemned by the Roman people upon one witness. Gnaeus Sergius also paid the penalties for a lustful intention, for he was condemned by the Quirites because of money promised to a matron. The master of Titus Veturius, by then made a slave from the son of a commander, was led to prison by a decree of the Senate. Gaius Pescennius, a man illustrious through many offices, was compelled to die in prison because of an unspeakable violation. Laetorius Mergus, a military tribune accused upon a solicitation to violation, withdrew himself from judicial inquiry and punished the attempted crime by voluntary death.

Nor were these things done only in a better commonwealth and under a stricter discipline. Even when morals had already been corrupted, Marius pronounced that Gaius Luscius, his sister's son, who had been killed by the soldier Plotius on account of an attempted violation--and indeed a tribune killed by his own soldier--had been slain lawfully. Certainly he was worthy of seven consulships, if only for this judgment. Sempronius Musca caught Gaius Gallus in adultery and cut him down with scourges. Gaius Memmius beat Lucius Octavius with cords. Carbo Accienus, caught by Vibienus, and likewise Pontius, caught by Publius Cernius, were castrated.

These are examples of Roman chastity, in which commonwealth public honor long flourished beyond that of other nations. Afterward all things were overturned: after Curio, son of a most grave father, incurred sixty million sesterces

of another's debt through injury to noble young men; after Clodius, having bought the court and committed violation, escaped the penalties of adultery; after Gemellus, a court attendant, invited the consul and tribunes and established a brothel in his house, in which he prostituted Rome's freeborn but degenerate blood; after Catiline killed his only son so that he might obtain marriage with Aurelia Orestilla.

§ 5. Nor was chastity of less value among foreign nations. After their husbands had been slain in battle, the wives of the Teutons asked Marius that they too be given to the Vestal virgins to cultivate virginity; when this was denied, they killed themselves, for they regarded chastity as preferable to life. This is less marvelous in Hippo, a Greek woman, who cast herself into the sea lest she be made a mockery. Democles, fleeing the lust of Demetrius Poliorcetes, plunged himself into a boiling cauldron. The Athenian daughters of Phaedo, after their father had been killed, embraced one another and cast themselves into a well, lest

[Printed page 144]

they be compelled to live unchastely. Timoclea did better: she cast her violator into a well. Brasilla of Dyrrachium, by a chaste deception, lured a soldier to his own death, lest she suffer violence. Sophronia, a Roman woman, forestalled the injury of Maxentius with a sword. Fifty Spartan virgins preferred to die rather than endure the insulting lust of the Messenians. Digna, a woman of Aquileia, when Attila occupied the city, leapt from a window into the river flowing past. Pelagia, together with her mother and sister, underwent the same fate for chastity. I omit Camma, Panthea, the wife of Orgiagon the Gallograecian, Cyane, Valetia the Tuscan, Chiomara, and others concerning whom Plutarch and others write--especially since Christian virgins and matrons surpass them, for whom the cry “Christians to the lion!” was welcome, but “the virgin to the procurer!” was horrifying. I do not bring forward so many armies of virgins fighting more bravely for chastity than any legions, lest political writers judge that I wish to construct a Parthenon, not a city.

I wished to establish only this: violated chastity has customarily been avenged with a grave penalty. For every family is inflamed to avenge a sexual violation, and anger scarcely ever comes to rest unless blood has been shed. And there is scarcely any father or brother who would not bear more patiently that his sister be led to the funeral pyre than to dishonor. From this cause, therefore, great disasters and conspiracies must arise. This is so not only if the powerful sin in this matter, but also if private or very lowly persons do so, should either no penalty or a light one be inflicted for the fault, and much more if it is passed over in silence.

§ 6. The second cause is that by that vice men's prudence, sagacity, and care for the future are blunted. This one thing is most pernicious to the commonwealth. Nothing is so deadly to minds as lust. “The lust of luxury,” says Augustine, “claims the whole body, inward and outward, for itself, and moves the whole man, with affection of the mind and appetite of the flesh joined together, so that pleasure follows, greater than all pleasures of the body; yet its extremity is reached in such a manner that almost all the sharpness and vigilance of thought is obstructed.” And so, in a commonwealth in which shame is oppressed and luxury exults freely with the reins given to it, there is a great number of the blind, the ecstatic, and the stupid. Good and brave counsels are rare.

For not even Solomon himself, after he gave himself to lusts, reigned wisely and politically; and for that reason he was greatly hated by everyone. “Your father,” says the people, “placed a most harsh yoke upon us.” And the foolish young man admits: “And now my father placed a heavy yoke upon you”; and: “My father cut you with whips, but I shall beat you with scorpions.” Behold what lust did--how it struck the art of ruling out of the wisest man, so that he did not even instruct his son rightly. A blind love inheres in all vices, as Claudian truly says in *Against Eutropius*:

> But because a blind love inheres in vices, every future thing
>
> Is despised, and present things commend their brief fruit.
>
> And lust, heedless of loss, rushes into what is forbidden.

§ 7. Minerva is fashioned chaste, and the Muses virgins, because chastity is not only the companion of wisdom but also its cause and preserver. Nor is this so only by divine ordinance, which did not will to send the pure light of wisdom into souls contaminated by luxury; nature too teaches it. For those whose minds are occupied by the enticements of shameful acts cannot conceive serious thoughts concerning studies. So many comedies, both ancient and modern, teach men to love, yet they present to us no young lover who is prudent; or, if they attribute prudence to him, they also make him a conqueror of love and a hater of the brothel.

§ 8. The third cause is that there is not, in a ruined city, that vigor and strength of bodies which exists in one well regulated in its morals. Brave and rustic Persians conquered the Babylonians--men, to say it in a word, fit for prostitutes. The rustic hardiness of the Macedonians conquered the Persians when they had now been enervated; the Romans, while lusts had not yet become common, conquered those enfeebled Macedonians; the Heruli, Goths, Huns, and others of the barbarians conquered the Romans, until they too succumbed to men stronger than themselves. Diogenes sharply and cynically objected to the Greeks that, while they lived, they caused their bodies to putrefy by baths and lust, but when the same bodies were dead, they seasoned them with spices and ointments against putrefaction. It is an altogether inverted concern: to putrefy the living, and at great expense to dry the dead.

§ 9. Finally, where there is little regard for shame and chastity, the whole commonwealth must necessarily be badly administered. For marriages are uncertain; every offspring either is spurious or is held to be so. For if a daughter will never be able to name her mother's adulterers without drawing breath thirteen times, as it is in the *Satire*, who will believe that she was born of a lawful marriage-bed? From this it also happens that very many flee marriages, not from love of chastity but from the liberty of whoring, and then truly because they fear men lying in wait to take their own place in marriage.

Seneca relates that in his time the corruption at Rome had been so great that no woman married except in order to provoke her adulterer. “Messalina,” says Dio, “a lustful and intemperate woman, also compelled the other women to live luxuriously and wantonly; and she brought it about that many women in the palace, in the presence and sight of their husbands, had intercourse with adulterers. She herself esteemed their husbands and increased them in honors and dignities; but she hated the others who did not permit it, and destroyed them by every means.” Who, under such an emperor and such an Augusta, mistress of the emperor, would have wished to take a wife? Therefore let the commonwealth defend chastity publicly and privately, and repress and restrain luxury and lust. Many things avail for this purpose, but especially those which I shall set forth.

§ 10. Let that care, I say, be public; for it is of greater importance that a city be cleansed of evil morals than of infected bodies. Yet no contagion is more ready to spread than in this part. The loss of shame is the most certain parent of every crime. And license permitted by laws brings not satiety but incitement. Morals are easily changed for the worse; the severity of laws scarcely ever turns vices toward the good. When shame has perished, it does not know how to return. Therefore, unless public authority, seriously armed by laws and penalties, opposes lusts and makes ready the fasces and axes, every disgrace and horror will overflow, and the city will be a great brothel.

When Stratonicus had departed from Heraclea, he kept looking back as though anxious, and did all the things done by those who do not wish to be seen. When his companions wondered, he replied that he feared lest someone see him departing from a brothel. For those who leave a brothel are ashamed of the crime committed.

§ 11. Therefore let the insolence of lusts be restrained by severity of laws. Examples are not lacking. Jovianus enacted by a capital law that anyone who looked upon a sacred virgin with an unchaste gaze should be punished. And Title 11, §1, *On Extraordinary Crimes*: “Solicitors of others' marriages, likewise disturbers of marriages, even if they cannot obtain the effect of their crime, are punished on account of the intention of pernicious lust.” And §2: “He who, after a boy has been led away or his companion corrupted, has persuaded him to sexual violation, or has importuned a woman or girl, or has done anything for the sake of unchastity, furnished a house--or, according to others, a gift--and given a price by which he might persuade him, is punished, when the crime has been completed,

[Printed page 145]

with death; when it has not been completed, he is deported to an island. Corrupted companions are visited with the supreme punishment."

The humanity of the Theodosian and Valentinian laws also comes to the aid of those whom another's wickedness compelled to be unchaste: "If fathers and masters acting as procurers impose upon their daughters or maidservants the necessity of sinning, let the daughters and maidservants, after imploring the help of bishops, be released from every necessity of their miseries." Let the prince follow the prescriptions of the divine laws in his city.

I see that adulteries were once checked by severe laws. In our Germany, after her hair had been cut off, an adulteress was beaten with whips, naked, through the entire village; and, execrable and hateful to everyone, she was consumed by grief and want of food. The ancient Romans strove to remove the seedbeds of every lust in the very blade of grass; for it was a capital offense for a woman to have drunk wine. They thought that shame would be cheap to her who, although she was otherwise weak in judgment, had by drunkenness--or certainly by the danger of drunkenness--made a path for unchastity. The Pisidians were more lenient: after placing the adulteress together with the adulterer upon an ass, they led them about for some days for everyone to ridicule. The Arabs punished adultery with death, and the Egyptians with a thousand blows; but they cut off the adulteress's nose, so that she who had been an enticement to another's crime by her beauty, and had prostituted her own chastity, would displease by deformity.

Formerly many nations had no laws concerning chastity. They say that Hyettus the Argive was the first to carry a law against adulterers, after he had killed Molurus, whom he had discovered in adultery with his wife, and had received a part of Orchomenus in Attica. They say that Draco the Athenian imitated him; he was said, on account of his severity, to have written his laws in blood. Zaleucus, lawgiver of the Locrians, deprived adulterers of their eyes. Deservedly, for the eyes are leaders in love and impose upon the mind. And so, when his son had offended against his father's law, the indulgent father divided the penalty and, as Aelian relates:

ὑπὲρ τὸ ἕτερον τῶν τοῦ παιδὸς ὀφθαλμῶν, ἀντιδιδόναι τὸ ἑαυτοῦ, ἵνα μὴ ὁ νεανίσκος τυφλωθῇ τελείως.

In place of one of his son's eyes, he gave his own in exchange, so that the young man might not be blinded completely.

Plato advises that the inflamed impulse of lust must be moderated by reason and restrained by fear of the laws. In Book IX of *The Laws*, he condemns with death not only inverted lust and adultery, but every resort to prostitutes. He concedes to a husband the right of life over an adulterer--a deed which our laws also do not punish, for they remit penalties to righteous grief. The same is also permitted to a father against the corrupter of his daughter, yet in such a manner that he does not spare his daughter either. The Gortynians led an adulterer crowned with wool to the magistrate, and thereafter held him forever incapable of bearing witness. The people of Lepreum led adulterers into the forum, led them about for three days, and rendered them contemptible for their whole lives. The Romans ordered adulteresses to go about wearing the toga.

The Athenians' punishment of persons guilty of adultery was foul and not well ordained according to the gravity of a well-ordered commonwealth. The rich redeemed themselves with money; the punishment of the poor was

παρατιλμός, καὶ ἀποῤῥαφανίδωσις,

plucking out the hair and *rhaphanidosis*--the insertion of a radish--which contained more disgrace and foulness than befitted a grave people. Among the Parthians, adulteries were punished most gravely; they generally shut their wives and other women inside the house.

§ 12. Therefore let public power restrain lusts by laws in all citizens. Let it not imitate the Spartans, who at first lacked those laws. Plutarch tells the matter thus in his *Laconic Sayings*: In Lycurgus's times such great chastity of wives existed among everyone, and they were so far removed from that shameful conduct which afterward became prevalent, that formerly it was incredible that the crime of adultery could be found among the Spartans. A saying is reported of

Geradas, a man of the greatest antiquity at Sparta. When a certain guest asked him what penalties adulterers paid among the Spartans--for he saw nothing concerning this enacted by Lycurgus--he replied, “There is no adulterer among us, my friend.” When the other rejoined, “What, then, if one should arise?” “He will give,” he said, “a bull so great that, with its neck stretched beyond Taygetus, it may drink from the Eurotas.” And when the other said with a laugh that it was impossible for so great a bull to be found, Geradas replied, “And by what means could an adulterer arise at Sparta, where riches, delights, and artificial adornment of the body are held to be a disgrace; but modesty, moderation, and the observance of obedience owed to the magistrates are, on the contrary, accounted an honor and a praise?”

But that praise was brief. For Aristotle is the authority, in Book II of the *Politics*, Chapter IX, that they were ruled by their wives and that the license of the women from that city was extreme:

> Διὸ παρὰ τοῖς Λάκωσι τοῦθ’ ὑπῆρχε, καὶ πολλὰ διῳκεῖτο ὑπὸ τῶν γυναικῶν ἐπὶ τῆς ἀρχῆς αὐτῶν. καίτοι τί διαφέρει γυναικὸς ἄρχειν ἢ τοὺς ἄρχοντας ὑπὸ τῶν γυναικῶν ἄρχεσθαι; ταὐτὸ γὰρ συμβαίνει.

The wives of the Spartans administered many things; but it is all the same whether wives govern the commonwealth or command those who govern it. For the same outcome occurs in either case.

But, in general, the chastity of the Spartans is rendered suspect to me. Certainly Helen was twice abducted in heroic times. She was led away by Alexander the Phrygian only with her own consent. Then Euripides deservedly reproaches them that a virgin cannot be chaste at Sparta, since virgins are accustomed to wrestle with young men beside the Eurotas. But there is greater testimony in Aristotle, Book II, Chapter IX of the *Politics*:

> Ἔτι δὲ ἡ περὶ τὰς γυναῖκας ἄνεσις, καὶ πρὸς τὴν προαίρεσιν τῆς πολιτείας βλαβερά, καὶ πρὸς εὐδαιμονίαν πόλεως· ὥσπερ γὰρ οἰκίας μέρος ἀνὴρ καὶ γυνή, δῆλον ὅτι καὶ τὴν πόλιν ἐγγὺς τοῦ δίχα διῃρῆσθαι δεῖ νομίζειν, εἴς τε τὸ τῶν ἀνδρῶν πλῆθος καὶ τὸ τῶν γυναικῶν, ὥστε ἐν ὅσαις πολιτείαις φαύλως ἔχει τὸ περὶ τὰς γυναῖκας, τὸ ἥμισυ τῆς πόλεως εἶναι δεῖ νομίζειν ἀνομοθέτητον· ὅπερ ἐκεῖ συμβέβηκεν. ὅλην γὰρ τὴν πόλιν ὁ νομοθέτης εἶναι βουλόμενος καρτερικήν, κατὰ μὲν τοὺς ἄνδρας φανερός ἐστι τοιοῦτος ὤν, ἐπὶ δὲ τῶν γυναικῶν ἐξημέληκεν. ζῶσι γὰρ ἀκολάστως πρὸς ἅπασαν ἀκολασίαν, καὶ τρυφερῶς.

Moreover, indulgence and leniency toward women is useless and harmful both to the design which they formed concerning the administration of their commonwealth and to the happiness of the city. For just as the parts of a house are man and woman, so plainly one ought also to judge that a city is divided into two equal parts, into the multitude of men and of women. Therefore, in whatever forms of administering a commonwealth that which pertains to women is badly ordered, in them one must judge that half the city is not regulated by laws, as happened there. For although the lawgiver wished the whole city to be strong and robust for enduring and bearing labors, in the men he plainly attained what he wished; but toward the women he showed himself negligent. For they live intemperately and luxuriously, let loose and poured forth, plainly, toward every kind of intemperance.

At first many things were permitted to the women because the men were living far from home on account of the Arcadian and Messenian war. Lycurgus wished to subject them to laws, but they protested; and so he was compelled to desist from his undertaking, as Aristotle relates in the same place. From this fountain innumerable evils arose: for both the Helots frequently rebelled, and the citizens were reduced to a great paucity, and the very land also came together into the vast estates of very few men. This ἀνομία, “lawlessness,” therefore brought destruction upon the Spartans. For I would not judge the men good in that city where the wickedness of the women is free. From this there also arose greater crimes τῶν παιδεραστῶν, “of the pederasts.”

Therefore that city perished through a scarcity of laws. In the Roman commonwealth the laws, conquered by vices, yielded. The emperor Alexander did not dare to prohibit male prostitutes; Philip, however, abolished them in the year of the Lord 249. So great

was the departure even from the ancient morals of the gentiles.

§ 13. But enactments of laws profit little unless they are guarded by the vigilance of magistrates. The proverb of the Greeks is true:

Ἰσχυρόν ὁ νόμος ἐστίν, ἂν ἄρχοντ᾽ ἔχοι.

A law is a strong thing if it has a ruler to assist it. For if Neronian luxury reigns, if Gaius erects a brothel in the palace, if Messalina compels, what will wretched laws be able to do? Who will condemn what the emperor does? Who will flee what the wife of Augustus commands? The laws are holy, but Maxentius compels matrons to death through fear of disgrace. What will laws avail while that man reigns who pardoned only those who confessed unchastity, because he thought that no one could live chastely? Therefore let there be an example in the prince and in the leading men, through which the laws may acquire authority and force. Let not even prostitutes now proclaim:

Happy are the ages which oppose you

With morals; let Rome now possess shame.

This is a danger to everyone; but when so favored an evil, drawing authority from the foremost men, has driven out shame, it cannot be excluded by any force. Now, indeed, as formerly too, punishment rages more against the weaker sex. But the law and obligation are equal on both sides. Pope Innocent truly says, as it stands in Cause 32, Question 5: “The Christian religion condemns adultery by an equal rule in either sex. But women do not easily accuse their husbands of adultery, and hidden sins do not have vengeance. Men, however, have been accustomed more freely to denounce adulterous wives before priests. And therefore, when their crime has been disclosed, communion is denied to women. But while the deed of men remains hidden, no one easily abstains on the basis of suspicions; yet he will certainly be removed if his crime is uncovered. For since the cause is equal, the principle of vengeance sometimes comes to rest when proof is lacking.”

§ 14. There is also great weight in public morals and practices. If you wish minds to be chaste, take care that things whose poisons reach the mind do not meet their eyes or ears. The habit of hearing and seeing also takes to itself license for doing. There is no need to educate people for wickedness: without an evil example they are teachable, and contrariwise they are teachable through good examples. What does it profit to prescribe right things privately if the public discipline is such as could soften even Lycurgus? Private evils can be corrected; public evils wish to be cultivated. From this come the destructions of cities.

From this look broadly upon the flourishing cities

Which luxury once overturned. Surely neither the anger of the gods,

Nor weapons, nor enemies harm as much as pleasure alone,

Gliding into souls.

Therefore, when luxury, the public dissuader from what is honorable, has grown strong, all things yield and the commonwealth perishes.

For luxury overturns other kingdoms through vices,

And pride through hatreds. Thus the Spartan, wickedly raised aloft,

Overturned Athens, and he himself fell in the same way before Thebes; thus the Mede

Took the reins from the Assyrian, and the Persian took them from the Mede;

The Macedonian subjected the Persian, himself destined to yield

To the Romans: these things were confirmed by the Sibyl's auguries.

First delights, soon satiety, then violence, and finally destruction broke out in cities. Certainly, when Diogenes was returning from Lacedaemon to Athens and was asked where he was going and whence, he replied, “From men to women.”

It therefore falls to the commonwealth to remove from its midst every incitement to luxury, such as unchaste spectacles, dangerous dances, lascivious public displays of women, and much more houses of prostitution and brothels. The reasoning of those who judge that worse things are prevented by those public pleasures is most wicked. Wherever those things have grown strong, every most shameful act is perpetrated. Flight consults best for chastity. But flight cannot exist if the incitements of lust are public; if one must be blind in order not to see evil; if in porticoes, in the forum, and in the streets everything abounds in shameful things; if, as Pliny says in Book XXXI, Chapter I, it pleases men to conceal lusts in drinking vessels; if enticing images are placed with impunity in the sight of the young. Poison is not publicly sold; toxins of souls are sold in the marketplaces of Christians, while the magistrate does not prohibit it.

That magistrate who passes over unspeakable things in silence will pay the penalties. If you learned that your daughter had bought those shameful images, to be instilled into her thought through the pigment of colors, you would blaze up with deserved indignation. If anyone related those things in the presence of your children, you would appoint a day for his trial as a corrupter of youth. Is it a greater thing to disclose them by words, or to place them before faithful eyes so that they may adhere more tenaciously? Everyone sees this; your own people see it; those who will relate it to your people see it.

§ 15. Nor should enticements alone be removed; impediments and reins should also be placed upon luxury. Let everyone be occupied with serious thought, works, and labors; let idleness be banished. Love reigns in an empty breast. Movement and activity do not admit so biting a rust. Leisure always gives a changeable mind, rarely a good one. Love is idle; it occupies the lazy. This vice is dispersed by business; true care disperses so vain an anxiety. Certainly Theophrastus defines love thus:

> Ἔρως πάθος ἐστὶ ψυχῆς σχολαζούσης.

Love is a passion, or disease, of a soul living idly. The cause, therefore, of so many evils--and the first cause--is the neglect of the nobility, while they neither educate nor harden their sons for honorable labors, but lead them to dishonorable amusements. Hence

> from the tender nail they contemplate wickedness
>
> and incestuous loves.

And so, although these desires belong to all human beings and are conquered with difficulty--“Every evil,” says Cyprian in *On the Good of Chastity*, “is conquered more easily than pleasures, because whatever the former is, it is horrible; but the latter is enticing”--nevertheless they belong especially to the rich, because idleness and kindling are present. Then, after the rich, they belong to able-bodied beggars who live for the day. For since they act without any care, are often filled by the benevolence of men, are wicked through habit and association, and strike against shameful things with their eyes and ears, they must necessarily be exercised very frequently in playful and never serious thoughts, whose image is readier to hand and whose pleasure is more titillating. Such men must be driven to labors not only for other causes but also on account of their morals. Nor will the magistrate regard this as a small thing. The same vices exist in rags and purple; the same lust exists in a jewel and in filth.

Augustine rightly says in *On the Honesty of Women*, Chapter II: “Among all the contests of Christians, only the battles of chastity are hard, where the fight is daily and the victory rare. For chastity has been allotted a grave enemy, whom it resists daily and always fears.”

§ 16. Let the commonwealth also lay up with deep attention what the holy fathers prescribe to individuals: namely, that the first titillations of the devil must be opposed. Cyprian says this in *On Fasting*. “Lest the tares of wickedness grow, they must be crushed in the seed,” says Jerome on Ecclesiastes, Chapter IX. Therefore, from a high watchtower,

[Printed page 147]

let the helmsman look ahead to the coming storm, draw in the sails, and draw up the ship. If new actors are being prepared, if new theaters, if foreign luxury of clothing, if new contrivances of foods are breaking in, let him resist seriously while these things have not yet occupied the houses of the powerful. If the prince desires to be chaste, let him be sober and withdraw from the body the material of so grave a conflagration. This is Ambrose's counsel in Book I, Chapter XIV of *On Penance*: “Lust is a grave fire, and therefore let us not give it the nourishment of luxury. Lust is fed by banquets, nourished by delights, kindled by wine, and set aflame by drunkenness. For wine and youth are a double conflagration of pleasure.” Why do we add oil to the flame? Thus Saint Benedict, Bernard, Francis, Martinian the Hermit, and innumerable others fled wine as poison and satiety as a plague.

Boldly, O prince, cut down the growing forest of luxury; take away occasions, remove the instruments of lusts and the allurements of delights, although the city may appear less cultivated and less opulent, although something may be lost to the treasury. Frugal moderation is preferable to lavish and luxurious riches. Conquered Greece weakened its conquerors; Asia, reduced to a province, laid them prostrate.

§ 17. But nothing assists chastity as much as care for religion. It raises minds to God daily; it considers eternal goods and punishments. He who in prison is condemned to an evil lodging already looks upon the cross or pyre before his eyes; he whose doubtful life shipwrecks batter; he who grows pale in battle--fear strikes every lustful thought from him. In the same way, faith in and dread of eternal punishment extinguish the ardor of pleasures as it creeps upon him with an alluring agitation.

Antonius of Siena tells of a distinguished man of his own order, that is, of the order of Saint Dominic, against whose chastity a wicked she-wolf laid snares. He constructed two blazing pyres and cast himself upon one of them; if that little bed pleased her, he said that he invited the woman to the shameful deed. For that crime which the punishment of eternal fire would follow deserved to be perpetrated in fire. Other things are sometimes too small to be able to withstand the impulse of the most vehement delight; love sends many into dangers. The Daunian youth fixes his gaze upon the virgin and burns more keenly for arms. He too despised death who, swimming across the Hellespont, more frenzied than the very waves, prayed:

> Spare me while I come; drown me while I return.

Hence the Church numbers so many thousands of chaste persons, so many armies of virgins. Deservedly the Christian religion glories in chastity as a distinguished token of truth. For how many thousands of virgins could have escaped torments and death on condition of marriage, and nevertheless preferred chastity? No torments could compel those weak in sex and age, and placed in the midst of enticements, to admit enticing pleasures. How, then, are you a participant in the grace of God if you are so conquered by the sweetness of lusts that you pursue delight even through dangers?

And nevertheless there are men who, on account of the incontinence of the wicked, do not hesitate to pollute cities with brothels, as though graver harms were avoided by a smaller loss. They permit fornication among Christians lest men blaze up into adulteries, incests, and other disgraceful deeds. It is an error, and indeed a grave one; for in that license the wicked receive their first lessons, so that they dare greater things. In no vaulted chamber is there fornication alone. Marriages are violated there too. Nowhere are there greater dangers for matrons than where prostitutes instruct the young.

Around the year of Christ 437, under the Augusti Theodosius and Valentinian, Florentinus, a most illustrious man and most worthy of command, greatly desired procurers to be expelled. When losses to the treasury were raised as an

objection--for the procurers paid a tax--he repaired the loss by a substitute payment from his own estate, so that as much as was lost to the empire through those plagues having been driven away might be supplied from private revenue. It was a great praise to have consulted for public chastity by losses of his own. But by how much greater was the shame of having accepted the tax of procurers from a most holy man? Let us not marvel at our own times: the men are new, the vices old. Gold is given to the empire so that there may be no procurers; gold is accepted so that victims of public lusts may not be exposed for sale.

Would that kings constantly follow either the sanctity of married life or celibate purity. There are many examples among Christians: Wenceslaus, king of Bohemia, concerning whom Dubravius writes; Casimir, son of Casimir III, king of Poland; Emeric, son of Stephen V, king of the Hungarians; Edward, king of England; Henry I, head of our commonwealth. Wonder comes upon one at so many royal virgins of such admirable holiness; from them there is an easy conjecture concerning the others. I shall report the catalogue from Book XXII, Chapter II, *On the Signs of the Church*, by Bozio, whose words are these:

"Perpetual virginity of mind and body, dedicated to God, is a divine gift; but it is by far the most divine if there is joined to it, in addition, not some middling but a most excellent preeminence of the remaining virtues. The North produced very many such women, from which region it followed the Roman pontiff. Of this kind were Milburga, Mildreda, and Miluida, daughters of Merualdus, concerning whom Polydore writes in Book IV. There was Fara, abbess of the monastery of Hibrigensis, who flourished in the year 640; Francongota in 660; Edilberga, daughter of Anna, king of the East Angles; Itta, together with her daughter Gertrude, foundress of the monastery of Nivelles, in 650; Edilburga, abbess of the monastery of Beretingensis; Edeldrudis, daughter of Ana, king of the Angles, in 680; Hilda, daughter of the nephew of Edwin, king of the Angles, in 630; Irmina, daughter of King Dagobert, foundress of the monastery which is called Horreum, or commonly Oeren, at Trier, in the year 710; Modesta of Trier in 680; Severa, abbess of Saint Symphorian at Trier; Athela, daughter of King Dagobert and abbess of a certain monastery at Trier; Thecla the Englishwoman, abbess of the monastery which her brother Boniface, archbishop of Mainz, built in Germany near the Main at Eizingen; Lioba the Englishwoman, who presided over the monastery which the same prelate founded at Bischofsheim in the year 730; Amalberga, whom King Charles frequently and ardently sought as a wife, in 772; Anastasia and Basilissa, abbesses of Horreum at Trier in 760 and 780; Mathilda, sister of Emperor Henry I and Bruno, archbishop of Cologne, abbess of Saint Servatius in Saxony, in 990; Wiborada, a nun of Saint Gall, in 920; Walburga the Englishwoman, abbess at Heidenheim in Eichstätt and sister of Saint Willibald, in 750; Benedicta, abbess in the convent of Suvestris; Notburgis, nun of the Capitol at Cologne; Hadeloga, abbess of the monastery of Rinchingensis; Landrada of Liège; Waldrudis of Mons; Gladesindis of Metz; Lutrudis of Corvey; Cecilia, abbess in Suvestris; the empress Richardis, who, after the death of Charles the Fat, her husband, devoted herself to Christ and presided over sacred virgins; Jutta, sister of Count Meginhard of Sponheim, in 1136; Hildegard, admirable disciple of Jutta, in 1160; Elisabeth, abbess in the monastery of Schönau, in 1165.

[Printed page 148]

"Adelaide, abbess of Vilich in the time of Heribert, archbishop of Cologne; Surius reports her life, Volume VII, February 5.

"Brigid the Scot, in the year 518 or 522; Surius, Volume I, February 1.

"Catherine the Swede, daughter of Saint Bridget, in the year 1381; Surius, Volume II, March 22.

"Elisabeth, daughter of the king of Hungary; Volume VI, November 19. Ermelende, virgin; Volume V, October 29. Hedwig, duchess of Poland; Volume V, October 15. Hunegundis; Volume IV, August 25. Landrada; Volume IV, July 8. Margaret, daughter of the king of Hungary; January 28, Volume I. Margaret, queen of Scotland; Volume III, June 10. Mary of Oignies; Volume III, June 23. Maxellendis, virgin and martyr; Volume IV, July 30. Monegundis; Volume IV, July 2. Noilburgis; Volume V, October 31. Liduvina; Volume II, April 14. Ludmilla, duchess of Bohemia and martyr; Volume VII, September 16. Lutgardis; Volume III, June 16. Lutrudis; Volume V, September 22. Opportuna,

virgin; Volume II, April 22. Ositha, virgin and martyr; Volume V, October 7. Richardis Martianensis; Volume III, May 12. Walburga; Volume III, May. Bridget the Swede."

The East and Greece formerly possessed some such women; but now whom can they name? Whom could Africa produce as her own? Whom Muscovy?

Virgins excelling at once in sanctity, learning, and published writings: those virgins or women who brought to light, in published writings, most illustrious monuments of a manly and not effeminate genius were at once admirable and most highly praised in every memory of mortals. But those women, for the most part--if assemblies alien from us produced any--were given over to lust or some vice. For that poet did not sing foolishly in the third *Satire* that a woman did not please him

> who, with speech whirled around, twists
>
> a clipped enthymeme.

But Germany and the North brought to light not only certain learned women, but also most incorrupt guardians of inviolate virginity, and, beyond this, women most preeminent in divine virtues and most illustrious in sanctity. For such were those five whom we mentioned in Sign 37, *On the Spirit of Prayers*, Book IX, Chapter XII: Hrotsvitha, Elisabeth, Hildegard, Gertrude, Mechthild, and Bridget the Swede, although the last was a widow.

Therefore it is especially to be wondered at that, after so many thousands of years have now elapsed, not even one woman similar to these virgins can be produced from the whole North before the northern peoples obeyed the pontiff. Indeed, from the whole world not even one virgin can be named of whom there exist books of such great piety and learning for every method of rightly ordering life and forming morals as exist from these virgins. Was it not, therefore, an excellent thing to have obeyed the popes? Is anything similar found among any heretics who have ever existed? Let all Greece, mistress and parent of the best disciplines, be summoned, and let her bring forth, if indeed she can, a woman of her own whose writings of such great piety exist, sealed by most illustrious and divine examples of morals and an innocent life. Will Germany, Saxony, Scotland, and Sweden therefore surpass the nurse and mother of the good arts? Certainly so. Go now, and call the northern peoples barbarians. Are those barbarians among whom there are such virgins and women? Call them barbarians as much as you wish: those barbarians will surpass the wisest of all mortals. Of so great importance, plainly, is obedience to the Roman pontiff.

When the Christian commonwealth has considered these things, let it exhort itself with Saint Augustine's argument: "Will you not be able to do what these men and these women did?" But I am pleased to transcribe the whole passage from *Confessions* VIII, Chapter XIII: "There appeared from that direction toward which I had turned my face and into which I trembled to pass the chaste dignity of continence, serene and not dissolute in her cheerfulness, honorably enticing me to come and not to doubt, and extending toward me, to receive and embrace me, pious hands filled with flocks of good examples. There were so many boys and girls, there much youth and every age, and grave widows and aged virgins; and in them all continence herself was by no means barren. And she laughed at me with an exhortatory ridicule, as if she said, 'Will you not be able to do what these men and these women did? Or indeed are these men and these women able in themselves, and not in the Lord their God? The Lord their God gave me to them. Why do you stand in yourself, and do not stand? Cast yourself upon him; do not fear. He will not withdraw himself so that you fall. Cast yourself securely; he will receive you and save you.'"

And if not everyone can do what these men and these women did, because the struggle of perpetual virginity is great, its glory distinguished, and the prerogative of its crown exceptional, will they not at least be able to confine and moderate their desires by the laws of sacred marriage?

I shall close with the judgment of Saint Jerome in Book III *Against Jovinian*: it is the voice of a most learned man that chastity must above all be retained, since when it has been lost every virtue collapses. In this lies the sovereignty of womanly virtues. It commends a poor woman, exalts a rich one, redeems one who is deformed, adorns one who is

beautiful. It deserves well of ancestors, whose blood it does not corrupt by a furtive offspring; well of children, who need neither blush concerning their mother nor doubt concerning their father; well, above all, of herself, whom it vindicates from the dishonor of an alien body. There is no greater calamity of captivity than to be dragged to another's lust. Act bravely, O prince; act through laws. Christians can live chastely, so many thousands of whom have met death for chastity.

Let chastity be preserved with great zeal, lest there be not a city but a conflux of bastards and degenerates.

CHAPTER XIII

Spectacles Harm Good and Chaste Morals, and Therefore Must Be Abolished, or Only Those Which Excite to Virtue Retained

§ 1. Tertullian divides spectacles into four kinds: the madness of the circus, the unchastity of the theater, the atrocity of the arena, and the vanity of the xystus. The Greeks celebrated the Nemean, Pythian, Isthmian, and Olympic games; they contended in racing, singing, wrestling, boxing, and the speed of horses. Various games were combined with these principal ones. Today some of these remain; of certain others only traces survive.

Tertullian deservedly calls the circus a madness on account of the expense and the frenzy of those favoring different colors, and the tumults arising from it. I shall treat the atrocity of the arena and the vanity of the xystus when the discussion has reached fortitude. Now it is necessary to discuss the unchastity of theaters, which is opposed to temperance. Chastity was attacked in all the contests, not in the theater alone. For Tertullian says in *On Spectacles*, Chapter XXI: “Thus it happens that the man who scarcely lifts his tunic in public from necessity of the bladder exults in the circus only by casting all shame in the face of everyone.” In the xystus also they exhibited the unchaste wrestling contests of prostitutes and effeminate men; in the arena they cast naked human beings before beasts; and, lest any evil be lacking,

[Printed page 149]

the one cause of everything was the flame of impiety and impurity. Nor was chastity to be sought in cruelty, because every luxurious man is cruel and all cruelty is luxurious. For those to whom the torments and deaths of innocent persons are a delight, and who bend over bodies squalid with their own blood with the most patient eyes--it is not marvelous that they are enslaved to other pleasures.

Gladiatorial spectacles were abolished early by Christian emperors. Circensian, theatrical, and xystic spectacles remained longer. Arcadius and Honorius abolished the foul games of Maiuma: the final law, *π.*, *On Maiuma*, in the Theodosian Code. Chariot races and the running of horses could otherwise be tolerated by their own nature. But the contests of factions stirred up tumults. Nevertheless the bishops opposed themselves to them all. See Arnobius, Book II, *On the Amphitheater*; and, before everyone, Tertullian, *On Spectacles*, and the booklet on the same matter attributed to Saint Cyprian; Lactantius, Book VI, Chapter XX; Augustine; Jerome; and others in various books. Constantine abolished the gladiatorial games--Eusebius, Book IV of his life, Chapter XXVIII, and Sozomen, Book I of his *History*--but they revived. Attend to the things said in Book II of the Code, *On Gladiators*. Indeed, when Augustine treats of Alypius, he recalls the combat and the conspicuous wound.

As the authority of the bishops increased, theaters and stages were abolished on Sundays and on the feasts of the Nativity, Epiphany, Easter, and Pentecost. Thus the law *Dominico*, *On Spectacles*, in the Theodosian Code. See also Canon 66 of the synod celebrated in Trullo.

§ 2. The wise men of old will indicate to us how great a stain and plague spectacles brought upon morals. “Nothing,” says Seneca, “is so harmful to good morals as to sit idly at some spectacle.” Saint Cyprian sets forth the causes in the first epistle *To Donatus*: “Turn your gaze from here to the no less lamentable contagions of another spectacle. In the theaters too you will behold what is both a grief and a shame to you. The tragic buskin is a verse recital of ancient crimes: the ancient horror concerning parricides and incests is repeated by an action expressed after the likeness of truth, lest that which was once committed grow obsolete as the ages pass. Every age is admonished by hearing that what has been done can be done. Crimes never die through the old age of time; offense is never buried by the times; wickedness is never interred by oblivion. Those things become examples which had ceased to be crimes.

"Then it delights a man, in mimes, through instruction in shameful deeds, either to recognize what he has done at home or to hear what he can do. Adultery is learned while it is seen; and with the evil of public authority acting as procurer for vices, the matron who had perhaps proceeded chaste to the spectacle returns unchaste from the spectacle. Beyond this, how great a stain upon morals, what kindling of disgraceful deeds, what nourishment of vices, to be polluted by actors' gestures! To see, contrary to the covenant and law of birth, an elaborate performance of men enduring incestuous obscenity! Men are unmanned; every honor and vigor of their sex is softened by the dishonor of an enervated body. The more anyone has broken a man into a woman, the more he gives pleasure there. He grows in praise from his crime, and the fouler he is, the more skillful he is judged. He is watched--O abomination!--and watched willingly.

"What could one who is such not persuade men to do? He moves the senses, soothes the affections, and storms the stronger conscience of a good breast. Nor is the authority of an enticing disgrace absent, so that destruction may creep upon human beings through the softer hearing. They represent an unchaste Venus, an adulterous Mars, and that Jupiter of theirs, a prince no more in kingship than in vices, burning toward earthly loves with his very thunderbolts--now growing white in the feathers of a swan, now flowing down in a golden shower, now springing onto the stage toward the puberty of boys, carried off with birds as his servants. Ask now whether one who watches can be uncorrupted or chaste. They imitate the gods whom they venerate; for the wretched, offenses become religious acts.

"O, if only, stationed in that lofty watchtower, you could introduce your eyes into secret places, unclose the covered doors of bedchambers, and open hidden inner rooms to the consciousness of the eyes. You would see things done by the unchaste which a chaste brow could not even behold. You would see what it is itself a crime to see. You would see what men maddened by the fury of vices deny that they have done and hasten to do. Men rush upon men with insane lusts. Things are done which cannot please even the very men who do them. I lie if one who is such does not rebuke others; a shameful man defames shameful men and believes that he has escaped the one who knows, as though it were not sufficient that he cannot escape his own conscience. The same men are accusers in public and defendants in secret, at once censors of and guilty before themselves. They condemn outside what they perform within; they willingly admit what, when they have admitted it, they accuse--an audacity agreeing altogether with vices, and a shamelessness corresponding to the unchaste. I do not wish you to marvel at what men of this kind speak with that polluted mouth: whatever sin is now committed by the voice is less."

He exaggerates nothing. He keeps silent about those things which modesty prohibited him from saying. Heliogabalus ordered to be exhibited in reality the things which the mimes imitated. No one can be excused on the ground that the Athenians did those things long ago. Aristophanes, the most wicked of all, reproaches the wickedness of the whole city because by a public decree they removed from his place an aged poet who abstained from obscene taunts. Believe steadfastly that minds so fit for prostitutes deserved whatever evils they afterward suffered.

§ 3. "The theater," says Tertullian in Chapter X of *On Spectacles*, "is properly the shrine of Venus. In this manner, finally, that kind of work arose in the world. For the censors often destroyed theaters just when they were springing up again, consulting for morals, whose immense danger from wantonness they plainly foresaw. Thus already from this point the heathens' own judgment, which makes with us, may yield as testimony against them, and the prerogative even of human discipline may serve us for an amplification of the charge. And so Pompey the Great, lesser only than his own theater, when he had built that citadel of every shameful deed, sometimes fearing a censorial censure of his memory, placed a temple of Venus above it. Summoning the people to its dedication by edict, he called it not a theater but a temple of Venus, 'beneath which,' he said, 'we have placed the tiers of spectacles.' Thus he covered a condemned and condemnable work with the title of a temple and mocked discipline by superstition.

"But Venus and Liber agree with one another. Those two demons of drunkenness and lust have conspired and sworn together among themselves. Therefore the theater of Venus is also the house of Liber. For they also called other theatrical games *Liberalia* in their proper designation, not only because they were devoted to Liber--as the Dionysia are among the Greeks--but also because they were instituted by Liber. And plainly the patronage of Liber and Venus

exists even in the theatrical arts, in those things which are private and proper to the stage, concerning gesture and looseness of body. For, dissolute, they sacrifice softness to Venus and Liber--to the one through sex, to the other through looseness."

And in Chapter XVII: "In like manner, we are ordered to remove all unchastity. Therefore in this way we are also separated from the theater, which is the private consistory of unchastity, where nothing is approved except what is disapproved elsewhere. Thus the whole of its favor is in the greatest degree fashioned from filthiness, which the Atellan gesticulator and which the mime also represent through women, banishing the shame of their sex so that they blush more easily at home than on the stage; which, finally, the pantomime suffers in his body from boyhood so that he can be an artist. Even the prostitutes themselves, victims of public lust, are brought forward on the stage, more wretched in the presence of women, from whom alone they were hidden; and they are paraded before the faces of every age and every dignity. Their place, their fee, and their encomium are proclaimed, even to those who have no need of it. I keep silent about the rest, which ought to lie hidden in darkness and in its own caves, lest it contaminate the day. Let

[Printed page 150]

the Senate blush; let all the orders blush. Those very destroyers of their own shame, growing afraid to bring their gestures into the light and before the people, blush once a year. But if unchastity must be execrated by us, why should it be lawful to hear what it is not lawful to speak? Since we also know that scurrilities and every idle word are judged by God, why should it equally be lawful to hear things which it is a crime to do? Why should those things which, uttered by the mouth, defile a man not be thought to defile a man when admitted through eyes and ears, since ears and eyes are attendants of the spirit, and he whose attendants are polluted cannot be presented as clean?" Therefore the prohibition of unchastity also contains the prohibition of the theater. Cyprian agrees in his book *On Spectacles*; Lactantius, Book VI, Chapter XX; Augustine, Book XX of *The City of God*, Chapters IV, V, VI, VII, VIII, X, and XIII.

You will perhaps say that lascivious comedies are prohibited, not grave ones, not tragedies. But tragedy too represents ancient crimes, so that it may be established that what has been done can be done; and tragedies should be exhibited only with great discrimination. This, therefore, is the sum, and the rule which must be observed in these games.

§ 4. First, neither the commonwealth nor the prince is permitted to introduce such spectacles; neither can permit them. An actor is infamous and is not admitted to the communion of the Church. There is an example in Saint Cyprian, Epistle 61: "Because of your affection and our mutual modesty you judged that I should be consulted, most illustrious brother, concerning what I think of a certain actor who, established among you, still perseveres in the dishonor of that same art of his; and, as a master and teacher not of boys who are to be educated but of boys who are to be destroyed, also instills into others what he learned wickedly--whether such a man ought to communicate with you.

"I think it agrees neither with the divine Majesty nor with evangelical discipline that the modesty and honor of the Church should be defiled by so shameful and infamous a contagion. For since men are prohibited in the Law from putting on a woman's garment and those of this kind are judged accursed, how much greater a crime is it not only to receive women's clothing, but also to represent shameful, soft, and womanly gestures through instruction in an unchaste art? Nor should anyone excuse himself if he himself has ceased from the theater while he nevertheless teaches this to others. For he cannot be seen to have ceased who appoints substitutes and supplies many successors in place of himself alone--educating and teaching, contrary to God's institution, how a male may be broken into a woman and sex altered by art, and how the Devil, who stains the divine creation, may be pleased through the offenses of a corrupted and enervated body.

"But if such a man pleads his want and the necessity of poverty, his necessity too can be assisted among the others who are sustained by the Church's provisions, provided that he is content with more frugal but innocent food. Nor let

him think that he must be bought off with a salary so that he ceases from sins, since he renders this not to you but to himself. For the rest, let him seek as much as he wishes from that source."

§ 5. By the example of the Roman Empire, they say that they are able to permit--indeed, to seek--pleasures for the people. But among the Romans there was at first a moderation of stage players; then stages and theaters were often abolished and actors driven into exile. For they were becoming accustomed to idleness and vices, since, as Varro reproaches them in Book II of *On Agriculture*, "They preferred to move their hands in the theater and circus rather than among crops and vineyards." They learned by experience that virtue could not stand in the kingdom of pleasure, and that innocence could not remain among so many incitements to vices. Therefore they often condemned these things, and most wickedly resumed what they had rightly renounced. The matter departed into such great madness that performers received the pay of generals and armies. At so great a price were purchased the kindling of disgraceful acts and the stain of morals. So great was the reward for violators of morals. Thus Tertullian speaks: "Theaters arose for violating morals. So many unclean spirits sit there as there are human beings whom the theater holds."

§ 6. So great, so pernicious an evil can be abolished by the prince with one word, with one sheet of paper; and because he can oppose it so easily, if he does not do so, he himself cannot be saved. For what Christian will stir up a tumult? Then too, very many subjects, and indeed soldiers, are offended by these delights of princes and cities. Now the defenders of the fatherland in garrisons and camps are in want, while those who render service of no worth, pernicious service, live in gold and purple and insult those who pursue honorable things. But how can a commonwealth stand in which actors are equated with generals? We read with wonder of the wealth of Roscius and others, and from them we learn the madness of public vanity.

The Spartans did better in removing actors altogether than those who resolved to regulate them by laws. For although actors were sometimes compelled by the commands of princes to abstain in public, many seditious things were nevertheless attempted by them in public and many foul things within houses. Augustus was indeed just and severe toward Stephanio and lenient toward Pylades, but at last steadfastly brave; yet in the rest of his life he was indulgent and a corrupter of morals, for he himself lived most shamefully, and his wife and daughters were a public disgrace. Therefore stage players and performers must altogether be removed from our midst--much more foreign ones, such as Britons and others who wander everywhere through Germany; for they are infamous on account of their theatrical art and introduce great corruptions.

I would not, however, abolish every apparatus of the theater and every study of comedies; but I would readily concede it when bound by definite laws.

§ 7. First, let it excite to virtue both those who declaim and those who see and hear either a fable or a true history. We possess one play of Plautus more modest than the others, the *Captivi*:

> Certainly, he says, it will be expedient to give attention to this play.
>
> Its subject has not been handled before, nor is it like the others;
>
> Nor are there filthy and unmentionable verses in it.
>
> Here there is neither a perjured procurer nor an evil prostitute,
>
> Nor a vainglorious soldier.

Therefore let the plays be holy and implant virtue. Let them teach civil prudence. Let nothing be spoken in a theater of Christians which could not also be spoken in a church. For your hearer is a temple of the Holy Spirit, to whom it is impious to commend trifles, much less obscenities. For the chief of all political writers and instructor of a great king rightly says in Book VII, Chapter XVII:

> Οἷον, αἰσχρολογίαν ἐκ τῆς πόλεως, ὥσπερ ἄλλο τι τῶν φαύλων, ἐξορίζειν.

Foul speech, like other evils, must be utterly banished from the city.

Second, let there be such moderation of gestures as not only pleases, by its gravity, men who are civilly and elegantly mannered, but which the actor can retain through the whole remainder of his life, so that the stage may contribute to living courteously and agreeably in human society, and so that even the roughness and sluggishness of rustic young men may be formed.

Third, when the affections of vicious men--for example, of the proud, avaricious, and angry--are represented by voice and gesture, let the character of the verse and action be such that hatred and detestation of the vices is produced. And let the cause of evil never be acted so skillfully that the cause of good appears to have fallen. Thus there will not occur what sometimes happens: that actors carry into private conversation the gait, expression, and tossings

[Printed page 151]

of the arms which they displayed properly in theaters; and those who seemed to simulate pride in the theater exhibit it as reality in life.

Fourth, let them never represent the affection of a lover by words or gestures--not even for the purpose of showing the disastrous end of unchastity. Therefore the actor will not bring forward Hemor, son of Sichem, wounded by love, in order that, through the destruction of all the citizens and the sexual outrage avenged, he may strike greater fear. Nor will he present Delilah's flatteries in order that Samson's fates may be sung. There is a great difference among these matters. To think and speak about pride, avarice, or drunkenness, and to simulate its affections, does not lead the mind away from virtue. But the disease of lust is contagious; it is transmitted by the slightest breeze. This vice, too, when rebuked somewhat inconsiderately or immodestly, often rages more vehemently. Men behold the angry and the drunken without anger or drunkenness of their own, and by the very sight have learned to condemn those vices. Improvident minds do not safely hear the lusts of others, except incidentally and in passing. If you dwell upon representing loves, the mind is infected with vice before it hears the catastrophe to the end.

Fifth, I do not condemn charms and witticisms, provided they are pointed, honorable, and pertain to contempt for vices. For nothing can be said wittily except against a vice. If you jest against an innocent person, it is an insult. In the very jest, let something of a good disposition shine forth; let foulness never insinuate itself. Nazianzen says excellently:

> Εἰπεῖν, ἀκοῦσαι, ἢ δρᾶσαι, μικρὸν μέσον.

Speaking, hearing, and doing stand at a short interval. Therefore let the jest be noble, not malevolent, not foul, because one ought not even to hear such a jest.

What Antonius of Siena relates in the history of the Dominican Fathers is marvelous. A young man had disclosed his love to Lucia, a chaste and holy virgin, and among his flatteries had written that he was wounded and captivated by the beauty of her eyes. But she, unaccustomed to a procurer's flattery and at the same time concerned for the lover's salvation, sent her eyes, torn out, to the young man, with an inscription added: that he now possessed the very cheap thing which she had valued less than her God. How chaste was that spirit, which tore out eyes violated by an impure letter because they had pleased her lover! How would that virgin have detested theatrical obscenities when she avenged a letter in this manner?

Sixth, let no woman enter the stage, nor any man in a woman's costume. Let even the clothing of that sex, whom modesty and laws confine at home, be absent from the theater. I have never approved a young man, in feminine dress, simulating a woman--even one holy, modest, and chaste--or having his hair arranged and being adorned by women, so that he may be seen in public as though a woman. I rejoiced that this judgment of mine was approved by our Society; for it prohibited our pupils from coming forth upon the stage in women's clothing in the future. And in general I dislike the cause of chastity being pleaded in the theater. Chastity is modest and tender, safer by fleeing and hiding; it does not

desire to appear in public even for its own praise. Let faith, fortitude, prudence, and sobriety have their parts. Let chastity enjoy its own conscience alone at home. If it is praised in public, let this be done sparingly and modestly.

Seventh, let no one proceed onto the stage for the sake of gain--no one who does not sustain his life by another art or support himself and his family from domestic resources. Therefore I have already utterly proscribed from my commonwealth stage players and mountebanks who prepare a living by jesting, speaking obscenely, and deceiving; whose praise grows from crime; and who are considered more skillful the fouler they are. Men of this kind are generally most wicked. For since they are oppressed by poverty, they labor to gather crowds and please the people; hence they say and do those things by which every most foolish man is delighted. Hence they do not care what they say, provided they extort money. Therefore it was badly provided for the commonwealth when that dregs was supported at public expense, and laughter and instruction in foulness were purchased with so great a concern. Roscius received a daily wage of one thousand denarii, as Macrobius testifies in Book III of the *Saturnalia*. But surely, is it lawful, contrary to right, that those things which the provinces contributed be spent on the amusements of the worst men? It also disturbs the peace of the commonwealth.

Eighth, just as obscene license ought not wander about the prince's table, but instead a benign invitation, nobility of jest, and love of studies, so let sacred, honorable, political, and learned comedy--an indication of a liberal disposition and a pledge of future hope--delight the eyes of the Christian people with grave courtesy and easy dignity. And let it be brought about that every most honorable and most noble person comes to practice in this matter. Rule 13 of the prescribed plan of studies for the rectors of the Society has encompassed all these things in brief words:

“13. The subject of tragedies and comedies--which ought to be only in Latin and very rare--shall be sacred and pious. Nothing shall be inserted between the acts which is not Latin and decorous; nor shall any female character or clothing be introduced.

“14. But let him take great care to prevent the pupils, while preparing themselves for things of this kind, from suffering a loss of morals or studies.”

CHAPTER XIV

Sobriety Is the Firmament of the Commonwealth

§ 1. Many things have been said by the wise, and many by the temperate, in favor of sobriety against intemperance. But drunkenness, though rebuked in gatherings and even at banquets, rules; and it is much easier to praise virtue than to follow it. Therefore I shall speak about temperance to those who seek dishes and wine. I shall also speak to the Germans, that is, to my own fatherland. Although this vice reigns most widely among them, one must nevertheless not despair of a remedy, since many princes and magnates have brought their courts back to moderation and continence.

They say that certain men asked Charles V to prohibit revels and drinking bouts, but that he replied with a laugh that this would be just as if he prohibited thefts among the Spaniards. One must not judge that the emperor spoke in this way out of despair of reformation, but in order to remind men who sharply censured the vices of another nation of their domestic evils. And so I too shall admonish them concerning these things; for the time will come when so great an evil will either be removed by the diligence of princes or oppressed by barbarian servitude.

Germany has always acknowledged this evil as its own, and therefore has carried very many laws against it, even in public diets and assemblies. I shall review the more recent ones.

In the year 1500, at the Diet of Augsburg under Emperor Maximilian, the following was decreed concerning compulsory drinking: “And although, by the consent of the electors, princes, and other estates, it was established and enacted at the last diet concerning compulsory drinking and drinking bouts that the magistrates of all provinces and places where that custom of drinking was not so ancient should apply themselves to the matter, so that it might be abolished, prevented, and gravely

[Printed page 152]

punished, we have nevertheless understood that this constitution of ours and of the Empire has thus far been little observed, but that the said abuse and intemperance is growing stronger and increasing everywhere in all the provinces from day to day. Therefore, since it is so much more necessary that this evil be met with greater care and vehemence than has formerly been done, we prescribe and command each and every elector, prince, and other estate, of whatever dignity, condition, or province they may be, unless they wish to incur the righteous indignation of Our Majesty and fall from favor, that they severely prohibit drinking bouts of this kind everywhere in their electorates, principalities, provinces, dominions, and territories, punish them with a grave penalty, and execute this command with every zeal.”

§ 2. But in the year 1512, at Cologne, an even graver penalty was decreed.

§ 3. “Likewise, although drinking bouts have very gravely been prohibited rather often at previous diets, this has nevertheless thus far been little observed and put into execution--indeed, it has been neglected by those who ought to have maintained and enforced the command--and because, above all, from this imitation in drinking a larger draught of wine arises drunkenness, and from drunkenness frequent blasphemies, homicides, and innumerable other evils, so that those drinkers cast themselves into a present danger to honor, reputation, the salvation of the soul, reason, life, and fortunes, let each of the magistrates of all the provinces, highest and lowest, ecclesiastical and secular, reform that vice first in themselves and then in their subjects, and prohibit everyone from that lust for drinking under the gravest penalties.

“And if any of the nobility are unwilling to restrain themselves from it, let us, the electors also, the princes both ecclesiastical and secular, and every magistrate avoid them, dismiss them from courts, and remove them from offices and duties; and let none either of the princes or of the other lords admit those dismissed for this cause into his service. But let men of lower condition and lot be subjected to corporal penalties for the same fault. But if any magistrate has

been negligent toward his subjects in watching over, enforcing, and executing this command of ours, then let the fiscal officer of Our Imperial Majesty summon those subjects who have transgressed before our Imperial Chamber, so that the deserved penalties may be exacted from them. But wherever that depraved custom of drinking, handed down from ancestors, has already taken root, let the magistrates give diligent effort to its abolition."

O happy fatherland, if those amphorae and Maximins are exterminated from courts, churches, and cities, and punished.

In the year 1548, at Augsburg, the following was decreed by Charles V with the consent of the Empire:

"Since, as daily experience teaches, God is most gravely offended by drunkenness--for various vices, evils, and injuries spring from it--and at previous diets it was established concerning drinking bouts and contests of cups and wine that, in order to remove and abolish drinking bouts, the magistrate should punish severely those guilty of that crime; nevertheless constitutions of this kind have thus far been little observed and put into execution. Rather, that depraved custom of drinking has grown and spread more broadly everywhere from day to day, having driven deeper roots. From it have followed blasphemies, robberies, homicides, adulteries, and gravest offenses of that kind.

"It is added that, through drunkenness, secrets which deservedly ought to be concealed are repeatedly revealed. These vices render the Germans--whose valor was known long ago and greatly praised--exceedingly contemptible among foreign nations. It has likewise often happened in war that, on this occasion, grave dissensions, seditions, and rebellions have arisen among the soldiers themselves, and disobedience toward commanders and military magistrates has sprung up. From this the dearness of provisions is also increased; honorable banquets and social gatherings, for which the Germans were formerly especially commended, are abolished, diminished, and avoided. This is to say nothing of the fact that the vice of drinking is the fountain of every evil and exceedingly pernicious to the eternal salvation, honor, favor, reason, longer life, and bodily strength of human beings.

"Therefore, having considered these things, we command each and every elector and prince, both ecclesiastical and secular, and the other estates of whatever dignity, condition, or province they may be, that they themselves abstain altogether from drinking bouts, both so that they may shine before their subjects by example and so that they may have so much greater power to exact due penalties from transgressors. In their courts let them command courtiers, and in princely dominions, provinces, territories, and domains their subjects, under grave penalty, to abstain from every drinking bout, by whatever manner, words, or form it is instituted or may be devised for institution; and let them diligently enforce this command. Especially, let them also command heads of households diligently to admonish their whole household--children, male servants, and maidservants--to abstain altogether from oaths, blasphemies against God, his most holy mother, and the other saints, and from drinking, as we too prescribe severely here and will to have diligently observed.

"We also will that magistrates give this business to their parish priests and preachers, so that on every Sunday they may set it before the people and command them to abstain from drinking, enumerating for this purpose the vices which are generated from it. For this it will be necessary that a catalogue of them be furnished to the priests by the magistrates."

In the year 1570, at Speyer, Maximilian established the following concerning the military order, §48:

"Since, to our sorrow, the matter has come to such a point that among the Germans, especially those in military service, the detestable and bestial custom of drinking is the principal exercise--from which grave disgrace, dishonor, infamy, danger, and contempt threaten the whole nation, and above all because victories are consequently rarer and the outcomes of war often more unfortunate--let it be severely commanded to the master of cavalry, military magistrates, as also to lords, nobles, and knights, by force of this military constitution, that they restrain themselves from continual and perpetual drunkenness, but especially that they do not permit it to their attendants and servants." And §49 admonishes thus:

“But if any one or more military magistrates, having been accused, shall have been discovered to be so given to the bestial and detestable vice of gorging himself that he by no means performs his duty according to necessity, let him be removed from office by the military prefect or his commander, and let it be entrusted to men more sober. Nor is it lawful for anyone, whoever he may be, to oppose himself, aid that man, or defend him, by force of the present constitution and the obedience owed to it.” And §50:

“Likewise, by the military prefect, the commanders, and the equestrian court, in all offenses which were committed in drunkenness by lords, nobles, or soldiers, of whatever condition or lot they may be, and which come to be punished, let drunkenness in no way be accepted or admitted as an excuse or a mitigation of penalties. Indeed, let offenses of this kind be fined and punished the more severely and gravely, even with twice as much.” And §51:

“He who, through drunkenness, has neglected a hostile danger, being stupefied by sleep or in some other manner, shall pay for the negligence with his head.” And §52:

“Each and every soldier, foot soldier, and other man occupied in the service of the cavalry who shall have been discovered to have drunk in the manner of beasts and to be so drunk that he is without power over himself and his reason shall be led directly to prison and bound with iron, nor shall he be released without the will of the commanders or master of cavalry. In addition, it shall be lawful and right to punish such men according to the gravity and confession of the offense, and to summon and drag before the equestrian court those who have opposed themselves to this proceeding.” Finally, §78:

[Printed page 153]

“Therefore, anyone who has been discovered in the watches after drinking, or drunk, so that according to the necessity of the matter he cannot keep watch and give the true and proper password, shall be punished according to the judgment and sentence of the military prefect, the commanders, or the equestrian court.”

I therefore bring these laws forward at the beginning so that I may meet the objection of those who judge that one must despair of Germany and deny that sobriety can be restored. Emperors and princes have good hope; I add that they are also able to apply a remedy, if they will.

§ 4. The Africans, according to Augustine's testimony, were prone to drunkenness, but in his church there was nevertheless so great a care for sobriety that Augustine deservedly says in Sermon 231 *On Time*: “Although, with Christ's favor, dearest brothers, I believe that you dread the evil of drunkenness as a pit of hell, and that not only do you yourselves not wish to drink beyond measure, but do not adjure or compel others to take more than is fitting, nevertheless it cannot happen that there are not some negligent persons who are unwilling to be sober. You who always offer sober banquets, do not take it as an injury to us that it is necessary for us to rebuke certain drunkards.

“For since, dearest brothers, the evil of drunkenness is a grave vice and hateful to God, it has been admitted into custom by many throughout the whole world to such an extent that by those who are unwilling to know God's precepts it is now neither thought nor believed to be a sin. This goes so far that at their banquets they ridicule those who are able to drink less, and through inimical friendship are not ashamed to adjure men to take more drink than is fitting. For to the man who compels another to make himself drunk by drinking more than is necessary, it would be a lesser evil if he wounded the other's flesh with a sword than if he killed his soul through drunkenness.

“And because our bodies are earthly, just as, if rain is excessively heavy and prolonged, the earth is flooded and dissolved into mud, so that no cultivation can take place in it, so too our flesh, when it has been made drunk by more abundant drink, will be able neither to receive spiritual cultivation nor to bring forth the necessary fruits of the soul. And therefore, just as all men desire their fields to receive sufficient rain so that they may both be able to exercise cultivation and rejoice in an abundance of fruits, so too in the field of the body they ought to drink only as much as is fitting, lest through excessive drunkenness the earth of the body itself, as though turned into a marsh, be able to generate worms and serpents of vices rather than bring forth fruits of good works.

“For all drunkards are such as marshes appear to be. Your Charity is not ignorant of what is born in marshes: all that is born there is recognized as having no fruit. Serpents and bloodsuckers are born there; frogs and diverse kinds of worms are born there, which can generate horror rather than supply anything profitable for sustenance. Those plants or trees which are accustomed to be born either in the marshes themselves or around their banks appear to have no usefulness, to such a degree that every year they are consumed by fire. See: what is born from drunkenness is prepared for fire.”

Why do we either write books or preach in churches or debate in academies concerning these things? The belly has no ears; but the ears of drunkards also lack hearing, and their head lacks a brain. Nevertheless one must not yield to vices but go against them. Thus the wise men and prophets acted formerly. Nor must the anger of drunkards be feared, because very soon they will rot away.

They cry, “Be ashamed, and let there be shame upon you! Why are you unable to drink as much as we?” For they say that those men are not men. And see the misery of drunkards: those who lie in the sewer of drunkenness say that they are men, and they say that those who stand honorably and soberly are not men. They lie prostrate and are men; the others stand upright and are not men?

Therefore, since the drunk are outside their own power and, because they lack reason, are incapable of admonition, let us admonish the sober to restrain them.

§ 5. First, the law of the great king upon whom every kingdom depends was given to everyone. You see the foundations of the German laws in the decrees of God and the oracles of the Most High, and you see that Germany's princes and leading men are not ignorant of their own evils, but either love them or are too weak to remove them. But let us look upon the divine laws, and measure our commonwealth and morals by them.

Leviticus 10:8: “And the Lord said to Aaron: You and your sons shall not drink wine or anything capable of making drunk when you enter the tabernacle of the testimony, lest you die; because it is an everlasting command throughout your generations.” Let drunkenness not approach ceremonies destined to perish; to have tasted wine at all is held to be an offense requiring expiation. How shall Christians drink the cup of the Lord while still belching from drunkenness?

Proverbs 20:1: “Wine is a luxurious thing and drunkenness tumultuous; whoever delights in these will not be wise.” And 21:17: “He who loves feasts will be in poverty; he who loves wine and rich foods will not be enriched.” And 23:1: “When you sit to eat with a prince, attend diligently to the things which have been placed before your face, and set a knife at your throat, if nevertheless you have your soul in your power. Do not desire his foods, in which is the bread of falsehood.”

And 31:4: “Do not give wine to kings, O Lemuel, do not give wine to kings, because there is no secret where drunkenness reigns, lest perhaps they drink and forget judgments and alter the cause of the children of the poor.”

Ecclesiasticus 19:1: “A drunken workman will not become rich, and he who despises small things will fall little by little. Wine and women cause the wise to apostatize and will reprove the prudent.” And 31:12: “You have sat at a great table; do not open your jaws over it first.” And verse 17: “Do not be compressed at a banquet.” Chapter 37:32: “Do not be greedy at every feast.”

Isaiah 5:11: “Woe to you who rise in the morning to pursue drunkenness and to drink until evening, so that you may grow hot with wine. The cithara and lyre and timbrel and pipe and wine are in your banquets, and you do not look upon the work of the Lord or consider the works of his hands.” And verse 22: “Woe to you who are powerful at drinking wine and strong men at mixing drunkenness.” And 22:12: “And the Lord God of hosts shall call on that day to weeping and lamentation, to baldness and the girdle of sackcloth; and behold joy and gladness, killing calves and slaughtering rams, eating flesh and drinking wine: Let us eat and drink, for tomorrow we shall die,” and so forth. And 28:7: “But these also did not know because of wine, and wandered because of drunkenness. Priest and prophet did not know because of drunkenness; they were swallowed by wine, wandered in drunkenness, did not know the seer, and

were ignorant of judgment." And 56:12: "Come, let us take wine and be filled with drunkenness; and as it is today, so shall it be tomorrow and much more."

Ezekiel 16:49: "Behold, this was the iniquity of Sodom your sister: pride, fullness of bread, abundance, and the idleness of her and her daughters; and they did not extend a hand to the needy and poor."

Daniel 5:2: "Therefore, being now drunken, he commanded that the vessels of gold and silver which Nebuchadnezzar his father had carried away from the temple which was in Jerusalem be brought, so that the king, his nobles, his wives, and his concubines might drink from them."

Hosea 4:11: "Fornication and wine and drunkenness take away the heart."

[Printed page 154]

Joel 1:5: "Awake, drunkards, and weep and howl, all you who drink wine in sweetness, because it has perished from your mouth."

Micah 2:11: "Would that I were not a man having the spirit, and that I spoke falsehood instead: I shall drip down wine and drunkenness for you, and this shall be the people upon whom it is dripped."

Romans 13:13: "As in the day, let us walk honorably, not in revels and drunkenness, not in beds and unchastities, not in contention and rivalry."

1 Corinthians 10:6: "But these things were done as a figure for us, so that we should not be desirous of evil things as they also desired." And 15:32: "If according to man I fought with beasts at Ephesus, what does it profit me if the dead do not rise? Let us eat and drink, for tomorrow we shall die."

Galatians 5:19: "But the works of the flesh are manifest, which are fornication, uncleanness," and so forth; "drunkennesses and things similar to these, which I foretell to you, as I have foretold, that those who do such things shall not obtain the kingdom of God."

Ephesians 5:18: "And do not be drunk with wine, in which is luxury."

1 Thessalonians 5:6: "Let us keep watch and be sober; for those who sleep, sleep by night, and those who are drunk are drunk by night. But we who belong to the day, let us be sober." 1 Timothy 3:2: "Therefore a bishop ought to be irreproachable, the husband of one wife," and so forth; "not given to wine, not a striker," and so forth.

1 Peter 4:3: "For the past time is sufficient for accomplishing the will of the gentiles, for those who walked in luxuries, desires, drunkennesses, revels, drinking bouts, and unlawful worships of idols." Hebrews 12:16: "Lest there be any fornicator or profane person, like Esau, who for one meal sold his birthright."

§ 6. I have long remembered that my business is with those men who measure everything by their own advantages, not by the integrity of the commonwealth but by reason of state, as they themselves are accustomed to speak. And so I must also say this: a commonwealth in which drunkenness rules cannot stand for long. For drunkenness is both hostile to God and contrary to the order by which alone the commonwealth stands.

For what region was there which, although it embraced drunkenness, did not condemn it? What region did not perish through it unless it corrected it early? Lacedaemon, that harsh but brief guardian of virtues, ruled while sober and served while drunk. When Leotychidas was asked why they avoided drunkenness by a severe law, he replied, "Lest others deliberate for us." For a drunkard, like a ward, is in another's hand. Solon punished an offense of drunkenness with death. Pittacus visited one who offended while drunk with a double penalty. The laws of Germany in a certain manner imitate this, for they establish a graver penalty for the offenses of drunkards. In Spain, if anyone is a drunkard, he is deprived of the honor of giving testimony; in Italy he is held up to mockery and regarded as in a certain manner infamous. Therefore we possess the testimony of the Creator, the holy fathers, and human laws, together with the

consensus of all nations. If anyone resists it, assuredly he must be cast out of every commonwealth as insane and as one contemplating madness.

§ 7. A commonwealth which takes no account of temperance, and which either passes over in silence or incites the drunkenness of its citizens, is cruel. It raises a people weak, diseased, useless for conducting affairs, contemptible to neighbors, and exposed to enemies. For the vinousness of fathers and grandfathers transmits into sons and grandsons arthritis, dropsy, coma, inflammation of the eyes, tremor, epilepsy, and apoplexy, and frequently together with them poverty and want. Sobriety is the cause of health; intemperance brings in a cohort of diseases. Golden are the words of Hippocrates:

> Ἄσκησις ὑγιείης, ἀκορίη τροφῆς, ἀοκνίη πόνων.

The exercise of health is slenderness of diet and unwearied endurance of labor. Socrates lived healthy for a very long time at Athens--that is, in the fatherland of luxury and diseases--because he lived soberly. Fortune sets out an ostentatious table; virtue a sparing one. Indeed, even great fortune sets out a sparing one, provided that it is not luxurious. Health requires a sparing table; fever and dropsy are never satiated. Nature is content with few things. As everyone admits, one lives well and healthfully on water. “You have the Nile, and you seek wine?” Pescennius Niger said to a soldier rioting from desire for delicacies.

The old age of Augustus flourished through abstinence and would have been longer if his wicked wife had not hastened it with a poisoned fig. He furnished a dinner of three courses, or most abundantly six, with no excessive expense but the greatest courtesy. Thus Suetonius testifies. What do you hear? Three or six courses on the table of Augustus, the lord of affairs, to whom the Parthians returned the standards and the Indians submitted their kingdoms? What satrap, what citizen furnishes a dinner to a friend in this manner? Constantius too was long-lived; the history of his life teaches the cause. At Caesar's banquet he forbade a pheasant, a sow's womb, and an udder to be demanded and brought in, content with the chance food of a munificent soldier.

But the cause why wine and excessive food bring diseases upon the body--so that they rightly call *ἰόν*, “poison,” *τὴν κακίστην τροφήν*, “the worst nourishment”--is easily explained by natural philosophers.

§ 8. Whatever is supplied to nature beyond its appetite and powers weighs it down, oppresses it, and weakens it to such a degree that it is turned into poison. It excites an immense struggle and is cast out with convulsion of the breast, nausea, shaking of the head, injury to memory, and the functions of the entrails turned to the contrary.

Wine taken copiously, especially wine that is sweet and spirituous, evaporates upward in great abundance, fills every passage and cavity of the brain, puts reason to sleep, and soon that cloud congeals through cold. With both the passages of breathing and the nerves which administer sensation oppressed, it sometimes threatens immediate death. Thus Alexander the Macedonian died; thus Andebundus, king of England, was carried out from a banquet. Alexander's drunkenness was always a spectacle; but the funeral rites of Calanus the Indian were set before the entire army as a terror. For a drinking contest was instituted. A talent was promised to the first man, thirty minae to the second, and ten to the third; but it was a bloody contest. Thirty-five men, seized on the very field by sudden cold, shivering, and syncope, breathed out their lives. Six who were carried back to the tents died shortly afterward. Promachus the Macedonian, who merited the talent, died within three days after receiving it. Thus Chares of Mytilene writes concerning Alexander.

But if death does not follow, nevertheless the falling sickness, which is customarily called Herculean, is at hand; for Alcides was subject to it, and not undeservedly, since he bore away the palm among drinkers. They relate that his cup could scarcely be carried by two men. Therefore they called immense mixing bowls Heraclean. All the senses, especially the eyes, are rendered duller; the voice is blunted by drunkenness; color dies away; the breath is corrupted. Ears, lungs, stomach, joints, and intestines have their own vices from a debauch; frenzy also frequently breaks out from it.

What is more miserable than Zeno, who, as a mockery to the peoples, was buried alive first in wine and then in earth? His mind was altogether alienated through drunkenness, with the plebs reproaching him:

[Printed page 155]

"Zeno, rise up; have you drunk again?" When this happened frequently, Ariadne, through hatred of so many vices, ordered him, half alive, to be cast into an imperial tomb and it to be closed with an immense stone. When he returned to himself there and, with immense lamentation and bellowing, wailed, he was neglected through fear of Ariadne and compelled to die. Zonaras, Annal III.

Nor is the end of Michael dissimilar in the same Zonaras. While he was overwhelmed by undiluted wine and oppressed by the deepest sleep, his hands were then cut off so that he could not flee because of drunkenness; a soldier of Basil pierced him through, and by drawing out his entrails with a sword ended his drunkenness and life.

Aristotle briefly explains whence those things arise, Section III, Problem III. He says that drinkers are *δυσρίγους*, "prone to chills," and that they are most quickly seized by pain of the sides and other conditions of this kind. For wine brings much moisture and much cold and overcomes natural heat. But wine induces old age and tremor:

> Ὧν γὰρ θερμὸς ὁ οἶνος μετὰ τῆς φυσικῆς ὑπαρχούσης θερμότητος, μᾶλλον ἀναλίσκει τὰ ἐν σώματι ὑπάρχοντα ἐφόδια τῷ οἰκείῳ θερμῷ.

For since wine is hot, when joined to the body's natural heat it more effectively consumes the nourishment in the body belonging to its natural and innate moisture. Hence it happens that among these men some are oppressed inwardly by water, others by a flux, others by another discharge, and very many other disorders of the same belly exercise them. For both the remaining humors remain sharp and unfit, and those liquids which have come from without cannot be thickened because of the weakness of their proper heat. But the heat itself remains weak for this reason: because the matter by which it can still be maintained is weak. So it is with a fire which a reed produces, for because of the weakness of its material it is weaker than a fire furnished by wood.

But Aristotle plainly teaches in Problem XXIII that one's age is diminished by wine: "Why does one who was previously emaciated and then drank much undiluted wine fall down dead? And why are very many drinkers, although they have in no way emaciated themselves, nevertheless made dry by a large and universal draught of undiluted wine? For this must be investigated, since wine is hot by its own nature, and just as life plainly is maintained by heat, so death occurs by cooling. Is it the case that, as from hemlock, so one must die from undiluted wine, although one's own heat is thereby gradually extinguished, but by a different manner? For hemlock wastes natural heat by cold. And just as a small fire is extinguished by excessive fire or by the sun, so the body's inward heat is overcome and extinguished by the heat of wine, if it is excessive."

Or, if another similitude pleases: just as heated wine, when it is cooled, loses its natural heat and subtlety, because its fiery, airy, and more delicate parts vanish and the baser matter remains, so too the natural moisture, which philosophers call radical moisture, is dissipated and dissolved by excessive adventitious heat. From this tremor and cold of bodies grow strong. Hence drunkards rejoice in the sun.

This having therefore been established, a rightly ordered commonwealth and a political prince ought to remove drunkenness as poisons and hemlock are removed, and to punish offenders by laws. For it makes no difference whether by the cold of hemlock or by the heat of undiluted wine you exhaust the heat implanted in nature and induce a deadly cold. Drunkenness, I believe, kills more slowly but more cruelly, wrenching the unhappy soul away amid a great concurrence of diseases and symptoms. Indeed, Caelius Rhodiginus relates in Book XXVIII, Chapter XXXI, that certain men became mute from drunkenness and, suffering convulsion or spasm, immediately fell down; others, when fever supervened, sought a remedy from the lesser evil.

Thus, therefore, I maintain that the life of many nobles and rich men in Germany could be twice as long if they cultivated sobriety--indeed, healthier and more pleasant. I say of the rich, for drunkenness is more frequent among

them, rarer among the poor, and less harmful to bodies hardened and dried by labor. For just as individual bouts of drunkenness diminish vital heat and the vegetative moisture of nature, so too they tear away a part of life and accelerate death. And so the unjust inviter drives men toward death while he serves delightful poisons; and when men "drink health," as they speak, they subtract years from themselves. You will find many old men nowhere except in the harsher places of Germany, where poverty and lack of wine have taught sobriety. Nor shall I deny that many leading and wealthy men, obedient to the laws of temperance, live moderately amid splendid fortune. But the paucity of these yields to the multitude of the others. From this another evil follows: very many men, their fathers removed by an immature death, are wards; both their estates are dissipated and, with greater harm, their education is neglected.

§ 9. Beginning again from higher principles, I undertake to explain how great a corruption there is in wine and how great a plague to life comes from it. Aristotle says in Book VII, Chapter XVII of the *Politics*:

> Φαίνεται δὴ διά τε τῶν ἄλλων ζώων ἐπισκοποῦσι, καὶ διὰ τῶν ἐθνῶν οἷς ἐπιμελές ἐστιν εἰσάγειν τὴν πολεμικὴν ἕξιν, ἡ τοῦ γάλακτος πλήθουσα τροφὴ ἀσινοτέρα δὲ, διὰ τὰ νοσήματα.

It is plain, if anyone considers other living creatures and the nations which take care to induce a bodily habit fit for war, that an abundant supply of milk is most suited to bodies, yet without wine because of diseases. Therefore Aristotle also prohibits dark wine to nurses, lest vinous and hot milk infect the tender limbs and humors of infants; for as the flavor of the fodder is, so too are the force and property in the milk.

I do not think that wine must be prohibited to women in Germany, although this was provided by laws at Rome and although Egnatius killed his wine-drinking wife with a club and was acquitted of the killing by Romulus. For the region is cold, and its wine is for the most part more diluted than Greek, Italian, and Spanish wine. And so that law of Romulus--"If she shall have drunk wine at home, let them punish her as an adulteress"--was abrogated even at Rome. Nor does that consequence of vices which the ancients connected always exist: that adulteries and poisonings follow the use of wine. For physicians frequently prescribe wine in Germany and the northern regions; and Guevara, a man prudent as well as severe, concedes a little wine to women in his very hot Spain for thickening milk, although it is so diluted that the rawness of the water is corrected rather than any flavor perceived by the tongue.

But let each person judge these matters as he wishes, provided that what I have resolved to conclude from them is introduced into morals, and everyone acknowledges how much harm to bodies exists in the abuse of wine. For if wine drunk by a mother or nurse, subdued by the stomach, tempered with other nourishment, thickened into blood, and then by the most perfect digestion converted into milk exercises such power upon nurslings that it kindles them with an alien heat and renders them epileptic, ecstatic, stupefied, stupid, and diseased, what must be judged if both parents and the grandparents received those vices by inheritance, increased them by intemperance, and transcribed them into their offspring?

§ 10. For the same cause the custom of many who frequently drip wine into infants is also foul--*πῦρ ἐπὶ πῦρ ἐπάγοντες*, as the Greeks say, adding fire to fire.

Plato prohibits wine from being given to children before their eighteenth year. The Suebi, formerly imitating Plato, according to Caesar in Book IV, did not even permit wine to be imported, lest they become soft. The Bohemians, by contrast, in the age of their great-grandfathers poured noble wines into infants so that they might learn to drain immense cups at court. Roman youths wearing the *toga praetexta*

[Printed page 156]

abstained from wine. Avicenna altogether denies it to children, for it is just as if one adds fire to fire, and this in weak matter. He concedes it temperately to young men and as much as they can endure to old men. Children's bodies are porous, loose, and hot; therefore they are most easily inflamed by wine. Their nerves are weak and their brain infirm. Thus Galen too says in his *Regimen of Health*: "Wine is most hostile to children, because they are excessively

inflamed by it and because their nerves and brain cannot resist its violence. It dries vehemently and overturns the state of the mind not only for the present but disturbs it for the whole of life."

If you bend violently strong wood or a bronze bow, it possesses powers by which it may spring back and restore itself to its straightness. If you bend wax, lead, and tender shoots, they easily follow the hand, but they cannot return whence they were drawn. Thus voluntary madness from drunkenness indeed disturbs robust bodies, hardened arteries, strengthened nerves, a compact and thickened brain, and its strong little membranes in men, and renders them weaker--for wood once bent is never restored altogether to its former integrity, and a bow long bent loses its strength. But if the ardor of Liber falls upon the tender entrails of children, it so dilates, twists, contracts, and dries them that by no art can they recover their natural constitution.

Memorable is the example of a boy of Pergamum who, when thirsty, drank somewhat undiluted wine. He remained awake for a long time; fever followed the wakefulness, frenzy followed the fever, and finally death. "But we do not always see those things." It is true: wine does not produce the same evils in everyone, but contrary ones--dropsy in one, burning fevers in another, wasting and sleep in some, shouts and songs in others. Chaeremon says in Aristotle's *Problems* that wine operates according to the characters of those to whom it applies itself. And so it harms gradually and little by little until it uses up the whole man.

I have heard young men complaining of sleeplessness; I have seen men otherwise strong from whom wine had taken away, if not their mind, certainly their health and vigor of mind. Sleep denied to nature in youth is a certain sign of a short life. Dryness drives away sleep, but wine dries young men especially; that humor, overwhelming tender nature, takes away its sweet and life-giving juice. Just as dry wood is moistened by water yet lacks native and vital sap, and that moisture effects nothing except that it rots more easily, so too are bodies which are washed in wine rather than drink it.

Thus Diotimus the Athenian, whom they jestingly called a *chous*, because, with a funnel applied, he drank without breathing. There are some so inexperienced in affairs that they judge the natural heat to be restored and increased by the heat of wine with which drunkards grow hot, although experience teaches them that on the following or third day all things grow cold and the limbs tremble. But I speak concerning children. In cold places I would concede them no wine, or little and diluted wine; in hot places none at all. Cast a tender flower into must: you will receive it pale and without sap. No less does the slight flame of Falernian wine burn delicate entrails and hurry them into premature old age more quickly than the beard.

But what need is there of disputation? You may traverse all Europe: in cultivated cities you will find the pale faces of young men, slender bodies, thin little legs; in villages, strong offspring, lively color, muscular upper arms, broad shoulders, robust and masculine supports of the legs, and longevity. But concerning this matter eternal truth is my witness, Ecclesiasticus 37:34: "Because of debauchery many have died, but he who is abstinent will add to life." Therefore let princes lay it up in their inmost mind that more persons must not perish in peace than in war. For what does it profit the commonwealth that swords are sheathed--or, as Scripture speaks, turned into plowshares--if the aconites of intemperance, if the poisons of wine rage more freely than any wars? Those who neglect these things sin against the health of human beings. "To sin against a human being's health is the crime of homicide," says Cassiodorus.

The wretched flee plague and epidemic pestilence, although, if seized by it, they will die without crime. They follow the intemperance of wine and will die with dishonor and eternal destruction. What Augustine said concerning the son of one head of a household in a sermon on chastity--"What does it profit a man to have a son, nourish him, and love him, if he nourishes him for eternal torments?"--I say to the prince: What does it profit a prince to have subjects if all, or a great part, are being prepared for a miserable spectacle and the torments of hell?

§ 11. Enough has been said concerning the evils of the body whose cause is drunkenness; the plague of minds is greater. I am not speaking of the offense against the divine power and of sins, but of impediments to talent, memory,

judgment, and alacrity. Drunkenness takes away memory, scatters the senses, and confounds the intellect, as Augustine teaches: “Drunkenness makes a beast out of a man, a weak man out of a strong one, and a fool out of a prudent one.” As Origen and Jerome testify: “Nothing so overwhelms the understanding as feasting and drunkenness.” Cleomenes, when he emulated the *ἄμυστιν*--the drinking at one draught--of the Spartans, Scythians, and Thracians, was reduced to insanity.

The natural cause of insanity from wine is that it alters the body remarkably, especially by attacking the head and brain. Hence spasm, convulsion, frenzy, stupor, watering of the eyes, tremor, and the disturbance of the brain and its instruments as though of a clock or of strings produce stupidity. Campanian mothers are said to have smeared hedgehog's blood upon their breasts so that they might rear fierce offspring. But there was neither an abundance of that blood nor such efficacy in it, nor were the Campanians fierce, but luxurious. Caligula's nurse gave her nursling the blood of a girl torn apart and mangled together with her milk; yet this was not the cause of that cruelty of his by which he afflicted the human race. He took the greatest pleasure from slaughter, intent without satiety upon the spectacle of shed blood, as Dio testifies in Book LIX. But an inhuman nature, education, and drunkenness brought this about, and those were the evils of the times.

Certainly it was not without cause that the Lord said in Hosea 7, “The princes began to rage from wine.” Not without cause did Pythagoras say that three clusters grow upon the vine: the first of pleasure, the second of drunkenness, the third of insanity. Athenaeus, Book II, Chapter I, relates from Timaeus of Tauromenium that certain young Agrigentines came to such insanity that, while drunk, they thought that they were sailing and, as though a storm had arisen and as if they wished to lighten the ship of its cargoes, threw all the furniture through the windows. When the senate sent officers, they adored them as Tritons and promised victims and sacrifices if they should escape the storm. On the third day they scarcely returned to their mind; the house was called the Trireme. Therefore that temporary insanity, more frequently impressed upon the mind through wine, disturbs the judgment even of men when sober.

Histories relate the most foolish deeds of drunken princes even when they were at their most sober. Sardanapalus entrusted his forces and the care of his kingdom to others. Cambyses, intolerable to everyone and the most foolish of all, afflicted his father's empire. Bonosus, in his own age the most capacious of drinkers, merited hanging by his imprudence. Marcus Antonius, the most talented of the Romans, conducted very many things effeminately and childishly. Claudius, that stock and mushroom, who, as someone says, was so foolish that he could reign--what of the fact, as Seneca jokes,

[Printed page 157]

that when he saw his own funeral and obsequies, he then first understood that he was dead? That man, I say, held large and continual banquets. Caligula, Gallienus, and Maximinus, by the habit of drinking deeply, fell into the greatest disgraces.

§ 12. But what is the chief point: it is established that princes have overthrown the commonwealth through drunkenness. Alexander the Macedonian, the fortunate robber of Asia, conducted very many things youthfully and foolishly, and no one was more desirous of wine than he. No one would call Caligula sane if he should read even one chapter concerning his deeds in Suetonius; but if that man had lived a few years, he would have squandered the whole empire.

“But, lest I enumerate individual things,” says Suetonius, “he consumed immense resources and all that wealth of Tiberius Caesar, twenty-seven thousand times one hundred thousand sesterces, before a whole year had turned. Therefore, exhausted and needy, he turned his mind to robberies through a various and most exquisitely contrived class of false accusations, auctions, and taxes. He denied that those whose ancestors had obtained Roman citizenship for themselves and their posterity possessed it by right, unless they were sons, for he said that ‘posterity’ ought not to be understood beyond this degree. When the diplomas of the deified Julius and Augustus were produced, he lamented

that they were old and obsolete. He charged that census declarations had been wrongly submitted if afterward any increase whatsoever had accrued to them for any cause.

“He rescinded as ungrateful the wills of former chief centurions who, from the beginning of Tiberius's principate, had left neither him nor himself as heir; likewise, as invalid and empty, the wills of all others whom anyone said had intended, when dying, to leave Caesar as heir. When this fear had been injected, and he was now openly named heir both by strangers among their friends and by parents among their children, he called them mockers because they persisted in living after naming him, and he sent poisoned dainties to many. He moreover took cognizance of such cases after first fixing the amount of money for the completion of which he would sit; only when it had been completed was he roused. And, not patient even of a very little delay, he once condemned more than forty defendants on diverse charges by one sentence, and boasted to Caesonia, when she had awakened from sleep, how much he had accomplished while she took her midday rest.

“Having announced an auction, he put up and sold the remnants of all his spectacles, himself seeking the prices and extending them so far that some men, compelled to buy certain things at an immense price and stripped of their goods, cut their own veins. It is well known that when Aponius Saturninus was sleeping among the benches, Gaius admonished the auctioneer not to pass over a man of praetorian rank who was repeatedly nodding to him by a movement of the head; nor was an end made to the bidding until thirteen gladiators were knocked down to the unwitting man for nine million sesterces.”

Why should I set Nero before you, singing with a lyre among stage-players? And surely nothing was more foolish than he after he began to be drunk.

Tacitus shows how ruinous the gluttony of Vitellius was: “A foul and insatiable lust for feasts. From the city and from Italy the incitements of his gullet were carried in, while the roads from both seas resounded. The leading men of the cities were exhausted by the preparations for banquets. The cities themselves were laid waste. The soldier degenerated from labor and virtue through habituation to pleasures and contempt for his leader.”

And Tranquillus speaks in more words: “Most notorious above the others was the arrival-banquet given to him, at which two thousand of the choicest fish and seven thousand birds are reported to have been set out. He himself surpassed this too at the dedication of a dish which, on account of its immense size, they continually called the shield of Minerva, *ἀσπίδα πολιούχου*, ‘the shield of the Guardian of the City.’ In this he commingled the livers of parrotfish, the brains of pheasants and peacocks, the tongues of flamingos, and the milt of moray eels sought by ship-captains and triremes from as far as the Carpathian Sea and the strait of Spain. Moreover, as a man not only of profound but also untimely and sordid gluttony, he never restrained himself even at sacrifices or on any journey from chewing, right there among the altars, entrails and grain-cakes almost snatched from the hearth, and, around the cookshops of the roads, smoking dishes or those of the preceding day and half-eaten.”

He whose mind always dwells in dishes thinks nothing lofty, nothing worthy of a prince.

What of Gallienus? When the empire was being assailed by the armies of thirty enemies and tyrants, if at any time he had awakened from drunkenness, he was accustomed to ask: “And what do we have for luncheon? And what pleasures have been prepared? And what sort of dinner will there be tomorrow? What sort of Circensian games?” Thus Trebellius Pollio. Behold the care of a foolish emperor now reduced to the utmost straits. The same Trebellius speaks thus: “And lest his pitiable ingenuity be passed over: in springtime he made bedchambers of roses. He built fortresses out of fruit. He preserved grapes for three years. He presented melons in the depth of winter. He taught how must might be possessed throughout the year. He always supplied green figs and fresh fruit from trees in months foreign to them.”

Was Heliogabalus sane, concerning whom Aelius Lampridius says: “He is reported to have exhibited naval Circensian games in canals filled with wine”? For in comparison with so furious a prodigality, it is not worthy of mention to relate

that six hundred ostrich brains were served at one dinner, or that there were swimming-pools full of wine. It was once the height of luxury to give naval Circensian games. This man makes navigable canals out of wine. But whence such insanity? He had arranged matters with Pescennius in such a manner that the latter might attend to the empire while Heliogabalus himself might be free for pleasures.

Therefore immoderation in food and intemperance in drink, which overthrow prudence, the dispenser of all duties, must altogether be avoided. Prudence is not to be demanded from a man who is never sober. Most true is what Seneca says in Epistle LXXXIII: "Vices conceived in wine have force even without wine." And indeed this is especially true of that vice which is proper to wine: thoughtlessness, stupidity, and insanity. "The use of wine," says Philo in *On Monarchy*, "weighs down the soul, blunts the senses, and burdens the body."

The greatness of princes ought to produce not a license to sin, but a sense of shame.

§ 13. I shall finish with the example of a private man, which Seneca describes thus in Chapter X of the *Consolation to Helvia*: "Apicius lived in our memory; in that city from which philosophers were once ordered to depart as though they were corrupters of the young, he professed the science of the cookshop and infected the age with his teaching. It is worthwhile to know his end. When he had poured one hundred million sesterces into his kitchen, when he had swallowed up so many distributions of princes and an immense revenue of the Capitol in individual feasts, oppressed by debt he was then for the first time compelled to inspect his accounts. He calculated that ten million sesterces would remain to him; and, as though he would live in extreme hunger if he lived on ten million sesterces, he ended his life with poison. How great was the luxury of the man to whom ten million sesterces was poverty! Go now, and suppose that the measure of money pertains to the matter, not to the mind. Someone feared ten million sesterces and fled by poison from what others seek in prayer. Yet to that man of so depraved a mind his last draught was the most wholesome."

Drunkenness is therefore the mother of stupidity. Augustine speaks excellently: "If a drunkard swallows wine, he is swallowed by it; he becomes abominable to God, is despised by angels, derided by men, confounded by demons, and trampled upon by everyone. The drunkard confounds nature, loses grace, forfeits glory, and incurs damnation." How he confounds nature Augustine has already expounded above in Sermon CCXXXI. Within the memory of the ancients no nation was slower or more stupid than the Thracians; the common people could not count beyond four. Their stupor, propagated into their offspring from perpetual drunkenness, was a marvel to others. For the offspring of drunkards is deficient either in body or in mind, and more frequently in both. Nor unjustly, although with great bitterness, did Diogenes say to a young man

[Printed page 158]

who was dazed and ecstatic, *ἐκστατικῷ*:

> Ὁ πατήρ σου μεθύων σε ἔσπειρε.

"Your father begot you when drunk." I have already intimated the reason why drunkenness obstructs wisdom even when that madness has now subsided. It must now be treated more fully.

§ 14. Those in whom yellow bile predominates are quick in talent; those in whom melancholy predominates are prudent and especially to be employed in public affairs. But the melancholy must be finer and nobler, one which does not have a mixture of stupidity joined to it. It belongs to a prudent man to remember and to understand, or to judge rightly. The seat of memory, imagination, and images is the brain; its temperament both retains past things and serves judgment through the imaginative faculties. If it flows with excessive moisture or is chilled, memory wavers. If it grows hot beyond measure, frenzy is engendered. Memory and judgment, therefore, consist in a mean temperament of the brain.

Pure and uncorrupted air itself is fertile in good talents, such as Attic, Palestinian, and German air. Thicker and more dreg-filled air possesses sluggish talents. You would swear that a Boeotian had been born in thick air. Excessive cold

renders talents torpid and as though lethargic, as are the nations of the Lapps toward the north. Excessive heat frequently renders them utterly stupid, such as those of many Ethiopians. Hence, amid the equality of souls, there is so great a diversity of talents that some human beings appear almost to be brute animals to others.

From both considerations it appears how much sobriety contributes to wisdom. For if purity of the air which we draw is necessary to talent, lest by the onset of a more turbid atmosphere the purity of the brain be corrupted and its order disturbed, how much greater is the confusion in the most violent beating of drunkenness, which is so great that it swells the tongue with moisture, weakens the whole body, and casts it down? Next, wine kindles excessive heats, especially in the head itself, the citadel of wisdom; it renders the vital and animal spirits more turbid and dreg-filled. And, what is the chief point, it extinguishes native heat. Therefore men easily forget past things and consult with little sagacity concerning future things. For while the head frequently seethes with wine, that which is delicate and lucid vanishes; the inferior and impure parts remain. Hence we often see veteran counsellors of princes grow torpid amid the very business and be surpassed by the perspicacity and diligence of younger men.

Seneca speaks concerning talents: “Daily the matter has been brought into a worse condition, whether through the luxury of the times--for nothing is so deadly to talents as luxury--or, when the rewards of the most beautiful thing ceased, every contest was transferred to disgraceful things.” But when that stupor also belonged to the parents, it is frequent for men altogether dull and stupid to be born. But, to conclude, I affirm this as observed by all philosophers and physicians: children become slow and stupid through much food, drink, and sleep, and grow more defectively.

§ 15. Two things are customarily objected to me. The first is that some men are capable in drinking and their mind is vigorous in wine. The second is that many men distinguished in talent and prudence deliberate most wisely during intervals of sobriety. As examples of the former they put forward Bonosus, who, while drinking and urinating, invited the enemy's envoys and made them drunk so that they might disclose secrets; he himself could sustain much wine. They also put forward Cambyses, concerning whom Seneca relates in Book III, Chapter XIV of *On Anger*:

“Praexaspes, one of his dearest men, admonished him to drink more sparingly, saying that drunkenness was shameful in a king whom the eyes and ears of all followed. To this he said: ‘That you may know how I never lose possession of myself, I shall prove presently that both my eyes and hands remain at their duty after wine.’ He then drank more liberally than at other times, from more capacious cups. When already heavy and drunk, he ordered his reprover's son to proceed beyond the threshold and to stand with his left hand raised above his head. Then he drew his bow and struck the young man's very heart--for he had said that he was aiming at it--and, when the breast had been cut open, showed the point adhering in the very heart; and, looking back at the father, asked whether he had a sufficiently sure hand. But he denied that Apollo could have discharged an arrow more surely. May the gods destroy him wickedly--a slave more in soul than in condition. He was the praiser of a thing of which it was excessive merely to have been a spectator. He considered the breast of his son split into two parts and the heart beating beneath the wound an occasion for flattery.”

They recount various examples of the latter marvel, even of men still living. Yet it is not difficult to meet the thoughtless patrons of vinousness. And first, indeed, the examples of two most shameful men, a king and an emperor, ought to have moved them to detestation of so foul a crime. Cambyses remained in possession of himself because his drunkenness from anger was greater than his drunkenness from wine. Indeed, the former shook off the latter. However he acted, he was not only cruel but most foolishly cruel. For he could not, unless insane, have been ignorant that by a deed so cruelly injurious the hatred of all was kindled against him. Therefore, although his right hand did not err, the counsel of his mind was nevertheless the insanity of a most insane mind.

The emperor Bonosus could not become drunk; for he did not drink but poured wine through his body as through a wineskin or channel. Hence, when someone saw him hanged, he said that an amphora was hanging--a jest that was also cast against Maximinus. I come to the other part, which I shall easily carry if my discourse is with the vinous men themselves, not with the eulogists of vinous men. For those who do not preserve moderation in food and drink perceive in fact that the digestion of varied courses is turbulent and unequal. Aristotle says in Problem I that many

foods are more easily eaten than digested. They also confess that they have attended more funerals caused by luxury than by old age. They see that Macrobius spoke truly: “Those who frequently become drunk quickly grow old.” *Saturnalia*, Book VII, Chapter VI. Most true also is what Arnobius says in Book VII: “Wine weakens the sinews of all the virtues.” But how? Because it diminishes wisdom, the bond and framework of all the virtues. It diminishes wisdom because it wrenches the seat of memory, imagination, and the internal senses, confounds the organs, and displaces them from their natural constitution.

But let us consider the matter itself. Those wise and talented drinkers prepared a name for themselves before they began to wear away their talent; now they retain it because they are talkative, because they prevail in experience, because they know precedents. But if new and difficult matters are proposed, if the battle-line of an adversary assails them, if there is need of much meditation, reading, and comparison of laws, then at length it will appear how much sagacity and understanding Bacchus has struck away with his thyrsus. Then they will say:

> The bottom is turned in our wine-jars, and our opinion in us.

Let those talented and prudent men, after the ample drinking-parties of some years, be recalled to the academies and preside over disputations; let obscure and difficult matters be vigorously argued: they will seriously deplore their loss. Although even now they frequently pay the penalty, for to this day those very men do things which are prudently corrected by younger men. This is bitter and almost insulting, but sometimes necessary. For:

> Πολὺς γὰρ οἶνος πολλὰ ἁμαρτάνειν ποιεῖ.

>

> With much wine many errors are committed.

Themistocles passed a prodigal, criminal, and voluptuous youth with such wickedness and contumacy

[Printed page 159]

that he is said to have driven his mother to hang herself; but afterward he was the pillar of Greece. He was a man of great talent and a great spirit. But he had not yet buried his talent altogether, and amid a scarcity of good and brave men he suddenly shone forth. Yet he did not long maintain that position, for he conducted many things wickedly and foolishly. For what sort of plan was it to burn the whole fleet of victorious Greece in order that he might procure the empire for the Athenians alone? What else was this but to expose his unarmed fatherland to the barbarians? For Greece would not have fought on behalf of allies so treacherous.

Next, he himself is witness to how prudently he exercised command. “That boy,” he says, “commands the Greeks: for what he wishes, his mother wishes; what his mother wishes, I wish; what I wish, all the Greeks wish.” Behold the wisdom of a drunken leader, who could govern neither his son nor his wife--not even his agents; for he was overwhelmed by great debt. What wonder that this man fled his fatherland? Let them therefore cease boasting of the prudence of drunkards in political affairs. I can name men who, removed from affairs by premature delirium, passed an inglorious old age; others who altogether lost all authority. There remains an example full of ill will, but because it is fruitful in truth and has not been noted by many, it must be brought forward; for a man ought to hear his own vices, whether they delight him or are objects of hatred.

§ 16. Germany is divided into three parts, if you regard temperance. The first part is laborious, a hardener of sons and a drinker of water, in which the use of beer is rare and that of wine most rare. The second part abounds in wine and delicacies; in it the rich especially are drunken and rear their sons delicately. The third part is intermediate, akin to the virtues of the first and the vices of the second. All these parts, however, are not widely separated in place but in morals. Among them I have now observed many things over several years, and I appeal to all to whom old age has conferred experience. I was able to note what I shall say all the more conveniently because for twenty-four years the young in diverse colleges and academies were known to me, and I noted differences of talents.

First, in cultivated cities abounding in wine and given to delicacies, I have observed that many children of the wealthy and the magnates are little sound in mind and that some are altogether foolish; and this evil has been spread widely through many distinguished families. The natural cause is the drinking of mothers while they carry a child and while they nurse. For many at that time guzzle not only Rhenish wines but Spanish, Cretan, and dark wines, and force them upon their tender children. The most cunning appetite for wines invents the claim that this contributes to health, firmness, and the fostering of heat; but however useful this may be to mothers, undiluted wine is certainly poison to the talents of their children.

In this matter civic matrons offend more than noblewomen who are accustomed to dwell in fortresses, both because the discipline of nobility is more severe than that of luxurious cities--for they are accustomed to rear their children for labors and warfare and to habituate them to ordinary food--and because in cities there is not only an abundance of such things, but they are customarily given as gifts by relatives. Women and children do not easily abstain from delicacies. Therefore I judge that some law for restraining female appetite must be introduced in cities, and I demand the skill of physicians by which the health of mothers and offspring may be regulated.

But by what law will you restrain the women Bebrias and Ebrias, especially the mistresses of the cellar? What if the husband too is Bebrius Ebrius? The evil is difficult to cure because it is hidden, and when it has appeared the medicine is late; for the son, his mind injured, now carries about the drinking habit of his mother. Nevertheless, let the husband, preacher, and confessor admonish her. Above all, let parents and magistrates devote themselves to making it disgraceful for a daughter of a household to have drunk wine. Indeed, let it be so infamous to be regarded as a female drinker that such women can scarcely hope for an honorable marriage. Finally, let parents and husbands be both a lesson and an example of temperance. Otherwise they will always chatter in the woman's ear, “Where you are Gaius, there I am Gaia.” A drunken old woman was dragging a drunken old man.

Second, I have observed that children reared delicately and accustomed to sip the last drops of little cups are for the most part talented, lively, and ready in memory until their twelfth or fourteenth year. But when they have left the grammar schools and are now applied to making verses and composing a speech by their own effort, most fail because there is need of reasoning, judgment, labor, and exertion of mind; and they show that the flower of their talent was perishable. When they come to philosophy, they fall in the first contest and either desert their studies altogether or display some title of doctorate purchased in Italy.

There is not one cause, for they waste their age either through negligence or other vices. But I am speaking of those who lack neither instruction nor labor, but whose talent, after it had built up great expectation in childhood, suddenly eludes the hope of everyone. The cause is that, while tender, because of the softness of the brain they quickly impress upon their memory things heard, for figures are easily impressed upon soft things. Therefore, since their study is occupied almost entirely with memorizing lessons and retaining the explanation of words, and since they are also by nature hot and lively for contests and literary exercises, from this they are called talented, but falsely. For they are stupid and slow, but their slowness is covered by age, ease of memory, and inborn alacrity. Nor is this astonishing, since, under the name of childhood and ingenuous simplicity, the stupidity of their children deceives the parents for some years.

“But many also possess precocious wisdom. They act dexterously and speak as men.” It is plainly so; and that very precocious maturity, if it is from wine, is a sign of a talent that will not endure. Those fruits which anticipate their season, hurried to maturity by the external heat of furnaces, are not only very short-lived but also exhaust their own stock. For while alien heat digests their rawness, it also drinks up their vital parts. Death, therefore, always begrudges precocious talents; or, if they have always matured beforehand, they very quickly decay.

But why does the wine of grandfathers and parents, and much more wine poured into a tender age, make children precocious; why, if taken moderately by men, does it sharpen wisdom, but, if copiously, blunt it? The cause must be deduced from the principles of nature. The minds of children are deficient in wisdom for this reason: the brain, filled

with much moisture, is least fit for the acts of wisdom. That raw moisture is dissipated more quickly in some and more slowly in others, but it must be digested naturally, not violently. If the extraordinary heat of wine approaches, all those things are quickly dissipated, but, as I have said, not without injury to nature. For adventitious heat, consuming vital moisture and heat, accelerates old age; thus when they are men in age, they are infested by the chill and delirium of old men.

A moderate amount of wine sharpens the spirits and firm nerves of men, because with its slight heat it cannot harm strong things, yet it rouses and takes away their torpor. We plainly discern the same thing in plants. The warmth of a nearby fire and of furnaces ripens the sap, forces it to swell into buds and to break out into flowers; but that same heat immediately plucks away the beauty of the opened flower, so that, when it has begun to be looked at, it quickly withers. For

[Printed page 160]

the swelling and germination were contrary to nature. Thus, therefore, stands the rationale of vinousness in the commonwealth, and this is the outcome of children delicately reared. Although parents perceive these things, they nevertheless drag them to banquets and utterly corrupt with delicacies those who ought altogether to abstain from wine and to be fed sparingly, so that their extraordinary heat might be moderated for procuring longevity and talent. But I shall treat these things more fully when I discuss education. For we see many parents so stupid that they marvel that their sons are bad when they themselves have taught them nothing good. Vice has no need of a teacher; it is enough not to be restrained, enough for leisure to be granted and pleasures permitted.

§ 17. A third consequence follows from these things: the sons and posterity of the rich, for the most part burdened with another's money, are reduced to want. Sometimes, indeed, this happens by an unforeseen evil, and they are worthy of compassion. For the most part they cast themselves into the perils of poverty and are deservedly exposed to reproaches. The cause is the habit of delicacies, ignorance of household management, and flight from labor.

I see that the wealthiest men of the cities are those who come from some laborious region or whose parents and grandfathers immigrated. For they brought temperance and frugality with them, are devoted to labors, and rear their children severely. Therefore they easily preserve and increase their estate while the others dissolve in luxury. Nor is this all; that education extends itself more widely. In provinces and cities devoted to wine and luxury, I see that parish priests, schoolmasters, and scribes of towns are almost all newcomers--not because the people of those places disdain these offices, for very many of them are poor and live wretchedly, but because talents and industrious labor are lacking. Yet if they disdain those offices, do they also spurn greater ones?

Look in the cities at the colleges of canons, the principal preachers, doctors, and prelates, and count those who have been raised from delicate little flowers to those honors: you will find few; frost struck down most of them in flower. Review the courts of princes: you will understand that the chief places in prudence and counsel are conceded to those whose adolescence was exercised by labors and temperance, whom their native land did not corrupt. This is all the more astonishing because the recommendations of others have very great force in churches, in the commonwealth, and at court, yet we see men of lesser means, and frequently foreigners, preferred. The reason is that, when it comes to the matter itself, learned, industrious, untiring, and laborious men are sought, such as none of those whose childhood was corrupted by delicacies is--or if there is any such man, there is scarcely one in each court.

§ 18. I have spoken concerning the avoidance of drunkenness. But I shall add one thing which can, and indeed ought, to be adapted to other matters, but which in this cause is dangerous to princes. For I am thoroughly persuaded that many princes and magistrates have been eternally condemned both because of other sins of their subjects and because of drunkenness. I shall set forth my opinion briefly with this declaration: if even one sound-minded man out of a thousand doctors contradicts it, I shall absolve the magistrate from danger.

First. It is undoubted that care for the salvation of subjects, the divine glory, and the removal of scandals is incumbent upon the magistrate.

Second. It is also certain that drunkenness is a sin, that immense evils arise from it, and that good things are impeded.

Third. From this I conclude by an evident consequence that the prince is bound by the grave command of the eternal Majesty to remove this sin also from the commonwealth, and that unless he attempts this and inquires into ways and means, he cannot be saved, because the blood of all the souls is required from his hand. Indeed, he offends most gravely if his court is filled with vomit and filth.

Fourth. The obligation of all consuls, senators, and others who are in power is the same. For they ought to resist evil.

Fifth. Magistrates in Germany can easily remove drunkenness without tumult, without protest, and without fear of a greater evil. Therefore those who permit it can use no excuse, especially since they are also bound by imperial law.

Sixth. A few laws will complete the whole matter.

The first law: Let the prince and senate be sober, as well as the ministers of princes.

The second: Let him who recommends a counsellor, courtier, satrap, or quaestor to a prince first consider this, lest that man be a drunkard.

The third: Let affairs not be entrusted to a drunkard at court; if he persists, let him be dismissed.

The fourth: Let drunkards not be admitted to the chapters of collegiate churches; let those already admitted be corrected by canonical penalties.

The fifth: Let the drunkenness of citizens be corrected by deprivation of honors and then by a fine, or even by deprivation of the power of giving testimony.

The sixth: Let the masters of taverns--that is, workshops of drunkenness--be punished by a great monetary penalty if they do not report a drunken man to the magistrate.

The seventh: Let the guests and bridegrooms pay for the drunkenness of weddings.

The eighth: Let sumptuary laws be seriously defended.

Those laws are most just, and no one except either a demon or an attendant of a demon can intercede against them. For intemperance takes away health, talent, peace, resources, and fame, and brings in a cohort of innumerable evils. Therefore, although a good man is sometimes captured by wine, no one except a man infamous for vinousness can patronize it. This is especially so since pagan and drunken Rome detested Marcus Antonius more because he wrote a volume in defense of drunkenness than because he utterly gave himself to pleasure. For they judged thus: a drunken man sins against himself alone, and even if he should also give offense by his example, that would pertain to a few years; but the shamelessness of a teaching by which so great an evil was taught would do harm to all ages.

§ 19. Wretched is the condition of Germany. A region fertile in wine kills more men with its own good than die by the sword; and I dare to say that it expends more wine upon the deaths of human beings than upon health and delight. How many crowds of poor people could be preserved and refreshed by that wine with which you kill your friends? When these things are done, do we marvel that vines perish by cold, their flower by rain, and that frost corrupts grapes already growing yellow? The insanity of drinkers and the fury of drunkards burns the shoots with bitter frost, strikes down the flower, and scatters the clusters with hail.

For why do most men ask an abundance of wine from God? Is it not that they may pour wine through their body and destroy themselves? Is it not more merciful not to give a sword to madmen or wine to drunkards? Therefore let us abandon the morals of the nations and follow Christian temperance. They acted in one manner; the Lord willed that we

should act in another. Tertullian describes for us the fury of drunkards and the honorableness of temperance in Chapter XXXIX of the *Apology*:

“For you assail our modest suppers, besides as infamous for crime, also as prodigal. Doubtless Diogenes' saying concerning the Megarians was spoken of us: ‘The Megarians dine as though they were going to die the next day, but build as though they were never going to die.’ But who more easily sees a mote in another's eye than a beam in his own? The air grows sour with so many tribes, curiae, and decuries belching. When the Salii are to dine, a creditor will be necessary. An accountant will calculate the expense of the tithes offered to Hercules and of sacred banquets. Let selections of cooks be announced for the Apaturia, the Dionysia, and the Attic mysteries. At the smoke of the Serapic supper the firemen will be roused. It is only concerning the dining-room of the Christians that reconsideration is undertaken.

[Printed page 161]

“Our supper shows the reason for itself by its name. For it is called *ἀγάπη*, that which among the Greeks is affection. By however great expenses it is established, it is gain to make an expense in the name of piety, since we also assist the poor with that refreshment--not in the manner in which among you parasites aspire to the glory of an enslaved freedom, hired by their belly to be fattened amid insults, but in the manner in which with God there is greater consideration of the lowly. If the cause of the banquet is honorable, estimate the remainder of its order from the cause of its discipline. Since it comes from a duty of religion, it admits nothing base, nothing immodest.

“Men do not recline before prayer to God is tasted first. As much is eaten as the hungry take; as much is drunk as is useful to the chaste. They are so satiated as men who remember that even through the night they must adore God; they converse as men who know that the Lord hears. After water for the hands and lights, each person, as he is able, is called forth into the midst to sing to God either from the Holy Scriptures or from his own talent. From this it is proved how he has drunk. Prayer likewise dissolves the banquet. From there they depart not into bands of slayings, nor into companies of roving, nor into outbreaks of wantonness, but to the same care of modesty and chastity, as men who have dined not so much upon a supper as upon discipline.”

CHAPTER XV

Anger Is Equally Harmful to Rulers and Subjects

§ 1. To have conquered pleasures is a great part of wisdom; to have bridled anger belongs to a strong and almost unconquered spirit. Therefore this moderation too is altogether necessary in the commonwealth, and its consideration is connected with those things which we have said concerning pleasures. For irascibility is born especially from wine and a soft education.

"It is difficult," says Seneca in Book II, Chapter XX of *On Anger*, "to change nature, nor is it permissible to alter the elements of things once commingled at birth. But the knowledge of this is useful, so that wine may be withdrawn from heated talents; Plato judges that it must be denied to children and forbids fire to be incited by fire. Nor indeed must they be filled with food, for their bodies will be distended and their minds will swell with the body."

The same things which lead children to good hope generate insolence and irascibility. Nothing makes men more irascible than a soft and indulgent education. Thus Seneca, Book II, Chapter XXI of *On Anger*: "Therefore," he says, "we shall not release them into idleness and leisure, and we shall keep them far from contact with delicacies. For from joy comes exultation; swelling and an excessive estimation of oneself follow exultation; thence comes irascibility, for it is an opinion that contempt or injury has been received." Those who are reared indulgently and amid delicacies interpret it as an injury if they are not treated most softly.

"Therefore," says the same Seneca, "the more indulgence is shown to only children and the more that wards are permitted, the more corrupt is their mind. He to whom nothing has ever been denied, whose tears an anxious mother has always wiped away, for whom satisfaction has been exacted from his tutor, will not withstand offenses. Do you not see that the greater each man's fortune is, the greater the anger which accompanies it? It appears especially in the rich, the noble, and magistrates, when a favorable breeze has raised up whatever was light and empty in their mind. Felicity nourishes irascibility where a crowd of flatterers has surrounded haughty ears."

And in Chapter XXV: "The boy is insufficiently quick, or the water for drinking is rather lukewarm, or his couch is disturbed, or the table is set out rather negligently. It is insanity to be incited by these things. He is sick and of unhappy health whom a light breeze has contracted; eyes are diseased which a white garment troubles; that man is dissolved by delicacies whose side aches from another's labor. They say that Mindyrides was a citizen of the Sybarites. When he had seen someone digging and raising the mattock rather high, he complained that he was becoming weary and forbade the man to do the work in his sight. The same man complained more frequently because he had lain upon doubled rose-leaves. When pleasures have corrupted mind and body together, nothing seems tolerable--not because the things are hard, but because those who suffer them are soft.

"For what reason is there that someone's cough, or a sneeze, or a fly driven away with insufficient care should drive you into madness? Or an overturned cup, or a key slipped from the hands of a negligent slave? Will that man bear with an even mind civic reproach and curses heaped upon him in an assembly or senate-house, whose ears the creaking of a bench dragged along offends? Will he endure hunger and the thirst of a summer campaign who is angry at a boy for diluting the snow badly?"

§ 2. Blandishments, therefore, make men irascible because they make them delicate, because they make them weak, and especially because they make them arrogant. I am accustomed to laugh at foolish parents and indulgent teachers when they speak concerning the contumacy of young men: "I offended him in no matter, I denied him nothing; no parent ever loved his sons in this manner. Now he is ungrateful; others, upon whom I bestowed less, return great thanks." On the contrary, he owes you no thanks because you corrupted him. One admonition has struck out the memory of all your blandishments.

But I shall treat these matters in the book concerning education. Now let us consider anger, the daughter of luxury. The daughter of luxury, I say, but the mother and servant of cruelty. For inhumanity is akin to delicacies. Nero was so soft that he seemed to possess nothing manly, so cruel that he seemed to possess nothing soft.

Anger, or *ὀργή*, is:

> ὄρεξις μετὰ λύπης τιμωρίας φαινομένης, διὰ φαινομένην τὴν ὀλιγωρίαν, τὴν εἰς αὐτόν, ἢ εἰς αὐτοῦ τινα, μὴ προσηκόντως.

1. Anger is a desire for vengeance; 2. with pain or sadness; 3. for apparent vengeance; 4. on account of apparent contempt for oneself or for one of one's own, unfittingly. Thus speaks the best master of defining in Book II, Chapter II of the *Rhetoric*.

He establishes three kinds of contempt. *Καταφρόνησιν*, disdain, when one values the thing and the person at nothing. *Ἐπηρεασμὸν*, spite, which is contempt when an impediment is placed in the way of another's wishes, not so that the man himself may obtain some advantage from the matter, but lest it accrue to the other. *Ὕβριν*, insult, when harm and vexation are inflicted upon another with dishonor to the sufferer, not so that something else may accrue to the agent, but so that he may take pleasure.

Seneca, in Book I, Chapter III of *On Anger*, cites the Aristotelian definition: anger is a desire to repay pain. But an irascible man differs from an angry man, as Seneca explains there in Chapter IV, as a drunkard differs from a drunk man, and one who is afraid from a timid man. Cicero says in Book IV of the *Tusculan Disputations* that they differ in the same manner as anxiety differs from anguish.

Seneca describes the variety of irascible men. I shall pass over the remaining things which, under several names among the Greeks, distinguish anger into species, because among us they do not have their own terms--even if we speak of a bitter man and a harsh one, and no less of a choleric, raging, clamorous, difficult, and rough man, all of which are differences of angers. Among these you may place the morose man, a delicate kind of irascibility. For there are some angers which subside within clamor; some are no less persistent than frequent; some are savage with the hand and more sparing in words; some pour themselves out in the bitterness of words and curses; some do not go beyond complaints and aversions; some are deep and grave and are turned inward. There are a thousand other species of this manifold evil.

The Greeks call them:

> πικρούς, μακρολύπους, ἀκροχόλους, χαλεπούς, κρυψιχόλους, δυσαρέστους, ὀργίλους, ὀξυχόλους, θυμοειδεῖς.

That is: bitter, long-grieving, readily choleric, difficult, concealing anger, hard to please, irascible, quick-tempered, and passionate. Enough has been said concerning the recognition of anger, which is more excellent than defining it.

§ 3. Anger is the greatest and a public evil, for it has afflicted the city more violently than any other thing. Homer too wished to indicate this when he calls the *μῆνιν*--the wrath--of Achilles *οὐλομένην*, destructive. Seneca says in Book III, Chapter II of *On Anger*: “Finally, the other vices seize individuals; this is the one affection which is sometimes conceived publicly. Never has a whole people burned with love for one woman,

[Printed page 162]

nor has an entire city placed its hope in money or profit. Ambition occupies individual men one by one; impotence is not a public evil. Often men have gone into anger in one column. Men, women, old men, children, princes, and the common people have agreed; and the whole multitude, incited by a very few words, has outstripped the inciter himself. Immediately there has been a running to arms and fires, and wars have been declared upon neighbors or waged with fellow-citizens. Whole houses have been burned with their entire stock; and a man held a short while ago in favor because of his eloquence, amid the height of honor, has borne the anger of his own assembly; legions have turned their javelins against their commander.

“The whole plebs has dissented from the fathers; the public council, the senate, without waiting for levies and without naming a commander, has chosen sudden leaders for its anger; and, pursuing noble men through the houses of the city, has taken punishment with its own hand. It has violated embassies, the law of nations having been broken, and unspeakable madness has carried off the state. No time was given in which the public swelling might subside, but fleets were immediately launched and loaded with a hastily gathered soldiery. Without custom, without auspices, the people, under the leadership of its own anger, attacked what chance offered and bore things snatched up as weapons; then with a great slaughter it paid for the rashness of its audacious anger.”

Saul suddenly slaughtered the priests and their city; Nebuchadnezzar condemned three leading men to the fire. I related the irascibility of Cambyses, joined with drunkenness, in the preceding chapter. But it especially befits kings to act without anger. Seneca speaks beautifully in Book III, Chapter XVI of *On Anger*: “But although restraint of their passions, and especially of this rabid and unbridled one, is useful to subjects, it is more useful to kings. All things perish where fortune permits as much as anger counsels, nor can a power which is exercised to the harm of many stand for long. For we are endangered when a common fear has joined those who groan separately. Therefore at one time individuals have slaughtered very many rulers, at another time all together, when public grief has compelled them to bring their angers together into one.”

Yet very many have exercised anger as though it were a royal insignia, as did Darius, who first, after the dominion was taken from the Magus, obtained the Persians and a great part of the East. For when he had declared war upon the Scythians, who surrounded the East, and was asked by Oeobazus, a noble old man, to leave one of his three sons as a consolation to his father and to use the service of two, he promised more than was asked and said that he would remit them all to him; then he cast them down, slain, in the sight of their parent--though he would have been cruel if he had led all of them away.

But how much more lenient was Xerxes? When Pythius, father of five sons, sought exemption for one, he permitted him to choose the one he wished; he then tore the chosen one into two parts, placed them on either side of the road, and purified his army with this victim. Therefore he had the end which he deserved. Defeated and routed far and wide, seeing everywhere his ruin laid flat, he walked amid the corpses of his men.

Was this ferocity in anger peculiar to barbarian kings whom no learning and no cultivation of letters had imbued? I shall give you from the bosom of Aristotle King Alexander, who at a banquet ran through with a weapon Clitus, a man most dear to him and reared together with him--and indeed with his own hand--because he flattered too little and passed reluctantly from a Macedonian and a free man into Persian servitude. For he cast Lysimachus, equally familiar to him, to a lion. Was this Lysimachus, then, after escaping the lion's teeth by a certain good fortune, milder on that account when he himself reigned? For he fed Telesphorus the Rhodian, his friend, for a long time in a cage as though he were some new and unusual animal, after he had cut him down on every side and cut off his ears and nose. When the deformity of the truncated and mutilated face had destroyed his human countenance, there were added hunger, squalor, and the filth of a body abandoned in its own dung; his knees and hands were calloused besides, for the narrowness of the place forced him to use them as feet, and his sides were ulcerated by rubbing. His appearance was no less foul than terrible to those who saw him; made a monster by his punishment, he had also lost compassion. Yet, although the man who suffered these things was most unlike a human being, the man who did them was more unlike one.

Would that this savagery had remained among foreign examples and that the barbarism of punishments and angers had not passed into Roman morals with other imported vices! Lucius Sulla ordered the legs of Marcus Marius--upon whom the people had set up statues street by street and to whom the Roman people made supplication with incense and wine--to be broken, his eyes torn out, and his hands cut off; and, as though he killed him as many times as he wounded him, he tore him apart gradually and limb by limb. Who was the minister of this command? Who but Catiline, already exercising his hands for every crime? He mangled him before the tomb of Quintus Catulus, a most grievous burden upon the ashes of a most gentle man; above them a popular man indeed of bad example, and loved not so undeservedly

as excessively, gave his blood drop by drop. Marius was worthy to suffer those things, Sulla to order them, Catiline to perform them; but the commonwealth was unworthy to receive into its own body the swords of enemies and citizens alike.

Why do I pursue ancient things? Just now Gaius Caesar, on one day, cut down with scourges and tortured Sextus Papinius, whose father had been consul; Belienus Bassus, his quaestor and the son of his procurator; other senators; and Roman knights--not for the sake of an inquiry, but for the sake of his disposition. Then he was so impatient of deferring the pleasure which immense cruelty demanded without delay that, while walking in the promenade of his mother's gardens which separates the portico from the riverbank, he decapitated some of them by lamplight in the company of matrons and other senators. What was pressing? What private or public danger did a single night threaten? How small a thing was it to wait for daylight? Finally, was it necessary that, wearing slippers, he should kill senators of the Roman people?

§ 4. Shall I add to these monsters the emperor Severus, truly severe and truly worthy of his name? The world has scarcely experienced a man more irascible. For whom of all those whom chance and necessity had cast into the opposing camp did he ever spare? Nor was his anger satiated by the death of his enemies. “He ordered,” says Aelius Spartianus, “the corpses of the senators who had been slain in the war to be scattered. Then, when the body of Albinus, almost half-dead, was brought to him, he ordered the head to be cut off and carried to Rome, and accompanied it with a letter. Albinus was defeated on the eleventh day before the Kalends of March. He ordered the rest of his body to be exposed before his own house and divided. Moreover, sitting upon a horse himself, he drove it over Albinus's corpse and admonished it, when it took fright, to trample it boldly with the bridle loosened.”

Others add that he ordered the same corpse to be cast into the Rhône together with those of his wife and children. After innumerable men of Albinus's party had been killed, among whom were many leading men of the state and many illustrious women, the goods of them all were confiscated and increased the treasury; then many nobles of the Spaniards and Gauls were killed. Finally, he gave the soldiers as much pay as no prince had given. He also left his sons as much from this proscription as none of the emperors had left, since he had already made a great part of the gold throughout the Gauls, Spains, and Italy imperial property; and then for the first time the administration of the private estates was established. Many, indeed, who preserved their loyalty to Albinus after his death were defeated in war by Severus.

§ 5. What movements does that beast excite in the commonwealth, with what swift desire for vengeance, with what blind rush to injure--and does it not spare itself? Valerius says in Book IX, Chapter III: When Livius Salinator was leaving the city to wage war against Hasdrubal, Fabius Maximus admonished him not to descend into battle before he had learned the strength and spirit of the enemy. He replied that he would not omit the first opportunity of fighting. When asked by the same man why he wished to join battle so hastily, he said, “That I may as quickly as possible take either glory from the defeated enemy or joy from my prostrate fellow-citizens.” Anger and courage then divided his speech between them: the former mindful of his unjust condemnation, the latter intent upon the glory of a triumph. But I do not know whether saying this and conquering in this way belonged to the same man.

[Printed page 163]

No less blindly did Roman legions, to the great advantage of the enemy, satiate their resentment and anger. When Fabius was consul, the entire infantry was sent to destroy the enemy's forces. Although it could destroy them, it refused, retaining in its mind fixed anger over the agrarian law which he had obstructed. Under Appius as leader, although it could conquer, it preferred to turn its back upon the enemy, lest the commander, whose father it knew had assailed its advantages, should triumph in the manner of victors.

§ 6. Quintus Metellus, through hatred of Quintus Pompeius, who was being sent as his successor, almost betrayed conquered Spain. For he dismissed all who had only wished that their military service should be ended. He gave provisions to those requesting them without examining their grounds and without appointing a time. After removing

the guards, he offered the granaries ready for plunder. He ordered the bows and arrows of the Cretans to be broken and cast into a river. He forbade food to be given to the elephants. As by these deeds he indulged his desire, so he corrupted the glory of things magnificently conducted; and, a stronger conqueror of enemies than of anger, he lost the merited honor of a triumph.

What is more disgraceful than Julian, who, when administering justice and repeatedly blazing up, not only uttered indecorous reproaches and gestures, but, rushing in the manner of a buffoon upon countrymen disputing at law, struck them with his fists? For anger drives out all sense of shame. It is the more destructive because every angry person judges his own indignation just. For he who has been able to condemn it has already conquered it.

§ 7. If we look at the causes of angers and disturbances in the city and the household, we shall discover that most are doubtful, light, to be pardoned in view of the persons, or unjust; and when vengeance appears just, it nevertheless frequently exceeds measure.

Doubtful causes have entangled kings and cities in most certain destructions. “Therefore,” says Seneca in Book II, Chapter XXII of *On Anger*, “we ought to fight against the first causes. The cause of irascibility is an opinion of injury, to which credence must not readily be given; nor indeed must one immediately accede even to open and manifest appearances. For some false things bear the appearance of truth. Time must always be given; a day reveals the truth. Let ears not be receptive to accusers; let this vice of human nature be suspected and known to us--that we willingly believe things which we hear unwillingly, and become angry before we judge. What of the fact that we are impelled not only by accusations but by suspicions, and, interpreting worse things from another's face and laugh, become angry at innocent men? Therefore the absent man's case must be pleaded against oneself, and anger must be held in suspense. For a delayed penalty can be exacted; an exacted one cannot be recalled.”

That tyrannicide is well known who, seized before his work was completed and tortured by Hippias so that he might disclose his accomplices, named the friends of the tyrant who he knew held the tyrant's safety most dear. When Hippias had ordered each to be killed as he was named, he asked, “Does anyone remain?” “You alone,” he said, “for I have left no one else to whom you were dear.” Anger brought it about that the tyrant lent his hands to the tyrannicide and cut down his own defenses with his own sword.

With how great a spirit did Alexander act? When he had read his mother's letter, in which he was admonished to beware the poison of Philip the physician, he drank the potion he had received without being deterred. He trusted his friend more than himself. He was worthy to have an innocent friend, worthy to make him one. I praise this all the more in Alexander because no one was so liable to anger. But the rarer moderation is in kings, the more it must be praised.

There was the greatest affection between Aristobulus and his brother, but Aristobulus, credulous and hasty, destroyed his brother Antigonus and his only friend. Josephus relates the matter thus in Book XIII, Chapter XIX of the *Antiquities*. When Antigonus once returned magnificently from a war, at the time when the people celebrated the solemn feast of Tabernacles, it happened that Aristobulus lay sick. His brother, however, splendidly adorned because he was to participate in the sacred rites, ascended into the temple with an armed retinue, especially in order to make vows for the king's health. Then those whose purpose was to excite discord between the brothers, having obtained an opportunity from Antigonus's successful deeds and the procession which he had prepared, came to the king and exaggerated everything. They said that these things were now above the condition of a private man and were manifest indications that he was seeking the kingdom. They said that he would shortly come with a strong band of armed men to kill the king, because he judged it foolish to be content with a share of the honor when he could possess the royal throne.

Although Aristobulus did not entirely believe them, nevertheless, so that he might both take precautions and avoid suspicion and might consult his own security, he stationed guards in a certain dark and underground place--for he lay in the tower which afterward, its name having been changed, was called Antonia. He commanded that, if his brother came without arms, no one should touch him, but, if he approached armed, that he should be slain. Yet first he sent to

him one who was to ask that he come unarmed. But the queen and the remaining plotters persuaded the messenger to say the contrary: that his brother had heard that he had procured remarkable armor for himself and wished to behold him thus armed. Antigonus, suspecting nothing evil and relying upon his brother's benevolence, came just as he was, in all his armor, to Aristobulus, intending to offer himself for inspection. When he arrived at the tower of Straton, where the passage was very dark, he was slain by the guards. This misfortune easily shows how much envy and false accusation can do and how effective they are at overthrowing even natural benevolence. And at the same time these events teach that judgment should be deferred in a doubtful case.

What made Constantine's court Neronian and took the young Crispus from the empire, except hasty irascibility arising from credulity? What drove Herod into a fury against his own blood and affections, except that he believed doubtful and fabricated accusations as though true? Therefore, when you think that you have received an injury, restrain your spirit until you learn something certain. Let anger not rage before reason judges.

If others report something, doubt for a little while. “We ought not,” says Seneca in Book II, Chapter XXIX, “quickly to believe things which have been narrated. Many lie in order to deceive; many because they have been deceived. One man seeks favor by an accusation and feigns an injury in order that he may seem to have grieved at its commission. There is some malicious man who wishes to tear apart close friendships; there is a suspicious man, and one who desires to watch games so that from far away and in safety he may look upon those whom he has brought into collision. If you were to judge concerning a very small sum, the matter would not be proved to you without a witness; a witness would have no force without swearing an oath. You would give both parties an advocate, you would give time, and you would not hear them at the same time; for truth shines forth the more, the more frequently it comes to hand.”

This counsel is altogether golden. If princes and senators were willing to use it, wretched human beings would have avoided half their evils, and they would torment neither themselves with anxiety nor others with hatred.

§ 8. It is most grievous when supreme power has incited itself against an innocent man, because it admits no defense; it does not even permit innocence to be indicated, because it judges this to be a reproach against its unjust fury. Princes are therefore more inflamed by the remedy itself, since integrity itself, as though a witness of their unjust blazing-up, is rendered hateful to them. In turn, however, those princes are rendered most hateful who not only give ear to rash accusers but also believe them, deny access to men justly defending themselves, and moreover grow angry. And, what is the worst vice of the human disposition, because they think that those men have injured them, they hate them. They hate them for this reason: because they judge those men ill-disposed toward them and because they fear them.

[Printed page 164]

For although they know them to be weak, they nevertheless know that there is danger even from an invalid, especially if an adversary, of whatever sort, has been exasperated. For:

> Anger assists hands however weak.

Therefore those who, with anger as leader, proceed to an accusation of princes or the commonwealth, and who declare hostility against more powerful men when they are permitted to be silent, dangerously indulge their own spirit. Let that most familiar saying of the man who grew old in attendance upon kings remain fixed in every mind. When someone asked how he had attained the rarest thing at court, old age, he said, “By receiving injuries and returning thanks.” You stand on sufficiently slippery ground if you preside over a commonwealth or serve a prince; there is no need for you to drive yourself onward.

What did the Roman knights attain when they grieved so greatly that the praetorship had been conferred upon Gnaeus Flavius that they took off their rings and horse-trappings? So great was the impotence of their passions, but it was empty and ridiculous to the more powerful people. For first the people judged that they had thus placed their votes well; for they had ordered Flavius, a man of the lowest condition, to be praetor in order that they might brand proud

nobility with grief, and their disgrace would have been lost had the equestrian order not thus grown angry. Next, they alienated the people still more. For, since very many were equal to Gnaeus Flavius and very many inferior to him, all judged that they were despised in him as poor and low. Finally, they showed the people the part by which they lay open to a wound.

§ 9. It happens much more frequently that the cause for raging is light. And the smaller the cause, the more wicked the fury is. If hot water is not properly supplied, they drench the servant with boiling water. If a glass has been broken, a boy is dragged to the moray eels. If a shoe has been spattered with mud, the man who could not guard against it is beaten. If a toga has been disturbed, a day in court is appointed for the man who met it by chance. If a hare is insufficiently suited to the palate, the cook is cut apart by scourges. If one hair is arranged without order, a little maidservant is mangled. What sort of insanity is this? Anger is assuredly blind, or *κελαινώπις*, dark-eyed, and with its obscure eye it casts one down from the mind. Children dissolve into tears over lost nuts; arthritic men cry out at the suspicion of a touch; every breeze suddenly casts down weak bodies.

It is shameful to say how small a matter compels the most powerful kings into wars; but the same cause entangles private persons in quarrels and lawsuits. Their wars are not milder, nor their angers more civilized; their power is merely less. Wretched is the spirit which is so easily offended: it must be perpetually in grief, because small offenses are never lacking, and often immense ones also remain. The Greeks call *μικρολύπους*, “small-grievers,” those whom every loss and every adversity afflicts, who boil over at trifles, fashion tragedies out of minute things, and always swell as though in ferment.

Let them instead imitate Cotys. When pottery fashioned with costly workmanship but fragile had been given to him, he broke all of it, lest, if it should be shattered by servants handling it carelessly, it should furnish him an occasion for raging. Who would call Nero sane? He blazed up at the smallest things to such a degree that he ordered many men to be killed because they had praised the divine voice of the prince coldly or had disparaged the pleasures of the prince. He repudiated Octavia and struck out Poppaea's unborn child. While Gaius reigned and conducted many things foolishly, it was a capital crime for nobles to have laughed. In the presence of Tiberius, to have named a goat was a crime of treason, because, bloodthirsty as he was, beneath those broad jaws he wore a beard not unlike one. To have looked down from a higher place and noticed his baldness was punished by no lesser a penalty than if someone had cast stones at him as he passed. Therefore these men must be agitated by perpetual provocations of irascibility.

What of Mindyrides, the most ruined not merely of men but of Sybarites--or rather his name is Smindyrides--concerning whom Herodotus speaks in Book VII and Aelian in Book IX, Chapter XXIV? He boasts that for twenty years he had seen neither the sun rising nor setting. As Athenaeus relates in Book VI, Chapter XII, when he set out for Sicyon, he drew bird-catchers, fishermen, and a thousand cooks along that journey. With how great a care must we suppose him to have lived, how often angry, if there was a danger that he might see the rising or setting of the sun? He trembled at the light of dawn as though at the head of Medusa.

“When he saw someone digging,” says Seneca in Book II, Chapter XXV of *On Anger*, “and raising the mattock rather high, he complained that he was becoming weary and forbade the man to do the work in his sight. The same man complained more frequently because he had lain upon doubled rose-leaves.” The reading of another book in Justus Lipsius is more astonishing: “The same man complained more frequently that he had bile because he had lain upon doubled rose-leaves.” If things so small, so utterly nothing, aroused not merely anger but so great an anger, what may we think concerning the rest? For if his shoe pressed him, could he not have killed someone?

Even if the causes are neither doubtful nor light, they are nevertheless frequently of such a kind that they must be pardoned in view of the persons, or certainly not imputed. Nabal had inflicted a grave injury upon David, an innocent prince; but when David hastened to avenge himself and his men, he pardoned it at the entreaty of Nabal's wife and in consideration of his stupidity. If the man who injured you is an enemy, it is nothing new; if a friend, charge it to his former good deeds. Let the age of this man, the dignity of that one, and the imprudence of another excuse him. Among

equitable judges imprudence is held for innocence. Here the kindness and humanity of Christ the Savior is an example to us, as upon the cross he entreated for those who did not know what they were doing.

§ 10. Finally, if the cause is unjust, anger inflicts the greatest disasters and fills everything with plots and machinations: if a man grows angry because another either was unwilling or unable to drink as much as he ordered; if he refused to be the servant of tyrannical cruelty or lust; if he did not learn to flatter with sufficient abasement. Those dominions were never safe which pressed heavily and angrily upon virtues. But the treatment of these evils pertains to the books concerning war and sedition. Now we transmit those things which are fit for extinguishing so great and destructive a flame; both the things which have been said and those which I am about to say will contribute very greatly to this.

The recollection of oneself has drawn back many who were swift to vengeance and has put the brake upon armed anger. Christians and pagans counsel this alike. Gregory, *Morals*, Book V, Chapter XXXII: “The second manner of preserving forbearance is that, when we behold the excesses of others, we should consider our own offenses in which we have exceeded against others. For our own infirmity, when considered, excuses the evils of others to us. He patiently tolerates an injury inflicted upon him who piously remembers that perhaps he still possesses something in which he himself ought to be tolerated. And anger is extinguished as though by water when, as fury rises in the mind, each man's own fault is recalled to mind, because he blushes not to spare sins in another when he recollects that he himself has often committed things which need to be pardoned either by God or by his neighbor.”

And Seneca says in Book II, Chapter XXVIII: “But we cannot show ourselves according even to that strictest formula of innocence. We have done some things, thought others, wished others, favored others; in certain things we are innocent because we did not succeed. Thinking of this, let us be more equitable toward offenders; let us yield to those who reproach us; in any case let us not be angry with ourselves--with whom, indeed, shall we not be angry if we are angry even with ourselves?--and least of all with the gods. For we suffer whatever inconvenience befalls us not by their fault but by the law of mortality.”

And again: “Whoever refers to himself how often he has fallen into a false suspicion, how many of his services fortune has clothed with the appearance of injury, and how many men he began to love after hatred, will be able not to grow angry immediately--especially if, silently to himself, at every individual thing by which he is offended, he says, ‘I too have committed this.’ But where will you find so equitable a judge? The man who desires every other man's wife and considers it a sufficiently just cause for loving her that she belongs to another does not wish his own wife to be looked upon; the most severe exactor of fidelity is faithless; the man who pursues lies is himself perjured; the false accuser bears it most ill that a lawsuit is brought against him. He who has not spared his own chastity does not wish that of his little slaves to be assailed.”

[Printed page 165]

We have the faults of others before our eyes; our own are behind our back. Judah acknowledged his sin while, forgetful of his own fornication, he condemned his daughter-in-law to cruel flames. So great is the depravity of the human disposition that men most gravely prosecute offenses to which they themselves are especially liable. Pirates punish the thefts of their comrades with death; men who expend nations upon their own anger pronounce judgment concerning the lawsuits of citizens. “Pardon others much, yourself nothing,” was said to the ancient nations. I fear that this is too difficult for Christians. I shall therefore soften it; perhaps I shall obtain something: pardon something in others, you who pardon everything in yourself. The foolish love of the man who says this is worthy of notice:

> I myself forgive myself.

But if nevertheless this self-love is too tenacious to be struck out, pardon others also. But if you are unwilling to pardon, you will be driven from the state of your mind more quickly than you will correct others by becoming angry. Gregory Nazianzen teaches that anger, when vehemently inflamed, casts and drives a man from the state of his mind.

Solomon too teaches thus, Proverbs 27:3: “A stone is heavy, and sand burdensome, but the anger of a fool is heavier than both.” And Saint Gregory, *Morals*, Book V, Chapter XXXI: “The heart kindled by the goads of anger throbs, the body trembles, the tongue entangles itself, the face grows fiery, the eyes become fierce, and acquaintances are not recognized at all. The tongue indeed forms an outcry, but the understanding does not know what it speaks. How far, then, is that man from one possessed, who is not conscious of his own action?”

And Seneca, Book II, Chapter XXXVI of *On Anger*: “This should be considered more: how many men anger has harmed by itself. Some have burst their veins through excessive heat; shouting raised beyond their strength has brought forth blood, and humor driven more violently into the eyes has flooded the sight of their eyes, and the sick have relapsed into diseases. No road to insanity is swifter. Many, therefore, have continued the fury of anger and never recovered the mind which they had driven out.

“Fury drove Ajax to death, anger into fury. Men pray for death for their children, want for themselves, and ruin for their house; and, no less than the insane deny that they are insane, these furious men deny that they are angry. Enemies to their dearest friends, to be avoided by those most dear to them, forgetful of laws except where laws injure, moved by the smallest things, they are accessible neither to speech, duty, nor approach. They conduct everything by force, prepared both to fight with swords and to fall upon them. For the greatest evil has seized them, one surpassing all vices.”

How great is this evil, which even invokes evil upon itself, when the other passions flee evil?

§ 11. It is a delight to see the angers of men behaving insanely and almost furiously. Plutarch's little book *Περὶ ἀοργησίας*, *On Freedom from Anger*, is golden. He relates concerning a certain pancratiast that he was so liable to anger that he kicked back against a mule which kicked him. See examples of foolish anger in kings; the first is--and would that it were the last:

> The madness of Cyrus--the Gyndes.

“Cyrus,” says Seneca in Book III, Chapter XXI of *On Anger*, “was angry with a river. For when he was hastening to war in order to attack Babylon--a war whose greatest moments lie in opportunities--he attempted to cross by a ford the river Gyndes, which spread widely. This is scarcely safe even when it has felt the summer and been reduced to its lowest point. There one of the white horses which were accustomed to draw the royal chariot was swept away and vehemently moved the king. He therefore swore that he would reduce that river, which had taken passage away from royal horses, to such a condition that it could be crossed and even trodden upon by women. He then transferred the whole apparatus of war to this place and remained at the work until, the channel having been divided by one hundred and eighty trenches, he dispersed it into three hundred and sixty streams and left it dry as the waters flowed in diverse directions.

“Therefore time perished, with great loss in vain matters; the ardor of the soldiers, which useless labor broke, perished; and the opportunity of attacking men unprepared perished while he, after declaring war upon the enemy, waged it against the river.” Xerxes was more foolish, for he inflicted three hundred lashes upon the sea. Sapor, king of the Persians, was impious and foolish; when about to depart from Nisibis after his siege had been rendered vain by divine power, he discharged a missile into the air as though about to injure God. Many have turned their angers upon themselves, and this is assuredly the final thing, for every madness consumes itself; and the scorpion, when it has despaired of life, falls upon its own tail with a just wound.

All vices indeed produce anger: avarice, if you cut off profits or bring losses; lust, if you impede loves; and so the remaining vices, whenever the things sought are denied to desire, call angers to their aid. But nothing exasperates anger more than pride, for anger is therefore an opinion of contempt. Hence there are always quarrels among the proud. Hence among nobles, whose ancient vice is pride, there are so many contests, single combats, and plots, because they very easily judge that they have received an injury. Hence in cities which cultivate aristocracy there are

very many dissensions. Hence there are destructive laws, dangerous when war approaches, which indulge the anger of the powerful against subjects. Such are either the laws or customs of the Sarmatians by which the life of farmers is held cheap.

§ 12. Nevertheless, patrons of anger are not lacking--indeed, neither are its eulogists. They say that it is useful to the commonwealth and that without it authority is despised. In Plutarch anger is said to be the whetstone of courage, *οἷον βαφὴν τὸν θυμόν, ἢ στόμωμα*. They say that anger supplies courage with what dye supplies to cloth, which renders it conspicuous, and what steel supplies to iron, to which, when hardened, it imparts firmness and the power of cutting. They say that this appears in all wild animals, and that both for them and for human beings it is a *σύμφυτον ὅπλον*, "an inborn weapon." The Latins too call it the whetstone of courage.

They say that not to grow angry belongs to sluggishness, and that anger befits brave men: *ἔχειν κότον ὅφρα τελέσῃ*; and that each man is then truly brave: *ὅταν κότον ἔθετο θυμῷ*. They say that one must possess anger which is not ineffectual, and that the spirit is then beautifully fortified when anger has been set upon it as a fearsome defense.

Nature herself stands constantly against them and cries out with her inborn voice: namely, that courage was given to her for the defense and preservation of herself; that anger is hostile to her and casts courage itself headlong. "Whether anger is according to nature," says Seneca in Book I, Chapter V of *On Anger*, "will be plain if we examine the human being. What is gentler than he while his mind's disposition is right? But what is more cruel than anger? What is more loving of others than a human being? What is more hostile than anger? The human being has been born for mutual assistance; anger for destruction. The one wishes to be gathered together, the other to depart; the one to benefit, the other to injure; the one to succor even strangers, the other to assail even the dearest; the one is prepared even to expend itself for the advantages of others, anger to descend into danger provided that it drags another down.

"Who, therefore, is more ignorant of the nature of things than the man who assigns this savage and destructive vice to nature's best and most highly commended work? Anger, as we have said, is greedy for punishment. That desire should be present in the most peaceful breast of a human being is least of all according to his nature. For human life consists in benefits and concord, and is bound into a covenant and common assistance not by terror but by mutual love. What then? Is chastisement not sometimes necessary? Why not? But let it be sincere and accompanied by reason; for it does not injure but heals under the appearance of injuring."

Aristotle, in Book VII, Chapter VII of the *Nicomachean Ethics*, says that anger is according to nature and numbers it among the *ὀρέξεις φυσικὰς*, "natural desires"; he says that it is more such than the other desires and therefore worthy of pardon.

[Printed page 166]

But all passions have their origin from nature and ought to be tempered by reason; those which wander beyond the path now destroy nature.

§ 13. Next, courage, unless it rests upon reason and wisdom, is rashness and audacity. Anger is destructive to prudence and hostile to counsel. Nazianzen says prudently:

> Οὐδεὶς μετ' ὀργῆς ἀσφαλῶς βουλεύεται,
>
> Τὰ γὰρ μετ' ὀργῆς οὐδέπω βουλὴν ἔχει.
>
> No one deliberates safely through anger,
>

> For things done through anger never give place to counsel.

Therefore, not even in the conflicts themselves and in the arena, where there is both a school and a stripping-room for anger, must anger be joined to courage. Pyrrhus, a noble trainer of gladiators, ordered his pupils to lay aside anger. "Anger," he said, "disturbs art." But if anger casts headlong the art which the common people think proper to it, how much more the art of gentleness and prudence, according to which the state is ruled--the art whose business it is to gather many into one and bind them together by mutual charity and friendship?

By no other reason did a few Romans conquer the Cimbri and other nations infinite in number and excelling in courage than because the Romans proceeded into battle with reason, art, and counsel, while those nations, rushing with impetus, ferocity, and unconsidered anger, offered themselves to be slaughtered by barbarians. Therefore not an angry commander but a prudent and brave one must be chosen, one who brings against the enemy not fury but counsel. Anger, therefore, is not the companion of courage. For although a brave and angry man runs forward more swiftly and strikes more violently, nevertheless he acts less bravely because less prudently. He acts incautiously; he can strike but cannot defend himself. Every anger has this characteristic: it is prodigal of itself and attends to what may injure another, not to what may profit itself. Courage is strengthened by time and grows powerful because it uses counsel; anger languishes through delay. Give fury space; it subsides of its own accord.

So far am I from judging that this disease befits brave men that I judge irascible men least brave. The angers of children and women are sharper rather than weightier. Old men, the sick, the thirsty, and the hungry readily become angry. Plutarch certainly attributes anger to weakness in *Περὶ ἀοργησίας*:

> Ὡς γὰρ οἴδημα μεγάλης ἐστὶν ἐν σαρκὶ πληγῆς πάθος, οὕτως ἡ ταῖς μαλακωτάταις ψυχαῖς ἡ πρὸς τὸ λυπηρὸν ἔνδοσις ἐκφέρει μείζονα θυμὸν ἀπὸ μείζονος ἀσθενείας. Διὸ καὶ γυναῖκες ἀνδρῶν ὀργιλώτεραι, καὶ νοσοῦντες ὑγιαινόντων, καὶ γέροντες ἀκμαζόντων, καὶ δυστυχεῖς πράττοντες εὐτυχούντων.

For as an ulcer or swelling is the affection of some great blow inflicted upon the flesh, so in the softest minds the yielding toward grief expresses and brings forth greater anger from greater weakness. Therefore women are more irascible than men, the sick than the healthy, old men than those in their prime, and the unfortunate than the fortunate.

The teacher of nature speaks no differently in Book II, Chapter II of the *Rhetoric*: "It is already apparent from these things in what dispositions men themselves grow angry, with whom, and on account of what. Men themselves grow angry when they grieve, for the grieving man desires something. Therefore, whether someone directly obstructs him--as, for example, a thirsty man from drinking--or not directly, he seems in like manner to accomplish the same thing; and if someone resists him, or does not assist him, or disturbs him in any other matter while he is in this disposition, he grows angry at all. For this reason the sick, those laboring under poverty, lovers, the thirsty--in general, those desiring something and not acting rightly--are irascible and fit to be incited.

"They are so especially against those who despise their present condition: the sick in matters which pertain to illness, the man laboring under poverty in matters which pertain to poverty, the warrior in matters which pertain to war, the lover in matters which pertain to love. It is similar also in the other cases; for each person is prepared for his own particular anger by the passion adhering to him."

Anger is therefore a most feeble thing and comes from infirmity. "It is womanish," says Seneca, "to rage in anger." Scripture certainly testifies that there is no anger above the anger of a woman. Thus too the satirist sings in Satire VI:

> Whenever anger makes this sex guilty,

>

> And they are borne along, with rage inflaming the liver,

>

Headlong, like rocks torn from mountain ridges,

>

From which the mountain withdraws and the side recedes down the hanging slope.

Moreover, a woman is more irascible than herself when she bears a child or is heavy with age; thus the Conciliator teaches in Book X of the *Problems*, Chapter XXXV. Menander says best:

Πολὺ χεῖρόν ἐστιν ἐρετίσαι γραῦν, ἢ κύνα.

>

It is worse to provoke an old woman than a dog.

§ 14. But that opinion inflicts injury not only upon the most holy martyrs, heroes truly and properly so called, but upon the bravest of all the brave, Christ the Lord, who, for the joy set before him, endured the cross and despised its shame. The highest courage is to stand immovable against pains, death, and torments; the gentlest of human beings have displayed this. Do you judge that Christ was angry when, hanging amid his torments, he said, “Father, forgive them”? Or Stephen, when he repeated the same words amid the blows of those stoning him? Courage, therefore, is most placid. Anger must never be admitted, although it has sometimes been useful by occasion of diverse causes. But in the same way drunkenness too was sometimes useful, because it put tyrants to sleep and freed innocent men. We inquire what is good, not what sometimes obtains good outcomes.

§ 15. How, then, will the rulers of peoples restrain so many desires of the wicked and avenge so many crimes unless they grow angry and terrify by anger?

The answer is ready. Let the wicked fear your justice, prudence, and strength, not your fury. Whatever is feared apart from these is hated; and it is not only hated but dangerous and exposed to contempt. For nothing is more accustomed to be laughed at than irascibility making a commotion in vain. Therefore a prince ought not to be angry at crimes, because, since all things are full of vices, he will never be able to lay aside anger if he thinks that he must be angry at them all. If you wish to be as angry as the unworthiness of crimes demands, you must not become angry but insane. The multitude of offenders removes the prince's anger, for he ought to be angry neither at all together nor at individuals. Let him be not a hater but a corrector of offenders; when punishment is required, let him decree the penalty without passion, in the manner of laws which do not know how to grow angry. Let him punish not so much because sin has been committed, but lest it be committed. A judge's anger renders even the most just sentence suspect. He torments more by his countenance than by death when, in the likeness of a Fury, he carries before him the dreadful face of a dreadful passion.

“Nevertheless, nothing has profited equally,” says Seneca in Book II, Chapter XXXV of *On Anger*, “with first looking upon the deformity of the thing, and then its danger. The face of no passion is more disturbed. It has made the most beautiful countenances foul and rendered savage faces out of the most tranquil. All grace abandons the angry; and even if a man's clothing has been arranged according to rule, he will drag his garment and pour out every care of himself. If the natural or artificial arrangement of his lying hair is not unshapely, it bristles together with his mind. The veins swell; the breast is shaken by frequent breath; a rabid eruption of the voice distends the neck. Then the limbs tremble, the hands are restless, the whole body fluctuates. What sort of mind do you suppose to be within when its image without

[Printed page 167]

is so foul? How much more terrible is the countenance within its breast, how much sharper the breath, how much more intense the impetus, which will burst itself unless it breaks forth? As are the appearances of enemies or wild beasts drenched in slaughter or going to slaughter; as the poets fashioned infernal monsters, girded with serpents and fiery breath; as the foulest Furies go forth to excite wars, divide discord among peoples, and tear apart peace--such let us

picture anger to ourselves: its eyes burning with flame; resounding with hissing, bellowing, groaning, and shrieking, and with whatever voice is more hateful than these; shaking weapons in both hands, for it has no care to hide itself; savage and bloody, scarred and livid from its own blows; of the gait of a madman; covered with much darkness; rushing upon, laying waste, and putting to flight; laboring under the hatred of all, especially of itself; desiring, if it cannot injure otherwise, that lands, seas, and heaven should fall; equally hostile and hated. Or, if it seems better, let it be such as it is among our poets:

> Bellona shaking a bloody scourge in her right hand,
>
> >
>
> Or Discord goes rejoicing in her torn mantle.

A judge incurs the hatred of all when he attributes to his own passions what is owed to public utility. Everyone pities a defendant, although he deserves the utmost punishment, if they perceive that his judge is angry with him. A physician looks upon so many sick persons without indignation; a surgeon, when he cuts, burns, and, more gravely than a torturer, tears away flesh, does not grow angry. Therefore let every magistrate who belongs to the Christian profession imitate the gentleness of Christ, the holy martyrs, and the bishops. Let him strive with every effort to remove the angers, insults, and hostilities of citizens. Let him order those whose angers and contentions he knows to be incurable to go into exile. If they have dared crimes, let him visit them with deserved punishment. Let him never permit the anger of the more powerful to determine the punishment of a weaker man.

Unless he diligently takes care of this, immense difficulties will arise not only when advantage is displayed and the profit of crime set before men, but also when an insatiable zeal for conquering has occupied their spirits. The ardor of contention has exasperated many lawsuits which were light at the beginning. Contention from contention, anger from anger, as an image from an image when mirrors are placed opposite one another, is born, and evils are multiplied by their mutual reflections.

Look at the Roman commonwealth in Nero's age and you will not marvel that it fell. Seneca says in Book II of *On Anger*: “One man accuses the judgments of his father, which it would have been preferable to deserve; another stands in litigation with his mother; another comes as informer of a crime of which he is a manifest defendant; and a judge is chosen who is to condemn things which he himself has done; and the surrounding crowd is corrupted in favor of a bad case by the good voice of its advocate. Why do I pursue individual things? When you see the forum filled with a multitude, the enclosures full with the concourse of every class, and that circle in which the people displays the greatest part of itself, know this: there are as many vices there as human beings.

“Among those whom you see wearing the toga there is no peace. One is led to another's destruction for a slight profit. No one gains except from another's loss. They hate the fortunate and despise the unfortunate. They are burdened by a greater man and burdensome to a lesser. They are goaded by diverse desires. They desire that all things be destroyed for a slight pleasure and plunder. Life is no different from a gladiatorial school, since men live and fight with the same persons. It is an assembly of wild beasts, except that wild beasts are placid among themselves and abstain from biting their own kind, while these men are satiated by mutual laceration. In this one respect they differ from speechless animals: the latter become tame toward those who use them; the madness of the former devours the very men by whom it is nourished.”

§ 16. I wish the prince to be tireless, diligent, effective, and active; I forbid him to be irascible. Clemency agrees well with grave punishment; anger never does. Saint Cyprian says in his book *On the Lapsed*: “He is an unskilled physician who handles the swelling recesses of wounds with a sparing hand and, by preserving the poison enclosed in the deep recesses of the entrails, increases it. The wound must be opened and cut, and, after the putrid parts have been amputated, treated with a stronger remedy. Let the impatient sick man shout and cry out and complain through pain; afterward he will give thanks when he has perceived health.”

Often in the commonwealth safety is sought by severity, which is certainly necessary in military service. A distinguished commander, according to Tacitus in Book XIII, contained his army by severity. A soldier was noted who, carrying a bundle of wood, had his hands frozen so rigidly that, adhering to the burden, they fell away from the truncated arms. The commander himself, lightly clothed and with his head uncovered, was frequently present in the marching column and in labors, displaying praise to the vigorous, comfort to the weak, and an example to all. Then, because many refused and deserted on account of the harshness of the climate and military service, a remedy was sought by severity. For, unlike in other armies, a first and second offense was not pursued with pardon; rather, one who had abandoned the standards immediately paid the penalty with his head. This appeared wholesome in practice and better than mercy, for fewer deserted that camp than those in which pardon was given.

§ 17. The same thing often occurs in a kingdom. But just as discipline ought not to be dissolved by leniency, so harshness ought altogether to be absent. How dreadful and wicked was Piso's argument, which put justice forward as a pretext for the most unjust fury! Seneca relates it in Book I, Chapter XVI of *On Anger*:

“Gnaeus Piso was in our memory a man free from many vices, but depraved and one to whom rigor was pleasing in place of constancy. In anger he had ordered that man to be led away who had returned from leave without his fellow-soldier, as though he had killed the man whom he did not produce. When the soldier asked for some time to search, Piso did not give it. Condemned, he was led outside the rampart and was already extending his neck when suddenly that fellow-soldier who was thought to have been killed appeared. Then the centurion set over the execution ordered the executioner to sheath his sword and led the condemned man back to Piso, intending to return innocence to Piso, for fortune had returned the soldier. Amid an immense concourse the fellow-soldiers were led in, embracing one another, with great joy in the camp.

“Piso, raging, ascended the tribunal and ordered both to be led away: both the soldier who had not killed and the one who had not perished. What could be more unworthy than this? Because one innocent man had appeared, two were perishing. Piso added a third, for he ordered the very centurion who had led the condemned man back to be led away. Three men were stationed in that same place to perish on account of one man's innocence. O how ingenious irascibility is at fashioning causes of fury! ‘I order you,’ he said, ‘to be led away because you were condemned; you, because you were the cause of your fellow-soldier's condemnation; you, because, though ordered to kill, you did not obey your commander.’ He contrived how he might make three crimes because he had found none.”

This anger destroys everything, and the world deservedly attributes to angers its destructions, which rage by turns everywhere and always make devastation in some place. The same Seneca--whom I produce more frequently in this place because among all pagans he wrote most effectively concerning anger--says in Book I, Chapter II: “Now, if you wish to look upon its effects and harms, no plague has cost the human race more. You will see slaughter and poisonings, the mutual filth of defendants, the disasters of cities, the destructions of whole nations, the heads of princes put up for sale beneath the public spear, torches placed beneath roofs, and fires not confined within walls but immense expanses of regions shining with hostile flame.

“Look upon the foundations of the noblest cities, scarcely discernible: anger cast them down. Look upon the solitudes deserted without habitation for many thousands of miles: anger exhausted them. Look upon so many commanders delivered to memory as examples of an evil fate: anger stabbed one in his bed; struck another amid the sacred rites of the table; tore another apart amid the laws and the crowded spectacle of the forum; ordered another to give his blood to the parricide of a son; another to open a royal throat by a servile hand; another to divide his limbs upon crosses. And thus far I relate the punishments of individuals.

[Printed page 168]

“What if it should please you, leaving those against whom anger blazed individually, to look upon assemblies cut down by the sword, a plebs slaughtered after soldiers were sent in, and entire peoples condemned to capital punishment for indiscriminate destruction, as though they had abandoned our care or despised our authority?”

§ 18. I have spoken concerning the moderation of anger and am about to pass to other matters. I give the admonition which others gave long ago: namely, the greatest remedy for anger is delay. Do not initially ask anger to pardon, but to judge. It will cease if it waits. Do not attempt to remove the whole of it at once; its first impulses are grave. It is wholly conquered while it is plucked away in parts.

Athenodorus, now an old man--I think he was the man who was the teacher of Dionysius the Areopagite--when he had obtained his discharge from Augustus, left this final command to the emperor while saying farewell: “When you are angry, say or do nothing before you have recited to yourself the names of the twenty-four Greek letters.” Delighted by this saying, Augustus took hold of his right hand and said, “I still need you present,” and kept him with himself for a whole year.

But if you will listen to me for a little while, O prince, when you are angry, do nothing and say nothing unless you have first said the Lord's Prayer in your heart. Or, if this is too much, at least run through these words: “And forgive us our debts, as we also forgive our debtors.” But if a mind twisted by anger cannot be directed toward prayer, merely recite some sentence, for example Matthew 6:14: “For if you forgive human beings their sins, your heavenly Father will also forgive your offenses. But if you do not forgive human beings, neither will your Father forgive your offenses.”

Or Chapter 5:22: “But I say to you that everyone who is angry with his brother will be liable to judgment. But he who says to his brother, ‘Raca,’ will be liable to the council. But he who says, ‘Fool,’ will be liable to the Gehenna of fire.”

Or Job 28: “An irascible man kindles a quarrel, and a sinful man will trouble friends and cast enmity into the midst of those possessing peace.”

Or Proverbs 15:1: “A soft answer breaks anger; a hard word arouses fury.”

Or Job 36:18: “Therefore let anger not overcome you, so that you oppress someone.”

Or Ecclesiastes 11:10: “Remove anger from your heart.”

Or Ephesians 4:31: “Let all bitterness and anger and indignation and clamor and blasphemy be taken away from us, with all malice.”

But if he does not admit even sacred counsels, let him take some pagan as counsellor and say:

> He who will not moderate his anger
>
> Will wish undone what grief and mind have counselled,
>
> While he hastens by force to exact penalties for unavenged hatred.
>
> Anger is a brief madness. Rule your spirit, which, unless it obeys,
>
> Commands. Restrain it with bridles, restrain it with a chain.

An angry man understands his error after the deed.

If you are angry, you are mad.

Trust no angry man--not even your own spirit.

The irascibility of a good man quickly dies.

CHAPTER XVI

Clemency Must Be Cultivated in Every Commonwealth

§ 1. Gentleness and clemency are twin virtues. They almost always advance with equal step and conspire toward one effect of human actions. Gentleness is the moderator of anger according to right reason; clemency, of punishments. Saint Thomas refers both, by a certain likeness, to temperance in *Summa theologiae* II-II, Question 157, Article 3. For just as temperance restrains pleasures within the circuit of reason and does not permit them to pass beyond the limits of honor, so gentleness mitigates that most ferocious beast, anger, confined with chains and in prison, and renders it tame, so that it not only does no injury but even contains itself within the lawful and prescribed bounds of justice.

Thus clemency is not that which abstains from raging through force and injustice, but that which inflicts milder punishments than the rigor of law. Clemency is the temperance of the mind in the power of taking vengeance; or the lenity of a superior toward an inferior in establishing punishments; or an inclination of the mind toward lenity in exacting punishment; or the virtue which remits something of a merited and owed punishment. These definitions are Seneca's, from Book II, Chapter III of *On Clemency*. Clearer, and one which removes objections, is the definition of Lipsius in Book II, Chapter XII: “Clemency is the virtue which, with judgment, inclines the mind away from punishment or vengeance toward lenity.”

§ 2. Although they are the most excellent virtues and strengthen the throne of a kingdom, as is said in Proverbs 20:28, nevertheless a controversy concerning the status of both is raised by men who teach how to dispute rather than how to live. “Gentleness,” they say, “diminishes anger, and clemency punishments; but virtue consists in the mean. These virtues, however, supply less than what is due; therefore they stand short of the right and of those boundaries which the norm of virtue has fixed.”

But we must hold the teaching not only of the Sacred Scriptures but also of the more moderate philosophers and political writers: that gentleness and clemency are distinguished virtues, and indeed so honorable that the other virtues sometimes defer to them. Gentleness diminishes anger because, since an appetite for vengeance is innate in all and taking vengeance is sweet to an angry man, and since no one readily judges injuries inflicted upon himself to be small, a most noble virtue is engaged in a great contest.

Clemency indeed remits the punishment which legal justice demands according to the common law, yet is not unjust but benign. For according to right reason it remits the punishment owed, or a part of the punishment. It does this on account of certain particular circumstances, the consideration of which causes a departure from severity in punishing to be right. Therefore clemency is contrary neither to severity nor to justice, for no virtue is opposed to another virtue. Severity according to right reason exacts punishments when, from whom, and of what magnitude they are to be exacted. Clemency, led by the same reason, remits them in the proper place and time.

Thus *ἐπιείκεια*, equity, which benignly interprets the words of a rigid law according to the legislator's intention and judges according to it, does not overthrow justice, but recalls the highest law--which is often the highest injustice--to equity, indeed, if we wish to confess the truth, to justice. “But if justice,” they say, “demands punishment, clemency cannot remit it unless it oppresses justice.” On the contrary, the common law demands punishment and gives the power of exacting it. Nevertheless, it does not prohibit pity, pardon, or mitigation for certain causes. Nor is any legislator, or ought any legislator to be, so tenacious of his laws that he does not sometimes leave a place for prayers and humanity.

Cruelty is opposed to clemency; it is atrocity of mind in exacting punishments. Seneca, Book II, Chapter IV of *On Anger*: “What, then, is opposed to clemency? Cruelty, which is nothing other than atrocity of mind in exacting punishments. But some do not exact punishments and nevertheless are cruel--as those who kill unknown persons

whom they meet, not for profit but for the sake of killing. Not content to kill, they rage, as did Sinis and Procrustes and the pirates who scourge captives and place them alive upon the fire.

[Printed page 169]

“This indeed is cruelty; but because it does not follow vengeance--for it was not injured--and does not grow angry at any sin--for no crime preceded it--it falls outside our definition, which contained intemperance of mind in exacting punishments. We can say that this is not cruelty but ferocity, whose pleasure is savagery; we can call it insanity, for its kinds are various, and none is more certain than that which arrives at the slaughter and mangling of human beings. Therefore I shall call cruel those who possess a cause for punishing but possess no measure.”

Cruelty therefore exasperates punishments. Sometimes it rages without cause, from the pleasure of another's pain alone, by which many violate justice, charity, mercy, clemency, and every divine and human law. They are not human beings but savage beasts which bite more than they hunger.

§ 3. I shall treat three things in this chapter. First, I shall show that in very many kings anger has ruled in place of gentleness and cruelty in place of clemency. Second, I shall teach how necessary clemency is to the commonwealth and how harmful cruelty is. Third, I shall explain what the measure of clemency is, lest discipline and the force of laws be weakened.

§ 4. Among the other vices of the nations, the Apostle Paul enumerates in Romans 1:31 that they are *ἀνελεήμονας*, unmerciful, murderous, and therefore cruel. Stoic *ἀπάθεια*, apathy, inflamed those vices when the Stoics denied that pity and pardon belonged to a wise man. But Seneca errs with the Stoics. For mercy is a pain of the will, or displeasure, conceived according to right reason concerning another's misery; there is no need for passion or grief which pour themselves out into lamentation and wailing. But that movement of the lower appetite--whether fellow-suffering or emotion--is not only not a vice if it is governed by right reason, but even serves true mercy, which resides in the will and is a virtue. The Apostle must be heard: “Weep with those who weep.”

That movement of the mind serves reason when mercy is supplied in such a way that justice is preserved, whether something is given to the needy or pardon to the penitent. Nevertheless, that movement of the appetitive power is not necessary to mercy, for the will alone, aided by reason, can have mercy. Augustine therefore clearly refutes the Stoics in Book I, Chapter XXVII of *On the Morals of the Catholic Church*:

“Therefore all those who courteously and humanely supply the things by which evils or disadvantages of this kind are resisted are called merciful, even if they are wise to such a degree that they are now disturbed by no pain of mind. For who does not know that mercy is so named because it makes the heart miserable by fellow-suffering with another's evil? And who would not concede that the wise man ought to be free from every misery when he assists the needy, supplies food to the hungry and drink to the thirsty, clothes the naked, receives the stranger beneath a roof, frees the oppressed, and finally extends his humanity as far as the burial of the dead? Even if he does this with a tranquil mind, goaded by no stings of pain but led by the duty of goodness, he must nevertheless be called merciful. For the name does him no harm when misery is absent.

“But fools, when they avoid mercy as though a vice, because they cannot be sufficiently moved by duty if they are not also moved by a disturbance, are frozen rather by the cold of inhumanity than made serene by the tranquility of reason. Therefore God himself is said much more prudently to be merciful. How he is so called remains for those to understand who have made themselves fit by religion and study, lest, when we ineptly use the words of the learned, we make the souls of the unlearned grow hard by avoiding mercy before we make them grow gentle by seeking benignity. And, as mercy commands us to drive these disadvantages away from a human being, so innocence prohibits us from inflicting them.”

Therefore I altogether prefer a mercy which even makes the heart miserable and sorrowful, which burns when someone is scandalized, which cries out with David, “Absalom, my son, my son Absalom,” which with Christ lifts its

eyes over Jerusalem and weeps, to that harsh philosophy which hardens minds to every inhumanity and inflames cruelty.

§ 5. Therefore all the dominions of the ancient nations fell into the highest cruelty just as into other vices. And properly that passion which Aristotle describes in Book VII, Chapter I of the *Nicomachean Ethics* is called *θηριότης*, bestiality. Thus, if--as they say--men become gods on account of the excellence and preeminence of virtue, that disposition of mind which is opposed to this bestial disposition will assuredly be such a disposition. For just as neither vice nor virtue belongs to a wild beast, so neither belongs to gods; but the divine disposition is something more excellent and honorable than virtue, while the other is another kind distinct from vice.

But since it very rarely happens that a divine man exists--as the Pavones are accustomed to call and salute a man divine whom they greatly admire, saying, "O divine man"--so among human beings someone resembling wild beasts in nature is rarely found. Certain inhumanities of this kind, however, are produced by diseases and debilities of the limbs. And we call those human beings who excel others in vice savage and inhuman by a foul and infamous name. But something will have to be said later by us concerning this passion of mind.

And in Chapter VI: "But since some things are pleasant by nature, and of these some are pleasant simply and absolutely, others to diverse classes of living creatures and human beings; while other things are not pleasant by nature but become pleasant partly on account of debilities of bodies, partly on account of habit, and partly on account of vicious natures, it is possible in each of these to observe similar dispositions. I call inhuman and bestial dispositions such as that of the woman who, they say, was accustomed to cut open pregnant women who had reached full term and devour the children; or such things as certain savage peoples around Pontus are reported to delight in--some in raw flesh, others in human flesh, others in giving their children to one another for feasts; or such as that which is commonly said concerning Phalaris. These, then, are bestial dispositions.

"Others arise in some men on account of diseases and madnesses, such as the man who sacrificed and ate his mother and the man who ate the liver of his fellow-slave. Other diseased dispositions proceed from habit, such as pulling out hair, gnawing nails, and eating charcoal and earth; in addition, sexual intercourse with males. For these desires are natural to some and arise in others from habit, as in those who were accustomed to them from boyhood. And no one would call any of those for whom nature supplies the cause incontinent, just as no one calls women incontinent because in sexual intercourse they do not act but are acted upon. By the same reasoning, neither do we call those incontinent who have contracted by habit a vice similar to disease.

"To be tempted by each of these evils of the mind is to pass beyond the limits and boundaries of vice, just as by ferocity it is to approach very near the nature of beasts. But to be superior or inferior when tempted and affected by these things is not simple continence or incontinence, but is so by resemblance; just as we ought not to call that man incontinent in respect of this disturbance who is so affected in anger that he is conquered by it.

[Printed page 170]

"For every viciousness exceeding measure--madness, timidity, intemperance, and savagery--is either bestial or diseased."

Aristotle speaks rightly in the remaining things, but altogether badly in this: that he recognizes few men, and only among the barbarians, as *θηριώδεις*, bestial and inhuman. I must demonstrate the contrary, so that from this part at least it may appear what Christian piety has conferred upon the world.

§ 6. The most ancient vice of the human race is to rage against the associates of one's own kind. While his brother was alive, the world seemed narrow to Cain. The giants before the flood were avaricious, cruel, and lustful. Scarcely had the world been restored when Nimrod seized tyranny; and while Abraham was alive, and Noah, Shem, and others were still mourning, kings prepared distant wars, Genesis 13. Moses shows in many places that the custom of lusting and raging existed when he writes that Abraham asked Sarah to say that she was his sister, lest perhaps she should be

seized and, after her husband had been killed, an empty marriage-bed should be allotted to the ravisher. They judged homicide a lesser evil than adultery. So cheap was human blood to a human being while the world was still empty.

Nor was Pharaoh gentler toward the infants of the Jews; nor was the utmost cruelty absent from the most ancient wars of the Emim, Horites, Zamzummim, and Cappadocians, when entire nations were destroyed. What happened in Palestine? Did not seventy kings, the extremities of their hands and feet having been amputated, gather crumbs beneath the table of Adoni-bezek? But most cruelties of very ancient times lie hidden because men were lacking who might transmit them to posterity.

Let us look upon the cruelty of the four most celebrated monarchies, for in them we shall find the human race raging. The first is called either Assyrian or Chaldaean, for they are customarily joined. Habakkuk describes the Chaldaeans for us, Chapter 1:6: “For behold, I shall raise up the Chaldaeans, a bitter and swift nation, walking over the breadth of the earth to possess dwellings not its own. It is horrible and terrible; from itself its judgment and burden shall go forth. Its horses are lighter than leopards and swifter than evening wolves, and its horsemen shall be spread abroad; for its horsemen shall come from far away; they shall fly like an eagle hastening to eat. All shall come for plunder; their faces are a burning wind, and it shall gather captivity like sand. It shall triumph over kings, and tyrants shall be its mockery. It shall laugh at every fortification, heap up an embankment, and take it.”

And Isaiah 14:5: “He has broken the staff of the wicked, the rod of rulers, which struck peoples in indignation with an incurable wound, which subjected nations in fury, which pursued cruelly.” And verse 12: “Have you fallen to the earth, you who wounded the nations?” And verse 17: “Is this the man who disturbed the earth, who shook kingdoms, who made the world a desert and destroyed its cities, who did not open the prison to his captives?” And verse 20: “For you have destroyed your land; you have killed your people. The seed of the wicked shall not be named forever. Prepare his sons for slaughter.” Daniel too says that he killed those whom he wished.

The administration of that kingdom was therefore grievous and tyrannical. Daniel 7:4 compares it to a lioness: “The first was like a lioness and had wings like an eagle.” Jerome says that it is called a lioness, לאיבל, on account of luxury and cruelty, for the female is more savage than the male. Those who have written concerning the natures of beasts say that lionesses are more ferocious, especially if they nourish cubs, and always eager for intercourse. Cruelty and womanishness are perpetually connected.

Moreover, the lioness is swift with an eagle's wings, as Habakkuk too describes it. The hunger of a lion is more savage because it never returns to the remains of prey but always threatens warm blood. The tyranny of eagles too is celebrated, for Olaus says in Book XIX, Chapter VII that one pair requires a broad territory for plundering. He then relates how much profit northern farmers make from two chicks which they compel to hunger, while their anxious parents carry every kind of game into the nests. Therefore the Chaldaean monarchy is a *γρυπαετὸς ἀγκυλοχείλης*, a crooked-beaked griffin-eagle; and I judge that the tale concerning the griffin-eagle arose from Daniel and that report. Thus that eagle in Jeremiah 48:40 brings extreme calamity upon the Moabites: “Behold, like an eagle he shall fly and extend his hands against Moab.” And Lamentations 4:19: “Our persecutors were swifter than the eagles of heaven, and they pursued us over the mountains.” This, therefore, was the cruelty of the Chaldaeans and Assyrians.

§ 7. But that of the Medes and Persians was much greater. Daniel speaks thus concerning the second monarchy, Chapter 7, verse 5: “And behold another beast like a bear; it stood upon one part, and there were three rows in its order and in its teeth, and thus they said to it: ‘Arise, eat very much flesh.’” The bear is a beast of foul and ignoble savagery:

> Do not, though ruined by its rabid mouth,
>
> Try the nose of a bear steaming with wine;
>

Though it be placid and lick your fingers and hands,

>

If pain and bile, if just anger should compel it,

>

It will be a bear.

It is an omnivorous and faithless animal. It surpasses all beasts in ferocity, as Philostratus says. But the most rabid of bears are in Persia. “Persian bears rage beyond all madness,” says Marcellinus. The three rows of teeth indicate this, and so does that incitement: “Arise, eat very much flesh.” They devoured very many kingdoms; and among them Babylon first experienced their ferocity and raw hunger. Whoever reads its most wretched destruction will recognize the work of the Medes and Persians. Isaiah 13:17: “Behold, I shall raise up against them the Medes, who do not seek silver nor desire gold; but with arrows they shall kill little children, shall not pity the wombs of nursing mothers, and their eye shall not spare sons.”

Ammianus says in Book XXX that the Persian nation always exercised a cruel variety of punishments. Hence the flaying of the living, in the same author's Book XXXIII; hence the deaths of relatives in Xenophon, Book III of the *Ἀνάβασις*, *Anabasis*; hence the burying of living persons in Herodotus, Books VIII and IV; burning men alive in Ctesias's fragments. See also Heliodorus, Book VIII of the *Aethiopian History*, Socrates, Book I, Chapter XXII, and Procopius, Book I of the *Persian War*, witnesses of the utmost and savage inhumanity.

Cyrus himself, greedy for blood, paid the penalty for cruelty with blood. What Darius did against the seven nobles is related both by others and briefly by Valerius in Book VI. But Ochus, who was afterward called Darius, was bound by the oath most sacred among the Persians not to kill by poison, sword, any violence, or deprivation of food any of the conspirators who had overthrown the seven Magi with him. He devised a crueller manner of death by which he might remove those burdensome to him without breaking the bond of religion. He enclosed a place with high walls and filled it with ashes, and, after setting up a projecting beam, placed upon it men benignly received with food and drink; when overcome by sleep, they fell from it into that treacherous heap.

Concerning the other Ochus: the cruelty of another Ochus, surnamed Artaxerxes, was more open and more loathsome. He buried alive Ocha, his sister and at the same time his mother-in-law; and he fixed his paternal uncle, together with more than one hundred sons and grandsons, with javelins in an empty, abandoned enclosure. He had been provoked by no injury, but saw that among the Persians the greatest praise for probity and courage consisted in these things.

[Printed page 171]

Among their cruel punishments was *σκαφισμός*, scaphism, by which Mithridates died in Plutarch's *Artaxerxes*; it lasted seventeen days, while his body was almost devoured by worms. Memnon--in Book II of Xenophon's *Ἀνάβασις*--was tortured *ἐπὶ δὲ ἐνιαυτόν*, for an entire year. Nor is this novel: a royal woman tortured her sister's physician in this way.

But what sort were they toward enemies? Justin relates in Book X that eight hundred men met Alexander after suffering servitude with part of the body truncated. Were so many mutilated together in one place? Things not dissimilar are found in Curtius, Book III. Diodorus Siculus speaks concerning the same men in Book XVIII:

Ἠκρωτηριασμένοι ὄντες πάντες, οἱ μὲν χεῖρας, οἱ δὲ πόδας, οἱ δὲ ὦτα καὶ ῥῖνας.

All had their extremities mutilated: some their hands, others their feet, others their ears and noses. Let the deeds of Cambyses in Egypt be seen in Herodotus, Book III. The calamity of the Rhinocolura came from a Persian king according to Seneca, Book III, Chapter XX of *On Anger*. Diodorus in Book I, Chapter II of the *Library* and Strabo in Book XVI attribute it to the king of the Ethiopians.

Plutarch, in his book *Which Animals Are More Clever*, recalls how they hunted human beings; Herodotus explains the method in Book VI:

> Ὁ δὲ ναυτικὸς στρατὸς, ὑστερέων χειμερινὰς περὶ Μίλητον τῷ δευτέρῳ ἔτει, ὡς ἀνέπλωσε, αἱρέει ἐπιθέων τὰς νήσους, τὰς πρὸς τῇ ἠπείρῳ κειμένας, Χίον, καὶ Λέσβον, καὶ Τένεδον, δίκην σαγήνης. Τῶν νήσων, ὡς ἑκάστην αἱρέοιτο οἱ βάρβαροι, ἐσαγήνευον τοὺς ἀνθρώπους· σαγηνεύουσι δὲ τὸν τρόπον, ἀνὴρ ἀνδρὸς ἀψάμενος τῆς χερὸς ἐκ θαλάσσης τῆς βορέης ἐπὶ τὴν νοτίην διήκουσι, καὶ ἔπειτα διὰ πάσης τῆς νήσου διέρχονται, ἐκθηρεύοντες τοὺς ἀνθρώπους. Αἱρέοντο δὲ καὶ τὰς ἐν ἠπείρῳ πόλιας, τὰς Ἰάδας, κατὰ ταὐτὰ, πλὴν οὐκ ἐσαγήνευον τοὺς ἀνθρώπους, οὐ γὰρ οἷά τε ἦν.

The Persian naval army, after wintering around Miletus in the second year, when it sailed up, quickly occupied the islands situated near the mainland: Chios, Lesbos, and Tenedos. After the barbarians occupied each of the islands, they caught the human beings with a dragnet. They caught them with a dragnet in this manner: man grasping man's hand, they advanced from the northern shore to the southern and hunted the human beings. They also took the Ionian cities on the mainland, but did not enclose the human beings in a dragnet, for it could not be done.

§ 8. Lest you hope for milder things, the leopard avenges the cruelty of the bear. The kingdom of Greece chastises Persian savagery with another barbarity. For thus Daniel 7:6 says: “After this I looked, and behold another beast like a leopard; and it had four wings like a bird upon itself, and four heads were upon the beast, and power was given to it.” Four wings, that it may surpass the lion; four heads, that it may tear apart the bear. It is the swiftest animal and overtakes wild beasts by three or four bounds. Pollux says that the leopard's body is *ὑγρὸν, εὔελικτον, πηδητικόν, ἁλτικόν, εὔπαλες*: moist, flexible, fit for leaps, springing, and pugnacious.

Alexander cast down the bear in the course of a few victories; afterward he himself died, the leading men who had lived with him were quickly removed, and the rest languished. But the leopard's ferocity must be discussed. Alexander, after overthrowing Thebes and oppressing Greece, inaugurated the Persian War with the slaughter of brothers and relatives. He sent an entire nation as funeral victims to Hephaestion. He himself--which is an indication of great cruelty--was more desirous of wine than all mortals and therefore in this part too was a leopard, for leopards also are devoted to wine and were generally captured through drunkenness, as Oppian relates.

Cruelty is the companion of drunkenness, as Seneca truly says in Epistle LXXXIII: “This thing rendered him an enemy of the commonwealth, this rendered him unequal to his enemies, this rendered him cruel: when the heads of the leading men of the state were brought to him while he dined; when, amid the most elaborate feasts and royal luxury, he identified the faces and hands of proscribed men; when, heavy with wine, he nevertheless thirsted for blood. What he did when drunk was intolerable even if he had done it when sober; how much more intolerable that he did these things amid drunkenness itself? Cruelty generally follows vinousness, for the sanity of the mind is violated and exasperated. Just as lingering diseases render eyes difficult even at the smallest offense of a sunbeam, so continual bouts of drunkenness render minds savage. For since they are frequently not in possession of themselves, vices hardened by the habit of insanity and conceived in wine have force even without it.”

Certainly Alexander's drunkenness destroyed more friends than the many battles which he entered. The leopard's peculiar characteristic, however, is malicious and raw deceit. For if its attack is cheated of its prey, it turns against the hunter. Therefore those who use it in hunting always keep sheep, lambs, and other things at hand with which they appease the fury from which the greater beast escaped. Nothing is more like the cruelty of the Greek monarchy. Alexander's fellow-soldiers first, and then his successors, turned their arms against one another. Nowhere were there more or more atrocious crimes and slaughters than among the Seleucids, Ptolemies, and Macedonians. For there were perpetual butcheries of nations in Greece, Egypt, Syria, and Asia, and the outcomes of royal families were horrible and mournful.

§ 9. While the third beast rages, a fourth grows for its destruction, namely the Roman Empire, which Daniel describes thus: “After this I looked in a vision of the night, and behold a fourth beast, terrible and wondrous and exceedingly strong. It had great iron teeth, eating and breaking in pieces and trampling the remainder with its feet.”

First, he calls it terrible, which properly belongs to inhumanity; for animals are feared not on account of their size, however vast they may be, but because they are cruel and bloodthirsty. The Hebrew names it דחלית, *dechila*, a word used of great terror; thus זלחד, *dechalan*. Among the Chaldaeans demons are so called because they are greatly feared. Second, it is wondrous; the Septuagint names it *ἔκθαμβον*, because it renders men astonished with terror. Third, it is strong in treasury and cities. Fourth, its iron teeth are strong emperors, armies, and fleets. Fifth, it eats and breaks in pieces the forces of enemies and the spoils of provinces. For it was not enough to enrich one king: so many patricians, proconsuls, and governors had to be filled from the wretched provinces; new colonies had to be received; land had to be yielded.

How great was Rome itself? Lipsius, in Books I, Chapters II and III of *On Roman Greatness*, says that in the time of Augustus there were more than 320,000 poorer citizens who lived from the public treasury--that is, from the sweat and blood of the provinces. And not only they: from the same plunder the rich, the equestrian order, and senators lived luxuriously. Add to these wives, children, and little slaves, and you will make an entire nation. It was customary to draw along great armies of slaves. Crassus maintained five hundred craftsmen in his household; others maintained more. The number of slaves at Rome was immense. When it was once discussed in the senate that slaves should use one kind of clothing and free persons another, it was understood how dangerous it would be

[Printed page 172]

if slaves began to count the free, as Seneca teaches. The same man in the *Consolation to Helvia* indicates that the crowd of foreigners at Rome was greater than that of citizens. The courts of the Caesars contained up to one hundred thousand. Now weigh the distributions, games, public banquets, and other insanities, and you will understand that so voracious a beast could not exist without the blood of many animals.

These things, therefore, are cruel; but the Holy Spirit indicates in those words a distinguished inhumanity not used so furiously by the other monarchies: “And trampling the remainder with its feet.” A ferocious and bloodthirsty beast for which it is too little to feed, grow fat, and be distended upon the deaths of the weak unless, through savagery and most arrogant contempt, it also insults the perishing.

There were two things grievous to the whole world. The first was the Roman games: Circensian, theatrical, and others. The preparations for trifles were immense. In the *Agamemnon* there were six hundred mules. A theater was covered with gold by Nero for one day. Caesar at his father's funeral made the equipment of the stage silver, and he was not yet Caesar, had not yet plundered Gaul or the city. In Pliny's time silver stages existed everywhere in colonies and municipalities. I have spoken above concerning Heliogabalus, who exhibited naval Circensian games in canals full of wine. These had to be long and broad so that ships might run in them; I judge that scarcely one year's wine was enough for so great a madness.

Add not only the preparation and sails floating over the full theater, but also the things cast among the people--namely, that at Rome the Arabs were drenched by their own rains. Tiraquellus in *Octavius*: “Things of every kind were scattered and cast among the people: on every day, each day a thousand birds; a manifold store of every kind; vouchers for grain, clothing, gold, silver, gems, pearls, painted panels, beasts of burden, and even tame wild beasts; finally ships, islands, and estates.”

But the chief point of cruelty was in the amphitheater, where human beings died solely for the pleasure of the spectators. Let the reader consult the *Saturnalia* of the most learned Justus if this matter is his concern. In individual years the arena consumed two hundred thousand--or rather three hundred thousand--human beings in the most cruel pleasures. Caesar presented hunts for five days, and finally a battle was joined on each side with five hundred

infantrymen, twenty elephants, and thirty horsemen. Tranquillus, *Julius*, Chapter XXXIX. The same man brought forward biremes, triremes, and quadriremes in a naval battle with a great number of fighters. Tranquillus speaks concerning Augustus in Chapter XLIII and Claudius in Chapter XXI, who joined twelve triremes on each side; one part was called the Sicilian fleet, the other the Rhodian. This was the pleasure of one day, upon which many thousands were expended.

Hadrian consumed several thousands over three days; Gordian over an entire year. Titus consumed gladiators, hunts, and naval battles over one hundred days. Trajan consumed ten thousand over one hundred and twenty-three days. These things happened at Rome and belonged to the Caesars; but there were more spectacles. Consuls, praetors, aediles, and priests gave games. Emperors made immense expenditures. At the adoption of Commodus Hadrian said, “We have lost four thousand times one hundred thousand sesterces”--that is, ten millions. You truly lost them upon trifles; you truly lost them most cruelly upon the deaths of wretched human beings and pleasures more wretched than deaths.

Magistrates at Rome and in the provinces did the same things. Augustus gave games twenty-four times in his own name, and twenty-three times in the names of others who were absent or unable. Herod, in the Holy Land itself, established theaters in almost every town and joined seven hundred pairs at once. This custom also existed at funerals, for we read that heirs, if they had not thus provided for one hundred condemned pairs of gladiators, were prosecuted. The banquets themselves and the feasts themselves were sprinkled with cruel blood. All funerals of magnates were rendered more deadly by gladiatorial funeral offerings; all weddings and banquets of nobles were loathsome with barbaric cruelty.

§ 10. The preparation itself cost no less blood. Pompey presented more than four hundred lions, as did others. Gordian presented one hundred Libyan wild beasts in one day and one thousand bears in one day. Under Augustus a show completed three thousand five hundred wild beasts in a single set of games, as the Ancyran stone, a witness of immense cruelty, confesses. Vopiscus says in his *Probus* that he presented one thousand ostriches, one thousand stags, and one thousand boars. And lest you think these few, Statilius Taurus built a stone theater in the Campus Martius for hunts. But Severus, despising it, discovered new kinds of cruelty lest he should ever be capable of being satiated; for from a collapsible ship he released four hundred lions in one moment. Carinus introduced the sea and swimming monsters. It is wearisome to relate the remaining things which trustworthy histories transmit concerning Nero and others.

Let us consider this beast, the subduer of all beasts. First, so many gladiators are matched against one another in amphitheaters, at funerals, and at banquets throughout all the provinces. Then they are cast to wild beasts. For how many little human beings could be equal to four hundred lions? But cruelty does not stop here. There is greater cruelty in the hunting of wild beasts. See entire provinces in Africa, Asia, and Mesopotamia occupied with hunting beasts at danger to life. Scarcely one lion is captured without wounds; here four hundred are to perish in one day. How much labor is needed to capture them?

If they were captured so that forests might be safe for gentle animals and so that they would not infest the fields, this could seem a recompense for danger and labor. But now they are captured, and care is taken that they be captured alive, so that, brought to Rome over tracts of lands and seas and fed at great expense, they may mangle a human being. This is most inhuman: for a human being to favor a beast against a human being. Then, that they should mangle a human being for a human being's pleasure is now beyond every madness of savagery. For few beasts rage except for the sake of food; the human being casts a human being to beasts because he seeks the pain of a human being and a variety of delight from a variety of punishment. Not one or another man does these things, but the whole empire--indeed, almost the whole more cultivated world--does, praises, commands, and demands them. These things surpass every crime of inhumanity.

As much was expended upon lions, tigers, bears, and devourers of human beings as upon whole armies. There were other public and cruel customs: to kill monstrous offspring without penalty; to expose the weak and maimed; to sell rejected slaves to the gladiatorial school, the beasts, and the mines; to exercise the savage right of masters over slaves.

§ 11. After that public cruelty of the whole people, what can be said concerning the inhumanity and savagery of individuals is a small thing. It is established concerning Augustus that, when his cruelty was now weary, he laid aside the sword. Tiberius did nothing other than exhibit a slaughterhouse. Dio speaks thus concerning Caligula: "Since Gaius could not be filled with blood, he took care that as many as possible should fight one another and sometimes ordered them to engage in pairs, at other times crowded together as in a battle-line, so that twenty-six knights were slain in one day. For so great was his cruelty that, when those condemned to the beasts had run out, he ordered certain men from that

[Printed page 173]

crowd which sat upon the benches to be seized and cast to the beasts, and ordered their tongues cut out so that they could not speak or accuse anyone."

Seneca is graver than Dio in Book III, Chapter XIX of *On Anger*: "Just now Gaius Caesar, on one day, cut down with scourges and tortured Sextus Papinius, whose father had been consul; Bassus, his quaestor and the son of his procurator; other senators; and Roman knights--not for the sake of an inquiry, but for the sake of his disposition. Then he was so impatient of deferring the pleasure which immense cruelty demanded without delay that, while walking in the promenade of his mother's gardens which separates the portico from the riverbank, he decapitated some of them by lamplight in the company of matrons and other senators. What was pressing? What private or public danger did a single night threaten? How small a thing was it to wait for daylight? Finally, was it necessary that, wearing slippers, he should kill senators of the Roman people?

"It pertains to the matter to know how arrogant his cruelty was, although we may seem to wander elsewhere and go astray. But this very thing will be part of anger raging beyond its accustomed measure. He had beaten senators with scourges; he himself brought it about that it could be said, 'It commonly happens.' He had tortured them by all the things which are most grievous in the nature of things: cords, plates, the rack, fire, and his own countenance. At this point the answer will be: 'A great matter, if he divided three senators, like worthless slaves, among blows and flames!'--a man who considered slaughtering the entire senate and wished that the Roman people had one neck, so that he might gather his crimes, drawn out over so many places and times, into one blow and one day."

Claudius was more savage without inspecting the charges. Nero too, amid the softest beginnings of his reign, prepared poison for Britannicus, impatient of a slow crime. Tacitus, Book XIII. Afterward he was equally savage against his mother, his teacher, the Apostles, and everyone. Severus Antoninus contrived his father's death through physicians, but, because they had insufficiently obeyed him, after his parent was dead he slaughtered them all, together with his father's friends, not leaving even one. Thus before him the elder Severus had slaughtered all the friends of Niger.

What sort of portent was it, and whence did these things proceed? Gallienus wrote to Verianus: "You will not satisfy me if you kill only armed men whom the chance of war too could have killed. Every person of the male sex must be destroyed--if old men and the immature could also be killed without our censure. Whoever has spoken badly against me, against the son of Valerian, against the father and brother of so many princes, must be killed. Ingenuus has been made emperor. Tear apart, kill, cut down. You can understand my spirit. Be angry with my mind, you who know that I have written these things with my own hand." Thus Trebellius in the *Thirty Tyrants*.

Maximinus, in addition to the cruelty exercised against Christians, was proclaimed emperor from the post of prefect of recruits and, at the very beginning, slaughtered four thousand of Alexander's friends. Julius Capitolinus describes his cruelty: "But amid these virtues he was so cruel that some called him Cyclops, others Busiris, others Sciron, some Phalaris, many Typhon or Gyges. The senate feared him so much that prayers were made publicly and privately in the

temples--even by women with their children--that he might never see the city of Rome. For they heard that some were raised upon the cross, others enclosed in recently slaughtered animals, others cast to wild beasts, and others crushed with clubs; and all these things without regard to dignity, since he seemed to wish to govern military discipline, by whose example he wished also to correct civil affairs. This does not befit a prince who wishes to be loved. For he was persuaded that dominion could not be held except by cruelty."

Trebellius Pollio agrees with Capitolinus: "He was, however, of excessive cruelty toward the soldiers, for he killed three thousand and four thousand soldiers on individual days."

Macrinus was a grave and just avenger of crimes--if he had not himself been the most criminal man. He drove soldiers onto crosses, enclosed them in oxen for fornication, killed a tribune because he had permitted the watches to be abandoned, and represented the punishments of Mezentius.

Aurelian, coming to Rome, avenged a sedition with so much blood that he almost filled the city with funerals.

§ 12. Now let us turn our eyes and mind toward our commonwealth, to which, before all things, clemency and rarity and sparingness of punishments are fitting. It altogether befits a prince to be clement. Human beings have entrusted life and fortunes to you; it befits you not to betray the trust of so many faithful persons. It was said by an ancient sage: "Spare another's blood as your own." Judge that this was said to you, O prince: spare another's blood as Christ's. For if they are your fellow-servants and members of Christ, the blood of his members cannot be foreign to Christ. It befits all who have been appointed to preserve human beings to be benevolent toward all and to confer benefits upon those upon whom they can. Even the man conscious in himself of no fault should judge nothing more beautiful for himself than to grant pardon for many things and seek it for none. But the man who himself possesses something which ought to be pardoned cannot, without the highest disgrace, be cruel toward others.

In this matter imitate God, who is beneficent toward all. Saint Cyprian says in *On the Good of Patience*: "We see that, with the inseparable equality of patience, at God's command the seasons obey the guilty and the innocent, the religious and impious, the grateful and ungrateful; the elements serve; the winds blow; springs flow; the abundance of crops grows; the fruits of vineyards ripen; orchards overflow with fruit; groves grow leafy; meadows flower. And although God is exasperated by frequent--indeed, continual--offenses, he tempers his indignation and patiently awaits the day of retribution once appointed. And although vengeance is in his power, he prefers to preserve patience for a long time, bearing clemently and deferring, so that, if it can be, prolonged malice may at some time be changed, and a human being wallowing in the contagion of errors and crimes may even late be converted to the Lord, as he himself admonishes and says: 'I do not desire the death of the dying, only that he return and live.'"

§ 13. Thus a human being was born for the assistance of human beings, and, in addition to nature, the very office of a prince requires this. Seneca speaks with the same mind in Book I, Chapter V of *On Clemency*: "A great spirit befits great fortune. Unless it has raised itself to that fortune and stands higher, it also draws that fortune beneath the earth. But it is proper to a great spirit to be placid and tranquil and to look down from above upon injuries and offenses. It is womanish to rage in anger; it belongs to wild beasts--and not even noble ones--to bite and press those cast down. Elephants and lions pass by what they have struck down; persistence belongs to an ignoble beast.

"Savage and inexorable anger does not befit a king, for he rises little above the man with whom he makes himself equal by growing angry. But if he gives life, if he gives dignity to those in danger and deserving to lose it, he does what is permitted to none except one who possesses mastery of affairs. For life is taken away even from a superior; it is never given except to an inferior. To preserve is proper to exalted fortune, which ought never to be more admired than when it happens to possess the same power as the gods, by whose beneficence we are brought forth into the light, the good and evil alike."

§ 14. Just as Christian princes are accustomed to celebrate the day of the Resurrection and the other feasts of the most holy religion by a release of condemned persons, so that, although they dwell in filth and darkness, they may

nevertheless rejoice in some light and fruit of redemption, so Constantine the Great wished there to be many places of refuge

[Printed page 174]

for the afflicted in holy churches. Nor will good princes celebrate their birthday bloodily with slaughter in the amphitheater; for why should so many die on the day on which you were born? Rather, by beneficence they will make it lovable and awaited by the peoples. Constantine pardoned all on account of the birth of Crispus and on account of Helena's delivery, except poisoners, murderers, and adulterers. With this disposition in a prince, how many prayers, we may suppose, will be offered for the safety of his children?

Moreover, clemency is of correspondingly greater importance in the commonwealth and its magistrates the more widely it extends and the greater the material it has upon which to act. Seneca too, the best teacher of clemency but the master of most cruel pupils, teaches this in Book I, Chapter V: "Accordingly, even citizens who are to be condemned must be spared, no differently from diseased limbs; and if at any time there is need to let blood, one must refrain from cutting beyond what is necessary. Therefore, as I was saying, clemency is indeed in accordance with nature for all human beings, but is most becoming to commanders, inasmuch as it has more to preserve among them and appears upon a greater field. For how very little harm private cruelty does! The savagery of princes is war. Although, moreover, there is concord among the virtues, and no one of them is better or more honorable than another, nevertheless a certain virtue is more suited to certain persons. Magnanimity becomes every mortal, even him beneath whom there is nothing. For what is greater or braver than to beat back evil fortune? Yet this magnanimity has a wider place in good fortune and is seen better upon a tribunal than upon level ground. Into whatever house clemency comes, it will render it happy and tranquil; but in a royal house, the rarer it is, the more marvelous. For what is more marvelous than that he whose anger nothing obstructs, to whose graver sentence even those who perish assent, whom no one will question--indeed, if he has flared up more violently, whom no one will even entreat--should himself lay a hand upon himself and employ his power for what is better and milder?" But this is rare; for although one person is sometimes spared, unjust death is nevertheless inflicted upon many thousands.

Alas, how often has that gentle piety of the Christians lamented these things? Cyprian, Epistle II: "Observe the roads closed by robbers, the seas beset by pirates, and wars everywhere divided by the bloody horror of camps. The world is wet with mutual blood; and when individuals commit homicide, it is a crime, but it is called a virtue when it is done publicly. Not the consideration of innocence, but the magnitude of savagery, obtains impunity for crimes. Now turn your eyes and countenance toward the cities themselves: you will encounter a crowded spectacle more mournful than every solitude. A gladiatorial game is prepared so that blood may delight the lust of cruel eyes. The body is filled with richer foods for nourishment, and the robust mass of limbs grows fat with layers of grease, so that, fattened for punishment, it may perish at a dearer price. A human being is killed for a human being's pleasure; and that anyone should be able to kill is expertise, practice, and art. The crime is not only committed but also taught. What more inhuman, what more bitter can be spoken? It is a discipline that a man should be able to destroy, and a glory that he does destroy. I ask you, what kind of thing is that, when they cast to wild beasts men whom no one has condemned? In the fullness of youth, with sufficiently honorable appearance and costly clothing, living young men are adorned for a voluntary funeral; the wretched glory in their own evils. They fight against beasts not because of a crime but because of madness. Fathers watch their sons; a brother is in the arena, and his sister is present."

Tertullian, however, pursues these matters in Chapter XXI of *On the Spectacles*: "And he who shudders at the corpse of a human being who has died by the common law of nature, this same man in the amphitheater bends down from above with most enduring eyes over bodies torn apart and scattered and fouled in their own blood. Indeed, he who comes to the spectacle to approve the punishment of a murderer, this same man with scourges and rods drives an unwilling gladiator to murder. And he who demands the lion for some more notorious murderer, this same man seeks the release-rod for an atrocious gladiator and bestows the cap as a reward. But he also calls back the man already

finished for the spectacle of his pleasure, more gladly recognizing close at hand the man whom he wished to kill from afar--so much the harder if he did not wish it."

How can those who live in this way accuse the cruelty of their own princes--how can they accuse that of tyrants? You shudder at Gaius's saying when he wishes that the Roman people had one neck. You are all citizens worthy of Gaius; nothing is cheaper to you than a human being, in whose blood alone a spectacle is sought. A human being kills a human being--not angry, not afraid, not hoping, seeking nothing, but merely in order to watch. Nor is a single death discharged by one blow; pain is not deceived by a sword which kills before it is felt, but mutilation, disembowelment, and the throbbing of the dying man are the spectators' delights. Even those who raved condemned those spectacles. Seneca, Epistle XCV: "We rage not only privately but publicly. We restrain homicides and individual killings; but what of wars and the glorious crime of slaughtered nations? Neither avarice nor cruelty knows a limit; and so long as those things are done furtively and by individuals, they are less harmful and less monstrous. Crimes are practiced by decrees of the senate and resolutions of the people, and what is forbidden privately is publicly commanded. Certain deeds would be expiated with one's head if committed privately; the same deeds, because men wearing military cloaks have done them, we praise. Human beings, the gentlest race, are not ashamed to rejoice in one another's blood, to wage wars, and to hand wars down to their children, although peace exists even among dumb and savage beasts. Against so powerful and widely unfolded a madness philosophy has become more laborious, and it has assumed as much strength for itself as has accrued to the things against which it was being prepared. It was an easy matter to rebuke men indulging in wine and seeking more delicate food; a mind which had departed only a little from frugality did not have to be brought back by great force."

§ 15. Very well, O Seneca: you rage publicly. For that cruelty was public, and it was entrusted to magistrates not only in the amphitheater but by law, by custom, or by an eagerness to please. You accuse Tiberius, Gaius, Nero, Claudius, Domitian, Severus, and Commodus as savage toward certain senators and knights out of fear, hatred, or mere inclination. But what will those accusers of another's cruelty determine concerning themselves, who lavished so much blood of innocent men upon their own pleasures? What is more just than that those who ordered so many thousands of contracted gladiators to die by the turning of a thumb should be cast before the savagery of bloodthirsty princes? What wonder is it, while God's avenging eye keeps watch, that those men die in such a way as to feel themselves dying, who so often repeated that savage cry: "Again!" Blind paganism was not ignorant of its own bloodthirsty inhumanity, but loved it. Thus all were filled with homicide, stripped of the human being, clothed in a bestial mind, not commonly savage but conquerors of every savagery. For beasts abstain from their own kind and rarely bite more than they eat. These men, however, rejoiced in homicide, in the slaughter not of another species, and without any advantage to themselves. And so they experienced men of the same kind not only as enemies but also as their emperors.

§ 16. But to you, O commonwealth, I commend mercy, gentleness, and clemency. If anyone delights in human miseries, command him to be miserable. We are commanded to be merciful as our heavenly Father is merciful. God threatens that

[Printed page 175]

those who have not shown mercy to their neighbor will not obtain it. Mercy is preferred to all sacrifices. That it must be shown to one's neighbor is taught in Psalm 112:5, 9; Proverbs 11:17; 14:21; 15:27; 24:21, 31; 19:7; 25:21; 29:7; Hosea 6:11; Micah 6:8; Zechariah 7:9; Matthew 5:7; 19:13; 10:33; 25:41; and Galatians 6:12. Thus not only is the steadfast will to bring aid, to relieve human miseries, to redeem captives, and to enrich the poorer most praiseworthy and, as Cicero says, characteristic of a great and weighty man; but even that most tender softness of mind by which we are affected by the evils of others, if it is governed by right reason, is an excellent instrument of beneficence and a solace for human evils enclosed by the most merciful God within the breasts of his children. For we see that the miserable also derive consolation from the affections of those who grieve with them. Therefore:

> Nature confesses that she gave the softest hearts

To the human race, for she gave tears; this is the best part

Of our feeling. Therefore she commands us to weep at the cause pleaded by a friend,

At the squalor of a defendant, at an orphan summoning to law

His defrauder, whose face, streaming with weeping,

His girlish hair renders uncertain.

At nature's command we groan when the funeral of a marriageable

Maiden meets us, or an infant is enclosed by the earth,

Younger than the fire of the pyre, what good man, or man worthy of the torch

Of the mysteries, such as Ceres wishes her priest to be,

Believes any evils of another foreign to himself? This separates us

From the herd of dumb creatures; and therefore we alone received

A venerable nature, capable of divine things

And fit for practicing and receiving the arts;

We drew down feeling from the citadel of heaven.

The beasts that gaze bent toward the earth lack it.

At the beginning the common Creator enclosed in them

Souls only, but in us a mind as well, so that mutual

Affection might command us to seek and to furnish aid,

To draw the scattered into a people, to migrate from the ancient

Grove, and to leave the forests inhabited by our forefathers;

To build houses, to join another roof to our household gods,

So that confidence, united by a neighbor's light, might grant safe sleep;

To protect with arms a fallen citizen or one reeling from a great wound;

To give the signals by a common trumpet, to be defended by the same

Towers, and to be held by the single key of the gates.

But now concord among serpents is greater: a beast with like markings

Spares its kin. When did a stronger lion ever take

The life of a lion? In what forest did a boar ever expire

By the tusks of a larger boar? The Indian tiger maintains

Perpetual peace with a raging tiger; savage bears agree among themselves.

But for the human being it is too little to have produced deadly iron

On an accursed anvil, although the first smiths, accustomed only

To forge rakes and hoes and wearied by mattocks and ploughshares,

Did not know how to hammer out swords.

The cause of the humanity implanted in us is that no animal is by nature more loving toward its own kind than the human being. The **στοργή** of beasts, and their affection toward their offspring, fades when the offspring is grown, nor is there any regard for kinship. Next, because most human beings require pardon, the human being ought to be kindly toward his own nature. In Book I, Chapter VI of *On Clemency*, Seneca exhorts Nero to clemency for this reason: "We have all sinned: some grievously, some more lightly, some deliberately, others perhaps driven by impulse or carried away by another's wickedness; others have stood insufficiently bravely in good counsels and have lost innocence unwillingly and while resisting. Nor do we offend only once, but we shall offend to the very end of life. Even if someone has so thoroughly purified his mind that nothing can disturb or deceive him any longer, nevertheless he has reached innocence through sinning."

For this reason Titus readily pardoned even grave offenses. "Two men of patrician family," says Tranquillus in Chapter IX, "convicted of aspiring to the empire, he did nothing more than admonish to desist, saying that the principate is given by fate; if they desired anything besides it, he promised that he would grant it."

§ 17. But the chief consideration by which all must very greatly be incited to clemency is that through it love is born, and security from love. From cruelty arise hatred and fear; from hatred, plots; from fear, flight and, when it hopes for victory, seditions and wars.

With one voice the whole human race proclaims how much love the clemency of princes and of the commonwealth conciliates. Seneca demonstrates this to his prince in Book I, Chapter III of *On Clemency*: "The greatness of that man alone is stable and founded whom all know to be as much for them as above them; whose care for the safety of individuals and of all together they experience keeping watch every day; at whose approach they do not scatter as though some evil or harmful animal had leapt from its lair, but fly eagerly toward him as toward a bright and beneficent star, most ready to cast themselves before the blades of plotters for him and to lay their bodies beneath him if a road to safety must be constructed for him through human slaughter. They protect his sleep with nightly watches; placed before and poured around him, they defend his sides; they oppose themselves to dangers rushing in. This agreement of peoples and cities in thus protecting and arming kings, and in casting themselves and their possessions wherever the safety of their commander desires, is not without reason."

And in Chapter XIII: "On the other hand, he who has care of all things, although he guards some more and others less, nourishes every part of the commonwealth as though it were part of himself, inclined toward milder measures; even if it is expedient to punish, he shows how unwillingly he lays hands upon a harsh remedy. In his mind there is nothing hostile, nothing savage. He exercises his power placidly and beneficially, desiring that his commands be approved by the citizens; he considers himself abundantly happy if he has made his fortune public; affable in speech and easy of access, lovable in countenance--which above all wins over peoples--favorably disposed toward just desires and stern toward unjust ones, he is loved, defended, and revered by the whole city."

§ 18. Cruelty, however, is more powerful for producing hatred than clemency is for producing love. Ancient Rome saw scarcely two clement princes, Germanicus, whom it did not fear to have as Caesar, and Titus, whom it could not retain for long. Tacitus speaks thus of the most clement Germanicus in Book II of the *Annals*: "Not long afterward he died, to the immense grief of the province and the surrounding peoples. Foreign nations and kings grieved: such was his courtesy toward allies and gentleness toward enemies; equally venerable in sight and hearing, while he retained the grandeur and gravity of the highest fortune, he had escaped envy and arrogance. His funeral, without ancestral images and procession, was renowned through praises and the memory of his virtues. And there were those who equated his appearance, age, kind of death, and also the nearness of the places in which he perished with the fate of Alexander the Great. For both were of handsome body and distinguished lineage, had passed scarcely beyond thirty years, and died through the plots of their own people among foreign nations. But this man had been gentle toward friends, moderate in pleasures, had lived in one marriage with legitimate children, and was no less a warrior, even if rashness was absent

and he was hindered from pressing into servitude the Germanies shattered by so many victories. But if he had been the sole arbiter of affairs, if he had possessed royal right and title, he would have attained military glory the more readily in proportion as he excelled in clemency, temperance, and the other good arts."

[Printed page 176]

Of Titus, Suetonius, Chapter XII: "He died in the same villa as his father, on the Ides of September, after two years, two months, and nine days from the time he succeeded his father, in the forty-second year of his age. When this became public, all mourned publicly no differently than in a domestic bereavement; before it was summoned by edict, the senate ran to the senate-house and, while the doors were still barred and afterward opened, rendered the dead man such thanks and heaped upon him such praises as it never heaped upon him even when alive and present."

You may compare with these the deaths of others. The case of Titus is more marvelous because at the beginning of his rule he had been secretly cruel, but thereby conciliated greater hatred. For Suetonius, Chapter VI, says: "And he acted somewhat less civilly and more violently. Indeed, he unhesitatingly crushed everyone most suspected by him, sending men through theaters and camps to demand their punishment as though by common consent. Among these was Aulus Caecina, a man of consular rank, whom, after inviting him to dinner and when he had scarcely departed from the dining room, he ordered to be stabbed--admittedly because danger was urgent, since even a document in Caecina's handwriting concerning a conspiracy prepared among the soldiers had been discovered. By these actions, just as he made sufficient provision for his future security, so for the present he contracted the greatest unpopularity, such that scarcely anyone passed to the principate with so adverse a report and with all men more unwilling."

But afterward he corrected this and left behind a great longing for himself. It was not so at the death of Tiberius. "The people rejoiced so much at his death," says Suetonius, Chapter LXXV, "that at the first report they ran about, some crying that Tiberius should be dragged into the Tiber, some praying Mother Earth and the infernal gods that they would give the dead man no abode except among the impious, while others threatened his corpse with the hook and the Gemonian stairs, exasperated not only by the memory of his former cruelty but also by a recent atrocity."

So great was the public joy at Nero's death that the common people ran throughout the whole city wearing caps. Suetonius, Chapter LVII. Vitellius, with his hands bound behind his back and his garment torn, was led as a foul spectacle, with many reviling and no one weeping; the deformity of his end had removed pity. Amid great mockeries of deeds and words he was led through the whole length of the Sacred Way, his hair drawn back from his head as condemned men are accustomed, and even the point of a sword placed beneath his chin so that he would present his face to be seen and not lower it; some assailed him with dung and mud, others shouted "incendiary" and "glutton," and part of the crowd even reproached the defects of his body. For he possessed an enormous height, a face generally red from drunkenness, a swollen belly, and one thigh somewhat weak from the impact of a chariot long before, when he attended Gaius as he drove. Finally, at the Gemonian stairs, he was lacerated and killed by the smallest blows and thereafter dragged by a hook into the Tiber.

The senate rejoiced so much at the killing of Domitian, according to Suetonius, Chapter XXIII, that when the senate-house had been filled in eager rivalry, it did not refrain from mangling the dead man with the most insulting and bitter kind of acclamations. It even ordered ladders to be brought in, his shields and images to be pulled down before their eyes and dashed against the ground in that very place, and finally decreed that his inscriptions everywhere be erased and all memory of him abolished.

I say nothing of the Maximini, Commodus, and others; they too experienced many mockeries after death. How are those men safe or secure whom all pursue with so much hatred?

§ 19. Although some have reached such madness that they have upon their lips, "Let them hate, provided that they fear," they nevertheless obtain no security through the slaughter of many. Machiavelli, the worst adviser of princes, teaches thus in Chapter XVII of his *Prince*: "Passing now to the other qualities which we enumerated above, it would

be desirable for every prince to be held clement, not cruel; nevertheless, caution must be employed lest he abuse this clemency. Valentino was considered inhuman; yet his inhumanity restored all Romagna to soundness, united it into one, and brought it back to peace and fidelity. If this is duly considered, he will be found more merciful than the Florentine people, who, in order to escape the name of cruelty, permitted the city of Pistoia to be destroyed. Therefore, let a prince care little for the name of savagery by which he may keep his people united in fidelity. For with a very few examples he will be more clement than those who, through excessive mildness, permit disturbances of affairs to follow, whence killings or plunder arise."

In general he thinks it better to be feared than loved. But he is very greatly mistaken, for the fear that arises from cruelty always has hatred joined to it; the fear of the wicked which arises from a prince's justice, and the reverence of the good, is not pernicious because it is without hatred. There is no security for a prince amid the fear and hatred of the good. He provokes the hatred of all if he rages against a few. While Augustus raged, he suffered many conspiracies, for he did not lack even a conspiracy by men whom one would be ashamed to know had dared so great a deed. But when he turned himself to clemency, he lived secure. This was Livia's counsel, whose speech is found in Dio, and its abridgment in Seneca, Book I, Chapter IX of *On Clemency*: "Admit," she says, "a woman's counsel. Do what physicians are accustomed to do: when customary remedies do not succeed, they try their opposites. You have accomplished nothing thus far by severity. Salvidienus was followed by Lepidus, Lepidus by Murena, Murena by Caepio, Caepio by Egnatius--to be silent about others whose audacity one is at last ashamed of. Now try how clemency may turn out for you."

He pardoned Cinna, gave him the consulship, and possessed him as his most faithful friend. And Ovid, the luxurious knight of a most luxurious Caesar, sings truly:

> I have seen many also increased in riches and honors
>
> Who had borne arms against your head.

"Clemency," says Seneca in Book I, Chapter X of *On Clemency*, "brought him to safety and security; it rendered him pleasing and favored, although he had laid his hand upon the neck of a commonwealth not yet subdued. This today still grants him a reputation which scarcely serves living princes. We believe him to be a god, not as though we had been ordered. We confess that Augustus was a good prince and that the name of father suited him well."

§ 20. What clemency, then, truly befits a prince? That which Seneca perceived he had falsely attributed to his Nero in Chapter XI: "This, Caesar, is true clemency, which you display, which did not begin from repentance for savagery: to possess no stain, never to have shed civil blood. This, amid the greatest power, is the truest temperance of mind and an incomprehensible love of the human race: not to be inflamed by some desire or rashness, nor, corrupted by the examples of former princes, to test by experiment how much is permitted against one's citizens, but to blunt the edge of one's command. You have furnished, Caesar, a bloodless city; and this of which you have gloried with a great spirit--that you have not shed a single drop of human blood in the whole world--is the greater and more marvelous because the sword was never entrusted to anyone more quickly. Clemency, therefore, not only renders princes more honorable but also safer, and it is an ornament of empires and at the same time their most certain safety. Kings have grown old and handed kingdoms to their children and grandchildren; the power of tyrants is execrable and brief. What difference is there between a tyrant and a king? For the outward appearance of their fortune and their license are equal, except that tyrants rage from pleasure, kings only from cause and necessity."

This praise was altogether false, and Seneca's lie was not hidden. At the beginning, poison was given to Silanus the proconsul amid a banquet. There would have been a progression to further slaughter if Afranius

[Printed page 177]

Burrus and Annaeus Seneca had not stood in the way. Certainly the poison administered to Britannicus amid the banquet, his sudden funeral, and other things proved cruelty. A pious and humane prince has arms as a protection of

peace--or rather as an ornament. Mamertinus in his *Panegyric of Julian*: "Therefore arms and young men with swords and javelins are not guards of your body, but a certain solemn ornament of imperial majesty. For what need is there of them when you are surrounded by the strongest wall of civic love?"

A tyrant, on the contrary, looks securely upon no arms. Experience speaks thus in *Thyestes*:

> While I stood aloft,
>
> I never ceased to fear, and to fear the very sword at my side.

He will never restrain great hatreds by the sword; he turns his guards against himself:

> He fears the man who fears him; fear returns upon its author.

Plutarch speaks excellently to all princes:

> τῷ γὰρ ὄντι δεδίασιν οἱ βασιλεῖς ὑπὲρ τῶν ἀρχομένων, οἱ δὲ τύραννοι τοὺς ἀρχομένους· διὸ τῇ δυνάμει τὸ δέος συναύξει· πλειόνων γὰρ ἄρχοντες, πλείονας φοβοῦνται.

Kings truly fear on behalf of their subjects; tyrants fear their subjects. If their power increases, their fear also increases. And when they command more people, they fear more people.

"For he errs," says Seneca in Book I, Chapter XIX of *On Clemency*, "if anyone thinks that a king is safe where nothing is safe from the king. Security must be purchased by mutual security. There is no need to build citadels raised aloft, nor to fortify hills difficult of ascent, nor to cut away the sides of mountains, nor to enclose oneself with manifold walls and towers. Clemency will furnish a king safety in the open. There is one impregnable fortification: the love of the citizens. What is more beautiful than to live while all desire it and offer their prayers without a guard? If his health has faltered a little, that not the hope of men but their fear should be aroused? That nothing should be so precious to anyone that he would not wish it exchanged for the safety of his protector? That he should reckon whatever happens to him as happening also to himself? In this he has proved by continual arguments of goodness that the commonwealth is not his, but that he belongs to the commonwealth."

And in Chapter XXVI: "Even the hands of slaves have avenged the cruelty of private men under certain danger of the cross; whole nations and peoples have attempted to cut off tyrants--both those whose evil it was and those whom it threatened. Sometimes their own guards have risen against them and practiced upon them the perfidy, impiety, ferocity, and whatever else they had learned from them. For what can anyone hope from a man whom he has taught to be evil? Wickedness does not obey for long, nor does it sin only so far as it is commanded."

Let no one deceive himself. The experiences of all kingdoms have taught that the most faithful guard of the commonwealth is the clemency of the prince.

The reason is that all willingly submit themselves to a ruler who is gentle, kindly, and loving toward the citizens, and entrust all their possessions to him; all turn away from a cruel ruler. All subjects flee a prince's cruelty as a public pestilence and an incurable disease; they indignantly endure standing beneath the blow. They are all detained as though in a free prison and judge their prince to be a jailer and executioner. When the first hope appears, they vindicate themselves into liberty. Nor is security prepared by the slaughter of enemies, although many fall. For those who survive hate more actively, since they judge themselves safe through hiding and obscurity. Furthermore, scarcely any human being is so solitary that he has no relatives, connections, or friends. A cruel prince incites all of these to hatred of himself, and therefore increases the number of his enemies by raging. It was rightly objected to a tyrant who boasted that he had killed all his enemies: "But their children have not also been killed; they survive as avengers." No one has ever killed his own successor, no one his avenger. He lies hidden among thousands of flatterers. For this is remarkable: most men who commanded cruelly were slaughtered by those whom they judged most faithful. When this happens all marvel. Brutus killed Caesar, Macro Tiberius, and Chaerea Gaius. Yet it is necessary that it happen so: all hate them; the suspected are removed from their midst; friends alone can be avengers.

§ 21. Now the measure of clemency must also be discussed, for it must be tempered with salutary severity. For you would not praise a physician who binds up with sweet potions and soft fomentations those evils which demand the iron and fire. Let him use the scalpel and cautery when necessity requires, provided that the remedy does not rage beyond the disease. Wounds are often treated more painfully than they are. A Hippocratic slaughterhouse is crueler than brigandage when

> The remedy has exceeded its measure.

It belongs to a clement magistrate to disregard private injuries. That saying is worthy of immortality: "The King of France does not avenge the injuries of the Duke of Orléans." A great spirit is needed for this, lest the man who, as an equal, was troublesome in like measure be crushed when the other becomes more powerful. And indeed, most men, when they are elevated to great and unexpected honors, hate those by whom they understand that they were known as humble and abject. Vitellius, now emperor, defrauded all his creditors and compelled them to return the records of their contracts, for he boasted that he returned life in place of money--with an altogether brigand-like spirit, as though inflicting death upon creditors were part of justice. When this saying of his was spread among the common people, immense hatred was aroused among all, in which he soon burned away. Retirement embittered Tiberius, and he was more cruel because many had despised him as a private man. For this reason he also furnished material for witticisms:

> He who comes from exile to command
>
> Will reign with much blood.

§ 22. The clemency which is mild in pardoning injuries against the prince is more illustrious than that which forgives or dissembles crimes committed against the commonwealth. Yet the contrary frequently occurs. Many men become less angry at enemies gnawing away the extremities of provinces, at avaricious governors, and at authors of dissension than at a light jest or an act of neglect. When Severus entered Rome in ovation, he put forty men of consular rank and fit for command to death upon fabricated and most trifling charges. Many were killed because they had jested about his name, because they had called him truly Severus, truly an emperor bearing his own name, and the Punic Sulla. Thus Spartianus: "He thereafter set out for the Parthian war, after presenting a gladiatorial show and giving a largesse to the people. Amid these things he killed many upon either true or fabricated charges. Many, moreover, were condemned because they had jested, others because they had been silent, others because they had spoken many things figuratively: that he was truly an emperor of his name, truly Pertinax, truly Severus."

But what will you do to the man who ordered three hundred lashes to be laid upon a slave because he had brought the hot water rather late? Who killed with clubs a wretched man who, when bitten during the hunt, released a Spartan hound before the proper time? How much more clement was Augustus, who despised insults cast against himself and his house? How much better did Theodosius, Arcadius, and Honorius, Augustuses, decree that if anyone, forgetful of modesty, had cursed the emperor, he should not be subjected to punishment?

§ 23. Clemency toward the public must be exercised with great judgment, lest, if impunity is displayed to criminals without judgment and reason, weaker persons be rendered liable to injuries,

[Printed page 178]

the audacity of criminals be nourished, and the commonwealth suffer loss for that reason. For he who spares an incurably evil thing does as much harm as he who cuts away sound things. Therefore a wise prince will not imitate the Indian king whose kingdom is said to have been filled with robbers because of the slowness of judgments. The *Treasury of Indian Affairs*, Tome III, Book II, Chapter XXVII, explains it thus: "The king of Bisnagar is rather too lenient toward criminals and forbids them to be punished. Hence there is everywhere throughout the whole kingdom a marvelous and unbridled license even among those insolent against the royal majesty. The Great Mughal had recently sent ambassadors to him, and at the same time several most excellent horses and other costly gifts. When these, together with the noblest horse, had secretly been taken by one of his subjects along the road, he imposed no

punishment for the insolent deed; he merely ordered the horse to be returned and gave it to the ambassador." Nor was Nero's saying clement but a foolish veiling of inhumanity. For when his signature upon the sentences of condemned men was sought, he said, "How I wish I did not know letters!" Would that you had not known poisons and truculent words. Nevertheless, even this was an ill-considered saying. The punishments of guilty men and the gentleness of a prince do not conflict. With a better spirit, but one more flattering than correct, Antoninus the Philosopher bound himself to clemency in a speech: "Far be it that, while I hold the principate, any one of you should be condemned to death by my decree and yours." Excessive indulgence and excessive impunity introduce great crimes and finally compel the prince suddenly to become cruel.

§ 24. Let him not add mockeries to the slain. For these instill horror, as though he had not been content with death. Severus affixed the head of Albinus to a gibbet. Barbarians enclosed the skull of an enemy in gold, brought it to banquets, and used it as a cup. Nor was that savagery always absent from Christians. German soldiers played ball with the heads of the Cremonese; the Cremonese cut Germans limb from limb. There are innumerable examples. But such things are committed with great infamy. Insult against a dying man is more bitter than death itself.

§ 25. Even to have uttered a cruel saying is imputed as a crime, because such sayings indicate a bestial mind. Of this kind are: "Strike in such a way that he may feel himself dying." "I have not yet returned to favor with you." "An antidote against Caesar?" "Why does he not die willingly?" "Again!" "Would that you all had one neck." "Would that my brother were alive." "From the bald man to the bald man." For these sayings are spread in such a way that they arouse the most dangerous hatred, since human beings by their own nature abhor cruelty. For even historians who have passed over the deaths of many most illustrious persons nevertheless commit those signs of inhumanity to writing. Julius was not ignorant of this. For when, after the fatherland had been crushed, he plundered its patrimony--that is, the treasury--he threatened death to the quaestor who resisted. When the man marveled, Caesar said that it was easier for him to do this than to say it. By a nod, while absent and as though unaware, he could do it without the reputation for cruelty which, while the opposing party still stood, was destructive; by voice he could not command it. A horrible saying certainly rendered Octavius detestable. Tranquillus reports it thus: "When Perusia had been captured, he punished very many, meeting those who attempted to beg pardon or excuse themselves with one answer: 'You must die.'"

§ 26. Above all, let him take care that treachery or mockery is not joined to savagery. The prefect Maximinus, after promising that he would destroy no one by fire or iron, ordered them to be crushed with lead, mocking the credulity of simple men. He increased hatred by a double evil and brought it about that no one trusted him.

§ 27. When reason dictates, let the prince himself mitigate the severity of the laws. This will always find a place when the words admit moderation. The laws themselves command this. Through interpretation of the laws, punishments must be softened rather than made harsher. Julius gave an example of clemency. Captured as a boy by pirates, in jest he threatened them with the cross, and confirmed it with an oath; after they were captured, he first killed them and thereafter placed them upon crosses. He interpreted the obligation of his oath courteously. Certainly by this deed he obtained reputation and the affection of the Roman people. The contrary was done by Valentinian, a most severe and sometimes cruel enforcer of laws. He is also reproached because, when reviewing the prisons, he never subscribed a milder judgment for any condemned person. For it was customary that a prince subscribe to the penalties of condemned men and, out of gentleness and clemency, sometimes mitigate the punishments of the laws. Hence it was also established that those condemned by the word of the prince or the sentence of judges should not be led away before the tenth day. Afterward Theodosius added twenty days, upon the admonition of Saint Ambrose, bishop of Milan, for this reason: lest anyone fall through the sudden anger of the prince, but that delay might disclose the truth and calm indignation.

§ 28. Let him spare his eyes: let him not be present at punishments, lest he appear to have wished not so much to obey the laws because moved by justice as to exhibit a spectacle to himself. Gaius tortured innocent men with various kinds of torments and with his own countenance. All these considerations have place especially when the prince himself has

been injured. For he ought to be moved less by his own injuries than by those of others. But to wish parents or other loved ones to be present at punishments is altogether tyrannical. Caligula had this as a custom. Dio reports: "Furthermore, he ordered Cassius Melinus to be killed and compelled Capito, his father, a good man accused of no offense, to be present at his son's punishment. When Capito asked Gaius that he be permitted to close his eyes, he was ordered to be killed along with him."

§ 29. When the commonwealth requires severity, clemency is content with the punishments established by law. To be ingenious in devising new tortures is the surest sign of savagery. All new and unusual things not only bring infamy; but because they are eagerly narrated and heard like prodigies, they carry infamy very far. Although the bitterness of punishments may remain within the measure prescribed by law, nevertheless, if it is novel, it reveals a cruel mind.

§ 30. Those punishments must also be avoided which contain some singular, long-premeditated, laborious, and shameful malice. Of this kind was the inhumanity of Elagabalus. "He is said," says Aelius Lampridius, "to have collected serpents through the priests of the Marsian nation and suddenly released them before dawn, at the time when the people are accustomed to assemble for celebrated games, so that many were afflicted by bites and in the flight."

The Marsian nation, victorious over asps and snakes, had been given for the safety of peoples against the most hostile beasts; it collected serpents for medicine or in order to destroy them. But that monster, more harmful than an asp or basilisk, turned the gift and labor of that nation to the destruction of his own people. It belongs to barbarians to delight in devising punishments. They killed the Christian of Arethusa with the writing-styles of boys after exquisite tortures. In the Thebaid, after drawing down and releasing the branches of trees, they tore many apart; they killed women in the foulest and altogether pitiable manner, bound by one foot while the other was drawn by machines. They burned Christians smeared with pitch, tow, and resin for use as nocturnal lamps; covered with the skins of beasts,

[Printed page 179]

they cast them to dogs. They buried Chrysanthus and Daria alive in the earth. They cut open the bellies of virgins and, after filling them with barley, fed pigs from them. That barbarity held the empire while it harassed Christians with various punishments. This occurred by God's permission, so that even in this way posterity might recognize that such foul slaughterhouses belong to savagery, not justice. The Huguenots in France surpassed them in many ways by novelty, bitterness, and foulness, as the *Theater of Calvinist Cruelty* shows.

§ 31. The punishments of many persons, whether taken at one time or at different times, must be avoided. For where the slaughter of many lies, something must be taken away from severity so that more may be added to charity. Let the commonwealth imitate physicians, who use gentle fomentations when they can heal without the iron. When much blood is shed, even guilty blood, the commonwealth is weakened; and just as, when a vein is opened, sound blood and the power of the natural spirits escape together with harmful blood, so among many condemned persons some are always believed innocent or capable of being healed by a milder hand. There is a great difference among defendants condemned by one law. Cruelty is never greater or more unjust than when kinds of human beings, not crimes, are punished, which frequently occurs when a multitude of offenders is presumed. Hence so many thousands of Christians formerly perished, because their name and profession were judged impiety. Hence at Caesarea, under the emperor Maximinus, when the corpses of martyrs were scattered everywhere, the forum, the streets, and the columns wept. Eusebius, Book VIII, Chapter XIX. Not only within the city but also against an enemy already conquered there must be moderation in killings. You shed hostile blood, but human blood, blood of your own kind. No animal except the sparrowhawk (*nisus*) and the human being rages against its own kind. Certainly God, when the ram has struck the wall, when the trumpets have sounded, and when war has been imbued with blood, nevertheless requires clemency even in the now-victorious battle-line. 2 Chronicles 28:6: "Pekah the son of Remaliah killed one hundred and twenty thousand of Judah in one day, all fighting men, because they had forsaken the God of their fathers. And the children of Israel captured from their brothers two hundred thousand women, boys, and girls and boundless spoil, and carried it to Samaria. At that time a prophet of the Lord named Oded was there. Going out to meet the army coming to Samaria, he

said to them: 'Behold, the Lord God of your fathers, angry against Judah, delivered them into your hands, and you killed them atrociously, so that your cruelty reached to heaven.

"'Moreover, you wish to subject the children of Judah and Jerusalem to yourselves as male and female slaves, which ought by no means to be done; for in this too you have sinned against the Lord your God. But hear my counsel and lead back the captives whom you have brought from your brothers, because the great wrath of the Lord threatens you.' Therefore, men from among the princes of the children of Ephraim--Azariah the son of Johanan, Berechiah the son of Zellum, and Amasa the son of Hadlai--stood against those who were coming from battle and said to them: 'You shall not bring the captives here, lest we sin against the Lord. Why do you wish to add these things upon our sins and heap them upon our former offenses? For the sin is great, and the anger of the Lord's wrath threatens Israel.'"

§ 32. Therefore, let every commonwealth which desires to be long-lasting avoid all cruelty and even the suspicion of cruelty. Let it educate children with simple food and clothing that is not costly; from their tender nails let even the children of princes learn to endure someone as though an equal, lest when grown they judge it a crime of majesty if anyone thinks contrary to them.

Commodus was held the cruelest of all the ancients; nature and education made him so. When he was twelve years old--at an age when the sight of blood is a horror to children--he commanded that a bath attendant who had heated the bath more than was right be cast into the furnace; nor did his cruelty grow quiet until, exulting with joy, he perceived the smell of the skins which his tutor, deceiving his madness, had thrown in place of the bath attendant. It is no marvel that he inflicted so much slaughter, when so much was permitted him in childhood. It harmed him to have had evil attendants, for from them he himself learned that by which he afterward made others evil.

Therefore, O princes, embrace clemency, which nature herself teaches you and your dignity demands; flee cruelty. Do not forget humanity and gentleness even when the law is at issue. The impregnable citadel of your security is clemency; cruelty makes all things uncertain and renders even its own ministers unfaithful. Nor should you alone cultivate clemency yourselves; require it from counselors, governors, and praetors. Command them to govern subjects not as governors but as bishops. The clemency of one king accomplishes little if, through the cruelty of petty tyrants, subjects are prevented from enjoying it. Let him be angry here; let him avenge his insults here, so that he may provide for his subjects. Cruelty is never honorable; in one outcome alone it is pleasing--if it is exercised against cruel ministers.

No spectacle is more desirable to a people than to see cruelty perish by its own examples. This alone is praised in Phalaris: that he enclosed the inventor in his own bull. Fix most deeply within your breasts that which reason dictates, which all wise men have taught, which the examples of all kingdoms have demonstrated, which eternal Truth, reigning most clemently for eternity, proclaimed: **BLESSED ARE THE MEEK, FOR THEY SHALL INHERIT THE EARTH.**

In truth, harsh medicine is more dangerous than the disease itself. For it brings it about that no one dares to counsel right things if to have counseled is a danger. Confidence is the mother of that ferocity which has overturned very many kingdoms and has either destroyed very many of the Turks or troubled them with sedition. Indeed, their commanders pay even for accidental events. But the times are often such that no crime lacks its defense. Boccalini, Book II, Chapter XXXIII of *Parnassus*, even excuses Tiberian cruelty. From this arises the oppression of subjects, which crushes the whole commonwealth.

CHAPTER XVII

All Persons in the Commonwealth Must Be Trained in Fortitude

§ 1. At this point, indeed, I have the pseudo-politicians in agreement, for all teach that the strength and constancy of the inhabitants are the support of the city. Next, although they thrust forward hypocrisy in place of piety, cunning in place of prudence, and simulation in place of temperance, they nevertheless require true and genuine fortitude, which undertakes and repels dangers with reason. It was formerly said that the sons of the rich rightly learned two things: the art of throwing the javelin and of riding; flattery bestowed the rest upon them through blandishments. But if they wandered from the target or did not know how to cling to the horse, they could not flatter even themselves. So also now it is fortitude that is not accustomed to being counterfeited; or if at some time a cowardly ass puts on the skin of a lion, if Patroclus in Achilles' armor terrifies the Trojans for a time, soon

[Printed page 180]

he pays for the simulation with his blood. Fortitude is held in great honor. Aristotle asks in *Problems*, Section XXVII.5:

> Διὰ τί μάλιστα τὴν ἀνδρείαν τιμῶσιν αἱ πόλεις, οὐ βελτίστην οὖσαν τῶν ἀρετῶν, ἢ ὅτι διατελοῦσιν ἢ πολεμοῦντες ἢ πολεμούμενοι; αὕτη δὲ ἀμφοῖν χρησιμωτάτη ἐστίν. Τιμῶσι δ' οὐ τὰ βέλτιστα, ἀλλ' αὐτοῖς τὰ βέλτιστα.

Why do cities honor fortitude most, although it is not the most excellent of the virtues? Is it because they are always either making war or being warred upon, and this virtue is most useful in either time? They honor not the things that are best, but the things that are best for themselves. And so in free cities and among kings, the greatest honors are decreed for those who have perished in war. Therefore, the fatherland requires not glass-like fortitude but true and solid fortitude.

§ 2. Fortitude is

> μεσότης περὶ φόβους καὶ θάρρη,

a mean concerning fears and confidence, as Aristotle says in Book IV, Chapter IX of the *Morals*. Augustine, in *Eighty-Three Questions*: "Fortitude is the considered undertaking of dangers and the endurance of labors." This is that very constancy concerning which the noble disputation of Justus Lipsius is in everyone's hands. For it is an upright and immovable strength of mind, neither elevated by fortuitous things nor cast down. I also include patience, the voluntary endurance, without complaint, of all adversities which befall. These things concern fortitude taken strictly.

For just as in every virtue wisdom holds the helm as though its moderator, so fortitude binds and fortifies them all like a firm anchor in this stormy sea of life, for every virtue without constancy is widowed. Fear casts out counsels wisely established; take away Lucretia's constancy, and fear, not lust, will make her an adulteress. Strike fear into a commander, and he will make a shameful treaty at the Caudine Forks. Therefore fortitude is the guardian of all virtues.

There are also other virtues which have the appearance of fortitude. Thus soldiers act bravely in battle through fear of cowardice and desire for glory. Here shame, flight from disgrace, and appetite for praise make a man brave.

Frequently even a greater fear compels one to be brave amid lesser pain. Mucius places his hand upon the brazier. If he did it from desire for what is honorable, it belonged to a brave man to provide an enemy king with a spectacle from himself so that the king might consider it most dangerous to wage war with brave men. If he did it from fear of death--for after the deed what else could he expect but to perish by a lingering death, tortured by the most exquisite torments?--not even thus does it cease to be fortitude. For it belonged to a brave mind to avert extreme punishments by a lesser danger. Indeed, that contracted gladiator who, ordered to represent Mucius on the stage with the present

"troublesome tunic," did not dare say, "I will not do it," possessed a wretched and calamitous fortitude. For if a soldier fighting bravely in the battle-line prefers to meet a beautiful death through wounds rather than be led in an arrogant triumph, why should the wretched man whom the countenance of the threatening tyrant and the ardor of citizens cruelly commanding have seized not prefer to give his hand to be burned rather than blaze with his whole body in the flames? For here there is a measured endurance of pain according to right reason. Those who are driven into battle through fear of their commanders, although they are not brave, nevertheless, if they prefer to contend under an uncertain Mars rather than be surrendered to certain destruction with disgrace, have begun certain rudiments of fortitude. But because they do honorable things altogether unwillingly, they are distant from perfect virtue.

They also call those whom anger has made furious brave:

ἰτητικώτατον γὰρ ὁ θυμὸς πρὸς τοὺς κινδύνους.

For anger rushes in and casts itself headlong into dangers.

σθένος ἔμβαλε θυμῷ,

it casts strength into the spirit;

μένος καὶ θυμὸν ἔγειρε, ἔζεσεν αἷμα.

It aroused rage and anger; the blood boiled. Anger indeed assists an impulse, but it does not increase virtue when it diminishes reason.

Nor are those brave who trust in strength and, because they have often conquered, presume altogether the best. But the foolish and drunken hope most of all; yet when the matter turns out otherwise, they immediately flee and withdraw themselves from danger. Thus, when the Argives thought they were going with great boldness against the soft and timid Sicyonians, but had fallen upon Spartans, in a disorderly flight they furnished laughter to their enemies.

Therefore fortitude endures pains and troubles when it is honorable to endure them, and because it is honorable--or when not to endure them is shameful.

The dignity of fortitude lies in the fact that it is difficult and arduous to tolerate tortures, troubles, and death. This is more difficult than to resist pleasure. Nevertheless, we perceive the bravest men to be those who at the same time resisted both pleasures and fears.

§ 3. Fortitude renders the spirits of individuals unconquered, and consequently the whole commonwealth. Nothing is impregnable to the brave; nothing is fortified against the spirited. Ambrose speaks excellently in Book II of *On Duties*: "Fortitude is no ordinary strength of mind. It alone defends the ornaments of all the virtues and guards justice; it contends in inexpiable battle against all vices, unconquered by labors, brave amid dangers, sterner against pleasures, so as to flee avarice like a certain stain which effeminates virtue." And Cicero in the *Rhetoric*: "Fortitude is a glorious brilliance of mind, immovable amid adversities, administering arduous affairs beautifully, which is neither broken by adversities when they assail nor raised up by prosperities when they flatter."

Nor does it collapse through another's malice. It stands above its own punishment. "Fortitude is useful," says Seneca in Book IV, Chapter XXII of *On Benefits*, "both upon the rack and in the fire, which may be applied to individual limbs and gradually make its way around a living body. Although the very body full of good conscience should drip away, the fire through which good faith will shine shall please him."

Therefore fortitude is a despiser of things to be feared. It despises, challenges, and breaks terrible things and those that place our liberty beneath the yoke.

§ 4. Fortitude renders the commonwealth safe because it terrifies enemies by reputation alone. Recently, four Spanish ships afflicted two hundred ships of the barbarians; thirty thousand human beings fell. At the voice of the lion all animals tremble; the grim brow of bulls, although tame, is feared. Boldness against the brave is not safe. On the

contrary, nothing is safe for the fearful. If enemies are lacking, they will fear their own shadow. Therefore they are attacked by all. The hare is the prey of all; the lion of none.

ἀλλὰ γὰρ ἀθυμοῦντες ἄνδρες οὔπω τρόπαιον ἔστησαν.

But men weak in spirit have never erected a trophy.

Therefore those helmeted hares invite the enemy; they do not terrify him, and though present they are absent. Let no king count bodies, but spirits.

δειλοὶ γὰρ ἄνδρες οὐκ ἔχουσιν ἐν μάχῃ

ἀριθμόν, ἀλλ' ἄπεισι, κἂν παρῶσιν ὁμῶς.

Fearful men are of no account in the battle-line, for they are absent although they are present together.

I do not wish to produce as an example Pisander, who is said to have been terrified lest, when dead, he should see his own shadow; nor Antemon, above whose head two little slaves always held a bronze

[Printed page 181]

shield lest he be injured by the fall of anything. The commonwealth has no need of so prodigious a fear that it should possess arms against itself and preserve resources for the enemy.

Unless it possesses fearless spirits within its ramparts and walls, all things fall as prey to the enemy. If men obtain the name and reputation of the brave, many seek their alliance; no one dares inflict injury, any more than pluck a lion's beard. By the reputation of fortitude alone David cast off danger and escaped the parricidal hands of his son.

2 Samuel 17:8: "You know your father and the men who are with him to be most brave and of armed spirit, like a bear raging in the forest when her cubs have been taken; moreover, your father is a warrior and will not remain with the people. Perhaps he now lies hidden in pits or in whatever place he has chosen; and when any one man has fallen at the beginning, whoever hears it will hear and say: 'A slaughter has been made among the people who followed Absalom.' Then even the bravest man, whose heart is like that of a lion, will be dissolved by fear; for all the people of Israel know that your father is brave and that all who are with him are strong."

Most things in war are accomplished by reputation and fear; few by the hand. But these matters must be treated more fully when military fortitude, which is a distinguished part of fortitude, is to be discussed.

§ 5. The reason fortitude is always unconquered, and contempt of death conquers all things, is that it is a natural fortification, the armor of nature, not taken from elsewhere. For he who has despised all terrible things is most free, is loved by all, and is feared even by the evil. Seneca, Epistle CXIII: "Teach me not whether fortitude is an animal, but that no animal is happy without fortitude unless it has grown strong against fortuitous things and subdued all accidents by meditation before receiving them. What is fortitude? An impregnable fortification of human weakness; the man who has surrounded himself with it endures secure in this siege of life. For he uses his own strength and his own weapons. At this point I wish to report to you the opinion of our Posidonius: 'There is no reason for you ever to think yourself safe with the weapons of fortune. Fight against fortune with your own. Fortuitous things do not arm us; therefore men are equipped against enemies but unarmed against fortune herself.'"

And in Chapter VIII of *On Firmness*: "If we receive with an equal and placid spirit that greatest thing, beyond which angry laws or the most savage masters have nothing to threaten, in which fortune consumes her power, and if we know that death is not an evil and therefore not even an injury, we shall much more easily tolerate other things: losses, pains, disgraces, changes of place, bereavements, and dissensions, which do not submerge a wise man even if they surround him all at once, much less does he grieve at their individual impacts. And if he bears the injuries of fortune moderately, how much more those of powerful human beings, whom he knows to be the hands of fortune?"

Fortitude furnishes all these things by despising just dangers, or through knowledge and the spirit for repelling, receiving, and challenging dangers.

§ 6. Nothing protects and strengthens the commonwealth so much as good counsels; but when dangers surround it, those counsels generally arise from fortitude alone. Fear first disturbs the counsels themselves; next, even if the senate has resolved bravely and the people has commanded, fear will nevertheless impede the action to be performed. It is decreed that war must be waged in Spain, but no one among the chiefs of the Quirites whose spirit was equal to so great a danger can be found. Had Scipio been absent, Rome would not have recovered Spain; moreover, it would have lost Italy. Valerius, Book III, Chapter VI: "After Publius and Gnaeus Scipio in Spain, together with the greater part of the army, had been crushed by the Punic battle-line, and all the nations of that province had followed the friendship of the Carthaginians, none of our commanders daring to set out there to correct the matter, Publius Scipio, then in his twenty-fourth year, promised that he would go. That confidence indeed gave the Roman people hope of safety and victory, and he employed the same confidence in Spain itself. For when he was besieging the town of Badia, he ordered those approaching his tribunal to enter recognizances for the next day in the temple which was within the enemy's walls. Having immediately gained possession of the city, at the time and place which he had foretold, he placed his curule chair and administered justice to them. Nothing was more noble than this confidence, nothing truer than the prediction, nothing more effective than the speed, and nothing more worthy even than the dignity."

Counsels are so certain for fortitude that at times they do not fear to disclose them to enemies, so that the enemies may be rendered more fearful. Scipio Africanus, after scouts of Hannibal were detected in his camp, took care that they be led most diligently through all the maniples; thereafter, having received them at dinner and asked whether they had sufficiently considered the things for which they had been ordered to come, he sent them away unharmed. By this confidence he crushed the spirits of the enemy. Weak and very small commonwealths frequently regulate their military counsels from necessity, suspicion, and fear. And therefore fortitude is the most diligent guardian of itself, because it employs not only undisturbed counsel but also deed and hand. Two gladiators were once present with eyes closed, and thereby unconquered; and no army was ever conquered unless some fear was in it. For the three hundred Lacedaemonians, and any who were like them, were wearied by conquering and lay down upon their own trophies.

§ 7. The endurance of injuries and insults pertains to fortitude. It is altogether necessary to accustom the spirits of citizens to this. No one was superior to Augustus in this matter, if we look among the unbelievers. Cato indeed plainly appeared **ἀπαθής**, impassible, but falsely. When someone had spat into Socrates' face while he was in bonds, Socrates said that the man should be admonished by the magistrate not to yawn so disgracefully. Yet the ancients judged Socrates to have surpassed three hundred Catos. I judge this virtue to be the bond of peace and charity in the commonwealth. The reason is taken from experience itself. Their own ages did not value the best men, the pillars of their own commonwealth, the fathers of the fatherland. They repelled Cato from the praetorship, afflicted him with insults, and defiled him with spittle; they envied the Scipios, their liberators, as I explained in the chapter on gratitude. And if we consider our own examples, they agitated Moses with seditions, rejected Samuel, and attacked David. In the commonwealth there are many adversaries, slanderers, and rivals, against whom there is one shield: patience. The man who is weak in spirit is rendered liable to all of them. If he can suffer and keep silent, he will conquer. The invulnerable man is not he who is not struck, but he who is not injured. So many evils strike and beat from every side; the brave and patient man alone is greater than injury and repels the things that come against him with solid strength. History has taught that the causes of civil wars are generally tender spirits, impatient of the most trifling things.

But in what manner shall the commonwealth train its citizens in fortitude? Those who judge this question superfluous because boldness cannot be handed over to the timid through discipline, but this good is a gift of nature, wander far from the truth and do not sufficiently distinguish a human being from beasts. The lion is fearless by nature, the tiger wrathful, the horse high-spirited, the doe timid, the sheep placid, and the ape servile. Those dispositions belong to their natures, which training nevertheless often changes and corrects. In the human being, reason, the mistress of all things, and virtue can do all these things. And thus both boys and tender

girls, to whom fear is peculiar and who are accustomed to cry out even at masks and frightful objects, have laughed at the threats and torments of tyrants. Sacred history teaches this concerning the Maccabees; the Christian Church glories in thousands of martyrs. Therefore true fortitude consists in an unconquered, persevering, and unchangeable purpose of mind. The mind of the most timid virgin can be so strengthened and made solid that it bears all blows of fortuitous things and all torments with inviolable hardness.

§ 8. Therefore, God is the foundation of fortitude and constancy. This seemed true even to the ancient idolaters, to such an extent that they ranked conquerors of tortures and death among the gods. Therefore those who forsake God are wrongly brave, as Saint Augustine admonishes: "He alone is brave who is brave not in himself but in the Lord." Sermon III to the Brothers in the Desert: "O my brothers and the joy of my heart, consider how great fortitude was in the martyrs, who, as though incapable of suffering, despise torments, crush tyrants, and despise all things that belong to the world; who, although flayed, although burned, although afflicted in all their limbs, although cast down in the whole body, nevertheless we do not read that they were changed in mind. But you ought to know, my brothers, that fortitude is spoken of in many ways: namely, that of hypocrites, philosophers, and good faithful persons. In short, the hypocrite sustains many things, bears many things, and appears brave in all things."

And: "O fortitude! You empty out all cruelty, reject prison, do not fear the cross, embrace the rack, desire chains, and always run spontaneously to death. O monk, your course for the prize is worth nothing, your work is worth nothing unless it is strengthened by the column of fortitude; the edifice of a good work is worth nothing unless you embrace the column of fortitude. But if the column of fortitude is taken away, the whole edifice of good works falls."

And Cyprian, *To Quirinus*, Book III: "One must glory in nothing, since nothing is ours; in the Gospel **κατὰ** John: 'No one can receive anything unless it has been given him from heaven.' Likewise in the First Epistle of Paul to the Corinthians: 'For what do you have that you have not received? But if you have received it, why do you glory as though you had not received it?' Likewise in First **Βασιλειῶν**: 'Do not glory, nor speak lofty things, and let boastful speech not proceed from your mouth, because God is the Lord of knowledge.' Likewise: 'The bow of the powerful has been weakened, and the weak have been girded with strength.' Concerning this very thing in Maccabees: 'It is just to be subject to God and for a mortal not to think himself equal to God.' Likewise there: 'And do not fear the words of a sinful man, because his glory shall be in dung and worms. Today he shall be exalted, and tomorrow he shall not be found, because he has been turned into his earth and his thought has perished.'"

This, therefore, is the fortitude of the martyrs, to which nothing is equal or second. It made the cross desirable to Peter; it strengthened Andrew so that, standing upon the nails themselves, fixed and clinging, he feared to be released. In God, Julius, Martinianus, and Processus, while their faces were being crushed with stones, cried: "Glory to God in the highest." A public voice sounding from heaven showed that it was the gift of God. For when Saint Polycarp entered the stadium, it was said by an angel: "Be brave, Polycarp, and conduct the matter with a lofty spirit."

When the torturers had determined to fasten him with nails so that he might be burned alive, he said: "There is no need of nails; I shall sustain the fire willingly." The flame itself revered so great a constancy and surrounded the unconquered martyr in the manner of an arch; for God wished to erect for his servant a triumphal arch of fire and to show the instrument through which he conquered. There was equal fortitude in an unequal age. Live coals and incense were placed in the hand of Justus, a young man, and he was ordered to extend it above the altar, so that if, conquered by pain, he shook off the fire and incense, he might appear to have sacrificed. But lest he leave anything even for calumny, he preferred his limbs to be burned rather than shake off the fire without sin. Cyrilla, a woman of heroic spirit, accomplished the same thing. What similar thing could Mucius, or anyone among the ancients, do here? Mucius endured the brazier of the altar, but he was deservedly brave, so that by the wonder of his endurance he might stupefy the king whom he could not kill. Here no fear of a greater torment instilled patience under a lighter pain. If Justus had shaken off the coals and pain by a slight movement of his right hand, he could then have hoped for praise and honors.

How great was the perseverance in Theodore, a young man, who, after passing the whole day in most bitter torments as though among roses, when the judge urged him to provide for his own safety, answered with a joyful and brave voice: “Let all who adore graven images be confounded, and those who glory in their idols.” But in these very years the constancy of a Japanese boy was incredible and beyond the human. He was thirteen years old, not yet his own master, but a precocious herald of the divine majesty. He was bound with others to a stake so that he might be burned alive for Christ. When he felt that the slow flame had loosened the tow bonds and, released, approached his mother burning at another stake as her exhorter and consoler, she said to him: “Is it thus, my son, that you desert your station?” Struck by this saying, although he had by no means departed as a deserter, he returned to his place. Without any bond he endured and conquered the fires raging within his entrails. Constancy was in place of ropes and chains. Fearless, this recruit of Christ looked upon his half-burned limbs and enjoyed his own torments as though delights. Japanese letters and the *Indian Histories* report many more deeds according to this manner and pattern, emulating the primitive Church.

But how great was the spirit of James the Anchorite! When demons attacked him in the appearance of Isaurians, as though they were robbers, he, fearless before death because he judged them robbers, immediately gathered up the hair flowing over his neck and shoulders so that he might present a bare neck prepared for the sword; and in this posture throughout the whole night he awaited the coming blow. With a great spirit he challenged death. These things are divine, and they are fortifications of the spirit from heaven, with which the history of the Christians is full.

§ 9. Therefore, those defenses must be sought from God and drawn from the divine sacraments. Cyprian, Epistle LIV, shows that the arms of our fortitude must be sought from God: “But now peace is necessary not for the weak but for the brave, and communion must be given by us not to the dying but to the living, so that we may not leave unarmed and naked those whom we arouse and exhort to battle, but fortify them with the protection of the blood and body of Christ. And since the Eucharist is made for this purpose, that it may be a protection for those who receive it, let us arm with the fortification of the Lord’s abundance those whom we wish to be safe against the adversary. For how do we teach or provoke them to shed their blood in confession of the name if we deny the blood of Christ to those about to fight? Or how do we make them fit for the cup of martyrdom if we do not first admit them by right of communion to drink the cup of the Lord in the Church?”

And a little afterward: “First, he cannot be fit for martyrdom who is not armed by the Church for battle; and the mind which the received Eucharist does not raise up and kindle fails. For the Lord says in his Gospel: ‘But when they deliver you up, do not consider what you shall speak; for it shall be given to you in that hour what you shall speak. For it is not you who speak, but the Spirit of your Father who speaks in you.’”

§ 10. Perhaps the politician will say that commonwealths have no need of this fortitude, but rather of that other fortitude

[Printed page 183]

which expends blood in defense of the fatherland, which runs amid flying javelins secure from death, which plunges into the enemy battle-line and seeks a beautiful death through wounds. As though it were not one and the same virtue which despises the swords and javelins of enemies and the racks and devices of executioners. A man prepared to die, if justice and the public safety command him to fight, will be unconquered through contempt of death. For the sole cause why men fight languidly is fear of death. Tertullian once terrified the pagans by this argument and showed that Christians could do all things and reduce the Gentiles themselves beneath their dominion, being so many and so prepared to die. When the imperial prefect Arius raged inhumanly, nevertheless the eagerness of the Christians to endure torments and death was greater. Therefore, they eagerly professed themselves Christians and offered themselves to slaughter in so great a number that the governor, weary with cruelty, said:

ὦ δειλοί, εἰ θέλετε ἀποθνῄσκειν, κρημνοὺς καὶ βρόχους ἔχετε.

"O wretched men, if you wish to die, you have precipices and nooses." Thus indeed the bloody slave of a tyrant interpreted the Christian fortitude which he was torturing more criminally than before. Nevertheless, it is incumbent upon us to weigh how great a defense such men could be to their commonwealth if they were lawfully led against an enemy by a legitimate magistrate. No one would draw back his foot; no one would desert the ranks through fear; all would strive to protect a fellow soldier by their own death. With great effort, individuals would ascend the enemy's wall and rampart at a swift rush, not from an empty desire for donatives but from hope of eternal remuneration. Therefore our fortitude is in God and from God. Zion is the city of our fortitude; its wall and bulwark is the Creator himself. "I have hoped in God," says David in Psalm 55:5; "what shall flesh do to me?" "The Lord is the protector of my life; before whom shall I tremble? If camps stand together against me, my heart shall not fear." "The Lord is my strength and my praise, and he has become my salvation." And thus in 1 Maccabees 5:61, those priests whom the Lord had not chosen to liberate Israel fell in battle while they considered themselves to be acting bravely. Therefore, the highest fortitude is to have hope fixed in God. A beautiful exhortation occurs in Sozomen, Book II, Chapter VIII, addressed to Ananias the old man as he trembled at the atrocious deaths of his fellow martyrs, by which the prefect of the royal craftsmen encouraged him to constancy: "For a little while, O old man, close your eyes and be of good spirit, for immediately you shall see the light of God."

§ 11. The second thing which renders citizens brave is zeal for sobriety and temperance. For delights enervate and effeminate spirits; indeed, the luxurious man and the brave man are entirely opposed. Truculent, bitter, and terrifying things are conquered by fortitude; fortitude is armed against pains and death itself; luxury pursues sweetnesses. Therefore, since delights flee every labor, they cannot behold fortitude, which enjoins hard things, even from afar. Next, softer education, which dissolves spirits into luxury, violently inflames the desire to preserve life which is naturally implanted in all; and therefore they are terrified at the smallest suspicion of danger. For the delights that accompany life, which is already exceedingly dear, render it still dearer. Thus, when those whose whole life has been passed in shade and banquets are summoned to arduous things, they tremble as though they must die twice. For when delights are denied they grieve as though at death, and they fear death as cowards. The Laconians held command for a long time through hardness of life. The Greeks, broken by delights, became slaves. The Egyptians, accustomed to delights, were the slaves of all kings. Camps themselves have experienced delights as poison. They broke Hannibal at Capua. Nor did the poets invent Hercules drawing wool under a woman's command for any other reason than to show that the brave cannot exist amid delights. I shall say more concerning these matters when military discipline is to be treated.

§ 12. Practice in dangers and the examples of others also sharpen fortitude marvelously. All unforeseen things seem greater, especially amid dangers. A man inexperienced in sailing cries out at the first blow of the storm, but a prudent helmsman does not pale even at the tenth wave. In undertaking dangers the first step is the most difficult; when examples have gone before, many follow willingly. Seneca in *On Tranquility of Mind*: "Unless you regard whatever can happen as something that will happen, you give adverse things strength against you--a strength which anyone who has first seen them has broken, but much more anyone who has experienced them." And Saint Ambrose, Book I, Chapter XXXVIII of *On Duties*: "This, therefore, belongs to diligence, that a man prepare himself in this way; that belongs to natural ability, if anyone can foresee by vigor of mind the things which will happen and place them, as it were, before his eyes; determine what can occur and what he ought to do if it occurs; sometimes turn two or three possibilities together in his mind which he conjectures can occur either individually or conjointly, and arrange actions for either the individual or conjoined events which he understands will be advantageous. Therefore, it belongs to a brave man not to dissemble when something threatens but to anticipate it and, as though from a certain watchtower of the mind, explore it, and to meet future events with provident thought, lest perhaps he afterward say: 'I fell into these things because I did not think they could happen.' In short, unless they are quickly forestalled, just as in war an unforeseen enemy is scarcely sustained and, if he finds men unprepared, easily crushes them, so unexplored evils break the mind more greatly."

§ 13. Let great rewards be proposed for fortitude, not so that men may act rightly from hope of advantage and honors--although this too pertains to government--but so that the magnitude of the rewards may show the excellence of virtue to tender spirits. Therefore, those who have persisted with a brave spirit in sudden and grave crises and have repelled enemies must be treated with great honor. For in these cases fortitude especially shines forth. Aristotle, Book III, Chapter VI of the *Ethics*: "That man is properly called brave who is fearless concerning an honorable death and all those things which occur suddenly and bring it."

And Cicero, Book I of *On Duties*: "It belongs to a brave and steadfast spirit not to be disturbed in harsh circumstances nor, as is said, to be cast from its position while in tumult, but to employ the counsel of a present mind and not depart from reason. Although this belongs to a great spirit, that also belongs to a great natural ability: to anticipate future things in thought, determine beforehand what can happen on either side and what must be done when anything has happened, and not to commit anything such that at some time it must be said, 'I had not thought it.'"

Therefore, virtue of this kind has always been cultivated with the highest honor. Thus Mattathias killed the royal prefect who compelled men to adore idols and the apostate who was sacrificing. Eleazar went beneath the beast, killed it after piercing its belly, and was thus buried in his own triumph. Another Eleazar, the Ahohite, one of David's mighty men, by no means gave himself as a companion to the fleeing; rather, after all the others had scattered in immense terror, he alone persisted and struck the Philistines until his hand stiffened with the sword. The Lord wrought a great salvation on that day, and the people who had fled returned to strip the spoil from the slain. 2 Samuel 23:11. And Shammah the son of Agee protected the fleeing people and struck the Philistines. Behold the spirit: in a sudden event the whole army flees, and one soldier defends it as it flees; and, what is more marvelous, one man delays and puts to flight the victors as they rush forward. And in verse 18, Abishai raised his spear against three hundred and killed them.

Finally, "love is strong as death, jealousy hard as

[Printed page 184]

hell." Love of God renders citizens brave. Song of Songs 8:6. "For who shall separate us from the charity of Christ? Tribulation, or distress, or famine, or nakedness, or danger, or persecution?" Augustine, Chapter XLVII of *On True Religion*: "That man is most truly and certainly unconquered who clings to God, not so that he may merit some good external to him from God, but because for him nothing is good except to cling to God himself. As long as this man is in this life, he uses a friend to repay a kindness; he uses an enemy for patience; he uses those whom he can for beneficence; he uses all for benevolence." And a little afterward: "But amid all dutiful labors he is not broken in his expectation of future rest. For what will harm him who can make good use even of an enemy? By the defense and fortification of him by whose precept and gift he loves his enemies, he will not fear enmities. For this man it is too little not to be saddened amid tribulations unless he even rejoices, knowing that tribulation works patience, patience trial, trial hope, and hope does not confound, because the charity of God has been poured forth in our hearts through the Holy Spirit who was given to us."

Therefore, let the commonwealth train its citizens in the true and constant love of God. For if the love of creatures renders men furious and contemptuous of all dangers, why should not love of the divinity, resting upon the highest reason, render them unconquered?

CHAPTER XVIII

Fortitude Is Not Acquired by Bloody Spectacles

§ 1. Against bloody spectacles, much was said by me in the chapter on avoiding cruelty. Yet there have not been lacking those who judged that they should be recalled, so that youth, accustomed to wounds and blood, might not shudder in war at things it had often watched in peace, as though they were unfamiliar. They therefore judge that men are rendered brave and warlike by watching the combats of gladiators, and for this reason they praise the Romans. Those counsels contrive cruelty and destruction for the human race. Even now, are not cruel spirits seen to delight in cheap blood and the degenerate common people? How great is the concourse to watch the punishment of one wretched little man? Neglecting their own affairs, they purchase the spectacle of a dying man, and would purchase it even at a price if that were required. And lest you marvel that such cruel spectacles are demanded again by those who make a profession of the Christian religion, weigh in your mind the things which experience teaches us to occur. Many teach in cities the art of fighting with the sword, spear, and other weapons. They challenge one another in mutual rivalry. With how much zeal do men press themselves forward and purchase a place for watching at a price? Nor are there lacking those who, by sending gifts, because they cannot do so by command, attempt to incite them to fiercer combat. Sometimes they exhibit these spectacles for themselves at weddings, and not rarely they are gravely wounded or fall. But if some men, as indeed happens wickedly and against the laws, decide life by a challenge, how great a multitude of spectators runs together? How few out of so many exhort them to peace. Some even possess such savagery that they eagerly attend the tortures of those subjected to judicial examination. The desire of human beings is depraved and malicious; they delight in a human being's violent death. But against cruelty, expense, and the other evils, the fruit of fortitude, courage, and military glory is alleged: that by so dreadful and deadly a spectacle spirits are strengthened against wounds and iron. I judge the contrary to be true: that by gladiatorial spectacles, the mangling of wild beasts, and acts of cruelty an immense terror is instilled, every virtue avoided, and lofty spirits cast down and effeminated, in no way raised or strengthened.

§ 2. In the first place, I shall employ examples, which have very great force in a political matter. Gaius Caesar delighted in bloody spectacles above all, as all authorities transmit, and he was most cruel. After Gaius came Claudius, concerning whom Dio says: "He frequently exhibited gladiatorial games, in which he delighted greatly. Among other things, he willingly watched at lunchtime those who were torn apart in the middle of the theater; although he killed a lion trained to eat human beings and pleasing to the common people for that reason, because it was not fitting for the Roman people to see spectacles of this sort."

But Claudius was always fearful to a marvelous degree, and fearful when he came to power. Tiberius too was devoted to that cruelty, for he gave a most magnificent show, even recalling certain discharged gladiators, as Suetonius is the authority, with a fee of one hundred thousand sesterces. But he went mad in this way when already an old man; Nero, immediately from the beginning. Hadrian too, on his birthday, killed one hundred lions and one hundred lionesses. Martial's servile flattery made Domitian's arena celebrated; all these things show that he was devoted to the savagery of the amphitheater to the point of complete insanity. Nevertheless, no one was more fearful than he, who expected death at every hour, who covered a wall with phengite stone lest someone unexpectedly attack him from behind while he was walking. The madness of all was surpassed by the frenzy of Commodus. He himself was gladiator, charioteer, and trainer; he lived more in the school than in the palace. Gladiators and hunts were exhibited while he dined. He himself fought seven hundred and thirty-five times. Amid applause he was called "Paulus, first of the secutores" six hundred and twenty times; he preferred so to be called rather than "first of the emperors." He killed or conquered one thousand gladiators--for who would test his strength against Caesar? He killed many thousands of wild beasts with his own right hand; and lest you think it was without skill, he killed one hundred lions with one hundred blows. It is marvelous that so portentous a man had so certain a hand. These things are from Lampridius. Nor amid these savage

games did he forget his majesty, for he cast to wild beasts those by whom he was mocked. Gallus, the nephew of Constantius, according to Marcellinus, Book XIV, delighted in bloody games and in boxers falling beneath one another.

These men, certainly cowardly or altogether averse to war, rendered the empire liable to barbarians. Tiberius, after obtaining the empire, oppressed the city and thereafter defiled Capri; nor did he administer anything in military affairs, except to separate brave commanders from distinguished legions and to pretend that he would go into provinces and wars--in which matter, according to Tacitus, he deceived the senate for a long time, the armies longer, and the provinces longest. Gaius, although educated in war and called Caligula in a military jest, was nevertheless not a brave commander. He assembled a great army in which there were two hundred and fifty thousand soldiers, and destroyed a great part of them; for he killed them individually and sometimes even in crowds. Concerning his German expedition, Suetonius, after many things most foolishly done, relates the following in Chapter XLVI: “Finally, as though about to accomplish a war, after drawing up his battle-line upon the shore of the Ocean and placing ballistae and engines, while no one knew or imagined what he was about to undertake, he suddenly commanded them to gather shells and fill their helmets and folds of clothing, calling them the spoils of the Ocean owed to the Capitol and palace. As a memorial of victory he raised a very high tower, from which, as from a lighthouse, fires would shine at night to direct the courses of ships; and after proclaiming to the soldiers a donative of one hundred denarii per man, as though he had surpassed every example

[Printed page 185]

of liberality, he said: ‘Go away happy; go away rich.’”

Claudius, bloody in spectacles, did not permit military command even to brave men. When Corbulo’s virtue became known, he revoked his command. Corbulo deservedly exclaimed: “The ancient commanders were fortunate, for they were permitted to be brave without danger; but I am prevented from it by Caesar’s envy.” Nero, so savage in spectacles, set out for Greece. Dio relates the matter in Chapter XIV: “For Rome was not sufficient for him, nor the theater of Pompey, nor the Circus Maximus; but there was need of an expedition, so that he might become, as he said, **περιοδονίκης**.” He brought with him so great a multitude, not only of the Augustales but also of other human beings, as though an army of enemies were present or he had captured the Parthians or other nations. But those were, of course, Neronian soldiers, and in place of arms they carried lyres, plectra, masks, and tragic shoes. Therefore he brought back a victory worthy of such an army and conquered Terpnus, Diodorus, and Pammenes in place of Philip, Perseus, and Antiochus.

And lest you think that cruelty was left behind at Rome, Dio adds: “Even if these things alone, as I said a little before, had been done, nevertheless the affair would have been exceedingly carefree, marked with disgrace, and held in mockery. But now, as though he had truly come to wage war, he plundered Greece although he left it free, committed infinite killings, confiscated the goods of certain persons still living, and took away innumerable offerings which had been deposited even in the temples at Rome.”

Dio describes Domitian’s costly and cruel spectacles and his timid and unwarlike spirit in this manner: “But Domitian, after leading an army against them--the Dacians--although he himself took no part in the war, for he was not only incapable of enduring bodily labor but also timid and unwarlike in spirit, wanton and lustful not only toward women but also toward boys, nevertheless, after sending commanders to wage the war and shamefully losing a great part of the soldiers, sent letters to Rome as victor. For this reason so many and so great decrees were made for him that throughout almost the whole world which was beneath his dominion golden and silver statues were erected. He presented a costly spectacle, from which we have learned nothing worthy of history except that virgins competed in a race. After these things he celebrated festival days, namely triumphal days. He frequently exhibited contests, with battles of infantry and thereafter cavalry joined in the circus, and also a naval battle in a certain new place, in which not only did almost all who fought die, but also many spectators, because, when a very great rain and violent storm

suddenly arose, he permitted no one to depart from the spectacle; and although he himself changed his cloak, he allowed the others to change nothing. As a result, not a few fell into grave illnesses and died. And so he gave the people a nocturnal banquet for the sake of consoling them. For he often exhibited contests at night and introduced nuns and women into them."

Commodus fled most shamefully from war and purchased peace from the barbarians. "So that by money," says Herodian, "in which he especially abounded, he might purchase security, he denied them nothing they requested." This was the man who nevertheless had determined to go out not from the palace clothed in purple but armed from the gladiatorial school; yet the death inflicted upon him that same night averted this disgrace from the Roman Empire.

The matter itself therefore sufficiently teaches that by such inhuman and foul spectacles not commanders and soldiers but cruel men are made brave. If we consider Rome herself, when she was formerly rustic her soldier was braver without a spectacle of domestic slaughter. Thereafter the most cowardly common people attended daily killings. A few soldiers restrained so many hundreds of thousands through fear and, when they pleased, cut them down. When gladiatorial spectacles were frequent, genuine virtue languished, and selections of the bravest began to be obtained from Gaul, Batavia, and Thrace.

§ 3. But what becomes clear to one who consults history, I am confident that I shall also prove by a reason sought from the nature of things. I shall employ a true sorites approved by philosophers. He who rejoices in bloody spectacles, as Drusus and others did, is cruel; he who is cruel is also lustful; he who is such is also timid and unwarlike; therefore he who rejoices in human blood is unwarlike.

Next, cruelty--savagery seen and practiced--is rendered more incited and inhuman, just as lust by pleasures, avarice by plunder, pride by flatteries, and ambition by honors. Thus fear and the evils connected with it are also increased.

Human beings, like the other animals, are moved by the perception and imagination of things that are pleasing and pleasurable and flee things that are sorrowful and atrocious. But it matters very greatly how forcefully and vividly custom or perception has impressed anything upon the mind. For if the mind remains fixed in attentive thought upon those things which flood the senses with pleasure, desires are incited and carried beyond bounds. If it sees a human being burned, cut, and tortured, and conceives in the mind from his voice, movement, and countenance the goads of pain, the whole body must necessarily be shaken by horror of such things. Those, therefore, who are not accustomed to them grow pale, shudder, and have their hair stand upright. For there is a certain sympathy of nature which, at another's evil, excites pain in another. There are some who fall down at the sight of another's pain, as Aristotle also explains in *Problems*, Section XXVII. Hence it follows that those who have known with their eyes, thought, and countenance the bitterness of grave torments in others more violently shudder at things whose magnitude they have accurately weighed. Thus they judge those persons most wretched and the evils intolerable. From this it necessarily happens that the things concerning which fortitude is exercised appear more terrible to those who have employed experience in others. For just as, when the enticements of another's pleasure have been seen, the affection is incited to enjoy them, so also, when the bitterness of another's torture is cast before the eyes, nature, the preserver of itself, recoils with great impulse and is afraid. Therefore, just as those who serve pimps and brothels are rendered more desirous of pleasures and thus more intemperate, so each person, by a raw spectacle of inhumanity, becomes more disposed to flee pains. Hence executioners and their household--a crowd ingenious in punishments--are said to be most weak if they undergo judicial tortures by their own example, as they sometimes deserve. For the whole heap of evil has already forced itself upon their vivid meditation and shaken the mind with fear before pain burns the body. They therefore suffer so great an evil twice.

§ 4. Added to the sum of the evil is the end and object which the spectators of gladiators have set before themselves. It does not tend toward making them fearless in receiving wounds, but toward their enjoying a cruel, inhuman, bestial pleasure. But the enjoyment of pleasures blunts fortitude's edge. The pagans themselves called those spectacles consolations of the eyes, not incitements to fortitude; for every most loathsome person, useless in war, sat at them.

Caelius, to be sure, the intimate of Tullius, did not dare to watch the chariot-fighters in Britain, although, says Cicero, we could not have cheated him even of an andabata. Women themselves--the Vestal Virgins--rise at the blows and say that it is their delight when they see breasts broken open by a turned thumb.

[Printed page 186]

Therefore, just as those who gaze upon the filth, hunger, and calamities of the needy press more ardently upon riches and seek them through the dangers of seas, lands, and treasures deposited among the dead, so also those who most willingly watch pains in others fear the pains they have watched all the more. For they desire not the exercise of skill, not the strength of bodies, but butchery. Thus Seneca writes concerning the midday spectacles in his *Letters*: "Now, trifles having been set aside, they are sheer homicides. They have nothing with which they may be covered. Exposed to a blow with their whole bodies, they never direct the hand in vain. Most prefer this to the ordinary pairs and the fighters demanded in addition. Why should they not prefer it? The sword is repelled by neither helmet nor shield. To what end are defenses? To what end the arts of the sword? All those things are delays of death. In the morning human beings are cast to lions and bears; at midday they are cast to their spectators. They command those who have killed to be exposed to those who will kill them, and they reserve the victor for another slaughter. The conclusion for the fighters is death; the business is conducted with sword and fire. These things take place while the arena is unoccupied. But someone has committed robbery. What, then, did he deserve? That he be hanged. He killed a human being: because he killed, he deserved to suffer this. But you, wretched man, what have you deserved, that you should watch these things? 'Kill, burn, scourge! Why does he rush upon the sword so timidly? Why does he kill with too little boldness? Why does he die with too little willingness?' By blows they are driven into wounds, and with breasts bare and exposed they receive mutual strokes. Has the spectacle been interrupted? Meanwhile human beings have their throats cut, lest nothing be done."

§ 5. He who often gazes upon wounds and blood does not tremble before them. So indeed--if he himself is outside the danger. Not even an executioner grows pale amid his daily offices of torture, unless perhaps he himself is summoned to the rack; nor is he therefore brave, but, if he does not pity those whom he torments, savage.

The gladiators themselves, indeed, exhibited an example of constancy. "What ordinary gladiator," says Cicero, "has groaned? Who has ever changed his countenance? Who has not stood, and even lain down, honorably? Who, when he had lain down and was ordered to receive the sword, drew in his neck? So great is the power of training, meditation, and custom."

Yet gladiators are not brave, because they undergo dangers not by reason but by miserable necessity or avarice. Training, meditation, custom--indeed necessity--drive them toward imitations of virtue, if they do not wish to fight with the spectators hostile to them, if they do not wish to be burned and cut, if they prefer to be dispatched by one wound rather than by repeated blows. But the dangers of others do not strengthen the spectators. Otherwise, how were the Romans so brave for four hundred and ninety years? For in the year 490 of the city Marcus and Decimus Brutus first presented three pairs at their father's funeral, and thereafter the thing was rare, until, when morals had been corrupted, it grew beyond measure; for this crime long remained within a limit. In the five hundred and eightieth year of the city, some other small gladiatorial shows were given, says Livy in Book XLI. One was distinguished above the rest, in that seventy-four human beings fought over the course of three days.

The homeland of luxury and softness itself teaches that these spectacles were joined with luxury and timidity. Campanian luxury is celebrated in history, and its cruelty is well known. See Silius, Book II; Lipsius, *Saturnalia*, Book I, Chapter VI. For at every more sumptuous banquet it was customary to exhibit several pairs of gladiators for combat in the dining room. The custom seems to have arisen among the Campanians, concerning whom Silius writes in Book II of the *Punic Wars*:

> Indeed, it was their ancient custom to enliven men's banquets with slaughter,

> And to mingle with feasts the dreadful spectacles
>
> Of men contending with the sword and often falling over the very cups,
>
> The tables spattered with no sparing blood.

And Strabo writes concerning the same people in Book V:

> **ἐπὶ τοσοῦτον γὰρ ἐξετρύφησαν ὥστ᾽ ἐπὶ δεῖπνον ἐκάλουν πρὸς ζεύγη μονομάχων, ὁρίζοντες ἀριθμὸν κατὰ τὴν τῶν συνδείπνων ἀξίαν.**

That is: "To such a point were they carried by luxury that they invited guests to pairs of gladiators, whose number they increased or diminished according to the dignity of each banquet."

So savage a pleasure therefore belongs to soft and servile dispositions, and to those whom delights have subjected to the commands of others. Thus it truly is: cruelty makes men timid; and, as I have said, the timid are cruel.

But the frequent practice of cruelty makes men more timid in the face of dangers. For those who pursue pleasure recoil from serious things, and much more from dangerous things. Hence they were accustomed also to say proverbially, "Tomorrow we shall attend to serious matters"--a saying which brought destruction to several cities. The nature of animals also shows cruelty to belong to fear; for in every kind the females are more cruel than the males, and more timid. Aristotle rightly says--or someone else is the author--in Chapter V of the *Physiognomy*:

"Female animals appear to me to be more malicious than males, more wanton, less liberal, and weaker. The females among those animals which are raised around us are therefore very evident examples; as for those in the forest, all shepherds and hunters acknowledge that they are such as has been stated.

"But this too is evident: among individuals in each kind the female has a smaller head than the male, a narrower face and a more slender neck; they have weaker breasts and smaller sides, but thighs fleshier than the males'; they have soft knees and slender legs. Their feet are more beautiful, and the form of the whole body softer rather than stronger. They have fewer sinews, are softer, and are furnished with moister flesh. Males, having the contrary of all these things, are by nature of a stronger and more just kind, but the female is by nature more timid and unjust. Since these things are so, the lion appears to be the most perfect of all animals in assuming the form of the male."

Those spectacles, therefore, belong neither to a brave man nor to a wise one, but to an evildoer; animals themselves are cruel through fear. When a stag has conquered, it cruelly tramples its adversary beneath its feet. Fear chills; it likewise causes torpor to be excited and inclines one toward the enticements of pleasures. Those whose blood is diluted are timid, for fear chills, and the same persons are cruel. Great cruelty formerly belonged to the Carthaginians, and even now belongs to the Ethiopians and those who inhabit the torrid zone. But they are colder by nature, as Aristotle teaches in *Problems*, Section XIV, Problem VIII:

> **διὰ τί οἱ μὲν ἐν τοῖς εὐπνόοις τόποις βραδέως γηράσκουσιν, οἱ δὲ ἐν τοῖς κοίλοις καὶ ἑλώδεσι ταχέως; ἢ τὸ γῆρας σηπεδών τις ἐστί. σήπεται δὲ τὸ ἠρεμοῦν, τὸ δὲ ἐν κινήσει ὂν ἢ ὅλως ἄσηπές, ἢ ἧττον τοῦτο πάσχει, οἷον τὸ ὕδωρ. ἐν μὲν οὖν τοῖς ὑψηλοῖς, διὰ τὴν εὐπνοίαν, ὁ ἀὴρ ἐν κινήσει ἐστίν· ἐν δὲ τοῖς κοίλοις μένει. ἐπὶ δὲ ἐκεῖ μὲν διὰ τὴν κίνησιν ἀεὶ καθαρὸς ὁ ἀὴρ καὶ ἕτερος γίνεται· ἐν δὲ τοῖς ἑλώδεσι μένει.**

"Why do those who inhabit elevated and open places grow old more slowly, while those who inhabit hollow and marshy places do so more quickly? Is it because old age is a kind of putrefaction? But that which is at rest putrefies; that which is moved is in no way affected thus, or is less affected, as flowing and enclosed water show. Therefore, just as in elevated places the air is stirred by breath blowing upon it from every side, so in hollow places it remains unmoved. In addition, in open places the air is continually kept pure and varied because of the agitation; in marshy places it is impure, and the same air always grows stale."

The signs of a timid man in Chapter III of the *Physiognomy* are soft hair, an inclination of the body, a posture not erect, the belly drawn upward, a yellowish color, weak and blinking eyes--broken, lean, and mobile--weak extremities of the body, small legs, long and slender hands, and small and weak loins. The body is **σύντονον** in its movements; likewise the timid man is not vehement,

[Printed page 187]

but supine; he is easily stupefied by terror, is readily moved in countenance and head, is anxious, looks downward, has a wrinkled face, and the face itself is small. You will find most of these things in the cruel--that is, in those who are such by nature; for some, although gentle by nature, have nevertheless degenerated into cruelty by custom and habit. Since, therefore, those spectacles do not change bodily affections but make them worse, and do not confer strength upon the mind either, they in no way make men brave. Consequently, in order to excuse butchery and blood poured out in peace through a most loathsome pleasure, some have said that these things are not the rudiments of fortitude but certain sacrifices for appeasing Nemesis, so that she, appeased through domestic slaughters, might favor the killing of enemies.

§ 6. But if they judged gladiatorial shows useful in war, why did they not send the gladiators themselves into dangers? Why did they wish them to be infamous? For they ought to have been the bravest of nations; yet this was done rarely and only in the utmost necessity. Nor did they arrange matches in camps before battle and, by watching a wound, animate themselves for death. For they judged it foolish to display in another's body the lot which each man was now to expect for himself. Fortitude consists in the meditation upon and love of surpassing dignity and moral worth, on account of which it despises dangers and pains; it does not consist in delights derived from another's torment. It weighs by right reason the causes which may raise up and strengthen the mind for acting and suffering bravely; it does not say that the blood of a worthless, hired scoundrel is the food of its spirit.

Tiberius exhibited cruel games, imitating Augustus. "There lay," says Tacitus, "an immense slaughter: every sex, every age, the illustrious and the obscure, scattered or gathered together." He whom that heap delights will never be brave. He holds so tenaciously to his own pleasure that he procures it by so many deadly things. That man, of course, will fight for his fatherland for whose pleasures you will give a show only when you have killed all the citizens--and a show most pleasing of all shows. He is afraid to die who demands the deaths of others, not for his own safety or for the defense of the fatherland, but for his own delights. A brave man lays down his life for a friend, and even for an unknown person; he judges it shameful to purchase life by the vicarious death of another. This man judges it a great fruit of life to gaze upon the deaths of human beings.

How far have those pursuits of more recent men departed from the ancient integrity of Christians? By the great care and severity of bishops Christians were kept away from that savagery. What did the pagans infer from this? This, of course: that the pleasures of spectacles were avoided by Christians so that, having renounced the enticements of life, they might more easily abandon life. Thus Tertullian writes in Chapter I of *On the Spectacles*: "There are those who suppose that the Christian kind, ready for death, is trained for this obstinacy by the renunciation of pleasures, so that they may more easily despise life when, as though its restraining ties had been cut away, they do not desire that which they have already rendered superfluous to themselves; so that it may be thought to have been determined by this policy and by human foresight rather than prescribed by a divine command. It would, of course, be irksome, even while persevering amid such pleasures, to die for God. Although, even if it were so, obedience was owed to so suitable a policy and to the discipline of so great an obstinacy."

The Romans, therefore, were so far from thinking that they were strengthened by those spectacles to undergo death and the dangers of death courageously that they said the spectacles were avoided by Christians for precisely this reason: lest, by pursuing the pleasures of life, they should refuse to leave life itself when virtue demanded it. Tertullian continues in Chapter II: "In short, you would find more men whom the danger of pleasure than the danger of life calls

away from this sect. For even a fool does not dread death as something owed; even a wise man does not despise pleasure as so great a thing, since there is no other charm of life both for the fool and for the wise except pleasure."

The nations therefore sought not fortitude but pleasure from the amphitheater. Among such things Tertullian reckons the circus, the lion, bodily strength, and the charms of the voice. He names the lion when he censures all the bloodiest spectacles, for in these was the height of madness. Scaevola presented many lions; Sulla, when praetor, presented one hundred maned lions; Pompey the Great, Sulla's pupil, six hundred, among which were three hundred and fifteen maned lions. For it was fitting that the teacher, who did not know letters, should be surpassed by his pupil. But Julius surpassed Pompey even in this disgrace, for he brought forth eight hundred. Besides these they also presented panthers, after, through wickedness, an ancient decree of the senate had been abrogated by command of the people. Scaurus, in his aedileship, presented one hundred and fifty of various kinds; Pompey the Great, four hundred and ten; Augustus bestowed four hundred and twenty. These were the things because of which the nations feared to die.

Moreover, Tertullian teaches in Chapter XV of *On the Spectacles* that the spirit is shaken by spectacles: "No one comes to pleasure without emotion; no one experiences emotion without its own accidents. The accidents themselves are incitements of emotion. But if emotion ceases, there is no pleasure; and the man who goes to the place where he obtains nothing is guilty of so much vanity. I think, moreover, that vanity too is foreign to us. What of the fact that he also judges himself when placed among those whose like he does not wish to be, and surely confesses himself their detester? It is not enough for us if we ourselves do no such thing, unless we also are not joined with those who do such things. 'If you saw a thief,' he says, 'you ran together with him.' Would that we did not even dwell in the world together with them; nevertheless, we are separated from them in worldly things, because the world is God's, but worldly things are the devil's."

If those men are brave, why are their souls held cheap and infamous? Tertullian writes in Chapter XXII of *On the Spectacles*: "For the very authors and administrators of the spectacles--the charioteers, actors, athletes of the exercise-ground, and those most beloved men of the arena--to whom women subject their cheap souls or those men even their bodies, for whose sake they commit the things they censure: from the same quarter from which it magnifies them, society casts them down and diminishes them; indeed, it manifestly condemns them by ignominy and diminution of civil status, keeping them from the curia, the rostra, the senate, the equestrian order, and all other honors and ornaments together. How great is their perversity! They love those whom they punish; they depreciate those whom they approve. They magnify the art and stigmatize the artist. What sort of judgment is it, that someone should be disgraced by the things through which he merits favor? Indeed, how great a confession of an evil thing it is that its authors, although most acceptable, are not without a mark of disgrace."

I finish, and give this one admonition: if for constancy you desire blood, you have Christ's. Tertullian, *On the Spectacles*, Chapter XXIX.

CHAPTER XIX

A Commonwealth, However Powerful and Rich, Ought to Hold Most Tenaciously to Modesty

§ 1. For the unconquered strength of a city, for the powers of a kingdom, nothing is so impregnable as modesty and what Christians call humility. Do you judge it right that those placed on high should be humble? Do you call to self-contempt those whose whole life is worn away by a most laborious and anxious ambition? Christ teaches that it must be done altogether so, and the safety of the commonwealth teaches it too--that safety which is nothing without Christ; but I shall now discuss it politically.

[Printed page 188]

Yet do not recoil from discourse about humility, O prince; I shall add to it majesty, magnanimity, and care for fame and glory, for I shall discuss these things in order.

§ 2. Humility is, from a full knowledge of oneself, a true estimation of one's own goods and evils, and a contempt for preeminence. It is a great virtue, and plainly one belonging to a heroic spirit, by which those things which appear great but are small are appraised at their own prices. Its destruction and plague is pride: an appetite for dignity and preeminence contrary to right reason. Nothing is more monstrous than that vice, nothing more hateful to God, nothing more pernicious to the commonwealth. Let all, therefore--prince, nobles, citizens, farmers--be trained in modesty and submission. All, I say; for pride can belong to the poor, and humility to princes. The crime is not in the things but in their use. In the magnificence of princes there is often a spirit that despises riches and honors; in the will of the most abject there is a most arrogant vanity.

Let the most holy wife of the proudest king, Esther, be an example. Esther 14:16: "You know my necessity: that I abominate the sign of my pride which is upon my head on the day of my display; and that I detest it as the rag of a menstruous woman and do not wear it on the days of my silence; and that I have not eaten at Haman's table, nor has the king's banquet pleased me, nor have I drunk the wine of libations; and your handmaid has never rejoiced from the time when I was brought here until the present day, except in you, O Lord God of Abraham."

Haman has exhibited for us an example of raging arrogance; he gravely shook both himself and the commonwealth.

The second foundation of the commonwealth, therefore, is humility. The breath of vainglory, striving upward, overthrows it as though by an earthquake. "A proud human being is a great misery," says Augustine; but a proud commonwealth is a great and manifold misery.

§ 3. First, indeed, humility is pleasing to God, because it distrusts itself and relies upon God. It has God as protector; pride has him as destroyer. Psalm 17:28: "For you will save the humble people, and will humble the eyes of the proud." Deservedly, therefore, does a proud commonwealth experience God as an enemy, since it does not acknowledge him as the author of its felicity. He "regards the humble things in heaven and on earth." So truly, as Augustine testifies in Book III, Chapter XXIII of *On Christian Doctrine*, "There is scarcely a page of the holy books in which it does not resound that God resists the proud but gives grace to the humble."

Pride brought about the ruin of the whole world, for it was the beginning of sin. Pride dragged Pharaoh into the depth of the Red Sea as though he were a stone. "Who is the Lord, that I should hear his voice and let Israel go? I do not know the Lord, and I will not let Israel go." Sennacherib, in 4 Kings 18 and 19, terrifies Hezekiah with enormous pride; but, after his army is slain, he himself is butchered by his sons in the sight of his idol. "Since, therefore, the power of God is not in multitude, nor his will in the strength of horses, nor have the proud pleased him from the beginning, but the prayer of the humble and meek has always pleased him," Judith 9:16. A city which raises itself up against majesty cannot stand, for the Lord detests lofty eyes. Proverbs 9:17. All the great men whom power has puffed

up have experienced what Solomon threatens in Proverbs 15:25: “The Lord will demolish the house of the proud, and will make firm the boundaries of the widow.”

§ 4. A few sin at the peril of all; indeed, the wantonness of women is sufficient for destruction, as Isaiah 3:16 bears witness. No riches, no confidence exempts the proud. How strong in calamity were the Israelites? Isaiah 9:9: “And all the people of Ephraim shall know, and the inhabitants of Samaria, saying in pride and greatness of heart: ‘The bricks have fallen, but we shall build with hewn stones; they have cut down the sycamores, but we shall put cedars in their place.’ And the Lord will raise up the enemies of Rezin over him and turn his enemies into a tumult--Syria from the East and the Philistines from the West--and they shall devour Israel with the whole mouth.”

How magnificently Assyria boasts in the same prophet, Chapter 10:12: “In the strength of my hand I have done it, and in my wisdom I have understood; and I have removed the boundaries of peoples, plundered their princes, and, like a mighty man, pulled down those seated on high.” What does the prophet, from God’s secret counsel, foretell to so great a monarch? Verse 16: “For this reason the ruler, the Lord of hosts, will send leanness among his fat ones, and beneath his glory a burning shall blaze like the burning of fire.”

Scarcely can a pride greater than Babylon’s be conceived; Isaiah speaks of it in Chapters 13 and 14. Yet it was drawn down to the lower regions. “And that Babylon, glorious among kingdoms, renowned in the pride of the Chaldeans, shall be as when the Lord overthrew Sodom and Gomorrah.” The Lord says to her in Isaiah 47:8: “And now hear these things, you delicate woman who dwells confidently, who say in your heart: ‘I am, and there is none besides me any longer; I shall not sit as a widow, and I shall not know barrenness.’ These two things shall suddenly come upon you in one day, barrenness and widowhood; all things have come upon you because of the multitude of your evil deeds and because of the exceedingly great hardness of your enchanters.”

Moab has the same pride, but with less power. Jeremiah 48:29: “We have heard the pride of Moab; he is exceedingly proud--his loftiness, his arrogance, his pride, and the elevation of his heart. I know,” says the Lord, “his boasting, and that his strength is not proportionate to it, nor has he attempted to do according to what he was able. Therefore I shall wail over Moab and cry out to all Moab, lamenting to the men of the earthen wall.”

This vice, therefore, is hateful to God and always precedes the destruction of commonwealths, for it contains an express contempt for the divinity. This argument from divine judgment and oracles is abundant for a pious prince. Writers ignorant of our affairs have likewise taught that the punishment of pride is most grave. Orpheus, Plato, and Libanius, in chastising that vice, coined the proper name **Νεμέσεως**. We think that the other vices are punished more gently, but that pride is crushed. They called her the maiden Adrastia and Rhamnusia. But let us turn our mind to political reasons.

§ 5. The second evil of pride is that it overturns the commonwealth by hatred of itself. The other vices--imprudence, timidity, drunkenness--admit allies and partnerships. Neither a modest man nor a proud man can endure a proud man. All desire to rise above, all to command, none to be subjected. Since all are borne toward the same point, it is necessary that all collide. “Among the proud there are always quarrels.” Proverbs 13:10. Pride makes princes, and especially nobles, hateful. They called Tarquin--headlong in lust, blind with avarice, mad with fury--“the Proud,” and thought the reproach sufficient. Nor does it render merely the prince, but even the prince’s virtues, hateful.

> Pride joined to distinguished conduct pollutes it.
>
> Indeed, pride itself withdrew far away--
>
> A vice customary in prosperous circumstances,
>
> And an unwelcome companion of virtues.

No other cause has afflicted great men more

[Printed page 189]

than pride arising from deeds well done, because it produces envy and hatred; but against the hatreds of many no resources can prevail. Benefits themselves, when given proudly, are thankless; when cast up as reproaches, they are turned into injuries. But if Camillus, if Marius, if the Scipios act arrogantly, they make unwelcome the safety they brought to the fatherland.

Seneca writes in Book II, Chapter XI of *On Benefits*: "If you wish to have grateful men whom you bind by obligation, you ought not only to give benefits but to love. Above all, as I have said, let us spare their ears: admonition produces weariness; reproach, hatred. Nothing must be avoided equally in giving a benefit as pride. What need is there for arrogance of countenance? What need for swelling words? The thing itself exalts you. Empty boasting must be removed; the deeds will speak while we are silent. A benefit proudly given is not merely unwelcome but hateful.

"Caesar gave life to Pompeius Pennus--if he gives who does not take it away. Then, after Pennus had been acquitted and was giving thanks, Caesar extended his left foot to be kissed. Those who excuse him and deny that this was done for the sake of insolence say that he wished to display his gilded slipper--indeed, his golden one, adorned with pearls. Precisely so: what is insulting here, if a man of consular rank kissed gold and pearls, and if he would otherwise have chosen no part upon Caesar's body which he could kiss more cleanly? A man born for this purpose, that he might exchange the customs of a free state for Persian servitude, judged it too little if an old senator who had enjoyed the highest honors had lain suppliant before him in the sight of the foremost men in the manner in which conquered enemies have lain before conquerors. He found something below the knees to which he might thrust liberty down. Is this not to trample the commonwealth--and, someone will say (for it can pertain to the matter), with the left foot? For that man, shamefully, madly insolent, who heard petitions concerning the life of a consular man while wearing his slippers, had not been insolent enough unless the emperor had thrust his feet into the senator's face."

What, then, inflicted twenty-three wounds upon Caesar? Not only injured majesty, not the slaughter of so many citizens, not the pillaged treasury and seized fasces, but the fact that he did not rise before the senate and that he forced his feet upon a senator's kiss. And so those through whom he conquered and to whom he had given life rose up against him.

But by contrast behold the dispositions toward Alexander, the Roman emperor. Herodian narrates thus: "When the appointed day arrived, after he had performed the customary sacred rites for his departure, he left Rome, with the senate and the whole people conducting him, looking back repeatedly and weeping. Nor was there anyone among the people who looked upon him departing with dry eyes, since he had the whole multitude desirous of him, having been raised by them and having administered the empire most modestly for so many years."

The principal cause, therefore, is hatred. For all exult with joy at the punishment of a proud human being. And God himself in a certain manner taunts him.

For **τὸ νεμεσητικόν**, indignation, is implanted in all human beings; Aristotle in Book II of the *Ethics* calls it **ἐπαινετόν**, praiseworthy, and places it in the middle in relation to **ἐπιχαιρεκακίαν**, malicious joy. For indignation bears it ill that prosperity has been conferred upon an unworthy person; but whoever grows insolent in prosperity appears unworthy of felicity. Whoever vaunts himself from a lofty place is judged worthy to fall from it.

§ 6. The third evil of arrogance is the subtlety of the vice. For in a marvelous manner, while it is avoided, it is sought. And so it insinuates itself into all the virtues and attempts to withdraw their foundation so that the whole structure may fall. Thus humility is also the remedy of all the vices. By this means, however, the commonwealth is overturned under the appearance of the good and honorable. For when the proud perform certain great things and things useful in appearance, because ambition and desire for glory, not reason, draw them, they thereafter turn these things against their friends. Those bodies of the commonwealth are not great but swollen, destined to fall by their own bulk and to burst. Pride is the head of the vices: it presses upon all and commands all. And what is done is called virtue until the whole pus erupts.

§ 7. The commonwealth is sustained and ruled by wisdom. Nothing is more closely joined to wisdom than humility, nothing more opposed to it than ambition, which, among all the passions, has this property: it makes men the most foolish. For it is a certain drunkenness of the arrogant which does not leave them even when sober. For the Spirit of God, the spirit of wisdom, descends into a humble soul--beautiful in its own eyes and in God's eyes; he despises one that is exalted. "Where pride has been, there shall also be insult; but where humility is, there shall also be wisdom." Proverbs 11:2. Pride therefore turns kings away from wisdom. And they sin especially in this, that they consider themselves wise. "Professing themselves to be wise, they became fools."

Not only princes but philosophers, the instructors of princes, have been blinded by pride. For concerning them too this saying was bandied about: **τῶν φιλοσόφων οὐδὲν ἀφιλοσοφώτερον**--nothing is more foreign to philosophy than the philosophers themselves. Anaxippus spoke more gently: philosophers are indeed wise in words, but in reality are **ἀνοήτους**, senseless. And so many expelled the philosophers: Lysimachus and Antiochus from the whole kingdom; the Romans expelled Alcius and Philiscus, "Epicurean pigs," and at one time all sophists, as the Messenians and others also did. And what one would especially marvel at: from Attica herself, Sophocles by his own **ψηφίσματι**, decree, removed the same men.

Saint Chrysostom explains the cause of their folly on Romans 1:22:

> **μέγα τι περὶ ἑαυτῶν φαντασθέντες, καὶ οὐκ ἀνασχόμενοι ταύτην ἐλθεῖν, ἣν ὁ Θεὸς ἐκέλευσεν αὐτοῖς, ἐβαπτίσθησαν τοῖς τῆς ἀνοίας λογισμοῖς.**

"Having imagined some great thing about themselves and not enduring to enter by that way by which God commanded them to enter, they were immersed in thoughts of madness."

But that mad wisdom is especially censured by which they were led to infect the world with superstitions. For although they did not believe in the divinities, they bewitched wretched nations with fear of them, and boasted that they were doing this wisely, as though for keeping peoples in their duty. Thus speaks one of their wise men, Cicero, in Book I of *On the Nature of the Gods*: "Who was ever so blind in contemplating things that he did not see that these human forms were transferred to the gods either by some design of wise men, so that they might more easily turn the minds of the unskilled from depravity of life to the worship of the gods, or by superstition, so that there might be images which, by venerating them, they might believe themselves to approach the gods themselves?"

But in this wisdom their folly most manifestly betrayed itself. For by that way they taught impunity for every crime. Since it was easy for anyone to despise gods of wood and clay, they then fashioned gods made according to their own judgment and steeped in their own vices, so that they might sin more freely by the authority and exhortation of the divinities and, consecrating to them the shameful acts of their own crimes, might judge themselves made holy by impurity itself.

Princes and magistrates outstripped this unwisdom of the philosophers by the most insane and ambitious rashness and folly, as though with white horses. For when they saw that the right of making gods had been given to the commonwealth, they especially bestowed this benefit upon themselves. "Should I doubt that there are gods," says Gaius, "when I make gods?" By this pride they destroyed themselves and the commonwealth. From this it also followed that they admitted no counsels and that no one dared to put forward truths. But without counsel no city can be ruled.

§ 8. Humility is magnanimous; pride belongs to a small mind and, if we wish to judge rightly, is childish. It is a great thing to be small in one's own mind. There is no need of arguments for this: children, when praised, are transported by joy

[Printed page 190]

and do not conceal that passion; they even boast of their affairs of their own accord, and in this matter the simplicity of an innocent age delights us. But if adults or old men do the same things, we judge them not indeed children, yet

nevertheless childish. Never is greater laughter aroused on the stage than when some Pyrgopolinices trumpets his battles, because an altogether ridiculous thing is seen: so childish a spirit in so vast a body and in such an array of arms.

The ancients very wittily laughed at Menecrates, who required no other payment from those whom he had healed--whose number was enormous--than that they should call him Jupiter. A childish deed: for all, in return for the benefit conferred upon themselves, were compelled to laugh at the wretched man. How mad and childish was the pursuit of Psaphon the African, who trained talking birds bought at a great price to say, "Psaphon is a god." That most wretched man did not see that the affair could not remain hidden; next, that the birds would fly away even to the pathless places of the forests and would proclaim their master's commendation among mountains and woods with vain zeal, or, in their new liberty, would shake off the old song.

A child defeated in a sportive contest wails; the victor exults, because a little matter either depresses a small spirit or raises it on high. In the arrogant--that is, in the grand and therefore ridiculous--there is no other childish prudence or magnanimity: all are occupied with little things. If you suddenly catch a young man curling his hair, arranging anklets, or attending to other **καλλωπίσματα**, adornments, he blushes because he understands that it is contrary to decorum, and because **μικρόψυχον τῶν περὶ τὸ μικρὸν ἐπιμέλειαν**--the care expended upon small matters--is a sign of a small and degenerate spirit.

§ 9. The greatest praise, therefore, is not to act for the sake of praise. It is the childish error of those who think that love of praise is a virtue. For he sees more soundly, says Augustine in Book V, Chapter XIII of *The City of God*, who recognizes that love of praise is also a vice. This did not escape the poet Horace, who says:

> You swell with love of praise; there are sure expiations
>
> Which, if you read the little book purely three times, will be able to restore you.

And in a lyric poem, to repress the lust for ruling, he sang thus:

> You shall rule more widely by subduing an avid
>
> Spirit than if you join Libya to distant
>
> Gades and each Carthaginian serves one man.

Nevertheless, those who do not restrain their more shameful lusts by the faith of piety, by obtaining the Holy Spirit, and by love of intelligible beauty, are at least better when restrained by desire for human praise and glory--although they are not yet holy, they are less shameful. Even Tullius could not dissemble this in the same books which he wrote *On the Republic*, where he speaks about forming the prince of the city, whom he says must be nourished upon glory, and consequently recalls that his ancestors did many marvelous and glorious things through desire for glory.

§ 10. But how great a danger is approached while that most powerful passion is nourished--which passion does it flee? From this it comes about that all seek the fame of virtue, few seek virtue itself, and sometimes no one does. Although desire for glory sometimes has a good outcome, although it restrains enormous vices, although it is to the profit of the commonwealth, it is nevertheless dangerous and does not cease to be an evil. Otherwise drunkenness, lust, avarice, and envy itself would also have to be praised. For the drunken, through lack of judgment, cast themselves into dangers from which the sober cannot emerge. Lovers, the envious, and the avaricious, agitated by the furies of their vices, have often rendered great services to the commonwealth. The folly of the lowest common people is profitable to many; those vices must not therefore be tolerated. For although pride sometimes subdues other passions, more often it arouses them.

Calamitous was the pride of Sesostris, king of Egypt, who

> Drove Pharian chariots with the necks of kings.

Who drove Xerxes into so cruel a war? Who, before him, Cyrus? And after Cyrus, Alexander? What but desire for glory drove others? So that they might be praised by a few, they destroyed entire nations by extermination.

There is a difference, as Saint Augustine admonishes in Book V, Chapter XIX of *The City of God*, "between desire for human glory and desire for domination. For although it is easy for him who delights too much in human glory also willingly to affect domination, nevertheless those who desire the true praise, albeit of human affairs, take pains not to displease those who judge rightly. For there are many good things in morals concerning which many judge rightly, although many do not possess them; and through those goods of morals they strive toward glory, command, and domination. Concerning them Sallust says, 'But that man strives by the true way.' But whoever, without desire for glory, by which a human being fears to displease those who judge rightly, desires to dominate and command, for the most part seeks to obtain what he loves even through the most manifest crimes. Accordingly, he who desires glory either strives by the true way or certainly contends by deceits and fallacies, wishing to appear good when he is not. And therefore, for one who possesses virtues, it is a great virtue to despise glory, because his contempt for it is in the sight of God but is not disclosed to human judgment."

§ 11. Joined, therefore, to that danger is the fact that they think there is a good in the vice. For he who, from love of praise, has cut down an enemy and borne wounds in front will also, lest he be compelled to yield to citizens, not shudder at a butchery of citizens; indeed, for his own triumph he will force all into dangers. All history teaches that most wars began from desire for glory and the lust for ruling, and that civic contests arose from ambition.

§ 12. I have demonstrated that anger is deadly to a city and at the same time have shown that it generally arises from pride. Those whom praises inflate and make swollen, censure casts down if they cannot avenge themselves, and drives into rage if power to avenge an insult has been granted. Wretched is the lot of a human being who is raised up by the flattery of those who praise him, contracted in spirit and made to totter by the rashness of those who censure him.

Clidemus the Athenian, victor in a sportive contest, while being crowned by his companions, died submerged in the sweetness of glory. I think it a disgrace that he was an actor and the victor in an actor's contest; but he valued the victory so greatly that through its sweetness he expelled his soul. Chilon the Spartan, while embracing his son who had won at Olympia, breathed out his soul through joy. Tertullian, *On the Soul*, Chapter LII. So great was the force of joy in Sophocles and the tyrant Dionysius that, upon receiving the token of victory in tragedy, they ceased to live. Pliny, Book VII, Chapter LIII.

Place so great a love of praise in a prince, in a senate. What crimes will not be committed for the sake of obtaining it? Add admonitions, censures, refusals, insults: will not those for whom a foolish little glory was dearer than life judge these annoyances more grievous than death? Hence come those disasters of cities, when a little utterance of another's malignity casts those greedy for praise down from the state of virtue and impels them to destroy the commonwealth. Golden is Augustine's sentence: "Just as humility profits those who serve, so pride harms those who rule." *The City of God*, Book V, Chapter XV.

§ 13. The virtue of humility is pleasing and beautiful in all; in kings and pontiffs it is divine. For one placed on high not to think high things is difficult; not

[Printed page 191]

to look down upon inferiors from on high is a miracle. To few does that felicity fall, that they should not be destroyed by the appearance and opinion of felicity. Amid so many acts of obedience and blandishments, mortality--of itself inclined toward self-flattery--is rarely sufficiently cautious. A prince has no cause, but many occasions, for pride.

Gaius at the beginning conducted many things modestly, so that the conscript fathers ordered them to be read every year. No training is so firm that desire for command will not tear it away. Alexander had, says Valerius in Book VIII, Chapter XV, "a breast insatiable for praise." When Anaxarchus, his companion, reported on the authority of his teacher Democritus that there were innumerable worlds, Alexander said: "Alas, wretched me, that I have not yet

obtained even one!" The possession of glory which suffices for the dwelling-place of all the gods was narrow for a human being.

But that praise belongs properly to Christian princes; for those examples which are brought forward from pagans do not exhibit constant virtue. Sardanapalus placed upon his tomb an **ἀποκρότημα**, that is, two fingers making a snapping sound as though by striking one another, by which he might show that all things, even the greatest, were not worth an as, but were a sound flying past. Porus, when defeated, renounced the royal name, but retained pride and ferocity. Nor was it great humility in Croesus that, when placed upon the pyre, he confessed that he could fall from felicity. Nor was Gilimer the Arian more modest, who, when led in triumph, said more than he felt: "Vanity of vanities, and all is vanity." Catholic princes pronounce this when they approach kingdoms. For it does not belong to great prudence, when you have fallen, to confess that you had not stood with a stable step.

Humility, therefore, belongs properly to Christians, just as the use of the name in that signification belongs properly to them. Augustine on Psalm 31 says: "This water of the confession of sins, this water of humiliation of heart, this water of a salutary life which casts itself down, presumes nothing concerning itself, and proudly attributes nothing to its own power--this water is in none of the books of foreigners: not in the Epicureans, not in the Stoics, not in the Manichees, not in the Platonists. Wherever even the best precepts of morals and discipline are found, nevertheless this humility is not found. The way of this humility flows from no other source; it comes from Christ. This way is from him who, although he was high, came humble. For what else did he teach by humbling himself, having become obedient unto death, even the death of the cross? What else did he teach by paying what he did not owe, so that he might free us from debt? What else did he teach when baptized, who committed no sin; when crucified, who had no guilt? What else did he teach but this humility? Not undeservedly does he say: 'I am the way, and the truth, and the life.'"

§ 14. There are indeed very many things in which the modesty, submission, and obedience of Catholics--which is the mother of humility--is shown. For kings and nations obey their pontiffs and sacred councils. Prostrate upon the ground, they confess their sins, undergo the punishment imposed, and submit their conscience to another's judgment. How arduous this is both the heretics teach, who cast off this part of Christianity, and the magistrates in China, who, because they judge this unworthy of their majesty, come with greater difficulty to the Christian religion.

But the marvelous humility of Christian princes has often appeared. Philip the Arab, who seized the empire by cruelty and parricide, an art then customary, and did not reign without blood, was excluded from the communion of the pious by Fabian; covered with dirt and squalor, he stood as a suppliant to the priest in the order of penitents. He sought entrance into the Church not by strength or gifts but by tears. Eusebius, Book VI, Chapter XXVII.

The great Theodosius--as Theodoret, Book V, Chapter XXVII; Augustine, *The City of God*, Book V; Sozomen, Book VII, Chapter XXIV; and the letters of Ambrose are authorities--avenged an injury inflicted by the Thessalonians with an unjust slaughter when he ordered certain persons to be killed indiscriminately. Ambrose barred him from entrance to the temple, and the emperor obeyed; falling at the pontiff's knees, he offered himself for any satisfaction whatsoever. Thereafter, admitted to the society of Christians, without royal adornment and prostrate with his whole body upon the ground, he wept--a true and magnanimous imitator of David.

Nor was the submission of Otto less, who, because Crescentius had been killed by hanging contrary to the faith pledged him, at the command of Abbot Romuald exacted from himself the punishments for the violated covenant. For he traveled barefoot from Rome to Mount Garganus in Apulia, afflicted his body throughout Lent by the roughness of haircloth, and lay upon mats. Thus Peter Damian in the *Life of Romuald*.

Henry II, king of England, according to the testimony of Neubrigensis, received blows publicly with his shoulders bared. Notable is his declaration: "I do not flee Christian discipline. Decree what you please; I shall devoutly embrace and execute the decree." He did no otherwise than he said: casting off his royal garment, he stood in the order of public penitents and submitted himself naked to ecclesiastical discipline.

I judged it worthwhile to relate these public examples; there are more private ones among all Christian magnates. For all both accuse themselves of their sins and not only hear the admonitions of their priests but also cheerfully undergo those punishments which the priests impose for the expiation of offenses. This one thing is the most effective remedy against the deceitful and sweet poisons of flatterers--a remedy which is always ready at hand from humility. Otherwise, just as the healthiest bodies most easily drink in the corruption of poison, so the pestilential breath of flattery most swiftly infects the spirits of kings.

Behold for yourself Justinian, more a founder of laws than a cultivator of justice, whom Tribonian, a despiser of every religion, filled with so great a vanity that he hoped he would be immortal, as Suidas reports.

§ 15. The mind of Canute was different; concerning him see Lipsius, *Monita Politica*, number VIII. There is a notable lesson in modesty from the king of the English. When he was besieged by flatterers--that is, courtly ravens--and they extolled his lot and said that all things served him and were turned at his nod and countenance (these are the words of the Annals), he suppressed the foul flattery thus. While they watched, he placed the royal seat on the seashore in the very approach and flow of the sea. Then he said: "You, sea, are under my dominion, and the land on which I sit is mine. I command you and declare that you must not rise upon my land or drench the limbs or garment of your lord with moisture." He had spoken; the sea maintained its course, came forward, washed over him, and then withdrew. "Behold," he said, "how I command all things! Let all who inhabit the earth know that the power of kings is vain and false, and that one alone is worthy of that name who truly possesses command over heaven, earth, and sea." Nor did this modesty remain within words. In every action he displayed himself such, and thereafter he did not admit the crown upon his head.

There remain very many examples of Christian humility. For many great princes, laying aside the diadem, returned not only to private life but even to one that was poor and despised by the world. Such, says Bozius in Book XI, Chapter IX of *On the Signs of the Church*, were Emperor Lothair, son of Louis the Pious, in the year 855; Hugh, king of Provence; Ratchis of the Lombards, in 750; Sigismund of Burgundy, in 413; Bamba of Spain; Vermundus of Castile; Rammirus of Aragon; Sigisbert of Northumbria; Sebbi of England; Eltheredus and Chemeredus of Mercia; Alfridus and Afridus of Northumbria; Offa and Iua of England; Ceolulfus and Egbertus of Northumbria; Henry IV of Denmark; Carolomannus

[Printed page 192]

of Alemannia; Trebellius of Bulgaria; and Casimir of Poland, who thereafter, at the command of the Roman pontiff and overcome by the entreaties of his subjects, received the governance of the kingdom again.

Here we omit innumerable princes who daily do this: casting aside the highest honors among mortals, they do not disdain, among humble communities of religious, to subject themselves to the obedience of otherwise obscure superiors, compelled by no terror of enemies nor cast down by stupor and inertia of mind. Among the Greeks this was done by the emperors Anastasius II, Theodosius III, Michael Rangabe, Michael IV, Isaac Comnenus, and Manuel Palaeologus; and among our own by the kings Svatopluk of Moravia and Solomon of Hungary. How great a spirit did they show in resigning their principate, and how far did they differ from the boastful and most frivolous dispositions of pagan kings, who, from eagerness for triumph and for the sake of fruitless leaves, brought the safety of their citizens into peril. Even now, many sons of kings, princes, nobles, and powerful men live in the most laborious and poorest religious orders and in the most abject offices, more humbly than they formerly lived among the pagans in power and honor.

§ 16. Many things can induce all men, and especially leading men, to moderation and submission of spirit. First, indeed, because they are human beings. Philip the Macedonian judged that sufficient for subduing pride. For every morning, before he undertook anything, he ordered a boy to announce: **ἄνθρωπος εἶ**--"You are a human being." Would that he had wished to persuade his son Alexander of this; after conquering the Persians, Alexander disowned his father and preferred to be called the son of Jupiter. But the human being is an animal both most wretched and most

proud. They rule human beings, but are human beings. When dead, they will be trampled by many. Before their judge, without a bodyguard, without a diadem, they will tremble.

Timoleon, the avenger and preserver of Sicily, when after the expulsion of the tyrants he was held in great honor and even love, adorned such distinguished achievements with modesty and protected them. Probus writes in his life: "Nothing insolent or vainglorious ever issued from his mouth. Indeed, when he heard his praises publicly proclaimed, he never said anything other than that in this matter he especially gave and rendered thanks to the gods: that when they had determined to restore Sicily, they had wished him above all to be the commander."

§ 17. Next, he ought to beware excessive and ceremonious honors. Those things belong to barbarous and proud nations, concerning whom Tacitus writes in Book XIV: "To one accustomed, of course, to foreign pride there was no knowledge of us, among whom the right of command has force while empty things are passed over." Both others and, most accurately, Nicolas Trigault describe the arrogance of Chinese magistrates and of the others who live by the examples of princes, and their many empty cares over salutations and duties; they pass almost all their time in empty things. Hence come many errors, enmities, contempts, and contentions, while in ceremonious civility they are more fastidious than is right and judge it an inexpiable offense to have erred in trifles. The Christian commonwealth labors not a little in these matters, while spirits are puffed up by splendid titles, retinues, and precedence in seating, and are easily driven to rivalry and hatreds.

Let it come into the mind of all how glassy and fragile felicity is. He who just now, as Priam, appeared fortunate in barbaric gold and fifty sons soon

> Lies a vast trunk upon the shore.

§ 18. Nor are the fates of cities gentler. Human felicity is trusted badly: when it is at its best, it falls. That which befell the old man Democrates befalls them. When, out of breath, he climbed the citadel, he said that he breathed much but had little strength. Frequent, noisy, and laborious breathing is a sign of a departing life; nor should any commonwealth promise itself long duration in which impulses greater than the powers of nature shake the afflicted body.

§ 19. Finally, let those whose authority is greater undertake certain things which in appearance are abject and unworthy of magnates. That action has great force for bringing inferiors back to modesty. Nothing is more effective. The Lord and Savior taught that neither divinity nor humanity subsisting in a divine hypostasis is defiled by humble birth and offices. "So great," says Augustine in Tractate LV on John, "is the usefulness of human humility that even divine sublimity commended it by its own example, because a proud human being would perish forever unless a humble God found him. For the Son of Man came to seek and to save that which had perished."

Before the Lord, the prophet and king David, a type of the Lord, also made a profession of humility. 2 Kings 6:21: "'As the Lord lives,' he says, 'I shall play before the Lord, who chose me rather than your father and rather than all his house, and commanded me that I should be leader over the Lord's people in Israel. And I shall play, and I shall become more abject than I have become, and shall be humble in my own eyes; and with the maidservants of whom you have spoken, I shall appear more glorious.' Therefore no son was born to Michal, the daughter of Saul, to the day of her death."

"Behold," says Gregory in Book XXVII of the *Moralia*, "he whom the Lord singularly preferred to all despises himself by submitting himself to the Lord, equating himself with the least, and displaying abject things. He does not call the power of the kingdom back to mind; he does not fear to become cheap in the eyes of his subjects by dancing; he does not recognize himself as preferred in honor to others before the ark of him who had given the honor. Before God he did cheap things, even the lowest, so that by humility he might make firm those brave things which he had done before human beings. I do not know what others think of his deeds; I marvel more at David dancing than fighting. For by fighting he subjected his enemies, but by dancing before the Lord he conquered himself."

Nothing is more pleasing among the common people than honor shown to the wretched with modesty. Alfonso, king of Aragon and likewise of Sicily and Naples, at that time most powerful, saw a muleteer imploring aid, whose ass laden with flour was stuck in the mud. He dismounted from his horse and, exerting himself with all the strength of his body, pulled out the beast of burden. This deed was so pleasing to the peoples of Campania that many cities joined themselves to him and preferred to admit the government of a modest, civil, and humble prince rather than to claim a proud liberty. Nor is there in truth any danger that majesty will be depressed by true humility: love compensates for all things. Nothing is more pleasing to the common people than that their labors be valued by magnates. If a magnate is insulting toward anyone, he is loved by no one.

§ 20. The last point is that those who are in dignity should have modest, affable, and truly humble ministers. It is an intolerable servitude for brave and noble men when a prince must be approached through the disdain of flatterers; when a minister intercepts or detains the benefit which they have received from the prince; when another must be petitioned after the prince. But this matter must be discussed specifically. For out of one hundred ministers of princes who are greatly in favor, you will scarcely find ten whom either pride or avarice has not shaken out of the court, after they have first made the prince hated.

[Printed page 193]

CHAPTER XX

Magnanimity Ought to Be Commended to the Commonwealth, and Especially to Magistrates

§ 1. I have said that humility is the virtue of a great spirit, while pride belongs to a small and childish one. The magnanimous man holds nothing to be great unless it is truly great. Humility, by a true estimation, disdains all things that swell with a false and human greatness. Pride judges rashly concerning greatness and ardently desires the things which have appeared great. Thus children leap for joy at the splendor of a new garment, at anklets, and at a little feather; they esteem highly houses of clay, a reed horse, a little cart drawn by mice, and their rattles. The magnanimous man judges to be playthings whatever pride pursues with great zeal. We must therefore speak about this virtue and the things connected with it and accompanying it. For that consideration contributes very greatly to the safety of the commonwealth, and I do not know whether in any other kind vices so quickly deceive us beneath the appearance of virtue.

§ 2. Magnanimity is a virtue which is concerned with great things, a virtue of the spirit inclining it toward great and heroic works. Aristotle's definition in Book IV, Chapter III of the *Ethics* is customarily suspect to Christians:

δοκεῖ δὴ μεγαλόψυχος εἶναι ὁ μεγάλων αὑτὸν ἀξιῶν, ἄξιος ὤν.

"He appears to be magnanimous who considers himself worthy of great things and is worthy." For he who falsely judges himself to deserve great things is foolish. But however the Philosopher understood it, his definition can nevertheless be understood so that he may not appear to force pride upon us under the name of magnanimity.

Certainly Saint Thomas, *Summa Theologiae* II-II, Question 129, Article 3, replies to the fourth objection: "It must be said that in a human being there is found something great which he possesses from the gift of God, and some defect which belongs to him from the weakness of nature. Magnanimity therefore causes a human being to judge himself worthy of great things according to consideration of the gifts which he possesses from God; thus, if he has great virtue of spirit, magnanimity causes him to tend toward perfect works of virtue. The same must be said concerning the use of any other good, for example knowledge or external fortune. Humility, however, causes a human being to reckon himself of little worth according to consideration of his own defect. Likewise, magnanimity also despises those who are high insofar as they fall short of the gifts of God. For it does not esteem those who are high so greatly that it does anything indecent for their sake. But humility honors others and esteems superiors insofar as it beholds something of God's goods in them. Hence it is said of the just man in Psalm 14: 'The malignant man has been brought to nothing in his sight,' which pertains to the contempt of the magnanimous man; 'but he glorifies those who fear the Lord,' which pertains to the honor of the humble man. And thus it is clear that magnanimity and humility are not contrary, although they appear to tend toward contraries, because they proceed according to different considerations."

It is therefore easy for a Christian prince to join humility and magnanimity. For when contempt extends to an insult against God, it must be avenged. Elijah was contemptuously summoned to the tyrant in 4 Kings 1:9. "Man of God, the king has commanded that you come down," said the captain of fifty, undoubtedly prepared to inflict force upon him if he refused. But Elijah, a magnanimous judge of his own dignity, in which the glory of the divine majesty was concerned, answered and said to the captain of fifty: "'If I am a man of God, let fire come down from heaven and devour you and your fifty.' Fire therefore came down from heaven and devoured him and the fifty who were with him.

"And again he sent to him another captain of fifty and his fifty. He spoke to him: 'Man of God, thus says the king: "Make haste; come down."' Elijah answered: 'If I am a man of God, let fire come down from heaven and devour you and your fifty.' Fire therefore came down from heaven and devoured him and his fifty. Again he sent a third captain of fifty and the fifty who were with him. When he had come, he bent his knees before Elijah, prayed to him, and said: 'Man of God, do not despise my soul and the souls of your servants who are with me. Behold, fire came down from

heaven and devoured the first two captains of fifty and the fifties who were with them; but now I beseech you to have mercy upon my soul.' But the angel of the Lord spoke to Elijah, saying: 'Go down with him; do not fear.' He therefore arose and went down with him to the king."

Elijah judged himself worthy of honor, and divine justice approved his judgment. If Aristotle understood this, he spoke with truth itself; but if not, he was led away by the common error of the philosophers.

The force of magnanimity is therefore discerned in every virtue, yet it is distinguished from every virtue. Each virtue is perfect in its own kind. Justice is the constant will to render to each his own, and this in great and small things. It will despoil no one of a denarius or of a talent; it will restore a cottage and a kingdom with the same equity. Religion is the guardian and exhorter of heroic poverty, obedience, and chastity. But these and the other virtues have a special moral worth and beauty from their own objects and circumstances, toward which they constantly impel the spirits in which they have settled.

It is the office of magnanimity to be occupied within the kind of all the virtues and to regard the formal objects of them all, yet in such a way that it makes them material for itself, as they are accustomed to say. Heroic was the chastity of that young man who, bound softly upon a bed of roses, bit off his tongue, spat it into the face of the wanton harlot, and drove her away by a miracle of chastity. But heroic chastity was moved by the beauty of temperance as by the formal character of its object. Magnanimity, however, was also an impelling cause toward so noble a deed, because it regarded it as great and arduous, and because it judged this fitting for a Christian spirit, a spirit nurtured by heavenly grace and a candidate for martyrdom. The formal object of magnanimity, therefore, is the greatness of the works itself. Aristotle rightly says:

μεγαλοψυχία οὖν κόσμος τις εἶναι τῶν ἀρετῶν.

"Magnanimity therefore appears to be a certain ornament of the virtues." Consequently, no one can be magnanimous without the other virtues.

§ 3. Magnanimity moderates the appetite for honor. First, it prevents men from doing the greatest works, most worthy of honor, out of regard for human glory, and from ceasing to cultivate virtue if there is no hope of honor. For the magnanimous man will save a human being even in darkness and will not desire that deeds worthy of praise be put into the public records, but will desire virtue itself to be his reward. The magnanimous man will not be moved even by disgrace. "There is no surer proof of greatness than that nothing can occur by which you may be provoked." Seneca, *On Anger*, Chapter VI.

Yet for the sake of a great honor he will undertake the greatest works--for the honor of which it was said:

> Your friends are exceedingly honored;
>
> *[Printed page 194]*
>
> Their principality is exceedingly exalted.

The magnanimous man values divine honors highly: not with the sacrilegious ambition with which the pagans raved, and in our age the kings of Japan, but those which God alone has determined to confer, with an immense weight of glory, upon those by whom he is loved. But if it is pleasing to recognize and approve a magnanimous commonwealth, prince, or senate, you will consult Aristotle in Book IV, Chapters VII and VIII of the *Ethics*.

First: **μεγάλων ἑαυτὸν ἀξιοῖ, ἄξιος ὤν**. He considers himself worthy of great things, being plainly worthy; for he who is worthy of middling things measures himself by his own foot and is modest, not magnanimous. This has been said truly concerning honor. If you consider the thing itself, all ought to emulate the most excellent greatness and degree of virtue. Next, if all are willing to consider the state and condition by which they are Christians, they can judge themselves worthy of honor, because right deeds and successes--**κατορθώματα**--are gifts of God, not of human

strength. Therefore humility, which despises one's own vileness, and magnanimity, the candid and grateful recollector of divine benefits, do not conflict.

Second: he rejoices moderately and according to right reason in great honors offered with reason by good men. He despises small honors and those bestowed by the common people. He will not rejoice in honor or praise because it is a vain and fragile thing; and just as a vine is not rendered more fruitful by praise, neither is the spirit of the man praised. For he labored for virtue, not for glory; accordingly, he does not desire his deeds to be published. Nevertheless, he rejoices because it is useful to the public that the deeds of the virtues be celebrated: it calls many weak men back from vices, stimulates the imperfect toward virtue, and indeed gives many a source from which to seek examples. The Apostle Paul rejoiced in the desire, weeping, and emulation of the Corinthians, 2 Corinthians 7:7, and in Chapters XI and XII he deservedly and rightfully boasts. He neglects the honors of the common people because they are not given by judgment and customarily are poured more profusely upon the vicious. He knows that those who praise are the worst kind of enemies. He knows that flatteries are more artfully contrived amid great hatreds and contempt. Cato, rejected from the praetorship, played ball in public on the same day. Others, when they heard themselves praised by the people, feared that they had perhaps unwittingly admitted something evil.

Third: **οὔτε εὐτυχῶν περιχαρής ἐστιν, οὔτε ἀτυχῶν περίλυπος**. He is neither raised up by felicity nor excessively saddened by adversities. Because he is not driven by a light impulse, a great tree is not overturned even by a whirlwind; a reed trembles at every breath. This is that

> Virtue ignorant of a sordid refusal,
>
> Which shines with honors unstained,
>
> And neither takes up nor lays down the axes
>
> At the judgment of the people's breath.

He is greater than calamity and greater even than prosperous circumstances. The Romans presented some appearance of magnanimity; for, defeated in the battle of Cannae, when Hannibal approached the city, they could not endure any mention of peace. And certainly in a conquered people it was a great proof of virtue that they publicly thanked the consul by whose rashness the disaster had occurred because he had not despaired of the commonwealth. Urban VI was remarkably magnanimous. When seditious Romans broke into his palace with arms, he put on the vestments of his dignity and presented himself with great authority to the sight of the enemy; by asking, "Whom do you seek?" he not only dispelled the danger but brought the rioters back to concord and obedience.

Fourth: **οὐκ ἔστι μικροκίνδυνος**. He does not deign to enter danger for small things. He will not seek riches across the sea, will not be hired into the battle-line for pay, nor give his soul for sale for a little money. Those whom a small thing calls into dangers have small spirits. As easily as children weep from slight sadness, so easily do they fight amid slight danger. That **μικροκινδύνευσις**, risking danger for trifles, removed a great part of the nobility of Europe, especially of France, while beneath the appearance of high birth it incites the frenzies of challenges and duels.

Fifth: neither is he **φιλοκίνδυνος**, a lover of danger. He does not love danger. Those whom martial trumpets, horns, and shouting carry off into death imitate the magnanimous man, as do those who without reason expose themselves to dangers. This was formerly censured in many who, from desire for martyrdom, offered themselves to the torments and savagery of the pagans. It belongs to brave men to despise death more than to hate life. He who goes to meet danger and does not first consider what sort it is is more like a beast than a human being. He is courageous who, after the cause and difficulty have been considered, encounters dangers either for a just and honorable reason or certainly from necessity. Such ought both princes and citizens to be. For those who are borne into dangers by impulse and rashness alone, unless they conquer in the first heat and charge, grow faint with delay and are turned into headlong flight. But those who undertake the matter with deliberation are brave precisely because they experience nothing unexpected in the work itself, nor do they repent of their counsels.

Sixth: **μεγαλοκίνδυνος δὲ, καὶ ὅταν κινδυνεύῃ, ἀφειδὴς τῷ βίῳ, οὐκ ἄξιον ὂν πάντως ζῆν**. "He offers himself to great dangers and in the midst of danger is prodigal of life, as though it were not worthy to live in every manner." I prefer to render it thus rather than with the interpreter: "As though it were altogether unworthy for him to live." For the magnanimous man does not judge himself unworthy of life, but judges it unworthy to live in every manner. David avoids a fraternal contest in the camp but advances undaunted against Goliath.

Here the fortitude and great spirit of all the martyrs is described. It shines forth even in this: not only did they endure those things, which belongs properly to fortitude, but they did not even pour forth prayers, did not pray for postponement of punishment or acceleration of death, and held groans and cries within their power. For they thought that the nobility of martyrs ought not merely to be brave and tolerant of pain, but also magnanimous, free amid torments, and taunting tyrants. Hence those sayings, "Turn me and eat," and innumerable others, by which **σεμνοπρέπεια**, the majesty of magnanimity, was expressed.

Traces of that virtue are discerned also among the nations. Anaxarchus cried that they should pound the sack of Anaxarchus in a mortar, by this saying more illustrious than by his whole life. Pompey, when he was being killed, covered his head lest he contaminate his triumphs by an indecorous groan or cry. Amid so many wounds Caesar took care **εὐσχημόνως πεσεῖν**, to fall becomingly. Aristotle therefore said most beautifully that magnanimity is the ornament of all the virtues, for it most powerfully adorns even the supreme act of fortitude itself. Common sense teaches us how great this is. We are moved by the last

[Printed page 195]

words of the dying more than by the recollection of death itself; for if they are courageous, we grieve at the so unworthy ends of such men.

Seventh: he is accustomed to confer a benefit and blushes to receive one, because the latter belongs to an inferior, the former to a superior, while a great spirit refuses to be under obligation.

Eighth: hence he also forgets benefits, not because he is ungrateful, but because he compensates for them with greater ones. And he ought not remember a benefit he has given.

Ninth: he does not readily ask others for anything, both because it diminishes liberty and because, since he esteems human affairs little, he needs few things. Diogenes, when the option of asking was given and freely pressed upon him, asked Alexander not to stand in the way of his sunning himself: with a proud contempt for the king, not a magnanimous one. For the Cynic himself could have moved out of the king's shadow if he loved the sun's rays so immoderately. And so I hold the contrary opinion: a magnanimous man will ask for great things, and he will not count it among evils to be bound to another by the bond of gratitude. If, however, he judges the diminution of liberty an evil, let him reckon it among evils to be despised.

It was no less glorious for Dio Chrysostom and the hermits to intercede for the Antiochenes than for Theodosius to mitigate the punishments. With great spirit Saint Gregory placed himself before Attila raging against Italy and did not fear that he might owe a benefit to a most cruel tyrant; rather, he wished provision to be made for the safety of so many peoples. He will therefore seek great things when reason seeks them; he will by no means seek small things to another's contempt, as Diogenes did like a buffoon.

Tenth: **πρὸς τοὺς μὲν ἐν ἀξιώματι καὶ εὐτυχίᾳ μέγαν εἶναι**. He conducts himself greatly among those who are in dignity or whose circumstances are very prosperous, but moderately among those of middling station. Aristotle gives the reason: because it is difficult to rise above the powerful and **σεμνόν**, magnificent, but easy to surpass those of middling station. Therefore to conduct oneself magnificently and boast among the former is not ignoble; among inferiors it is troublesome and hateful.

That rule, not rightly perceived, brought death to Antisthenes, Aristotle's high-born disciple, as his teacher had foretold him. Nothing is more dangerous than **σεμνύνεσθαι**, conducting oneself splendidly, among magistrates and

nobles in a city. For it arouses enmities and envy, and among princes contempt and frequently hatred. As it belongs to a prudent man to avoid these things, so it belongs to a magnanimous man to despise external splendor. Let him maintain this alone: that he not consent to the vices of the powerful, not flatter, and not lose liberty in stating his opinion. I shall say more about boasting, that false imitator of magnanimity, when I have instructed courtiers and counselors.

Eleventh: this especially belongs to a great spirit, as the same Aristotle admonishes: **ὑπηρετεῖν προθύμως**--to serve others with a ready spirit. Charity does this toward a brother, humility toward a lord, magnanimity because it is arduous and difficult, but honorable, to be for the advantage of all. For a courageous man is a public good. Francis Xavier thought in a dream that he carried an Ethiopian upon his shoulders, and afterward he did no otherwise, embracing all India, Japan, and China in his spirit. His bed in the hospital was beside the man who was sick most dangerously.

Twelfth: he is slow to act unless a great matter requires speed. For he makes little of small things, does not leap at losses, and does not hurry counsels, but rules and orders. The highest things are not agitated by winds; the stars always hold the same course and do not tremble when it thunders. The majesty of a well-constituted commonwealth hears of dangers without commotion--indeed sees and undertakes them.

Thirteenth: the remaining traits are more guarded: to be **φανερόφιλον** and **φανερόμισον**, to have love and hatred in the open; not to live according to another's judgment; to conceal one's affairs from the people; not to marvel; to forget injuries; not to speak eagerly about human beings; not to dwell upon praises; not to be querulous; to prefer to possess honorable rather than profitable things. These things are in a great spirit and joined with heroic fortitude.

Magnanimity and fortitude are nevertheless not the same. Fortitude moderates fear and boldness by reason and steels one against death and torments. Magnanimity readily undertakes in every virtue whatever is proposed as great, noble, lofty, and difficult.

Confidence, or trust, is the companion of magnanimity; supported by firm hope, it provides a ready spirit in great affairs short of the danger of death. It is not broken by any difficulties. It surmounts thirst, hunger, labors, and the angers of the powerful made harsh against splendid undertakings. Patience fights against sadnesses arising from difficulties. Security excludes fears. Constancy, perseverance, and longanimity, when hope is deferred and the difficulties of labors, exiles, and prisons endure, maintain the purpose. No less do they strengthen the spirit against miseries, blandishments, and the prayers of relatives, children, and spouses, so that it may not be drawn down from its greatness by any force.

§ 4. The foremost enemy of magnanimity is **μικροψυχία**, pusillanimity: when someone imagines that the things which right reason counsels ought to be undertaken or done are too great, and his own powers unequal to so great a mass; when he flees as though from some great thing the honor of which he is worthy and which he ought to undertake. It is a grave vice and the ape of humility, from which it departs very far. For humility esteems honor and glory lightly; pusillanimity judges most badly in two matters: it both distrusts its own faculties and gifts and does not place hope in God, and it esteems those things which are not great far too greatly. When this occurs in a grave matter which imposes an obligation, the crime is manifest.

Holy men fled honors; very many bishops were created against their will--to such a degree that someone said: "Certainly he is unworthy of the priesthood unless he has been ordained unwilling; necessity alone excuses him and votes in his favor." But one thing is flight from honors through contempt for them, which humility effects; another is when they are esteemed excessively lofty, which pusillanimity effects. We see that those same men who, unwilling, were drawn to episcopates by the holy violence of the Church most fiercely defended in those episcopates their right and dignity even at the peril of life, as Cyprian, Athanasius, Chrysostom, Ambrose, and others did.

But pusillanimity belongs to few. Presumption, ambition, and the appetite for vain glory oppose magnanimity just as they oppose humility. They have overturned very many commonwealths and, unless I am mistaken, will overturn very many in the future.

I call that presumption by which a proud man, through harmful ignorance of his own faculties, undertakes works greater than his powers. They seek lofty things, they seek things that will harm them, and with Phaethon they fall from great

[Printed page 196]

attempts. Trajan, after he had carried his arms through the East almost to India and had undertaken an ambitious voyage, striving to equal Hercules and Liber, again lost provinces acquired by many labors and much blood. God is accustomed to cast down that arrogance by an unexpected destruction. Isaiah 16:6: "We have heard the pride of Moab; he is exceedingly proud. His pride, his arrogance, and his indignation are greater than his strength. Therefore Moab shall wail to Moab; all of it shall wail."

Ambition arises from pride, yet it is vainer than the very elation from which it is born. For pride fervently desires excellence itself contrary to the prescription of right reason. Ambition, a most wretched thing, burns with desire for honors; but honors are testimonies of excellence. All history teaches how many seek honors greater than their due, or seek them on account of false goods or evils, or seek them with crime; and the world overthrown in turn teaches it. This matter was treated in the chapter on humility.

Vain glory arises from the same root and does not differ greatly from ambition. We are treating the appetite for excellence, not the opinion of excellence itself and the praise in which fame also consists, but **κενοδοξία**, or the implanted desire of the soul by which glory is sought. He who is **κενόδοξος**, vainglorious, is also ambitious. For he who has placed felicity in the proclamation of another's voice and desires himself to be esteemed from that, not from conscience, also judges it right that he be honored by the bestowal of magistracies, the conferral of dignities, genuflection, and ceremonies. How much evil vanity has introduced I have already shown above. For first it assails others and then its own authors.

> **Ἀλαζονείας οὔτις ἐξέφυγε δίκας.**
>
> No one escapes the punishments of boasting.

It is no less a disgrace for virtue to serve glory than to serve pleasure. Next, this very thing belongs to a small spirit: to seek glory, that is, the most uncertain and fragile thing of all. It is a delicate thing. Most people report what they do not know; they nevertheless cause the lover of glory, while he himself knows that they err, to believe those who do not know--or to rejoice as though he believed them.

CHAPTER XXI

Charity, the Queen of All the Virtues, Ought to Be Esteemed Most Highly in the Commonwealth

§ 1. I have now led forth the chorus of the virtues; the whole company descends into the orchestra of the commonwealth, to be imbibed by minds, not by eyes. If those precepts of the virtues seem to you either long or too numerous, love the commonwealth, love the citizens: you have now fulfilled them all. There is no surer art of ruling than to love one's subjects. If, therefore, there is no leisure to unfold all the pages of Scripture, hold fast to charity, and in it you will find all knowledge. Augustine, Sermon 39 *On Time*: "For the fullness of the law is charity." It is the supreme mystery of faith and the treasure of the Christian faith. It is the highest worship of God; it contains all things; it is the principal good of man and the token of the Christian, the foundation of peace, the bond of unity, without which not even the virtues themselves are pleasing; more excellent than all the gifts of God, at once the pillar and summit of holiness, the death of crimes, the life of virtues. If it is present, no great art is needed. Whoever has loved the commonwealth and its citizens as sacred things is sufficiently versed in politics. Charity is ingenious in devising benefits; by its own nature it is suited to governing men.

At first nations lived without laws and without a judge; they entrusted themselves to the charity of one man, not to his power. There were not so many precautions of ruling; rather, children were as though in the power of parents: under the leadership of charity men commanded and obeyed. From this, flattery devised a form of address of the highest honor, so that it might call princes fathers of the fatherland. For they judged a name of love greater than a name of majesty.

Society cannot remain safe except by love and the preservation of its parts. Seneca, Book 2 *On Anger*, chapter 31: if the members disagree, if the neighboring member snatches away the nourishment of another and, after the other has been crushed, grows beyond due measure, a monster is born from a beautiful body. The safety of his fellow citizens ought to be as dear to each man as his own. Wherever a battle line is discordant, it is open to the enemy. A commonwealth is very like a triumphal arch suspended in a lofty vaulting: that mass cannot be bound together by iron or mortar; its parts sustain one another by mutual agreement. Stone holds stone; the prince rises above them like the crown of the vault and is supported by them all; unless all are joined to him, they fall. Love, therefore, and love alone, holds together and strengthens a polity. Gifts cannot do this; blandishments cannot do it. If you have enticed any men by gifts, when hope has ceased, love will be dissolved; if someone's greed has wrung out harsh words, the fruit of blandishments will end in anger. Let mutual love remain as the cement of a great building, and let that which the pagan said remain: "May God love you just as you love us." Pliny, in the *Panegyric*. Let the prince certainly persuade himself that all his subjects are making this prayer. Let him live and reign in such a way that, with a tranquil and secure mind, he can utter that prayer in the sight of God. Girt with weapons and an executioner, he can terrify; he cannot compel men to love.

§ 2. The effect of charity is to fear for one's subjects, not to fear one's subjects; and happy is the commonwealth in which, without ceremony and with the mind as witness, the citizens pray for life for their magistrate--not because they fear a worse one, but because they desire no better one. This truly follows upon charity, because it commands all the virtues, disposes the services of all, indeed animates the virtues themselves. It is the expeller of all vices and the reconciler of the virtues. "Charity is patient," 1 Corinthians 13:4; "it is kind. Charity does not envy, does not act perversely, is not puffed up, is not ambitious, does not seek the things that are its own, is not provoked, thinks no evil, does not rejoice over iniquity, but rejoices together with the truth; it bears all things, believes all things, hopes all things, endures all things."

Behold: what is scattered among many virtues, charity alone has gathered into a narrow compass, embracing within itself the worth of them all and the majesty of the virtues. Saint Gregory explained these things in Book 10 of the

Moralia, chapter 6: "Love of one's neighbor is derived from two precepts, since it is said both through a certain righteous man: 'See that you do not do to another what you hate to have done to you by another'; and Truth says through himself: 'The things that you wish men to do to you, do you also to them.' By these two commandments, namely, of each Testament, malice is restrained by one and kindness is bestowed by the other, so that each man, by not doing the evil that he does not wish to suffer, may cease from the work of harming; and again, by bestowing the good which he desires to have done to himself, may exercise himself out of kindness for the benefit of his neighbor. But assuredly, while these two are considered with solicitous attention, the heart is stretched toward innumerable services of the virtues, lest either the restless mind burn with desires to inflict the things which it ought not, or, relaxed by idleness, become sluggish in rendering the things which it ought.

[Printed page 197]

"For when it guards against doing to another what it is in no way willing itself to endure from another, it looks around itself with solicitous attention: lest pride raise it up and exalt the mind by casting it down even to contempt of its neighbor; lest ambition tear thought apart and, while expanding it toward seeking the possessions of others, constrict it; lest lust pollute the heart and corrupt it, subjected to desires, through unlawful things; lest anger exasperate it and inflame it even to the utterance of insult; lest envy gnaw it and, emulous of the good fortunes of others, consume it with its own flame. Again, when it considers that it should do to another those things which it expects to be done to itself by another, it assuredly weighs how good things may answer evil things, and better things answer good things; how it may show the meekness of long-suffering toward the insolent; how it may bestow the grace of kindness upon those languishing under the plague of malice; how it may unite the discordant by peace and gird the concordant for the desire of true peace; how it may distribute necessities to the needy; how it may show the way of rectitude to those who err; how it may soothe the afflicted by word and compassion; how it may restrain by rebuke those inflamed with desires for this world; how it may mitigate the threats of the powerful by reasoned argument; how, by whatever aid it has strength to supply, it may lighten the distresses of the oppressed; how it may oppose patience to those who resist without; how it may show discipline together with patience to those who grow proud within; how, toward the faults of subjects, meekness may so temper zeal that it does not enervate it from the pursuit of justice; how zeal may so burn for punishment that, nevertheless, in burning it does not cross the boundary of piety; how it may provoke the ungrateful to love by benefits; how it may preserve all who are grateful in love by services; how, when it cannot correct the evils of neighbors, it may be silent; how, concerning those things which can be corrected by speaking, it may fear that silence is consent; how it may so endure the things about which it is silent that it nevertheless does not conceal the poison of grief in the mind; how it may so extend hands of kindness to the malevolent that it nevertheless does not depart from the law of rectitude through favor; how it may bestow upon its neighbors all that it has strength to bestow, but, in bestowing these things, not be puffed up; how it may so fear the precipice of swelling pride in the good things which it shows that it nevertheless does not become sluggish in the exercise of good; how it may so distribute what it possesses that it attends to how great the liberality of the one who rewards is, lest, when it gives earthly things, it fear its own poverty more than is necessary and, in the offering of a gift, sadness obscure the light of cheerfulness."

§ 3. Charity does not merely govern the actions of the other virtues; it especially sharpens and strengthens fortitude. Charity for fatherland and citizens brought it about that Gideon, with three hundred men, attacked innumerable forces of enemies, preferable to Leonidas not only in faith and piety but also in the good fortune of victory. Judges 7. Thus Samson alone fought against the Philistines, Judges 15. Thus Jonathan, with his armor-bearer alone, routed the camp of the enemy. David struck down Goliath. "For who is he," he says, "who is this uncircumcised Philistine, who has dared to curse the army of the living God?"

Why should I recount Mattathias and Judas and his brothers? 1 Maccabees 2. "Woe is me," says Mattathias, "that I was born to see the destruction of my people. To what purpose, then, do we still live?" And he rent his garments, and so forth. Indeed, this was the opinion of all nations: that one ought to die for the fatherland. Nor are distinguished

memorials of the Horatii, the Mucii, the Decii, and the Torquati lacking, although they are not without the errors of those times, which God despised.

The Spartans had cast the envoys of the Persians into wells, contrary to the law of nations, so that they might receive at the same time the earth and water which they demanded as the two signs of acknowledgment of royal servitude. When a pestilence afterward arose, the soothsayers reported that Talthybius, Agamemnon's herald, who was worshiped as a god at Sparta, had been offended, and that the shades of the Persians had to be appeased by the blood of citizens. They therefore proclaimed that, if anyone wished to die for the fatherland, he should report this to the ephors. Sperthias and Bulis at once presented themselves; having gone to Xerxes, they offered themselves as victims for the fatherland. But he, with great spirit, granted both pardon to the city and life to them, and even tried to retain them with him by immense promises. They answered him: "What thing, O king, do you judge to be of such value among us that it does not separate us from our fatherland, since, led by charity for it, we undertook so long a journey in order to die? And so may it be permitted to us through you to enjoy its sweetness, for which we have determined to expend our life." Great was their love of fatherland, firm not by impulse but by judgment, although an erring judgment; induced by it, they traversed a journey so great as others would scarcely undertake for the sake of life.

More bravely, Attilius returned for reverence for his oath; for charity toward his fatherland he took severe counsel against his own life. The mother of Cleomenes, the Spartan king, also acted with a manly spirit--if only perjury had been absent. When she saw that she, as a hostage, was obstructing a salutary peace, she informed her son that he should not omit an honorable thing beneficial to the fatherland on account of the body of an old woman. Nor did that mother love the fatherland less who killed her cowardly son: antiquity judged her **ἀστοργίαν**, her want of natural affection, worthy not merely of no punishment but even of praise, and commemorated the deed in verse:

Τὸν παραβάντα νόμους Δαμάτριον ἔκτανε μήτηρ,

Ἃ Λακεδαιμονία, οὐ Λακεδαιμόνιον.

His mother killed Demetrius for transgressing the laws--a Spartan woman, not a Spartan man.

Another struck down with a roof-tile a son who was returning and reporting the fate of his fellow soldiers. Eristhenes, after he had fought badly, was killed by starvation by his mother. Ovid, in the *Ibis*:

And, bound at the threshold of a dwelling, may you suffer hunger,

as he to whom his own parent gave the law of punishment.

Those things were barbarous; yet they loved their barbarous fatherland so much that they judged it right for it to be preserved by acts of parricide. Nevertheless, they judged this rightly:

Οὐδὲν γὰρ ἐπαναγκαιότερον πατρίδος.

Nothing is more closely bound than the fatherland. Cicero, Book 1 of *On Duties*: the fatherland is the common parent of all, the most ancient and most sacred, which alone has embraced all the affections of all men. And in Book 1 of *On Ends*: the fatherland is dearer to us than we ourselves. It seemed to Plato, in Book 15 of *On Laws*, that the fatherland is mistress and goddess and must be consoled more than one's mother herself. And in the *Crito*: "Are you so wise," he says, "that you do not know that far greater honor must be paid to the fatherland than to parents, and that reverence for it ought to be more sacred, both among the heavenly ones and among mortals who are participants in any understanding at all; and that it must be obeyed and complied with, though harsh and morose, and whatever it commands must be done promptly and quietly, even if it commands that we be beaten, that we be bound with chains, that we be involved in war, and that we suffer wounds and death itself? Resistance must in no way be made, nor must the ranks be deserted: thus justice requires."

For this reason Codrus, Lucius Tubero, and innumerable others cast away their lives. Others restored the fatherland with great spirit. When, at the battle of Cannae, the Roman state had been brought to the utmost extremity and noble

young men, under the leadership of Metellus, were deliberating about deserting Italy, Scipio, by fear of death, compelled them to swear according to his words that they would never desert the fatherland. Deservedly, indeed: for charity casts fear outside,

[Printed page 198]

as Saint Ambrose says on Psalm 118: “In general, indeed, charity excludes fear: thus the soldier who loves the emperor does not fear wars undertaken for the emperor; thus the servant who loves his lord, although he is sent through uncertain and precipitous places, nevertheless despises all dangers through love of his lord, and, if anyone attacks his lord, he does not hesitate to offer himself; thus he who desires to see his children situated across the sea does not fear shipwrecks, enters the waves of the sea through charity for his children, and undergoes the uncertainties of a voyage, but his desires for his children lighten the fear of danger. How beautifully this is also said concerning the martyrs, who truly serve as soldiers for Christ, who, not fearing persecutions, claws, swords, and fires, offered themselves to hostile kings.”

Nor does that city fear an enemy--and, what very rarely is possible, not even a citizen--where charity guides the reins and makes the enactments of the laws salutary by equity and clemency. One bears the burdens of another and is not weighed down by the burdens.

Charity must also be shown to enemies, and especially in the same commonwealth, in which no one is an enemy to another except through private rivalry.

The love of citizens for one another and toward the prince is preserved best by equality of laws, by a sharing of calamities when they must be undergone, by fellowship in honors, by modesty, and by gentle manners. Finally--and this is the chief point--if the prince wishes to be loved, let him love, and let him so love that the commonwealth feels that it is loved. For charity is reciprocal and returns the exchange to one who loves. Moschus says well:

Στέργετε τοὺς φιλεῦντας, ἵν᾽ ἢν φιλεῖτε, φιληθῆτε.

Love those who love you, so that, when you love, you may be loved.

If the people feel that they are loved by the prince, the senate, and the nobility, there is nothing so arduous that they will not do it for their sake; if the prince understands the fatherland’s love toward him, he will strive with every force of his resources to benefit those who love him. And above all, he will not place trust in flatterers, informers, and swindlers, the bloodsuckers of the people. Rather, he will treat them as a father treats his children, and they in turn will obey him as children obey a parent, and they will not listen to seditious tribunes. For a father does not readily offer an ear to calumnies against his children, nor can accusers of a parent be heard by children without crime. Hence also the minds of subjects are joined more closely to one another, as though under one father. Their dissensions in the city are what wounds and convulsions are in the body; unless these are healed, they not only deform all beauty but also take away health and life.

§ 4. Nor will it be difficult for a Christian prince to love his subjects if he considers that they are loved by God, redeemed by the price of most sacred blood, and destined to be endowed with the heavenly city. If he also considers this: whatever benefit he has given to one of the least, Christ regards as received by himself; it is entered into the heavenly accounts. How many thousands can a prince benefit, and in each one merit favor from God? Charity has been commanded to all, but princes have immense material for it: great resources, supreme authority, and myriads who need their aid and protection.

§ 5. Charity for the fatherland must indeed be commended to all; but frequently private advantages are sought under that color and pretext. The *Constancy* of Lipsius exposes that disguise of many men--or the theatrical performance of a great part of them--in Book 1, chapters 8, 9, and 10. Nevertheless, the safety of the fatherland, that is, that condition of the commonwealth, ought to be the concern of every single person, and it is sweet to die for the fatherland. In one

body the several members care for the whole, for the safety of each is derived from the whole. Exiles teach how great that obligation truly is. Euripides, in the *Phoenician Women*:

Τί τὸ στέρεσθαι πατρίδος; Ἦ κακὸν μέγα;

Μέγιστον· ἔργῳ δ᾽ ἐστὶ μεῖζον ἢ λόγῳ.

"Is it a great evil to be deprived of one's fatherland?" "It is the greatest; in fact it is greater than in speech."

Yet almost more men pass their lives outside their fatherland than within it; many things draw many men away from their fatherland either perpetually or at fixed intervals of time. Nevertheless, affection toward the fatherland remains, and certainly ought to remain, even in those far away. These are the words of Sinon, that is, of the little fox:

I am bound by no laws of the fatherland.

But he truly loves the fatherland who labors without advantage to himself, when in the common calamity his own threshold is not touched; who judges every region of the world to be a fatherland to the brave man, but judges that to be the fatherland to which we are all called, that is, heaven. Every land is exile; nevertheless, the laws of exile must be observed, so that the return to the fatherland may be easier. But enough of these things. The prince must be admonished of this again and again: that he should not wish his fatherland to grow with injury to others. That is not charity, but madness. It enjoys a moderate good more quietly; many deaths are expended upon great empires. Let this rather be done: that the inhabitants of every city may migrate to the true fatherland. If it alone surpasses the affection of a parent, let love be expended in seeking the highest good and felicity.

I end this chapter with Augustine's letter to Bishop Nectarius, who was seeking intercession for his fatherland, that is, the colony of Calama, in which idolaters had killed some Christians and despoiled many. He answers thus in Letter 202: "That, with your limbs now growing cold in old age, your spirit glows with charity for your fatherland, I not only do not wonder at but praise; and I receive not unwillingly--indeed, even gladly--the fact that you not only retain in memory but also demonstrate by life and conduct that, for good men, there is no measure or end to consulting the welfare of their fatherland. Hence we would wish to have you yourself as such a citizen also of a certain fatherland above, in whose sacred love, according to our measure, we undergo danger and labor among those whom we counsel to obtain it: so that you would judge that there is no measure or end to consulting the welfare of that little portion of it which sojourns on this earth; becoming so much the better as you would first render the duties owed to a better commonwealth; destined to find no end to rejoicing in its eternal peace, since you would set for yourself no end to consulting its welfare amid its labors for a time."

And a little afterward: "However near your age is to its end, you desire to leave your fatherland safe and flourishing. Let all those vain and insane things now be taken away; let men be converted to the true worship of God and to chaste and pious conduct. Then you will see your fatherland flourishing, not in the opinion of fools but in the truth of the wise, when this fatherland of your carnal generation shall have become a portion of that fatherland for which we are born not in body but in faith, where all the saints and faithful of God, after the wintry labors, as it were, of this life, shall flourish in unending eternity. It is therefore our concern neither to lose Christian gentleness nor to leave in that city an example of imitation pernicious to others. How we may do this, God will be present to aid, if he is not so gravely indignant with them. Otherwise, both the gentleness which we desire to preserve and the discipline which we strive to employ with moderation can be hindered, if something else pleases God in his hidden counsel--whether, in judging, he wills so great an evil to be punished with a severer scourge; or, being even more vehemently angry, he wills it to be unpunished for a time, if they are not corrected and converted to him."

Therefore, just as provision is made for children and grandchildren so that the license by which they may perish is denied them, so also provision must be made for the fatherland, that it may flourish by virtue, piety, and justice; that it may not oppress other fatherlands by an unjust war or by fraud and separate itself from the true fatherland. For safety is imperiled as much by doing injury as by receiving it.

ADAM CONTZEN

TEN BOOKS OF POLITICS

BOOK FOUR

On the Education of Youth

CONTENTS

Chapter I. The Supreme Necessity of Educating Youth 4

Chapter II. Precepts Necessary for the Education of Youth, Given to All 9

Chapter III. Care of Infants Also Belongs to the State 12

Chapter IV. Infants Also Need Education, and What It Is 17

Chapter V. The Education of Boys Who Are Now More Grown, the Matters in Which It Is Occupied, and Morals 21

Chapter VI. Upright and Learned Masters Must Be Placed over Youth 25

Chapter VII. Pupils Must Be Admitted to the Study of the Liberal Arts and Sciences with Great Care in Selection 39

Chapter VIII. Certain Rules of Conduct Must Be Prescribed for Students 47

Chapter IX. Professors of the Sciences Must Be Held in Honor 63

Chapter X. Youth Must Be Kept to Its Duty by Moderate Punishments and Blows 70

Chapter XI. Learning Is Honorable and Necessary to the State 76

Chapter XII. The Study of Letters Does Not Obstruct Political Prudence, Whether Civil or Military 83

Chapter XIII. Academies and Public Schools Must Be Established 90

Chapter XIV. Privileges Must Be Granted to Professors and Students, and Which Privileges Are Suitable 94

Chapter XV. There Are Many Other Privileges of Students, and What They Are 99

Chapter XVI. Degrees and Honors Must Legitimately Be Conferred upon the Learned, and Must Be Highly Esteemed 110

Chapter XVII. An Enumeration of the Things That Must Be Learned 130

Chapter XVIII. How the Elements of Grammar Are to Be Taught 134

Chapter XIX. On Poetry 138

Chapter XX. Eloquence in Prose Speech 155

Chapter XXI. The System and Method of Learning Eloquence 162

Chapter XXII. That a Prince Can Have Professors Who Accomplish All These Things 176

Chapter XXIII. Philosophy Is Useful to the State, and How It Is to Be Taught 180

Chapter XXIV. On the Study of Logic, Physics, Metaphysics, and Mathematics 190

Chapter XXV. That the Greatest Care Ought to Be Taken for Medicine 194

CHAPTER I

The Supreme Necessity of Educating Youth

ON THE EDUCATION OF YOUTH

§ 1. Crates once wished to ascend the highest place in the city and to cry out with the utmost exertion of mind and voice:

> Ὦ ἄνθρωποι, ποῖ φέρεσθε, οἱ τῆς μὲν χρηματικῆς κτήσεως πέρι πᾶσαν ποιεῖσθε σπουδήν· τῶν δ’ υἱῶν, οἷς ταῦτα καταλείψετε, μικρὰ φροντίζετε;

For Plutarch reports that these were his words in the book **Περὶ παίδων ἀγωγῆς**. “Whither are you rushing, O mortals, who apply yourselves with great zeal to acquiring wealth, but take little care for the sons to whom you will leave it?” Plutarch declares that he himself would add: Fathers of this sort do the same thing as those for whom the shoe is an object of care, but the foot of neglect. Now this is so frequently impressed upon foolish parents that they grow deaf to salutary admonitions, like inhabitants beside the Nile to the sound of the Cataracts. So far are they from being moved by words that they do not become wise even through losses. Nor is it worth the effort to gape against a furnace, as they say, and oppose oneself to a powerful error. That caution belongs to kings and magistrates: so great an evil can be corrected only by the highest authority. Parents neglect discipline; many do not even permit their sons to be rightly educated. They favor vices against pedagogues and masters; many also corrupt those ready to learn wickedness by their own example.

From this arise great evils for the state, for from the education of youth comes its one salvation.

> Συνελὼν τοίνυν ἐγὼ φαίην μᾶλλον, ἢ παραινῶν δόξαιμι ἂν εἰκότως, ὅτι ἐν πρώτῳ, ἐν μέσῳ, καὶ τελευταῖον ἐν τούτοις κεφάλαιον, ἀγωγὴ σπουδαία καὶ παιδεία νόμιμός ἐστι.

Embracing the whole, therefore, I say--and I might seem to utter oracles rather than to exhort--that the first, middle, and last thing is careful education and lawful instruction. For nature is blind, and unless it is led as if by another’s hand, and at times dragged, it goes astray. And so it is the consensus of all nations that a state cannot be safe without the right and lawful education of the first age. Among the Greeks Lacedaemon, long an emulator of good morals, excelled in prudence in this matter; for it appointed **παιδονόμους** from among the leading men and frequently summoned the youth to an examination of life and virtue. The Persians also, before ill-fated prosperity overwhelmed their good laws, took great care that youth should be rightly formed. For they appointed twelve leading men to educate the boys. Xenophon, in the *Education of Cyrus*. The Egyptians and Chaldaeans were taught philosophy and the laws by their own parents, as Diodorus Siculus testifies, book 2, chapter 8. For in this seed lay the hope of the future harvest. Greater still, and belonging almost to barbarian simplicity, was the solicitude of the Indian Brahmans, who appointed a master for a newly born infant, as Alexander ab Alexandro relates, book 2, chapter 25. And indeed daily experience teaches us how great the necessity of this matter is. For just as an untamed horse that has learned neither to endure the bridle nor to bear a rider is of no use, so also the state has no need of a citizen who has not become accustomed to obey his country’s laws. It is an oracle of Plato, book 6 of the *Laws*:

> Ὁ ἄνθρωπος παιδείας μὲν ὀρθῆς τυχὼν, θειότατον, ἡμερώτατόν τε ζῷον γίγνεσθαι φιλεῖ· μὴ ἱκανῶς δ’, ἢ μὴ καλῶς τραφεὶς, ἀγριώτατον μὲν ὁπόσα φύει γῆ.

A human being who has obtained right education is accustomed to become the most divine and gentlest animal; but if he is educated either insufficiently or not well, he becomes the fiercest of all that the earth has produced.

§ 2. Therefore, unless the state has determined to nourish **ἑρπετά**, creeping things, serpents, and beasts that will rage within their mother's entrails, let it itself undertake that care. This is the counsel of Aristotle, book 8, chapter 1 of the *Politics*, whom the shrewdest of kings gave as a master to his son. No one, therefore, will call it into controversy that the lawgiver must labor especially over the discipline of the young. For when this is neglected in cities, it brings great disadvantages to the forms of administering the state: the city must be administered in a manner suited to each kind of administration of the state. For the peculiar disposition--and, so to speak, peculiar genius--of each form of administration both preserves that form and establishes it from the beginning. For example, the disposition suited to democracy establishes and preserves democracy, and that suited to oligarchy, oligarchy. And always, as each disposition is better, so it produces a better form of administering the state. Moreover, in all faculties and arts certain things must be taught beforehand and one must first become accustomed to certain things in order to perform the works and duties of each. Therefore, it is clear that antecedent studies and exercises are also needed to bring forth acts of virtue. Since one end is proposed to every city, it is clear also that one and the same discipline must necessarily belong to all, and that its administration must be public, not private--as now each person has care of his own sons privately and hands down to his sons whatever private discipline he sees fit to teach. But the exercise of common things must also be made common. At the same time, no citizen should think that he belongs to himself, but that all belong to the city; for every citizen is a little part of the city. The care of each part is naturally accustomed to look to the care of the whole. And someone may also praise the Lacedaemonians in this: they bestow very great zeal upon boys, and do so communally and publicly. It is therefore evident that laws must be written concerning the discipline and education of boys, and that this education must be common and public.

[Printed page 200]

These things apply among private persons; but the bad education of princes costs peoples dearly.

§ 3. An administrator is appointed over the household estate, a cultivator is set over the vineyards, and beasts of burden are under a keeper; the age of sons is neglected. Magistrates are placed over walls, roads, bridges, and armories; the morals of youth are counted among abandoned matters. But this is the parents' duty. It belongs altogether to parents: the law of nature and divine oracles impose upon parents the honorable education of their sons. But many fail in their duty; some are unable; others even break and utterly corrupt the minds of their sons by a wicked example and by precepts. For although every age learns, the tender age especially does so, and it retains for a very long time what it has received. Hence it happens that they are imbued before their time by the examples or vices of their parents. Newly poured plaster easily follows the guidance of a skilled hand and receives the form in which, however, it hardens. Aristotle speaks excellently in book 7 of the *Politics*, chapter 7: "Perhaps Theodorus the tragic actor did not speak badly when he said something of this kind. For he never permitted any actor, not even a contemptible one, to come forth upon the stage before him, because he thought that the ears of the spectators were seized and occupied by what they first heard. The same thing happens in meetings with human beings and in the handling of affairs. For all things first presented to us are most approved by us. Therefore all bad and vicious things ought to be as unknown to the young as though foreign, but especially those in which there is either baseness or offense to the mind."

It is plainly so: great is the authority of the things we first learn. And so Eteocles, with great prudence, refused Antipater when he sought young boys as hostages, but permitted adults. He gave as the reason that the tender ought not to be torn from parents and from a well-ordered state, lest among foreigners they should lack a good education.

§ 4. Some object to us the morals of the Scythians, to whom, they say, nature gave what the Greeks could not attain by long exercise and the precepts of philosophy. For the morals of a barbarous nation were more honorable than those of the most cultivated cities in Greece. Thus Trogus, book 2. And thus Quintilian too rightly said, "I think morals are born."

I indeed judge that nature contributes very much to virtue, and that the disposition of some is more inclined to good than that of others; but it must be strengthened by zeal, teaching, and examples. Nature gave to all the foundations and

seed of virtue; we are all born for all those things. When one who arouses it approaches, then those goods of the mind are awakened as though asleep. The impulse is from nature, but must be perfected and ruled by education, habit, and exercise. Plato denied that virtue could be taught, for he held it to be implanted **θείᾳ μοίρᾳ ἄνευ νοῦ**, by divine allotment without the movement of the mind. You may say this rightly of the beginning--for Plato indeed dreamed of those gifts of the saints--but there is nevertheless need of one who arouses it. Seneca, Epistle 95: "For no one can, unless he has been formed from the beginning and composed by an entire system, fulfill all the measures, so that he knows when one ought to act, to what extent, with whom, in what manner. Therefore he cannot strive after honorable things with his whole mind, not even consistently or willingly; but he will look back, he will hesitate."

Why, therefore, were the morals of the Scythians without philosophy better than the morals of the Greeks? History teaches us that there were two principal causes. The first is that the Scythians lacked wine, delicacies, and luxuries--the seeds and incitements of great vices--and therefore lived more incorruptly both by necessity and by ignorance of vices. All were educated for warfare, hunting, and labors, at the command of a severe mother. The other cause lay within Greece itself; for examples of living men contrary to philosophy thrust themselves before everyone's eyes. Indeed, philosophy itself, now a betrayer of an honorable cause, not only yielded to vices but consented to them. And many philosophers were more wicked than the rest, as is clear from Laertius and others. "Ancient wisdom prescribed nothing other than what was to be done and avoided, and then men were far better; after learned men appeared, good men are lacking" (Seneca, Epistle 95). Thus lesser remedies could resist the lesser evils of barbarians. Greek philosophy, which taught men to dispute rather than to live, was dragged captive by the greatest evils.

How great the force of education is Plutarch teaches best, in **Περὶ παίδων ἀγωγῆς**. "How concise and powerful diligence and labor are you will know if you consider many things. For drops of water hollow stones, and iron and bronze are worn down by the light handling of hands. Moreover, the wheels of vehicles, bent by force, can by no means be straightened again; and the curved staffs of actors can in no way be corrected, but the form which they received by labor, contrary to nature, became stronger than the natural form. Do these things alone now demonstrate the force of industry? No, but countless others. The soil is naturally productive of good, but it lies foul when neglected; and the more excellent it is by disposition, the more it grows old through inactivity when deprived of cultivation. But if some ground is more savage and rough than is proper, cultivation nevertheless immediately makes it yield excellent fruits. What else make neglected trees crooked and barren? But if they have received a good training, they turn out happy and abundantly fruitful. What bodily strength is not blunted and withered by sloth, luxury, and idleness? What nature, by contrast, is so soft that it has not grown to the greatest strength when subdued by exercises and labor? What horses, rightly broken, have not shown themselves obedient to riders? What horses, by contrast, that have remained unbroken have not turned out unmanageable and fierce? And why should you marvel at the rest, when we see that even the fiercest beasts are for the most part tamed and made gentle by industry? A Thessalian, when asked which of the Thessalians were the gentlest, also rightly answered, 'Those who have finished with war.' But what need is there to recall common things? Habit is the work of many years, and he who says that moral virtues are induced by habit does not seem to me to offend. When I have added one further example, I shall not linger longer upon this argument. Lycurgus, lawgiver of the Lacedaemonians, took two puppies of the same parents, which he did not educate in the same manner, but rendered one voracious and gluttonous, the other keen and skilled at hunting. He then summoned an assembly of the Lacedaemonians. 'Lacedaemonians,' he said, 'habit, teaching, education, and the discipline of life are certainly no slight influence upon the production of virtue; I shall make this plain to you by an example.' He immediately released those puppies after setting a pot and a hare opposite them. One ran toward the hare, the other sought the pot. When the Lacedaemonians were not yet able to conjecture what this signified or with what purpose he had shown them the puppies, he said, 'These are both of the same parents; but because they were given different discipline, this one turned out a glutton, the other a hunter.'"

Aristotle demonstrates in book 5 of the *Politics*, chapter 9, that these things pertain to the safety and overthrow of the state: "Of all the things that have been stated, the greatest for the duration and stability of states is what all now

neglect: that the education and instruction of boys be accommodated to the form of administering the state. For even the most useful laws, approved by all who live in the state, are of no use unless the citizens have become accustomed to them and have been educated for them in the state's administration: popularly, if the laws are popular; oligarchically, if they are suited to oligarchy. For if there is incontinence in one person, there is also in the city. But to be educated for the form of administering the state does not mean doing those things in which the few who hold power delight, or those to whom democracy is dear, but learning and being able to do those things by which the former will be able to maintain oligarchy and the latter to live in a democracy. But now, in oligarchies, the sons of those who govern the state overflow with delights and luxury, while the sons of the needy are exercised and accustomed to labors. And so they both have a greater will to make revolutions and are more able to do so. In democracies which retain the power of the people in an exquisite and exact manner, the contrary to what benefits the state has been established. The cause of this is that they define liberty badly. For there are two things by which democracy seems to be defined: one, that the power of the state rests with the greater part of the people; the other, liberty. For what is just seems to be equal; and what is equal, that whatever has seemed good to the multitude be ratified. But what is free and equal is that each person do whatever he wishes. Thus in democracies of this kind each lives as he wishes and 'where desire leads him,' as Euripides says. But this is evil and vicious. For one ought not to think that to live in a manner accommodated to the form of administering the state is slavery, but safety."

[Printed page 201]

§ 5. The chief care for the sons of the nobility, therefore, belongs to the highest princes. In their education public authority sins most grievously, and peoples pay for that fault with their destruction. The sons of princes are fields from which sustenance is supplied to the multitude. And the greater care is necessary because it is more difficult to find a man of such resolute spirit that he dares offend a future prince. Most prefer to be in favor with the prince than to make the prince good. Their reasoning departs as far from duty as that of physicians who, by indulging a sick man lest they displease him, kill him. Few parents do not wish their sons to be good men; most also demand that they be better than themselves. Yet there have been some who preferred them wicked. Heliogabalus wished for a son like himself and strove with supreme authority to corrupt Alexander Caesar into his own morals. Herodian narrates the matter thus in *Elagabalus*: after Alexander was called Caesar, Antoninus wished immediately to imbue him with those institutions of his, so that he would take part in choral dances and dancing, share in the priesthood, and use the same dress and arts. Yet his mother Mammaea delivered him from all that foulness, secretly sending teachers of every discipline, teaching him modesty, accustoming him to the wrestling school and manly exercises, and instructing him alike in Greek and Latin literature. Antoninus was exceedingly indignant at these things and now regretted the adoption and the sharing of imperial power. Therefore he drove all Alexander's teachers from the court, afflicting some of the more distinguished partly with death and partly with exile, and alleging the ridiculous reason that they were corrupting his son and did not allow him to take part in dances and Bacchic frenzy, but composed him toward modesty and taught him manly duties.

I think there are scarcely any who wish their own sons to be taught such things. Many nevertheless permit them. They dissolve infancy with delights; they approve with laughter the base sayings of boys who do not yet understand their meaning, certain that they themselves will become the authors of all the evils the boys will commit. Those who allow and accustom them to sin teach them to sin. Quintilian censures this most gravely among his Romans and judges thus, in *On the Orator*: "In former times, first of all, each son born of a chaste parent was brought up not in the chamber of a purchased nurse, but in the lap and bosom of his mother, whose chief praise was to guard the house and serve her children. Moreover, some elder kinswoman of approved and tested morals was chosen, to whom the offspring of every household was entrusted; in her presence it was unlawful either to say what seemed shameful to be said or to do what seemed dishonorable to be done. And she regulated not only the studies and cares, but also the relaxations and games of boys, with a certain holiness and modesty. Thus, we have learned, Cornelia presided over the education of the Gracchi, Aurelia over that of Caesar, and Attia, the mother of Augustus, over his, and raised princely children. That discipline and severity tended to this end: that the nature of each, pure and entire and distorted by no vices, might immediately seize upon honorable arts with its whole breast, and, whether it inclined toward military affairs,

knowledge of law, or the study of eloquence, might do that alone and drink it in completely. But now the newborn infant is handed over to some little Greek serving-woman, to whom is joined one or another from among all the slaves, generally the vilest and fitted for no serious service. By their tales and errors tender and unformed minds are immediately imbued. Nor does anyone in the whole house take thought for what he says or does in the infant's presence, since the parents themselves accustom the little ones neither to goodness nor modesty, but to wantonness and license, through which shamelessness and contempt for self and others creep in little by little. Indeed, the peculiar and distinctive vices of this city seem to me to be conceived almost in the mother's womb."

Now too they sin with even greater disgrace for the most part: among many a stable-boy is held in greater honor than a pedagogue.

Let no one excuse himself because he is a Christian. He incurs the guilt of the one who does a thing if he neglects to correct what he can.

The first praise of education lies in ignorance of vices--Tacitus, *Germania*; Justin, book 2--then in knowledge of virtues, and finally in daily exercise. Among the Spartans the magistrate supplied the educators.

Cyrus, though best educated, had harmful sons because he permitted them to be educated by women. It makes no difference whether wicked women educate the children of princes, or flatterers who teach them the empty forms of ceremonies while religion and prudence are neglected. Those actors will not make fathers of the fatherland.

CHAPTER II

Precepts Necessary for the Education of Youth, Given to All

ON THE EDUCATION OF YOUTH

§ 1. I have many things to say to fathers and mothers on behalf of their sons, against a useless love harmful to the state. But I fear that they will not receive them; therefore I shall refer the cause to the magistrates, for it is their duty to watch lest a criminal citizen be educated for the state. For if he turns out a drunkard, spendthrift, adulterer, turbulent man, robber, or slanderer, he will also be a traitor to his fatherland, if he is able. I propose certain things generally, not as though unknown, but because I desire that they be brought into practice; for they have now long been neglected.

§ 2. The first precept is necessary and difficult: that the life of father and mother, brothers and kinsmen, be the discipline of the new Roman citizen. He will truly learn what he has seen in his father. He thinks first of all that what he sees his father doing is permissible. It is a welcome thing that you have given a citizen to the fatherland and the people, if you make him fit for the fatherland. You will not do so if by your example you show him how to follow vices. The force of example is great toward all,

[Printed page 202]

but it is entire in teaching the tender: they cannot judge; what they see, they follow. The eagle leads its young out to hunt; the younger dog learns from the older to watch for the beast; the young bull submits its neck to the yoke after first accompanying an ox. Thus the son thinks that the occupation in which he sees his father engaged is a dignity, not a labor. O happy young man, who have above all a man to imitate whom nature willed you to resemble most closely! Pliny, book 8, Epistle 13. A son's great happiness is not a rich or powerful father, but a good one. Sometimes Absalom is born from David, Manasseh from Hezekiah, Jehoahaz from Josiah; and conversely bad sons are born from good men, and the sons of heroes are banes. But as it is easy for descendants to degenerate from paternal virtue, so it is exceedingly rare for those who have had the first lessons of their fathers' crimes to turn out upright. Such men you may rightly call sons of God, because by virtue they have overcome nature.

§ 3. The second precept tends to the same end: that the parent have an honorable, pious, and chaste household. A wicked household is a great and widely spreading evil; it has deceived the holiest men and overthrown royal houses. Do you marvel that in the court of the holiest king and prophet Amnon commits incest and Absalom, stained with his brother's murder, seeks his father's throat? Cease to marvel: Joab, the slayer of two princes, held power. Ahithophel's counsel was regarded as though it were the counsel of God--the counsel of the man who inflamed the son against his father's bed and blood. A criminal little servant harms a son's morals as much as a bad father does. For in the presence of any father whatsoever reverence and nature produce some shame at sin. Wicked Pseudoluses and Sosias, while they ennoble the sons of households with crimes, pursue their own advantage. As Theodosius was dying, nothing was higher among his wishes than to assign good ministers to his sons Arcadius and Honorius. You turn away a pestilential, leprous, or epileptic servant, for he would bring death and infamy upon the house and distribute contagion among his companions. Yet, softened by a friend's recommendation or by compliance, you tolerate wicked ministers who will infect your sons with a foul plague. And what is most wretched, they will make them your enemies.

§ 4. Imitate the institution of the Persians: remove your sons from the sight of the household and the marketplace, even from your own and their mother's sight if you must act amid the crowd. Harden yourself bravely here; conquer your affections; let the wisdom of a manly spirit overcome the tenderness of love. Persian sons lived apart from the household; Romans kept boyhood guarded at home and passed youth in war. Young men were immediately imbued with military service, so that by obeying they might become accustomed to command, and by following, to act as leaders. Pliny, book 8, Epistle 14, gives the reason. Tacitus, *Annals* 2: city youths overflowing with luxury are better

kept in camps. The Persians did not admit sons into their sight before the fourth year; the Gauls, not until adulthood. But let him send the boy where he may advance in virtue, lest in his absence he encounter seducers, for corruptions are everywhere.

§ 5. Nevertheless, let him observe moderation in sending the boy away. Let him not send younger boys far away to travel or for a long time, but entrust them to nearby teachers, so that he may be able to learn of his son's progress and may not receive him back corrupted by the morals of a foreign nation, forgetful of his paternal tongue, and contemptuous of the laws and customs of his own people. For a tender age drinks in all those things, but evils more quickly. A boy is educated more indulgently abroad when he is far away and absent for a long time, unless the greatest care is applied, and precisely the kind that a prudent father would apply. Furthermore, the travels of boys are useless, for they cannot observe the situation of towns, the advantages of rivers, the suitability of harbors, much less the morals, institutions, and laws of nations. Therefore that wandering does not serve prudence but harms talent and studies; from it most have brought back foreign vices, having forgotten the virtue of their fatherland.

§ 6. Let the parent imitate the Laconians: let education be severe and mixed with labors and adversities. Let the little boy have someone whom he reveres; let him have something whose denial pains him. Let him also at times be compelled to yield. For unless he is restrained by many bridles, since he lacks prudence he must necessarily be driven by very great and various desires, so that if you give him the reins, he turns out most wanton and obstinate. Indeed, he will put on a nature which no later discipline will shake off. Therefore let delights be taken away; let him feel reverence and fear. A father who indulges his son is a tyrant. Part of the cruelty of tyrants was to corrupt by luxury the sons of men whom they wished destroyed. Dionysius, tyrant of Sicily, when he could harm Dion in no other way, commanded his wife to marry another and his son to be so educated that before the years of puberty he was overwhelmed with wine, feasts, and prostitutes, to such a degree that he was allowed to be sober at no time. When the tyrant had been expelled, the father returned home; but when he attempted, by placing guards over him, to bring his son back to good conduct, he understood to his great grief how much force the first rudiments of education possessed. For the son, indignant that his accustomed pleasures were withdrawn, hurled himself from the highest part of the house and ended his life together with his delights. A prudent father will therefore preoccupy every path, and the whole state will apply itself to this end: that there be no access to vices. For after their poisons have poured themselves into the vital parts, either medicine is late or a dangerous medicine must be applied, because mild remedies yield to great evils. Hence disinheritances, prisons, custody, and at times hidden executions. The cause of these evils is often indulgence in education. What Aristotle pronounced in book 1 of the *Ethics* is most true:

> Οὐ μικρὸν οὕτως ἢ οὕτως εὐθὺς ἐκ νέων ἐθίζεσθαι διαφέρει, ἀλλὰ πάμπολυ, μᾶλλον δὲ τὸ πᾶν.

It is not a small matter to become accustomed from tender years in this or that manner, but an exceedingly great one; indeed, the whole depends upon it. Therefore appear more austere and stern toward the son whom you especially love.

> Those whom you shall establish to raise up the hope of your race,
>
> Bestow especial labor upon them even now, from tender years.

§ 7. Let discipline be seasoned with sweetness: let gentleness be joined to constant and even gravity, severity, and command, a gentleness that may make labors and exercises seem honorable and pleasing. I do not wish a father to be so severe that his son performs the labors of studies or other duties through fear alone. For the harshness of the one commanding renders odious things otherwise pleasing and suited to the disposition of young men. Therefore let severity be employed so that he is drawn back from vices, idleness, and expense; gentleness, so that he is led civilly and sweetly to honorable things. Let him always hope for the rewards of good deeds, and experience pardon and impunity for offenses as most difficult to obtain.

§ 8. Let the educator recognize the disposition of each. So great is the variety of different talents that, when one comes to particulars, diverse and almost contrary arts must be employed. Some are led to duty by threats; others, indignant,

cast away the things upon which they had set their affection; others, stunned, take flight. A good disposition rises through praise; light talents swell; the proud become obstinate. Praise has harmed many.

[Printed page 203]

But amid this variety of talents, many deceive many. Therefore the things I have said are entirely general. No disposition is so well born and so upright that the examples of parents and household do not corrupt it; none is such that it must not be constrained by severity and fostered by gentleness, because all have received seeds of the virtues implanted in their minds. In order that these may grow into fruits, they need not only seasonable sun and rain, but also winds and cold, so that they may be strengthened and put forth roots. Other matters concerning sobriety and the choosing of masters require their own treatment; for the present it is sufficient to have given these admonitions generally.

CHAPTER III

Care of Infants Also Belongs to the State

ON THE EDUCATION OF YOUTH

§ 1. Human beings need the greatest care and nurture because they are the tenderest animals, and the greatest restraint because they are impetuous and light. Let us therefore treat their education from their very birth and beginnings.

First, it is in the interest of those who are born that there be prudence in their parents' entering marriage. It is advisable that epileptics, lepers, and those suffering from cancer or another disease abstain from marriage, lest by contagion they transmit a dreadful inheritance to posterity. For a city could be filled with such families. For if the horror and danger of those diseases is so great that, although the marriage bond remains altogether indissoluble, cohabitation and the use of marriage are nevertheless removed, who could doubt that those marriages are contracted imprudently whose separation is prudently established on account of the danger of contagion? Those are private injuries, but they overflow into the state. Our most learned and diligent Thomas Sanchez, book 9 *On Matrimony*, disputation 24, numbers 15, 16, 17, and 18, teaches that the obligation consisting in cohabitation and the use of marriage ceases if one spouse labors under a horrible and contagious disease. The third opinion, to which I wholly adhere, teaches that the healthy spouse is by no means bound to render the debt when, in the judgment of physicians, a notable danger of infection threatens. Nor does the text in chapter 2, *On Leprous Spouses*, stand in the way; for it is understood of a case in which that rendering does not result in notable injury to the one rendering. And thus St. Thomas and the other Doctors cited at number 15 for the first opinion are understood, as is clear from the reason by which they prove it: namely, that from so brief a union no danger of infection threatens. Therefore they plainly judge that, when such danger threatens, the obligation of rendering ceases. Nor does the reason for the second opinion, brought forward at the preceding number, stand in the way. For no one by contracting marriage obligates himself to render except with the safety of the individual preserved, as we proved at number 2. And the reasons adduced there plainly prove this opinion.

Among theologians it is defended by Durandus, book 4, distinction 32, question 1, number 8, where he argues against Major's first argument to the third conclusion; Paludanus, question 1, article 2, number 7; Almain, sole question; Soto, sole question, article 1, reply 2; Ouandus, sole question after proposition 2; Celaia, question 1, argument 2; Palacios, disputation 1, solution 704; D. Antonius, part 3, title 1, chapter 20, §10 to the end, in the fourth case; Cajetan, *Summa*, word *matrimonium*, final chapter, concerning sins in the use of marriage, verse "The first is"; Victoria, *Summa on Matrimony*, number 275; Medina, chapter *On Restitution*, question 19, final section; Petrus de Soto, lecture 16 *On Matrimony*, § "There are also besides these"; Ledesma, part 2, question 4, question 66, article 1, folio 524, column 3; Angles, *Flowers*, part 1 *On Matrimony*, question 6, *On the Obligation of Rendering the Debt*, article 1, difficulty 1; Pedraza, *Summa*, precept 6, §18; Enriquez, book 11 *On Matrimony*, chapter 15, number 7; Manuel, volume 1 of the *Summa*, second edition, chapter 243, number 2; Bartholomaeus a Ledesma, doubt 71 *On Matrimony*, conclusion 1; Petrus de Ledesma, *On Matrimony*, question 64, article 1, doubt 2, conclusion 1; Ludovicus Lopez, part 1 of the *Instruction*, chapter 83, § "But concerning a leprous husband," and part 2 *On Matrimony*, chapter 56, immediately at the beginning; Graffis, part 1 of the *Decisions*, book 2, chapter 83, number 6; Cannedo, *Summa of the Sacraments*, *On Matrimony*, chapter 8, number 72; Emmanuel Sa, *Summa*, word *conjugal debt*, verse "excuses from rendering"; Vega, volume 1 of the *Summa*, chapter 78, case 3; and, among jurists, Rosella, word *leper*, number 2, where Angelus, number 2; Sylvester, word *debt*, question 1, verse "the second is," and word *leprosy*, question 3; Tabiena, word *matrimony*, question 3, §6, §7 at the end; Armilla, word *debt*, number 3, word *leprosy*, number 3, and word *matrimony*, number 69; Turrecremata, chapter *Sciatis*, cause 33, question 4, article 1, number 2, case 3; Navarrus, *Summa*, chapter

16, Spanish number 24, Latin number 25; Gregorius Lopez, law 7, word *suadendo*, title 2, part 4; Gaetanus, repetition on chapter *Ad limina* 30, question 1, §4, number 175.

It must nevertheless be observed that if infection is feared from frequent intercourse, but not from one or another act, the spouse is bound to render once or twice, but not frequently. For the entire reason for the cessation of the precept of rendering is fear of infection, and therefore it will cease only to the extent that such fear exists. Thus Palacios, book 4, distinction 32, disputation 1, solution 705.

Exactly the same must be said if one spouse suffers from the French disease; for the healthy spouse is not bound to discharge the debt at the danger of notable infection to himself, because the reason is the same as with leprosy. Thus Victoria, *On Matrimony*, number 275; Soto, book 4, distinction 32, sole question, article 1, reply 2, verse "indeed"; where Celaia, question 1, argument 2; Palacios, disputation 1, folio 705, verse "But it still torments"; Enriquez, book 11 *On Matrimony*, chapter 35, number 7; Petrus de Ledesma, *On Matrimony*, question 64, article 1, doubt 2. Indeed, the same must be said of any contagious disease, for the same reason. Medina, chapter *On Restitution*, question 19, final section; Ledesma, part 2, question 4, question 66, article 1, folio 524, column 3; Bartholomaeus a Ledesma, doubt 72 *On Matrimony*, conclusion 1; Armilla, word *debt*, number 3, and word *matrimony*, number 96.

Since among the Hebrews, Persians, and other states lepers are separated from the city, it is not fitting for them to establish a new state and produce so miserable a posterity, which will also draw the sound part into its condition.

Other things must no less be avoided. Namely, when a fever attacks either spouse, let them sleep apart by mutual consent, for the offspring will be born sickly and **βραχύβιος**, short-lived, and even stupid if the fever is more ardent. Next, abundance and crudity of food, and especially drunkenness in the begetters, is the cause of various diseases in those born, renders them dull, and makes them altogether unfit for learning. Far more so does the intemperance of overheated lust. For it renders the body **ἀραιότερον, ψυχρότερον, ξηρότερον, καὶ ἀσθενέστερον**, rarer, colder, drier, and weaker, as Paulus Aegineta teaches in book 1, with the others agreeing. Rareness, coldness, dryness, weakness, premature old age, and untimely death follow from it. A citizen born from this turns out weak in body and slow in mind; and, what is the greatest evil for a weak and stupid boy, while still immature he carries his parent to the grave, becoming either captive to the negligence of guardians or prey to their rapacity. Let these remarks concerning the begetting of offspring suffice; let us treat of their upbringing.

§ 2. Therefore, when a human being has been born into the light--a sacred and divine thing, an image of his creator--let not only the mother, released from the pains of childbirth, but the whole household give thanks to God with its whole mind. For children are the pledges of marriage and rewards of pains, but a new care for those bringing them up. Let them offer the infant

[Printed page 204]

to God, so that, as he was formed in the womb, he may be re-formed in the laver. And what is chief, let the mother herself be nurse and bearer; let the infant be nourished in the bosom of her from whose entrails he issued. No nourishment is healthier for the newborn than maternal milk. It is the work of nature to provide nourishment for the newborn, Aristotle, book 1 of the *Politics*, chapter 10. Varro wished nurses and mothers to be the same persons. Every prudent person marvels and is indignant that a mother's love should vanish so suddenly: how does she so quickly forget the child borne in the womb with so much labor and brought into the light with so much pain?

> Πρόβατον οὐκ ἀπολείπει τὸ αὐτῆς ἔκγονον, οὐδὲ λύκος· ἄνθρωπος δὲ ἀπολείπει.

Neither sheep nor wolf abandons its own offspring, but the human being abandons his. Arrian, book 1, Epistle 23. Women who dry up the spring of milk owed to their sons gravely offend God; for nature does not wish its gifts to be intercepted, and does not wish what God has already prepared for the preservation of the human race to be corrupted by luxuries. For by idleness and **ἀστοργίᾳ**, lack of natural affection, they alter nature, and they act so as to withdraw nourishment from the offspring even through pains, applying cupping glasses to the back which perhaps ought not to

be tried even for increasing milk. From this arise **χονδριώσεις** of the breasts, or **θρομβώσεις** of the milk, when through the spongy tissue of the breasts the nourishment denied to the child thickens into clots and lumps. Deservedly it torments the mother with punishment; or when, through great abundance, milk distends the **κόλπους**, that is, the hollows of the breasts, they fall into various diseases.

Thus among all animals there is affection toward offspring: lions and tigers, their ferocity pacified, caress their young and offer their teats. It is the voice of nature that the offspring must be nourished and fought for. The love of offspring sharpens the ferocity of all beasts when they nourish their young. They fear neither wounds nor blows on behalf of their offspring:

> Τόσον ἀρτιγόνοιο γενέθλης
>
> φίλτρον ἐνὶ καρδίῃ στάζει θεός.

God instilled so great a love of recent offspring into the heart.

Sweet pledges are dearer than one's own breath. For powerful nature binds parents and children with a firm bond. But foolish mothers entrust a great part of that bond to nurses, and bring it about that grown children love nurses equally with parents, and sometimes more ardently, remembering that their tender age was despised by their mother and taken up by nurses standing in for mothers. Alexander the Great's love and reverence for his nurse was certainly remarkable, and I do not know whether it was not greater than for his mother Olympias. Curtius, book 8; Justin, book 12.

§ 3. Hence by divine vengeance another punishment is imposed upon delicate women: after they have entrusted their little children, as though strangers and unworthy of their care, to another's fidelity, they find them disobedient and insolent when they have become stronger. She who did not deem her son worthy of her breasts cannot reproach him for ingratitude by showing them. What remains, therefore, except that she await abandonment in old age by the child whom, while he wailed, she cast from her house, or certainly from her bosom? She will not find in the robust man the constancy of devotion and love whose elements she herself effaced and abolished in the cradle.

§ 4. She also harms her son in many ways. Since he lived in the maternal womb from his mother's blood, no nourishment is more accommodated to his nature and constitution than that same mother's milk, for milk is whitened blood. Moreover, a change of nourishment and air is dangerous to so great a tenderness of the offspring. For the sucking of another's milk conduces neither to health nor growth. Each thing is nourished by what is similar, injured by what is contrary, and cast down by change.

§ 5. Nurses harm the morals of the offspring no less than their life. What if you have obtained a nurse who is drunken, irascible, or lustful? The tender pupil will drink the poisons of a wicked woman in the very milk. And he will hear:

> No goddess was your parent, nor Dardanus founder of your race,
>
> Faithless one; but the Caucasus, bristling with hard rocks,
>
> Begot you, and Hyrcanian tigers put their udders to you.

And: "You were born from rocks, nourished with the milk of beasts." How can you persuade yourself that an adopted mother will be better for your son, when you have given him two stepmothers? For by deserting him you made yourself a stepmother, and made her one by summoning her. But what sort of woman is she? If she is an old woman, you have sinned against the most ancient precept of medicine. Physicians hold that milk is the foam of blood, for which reason Varro warns that a nurse ought to be young, since in old women, as the blood is worse, so is the milk. Why, therefore, will you offer your son, as true nourishment, a purulent humor scarcely thickened from cold blood? If you provide a young woman, take care lest she corrupt morals and the household. Indeed, take care lest she fail to abstain from intercourse; for if she becomes pregnant, she will give a slow poison to the pupil. Pliny, book 28, chapter 9, says it is deadly for nurses to conceive; and Galen, *On the Preservation of Health*. Nothing is more harmful to an infant still nursing than for his nurse to conceive in her womb. For what is best and most vital is consumed by that

fetus; blood of smaller quantity and less purity remains, and there is either no milk or little, as Aristotle warns, *On the Generation of Animals*, book 4, chapter 8. But even if we concede that none of the things which frequently happen has occurred, nevertheless a mother's love is natural and a nursemaid's mercenary; and so they are led by one payment to one place, by another elsewhere. For when the mind has once given itself to profit, it thinks duty lies where the greatest payment lies. Nor should you think that a nurse will love another's child when you, his mother, do not love your own.

§ 6. What, finally, would the infant say, if he could speak, when he saw himself banished immediately from the womb and exiled without any fault of his own--unless it was a fault to have been born? He is silent in sound, but cries out in affection; he is tender; he is pitiable because he cannot ask; he must be loved because he does not yet understand his calamity. If he understood, he would surely say: "Mother, you preserve your finery, jewels, and bracelets under many locks; perhaps you foster a puppy and monkey in your bosom; you entrust authority over your strongbox to no one; the whole day is spent arranging your adornment. But me, a part of you, who received my life from your entrails and have scarcely been torn from you, you commit to another's fidelity and perhaps perfidy. And although you can hope that I shall be brought up with gentle obedience, you certainly know that I shall not be handled by a mother's hand. If, when you were someday an infirm old woman in need of aid, I were to exclude you from my house or my affection, I would surely be worthy that the deepest earth open beneath me. If I allowed another to appear kinder toward you than I, would you recognize me as your son? To whom do you delegate care of me? Whom do you command me to love as a second mother?"

§ 7. That mother, though a rich and illustrious matron, will not do such things. She will always sustain her son with natural milk, not purchased milk. For maternal milk and spirit always increase the disposition and the growth of the body far more. Columella, book 7, chapter 12. It is not food alone, but spirit also; for with great affection a mother offers her breasts to her son and therefore, together with warm and spirited milk,

[Printed page 205]

infuses a salutary abundance with a certain life of the spirits. All the nourishment of a loving mother is more vigorous and brings to the children not only strength of body but also likeness of disposition.

§ 8. Finally, no one can fail to see what danger is incurred by that most perverse fastidiousness of women and contempt for their own blood. How easy would it be for a nursemaid to be corrupted by the price of a huge payment, so that she substitutes a peasant child for a noble offspring and inserts servile filth into the most distinguished families? This indeed happened to Artabanus the Macedonian, whose unfaithful nurse exchanged his son, and afterward, when both he and the substituted son were adults, disclosed her theft more criminally than she had committed it. For the two met with great slaughter of the kingdom and perished on one day. Cautious custody must be applied not only to little children but much more to adults, for with the age and strength of sons the solicitude of a good parent--never too great--increases. Nurses have great authority over their pupils, often greater than mothers, and there have not been lacking those who loved them more than their mothers. Certainly many have laid impious hands upon their mothers, few upon their nurses. Hence many children of princes have been led into fraud by them, and no royal woman has been carried off without a nurse's knowledge. Mothers are the cause, because they join to their children another woman as though another mother--one who possesses a mother's authority and has stolen a mother's love, but nevertheless possesses a servile disposition for sale at a price. In former times the wickedness of nurses was restrained by many laws, among which that law of Constantine issued in the year 320 is severe: "And since the vigilance of parents is often mocked by the tales and depraved persuasions of nurses, let punishment first threaten those whose detestable service we have shown, and whose purchased discourses have been detected. Let the passages of the mouth and throat that put forth wicked incitements be closed by the pouring-in of molten lead." Let them therefore follow the precepts of the ancients and nourish their sons with their own milk, so that maternal affection may promote a freeborn disposition. For if, as Justin relates in book 43, Hogis, king of the Curetes, was of extraordinary swiftness because, after he was exposed, he had a doe as nurse, how great a force shall we say there is in other cases?

Let them therefore rather imitate the diligence of Cato's wife, who not only nourished with her own milk the son born from her, but also at times put the infants of her serving-women to her breasts. By this means she attached to her son his household slaves, through their parents, both for the present and the future.

What, therefore, must a prince establish in this matter? I shall say it in one word: a public law must be enacted, that a mother nourish with her own milk the sons whom she has borne, and that neither wealth nor nobility exempt any woman. But if on account of illness she cannot, let the magistrate and husband determine the matter after hearing physicians. Let her who acts otherwise be branded with disgrace.

§ 9. Deservedly so. For unless there is strong love between parents and children, there will be none among strangers and therefore no concord in the state. Many parents have wished for a vicarious death in place of their sons; some have undergone it; more have been unwilling to survive them. Israel mourns Joseph inconsolably. David, moved only by danger, puts aside the signs of grief, but fixes and buries grief more deeply. And let us understand that love not only as devotion but as nature and humanity. Aegeus, king of the Athenians, when from the sight of mourning sails he supposed Theseus slain, cast himself headlong into the sea. A similar error extinguished the mother of Ulysses. Jocasta followed shortly after Eteocles and Polynices had fallen by mutual wounds. Mopsus the Cretan, hearing at Saguntum that his sons had perished, fell from a tower and knowingly and deliberately dashed himself to pieces. Orodes, king of the Parthians, conceived such grief in his mind at the death of his son Pacorus that, as had once happened to Hecuba for the same cause, it turned into madness. Grief for his murdered son also overwhelmed and extinguished Emperor Gordian. When Octavius Balbus thought that his son was being killed on his account, he offered himself to the executioners of those proscribing him. The same love was contested between Quintus Cicero and his son: by no tortures could the son be brought to betray his father; the father gave himself from his hiding place into their sight, that he might deliver his son from slaughter. Theirs was the same love as that of those concerning whom Livy says: "Many falsely believed to have perished in the Second Punic War at Trasimene and Cannae, and whose lives had already been rashly mourned by some, were suddenly presented to their mothers; and they poured so great a mass of joy upon their mothers' minds that, crushed as though by a sudden ruin, the mothers expired amid kisses and embraces." Since the bond of natural love between parents and children is so great, its connection ought not to be dissolved or loosened immediately from the first birth by the luxuries of mothers.

CHAPTER IV

Infants Also Need Education, and What It Is

ON THE EDUCATION OF YOUTH

§ 1. Just as it is free to take a wife, so it is necessary to bring up and educate offspring brought into the light, and one must take complete care that they not be deprived of resources and aid.

Therefore those who introduce into the state a savage and **ἄστοργον**, unnaturally unloving, law do injury to nature. Such was that law of Romulus: "Let monstrous offspring be killed without penalty." Cruel too was the paternal power that usurped a right of life and death over children, because the unconsidered anger of fathers destroyed many and domestic slanders still more. Disinheritance, by which one was denied to be a son, was harsh, but nevertheless established by law and statutes. Yet gravest of all is the cruelty of parents who expose children ignorant of their condition and deserving nothing, either in deserted places or in places from which they can be taken and brought up. The law of the Thebans concerning this was just and full of humanity: it decreed capital punishment if anyone exposed an infant in solitude, for it was not only homicide but the slaughter of an innocent. Aelian, book 2 of *Various History*. But if anyone could not nourish a newborn, he carried it with its swaddling bands to the magistrate, by whom it was sold into slavery for a small price. Best and most merciful is the law of Christians, who indeed impose punishment upon those who expose children: they both remove the children from paternal power and afflict the parents with other punishments--lighter than they deserve--because they consult the safety of newborns, lest the parents prefer to kill and conceal them rather than expose them. The edict of the Caesars Valentinian, Valens, and Gratian is: "Let each nourish his own offspring; but if he thinks it should be exposed, he will be subject to the penalty that has been established."

§ 2. What care, therefore, must be applied to a son or daughter during the first five years, or lustrum?

Since at that age the mind is weak and cannot be instructed, care will be taken of the little body alone, but in such a way

[Printed page 206]

that those things are observed which conduce to the integrity and vigor both of the external and internal senses. "For what," says St. Jerome, Epistle 17, "would you exhort to continence the child who desires cakes, who babbles with chattering voice in her mother's bosom, to whom honey is sweeter than words? Should she hear the deep things of the Apostle, when she delights more in old women's tales? Should she perceive the enigmas of the Prophets, when the sterner face of her nursemaid disturbs her? Should she understand the majesty of the Gospel, at whose thunderbolts every mortal sense is blunted? Should I exhort her to be subject to her parent, when with a tender hand she strikes her laughing mother?"

There are nevertheless things which I may prescribe to the father and mother concerning such little children. Good education needs preparation.

§ 3. The first is that before the fifth year those things be done which are the rudiments of future hope. Plato commanded nurses and boys to assemble in the crossroads, both so that they might enjoy a freer air and so that the morals of the nurses might be observed in public.

Next, even at this little age, let there be a diligent, careful, and fastidious selection of nursemaids, serving-women, and little servants who guard and care for the little son. Let them be of honorable morals, for children reproduce the morals of those whom they first behold. Care must be taken that by old women's tales they do not thrust depraved and absurd opinions upon them:

In the beginning, the infancy of boys

Drinks in error together with milk.

But I have given warning concerning these things above.

§ 4. Those who deal with the tender pupil will also lay the foundations of speech and will not imitate his babbling through blandishments and jokes, because children thus learn to speak perversely. A prudent father will devote the greatest effort to forming speech.

What greater thing could a sweet nursemaid wish for her pupil

Than that he be wise and able to speak what he thinks?

Since sounds, the articulation of sounds, sibilants, and accents depend upon habit, persons should be chosen who use clear, sweet, and native pronunciation. Thus it will happen that from those from whom the little child receives signs of things he may also imbibe the habit of corrected pronunciation. The Gracchi learned eloquence in their mother's bosom. The practice of nations also admonishes us of this: for what person of a foreign nation so sounds a language that he does not at the same time breathe forth his fatherland? Even when Dorians spoke Attic there was **πλατυστομία**, breadth of mouth, for they drew out words with a broad mouth. We also can distinguish by nation those speaking Latin from the sound of the voice. But whence is it that they never unlearn the manner of pronunciation which they imbibed in their first years? Because what we first learn clings most closely to the mind, as though a second nature. Why did the tribe of Ephraim retain its national defect, so that they could not say *Shibboleth* but *Sibboleth*, with a softer sound? It came from a mother, nursemaid, or some serving-girl who formed the infancy either of Ephraim himself or of his sons. Therefore, just as care is applied lest tender legs or little arms grow crookedly, so also the tongue must be formed--not by commands, of which that age is not yet capable, but by articulate and pure utterance. For he will learn to speak rightly if he hears no one pronounce badly.

§ 5. So tender an age will also be able to learn some things, if it has a suitable master; but it will learn by playing, not by laboring. This care is not childish, although it is exercised upon a child. Certainly Jerome, a man of great talent and holiness, did not think it beneath either his office or his age to teach a child amid his sublime studies of sacred literature. The present Church admires the ancient tongue which he heard, and which heresies feared like the sharp weapon of a thunderbolt; yet he was ready to form the words of a tender virgin. In Epistle 7 he speaks thus: "If you send Paula, I myself promise to be both her master and her fosterer. I shall carry her upon my shoulders; an old man, I shall form her babbling words, far more glorious than the philosopher of the world, since I shall educate not a king of the Macedonians destined to perish by Babylonian poison, but a serving-woman and bride of CHRIST to be offered to the heavenly kingdoms."

Therefore some unfairly criticize our Society: because it lowers itself to schools for boys, they believe it serves God less religiously and would prefer it to be occupied in theology alone. I shall dispute against them when necessary. For now I wish them to consider this one thing: that most human beings, before they are rendered fit for those studies, need very much and very exact discipline.

The prudently humble man did not remain silent about what he thought should be learned. Epistle 12: "Therefore let our Pacatula, who will later read this little letter, for the present merely recognize the elements of letters; let her join syllables, learn names, connect words. And so that she may meditate upon them in her little piping voice, let little cakes, honeyed drink, rewards, and whatever is sweet to the taste, whatever blooms in flowers, whatever glitters in gems, whatever delights among dolls, be offered to her, so that she hastens to receive them. Meanwhile let her try to draw threads with her tender thumb; let her often break the strands, that she may someday not break them. After labor let her rejoice in games; let her hang upon her mother's neck; let her snatch kisses from her relatives; let her sing psalms for a reward. Let her love what she is compelled to learn, so that it may be not work but delight, not necessity but will."

He gives almost the same precepts at greater length, but they possess ancient wisdom, Epistle 7: "The soul which is to be a temple of God must be educated thus: let it learn to hear nothing and to speak nothing except what pertains to the fear of God. Let her not understand base words; let her be ignorant of the songs of the world; while still tender, let her tongue be imbued with sweet psalms. Let the wanton age of boys be far away; let the girls and female attendants themselves be barred from worldly company, lest they teach worse what they have learned badly. Let letters be made for her, whether of boxwood or ivory, and let them be called by their names. Let her play with them, so that the play itself may also be instruction; and let her not only retain the order of the letters, so that the memory of the names passes into a song, but let their order among themselves frequently be disturbed, the last mixed with the middle and the middle with the first, so that she may know them not only by sound but also by sight. But when she begins to draw the stylus in wax with a trembling hand, or to hold it while another's hand is placed over hers, let her fingers be guided; or let the elements be carved upon a tablet, so that her traces may be drawn through the same furrows, enclosed by margins, and may not be able to wander outside. Let her join syllables for a reward and be invited by little gifts by which that age can be won over. Let her have companions in learning whom she may envy and by whose praises she may be stung. She must not be rebuked if she is slower, but her talent must be aroused by praise, so that she may rejoice at having conquered and grieve at having been conquered. Above all, care must be taken lest she hate studies and lest the bitterness of them, perceived in infancy, pass beyond the unformed years. The very names through which she gradually becomes accustomed to connect words should not be accidental, but fixed and deliberately accumulated--namely those of the Prophets and Apostles; and let the entire series of the Patriarchs from Adam descend from Matthew and Luke, so that while she does one thing she may be prepared for future memory."

§ 6. Let the father of the household preside over these exercises of his sons, even if he is a king and prince, and let him regard it as a far more glorious function than

[Printed page 207]

that once performed by the judges of contests at Greek spectacles or Roman ones. There the destruction of morals and deaths are carried out; here the beginnings of virtues.

§ 7. I shall finish when I have given some precepts concerning the care of the body. They were accustomed to govern bodies with instruments so that they would not be distorted; thus Aristotle, book 7, chapter 17 of the *Politics*.

He warns of another thing which is in no way in use, yet could be recalled:

> Συμφέρει δὲ εὐθὺς, ὡς πρὸς τὰ ψύχη, συνεθίζειν μικρῶν παίδων.

It is advantageous immediately from childhood to accustom them to cold. For this is most useful both for health and for military affairs; therefore the barbarians do it, and it can indeed be done, since on account of native heat boys can easily endure cold. The Celts hardened their newborns at rivers; Olaus Magnus attributes the same to his Goths. The Thracians too educated their own to endurance of cold. Sidonius, poem 2:

> Here ice receives the newborn, and snow from a stream other than the mother's
>
> Hardens the soft limbs of the infants, their fellow citizens.

The ancient Britons, as Caesar has it in book 5 of *The Gallic War*, hid themselves most swiftly in marshes amid dangers, being most tolerant of cold.

He also prudently warns that during those years children are to be applied neither to labor nor discipline, lest these impede growth. It is agreed that they will attain this by play, but the playful exercises themselves ought to be certain imitations of future occupations. Nor is it fitting to inhibit tears and wailings, for they take the place of exercise: they dilate and strengthen the veins and arteries and, as Aristotle teaches, assist growth, for they are **γυμνάσια τοῖς σώμασιν**, exercises for the bodies. There is no other reason why in the earliest years the offspring of peasants is rather

strong and that of the rich weaker, than that the latter is deprived of natural exercise, while the former enjoys it abundantly, their busy mothers being turned to other things and neglecting their crying and wailing.

CHAPTER V

The Education of Boys Who Are Now More Grown, the Matters in Which It Is Occupied, and Morals

ON THE EDUCATION OF YOUTH

§ 1. From the fifth to the seventh year Aristotle wishes them to be spectators of the arts which they are to embrace. You will understand this in such a way that they nevertheless retain the exercises of a more tender age and are moved by some care for serious things. The things to be learned pertain partly to the mind, partly to external things. To the mind belongs the study of the virtues and liberal arts; to external things, exercises in all the arts which they call **βαναυσικάς**, mechanical. The duties of all these are necessary to the state, and I must treat of them in this place.

§ 2. As for the studies of piety and the virtues, these were treated at length in the second and first books, for this is the greatest and proper good of the human being. All arts, however despised, serve virtue, and all are made freeborn and liberal by so honorable a servitude. For such is the force of virtue that it makes servitude a kingdom, since to serve God is to reign. Behold PAUL the Apostle, the chosen vessel, teacher of kings and of the world, descending from the third heaven and sewing tents from skins, so that he may offer the Gospel without expense, so that those hands may supply nourishment, lest he burden the churches, lest he give occasion to slanderers, as though he sought not the salvation of peoples but his own advantage.

But piety and virtue have been discussed before. The state must take especial care that the worship of God flourish. Formerly this was difficult, when the gilded Capitol glittered and demons poured forth oracles from every temple. Now a people flooding to the churches and cities poured forth into piety commend piety to all and in a certain manner extort it. Let a prince be ashamed, in the midst of the Christian world, to take little or no account of piety when he reads that the trophies of the cross have been erected throughout the Indies, that barbarous peoples, devourers of human flesh, having put aside ferocity, suffer martyrdom and are inserted into heaven; that Cambayans, Japanese, and Chinese come from the east, Ethiopians from the south, Brazilians, Mexicans, and Floridians from the west, and sit with Christ in the kingdom of God, while the sons of the kingdom, whose ancestral possession is religion, are cast into outer darkness. Matthew 8.

§ 3. The cause of so great an evil is the neglected education of the tender age. Frost burns tender trees and the first shoots of leaves; youth is easily corrupted unless raised up by sacred teaching. Let the infant be taught the most holy faith and morals from tender years. Let the tender infant pray at his father’s table, and let the trembling little girl babble the laborious words of the creed. Let the entire affection of the parents be joined to the half-sounding words of their children. Let the sweet utterances of divinity be inscribed upon those pure tablets, stained by no uncleanness and gleaming from the spiritual laver.

Let them recognize their Father in heaven; let them learn that this mortal life is a road to the heavenly life; let them understand that they are candidates for the eternal kingdom. Let them dread vices more than specters and demons, and let them not be ignorant that they contend daily for life. Jerome, whom I cited, explains these things, Epistle 7: “Let her immediately learn what other grandmother and what aunt she has; for what Emperor and what army the little recruit is being nourished; let her long for them and threaten you that she will depart to them. Let her very habit and dress teach her to whom she has been promised. Take care not to pierce her ears; do not paint a face consecrated to Christ with white lead and rouge; do not press her neck with gold and pearls; do not load her head with gems; do not redden her hair and thus augur something of the fires of Gehenna for her. Let her have other pearls, by selling which she will afterward purchase the pearl of greatest price. Praetextata, once a most noble woman, at the command of her husband Hymettius, who was the paternal uncle of the virgin Eustochium, altered her habit and adornment and dressed

her neglected hair in a worldly manner, desiring to overcome both the virgin's resolution and the mother's desire. And behold, that same night she saw in a dream an angel come to her, threatening punishments in a terrible voice and thundering these words: 'Have you dared to prefer a husband's command to Christ? Have you dared to handle the head of God's virgin with your sacrilegious hands? They shall wither even now, so that, tortured, you may understand what you have done; and when the fifth month is ended, you shall be led to hell. But if you persevere in the crime, you shall at the same time be deprived of husband and children.' All things were fulfilled in order, and a swift death sealed the wretched woman's late repentance. Thus Christ avenges violators of his temple; thus he defends gems and precious ornaments."

§ 4. Let every foul thing in images and words be absent. Let anyone who can harm also be absent. The law of the Athenians' schools for boys was: "Let teachers not open the school before the sun has shone forth, nor close it before the sun has set; and while the boys are in school, let no one who has passed the age of boyhood be permitted to enter unless he is the teacher, the teacher's son, or the husband of his daughter.

[Printed page 208]

But if anyone enters contrary to that prohibition, let him be punished with death. Let the gymnasiarchs also not permit any one of those who are older to be mingled in sitting with the boys in any manner; but if they admit him and do not drive him from the gymnasium, let the gymnasiarch be guilty of corrupting the freeborn."

Juvenal indeed rightly consults the chastity of others, but his books should also have been kept from an honorable threshold by the same law. Satire 14:

> Let nothing foul to say or see touch these thresholds,
>
> Within which there is a boy. Far hence, far hence be the girl
>
> Of pimps and the songs of the parasite who revels through the night.
>
> The greatest reverence is owed to a boy.

Because what Jerome writes to parents is not dear to very many parents, I write it to the state. Epistle 7. Eli the priest offended God on account of the vices of his children. A man who has luxurious, unsubmissive sons cannot be made a bishop. But conversely it is written of a woman that she will be saved through the generation of children if they continue in faith, charity, sanctification, and chastity. If a perfect age, under its own right, is imputed to parents, how much more a nursing and fragile age, which according to the Lord's sentence does not know right hand from left--that is, the difference between good and evil? If with solicitude you provide that your daughter not be struck by a viper, why do you not provide with the same care that she not be struck by the hammer of the whole earth, that she not drink from the golden cup of Babylon, that she not go out with Dinah and wish to see the daughters of a foreign region, that she not play with her feet or trail tunics? Poisons are not given unless wrapped in honey, and vices do not deceive except under the appearance and shadow of virtues. "And how," you will say, "are the sins of fathers not repaid to children, nor those of children to parents, but the soul that has sinned shall itself die?" This is said of those who can understand, concerning whom it is written in the Gospel: "He is of age; let him speak for himself." But he who is a little child and understands as a little child--until he comes to the years of wisdom and the letter Y of Pythagoras leads him to the fork--both his good and his evil are imputed to his parents.

§ 5. I am reluctant to depart from the best teacher of piety. He says in Epistle 2: "Let the female sex be joined to its own sex. Let her not know--indeed, let her fear--to play with boys. Let her know no immodest word; and if by chance amid the tumult of the household running about she hears something, let her not understand it. Let her regard her mother's nod in place of words and admonitions, and in place of command. Let her love her as a parent, be subject to her as mistress, fear her as teacher. But when the seventh year has overtaken the little girl, unformed and toothless, and she has begun to blush, to know what she should keep silent, and to hesitate about what she should say, let her learn the Psalter by memory; and until the years of puberty let her make the books of Solomon, the Gospels, the Apostles,

and the Prophets the treasure of her heart. Let her not go forth too freely in public, nor always seek the crowds of the churches; let her have all her delights in her chamber. Let her never see young men, never men with curled hair. Let sweetnesses of voice that wound the soul through the ear and the wantonness of girls be repelled; the more freely these approach, the more difficult they are to avoid, and what they have learned they teach in secret, and by the talk of the crowd they violate Danaë though she is enclosed."

Remarkable is the perversity of human talent: it does not always obey an adviser; the harshness of some is equally obstinate against blandishments, reasons, and threats. No care of instructors and masters could correct Alexander's deed or Achilles' drunkenness. Seneca educated Nero in vain, for Nero, offended by his innocence, compelled him to die after falsely accusing him. Heliogabalus closed off the cares of all his masters by his wickedness. How much did David do that Absalom might not turn out wicked? How many excellent parents have obstinate sons? I confess it is so, and that a vicious and savage nature is restrained with great labor and becomes fiercer when it has passed into its own power and independent disposition. Yet education must not for that reason be withdrawn from a good or middling disposition; indeed, not even from the worst and most depraved. While there is life, there is hope of better fruit; and if not all, nevertheless some part of impiety is avoided.

§ 6. What remedy, therefore, is there for hard, malicious, and obstinate dispositions? The Brahmans of India applied a cruel medicine: after inspecting the offspring at two months, if they disapproved its disposition, they either exposed it in the forests or killed it openly. The Lacedaemonians displayed the same savagery in exposing children, for they sent them away to the chasm of Taygetus. It was plainly barbarous, cruel, and indeed foolish, for the course of a future life cannot be gathered from the inclinations of little children. Physiognomy is an investigator of affections, but it must be practiced only by the judgment of the most skilled, whose highest prudence must nevertheless consist in this: that from those traces and promptings of nature they do not pass judgment concerning the will. Natural human appetites which twist minds toward vices are strong in some, milder in others, and present in some degree in all. Education and habit, however, bring it about that serious affections and temptations are resisted; zeal, shame, and before all things divine grace correct corrupted nature.

And indeed many are brought by education not only to civil and tolerable morals but even to remarkable and holy ones. Pericles advanced through familiarity with the Clazomenian. By the instruction of Socrates, Alcibiades, although he did not put aside his enormous vices, nevertheless restrained them a little so that he might not harm his fatherland still more. Philostratus was brought to good conduct by one speech of Polemon. How great were the vices when the Apostles brought in the Gospel? Read Romans 1:28: "And as they did not approve of having God in their knowledge, God delivered them to a reprobate sense, so that they do the things that are not fitting: filled with all iniquity, malice, fornication, avarice, wickedness; full of envy, murder, contention, deceit, malignity; whisperers, detractors, hateful to God, insulting, proud, haughty, inventors of evils, disobedient to parents, foolish, disorderly, without affection, without covenant, without mercy."

And 1 Corinthians 6:9: "Do you not know that the unjust shall not possess the kingdom of God? Do not err: neither fornicators, nor servants of idols, nor adulterers, nor the effeminate, nor those who lie with males, nor thieves, nor the avaricious, nor drunkards, nor revilers, nor robbers shall possess the kingdom of God. And such indeed you were; but you have been washed, but you have been sanctified, but you have been justified in the name of our Lord Jesus Christ and in the Spirit of our God."

Therefore let the state press on and not despair of the success of a work which God especially favors. And it was wisely said by Fabius, book 1, chapter 16: "Whatever can be done is shamefully despaired of." I do not listen to those voices: "The labor is futile when nature struggles against it." The human mind comprehends and accomplishes such remarkable and difficult things in the arts, learns so many languages, and through knowledge traverses the entire world. How, therefore, could it not learn good morals, toward which nature has an inclination? Virtue is the proper good of our mind, and nature is capable of its own good.

The work therefore requires the greatest force: let the prince take care that the morals of boys

[Printed page 209]

be formed. They easily learn good things; with the greatest difficulty they unlearn bad ones. Yet I confess that it is difficult to preserve right morals. It is easier to conquer provinces than to guard them after conquest. Victory comes by one assault; it must be preserved by manifold art. But in morals a return is difficult. An evil at its birth must be restrained, otherwise it grows to immense magnitude:

> Τὸ πολυχρόνιον ἦθος ἀμήχανον μεταθέσθαι.

A habit of long duration is most difficult to remove. What has become inveterate is more easily dissolved than restored.

> Extinguish the flame at its birth,
>
> Lest late remedies return after the dangers have grown.

Horse-breakers correct obstinacy, rearing, winking, and jolting in young horses; and will you neglect the vices of youth? Especially when the single vice of a single person can afflict the state with great injury? In sick bodies physicians leave nothing that may harm. You must cure diseases of minds.

CHAPTER VI

Upright and Learned Masters Must Be Placed over Youth

ON THE EDUCATION OF YOUTH

§ 1. In his seventh year the boy shall be led to a master; for by then he will attend to serious things, yet things suited to his age. For twenty-one months he has heard and formed an image of the words of his mother and nurses; then his sound broke forth into words. Meanwhile, up to his seventh year, it will have been useful for him to hear not only the vernacular language but Latin also, which perhaps he will learn in large part through habituation. I wonder why magnates and princes, if they do not wish within the first seven years to burden their children's talents with the care of learning, do not assign some attendants who always speak Latin, question one another, and express the same things now in German and now in Latin; who sometimes consult the little child and ask from him things which it is established that he knows, so that by praise they may arouse him to learn. In former times they certainly learned the Latin language without grammar.

But now we must treat of preceptors and masters, to whom Aristotle, Plutarch, and others judge boys should be brought in their seventh year. So too the Golden Bull of Charles IV, title 26: "Since the Highness of the Holy Roman Empire possesses the laws and moderates the governments of diverse nations distinguished in customs, life, and idiom, it is fitting--and is judged expedient by the opinion of all wise men--that the Prince Electors, the columns and sides of that Empire, be instructed in the differences of diverse idioms and languages, so that they may understand more persons and be understood by more, since they assist the Imperial Highness in relieving the needs of very many and have been established to share its solicitude. We therefore decree that the sons, heirs, and successors of the illustrious Princes--namely, the King of Bohemia, the Count Palatine, the Duke of Saxony, and the Margrave of Brandenburg, Electors--since they may presumably know the German idiom naturally implanted in them and have learned it from infancy, shall, beginning with the seventh year of their age, be instructed in the German, Italian, and Slavic languages, so that by the fourteenth year of their age they may be learned in such things according to the grace given them by God. For this is held not only useful but, for the reasons stated above, supremely necessary, because those languages have generally been customarily employed for the use and advantage of the Holy Empire, and in them the weighty affairs of that Empire are debated.

"We have established that the following manner of advancement should be observed in the foregoing matters: it shall be left to the choice of the parents whether they send their sons, if they have any, or those near of kin whom they believe likely to succeed them in the principalities, to places in which they can be instructed in languages of this kind; or whether in their own homes they associate with them pedagogues, instructors, and boy companions skilled in these languages, by whose conversation and teaching alike they may be instructed in those languages."

§ 2. Therefore let the first care of the state be that suitable masters and preceptors be chosen not only to educate the sons of princes and magnates, but also to instruct the offspring of private persons. Nor do I speak only of literary studies, but of every kind of art. For although the danger is not equal everywhere, it is nevertheless great if one errs here. I judge that state most fortunate to which good preceptors have fallen. For it is far more excellent to be well educated than to be fortunately born. The dispositions of adolescents generally pass over into the morals of their masters. It is of great importance to whose fidelity, skill, and diligence a man entrusts himself who seeks the Indies through the vast windings of the ocean. Nor is it enough that the ship be strong and furnished with provisions and armaments; the shipmaster must also not be ignorant of the region and its dangers. Much greater care at home is necessary for all, lest the turnings of an improvident age strike against their limits.

I therefore take "masters" generically, whether they are so called from admonishing, or from showing, or rather because they owe care to those over whom they preside. The jurists call the preceptors of all disciplines masters. Law 57, *On the Signification of Words*, "Those to Whom the Chief." Thus there are masters of societies, colleges, districts, augurs, offices, sacred bureaus, the people, the horsemen, and morals. We speak of masters of arts and morals, for they ought to be teachers of learning and virtues. Great was the dignity of the censors and their jurisdiction without appeal: to assess property, brand a citizen with ignominy, expel him from the senate, take away his horse, and preside over discipline. This last duty especially belongs to masters of the liberal arts, except that they preside only over youth; in the meantime they equip Quirites so that they may be able to endure the censorship.

§ 3. Therefore the magistracy must first of all provide suitable professors of the sciences and liberal arts. Reason teaches that this is the duty of the magistracy itself. For since youth is the seed-bed of the state, since from them in a few years will come citizens, senators, and princes, care must be applied lest, when they are corrupted, the whole state suffer harm. Then examples teach this same thing. Teachers of the law were appointed by Moses, Aaron, Jehoshaphat, and others. There was always greater care in the Church of Christ for the appointment of masters. For princes and the Supreme Pontiff, as though the head of the whole of religion, established schools. Charlemagne, book 2 of the *Capitularies*, chapter 5: "Let schools for instructing or teaching sons and ministers, just as you promised us at Attigny in time past and as we enjoined upon you, not be neglected by you, but be established in suitable places where this has not yet been completed, for the utility and advancement of many."

And lest the cunning of certain men impose upon princes or the people, the Council of Trent, session 5, chapter 1, *On Reform*, wished bishops to be censors and approvers of teachers. "In public academies also," it says, "where so honorable a lectureship, and one most necessary of all others, namely theology, has not hitherto been established, let it be established by the piety and charity of the most religious princes and states, for the defense and increase of the Catholic faith and the preservation and propagation of sound doctrine; and where it has been established but is neglected, let it be restored.

[Printed page 210]

"And lest impiety be disseminated under the appearance of piety, the same holy Synod decreed that no one should be admitted to the office of such a lectureship, either publicly or privately, unless he had first been examined and approved by the bishop of the place concerning his life, morals, and knowledge; this, however, is not to be understood of lecturers in cloisters."

Thus the Ecumenical Synod made this matter of such importance that it entrusted to bishops the care of examining professors. For the safety of the city depends altogether upon the education of youth.

§ 4. The Elamites, or ancient Persians, were not ignorant of this; and so they placed the princes themselves over youth. Xenophon, book 1 of the *Education of Cyrus*, narrates it thus: "The first care under these laws seems to take its beginning from the public good. For they do not begin as very many other cities do, which, permitting parents to educate their sons according to their pleasure and those more advanced in age to lead their lives according to their judgment, command them not to steal, not to plunder, not to enter another's house by force, not to strike anyone unjustly, not to commit adultery, not to refuse the prince's command, and the rest of that kind in like manner. And if anyone transgresses any of these things, they have established a punishment against him. But the laws of the Persians, anticipating such acts, take the greatest care that citizens not be of such a kind at the outset as to be seized by desire for either wickedness or baseness. They take care of this in the following manner.

"They have a marketplace which is called free, where both the royal and the other palaces are. Merchandise, petty traders, their cries, and their follies are removed from here to another place, lest the crowd of these be mingled with the ordered morals of those who have received education. The marketplace around the palaces is divided into four parts, one of which is for boys, the second for youths, the third for men who are already of mature age, and the fourth for those who are discharged from service. By law each of these groups is present in its own place: the boys as soon as day

has dawned, and mature men likewise; but the elders when leisure permits each one, except on appointed days, on which they must be present. The youths also sleep in the palaces with their gymnastic arms, except married men, who are not even required to do so unless they have previously been commanded to be present; yet neither is it regarded as honorable to be absent too often.

"Twelve princes preside over each of these divisions, for the Persians are divided into twelve tribes. Those preside over the boys who, chosen from the elders, appear likely to render them as excellent as possible. Over the youths preside those chosen from the mature men who are thought likely to make them as excellent as possible. Over the mature men themselves are appointed those by whose education they are thought most likely to perform what has been established and commanded by the highest magistrate. Presidents of the elders also are chosen, who preside so that these too may discharge their duty. We shall relate what each age is commanded to do, so that it may become clearer whether they apply diligence that the citizens may be as excellent as possible. The boys, therefore, coming regularly to the schools, devote their labor to learning justice; and they say that they study this matter just as among us those who go to learn letters. Their masters consume a great part of the day in judging their disputes. For the boys too, just like men, have accusations among themselves concerning theft, plunder, violence, fraud, reviling, and other crimes, as is proper."

§ 5. They were called masters of justice, to whose houses anyone was free to send his children. The system among the Lacedaemonians was not dissimilar, but they meditated upon almost one thing alone: namely, that they should make them warlike. Now that the world has been cultivated, masters of all the arts must be maintained. What sort of masters, then, must be appointed? I answer: learned and upright. Under learning I include not only knowledge but also skill in teaching and interpreting. Therefore let a teacher of the liberal arts be a learned, skillful, eloquent man, an artisan of disputation, of honorable life, sober, rather severe, courteous, a hater of vices and lover of another's salvation, and finally one who willingly uses another's counsel.

The Theodosian and Valentinian laws require these things in those whom the assemblies dignify, Code 12, title 15: "If grammarians, both Greek and Latin, sophists, and jurists practicing their profession in this royal city and numbered among those appointed have shown that there is in them a praiseworthy life of upright morals; if they have made manifest that they possess skill in teaching, eloquence in speaking, subtlety in interpreting, and abundance in disputing; and if, in the judgment of the most august assembly, they have been deemed worthy--when by continuous observance and the diligent labor of teaching they have reached twenty years--it has been resolved that they be honored and numbered among those who possess the rank of vicar."

§ 6. Therefore, first, it requires that they demonstrate in themselves a praiseworthy life of upright morals. This was most difficult in former times. Antoninus selected fourteen teachers from the entire Roman world for his Commodus; from these he soon removed five at the beginning, offended by their levity of morals. He retained nine, yet not without grief to himself. But if we look upon the noble preceptors of kings, it will scarcely be possible to see one who was not most wicked. Pytharchus is said to have been Cyrus's master, from whom he imbibed ferocity. I omit the crimes of Heraclitus, Menander, Xenocrates, Aristotle, Chilon, Palaemon, and others who were masters of great princes, as also those of others whose wicked and lustful life Laertius describes for us. Seneca confesses that philosophers did not live according to virtue, but spoke about it.

Plutarch himself hesitates to condemn the foulest crimes when he considers Socrates, Plato, Xenophon, Aeschines, Cebes, and that whole chorus of those men, **οἳ τοὺς ἄρρενας ἐδοκίμασαν ἔρωτας καὶ τὰ μειράκια προήγαγον ἐπί τε παιδείαν καὶ δημαγωγίαν καὶ τὴν ἀρετὴν τῶν τρόπων**--"who approved loves between males and led the young onward to education, public leadership, and virtue of character." Thus they gave authority to the gravest and most shameful sins. But let us look at later times. The school of Plotinus flourished in Christian times and had many very acute and very skillful men as disciples. But some of them were depraved by curiosity concerning the magic arts. Augustine, Epistle 56. Plotinus himself and Olympius himself were devoted to magic, as is clear from Porphyry, who

recounts their deeds and was himself a sorcerer. If we examine most cases, histories will teach that nearly all the philosophers--that is, the teachers of the ancient world--were magicians.

ON THE EDUCATION OF YOUTH

§ 7. I too judge that, when humane letters began to flourish again in Italy, France, and Germany in the preceding age, an immense ruin of morals threatened the Christian world. For when men had devoted themselves wholly to letters, antiquity, the poets, and the knowledge of virtues and vices, they slipped into grave crimes--to such a degree that they were swept even into atheism and deeds of a reprobate mind.

[Printed page 211]

Youth saw Dolet, Politian, and the other monsters; then followed Beza and that whole death-bearing battle line, who, by lust, shattered the minds of adolescents already weakened and drove them into heresies. They had a reputation for learning and eloquence, but made themselves infamous through vices. For they lectured upon the ancient authors as they stood, impure, and corrupted youth with dishonorable little verses.

Therefore, as Plutarch rightly admonishes, masters must be sought for children whose life is both blameless and whose morals are not liable to just reproach, and who possess skill by no means ordinary. For upright education is the fountain and root of virtue and of honorable life. And just as farmers place props beside young plants, so upright masters support adolescents with exact precepts and admonitions, so that right morals may spring from them. But now one may even spit in contempt of certain parents who, before they have made any trial of a future master, deceived sometimes by ignorance or even by inexperience, entrust their sons to obscure persons, and indeed even to men of evil repute.

Theodosius acted excellently when he gave Arsenius as preceptor to his sons. He said that, if the sons were to show themselves such as to conform their morals and life to discipline and the laws of God, he would readily entrust the empire to their hands, adapted to the advantage and utility of citizens and subjects; but if otherwise, he said that it would be more advantageous for them to pass their lives as private men than to rule without learning and with danger.

In my judgment, however, those men therefore fail in educating youth because they do not keep before their eyes the end for which the young were to be educated: the salvation of their disciples and, arising from that salvation, the glory of GOD.

§ 8. The SOCIETY OF JESUS has, by its institute, undertaken the care of schools and of youth with great endeavor and, as the world bears witness, with immense fruit. God assists its sincere endeavor, because it undertakes so difficult a province for the glory of God alone.

Its Constitutions, part 4, chapter 12, show the endeavor: “Since the end of the Society and of its studies is to assist our neighbors toward the knowledge and love of God and the salvation of their souls, and since the faculty of Theology is the more proper means to that end, the Society’s universities will principally devote themselves to it; and through thoroughly suitable preceptors they will diligently treat those matters which pertain to scholastic doctrine and Sacred Scripture, and also positive theology insofar as it accords with this end fixed before us--without, however, touching that part of the canons which serves the contentious forum. And because both the doctrine of Theology and its use require--especially in these times--a knowledge of humane letters and of the Latin, Greek, and Hebrew languages, suitable professors of these also, and indeed in a proper number, shall be appointed. Moreover, teachers could be appointed for other languages, such as Chaldaic, Arabic, and Indian, where they might appear necessary or useful for the said end, account being taken of the different regions and of the reasons which prompt their teaching.

“Likewise, since the Arts or natural Sciences dispose talents for Theology, serve the perfect knowledge and use of it, and of themselves assist toward the same end, let them be treated with proper diligence and through learned preceptors, sincerely seeking in all things the honor and glory of God.

"The study of Medicine and Laws, as more remote from our Institute, shall either not be treated in the Society's universities, or at least the Society itself will not undertake this burden by itself."

The same is contained in rule 1 of the Provincial concerning the plan of studies, and in the first rule of the Rector: "Since the Society embraces colleges and universities for this reason, that in them our members may conveniently be instructed both in learning and in the other things which contribute to assisting souls, and may communicate to their neighbors what they themselves have learned, after the care for religious and solid virtues, which must be principal, let him devote himself especially to this: that, with God's help, the Society may attain that end which it proposed to itself in admitting schools."

§ 9. Finally, rule 1 of all the preceptors: "Let the preceptor's particular intention be directed, both in the lectures when occasion offers itself and outside them, toward moving his pupils to the service and love of God and to the virtues by which they ought to please him, and toward having them refer all their studies to this end."

It is not my task to prove at greater length whether it has attained this end. This I know: in every place very many men of distinguished piety have flourished, and even now flourish, in the civil order, the Church, and monasteries, who owe their advancement in virtue and learning to the Society. Nor must we listen to those whom either ignorance of our affairs or a hostile disposition sweeps, without consideration, into accusation of useful labors. We have testimony from the opposing camp. The ministers of sects of every kind hate no class of men more bitterly than those who live in the Society, because they bear with the greatest indignation that through them youth--and consequently the state--is instructed and confirmed in the true religion.

When I contemplate the course of the world and compare old things with new, I judge the Society of Jesus to be one of the greatest benefits which God has conferred in this time upon a world growing old and raving. Let no one maliciously interpret my words: with gratitude I recount the benefits of God; I ascribe the whole to him. I speak of the good of adolescents. For if that method of teaching letters which men of a wanton page and a still more wanton mind had followed had persevered in the Christian world, they would long ago have corrupted youth. Whatever was scurrilous in Plautus, slippery in Terence, obscene in Martial, tender in Ovid, broken in Tibullus, fiery in Propertius--the eloquent masters of vices instilled it into innocent minds, even before their years and before they had any perception of wickedness. So far had the darkness of errors depressed the wretches even below the vices of the gentiles, although even Aristotle, book 7, chapter 17 of the *Politics*, wishes every obscene word to be far from the ears of boys, and all images and painted tablets which teach love to be removed.

But now in the schools of our Society such regard is paid to purity that not even a single verse is expounded from any author if it carries poison into the mind; and there is no one who judges the unhappiness of Latin eloquence to be so great that it can be taught only through lusts. Saint Augustine relates that he learned useful words, but words which could be spoken about matters that were not vain.

How pernicious that custom is, he explains thus in book 1 of the *Confessions*, chapter 16: "But woe to you, river of human custom! Who will resist you? How long will it be before you are dried up? How long will you roll the children of Eve into the great and fearsome sea, which scarcely those who have climbed upon the wood cross? Did I not read both of Jupiter thundering and of Jupiter committing adultery? And certainly he could not do both; but it was contrived so that real adultery would possess authority for imitation, with false thunder acting as its pander. But which of the cloaked masters hears with sober ear a man from the same dust crying out and saying, 'Homer fabricated these things and transferred human things to the gods; I would rather that he had transferred divine things to us'? But it is more truly said that he indeed fabricated these things, but by attributing divine status to wicked men, so that crimes might not be thought crimes, and so that whoever committed them might appear to imitate not ruined men but heavenly gods.

[Printed page 212]

"And yet, O infernal river, the sons of men are cast into you with fees so that they may learn these things; and a great affair is conducted when this is conducted publicly in the forum, in the sight of laws decreeing salaries in addition to fees. And you strike your rocks and resound, saying: 'From here words are learned; from here eloquence, most necessary for persuading in affairs and explaining thoughts, is acquired.' As though, indeed, we could not know the words *golden shower*, *lap*, *deceit*, and *temples of heaven*, and the other words written in that passage, unless Terence introduced a wicked young man who sets Jupiter before himself as an example of rape while looking upon a certain tablet painted on a wall, where there was a picture of Jupiter and by what means they say he sent a golden shower into Danaë's lap, making a deceit for a woman. And see how he arouses himself to lust as though by heavenly instruction: 'But what god?' he says. 'He who shakes the temples of heaven with his supreme thunder. Should I, a little man, not do it? Indeed, I did it, and gladly.' Not at all are those words more conveniently learned through this baseness; rather, through those words that baseness is more confidently perpetrated. I do not accuse the words, as though they were choice and precious vessels, but the wine of error which was offered to us in them by drunken teachers; and unless we drank, we were beaten, nor was it permitted to appeal to any sober judge. And yet, my God, in whose sight my recollection is now secure, I gladly learned these things and delighted in them, wretched as I was; and on this account I was called a boy of good promise."

§ 10. Behold, Augustine: in our time, happier than your years, the Society has resisted that river. God has dried up the river through a humble and very small religious order--not through racks, long exiles, and swords avenging chastity, but through unarmed professors of grammar whom the world holds in contempt. It no longer rolls the children of Eve into the great and fearsome sea. Eloquence may now be chaste; the good arts are no longer handmaids of pimps. In three hundred colleges and three thousand classes, instruction is publicly handed down chastely by the Society, and by many who, in imitation of the Society, preserve the virgin Muses chastely and modestly, and by others who, in imitation of the Society, hand down eloquence without mention of crimes.

In former times there were not lacking those who accused that most wise care of the Society; but these same men, with unabashed brow, could watch the Floralia--far worse than that man who departed from the theater amid the applause of a most vicious people, a people nevertheless applauding virtue. For how much difference is there whether an infamous actor sings the play, or the counterfeit majesty of a barbarous master not only illustrates those obscenities with commentary and inculcates them by repetition, but also compels them to be learned by abuse and blows? Cicero saw this, and Plato before him. Cicero indeed does not conceal so great evils in *Tusculan Disputations* 3: "But do you see what evil the poets bring? They introduce the bravest men lamenting; they soften our minds; then they are so sweet that they are not only read but even learned by heart. Thus when poets too are added to bad domestic discipline and a life passed in shade and luxury, they destroy all the sinews of virtue. Rightly, therefore, are they led out of that city which Plato fashioned when he sought the best morals and the best condition of the state. But we, learned of course by Greece, read and learned these things from boyhood; this we regard as liberal education and learning."

ON THE EDUCATION OF YOUTH

§ 11. Therefore let the state place over youth those governors whose mind, tongue, and style are as far removed as possible from baseness. For this reason I would altogether advise that so great a matter be entrusted to religious and consecrated men. For since they have vowed chastity to God, and since they have recognized that it is among the parts of their office both to consult their own salvation and to make others good, they will avoid not only buffoonery and obscenity of words, but also every appearance of evil. Thus the sons of princes are also generally entrusted for education to bishops, or else to some grave prelate of proven virtue. To this zeal for such great purity I also attribute the fruit which the Society receives from its schools. Certainly it so instructs its preceptors that they display honorable conduct by example and words. Rule 28 in the Summary thus commands: "The things which pertain to the vow of chastity require no interpretation, since it is established how perfectly it must be observed: namely, by striving to imitate angelic purity and the cleanness of our body and mind."

And rule 29: “Let all take the most diligent care to guard the gates of their senses--especially the eyes, ears, and tongue--from every disorder; to preserve themselves in peace and true humility within; and to exhibit that humility in silence when silence must be observed, but, when one must speak, in circumspection and the edification of words, and in modesty of countenance and maturity of gait and of all movements, without any sign of impatience or pride; procuring and desiring in all things to yield the preferable parts to others; regarding all in their minds as superior to themselves; and outwardly displaying with simplicity and religious moderation the honor and reverence which the status of each requires. And let this be done so that, mutually considering one another, they may grow in devotion and praise God our Lord, whom each should endeavor to recognize in another as in his image.”

§ 12. And certainly the Society urges the zeal and love of chastity in all things no less energetically than it prescribes it. I have lived in it now for twenty-four years and have heard no foul speech in any college. But if anyone should wish to sprinkle a stain upon so precious and shining a veil, it punishes him gravely and cuts him away from its body. Indeed, with regard to its conscience and vowed chastity, it punishes even those light excesses in the world concerning which people are not usually even challenged, so that by removal it may consult more rightly the security of its own members, the salvation of their neighbors, and its reputation.

If, therefore, the safety of the state is dear; if Plato, book 6 of the *Laws*, and Aristotle, book 7, chapter 6 of the *Politics*, rightly require at least twenty-five years in men for marriage and twenty in virgins, and yet lust--against which the struggle is difficult--occupies the inward parts much more quickly like poison, how great is the madness of teaching by the public authority of a profession those things by which a growing age, to which destructive Venus is present, is inflamed? Woe to the world because of scandals! Adolescents go toward vice by nature; the preceptors, who ought to resist with every weight and endeavor, lead them down. An improvident age rushes by its own weight, and the master pushes it. They act so that it may not grow up without vice. The mind of the young is corrupted through lusts, and the lecture of a lascivious master assists it; nor does he merely increase the evil:

> As a flame is accustomed to grow when a pyre is added,

but from a master of morals he becomes a shameful teacher of adultery:

> It becomes an art when crime is learned from the earliest years.

[Printed page 213]

And since this kind of struggle requires flight rather than assault, as Saint Cyprian most excellently admonishes, filthy books drive death-bearing stings into those who flee and harm cities no less than brothels. I shall close with the judgment of Antonio de Guevara, book 2 of the *Dial of Princes*, chapter 39: “The masters of princes must be free of every mark of wantonness. For adolescents, since by both the weakness of their age and the depravity of nature they are inclined toward lust, have neither sufficient virtue to be chaste nor prudence to be cautious and not permit themselves to be deceived. Therefore it is necessary that their masters be most holy. For a disciple will never be chaste when he sees that his master is vicious.”

Not only the masters of princes, but the masters of all. For in every class of persons what Valerius says, book 2, chapter 1, is true: “The passage from virtue to luxury is easier than that from luxury to virtue.” In every body there is a spark which, unless it is suppressed, will mingle fires. Yet it is too little that a master be of good reputation if he expounds books branded with disgrace and incapable of bearing witness. No one will believe him chaste who so teaches things that have been eloquently expressed that the boys at the same time learn things that are dishonorable. He acts wickedly who stains the purple-edged toga of a modest age with Sotadean verses and makes it eloquent at the cost of modesty. Let what Ambrose teaches us on Psalm 118 remain stored high in the mind: “Life must be sought before learning; for a good life without learning possesses grace, but learning without life does not possess integrity.” Let that salutary law of chastity remain in the Society’s dwellings and schools, a standard of innocence and a cause of great advancement: that no one not only explain but even possess obscene books; indeed, that he knock from the hands of

disciples books whose handling can corrupt freeborn minds. In former times those who inscribed their own sins upon the gods did nothing other than remove from men the shame of sinning, if they believed that the gods were such. Thus the Ion of Euripides accuses Apollo's lusts in order to excuse human beings:

> Οὐκ ἔτ' ἀνθρώπους κακῶς
>
> Λέγειν δίκαιον, εἰ τὰ τῶν θεῶν κακὰ
>
> Μιμούμεθ', ἀλλὰ τοὺς διδάσκοντας τάδε.

One ought no longer to speak ill of human beings if we imitate the evils of the gods, but rather of those who teach such things.

The madness of preceptors who nourish the vices of adolescence is manifest. For how will a severe father rebuke a son who recounts what a preceptor--more learned, wiser, and more chaste than his father--has dictated from the tripod? What mother will endure her little son singing on the master's authority things she has never heard? Therefore schools, unless administered with the greatest diligence, will carry into households the vices from which virtue was being sought. Against all the father's admonitions will be set the authority of scholastic custom, the academy, and the masters, just as in former times crimes were defended among the gentiles by the deeds of the gods. Hence too, says Seneca in *On the Shortness of Life*, chapter 16, comes "the madness of poets nourishing human errors with fables, in whose eyes Jupiter, enticed by the pleasure of intercourse, doubled the night. What else is it to set vices ablaze than to inscribe the gods as their authors and to give the disease an excused license through the example of divinity?"

The disciples will imitate and surpass the preceptor, for vices never stop where they began.

§ 13. Learning necessary for teaching knowledge must therefore be joined to these morals. This matter, indeed, requires no proof. To wish to teach another what you do not know is madness. Learned parents will instruct their sons excellently in private, but they flee this task, either distracted by occupations or from weariness with the laborious charge. The Chaldaeans and Egyptians instructed their own at home, Diodorus Siculus, book 2, chapter 8, and book 1, chapter 6. Hence Agesicles the Spartan also said: "I wish to be the disciple of those whose son I am." Let masters be learned and possess a reputation for learning. The road to erudition is difficult even for the most talented, even for the most industrious, even for those most free from the care of other matters. Many lay down their lives while they are midway in the attempt; and not a few, standing at the foot of the mountain, become feeble after they have advanced a little. By far the greatest part consists of those who console themselves with a most pleasant opinion and enjoy the greatest peace as though they were learned.

Great learning is a great praise if it serves virtue and salvation, for immense glory is promised to them: "But those who have been learned shall shine like the brightness of the firmament; and those who instruct many unto justice, like stars unto perpetual eternities." The Seventy Interpreters render **συνιέντες**, "those who understand"; for the Hebrew **מיליכשמ**, *maskilim*, signifies teachers themselves, although it also signifies those who understand, Jeremiah 10:21, Psalm 64:10, 1 Kings 18:14, Daniel 4. But "those who instruct unto justice," or **מיברה יקידצמ**, *matsdiqe rabbim*: "those who justify many shall shine like the stars." I do not doubt that our times--and in them the knowledge of very many bishops, priests, jurists, and philosophers--are designated by the words that follow: "But you, Daniel, close the words and seal the book until the appointed time; very many shall pass through it, and knowledge shall be manifold." Before the appointed time, and with the writings sealed, knowledge will be multiplied; for against the sloth, frauds, and sophisms of many, manifold knowledge will be given--not from a variety of opinions, but from the unity of the divine Spirit. Today in the Catholic Church, amid so many hundreds of thousands of learned men, there is great concord and varied knowledge, so that in this part also God renders his Church unconquered.

§ 14. Our Society has embraced this part also with remarkable care. I shall speak in its proper place about the method which it uses. Now I would dare affirm this also: that by divine goodness as much has been bestowed upon it in this part as it had never hoped. Thus in every kind of knowledge, but especially in Philosophy and Theology, it has many

men comparable to any of the most learned. Nor do the heretics deny these things; rather, they calumniate us, and, being envious, detract from us in such a way that they nevertheless confess it. For toward what end do the accusations of certain persons tend, who say that if the Society plants its foot in their territory or is permitted to teach publicly, the crown of disciples--which is the glory of a master--will turn toward the Society? A steady abundance of hearers is proof of a good orator. The workshops and libraries will speak about the books published by fathers of the Society; entire armies bear witness throughout Europe and India concerning the learning of its disciples.

Now I appeal to the conscience of those who are older. Let them traverse in mind or with their eyes those places in which studies now flourish most richly. They will understand that in former times, in those same places, young men of mature age struggled amid grammatical dust over the things in which little adolescents or boys are now taught Rhetoric and Philosophy. It is a sign of remarkable advancement to have rapidly traversed the cycle of the sciences. He is a diligent master whose disciples advance beyond their age. I remember an old man saying, when at Mainz he saw a distinguished cohort of adolescents marked with the doctorate of arts and philosophy, the cheeks of most of whom age had not yet marked with their first down:

[Printed page 214]

“The world is turning around. In my time we handled boyish studies when we were bearded; now boys are skilled in the sciences of men.”

§ 15. Uprightness and learning alone, however, are not sufficient for forming youth; there is need of a method and of skill in teaching. Those who, strong in talent, labor, and resources, strive after erudition abuse the good talents of adolescents and envelop them in great darkness unless they hand down the sciences in a fixed order and by an exact method. Although you run with great strength and rapid effort, unless you keep to the right road you will reach the goal late. Nothing must be learned with such art as the arts themselves. Not only do the liberal arts, such as painting, sculpture, and typography, possess their own shortcuts, but the ruder arts do so as well. For craftsmen and all artisans excel in almost this one thing: that with the most skillful speed they accomplish things which are achieved by the ignorant with great expense and long, troublesome labor.

Our Society, therefore, long and deeply labored upon that method. When some years earlier it had proposed the method that appeared best, after a number of years it recalled it to the anvil, having heard the judgments of the individual provinces, and only then perfected it, so that I strongly doubt whether anything more perfect exists in that kind; I am certain that I myself have never seen anything more perfect. Since our professors use this standard, the result cannot fail to be the best. I recently replied on this matter to Louis the Jurist, in my little book *On the Secrets of the Society*, at the place where he disputed about our cunning. First, the outcome of our affairs is generally fortunate. The one and only cause of it is the grace of God, who, since he wished us to be consecrated to himself for these labors, also bestowed for the safety of his Church and for the consolation of the Society the result which anyone grateful to God will acknowledge. From the same grace remarkable means flow forth: first, the things which I have said--prayer, meditation, and others; then the fact that no one in any office, even the least which he conducts, rests upon his own prudence or judgment, but executes his duty according to the rules. But the rules were made by most prudent and experienced men, and now have been examined, approved, corrected, augmented, and explained by long use. It is not permitted to depart from them; and whatever is done according to their standard, although it sometimes does not obtain the outcome, has nevertheless been done orderly and wisely.

I shall make the matter clear by an example. Some prudent and learned man governs and instructs the youth entrusted to him; he expounds the prescribed lectures and exacts the assigned task. But because he uses only his own judgment, he must often err in many things; and no one who trusts his own judgment thinks and does all things so prudently that another person would not do many things more prudently in the same field. He therefore brings the prudence of one man into the academy. But a professor of the Society uses both his own prudence and talent and, relying upon the aid of all the rules and instructions, undertakes his charge. For he carries with him into the school everything which has

been handed down by many most learned men of different nations, and he polishes youth according to most excellent institutes.

ON THE EDUCATION OF YOUTH

§ 16. The fourth thing which I require in all professors, great and small, is that they use another's counsel in governing and teaching youth. For the counsels and talents of many possess greater power. It belongs to a prudent man not to trust too greatly in his own prudence. It is difficult for grave and experienced men to understand that they do not know what they do not know; for the habit of **φιλαυτία**, self-love, leads them to such misery that they think even their own vices and their errors in teaching ought to be approved. And just as they are not understood by adolescents, or are tolerated once understood, so too they judge it fitting that these things be overlooked by others.

There are certain statutes of academies which, through the fault of men and times, have produced great abuses. Nevertheless, some defend them--not as though they are not done badly, but because they were done in former times, as though a custom of error were not the worse the longer it endures. I shall bring forward one example from many. Consider deposition, which many defend tooth and nail. What utility is there in this? Boys are harassed, mocked, beaten, hear buffooneries, and are injured; and in Germany, where that histrionic farce alone is retained, the comedy passes over into revelry. So many have been wounded, and many even killed by those savage games. They judge it right to remove these things; but, clinging to statutes, they prefer to retain evils rather than abandon antiquities. It is altogether difficult to give counsel to a wise man; but the wiser each man is, the more keenly he sees that he needs another's opinion and counsel. If you found those things in another academy, you would not tolerate them; in your own, you praise them.

They think a man is tested by that rite. Thus Middendorp, *On Academies*, chapter 5, number 4, and Heinrich von Montagu, *The Devil's Farce*, chapter 8. Some refer to this the labors and insults by which those who wished to be initiated into the mysteries of Mithras were harassed; they were vexed in many ways, as the Suda bears witness. But others may judge it excusable for Christian academies to take examples from the worship of a most shameful idol and from ceremonies by which men were consecrated to enormous crimes; I certainly do not judge it praiseworthy. Indeed, that stain now clings to few academies.

Therefore I judge that no one should be admitted to teach in any faculty who does not promise that he will accept with a willing mind the investigations and visitations of his superiors. Let the prince require this altogether and maintain it against all. Let there be frequent inspection, which neither displays hope of impunity nor leaves room for sins. Let there be an exacting overseer of labors and a remunerator of work. What farmer entrusts a matter to an agricultural laborer or vine-dresser in such a way that he does not frequently inspect him digging, trenching, and pruning? And shall the state not care whether youth is rightly educated? He who fears witnesses and examination comes little short of doing badly. This one thing has caused the most beautiful and flourishing academies to perish: gradually they began to teach seldom, then badly, and finally nothing at all, content with their stipends; and while the magistrate was occupied with other things, they indulged one another and their leisure.

It has been most prudently provided that this should never happen to the Society's academies. First, as I said, all use that common method of teaching; and not only in this manner, but also constantly, because a diligent account of their industry is exacted. The Rector's rule 3: "Let him so distribute and regulate his other business that he may foster and enlarge all literary exercises. Let him visit the schools from time to time, even the lower ones; let him frequently attend the disputations of theologians and philosophers, both private and public; and let him observe whether, and for what causes, the fruit of this exercise is impeded."

A Prefect is joined to the Rector, whose duty is to visit all things very frequently, according to rule 2 of the Provincial: "Therefore let him not only commend this very greatly to the Rector in the Lord, but also associate with him a Prefect of Studies, or Chancellor, a man excellently versed in letters,

[Printed page 215]

who possesses both good zeal and judgment for the matters to be committed to him. His office shall be to serve as the Rector's general instrument for arranging studies well. All professors and scholastics--both those in the same college and any who perhaps live in seminaries for boarders and alumni--as well as the Prefects of Studies themselves in the seminaries, shall obey him with the humility that is fitting in matters pertaining to studies.

"3. But if, because of the size of the academy and the variety of its schools, it does not appear that the needs of all the schools have been sufficiently provided for through one Prefect of Studies, let him appoint another, who, according to the prescription of the General Prefect, shall govern the lower studies. Indeed, if the matter so requires, let a third be added, who shall preside over the school hall."

Indeed, a grave law is proposed for observance even to the Prefect of Higher Studies, lest there be departure from the established method. His rule 3 thus states: "Let him change nothing of those things contained in the Order of Studies, nor grant dispensation; but where there is need, let him refer the matter to the Superior."

And rule 4: "Let him have the book concerning the plan of studies at hand, and let him diligently take care that the rules be observed by all authors and professors; above all, those which prescribe the doctrine of Saint Thomas for theologians and the selection of opinions for philosophers. Let him be especially vigilant in this when conclusions are to be defended, and most especially when they are to be printed."

And rule 27: "Let him prescribe through the masters, for our members, alumni, and externs alike, not only the method of studying, reviewing, and disputing, but let him also so distribute all their time that they may use well the hours of private study."

And rule 17: "Let him sometimes hear the preceptors, at least once a month; from time to time let him also read the notes taken down by the disciples. If either he himself observes anything worthy of correction or hears it from others, when he has ascertained it with certainty, let him admonish the preceptor as kindly and courteously as possible; and if necessary, let him refer the entire matter to the Rector."

The same system is prescribed for the Prefect of Lower Studies. His rule 2: "In matters which pertain to the discipline of morals in our schools, let him consult the Rector alone; but in matters which pertain to studies, the General Prefect of Studies. Let him not depart from their prescription; let him abolish no custom or received practice, nor introduce a new one."

And rule 3: "Let him take care that whatever will be declaimed publicly, at home or abroad, by the students of Rhetoric and the lower faculties is delivered to this same Prefect for examination. But let the emblems and poems which are posted publicly on certain very celebrated days be read in their entirety by two persons designated by the Rector, and let the best be selected."

And rule 4: "Let him possess the rules of the masters of the lower schools and of the hearers, and diligently take care that they be observed just as his own. Let him assist and direct the masters themselves, and take the greatest care that nothing be done among others--especially among their disciples--to detract from their reputation and authority."

And rule 5: "Let him take very great care that new preceptors diligently retain their predecessors' manner of teaching and other customs, provided they are not foreign to our system."

And rule 6: "At least every fifteenth day let him hear each teacher. Let him observe whether they give Christian doctrine its due time and labor; whether they advance sufficiently both in completing and in reviewing their assigned task; and finally whether they conduct themselves becomingly and praiseworthily with their disciples in all things."

ON THE EDUCATION OF YOUTH

§ 17. Nor can an origin of suspicions, distrust, and complaints arise from this matter, nor those words which have corrupted many academies: “If you hold us to be good or diligent, why do you observe the actions and words of those who teach? If bad, substitute better men. If you appoint a guardian, you show that you doubt us. It is harsh and insulting that inquiry should be made every day into our life, doctrine, and individual words.” Those murmurs neither exist nor can exist in the Society; or if they resound in someone’s thought, he is already in danger of not belonging to the Society, since by private judgment he struggles against the institute of the whole Society. These inquiries are conducted by law; all have now voluntarily bound themselves to that standard. No one teaches under another condition; no teacher regards the office of the visitor as a demand arising from sinister suspicion, but as a debt owed to the laws.

§ 18. But there are six things especially which make them not only capable of, but even lovers of, observation, admonition, and even correction--and not only the younger and beginners, but veterans too, and indeed even those who have acted as prefects, rectors, and provincials. This is frequent and customary among us and is a support of discipline.

The first is that from their very novitiate they are instructed toward humility and obedience. They learn what is the head of prudence: in treating sciences, talents, and morals, nothing is safer than to employ common counsel; and the Greeks rightly say, **βαδίζειν τῇ λεωφόρῳ**, “to walk by the royal road.” Therefore, from the heart, they greatly desire to be directed by the rules, by the guardians of the rules, and by their superiors. The second is consideration of the great advantage which thereby comes to themselves and their disciples. For he who so teaches and governs disciples that he has not only young men as hearers and readers of his dictations, but learned men also as spectators and judges--truly, he will not easily approach teaching unprepared or rashly. He who fears error will not easily err. Even he who teaches little boys the small and first rudiments knows that he must do so in such a way that his method of teaching, exercising, and examining may be approved by prudent men. Daily experience, through the evil of too many, teaches us how greatly it harms a tender little age to be allotted masters who cling to their own judgment and despise the counsel of others.

The third is that this inspection, the expeller of indolence and awakener of industry and alacrity, is both common to all and gravely enjoined upon superiors. No one casts suspicion upon the fidelity or diligence of others when he discharges his office. Not my suspicion, not your negligence, but the nature of the office requires inspection. I would desire that, in all academies, censors and judges of lecturers be appointed according to this example, just as lecturers are; and that this charge be entrusted to men of proven learning and integrity, even to magistrates and nobles. For if magistrates are placed with authority and dignity over roads, bridges, and aqueducts, why not over the education of youth?

The fourth is that they rejoice in the witness of a good conscience. Either the disciples are assiduous, industrious, modest, and advance toward learning; or at least by negligence and wickedness they render the preceptor’s labor fruitless. In either outcome the preceptor not only retains a quiet conscience, because another’s wickedness rendered vain the result of his counsels and labors--he himself nowhere failed in his duty, and those who should have received the benefits were lacking, not the one who gave them, so that both fault and loss remain with the same persons--but also,

[Printed page 216]

since he has lived in the sight of his Prefects and Rector, he is supported by their testimony. Antonio de Guevara, book 2, chapter 43, advised his prince to employ this method of examining, visiting, inspecting, and admonishing the instructors of his sons. In his account Seleucus speaks thus about his inspection, by which he daily inquired into his son’s governors: “I have ascertained, my friends, that no friend is found today upon earth who will put his dignity and reputation at risk for the sake of a friend. But if even rustic men do not do this, how much less must wise men do it? For what is there for whose sake men labor more in this life than to have and leave behind an excellent reputation

concerning themselves? Since you are both wise men and the masters of my son, and moreover counselors of my household, it is not right that you should be offended by anyone. For in the courts of princes, by the best right, only that man should be received among the greatest intimates and necessary persons who dares to give true counsel to the Prince.

"The command which I gave to Parthenius neither renders your fidelity suspect nor creates danger to your authority; and if you weigh the matter itself in an equal balance, it is both good for us and in no way harmful to me. The reason is ready at hand. For you are either good or evil. If good, it is fitting that you rejoice that your services are reported to me daily. For in the ears of Princes a recollection of services recalled from time to time cannot fail to be fruitful on some day. But if you are evil and not very solicitous and assiduous concerning the education of my son, it is right that I be admonished, lest, if the father is deceived, negligence in education be destructive to the son; indeed, lest your counsel bring stain and disaster even upon me and my kingdom. For it is not fitting for a good Prince openly to have wicked men numbered among his counselors.

"If my son Antiochus--may the gods avert it!--should turn out wicked, the loss flows back upon me, since my kingdom will both go to ruin, my reputation will be diminished, and he himself will not enjoy his inheritance. If all these things happen thus, it will be of very little consequence to you, since you will say that you are free of fault because the adolescent refused to receive your teaching. Therefore it does not appear to me a bad counsel that I should observe you just as you observe him. For it is my task to take care that you are good; yours to strive that your disciples are not evil."

Formerly Plutarch entrusted this to parents, and it must altogether be observed in household masters and pedagogues: "Parents must now be rebuked who, after entrusting their children to pedagogues and preceptors, are themselves altogether neither spectators nor hearers of their instruction. In this they depart especially far from their duty. For they themselves ought, with only a few days intervening, to take a sample of their children's progress, and not place all their hope in the disposition of a salaried master. For those men will have more care for the boys when they always expect to render accounts." And here the statement of a certain groom is surely witty: "Nothing fattens a horse so much as the eye of the king."

This practice, therefore, must be introduced everywhere into morals: that directors and censors of teachers be sought at greater expense than the teachers themselves. Such is the weakness of human beings that they readily incline toward idleness. Even the best gladiators sometimes seek a whetstone, for practice itself makes one blunt; and he who is often diligent at times permits himself something and relaxes. How many stipends belonging formerly to teachers in academies do we now see remain with those who neither wish nor are able to teach? How many benefices formerly assigned to theological and juridical lectureships are now possessed without the labor of teaching? Whence came that custom? Because gradually the teaching was conducted negligently and then nothing at all began to be taught.

The fifth thing which I require in a preceptor is a paternal love toward his disciples. Masters stand in the place of parents to their disciples. Nature implanted a great love toward their sons in parents because the great trouble and patience needed for rearing them cannot remain constant without great charity. The difficulty in instructing is greater, and therefore greater and more divine charity is needed in the secondary and external parent, so that he may consult his disciples, not himself. He whom hunger and the fee alone entice will never accomplish this with sufficiently sincere fidelity; the man whom his own advantages incite to labor is a hireling. If anyone is applied to so great a matter through another's recommendation or favor rather than his own merit, he will discharge his office only so long as he can do so without loss. The harshness, ferocity, pride, and ingratitude of many must be tolerated. Just as the care of physicians does not forsake madmen who revile and threaten death, so too let the master's charity not be diminished by injuries. That law of charity will make teachers not only industrious and laborious but also talented and skillful.

The sixth is that they be courteous and affable, that they not conceal vices, that they be courageous so as not to fear giving offense for the salvation of their subjects, furnished with civil manners, and tranquil in mind. There is no need to pursue these matters at greater length, since it was abundantly accomplished in the third book. For if these virtues

are deservedly commended to all citizens, how much more to the teachers of citizens, who are certain public mirrors, at the sight of whom the city is accustomed to conform its morals? Their evil morals and vices are spread abroad as from a public place into the whole state.

CHAPTER VII

Pupils Must Be Admitted to the Study of the Liberal Arts and Sciences with Great Care in Selection

ON THE EDUCATION OF YOUTH

§ 1. We everywhere see it happen to the great detriment of the state that, without selection or judgment, those are admitted to the liberal arts whom the outcome itself proves to apply themselves to studies against Minerva's will and to sacrifice while the Muses are turned away. What sort of pupils of the liberal arts, therefore, will be fitting? I require two things in them. The first is a gift of nature: talent and natural disposition. The other is what they themselves can furnish: namely, zeal for virtue, diligence, and reverence toward their preceptors.

§ 2. We must therefore speak about talents. Aristotle, **ἐν τοῖς φυσιογνωμονικοῖς**, in the *Physiognomics*, describes the talented person thus:

εὐφυοῦς σημεῖα· σὰρξ ὑγροτέρα καὶ ἁπαλωτέρα, οὐκ εὐεκτικὴ οὐδὲ πιμελώδης σφόδρα· τὰ περὶ τὰς ὠμοπλάτας καὶ τράχηλον ἰσχνότερα, καὶ τὰ περὶ τὸ πρόσωπον, καὶ σύνδετα τὰ περὶ τὰς ὠμοπλάτας, καὶ τὰ κάτω ἀφειμένα· εὔλυτα τὰ περὶ τὰς πλευράς· καὶ τὸν νῶτον ἀσαρκότερον· τὸ σῶμα λευκέρυθρον καὶ καθαρόν· τὸ δερμάτιον λεπτόν· τριχωμάτιον μὴ λίαν σκληρὸν μηδὲ λίαν μέλαν· ὄμμα χαροπόν, ὑγρόν.

The signs of talent are flesh that is moister and softer, not of the best bodily condition, nor, as it were, packed together after the manner of boxers, nor very fatty; the parts around the shoulder muscles and the neck are more slender, as are also those around the face. The parts around the shoulder blades are well joined, and those below are relaxed; those around the ribs are looser.

[Printed page 217]

The back is not fleshy, the body is a pure mixture of white and red, the skin is thin, and the hair is neither excessively stiff nor very black. The eye, or look, is **χαροπός**, bright, and moist. **Χαροποί** eyes are tawny, blue-gray, pleasing, and joyful; Theocritus calls them **ὄμματα χαροπώτερα πολλὸν Ἀθάνας**: he says that they have eyes far brighter than Minerva herself has.

The same author asserts that those have a better memory, **μνήμονας**, who have the upper parts smaller, rounded, and not fleshy: **οἱ τὰ ἄνω ἐλάττονα ἔχοντες καὶ γλαφυρὰ καὶ σαρκωδέστερα**. But in chapter 2 he says that hard flesh of the best bodily condition signifies an insensible or stupid man; soft flesh signifies a talented man, but one who is **ἀβέβαιον**, unstable, unless it is in a strong body having large extremities.

Next, in chapter 3 he gives the signs of an insensible man, **ἀναισθήτου**: the parts around the neck and legs are fleshy and compact; the socket of the hip is round; the muscles of the shoulders are spread upward; the forehead is large, circular, and fleshy; the eye is saffron-colored; the legs around the ankle are thick, fleshy, and round; the jaws are large and fleshy; the loins are fleshy; the legs are long; the neck is thick; and the face is fleshy and rather long. He takes movement, shape, and the character that appears in the face according to resemblances.

And in chapter 6: those who have thick lips, with the upper lip projecting, are foolish. And **οἱ τὸ μέτωπον μικρὸν ἔχοντες ἀμαθεῖς**: those who have a small forehead are unteachable. And those who have eyebrows extending toward the temples are foolish.

§ 3. The affections of the mind are indicated by such lineaments of bodies; nevertheless, if you look to experience, the reasoning often fails, nor are those signs of any moment unless they all agree in one subject.

Accordingly, that estimation of talents is uncertain and frequently injurious. Many possess **καλαὶ κεφαλαί, ἀλλὰ ἐγκέφαλον οὐκ ἔχουσι**: pretty heads, but without a little brain. Symmetry of limbs, pleasantness of complexion, softness of flesh, and the firm swelling of muscles do not always accompany talents. In the body of Aesop and of Galba an excellent talent dwelt very badly.

Solomon indeed acknowledges, Wisdom 8:19--20: **Παῖς δὲ ἦμην εὐφυής, ψυχῆς τε ἔλαχον ἀγαθῆς· μᾶλλον δὲ ἀγαθὸς ὢν ἦλθον εἰς σῶμα ἀμίαντον.** "I was indeed a talented boy and obtained a good soul; and since I was yet more good, I came into an undefiled body." He joins the constitution of the body with the goodness of the soul because they are generally joined. Yet he acknowledges that the head and source of wisdom is placed in divine goodness. And therefore in chapter 9, verse 4, he prays thus: "Give me wisdom, the attendant of your seats, and do not reject me from among your children."

Therefore, he who is to judge the talent of adolescents will indeed use these signs, but in such a way that he considers neither nothing nor everything to be placed in them. He will therefore employ other signs. He will test the memory; consider the manner of acting and the industry; and ask whether the youth quickly grasps what is said, reasons, and pays attention. Many things are observed in domestic practice, even in play and recreation: whether he smiles at unexpected and pointed sayings; whether he admires and asks about things artfully made and new; and whether he readily imitates the things he sees.

The best estimator of talents, Seneca, teaches in Epistle 66 that neither just any knowledge of physiognomy nor an inspection of **τὰ τεκμήρια**, the evidential signs, is sufficient: "I saw Claranus, my fellow pupil, after many years. I do not suppose that you expect me to add, 'an old man,' but, by Hercules, vigorous in mind and flourishing, and struggling with his little body. For nature conducted herself unjustly and placed such a mind badly--or perhaps she wished to show us this very thing: that a most courageous and most blessed talent can lie hidden beneath any skin. Nevertheless, he conquered every impediment, and from contempt for himself he came to contempt for all other things. The man who said this seems to me to have erred:

> Virtue coming from a beautiful body is more pleasing.

"For it needs no embellishment: it is itself its own great adornment, and it consecrates its body. Certainly I began to look closely at our Claranus. He appears beautiful to me and as upright in body as he is in mind. A great man can come forth from a cottage; and from a deformed and humble little body can come a beautiful and great mind. Therefore nature seems to me to produce certain men of this kind in order to prove that virtue is born in every place. If she had been able to produce souls naked by themselves, she would have done so; now she does what is greater: for she produces some impeded by bodies, but nevertheless breaking through the obstacles. Claranus seems to me to have been produced as an example, so that we might know that the soul is not disfigured by the deformity of the body, but the body is adorned by the beauty of the soul."

Rhodiginus agrees with Seneca, book 3 of the *Ancient Readings*, chapter 12: "As for what we have noted concerning the affections of the four humors, one ought to know that these things do not appear altogether constant. For there are occasions when, beneath a maidenly and gentle face, a barbarous, savage, and wholly brutal cruelty lies hidden. But beneath a contemptible countenance threatening blood there sometimes lies a lovable clemency worthy of kisses. Those whose brow is charming, laughing, and radiant often seethe with griefs and struggle with themselves. Again, you may find some so mournful in appearance, with so wretched a face and clouded a brow, like the defeated Marsyas, that they plainly appear to be slaves of Saturn. But when you address them--good God!--how serene they are in mind, how witty, with what affability they dissolve everything in laughter."

§ 4. Scarcely anyone, therefore, should be repelled from letters without a trial; but those whom it is established are unsuitable should, I judge, be removed in good time. For there are certain talents so brutish and uncultivated, having something intermediate between the common nature of human beings and stupidity, such as those of the Thracians,

who could count only to four or five. For who could endure teaching letters to a Margites, or to the breasts of the Abderite populace, which are bodies without minds even if they are **τρισκαιδεκάπηχεα**, thirteen cubits tall?

Cicero, in *On the Orator*, praises Apollonius of Alabanda because, although he taught for a fee, he nevertheless did not permit those whom he did not think capable of becoming orators to waste their labor under him; he dismissed them and exhorted them toward other arts for which he judged them suitable. Our Society too follows this method, all the more sincerely because, since it teaches without charge, it is not induced by payment to retain men unsuitable for letters.

The ninth rule for the Prefect of Lower Studies is this: "So far as this can be done, he should enroll no one among the number of pupils who is not brought by parents or by others who have charge of him; or whom he himself does not know; or concerning whom he cannot readily be informed by others already known to him. But he should exclude no one because he is of low birth or poor."

And rule 25: "If anyone appears in no way suitable for advancement to the next grade, no place should be given to entreaty. If anyone is barely suitable, but nevertheless appears deserving of promotion because of his age, the time spent in the same class, or some other reason, let it be done--unless something opposes it--on this condition: that if he does not sufficiently prove his industry to his master, he is to be sent back to the lower school and no account of him is to be taken in its register. Finally, if any are so rude that it is neither fitting to promote them nor possible to hope for any fruit in their present class, the matter should be taken up with the Rector, so that, after their parents or guardians have been most courteously admonished, they may not occupy a place."

The reason why I judge that this must be done is that labor is expended in vain. "If you pound a fool in a mortar, as barley is struck with a pestle from above, his folly will not be taken away from him." I am not unaware that Solomon said this of morals, Proverbs 27:22; yet it is not badly understood also of hardness of talent. **Ἂν ἀπωλέσῃς τοὺς ὤμους ὕδωρ πτίσσων, ὁμοίως ὕδωρ μένει**: "If in pounding water you destroy your shoulders, the water nevertheless remains." He who washes an Ethiopian, he who washes a black flint, does nothing except make its blackness more conspicuous:

> If you persist in wishing to teach an unteachable talent,

[Printed page 218]

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> Unhappy man, you will waste your labor--as if someone should teach

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> A donkey in an open field to run obedient to the bridle.

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> Although, after the manner of four-footed horses, he may appear

>

> Able to lift his head and gather up proud steps,

>

> Yet, if you press him with either bridles or spurs,

>

> The donkey of stubborn mind lowers his little ears

>

Toward the earth and kicks with his hind feet. Therefore

>

Desist, for art will never conquer nature; and a noble horse

>

Will never be made from a degenerate donkey,

>

And from a fool a man judicious in an art will never be made.

Thus speaks a poet more prudent than elegant; and against hard talents there is no need of elegance.

§ 5. There is therefore immense labor without any fruit--indeed, with immense torment for the man who is so miserably tortured. When Quintilian the proconsul was stretching a guilty man upon the rack and deliberating about the punishment of one who had confessed, Polemon, an adolescent at once foolish and wanton, said, "Order him to learn the ancient authors by heart." His stupidity, alienated from learning, judged this to be the greatest torment.

From this it also follows that, since they do not grasp wisdom, they give themselves over to leisure and vices; and scarcely any are worse than those whom academies have long cultivated in vain. For they commonly turn the liberty and privileges of students into license of living, and harm the reputation of studies and arts more than talented and industrious men can benefit it. They hate the sciences which they could not grasp, and prefer to appear to have despised them rather than to have been unable to attain them. Accordingly, they scorn both learned men and learning and draw many away from it.

I see almost all Europe erring in this direction. And I freely assert--as one who is himself a lover and pupil of studies--that there appear to be too many students, and that the Prince and the state ought to take care that the public good is not harmed for this reason. But lest this perhaps be received by harsh ears, let them hear a counselor on literary affairs, the most learned man of our age. For after Lipsius had said, in book 2 of the *Politics*, chapter 17, "Learning must be promoted somewhat by the prince," he added these words in his notes: "I rightly admonish him, for, as Symmachus says, we know that the good arts are nourished by honor, and that this is a mark of a flourishing state: that abundant rewards are paid to professors of disciplines. Yet I deliberately added the little word 'somewhat,' because, just as it is harmful to abolish them, so it is harmful to promote them too ardently."

Of Justinian, Zonaras writes: **τὰς τυπωθείσας ἀνέκαθεν ἐν ἑκάστῃ τῶν πόλεων δίδοσθαι σιτήσεις τοῖς ἐν αὐταῖς διδασκάλοις τῶν λογικῶν τεχνῶν καὶ ἐπιστημῶν, ὑποθήκαις τοῦ ἐπάρχου, ἐξέκοψε· καὶ οὕτως τῶν ἐν ταῖς πόλεσι διδασκαλείων ἐσχολακότων ἀγροικία τῶν ἐν αὐταῖς κατεκράτησε.** "He abolished, on the advice of his Prefect, the provisions established from antiquity to be given in every town to professors of the good arts and sciences; and thus, as the schools throughout the towns grew cold, rusticity and barbarism took possession of the inhabitants." These evils the Thracian Emperor brought in with his axe; but those too are covertly harmful who have promoted them too lavishly.

For it must altogether be confessed that idleness and softness can creep into minds by no means more easily or more honorably than by this path of letters. Yet strength and virtue do not exist where those things are. As puppies unfit for hunting when trained to dance and to delights of that sort, so citizens too highly cultivated are little suited to manly exercises. We extol to heaven Francis I and Leo X, who so keenly revived letters. If we regard their purpose, deservedly; if the end and outcome, I am doubtful, because in truth the one rendered his France, and the other Italy, more cultivated and pleasant, but at the same time softer. What good hope remains where women too are everywhere engaged in books and letters? Yet it has come to this.

Those honest Spartans please me, who said: **γράμματα μὲν ἕνεκα τῆς χρείας ἐμάνθανον· ἡ δ' ἄλλη παιδεία πρὸς τὸ ἄρχεσθαι καλῶς ἐγίνετο, καὶ καρτερεῖν πονοῦντα, καὶ νικᾶν μαχόμενον.** "They learned letters at least for use; all their remaining training was directed toward obeying well, enduring labors, and conquering in battle." I would strongly advise my Prince to see that this is observed in his citizens. Let not too many, nor all, apply themselves to studies, but let the nobility do so especially, because the patricians ought to be strong in counsel; for the people, cleverness is superfluous.

ON THE EDUCATION OF YOUTH

§ 6. Although I dissent somewhat from Lipsius and would judge that learning must be promoted in every way, I nevertheless approve this: that he institutes a selection of students and judges that erudition, unless it is rightly handled, does very great harm to the state. The sight of the schools teaches us that very great error is committed in this matter. In an academy that produces scarcely thirty bachelors and twenty masters of arts in each year, and scarcely one doctor of medicine, law, or theology in a five-year period, a thousand adolescents are taught.

A great part turn their minds elsewhere after the schools of grammar. Accustomed to literary leisure, they are suitable neither for the guilds of craftsmen nor for military service. Hence comes an immense supply of idlers, vagabonds, musicians, and petty poets; hence men perniciously unlearned creep into the clergy and monasteries. Would it not have been better at the beginning to remove from studies boys still capable of any art than, after expenditures of labor and money, to abandon those studies with disgrace?

Look at the masters and doctors themselves: some unlearned, some merely bearing academic bulls, few excellent. The cause of so great an evil is the confused multitude of learners, among whom each man, although deficient in talent, strives to struggle up to the summit of erudition. But since strength deserts most of them, many must fall at the very starting-barriers, others in the middle, and others at the end close to the very goal.

§ 7. How great a talent, then, do you require in a pupil? I look up with admiration to one that is best and plainly divine, such as there was in Origen, Augustine, and Aristotle. There was a greater one in Didymus, who, though blind from birth, attempted the more hidden matters of the sciences with a lofty spirit and attained them most successfully, as Jerome relates. And, what you may wonder at still more, he grasped geometrical theorems, angles, points, and sections. Where this is absent, I desire a great and good talent; thirdly, a moderate one, if God and nature have denied a good one.

Epicurus describes for us three kinds of talents. Seneca, Epistle 52: "Epicurus says that some men strive toward truth without anyone's assistance, and that of these he himself made a path for himself. He praises these most, men whose impetus came from themselves and who brought themselves forward. Some need another's help: they would not go if no one preceded them, but would follow well. Of these he says Metrodorus is one. This too is an excellent talent, but of the second rank. We are not of that first class; it goes well with us if we are received into this second. Nor would you despise the man who can be saved by another's kindness; and it is already much to be willing to be saved.

"Besides these you will find yet another kind of human beings, itself not to be disdained: those who can be driven and compelled toward the right, who need not only a leader but a helper and, so to speak, a coercer. This is the third color. If you seek an example of this, Epicurus says that Hermarchus was such a man. Accordingly, he congratulates the one more, but admires the other more. For although both arrived at the same end, the praise is greater for having effected the same thing in more difficult material.

"For suppose that two buildings have been raised, both equal, equally lofty, equally magnificent. One received hard ground: there the work immediately

grew. The foundations of the other sank, having been laid upon soft and shifting earth; and much labor was consumed until solid ground was reached. In the one, whatever was done is visible; in the other, a great and more difficult part lies hidden. Some talents are easy and unencumbered; some must be fashioned by hand, as they say, and labored upon in their foundations. Accordingly, I would call the man who had no trouble with himself the happier; but the man who conquered the perversity of his nature and did not lead himself to wisdom but dragged himself to it has deserved better of himself. You may know that this hard and laborious talent has been given to us: we go through obstacles. Let us therefore fight; let us call upon the aid of some persons."

The rest is correct, but it was truly the boastfulness of a madman in Epicurus that he gloried in having had no master, as Cicero also reports in book 1 of *On the Nature of the Gods*. But we must treat of talents.

§ 8. I admire and fear the greatest and most excellent talents; I approve moderate ones. A measured natural disposition, a mind that reaches with labor the point toward which it strives, is most useful to studies and the state, because it is accustomed to use studies rightly.

The greatest talents are no less to be feared than admired. For those who excel in keen talent are generally irascible. Plato, in his book *On Knowledge*, thinks it arduous and difficult to find a talented man who is not irascible and immoderate; I speak of the propensity of nature, not of his life. They are agile and teachable, and are moved by the vivacity of subtle and brilliant spirits. But just as material full of rich, airy substance is easily kindled and is wholly dissolved into flame, so the mind of such men also catches flame like asphalt.

Next, those talents are not without some admixture of folly. Seneca says, in his book *On Tranquillity of Mind*, that according to Aristotle there was no great talent without an admixture of madness. He gives the reason: "A mind cannot say anything grand and above others unless it has been moved. When it has despised common and customary things and has risen higher under a sacred impulse, then at last it has sung something grander than a mortal mouth. It cannot attain anything sublime and situated on a height so long as it is in its ordinary state. It must depart from the customary, be borne aloft, bite the reins, carry off its driver, and bear him to the place to which by himself he would have feared to ascend."

§ 9. But how can a talented man be foolish? He certainly can--not indeed altogether alienated in mind, but nevertheless wandering astray in matters of the greatest importance. For since it is one thing to store a matter in a swift memory and apprehend it at first sight, and another to judge concerning things to be done, we shall not find all these in the same person.

Aristotle discussed the matter in *Problems*, section 30. First, he relates that those who became distinguished either in talent, in the studies of philosophy, in administering public affairs, in composing poetry, or in practicing the arts were melancholics--even to the point that they were assailed by the maladies of black bile, as is related of Hercules among the heroes. For he is thought to have been of this very nature; and the ancients named the falling sickness "sacred" from him, and "Herculean." The disturbance of mind in children also explains this very thing, as does the eruption of sores which sometimes precedes death. For in most persons black bile settles in this way. And in Lysander the Lacedaemonian, shortly before his death, this kind of sores broke out. Add Ajax and Bellerophon, of whom the one burst forth utterly into insanity, while the other sought out deserted places. Hence that passage of Homer:

Αὐτὰρ ἐπεὶ καὶ κεῖνος ἀπήχθετο πᾶσι θεοῖσιν,

>

ἤτοι ὃ κὰπ πεδίον τὸ Ἀλήϊον οἶος ἀλᾶτο,

>

ὃν θυμὸν κατέδων, πάτον ἀνθρώπων ἀλεείνων.

>

But when even that man had become hated by all the gods,

>

he wandered alone over the Aleian plain,

>

eating out his heart and shunning the paths of men.

Indeed, it has been discovered that most of the other heroes suffered from the same malady. In later years we know that Empedocles, Socrates, Plato, and many other distinguished men were of this constitution, and even the greater part of the order of poets. For diseases also afflict many persons of this kind because of such a constitution of body, and some by their own nature plainly incline toward those very affections; yet almost all, as has already been said, were by nature of this kind.

Therefore he refers the cause to bile: **ὅσοις δὴ λίαν πολλὴ καὶ θερμὴ, μανικοὶ καὶ εὐφυεῖς καὶ ἐρωτικοὶ καὶ εὐκίνητοι πρὸς τοὺς θυμοὺς καὶ τὰς ἐπιθυμίας.** "Those in whom there is very much hot bile are manic, talented, amorous, and prone to anger and desires." Nor does Plato, Aristotle's master, speak otherwise when he says that those excel in talent who are accustomed to be seized and aroused by frenzy. Democritus too judged that all the most talented men were accustomed to be seized by frenzy. But if you have a mind to learn the cause more precisely, consult Caelius, book 17 of the *Various Readings*, chapter 5.

This too must be added: the greatest talents are often fitful, flighty, always in motion, and quickly disgusted with present things. This levity and inconstancy not only impedes progress in the disciplines but sometimes disturbs the state. Accordingly, those who are talented should be formed to virtue with immense care. If they enter public affairs, that saying which a prudent preceptor uttered about his Themistocles will rightly apply to them: "Son, you will be nothing mediocre, but either a great light of your fatherland or a great pest." Accordingly, I prefer an even, constant, good talent, which labor may advance and sharpen, to one that is excessively swift, versatile, acute, and ready. Greatness of talent, if virtue is absent, produces great errors.

§ 10. Finally, the greatest talents are also accustomed to be precocious; but those that are such are brief and fleeting. At eighteen years of age Hermogenes composed a *Rhetoric* which was read by everyone with admiration and held in great honor, as a prodigy of premature erudition and eloquence. But in his twenty-fourth year, having lost his mind, he became a laughingstock. He was assailed even with jokes. Some said that Homer had rightly called words **λόγους πτερόεντας**, "winged words," because Hermogenes had cast them away like wings. Others said: **ὁ Ἑρμογένης ἐν παισὶ γέρων, ἐν γέρουσι παῖς**: "Hermogenes was an old man among boys, but a boy among old men."

Seneca excellently describes those precocious fruits in *Consolation to Marcia*, chapter 23: "When you saw in a young man the prudence of an old man, a spirit victorious over all pleasures, corrected and free of vice, seeking riches without avarice, honors without ambition, and pleasures without luxury, did you, Marcia, think that he could long fall to your lot in safety? Whatever has reached the summit hastens toward its end. Perfected virtue snatches itself away and removes itself from our eyes; things which matured at the beginning do not await the final time. The brighter a fire has shone, the more quickly it is extinguished. The fire that, committed to slow and difficult material and submerged in smoke, shines from foul fuel is more enduring; for the same cause that feeds it scantily also holds it back. Thus, the more brilliant talents are, the shorter they are. For where there is no room for increase, decline is near.

"Fabianus says that a boy, whom our own parents also saw, lived at Rome with the stature of an enormous man; but he quickly died, and every prudent person said that he would die soon, for he could not attain the age which he had anticipated. Thus maturity is an indication of impending destruction, and the end approaches when growth has been exhausted."

What we discern happening in the body must also be said of talent, which depends upon the body's constitution and temperament, as the losses of many have taught.

[Printed page 220]

CHAPTER VIII

Certain Rules of Conduct Must Be Prescribed for Students

ON THE EDUCATION OF YOUTH

§ 1. The academies throughout Europe have been founded and fortified by the best laws and institutes; and for all their particular schools, as for a certain part of the state, their own statutes and rules are read. The Society certainly appears to me to have embraced the duty of a Christian and studious adolescent in those laws which it has prescribed for its hearers. They are set forth in this order.

"Those who attend a school of the Society of Jesus for the sake of learning should understand that, with God's help, care will be taken with no less effort that they be imbued with piety and the other virtues than with the liberal arts."

There is a twofold end in attending a school: the first and best is virtue and piety; the secondary is erudition. Deservedly so, for letters without virtue make a man cunning rather than good. They burden the state; they do not assist it. Seneca judged it shameful to come with writing tablets to a philosopher in order to take down words, not things. Teacher and learner ought to have the same end and the same purpose: the teacher wishes to benefit, the pupil to advance; the one to infuse virtue, the other to receive it. Thus the Common Rules for Teachers of the Lower Studies state: "1. Let the master so instruct the adolescents who have been entrusted to the discipline of the Society that, together with letters, they may above all imbibe conduct worthy also of Christians."

The following rules prescribe the means by which they may attain this:

1. "Let his particular intention, both in lectures when an occasion offers itself and outside them, be directed toward preparing the tender minds of the adolescents for obedience and love toward God and toward the virtues by which they ought to please him; but let him especially observe the things that follow.

2. "Before school begins, let someone recite the brief prayer appointed for this purpose, which the preceptor and all the pupils shall hear attentively with heads uncovered and knees bent. But before the lecture begins, let the preceptor himself, with his head uncovered, fortify himself with the sign of the cross and begin.

3. "Let him take care that all attend Mass and the sermon: Mass daily, but the sermon on feast days. In Lent, moreover, let him send them to it at least twice each week, or even lead them according to the custom of the region.

4. "Let Christian doctrine be learned and recited from memory on Friday or Saturday, especially in the grammar classes, or in others if there is need--unless perhaps in some place it should appear that it must be recited still more frequently, even by new pupils.

5. "Likewise on Friday or Saturday let him give a pious exhortation or explanation of doctrine for half an hour. Above all, let him exhort them to pray to God daily, and especially to recite the rosary of the Blessed Virgin or the Office each day; to examine their conscience in the evening; to receive frequently and rightly the sacraments of Penance and the Eucharist; to avoid harmful associations; to detest vices; and, finally, to cultivate virtues worthy of a Christian man.

6. "Even in private conversations he shall inculcate the same things that pertain to piety, yet in such a way that he does not appear to entice anyone toward our religious order. But if he learns of anything of this kind, let him refer it to the confessor.

7. “On Saturday toward evening, let him order the Litany of the Most Blessed Virgin to be recited in his class; or, if it is customary, let him lead them into the church to hear it with the others. Let him also diligently commend to the pupils devotion toward that same Virgin and toward their guardian angel.

8. “Let him earnestly commend spiritual reading, especially concerning the lives of the saints. Conversely, let him not only himself refrain from reading to the young impure writers, and writers generally in whom there is anything capable of harming good morals, but also deter the pupils as much as he can from reading the same writers outside school.

9. “Let him ensure that no one omits monthly confession. He shall order them to give the confessors their given name, surname, and class written on a slip, so that, on afterwards examining the slips, he may understand who were absent.

10. “Let him often pray to God for his pupils and edify them by the example of his religious life.”

Nor ought anyone to wonder that piety and virtue are of such great concern to us, since it ought to be proposed to all that they know how to live rather than how to dispute. It is shameful that some have sat for many years in the sanctuary of the virtues without having acquired even their color. Seneca formerly rebuked this, Epistle 10: “Why should I not know them? They are indeed most persistent and assiduous; yet I call them not pupils of philosophers but tenants. Some come to hear, not to learn, just as we are drawn into the theater for the sake of pleasure, to delight our ears with speech, voice, or stories. You will see that this is a great part of the hearers, for whom the philosopher’s school is a lodging-house of leisure. They do not aim to lay aside some vices there, or to receive some rule of life against which they may measure their conduct, but to enjoy the delight of their ears. Some nevertheless come even with writing tablets, not to take down things but words, which they learn without benefit to another just as they hear them without benefit to themselves.

“Some are aroused by magnificent utterances and pass over into the emotion of those who speak, eager in countenance and spirit. They are stirred no otherwise than those Phrygian half-men who are accustomed to rage at command at the sound of the flute. The beauty of the things, not the sound of empty words, carries them away and incites them. If anything has been said sharply against death, if anything defiantly against fortune, it immediately pleases them to do what they hear. They are affected and would become such as they are ordered to be, if that form remained in their mind--if the multitude, the dissuader from what is honorable, did not immediately intercept the remarkable impulse. Few have been able to carry home the mind which they had conceived. It is easy to arouse a hearer to desire what is right. For nature has given to all the foundations and seed of the virtues; we are all born for all these things. When an inciter approaches, then those goods of the mind, as though asleep, are awakened.”

If, therefore, pagan philosophers took care that they imbued adolescents with virtues, or at least with the color of virtues, this will pertain much more to Christian professors. The sanctity of religion, the obligation of their office, and the fidelity owed to parents ought to impel them to regard the rule of living as their first concern.

§ 2. “Let each person attend the class which has been assigned to him by the Prefect after examination.”

By the best right and deservedly so. For he who commits himself to a preceptor in order to receive from him the ornaments and laurel of the most beautiful sciences cannot prescribe to him by what method he must teach. One ignorant of the road ought not to be the guide of a man who knows all the signs and all the Mercurial heaps. It is a great error, sometimes of hearers and more frequently of parents, to wish to prescribe to the master and sometimes even to academies. He who prescribes to the master the order in which the disciplines are to be handed down, although by professing himself a learner he admits himself less learned,

[Printed page 221]

nevertheless professes himself wiser in teaching. That swelling of mind greatly obstructs the disciplines. While each person strives to ascend to a higher grade of the schools before his years and knowledge allow, he does not learn the foundations and therefore does not understand the higher matters. “I do not understand this preceptor,” they say; “I do

not grasp these trifles." Each person scarcely judges himself without corruption, especially concerning his talent, an immense morbid desire of loving and proclaiming which has been implanted in everyone.

Alexander once devoted himself to geometrical **ἀναλύσεσι**, analyses, and demonstrations. Since, as happens in the most abstruse matters, the greatest difficulties required the greatest attention and subtlety, with royal haughtiness he commanded the teacher to express them more clearly. The latter answered truly and rightly that all these things were equally difficult for all, for fortune does not furnish talent but more frequently veils it with haughtiness. Let him therefore have a preceptor who teaches what is necessary and lays foundations: if these fail, the man who has raised the edifice of learning higher constructs a ruin. Those make the best progress who behold the works of their first labor more slowly. A man who pours wine copiously into a jar with a narrow neck loses the greater part. Things proportioned to the measure of a talent assist it; talents are sharpened by moderate labor and collapse beneath a greater burden. Haste has harmed very many, while they measure progress by a change of classes, as though an unlearned man could not penetrate to the same place.

§ 3. "At least every month let all confess their sins; and at the appointed hour each day let them becomingly attend the sacrifice of the Mass, and on feast days the sermon."

That law contains three things: the precept of monthly sacred confession, daily sacred Mass, and the sacred sermon on feast days. Thus the Constitutions, part 4, chapter 16: "Let diligent care be taken that those who betake themselves to the universities of the Society for the sake of learning letters learn at the same time with them good conduct worthy of Christians. It will greatly assist toward this if all approach the sacrament of confession at least once each month; if they hear Mass daily and the sermon on every feast day when it is delivered. Let each of the preceptors take care that his pupils perform this."

The declaration of the Constitutions adds that if anyone does not perform these things and is furthermore dissolute and a stumbling block to others, he must be expelled from the schools.

I am not unaware that these things are mocked by heretics, devoted to curses, despised by politicians, and negligently performed by the frivolous. But in this matter the Society has many illustrious authorities. First, confession was in use from the primitive Church: Clement, Epistle 1 to James; Dionysius to Demophilus; Origen on Psalm 32; Eusebius, book 5, chapter 27, and book 6, chapter 27; Cyprian, *On the Lapsed*: "God sees the hearts and breasts of individuals and is to judge not only our deeds but also our words and thoughts. He beholds the minds and the intentions of all while they are yet conceived in the hidden places of the closed breast. Finally, how much greater in faith and better in fear are those who, although bound by no crime of sacrifice or certificate, nevertheless, because they have so much as thought about it, confess this very thing sorrowfully and simply before the priests of God, make confession of their conscience, expose the burden of their mind, and seek saving medicine even for small and slight wounds, knowing that it is written: 'God is not mocked.'"

§ 4. But it is not my purpose now to touch upon controversies of religion; nor indeed is it necessary. For the mockers of Catholic confession themselves, in this year in which they imagine the jubilee of their opinion, prescribe confession in a program posted on the thirtieth day of October.

Confession is therefore necessary for the remission of sins, as Augustine truly says, homily 49 of book 50: "Let no one say to himself: 'I act in secret; I act before God. God who pardons me knows that I act in my heart.' Was it therefore said without cause, 'Whatever you shall loose on earth shall be loosed in heaven'? Were the keys therefore given to the Church of God without cause? Do we frustrate the Gospel of God? Do we frustrate the words of Christ?"

§ 5. When, however, we require monthly confession, we do this so that they may serve God with greater purity, flee offenses, and be armed against the temptations of the Devil and the assaults of the world. Another's presence is a great bridle upon one about to sin; so too is his knowing that there will sometime be an accuser and witness of the sin. It is certainly established that very many are drawn back from sins by that remedy, when they know that there is no secret

belonging to any crime. It therefore ought to seem burdensome neither to the bad nor to the good. Not to the bad, because nothing is more useful to them than immediately to leave contumacy, be freed from disease, feel that God is appeased, and cast off the dominion of the Devil.

Not to the good--that is, those who sin little or lightly, for no one does not sin--because it is easy to be absolved from light and daily sins. Saint Chrysostom, Jerome, and others advise that when anyone has committed a sin, he should submit himself to the care of priests at the first opportunity. For if a serpent strikes you with a venomous tongue, you wait neither years nor months, nor even days or hours, but seek remedies while the venom has not yet spread to the vital parts. But will you neglect a wound fixed by the Tartarean tooth of the ancient serpent in the innermost recesses of the soul, raging with the danger of eternal death?

§ 6. The second requirement is that they attend the sacrifice of the Mass daily. "I would prefer that time to be expended on good letters," the Politician objects. On the contrary, the time is expended upon the highest good, from whom come both letters and the mind capable of letters. How much is it that, out of twenty-four hours, half an hour is consecrated to the worship of the divine power? If it is just to return tithes of goods to God, why does it seem excessive to you to dedicate one forty-eighth part of time to him in whom we live and have our being, who extends for us the spans of time, who makes his sun rise over the just and unjust? Moreover, the most powerful kind of prayer occurs when vows are poured forth in God's presence at the time of the oblation.

Saint Chrysostom reckoned this among his reasons, homily 24 on 1 Corinthians: "Let us therefore approach him with fervor and ardent charity, lest we undergo punishment. For the greater the benefits with which we have been affected, the more shall we be punished when we are found unworthy of the benefit. The Magi revered this body even when it lay in the manger; and impious men, barbarians, left fatherland and home, completed a long road, and, when they had come, adored with much fear and trembling. Let us, citizens of heaven, imitate even the barbarians. For although they saw him in a manger and a hut and saw none of the things such as you now see, they approached with great reverence. But you see him not in a manger but upon an altar; not a woman holding him, but a priest standing by, and the Spirit flying over the things set forth with great abundance. You do not merely see this same body as they did, but know both its power and its dispensation, and are ignorant of none of the things accomplished through it, since you have been exactly and carefully initiated in all the mysteries. Let us therefore arouse ourselves, let us fear, and let us display a far greater reverence than those barbarians did,

[Printed page 222]

lest, if we approach rashly and without consideration, we heap fire upon our head."

And in book 6 of *On the Priesthood*: "At that time angels sit beside the priest, and the whole order of the heavenly powers raises cries; and the place near the altar is full of choirs of angels in honor of him who is sacrificed. This may be sufficiently believed even from the great sacrifice which is then performed. I myself heard someone recalling that a certain old man, an admirable man to whom many mysteries of revelations had been divinely disclosed, had told him that he had once been judged worthy by God of such a vision; and that at that time he had suddenly seen a multitude of angels, so far as human sight could bear it, clothed in shining garments and surrounding the altar itself; finally, with heads so bowed as if one were to see soldiers standing in the presence of a king."

What wonder is it, therefore, if we lead our pupils daily to Christ, who is daily offered and received in an unbloody sacrifice? We present them to him; with them and for them we pray. Formerly many refreshed their souls every day with the Eucharist, even secretly at home. Let us at least thus far imitate our ancestors, that we join our prayers to the public liturgy.

§ 7. The third requirement is that they attend the sacred sermon on feast days. For that divine fire kindles minds and breasts; it is oil for charity as it gradually grows cold. Ambrose, sermon 18, on the words "Your utterance is exceedingly fiery": "First kindle this fire in your minds, so that the light of Christ may shine forth for you. With this

fire the bush burned and was not consumed. For the divine word burns in order to correct the sinner's conscience; it does not consume in order to destroy. This fire has been accustomed to blunt, this fire to extinguish, the savage conflagrations of material flames. Finally, the Hebrews, kindled by this fire, could neither fear nor feel the heat of the burning furnace. Deservedly, therefore, the good servant loves the fiery utterance of the Lord, by which charity, which excludes fear, is put on. He beautifully added 'exceedingly,' because every teacher indeed inflames the affection of the hearer, but above all is the word of God, penetrating the divisions of joints and the inmost marrow. Therefore describe the fiery utterance of God for yourself in three ways: as that which cleanses, that which kindles, or that which illuminates its hearers."

The Council of Trent invites not only students but absolutely all the faithful to sacred sermons: "Because the preaching of the Gospel is no less necessary to the Christian state than its reading, and this is the principal office of bishops, the same holy Synod has established and decreed that all bishops, archbishops, primates, and all other prelates of churches are bound personally to preach the holy Gospel of Jesus Christ, unless they are legitimately impeded. But if it should happen that bishops and the others aforesaid are detained by a legitimate impediment, according to the form of the General Council they shall be bound to assume suitable men for salutarily executing this office of preaching."

§ 8. "Let all attend the explanation of the Catechism each week and learn its compendium by heart as the masters have appointed."

The fourth rule for preceptors likewise prescribes this. Both preceptor and hearer will frequently revolve in his mind that those who long ago received the mark of the Lord and the token of their commander must be instructed in Christian doctrine with greater care than those who aspire to the Church from among Jews or pagans. For recruits who have already sworn the oath and have been enrolled in the legions of the Church must be instructed and strengthened for daily battle; for they do not offend against the laws of their commander without common danger to the camp. Those who are already brethren require a brotherly mind in their teacher. Augustine wrote a book *On Catechizing the Uninstructed*, in which he both teaches the method of catechizing and arms catechists against weariness in always repeating the same things.

Every master who instructs little ones in the sacred faith will avoid with the greatest effort the weariness which causes him neither to speak eloquently--that is, suitably to the capacity of little ones--while his discourse creeps languidly, producing yawning rather than eagerness in his hearers. There is a distinguished lesson in Augustine, *On Catechizing the Uninstructed*, chapter 12: "Now if we grow weary of frequently repeating things customary and suited to little ones, let us conform ourselves to them through brotherly, fatherly, and motherly love; and, once joined to their heart, those things will appear new even to us. For the affection of a sympathizing mind possesses such power that, when they are affected as we speak and we as they learn, we dwell mutually in one another; and thus what they hear is as though they speak in us, while we in a certain manner learn with them the things we teach.

"Does this not customarily happen when we show to those who had never seen them before certain spacious and beautiful places, whether of cities or fields, which we ourselves had often passed without any pleasure, so that our delight is renewed in their delight at the novelty? And it happens the more, the dearer they are, because through the bond of love, to the extent that we are in them, to that extent things which were old become new also to us. But if we have made some progress in contemplating things, we no longer wish those whom we love merely to rejoice and marvel when they behold works of human hands; rather, we wish to raise them up to the very citadel and counsel of their maker, and thence to rise into admiration and praise of God, maker of all things, where lies the most fruitful end of love. How much more, therefore, ought we to delight when human beings approach now to learn the Lord himself, for whose sake all things that must be learned are to be learned, and to be renewed in their novelty, so that if our preaching is colder than usual, it may grow warm through their unaccustomed hearing."

§ 9. I see some adolescents diligent in the oratorical faculty, laborious in composing verses, victorious even over difficulties in learning the Greek language, diligent in the thickets of Dialectic, the depths of Physics, the secrets of

Metaphysics, and the mathematical sciences, but immediately wearied in sacred doctrine. For either they devise reasons for not coming at all, or, when they have come, turn their minds elsewhere and by looking about and yawning show that they wish to depart or are present unwillingly. They show themselves either entangled in great vices or so gaping after the perishable honors of the sciences that they bear pagan minds in a Christian profession.

For what will you answer to your God? You turn over Cicero or Demosthenes for whole days; you eagerly drink the fables of the poets, with the sweetness of their song and very frequently with muddy poison; you grow pale over Aristotle and Euclid, destined to gain this, that the more things you learn, the more things you doubt. And do you despise the utterances of the Lord--chaste utterances, sweeter than honey, more excellent than a precious stone? He labors under a grave disease for whom the best food produces nausea. What happens to travelers is accustomed to happen to them: those who apply themselves to describing the manners of various peoples, rivers, and towns are ignorant of the bounds of their own patrimony and the limits of their fields. Hence they can neither govern their conscience, nor render an account of the faith, nor answer a Jew or heretic, nor even an unlearned man. This is the more serious for the reason that they possess the authority

[Printed page 223]

of orators and philosophers and the title of masters, but the ignorance of boys in the Christian faith. Hence they pay great penalties for so great a contempt, sometimes by shipwreck of religion, displaying their ignorance to the world.

Accordingly, I judge this counsel salutary for all schools and academies: that they admit no one to a higher school who has neglected to learn the things handed down in religion by the lower class. Let there be an examination not only of secular erudition, which puffs up, but also of sacred erudition, which edifies. Let no one be distinguished with academic honors and titles unless he has also exercised himself in Christian doctrine as much as is fitting. For it is shameful for a Christian if an academy produces him as a disciple of Plato or Aristotle rather than of Christ. For to what end is it useful to bring into public affairs men swollen with sciences and unstable in opinions, but ignorant of Christian truth?

ON THE EDUCATION OF YOUTH

§ 10. “Let none of our pupils enter the school with weapons, small swords, knives, or other things of that kind which have been forbidden according to places or times.”

Let no one wonder that weapons are removed from schools, because we instruct neither a soldier nor a boxer. And weapons are carried without cause into a place where fighting is not permitted. Pompey lowered the fasces, together with their axes, before a philosopher, although he was already great in deed and even in name. How much less must adolescents be permitted to display small swords or daggers in the sanctuary of wisdom? Yet this is rare and is done not by those who study military affairs, but by those whom empty ostentation has bound to iron.

I have seen a man who considered this law contrary to his dignity and walked about the courtyard armed with a sword. “Will you ungird me? My nobility no more permits my weapons to be torn away than my limbs.” You err, adolescent: weapons are honorably laid aside when they are laid aside by law. It is proud insolence for you to be armed among so many unarmed men. Look at the ancient laws: weapons were taken away from private persons; forums, crossroads, streets, and suburbs were trodden by unarmed nobility; they took up arms against the enemy.

Justinian, Novella 17, chapter 17: “For these things, when preserved by you, make the belt longer-lasting and more glorious for you, provided that, above other things, you permit no one who is not serving in the military to use weapons. The designation ‘weapons’ certainly signifies not only shields, swords, and helmets, but also clubs and stones.”

But since a great authority, the legislator himself, explains to us the ancient custom which endures even today in many places--and does so concerning the whole state, although we now by no means follow it--I shall show that adolescents

studying humane letters, philosophy, theology, or even law and medicine cannot complain if they approach unarmed professors and the altar of prudence without weapons, the instruments of madness and slaughter. Novella 85 therefore states:

"Always invoking our great God and Savior Jesus Christ and his aid, we strive to preserve all our subjects, whose government God has entrusted to us, unharmed and free of injury, and to restrain the wars which they undertake against one another by their own deliberation and by which they cause suffering, thereby bringing a double punishment upon themselves: both that which they inflict upon themselves and that which they suffer from the laws that punish their madness."

"Wishing, therefore, to free human beings from deaths of this kind, we have provided that no private person perform the work of weapons manufacture, but that only those make weapons who are assigned to the public arms factories, or who are called *fabricenses*. Let those who work upon weapons sell them to no private person. Nor do we permit those arms-makers who are enrolled in the military units, who are also called *deputati* and receive provisions from the fisc, either to manufacture or to sell weapons to anyone; but only to have care of the weapons of the soldiers enrolled in the unit in which they serve. But if they make anything new, let it be offered by them and brought into our sacred armory, to be added there to the public weapons already deposited."

"We wish those who are in the orders of ballista-makers, whom we have established in various cities by enrolling them and decreeing that they make weapons, to observe this also: that they repair and renew only the public weapons stored in the public armories of each city. But if any one of them has constructed any single weapon, let them likewise furnish it among the public weapons and sell it to absolutely no one else. Let those assigned to the ballista factories also observe this, at the risk of the fathers of the cities under whom we have placed those same ballista-makers and established the care and custody of the public armories. Thus, if either the *deputati* or the *fabricenses* are seen selling weapons, let the judges in the localities take care to subject them to punishments and, furthermore, to take the weapons without payment from those who buy them and claim them for the public."

"With God governing us in this thought, we have decreed by the present law that in no city or province of our state shall private persons or anyone else have license to make, sell, or acquire weapons in any manner, but that only those numbered among the *fabricenses* shall construct them and deliver them to our sacred armory. And we decree that this be observed by your Highness and by those who after you receive the belt.

"We assign some of the *chartularii* who are placed under your Highness in the bureau of the *fabricenses*, at the risk of the five senior men among them, men possessing a good reputation and suitable for the task. Seeking out those who make weapons in this most fortunate city and in the other cities of our state, they shall prohibit private persons, or any others apart from those assigned among the *fabricenses*, from undertaking the business of weapons manufacture; and in whatever places they find private persons daring this, they shall take these things away and attach them to the armory of the fisc.

"But if among private craftsmen they have been able to find artisans suitable for the task, they may, if they wish, place them in the service, enter their names in the register, and send us the register of the artisans, so that by our sacred rescript they may be established in those places in which the public factories are situated, and thus may both manufacture weapons and receive provisions from the fisc. For when this has been done and carefully observed by the persons aforesaid, license will be granted to absolutely no one--neither private inhabitants of the cities nor rustics dwelling in villages--to use arms against one another, to presume upon killings, and thereby to cause very many human beings to be slain and public services to perish, while cultivators of the earth, fearing the loss of life, resort to flight because of fear.

"Therefore those who are dispatched by your Highness from the aforesaid bureau of the *fabricenses* to prohibit private makers of weapons must also receive an acknowledgment in the localities from the judges, the offices subject to them, and the defenders and fathers of the cities, that henceforth they will have no power to do any of the things prohibited

by us, but will observe the things decreed by the present law, fearing punishment both in their property and upon their very head. For we decree that a negligent judge of great Alexandria shall pay a penalty of twenty pounds of gold and lose his belt; and that his office shall likewise pay a penalty of twenty pounds of gold

[Printed page 224]

and undergo capital punishment. But the judges of the other provinces shall sustain a loss of ten pounds of gold and shall themselves likewise be subject to loss of the belt, as shall their offices. The defenders and fathers of cities shall be fined a penalty of three pounds of gold and shall undergo danger to their head if, after discovering that any such thing has been done, they do not punish it or report it to those capable of taking action, but permit it to remain hidden."

"In order that the things which we have prohibited from being made by private persons and certain others, apart from those numbered among our sacred *fabricenses*, or from being sold to private persons may be made manifest, we have taken care to signify this also by the present law. For we prohibit private persons from manufacturing or buying bows, arrows, *spathae*, and the swords which they customarily call *semispathia*; those called *zabae*, or coats of mail; pikes; lances made in any manner or shape; those which among the Isaurians are named *monocopia*; and the so-called *sitinni*, or missiles. Furthermore, we prohibit oval shields, shields, helmets, or headpieces. For we permit no one other than those assigned among our sacred *fabricenses* to construct these things. We permit only smaller knives, which no one uses in battles, to be made and sold by private persons and to private persons. Therefore let your Highness publish the present general law in this royal city and also throughout the other cities of our state, so that all, knowing the things which have pleased us, may observe them."

"We give notice to the *chartularii* from the aforesaid bureau of the *fabricenses* who shall in future preside over this custody that, for negligence, they shall not only sustain monetary penalties but also suffer corporal punishments and lose their service. Furthermore, we shall not permit that same bureau thereafter to be involved in a concern of this kind, but shall commit the care of the *fabricenses* to others."

Such were the ancients. But I marvel that in certain academies students walk armed, quarrel, challenge, fight, and even run about armed at night--things Nero and the most wicked men did--haughtily address, attack, and strike those they meet, which is the practice of urban robbers. Thus license in bearing weapons has summoned disgrace, dangers, and robberies out of woods and dens into cities and the schools of the most civilized men. For we are not unaware that there are cities in which the pupils of Justice herself and sacred Themis cut one another to pieces with mutual wounds and criminally assault citizens and residents. What interpreters of justice or presidents over laws will the state someday hope for in men who maraud as though they were being trained for robberies?

What, then, do you advise? What else? Let the Prince impose military laws upon these martial chicks, since through their little ferocious boastfulness they turn away from academic gentleness. The laws of German military service must be brought back from the camps to the academies. At Speyer in the year 1570, the following was decreed concerning cavalrymen.

Law 66. "Moreover, during expeditions, watches, a march under full standards, or the very station of the guard, let no one attack another with armed hand or challenge him to single combat. Whoever does this shall be bound by the prefects present and brought before the tribune of cavalry or the court."

Law 67. "Let no one discharge a firearm against another, whether within or outside the camp; nor attack with weapons anyone standing with his back turned or his face averted; nor challenge another to an equestrian contest; nor in any manner insolently inflict violence upon anyone, under a penalty to be determined according to equestrian law."

Law 68. "Let no one insolently burst into the tents or pavilions of others, either by day or by night, nor inflict violence, under a most grave penalty and a declaration of equestrian law."

Law 73. "During the expedition, let no one renew inveterate enmities and discords, whether in the camp or in the garrisons, nor attempt deliberately to avenge them. Instead, let all either suppress affairs of this kind, permit them to be

settled by the tribune of cavalry and his prefects, or use the ordinary course of law. Whoever acts otherwise shall be fined the lawful penalty."

Law 74. "Whoever has either personally beheld two or more men disagreeing with one another or even drawing weapons against one another, or has learned of it while absent through the report of others, shall establish peace between the disagreeing parties. After the matter has been settled, let the factious parties observe without any contradiction the peace established between them for the duration of the expedition."

The laws speak thus concerning the infantry. **Law 29:**

"Let all and each abstain from rash duels under penalty of death, but diligently pursue familiar association, peace, and union of minds."

30. "Let them not use firearms, spears, or similar weapons in duels, under their military oath; but let swords be permitted to each for the defense of his life, both by cutting and by thrusting."

31. "Let no one renew in any military expedition an old hatred or rancor lying hidden deep in his breast, nor in any manner avenge himself, whether by word or deed, except by the course of law. But whoever transgresses this constitution or contravenes it shall be brought before the judge and, after the case has been examined, punished with loss of honor or life."

32. "Let no one stir up factions between different parties. But if quarrels and enmities arise between any persons, let each of the nearest men faithfully and without any regard for persons constitute themselves mediators for a first, second, and third time. If anyone afterwards does not acquiesce in this settlement, the man who kills him will have inflicted the penalty due to him. But whoever attacks a mediator or an unarmed man shall be brought before the court and, after sufficient investigation of the matter, punished with death."

33. "But whoever should still assail another with a sword or cast it against him, whether before or after the quarrel has been broken up, shall be punished with death."

34. "In order that grave disadvantages and dangers may be forestalled, if quarrels have arisen between two or more persons, or if they have even come to arms, let no one present himself as a partisan of one party rather than the other, but as a separator of the combat. Transgressors of this law shall be punished at the discretion of the commander."

To such a point have evils advanced that studious adolescents devoted to all the arts and virtues cannot be governed even by military discipline! "But when liberty has been taken away, youth will run riot." It is better to depart well than to remain badly. Yet not all will be driven away: only the rash, braggarts, the unskilled, and those who use the privileges of students for wickedness will change their soil. More will arrive, for discipline attracts and dissolution puts to flight.

"Let them altogether abstain from swearing, insults, injuries, detractions, lies, forbidden games, places that are harmful or prohibited by the Prefect of Schools, and, finally, from all things opposed to uprightness of conduct."

Concerning these things it is necessary to admonish nothing else than that students must especially avoid those vices. Certainly, the more learned each person is, the more need there is for him to be better. But enough has been said about these vices in the third book.

[Printed page 225]

ON THE EDUCATION OF YOUTH

§ 11. Let them understand that, in matters which concern morals and the study of the good arts, when precepts or admonitions are of less avail, the masters will not fail in their duty to punish them. Let those who refuse punishments, who show no hope of amendment, or who are troublesome to the rest and harmful through their example know that they are to be dismissed from our schools.

I have already shown above that what Plato judged is true: namely, that all are made worse by indulgence. Plato's words are:

> ἡ μὲν τρυφὴ δύσκολα καὶ ἀκράχολα καὶ σφόδρα ἀπὸ σμικρῶν κινούμενα τὰ τῶν νέων ἤθη ἀπεργάζεται, τὸ δὲ τούτων ἐναντίον, ἥ τε σφοδρὰ καὶ ἀγρία δούλωσις, ταπεινοὺς καὶ ἀνελευθέρους καὶ μισανθρώπους ποιοῦσα, ἀνεπιτηδείους συνοίκους ἀποτελεῖ.

That is: indulgence renders the characters of children difficult, peevish, irascible, and such as are violently disturbed by slight occasions; excessive and savage servitude, on the contrary, renders their characters abject, illiberal, and averse to the intercourse of human society, and consequently makes them such as are altogether unfit for every association and familiarity.

§ 12. But another question is now at issue: whether adolescents ought to be governed by fear of punishments. Because this question is rather long and demands a separate place, I reserve it for another time. I admonish only this: it is just that those who neither offer hope of amendment nor cease to be a scandal to others should be banished from academies. I was pleased that this law of schools had also been approved by a military decree of the Senate issued by the German princes. For concerning cavalrymen, Law 45 ordains as follows:

"Likewise, on Sundays, and whenever the signal is given for divine offices or sermons, let masters and nobles, as well as their servants, diligently apply themselves to hearing the word of God and the sacred office of the Mass. Whoever in the meantime is found in drinking-parties, taverns, or other places devoted to scandals and frivolities shall be punished, account being taken of the offense. If he is a servant, he shall be confined in bonds and prison. But if he is a master or noble, he shall be sharply rebuked in words by the master of cavalry or any other prefect. If, however, he shows no amendment and has previously been arraigned before the military tribune, then, according to the laws of the cavalry, notice shall at last be given to him that, for this reason also, if he does not altogether cease from public scandal and an impious manner of life, he will, by a public declaration of law, be dishonorably discharged as an example to others."

Impiety has long brought infamy upon camps:

> There is no faith or piety in men who follow camps;
>
> Their souls are for sale: right is where the greatest payment is.

Yet the assemblies of the most august council in Germany prosecute even the impiety of nobles with punishment and dishonorable discharge. But if the leading men judge that camps must be purged of offenses and evil examples, although in camps there are few who are not an evil example, what must be done among youth most tender in years, whose innocence is both weak and unwary? I would wish the entire city in which an academy is to be established to be like a temple; but because there has been a departure from that purity, the greatest care must be taken concerning those who, under the name of students, smear upon others the vices by which they themselves perish. But those for whom it is more gratifying and profitable to count many hearers rather than disciples do not do this.

§ 13. Let all obey their respective masters; and let them observe as diligently as possible the method of study prescribed by those masters, both in the schools and at home.

I shall speak of obedience--an account of which all must render to God, the state, and their parents--when I have explained with what honor pupils are bound to attend upon their teacher. Method is a thing as necessary as the labor of studying itself. A great part of the best minds, having entered an unknown road, have wandered away from the goal.

§ 14. Let them apply their mind to their studies seriously and constantly; let them be assiduous in attending the schools early, and diligent in hearing and reviewing lectures and in performing the other exercises. But if they comprehend anything imperfectly or have any doubt, let them consult the master.

What assails studious youth with the greatest danger to their studies and morals is the sweetness of idleness. It is a great evil because, by doing nothing, it overthrows everything; and it not only deprives the idle of fruit but also enervates the very powers of memory, intellect, and judgment.

Therefore let them seek diligent, industrious, and energetic adolescents, for whom Stimula may shake off idleness, whom Agenoria may bring forward upon the benches, and to whom Strenua may give strength and perseverance. Let their age, flourishing through learned and honorable labor, dispel both the vices of idleness and those of adolescence; by this one means above all it will flee the enticements of sloth. A certain Thessalian was asked which of his fellow countrymen were the most wicked. He answered: those who had respite from war. I answer freely--and if I am mistaken, I am surely mistaken in very few cases--that I trust no adolescent unless I see industry, diligence, and labor in him. However composed for probity their faces may appear, although their words and gestures display holiness and they wear away the thresholds of all the churches, I do not believe that religion, virtue, and chastity are dear to them if they delight in idleness. Piety is not idle, nor is it languid, any more than it is proud. That affectation is devoid of life, because it fails in its duty and therefore soon dissolves into corruption. Are you a student? Practice virtue; learn letters and sciences. The first part of piety is to obey one's calling and comply with the will of one's parents. The body itself grows feeble in idleness and is overwhelmed by cold diseases, if we believe Galen. The mind, however, becomes altogether brutish. I place among the highest objects of praise the exercises of the Gymnosophists and their education of youth, proposed also for our imitation. For, after summoning the adolescents to table, before the dishes were set down, they asked what they had done up to that hour, so that shame at having to answer might burden those who had passed the day idly, while praise might arouse others whose industry had been conspicuous in some work.

§ 15. Let them hear of diligence greater than human, and follow it so far as they can. Pliny the Younger writes thus concerning the elder Pliny:

"His intellect was keen, his zeal incredible, his wakefulness supreme. He began to work by lamplight from the festival of Vulcan onward, not for the sake of an auspicious beginning, but for study, while much of the night still remained; in winter, however, from the seventh hour, or, at the latest, the eighth, often the sixth. He was certainly most ready for sleep, which sometimes came upon him and left him even amid his very studies. Before dawn he went to the emperor Vespasian, for he too used the nights, and from there to the duty delegated to him. Having returned home, he gave whatever time remained to his studies. After taking food--which during the day he often took lightly and simply, according to the custom of the ancients--if there was any leisure in summer, he lay in the sun; a book was read, and he made notes and excerpts. For he never read anything from which he did not make excerpts. He also used to say that no book was so bad that it could not in some part

[Printed page 226]

be useful. After the sun he generally bathed in cold water. Then he took a light meal and slept very briefly. Soon, as though it were another day, he studied until dinnertime. Over dinner a book was read and annotated, and indeed rapidly. I remember that one of his friends, when the reader had pronounced certain things incorrectly, called him back and compelled him to repeat them. My uncle said to him, 'You understood, surely?' When he nodded assent, my uncle said, 'Why, then, did you call him back? By this interruption of yours we have lost more than ten verses.' So great was his economy of time. In summer he rose from dinner while it was light; in winter, within the first hour of night, but as though compelled by some law. These things he did amid his labors and the din of the city. In retirement only the time

of the bath was withdrawn from study. When I say the bath, I mean its inner parts; for while he was scraped and dried, he heard something or dictated. On a journey, as though released from other cares, he devoted himself to this alone. At his side was a secretary with a book and writing tablets, whose hands in winter were protected by sleeves, so that not even the harshness of the weather might snatch away any time from study. For this reason he was also carried in a chair at Rome. I recall being reproved by him when I was walking. 'You could,' he said, 'have avoided losing these hours.' For he considered all time lost which was not spent upon studies. By this concentration he completed all those volumes and left me one hundred and sixty notebooks of selected passages, written, indeed, on both sides and in a very minute hand, by which method this number is multiplied. He himself used to relate that, when he was procurator in Spain, he could have sold these notebooks to Largius Licinus for four hundred thousand sesterces, and at that time there were somewhat fewer of them. When you recall how much he read and how much he wrote, does he not seem to you never to have held any offices nor to have enjoyed the friendship of princes? Again, when you hear how much labor he spent upon studies, does he not seem to have written too little and read too little? For what is there that either those occupations could not have hindered or this persistence could not have accomplished? And so I am accustomed to laugh when certain men call me studious, for, if I am compared with him, I am most idle. And am I so only, I whom duties partly public and partly owed to friends distract? Who among those who sit at letters their whole life, when compared with him, would not blush as though devoted to sleep and indolence? I have prolonged the letter, although I had resolved to write only that which you asked, namely, what books he had left. Yet I trust that these things too will be no less pleasing to you than the books themselves, since they can excite you by the spurs of emulation not only to read them but also to work out something similar."

Seneca's diligence was no less. In Epistle 8 he says: "You bid me avoid the crowd, withdraw, and be content with conscience. Where are those precepts of yours which command a man to die in action? What? Do I meanwhile seem to you to be sitting idle? I have hidden myself away and closed my doors for this purpose, that I may be of use to more people. No day passes for me in leisure; I reclaim part of the nights for study. I have no leisure for sleep, but succumb to it, and I keep my eyes, wearied by wakefulness and falling shut, upon their work."

This is to apply the mind seriously to studies. I do not admonish you to declaim with Demosthenes against the roar of falling rivers, or, with pebbles placed in your mouth, to wrench the canine letter from your tongue; nor, in the manner of Carneades, to let an ecstasy of speculation withdraw your hands from food even at table; much less to tear out your eyes with Democritus lest they turn the mind's concentration elsewhere. Those deeds of Carneades and Democritus are monstrosities. I require living and vigorous diligence, which does not withdraw minds from human affairs but adapts them to them. Let both their labor and their industrious leisure be useful to the state.

§ 16. In the lectures themselves I require the greatest attention together with modesty. Strabo relates in Book 15 of his *Geography* that among the Brahmans, the philosophers of India, it was not lawful to speak, sneeze, or spit. But if carelessness or nature had wrung anything of this kind from anyone, the punishment was to be excluded from the lecture hall for one day. Their censure reproved yawning as though it were vomiting, for they thought that it signified the mind's wandering freedom from care and its very slight attention to present matters. Gellius also records, in Book 5, chapter 20, that in the Attic Academy not even laughter was permitted at first. It is therefore fitting to listen with the greatest care, lest the teacher seem, in the presence of so many people, to be speaking to the walls.

Masters must also be consulted in doubtful matters and without foolish shame; for many make no progress because they do not dare profess their ignorance. The lectures must therefore be reviewed and ruminated upon, and if any difficulty occurs, its resolution must be learned from the master. Thus our Constitutions admonish, Part 4, chapter 3, §3.

And Common Rule 11 states: "After the lecture let him remain in the school, or near the school, for at least a quarter of an hour, so that the hearers may be able to approach him to ask questions; and from time to time let him require an account of the lectures and take care that they be repeated."

Attalus showed himself such a man to his pupils, whom Seneca, a grateful pupil, praises in Epistle 108: “I remember Attalus instructing us in these things, when we besieged his school, arrived first, and departed last. Even while he was walking we called him forth to certain discussions. He was not only prepared for learners, but met them halfway.”

§ 17. In the schools let them not wander this way and that, but let each remain modestly and silently beneath his own bench and in his own place, intent upon himself and his affairs. Let them not leave the school unless the master has granted permission to leave. Let them not disfigure or mark the benches, the chair, the seats, the walls, the doors, the windows, or anything else by painting, writing, a small knife, or any other means.

I do not linger over explaining this law, because it is manifest of itself and from the dictate of Themis; nor is it transgressed except by boys or by those who are childish.

§ 18. Let them flee the depraved or even suspect company of others; let them associate only with those by whose example and company they may make progress in the study of letters and of virtues.

I consider it an error in the state that no action lies for a depraved friendship and association. For how great a protection would it be if a day could be appointed for such a man to appear in court, and if the praetor granted an action against one who associated with a wicked man? The society of depraved men is, and always will be, a great evil to the state and to schools; for diseases, plague, and madness spread themselves by contagion, whereas health is not transmitted to a companion. Let all, therefore, choose the best men with whom to associate--those in whose company they would not blush to be seen and from whom they may gather fruit, not disgrace. Some evil always comes from an evil neighbor; all evils are never absent from academies, and often very many are present. In every academy there are

ὁμωρόφοι χελιδόνες,

swallows under the same roof, which are troublesome by their chattering and filth. Pythagoras gave excellent admonition:

γαμψώνυχα μὴ τρέφειν,

not to nourish things with curved claws. Yet, with their weapons drawn in, they too insinuate themselves, and they are not revealed until after they have done harm.

Σκυμνὸν λέοντος πᾶσα μὲν πόλις τρέφει.

Every city indeed nourishes a lion’s cub; but it does not know that its nature is a lion’s, and when it has become a lion, the city will understand this to its own loss. Every likeness is efficacious for conciliating

[Printed page 227]

love, but likeness of studies most of all. That saying is elegant:

Γέρων γέροντι γλῶτταν ἡδίστην ἔχει,

Παῖς παιδί, καὶ γυναικὶ πρόσφορον γυνή,

Νοσῶν τ’ ἀνὴρ νοσοῦντι, καὶ δυσπραξίᾳ

Ληφθείς, ἔποδός ἐστι τῷ πεπραγμένῳ.

An old man has a most pleasant tongue for an old man, a boy for a boy, and a woman for a woman; a sick man for a sick man, and one who is beset by misfortune for one who has experienced the same.

One must be cautious even in the very school of virtues. It has been said severely but truly: you dwell with scorpions. Scorpions are those whose society is pestiferous, who strike swiftly with an arched tail, and with the same weapon with which they open the wound also pour in poison, for they bear a hollow sting. Wicked companions likewise insinuate themselves into familiarity by art and destroy by that same art. A scorpion’s tail is always ready for a blow,

and at no moment does it cease to prepare, lest it fail to seize an opportunity. It strikes with an oblique and curved stroke. Because it is not possible to distinguish all these men, those who have recognized them are commanded by law to flee them. But if anyone associates familiarly with publicly infamous men, he is deservedly driven from the company of the more honorable; for by such impious association he has already proscribed his own reputation.

ON THE EDUCATION OF YOUTH

§ 19. Let them altogether abstain from reading pernicious and useless books.

All rectors of academies must attend to this seriously, so that they may cast out bad books. Certainly Rule 8 for our professors requires it: "Let him earnestly commend spiritual reading, especially the lives of the saints. On the other hand, not only is he himself to abstain from reading to the young impure writers and, in general, those in whom there is anything capable of harming good morals, but he is also to deter his pupils as much as he can from reading those same writers outside the school."

The Constitution, Part 4, chapter 5, and its Declaration proceed in the same spirit: "In pagan books of humane letters, let nothing opposed to decency be read in lecture. The Society will be able to use the rest as the spoils of Egypt. Although the works of Christians might be good, if the author is nevertheless bad, they are not to be read, lest some become attached to the author. And it is fitting, descending to particulars, to determine which books are to be read in lecture, both in humane letters and in the other disciplines, and which cannot be read in lecture."

And chapter 14 states: "In general, those books shall be read in lecture which are held to contain the more solid and secure teaching in each faculty. Nor are those to be touched whose teaching or authors are suspect. These, however, are to be named individually in each university. In theology, the Old and New Testaments and the scholastic doctrine of St. Thomas shall be read; and in that theology which they call positive, those authors shall be selected who seem more suitable for our purpose.

"As regards Latin or Greek books of humane letters, in universities as well as in colleges, so far as this can be done, let there be abstention from reading to the young those in which there is anything capable of harming good morals, unless they have first been purged of dishonorable matters and words."

And the Declaration states: "Although a book is free of suspicion of bad doctrine, nevertheless, when its author is suspect, it is not fitting that the book be read. For a work is accustomed to cause its reader to become attached to its author, and the authority which the author possesses with him in matters in which he speaks well may afterwards persuade him of something among those matters in which he speaks badly. It is also rare for no poison to be mixed into things which issue from a heart full of poison."

And concerning books of humane literature it ordains thus: "If any cannot be altogether purged, as Terence cannot, let them rather not be read, lest the nature of their subject matter offend purity of mind."

§ 20. No one can rightly complain here. If it is disgraceful to speak about obscene matters, why should you desire eloquence in expounding them? Certainly today books contain very many incitements to vice, and evil books are read more eagerly. This concerns the state: a polity which maintains severe laws concerning the striking of coinage must also make laws concerning books, for it is more serious that minds be corrupted than the credit of commerce.

I prefer that the counsels which our most learned Delrio offers on this matter in his *Sacred Adages* be read in his own words. On Ecclesiastes 12: "But if you dispute diverse and discordant things, and with excessive curiosity lead your mind this way and that, even in one book there are many books. Whence it has been said, 'From much speaking you will not escape sin.' There is therefore no end to such books. For goodness and truth are bounded by a definite end, but wickedness and falsehood are without end; and the more they are sought, the greater the sequence of them that is born." Alcuin, Lyra, Arboreus, and others agree, except that these direct the passage chiefly against the writers themselves, for:

--the insatiable itch of writing possesses many.

This certainly ought to be restrained by still stricter laws, so that nothing not reviewed by censors may be published, and, if anything has been published by an evil hand, it may be expurgated. This is the wish of a Catholic heart. But the saying of Joseph Scaliger in his *Elenchus* is: "To have expurgatory indexes belongs to Marranos"--a maxim worthy of a heretic and an apostate from the right faith.

Others also judge this teaching of Solomon useful to readers, and deservedly so. John Terus says prudently: "He who departs from that one book of Sacred Scripture and turns to those many books, that is, to the various inventions of men, will never arrive at the true end, which is God; or he will never arrive at true knowledge. As Paul says, they are 'always learning and never attaining to the knowledge of the truth,' since they are moved by every wind of doctrine. Therefore, just as we do not rashly admit any foods whatever to the palate without discrimination unless beforehand we are certain in every respect, so too--and indeed much more diligently--care must be taken that you not dignify the trifles of any men whatever with your reading. For in the former matter only the body is endangered; in the latter, however, the soul."

Thus speaks that author. Olympiodorus the Elder enumerates the kinds of volumes from which Solomon restrains us: namely, first, the volumes and monuments of the gentiles, who overturn and attack one another's opinions and always wage a most grievous war among themselves; second, the books of heretics who disagree with one another; third, the recent and secondary volumes of the Jews--that is, the Deuterotic works of the Talmudists--which are almost infinite and filled with fables. For while they strive to interpret the Scriptures by certain novel figures, they have been turned aside into ridiculous fables and genealogies and have produced traditions wandering far from the meaning of the writer. Concerning these last, the reader will be able to consult our Nicolaus Serarius's commentary *On the Rabbis*. Concerning heretics, the matter is known and settled and has likewise been approved by the judgment of the Church. Concerning the books of the gentiles, moderation and selection are advised, not complete flight from them. I spoke at length in the preface to my *Tragic Syntagma*, dedicated to Laevinus Torrentius, worthy of eternal remembrance and at that time bishop of my native land.

I add only the opinion of a learned and pious Father. This is Isidore of Pelusium, Book 2, Epistle 3, to Timothy. Arousing him to the study of Sacred Scripture, and having recalled its dignity, usefulness, and sweetness, he concludes that from the external learning of secular wisdom we must gather, like a little bee, only as much as conduces to our philosophy,

[Printed page 228]

and must bid the rest farewell:

> ὅσον μὲν οὖν χρήσιμον εἰς τὴν καθ' ἡμᾶς φιλοσοφίαν ἐκ τῆς ἔξωθεν παιδεύσεως, ὥσπερ ἡ μέλιττα, δρεψάμενος, τὸ λοιπὸν ἅπαν χαίρειν ἔα.

I end with Quintilian's admonition in Book 10, chapter 1, of the *Institutes of Oratory*: "One must become accustomed to the best, and the mind is to be formed, and its color imparted, by reading much rather than by reading many authors."

§ 21. Let them not go to public spectacles, comedies, games, or the executions of condemned persons; nor let them act any character upon the stages of outsiders unless permission has first been given by the master or by the prefect of the school.

I spoke about spectacles in the third book. Anyone who wishes to read what was said there will approve this law with his own vote.

§ 22. Let them strive to preserve a sincere and pure mind and to obey the divine laws with the greatest diligence. Let them very frequently and from the heart commend themselves to God, to the most holy Virgin Mother of God, and to

the other saints. Let them continually implore the aid of the angels, and especially of their guardian angel. Let them always observe modesty elsewhere, but most particularly in church and in school.

§ 23. Finally, in all matters and actions let them so conduct themselves that anyone may easily understand that they are no less devoted to virtue and integrity of life than to letters and learning.

They will therefore attend to these things with great zeal, taking thought not only for their own salvation but also for the honor of the schools and academies. I have already treated piety and the pursuit of virtue in two books; nevertheless, I commend them especially to students of letters, as the nobler members of Christian youth.

CHAPTER IX

Professors of the Sciences Must Be Held in Honor

ON THE EDUCATION OF YOUTH

§ 1. The precept concerning the honoring of parents is the first accompanied by a promise; the reward of that observance is longevity. Those who form minds, the sources of learning and wisdom and the most illustrious authors of virtues, come into the place of parents; therefore they too deserve the honor due to parents. Alexander both acknowledged and declared in a royal utterance that he owed no less to Aristotle than to Philip--indeed, more--because from Philip he had received the means to live, but from Aristotle the means to live well. The whole matter can be defined by these few words.

§ 2. Professors ought to consecrate the immense labors which they sustain to the public good and to divine glory, and not seek the enticements of a soft and quiet life or the vanities of honors. For although this is disgraceful in every office, in a candidate for wisdom it is certainly most disgraceful. For who could endure that the most laborious knowledge of the most beautiful and hidden things, and the very teaching of virtue, should serve the foulest and emptiest things? Those who lead others to the end and the highest good ought not themselves to fall away from the end and the highest good.

§ 3. Teachers ought to be honored not only by their pupils, but also by the pupils' parents and by the state. By the parents, indeed, because they have chosen them for their children as other parents. They are no less compelled to render an account to God for the instruction of their pupils than parents are for their upbringing. The souls entrusted to them therefore reside with them, and they keep watch, destined to render an account for others.

In this matter the ingratitude of certain parents is proud and insulting toward masters, since they hold either the domestic tutors or the public professors of their sons in contempt. For they also teach their sons to rise against their teachers, and imbue them with a pernicious opinion. At length the calamity of the wretched household comes to this: after the son has accused his master, the father has believed him, and the mother has condemned the master, by that example the parents themselves are attacked in turn. For he who rushes against his master with an injurious foot does not honor his parents; nor is a father worthy of an obedient son when he has taught him to be ungrateful toward his master. Of all those who have set themselves against their masters and against discipline as men of contempt, I know not one over whom his mother has not wept.

An outstanding example of honoring a master is set before us in the most excellent emperor Theodosius. Concerning him Nicephorus writes in Book 17, chapter 23: "About the same time, the emperor, wishing to appoint a master of virtue over his children, found that Arsenius whose glory had traversed every land beneath the sun, and entrusted them to him. Having received them, Arsenius took the place both of a teacher in every discipline and of a father in a liberal education. For the emperor had admonished him not to conceive any fear from their imperial elevation, but rather to treat them as servants. Yet so far was Arsenius from doing this that, with remarkable modesty and moderation, he did rather the contrary. And when Theodosius once came upon them suddenly, he found the boys sitting in magnificent splendor, but Arsenius standing beside them as he taught.

"For this reason the emperor, angered, both stripped them of the insignia of princes and uttered that saying worthy of everlasting memory and truly imperial: if they were going to show themselves such that they would conform their morals and life to discipline and to the laws of God, he too would be ready to deliver the empire into their hands, adapted to the advantage and benefit of the citizens and subjects; but if not, he said that it was more advantageous for them to pass their life as private persons than to rule without learning and with danger."

The prince and the state are also bound to attend them with public honor, for God himself wished them to be honored: "Those who have been learned shall shine like the brightness of the firmament, and those who instruct many unto justice like stars unto perpetual eternities." Moreover, they are engaged in an honorable and splendid function: teaching the liberal arts, philosophy, medicine, jurisprudence, and theology. If, therefore, they teach the most illustrious, useful, and altogether necessary things, and if they instruct kings themselves and governors themselves, the state cannot permit them to remain without honor unless it is itself either ignorant or contemptuous of what is right and honorable. Isocrates, in his letter to the prince of Mytilene, places learned professors in an exalted--that is, in their proper--place. He says first that good and just governors of states must be held in high esteem, and that the next place in dignity must be granted to learned men who can be an ornament and an aid to cities.

§ 4. By this law even princes and magnates, and even kings, are privately bound. For no majesty of a kingdom brings it about that honor is not to be rendered to parents and masters. It is a law of nature, and one inculcated again in the Mosaic tablets, that parents be honored; and under the name of parents are understood magistrates and teachers also, not

[Printed page 229]

only those who begot us. The barbarous nations teach that the matter is so, for they venerate teachers beyond what can be expressed. Nicolaus Trigautius says in Book 1, chapter 8: "The Chinese venerate masters altogether more religiously than our people do; and although one man has subjected himself to another as a pupil for a single day in any science or art, throughout the whole of his life thereafter he calls him master and honors him as a master. For in every gathering he sits only at his side and honors him with magisterial titles and rites."

The prince, therefore, will also honor teachers by hearing them, granting easy access, assenting to equitable requests, and pardoning an accused person at their request whenever this can be done without injury to the public peace.

Certainly, the greater the solicitude of the man who instructs a prince than of him who instructs a private person, the greater the gratitude which the prince owes to a faithful master. For although the teacher's trouble is equal in either case, nevertheless the pride of powerful children burdens the former with greater disdain. He who teaches his own lord undergoes great labors at great peril.

§ 5. Those who hold a lesser magistracy in the state ought not to wonder if they observe public teachers sometimes placed before them. For although those magistrates have been endowed with power, nevertheless greater honor is frequently bestowed upon virtue and learning than upon a magistracy, because their excellence is greater than that of a power which governs under another's auspices according to a fixed law. Moreover, they derive from masters and teachers the very ability to administer their part of public affairs rightly; nor should those who teach the science of governing be placed lower than those who use it. Third, in the end the acts of satraps and praetors are examined by the learned, and men abide by their judgment. Those learned men are therefore judges of judges; for either the judges themselves ought to be learned, or they ought to judge according to the opinion of learned men.

Formerly men were not readily admitted to magistracies, to the interpretation of laws, or to tribunals unless they brought testimonials of learning and certificates from academies. For judging is a royal function, which kings cannot entrust to the unskilled without committing a crime. For if the man whom they put in charge of affairs and command to end controversies needs another to preside over him, and if he is compelled to receive the wording of his sentence from another judge, is it not fitting that he should honor his author? That he should honor the man without whom he cannot maintain his own place, the man whom he has as the support of his dignity?

§ 6. States and kings formerly attended teachers of the disciplines with various and great honors.

The rewards which were customarily paid to professors of the arts are these.

The first and most common is that a salary be established from public funds, lest those who are, as it were, fathers of the fatherland--men from whom all derive the means to think well and live well--should be in need. It is the mark of a

flourishing state that ample rewards are paid to professors of the disciplines. These are of three kinds. Some privately hire masters for themselves, as is now common in the courts of magnates; and such is the care taken over tutors. It is necessary that this be done among the Chinese, whose letters and characters are of such a kind that scarcely more than one person can be taught by one man at the same time, as Nicolaus Trigautius relates in Book 1.

Other payments are those which individuals contribute to a public professor. This custom existed at Rome in Augustine's time; for he himself detests the fraud of pupils by which they cheated teachers of the agreed payment. Yet the fraud was not new, but already customary of old. The satirist cries:

> All wish to know; no one wishes to pay the fee.

The third kind is the most honorable, and that ordinarily decreed in a well-ordered state: that professors be paid from the treasury. For in this way the studies of the poor are best provided for, and the freedom of the teacher is greater, since his fortunes do not depend upon the fraud of his pupils. For that saying of the sage Prodicus, who taught no one without payment,

> χεὶρ χεῖρα νίπτει, δίδου τι, ἀπόλαβε,

"hand washes hand; give something and receive," was as burdensome to the poor as it was disgraceful to wisdom, since greed was thereby censured. Yet the civil laws command that a guardian pay on behalf of his ward fees not as small as he can contrive, but in proportion to the means of the estate and the dignity of the ward's birth. Certainly the senate of the Apostles rightly lives from the Gospel, and priests from the altar; why should not the liberal arts also support their own initiate?

The state, therefore, must provide for the pursuits of wisdom. For Philostratus does not rightly defend Protagoras on the ground that he taught for payment so that learning given without cost might not be considered cheap, and so that easy access to the greatest things might not lie open to contempt. For if public expenditure forestalls private expenses, greater authority is won for the teacher, since the studies of all are honored and sustained not only by expenditure but also by the approval of the magistrate.

Augustus therefore acted rightly. Although he had forbidden a salary to be granted from the treasury without his permission, he nevertheless permitted it on account of a liberal art. For he did not wish to incur guilt against wisdom, since he himself had cultivated those arts earnestly from boyhood and had exercised himself in camp every day by declaiming and reading. Vespasian established salaries of one hundred thousand sesterces for rhetoricians, and Antoninus ten thousand drachmas. Justinian most wickedly abolished them; for he abolished the stipends of the liberal arts in every city and, when the schools ceased, introduced rusticity and barbarism, as Zonaras teaches. Nor can he be defended on the ground that he enacted laws favorable to the liberal arts, since he altered them so many times and twisted them to his own advantage.

Far more nobly did a barbarian king, who was by then lord of Rome, write to the Senate. Cassiodorus in Book 9 relates that Athalaric wrote as follows: "We recognize that we have rightly referred the concerns of sons to the persons of fathers, so that they themselves ought to take thought for the advancement of those whose interest it is to perfect Roman studies. For it is not to be believed that you can be less solicitous about a source from which both adornment increases for your race and counsel comes to your assembly through continual reading. Recently, since our care for you is solicitous, we learned through the whispering of certain persons that the teachers of Roman eloquence do not possess the appointed rewards of their labor, and that by the huckstering of certain men it comes about that the sum assigned to the masters of schools appears to be diminished. Therefore, since it is manifest that reward nourishes the arts, we have judged it a crime that anything should be taken away from the teachers of adolescents, who ought rather to be summoned to glorious studies by an increase of their advantages."

§ 7. Those stipends are never excessive. Knowledge of philosophy, medicine, law, and theology can never be requited by an equal remuneration, even if their professors

are adorned with kingdoms and provinces. Nero voluntarily heaped immense wealth upon his master. Nero himself says in Tacitus, *Annals* 14: “You have given me immeasurable gratitude and countless wealth, so that very often I turn the thought over within myself: where is that spirit content with modest things? Does such a spirit lay out gardens like these, walk through these suburban estates, and abound in such expanses of lands and such extensive interest?”

So great were the riches accumulated by the munificence of a prodigal prince that they could not fail to arouse envy and disparagement. “Slanderers,” says the same Tacitus, “assail Seneca with various accusations, alleging that he was still increasing wealth already immense and raised beyond the measure of a private person; that he was turning the pursuits of the citizens toward himself; and that in the charm of his gardens and the magnificence of his villas he was, as it were, surpassing the prince.”

But how much had Nero given Seneca? Tacitus, Book 13: “By what wisdom, by what precepts of the philosophers, had he amassed three hundred million sesterces within four years of royal friendship? At Rome wills and childless men were caught, as it were, by his hunting-net; Italy and the provinces were drained by his immense interest.”

I would not wish for this luxury, nor do I excuse Seneca; yet neither do I marvel at it, since actors and stage-players possessed greater wealth, and since Narcissus, Felix, and monsters of that kind acquired royal riches through disgraceful services. In our own times too we remember learned men enticed by great stipends.

Even the Persians, a martial race, practiced that munificence: they paid the prefect of the Magi four pounds of gold each month, according to Abdias of Babylon, Book 6. How royal is Artaxerxes’ letter to Hystanes, prefect of the Hellespont! “The fame of the art of Hippocrates the physician, descended from Aesculapius, has reached me. See to it, therefore, that you give him as much gold as he wishes, and other things which he needs, and send him to me; for he will be equal in honor to the highest men in Persia. And if there is any illustrious man in Europe, make him a friend of our house, sparing no money; for men, although powerful, do not readily find what they honorably desire. Farewell.”

ON THE EDUCATION OF YOUTH

§ 8. The second kind of honor was that princes were accustomed either to visit and hear them themselves or to summon them with a great manifestation of honor and kindness. There survive in Laertius, Book 9, letters from Darius to Heraclitus more courteous than might be expected from barbarian pride: “King Darius desires to be your hearer and to become a participant in Greek learning. Come, therefore, at once into my presence and royal house. For with me every honor and every private privilege will be available to you, together with solicitous daily observance, pleasing conversation, and a manner of life agreeable to your character.”

Dionysius, a savage and proud tyrant, summoned Plato in a ship adorned with fillets and received him upon the shore as he arrived in a chariot drawn by four white horses. He did this not from esteem for learning or virtue, but because he desired to win reputation from familiarity with the philosopher and to offer his subjects hope of a milder reign.

Pompey the Great, although not made more illustrious by that courtesy, was certainly praised more for it than for his three triumphs from as many parts of the world.

For, passing through Rhodes from Asia, he heard all the professors of the good arts; and when they had satisfied him most fully, he offered each of them a talent of gold. He also wished to visit Posidonius, the most noble philosopher. Cicero, *Tusculan Disputations* 2: “When he had seen and greeted him and attended him with honorable words, he said that he was grieved that he could not hear him. But Posidonius said, ‘Indeed you can, nor shall I allow pain of the body to cause so great a man to have come to me in vain.’ And so Pompey used to relate that Posidonius, while lying down, discoursed gravely and copiously on this very proposition: that nothing is good except what is honorable.”

Not only did Pompey visit him, but he lowered before him the laurelled fasces and the victorious insignia, and would not permit the door of a learned man, as though more sacred than his own command, to be struck by a lictor. You may

marvel at this in Pompey: that he submitted himself to a philosopher, when his country could not reduce him to private station except by death. Without doubt Pompey perceived that there was something good in Posidonius more venerable than his own majesty, and the multitude of those who praised him agreed. Antigonus expressed this in words in a letter to Zeno, as found in Laertius, Book 7: “I think that in fortune and glory I surpass your life; but in the disciplines, liberal studies, and perfect happiness which you possess, I perceive that I am far surpassed by you. I have therefore determined to entreat you to come to me, persuading myself that you will by no means allow my prayers to be in vain. Do you therefore strive by every means that we may enjoy your companionship, knowing certainly that you will be the teacher not only of me but of all the Macedonians. For it is certain that he who educates the king of Macedonia also instructs his subjects in fortitude and probity. For whatever the leader has been like, such for the most part must the subjects become.”

§ 9. In the third place, it is customary for this honor to be bestowed upon masters and professors: those who are established in public functions not only desire to associate them with themselves, but are also bound to do so by the laws. Governors are commanded to incite with honor and the hope of rewards those whose prudence they consider necessary to themselves. They cannot despise those whose wisdom they see to be necessary to them. For in reality nature has so arranged matters that he who is strong

τῷ ἡγεμονικῷ,

in intellect and prudence, commands, while he who is inferior obeys. The ancients esteemed this so highly that Cicero judges Caelius the jurist to have been so proud that he preferred to be consulted by Caesar rather than gilded by him. For he who consults another acknowledges the other’s excellence; he who gilds him reproaches him with servile greed. Hence it also came about that the kings of the Persians were either themselves learned or were governed by learned men whom they called Magi.

§ 10. In favor of public teachers, many immunities were also granted to peoples and cities, or offenses were pardoned. Ptolemy, most courteously inviting and receiving the seventy translators and astonished at the miracle of their concordant translations, bestowed immense benefactions upon the Jews. Sulla spared Athens on account of the dead; for he judged it unworthy of a human being to destroy the dwelling-place of humanity. Alexander rebuilt for Aristotle his Stagira, which had been leveled to the ground. He granted Lampsacus to Anaximenes. For when he was besieging it and saw Anaximenes come forth, knowing that he would act as an intercessor, Alexander asserted on oath that he would not grant what Anaximenes sought. But Anaximenes said, “I ask that you destroy Lampsacus.” In this I do not know which I should admire more: the ingenuity of Anaximenes, who compelled the king to swear contrary to his own desire, or the spirit of Alexander, who thought that the prayers of a learned man could be repulsed only by putting an oath in their way, and who feared the prayers of one philosopher more than the walls and arms of his enemies. Augustus imitated Alexander, for he pardoned the Alexandrians on account of Areus, his teacher in philosophy. How different from him was the man who killed Seneca because Seneca was troublesome to his vices!

§ 11. It is established by the judgment of princes that many were adorned with civil honors,

[Printed page 231]

solely by the prerogative of learning. Pharaoh raised up Joseph, Darius Daniel, Gratian Ausonius, and Antoninus Proculus; and, if ancient examples are pleasing, Achilles raised up his teacher Phoenix and judged him worthy to reign with him:

ἶσον ἐμοὶ βασίλευε καὶ ἥμισυ μείρεο τιμῆς.

Reign with equal right together with me, and receive half of the honor.

That was the private affection of magnates toward their own teachers; other emperors, in order to arouse studies, were munificent toward all. Theodosius and Valentinian numbered masters whose work had been approved among those who possessed the rank of vicar. The dignity of vicars was equal to that of counts and dukes; the laws permit them also

the same rank of count. St. Basil applied himself greatly to this: that the sons of the Cappadocians should be instructed in the good arts and in morals, and when they had advanced in learning, he earnestly took care that they should be raised to great honors. Constantine likewise aroused minds by liberality and marks of honor.

§ 12. Antiquity also erected statues and columns, and sometimes even altars, to learning. The Romans placed a statue for Prohaeresius--"the queen of cities to the king of eloquence," as Eunapius relates--but certainly with excessive ambition. The same Romans acted better when they made a statue for Pythagoras as for the wisest man in accordance with an oracle, as Plutarch relates in his *Numa*. For in doing the same for Alcibiades as though he were the bravest, they erred grievously. Mithridates, king of Pontus, did this for Plato with better right. But the honor of statues was afterwards communicated to more men, since Orbilius Pupillus was presented with one of marble, as Suetonius is our authority. Alexander had consecrated statues of Cicero and Virgil in his household shrine, as Lampridius relates. All Greece placed a golden statue of Gorgias of Leontini in the temple of Apollo at Delphi, while the rest were honored only with gilded statues. Valerius, Book 8, chapter 16.

The Crotoniates attended Pythagoras with great honors; after he died, they consecrated his house as a temple of Ceres, because they thought it unworthy that men unlike so wise a man should dwell beneath that roof. I marvel more that the Macedonians erected a monument to Euripides, since they were less cultivated in letters. The Spartans too acted contrary to their custom--for they were enemies of poetry and philosophy--when, after Thebes had been captured, they inscribed upon Pindar's house:

> Πινδάρου τοῦ μουσοποιοῦ τὴν στέγην μὴ καίετε.

Do not burn the poet's house.

Alfonso, the great and learned king of Aragon, judged that even Cicero's villa ought to be spared. For during the siege of Gaeta he prohibited stones and timber from being sought from it for artillery and engines, and declared that he preferred never to use artillery rather than violate the estate of so great an orator. The reason why so great an honor is rendered to such men is known, and Sigismund also gave it to certain men. For when some were indignant that he seemed to promote learned men too high, he answered that he rightly loved those whom nature had willed to excel.

Therefore, just as princes act foolishly when they readily dismiss prudent and energetic counselors or compel them to depart through the meagerness of their stipend--because they are soon eagerly summoned by greater princes--so they also sin in neglecting learned men, whom they understand for the first time to have departed with dishonor to their own province when it is reported to them that those men have come into esteem among others. For if, in the honorable arts--as Juvenal admonishes in Satire 3--

> There is no place in the city, no recompense for labors;
>
> My property is less today than it was yesterday, and tomorrow
>
> The same will wear away something from the little that remains. We propose to go
>
> There where Daedalus put off his wearied wings.

For in truth, as he had recognized and inculcates in Satire 7:

> Many have repented of a vain and barren chair,
>
> As the fate of Thrasymachus proves, and that of Secundus
>
> Carrinas; and him too you saw destitute, Athens,
>
> You who dared to confer nothing but cold hemlock.

The prince, therefore, the state, parents, and above all pupils owe honor to their teachers. Although they render it in great measure, they will never give as much as the teachers' merits deserve. A greater sum of debts will remain in the account-books, a sum which will never be crossed out except by acknowledgment and love.

Gratian, son of Valentinian, is my witness. He wrote to Ausonius his teacher in these words: "When I alone was turning over with myself the question of the consuls to be created for the year--as you know me, as I ought to have done, and as I knew you wished--I referred my decision to God. Obeying his authority, I designated you consul, declared you consul, and named you first. I have sent you a palm-embroidered robe, in which the Divine Constantine our father is woven. I have paid what I owed, and I still owe what I have paid."

CHAPTER X

Youth Must Be Kept to Its Duty by Moderate Punishments and Blows

ON THE EDUCATION OF YOUTH

§ 1. This care too is not foreign to the state. Elsewhere I have taught that a soft and delicate education is the mother of insolence, the root of wickedness, and the nourishment of pride and irascibility. I now discuss whether all punishment ought to be confined to sharpness of words, sobriety of life, and labors suitable to youthful age, or whether the impulses of improvident minds should be restrained by fear of beatings and whips.

That age, which cannot yet be mistress of itself, has great patrons of bodily immunity: among the Greeks, Plutarch; among the Latins, Quintilian. Plutarch, a man of tested wisdom, has the greater authority; for the insolence and dissoluteness of Quintilian's pupils refuted him, not without a mark of disgrace. Nevertheless, they are accustomed to advance arguments. First, they say, it is disgraceful for an adolescent to be beaten, because base dispositions and abandoned sloth are driven to duty by whips. A noble horse needs a bridle; the slowness of asses is urged into a run by neither spurs nor clubs. Blows applied to freeborn bodies are therefore insulting.

Let the eagerness of learners be nourished by kindness, praise, little gifts, honors, and the shadowy insignia of school magistracies. Let not solicitude and fear of a raging Orbilius oppress tender minds, lest they begin to hate the sciences before they can taste their sweetness. For since the roots of the arts are bitter and are seasoned with scarcely any pleasure, their sadness ought not to be increased by the austerity of a threatening countenance, a grim brow, and the bitterness of blows. It is better to restrain adolescents by shame and liberality than by fear.

[Printed page 232]

Quintilian speaks beautifully: "I am not so unacquainted with the stages of life as to think that the tender must at once be pressed harshly and full exertion demanded from them. For this must especially be guarded against: that one who cannot yet love studies should hate them and, after once experiencing their bitterness, fear them even beyond his unformed years. Let this be play; let him be questioned and praised; sometimes let another be taught, though he himself is unwilling, so that he may envy him; let him compete from time to time and think himself victorious more often; let him be called forth by rewards which that age desires.

"I would also wish the verses set before him for imitation in writing to contain not idle sentiments, but something admonishing him of what is honorable. The memory of these things follows into old age, and what is impressed upon unformed minds will benefit their morals. It is also permissible for him to learn amid play the sayings of illustrious men and selected passages, chiefly from the poets, for acquaintance with them is more pleasing to the young."

For if dispositions are upright, tractable, obedient, and fond of studies and labor, it is madness to harass them with blows; if they are depraved, stubborn, and idle, they cannot be amended even by blows. The case has been pleaded; it remains for us to cry out: O Porcian laws and Sempronian laws! I could be popular if I approved these arguments. The Porcian law removed rods from the bodies of all Roman citizens. The Porcian law wrested the liberty of citizens from the lictor. Cicero, in his speech *For Rabirius*, and Livy say: "The Porcian law was enacted for the backs of citizens, because it established a grave penalty if anyone had beaten or killed a Roman citizen. For the Valerian law had added nothing beyond declaring that it was wickedly done." If those milder men introduce the Porcian law into the schools of the entire world, they will boast that they have brought in a new light of liberty and restored the freeborn to their former condition. But because it is of great importance to observe measure in this matter, since a master's severity has ruined many and his leniency more, I shall explain the matter briefly.

§ 2. First I determine that in this case the Porcian law does not have the force of law, and that anyone will act rightly if he corrects the errors of adolescence with blows. For he will do this by divine authority: "He who loves his son frequently applies the whip to him, that he may rejoice at his latter end and not grope for the doors of his neighbors." Ecclesiasticus 30:1. Indeed, those men bring it about by loving their sons that they hate them most ruinously through their love. "He who spares the rod hates his son, but he who loves him instructs him earnestly." Proverbs 13:24. For that age is capable of instruction. "Have you sons? Instruct them, and bend them from their childhood." Nor believe him so wise that he does not need that discipline. "Folly is bound up in the heart of a child, and the rod of discipline will drive it away." Proverbs 22:15. The Holy Spirit did not leave unspoken the fruit of so holy a severity: "Do not withhold discipline from a child; for if you strike him with a rod, he shall not die. You shall strike him with the rod and deliver his soul from hell."

Ecclesiasticus, chapter 30, verse 8, gives the cause and necessity: "An untamed horse becomes stubborn, and an indulged son becomes headstrong. Fondle a son, and he will make you afraid; play with him, and he will grieve you. Do not laugh with him, lest you suffer sorrow and at the last your teeth be set on edge. Give him no power in his youth, and do not disregard his thoughts. Bend his neck in youth and beat his sides while he is a child, lest perhaps he become hardened and not believe you, and he become the sorrow of your soul."

We would already have a fully pleaded case if the infinite truth of God, nowhere false and never deceiving, possessed as much weight with everyone as the moments of their private judgment. But because pseudo-politicians prefer the cleverness of their own reason to heavenly prudence, let us estimate the matter according to right reason.

§ 3. Since human desires and passions seethe most fiercely in adolescence, and since at that age there is less strength to endure and less prudence to avoid dangers, adolescents need the wisdom of another person as a stronger remedy. For adults, prisons, fetters, workhouses, evil lodgings, swords, cords of torture, crosses, and pyres are prepared, lest they dare to conceive and perpetrate crimes. A more tender age must also be restrained by its own terrors. Beginnings must be resisted; for a small error at the beginning grows beyond measure. Lines drawn from one center, almost parallel and separated by a scarcely perceptible distance, as they advance are separated from one another by an immense space.

The prince restrains drunkenness, thefts, murders, embezzlements, perjuries, and calumnies by the vigor of the laws. Far more necessary is it that their beginnings in children be restrained: sippings from cups, thefts of pens and little coins, fights and bites, plundering of gardens, little lies, and frauds. For through these lesser things they arrive at those greatest crimes.

§ 4. But let them learn to flee sins from love of virtue, not from fear of punishment. Indeed, let them love virtue and hate vices not only on account of their foulness, which they do not yet sufficiently recognize, but also on account of the company of punishments which renders the sweetness of vices bitter and horrible. Punishment causes them to interrupt their sins; interruption causes them at length to cease sinning; and cessation from sins is the beginning of virtue. That age is full of sins, as Augustine admonishes in Book 10 of *The Literal Meaning of Genesis*, chapter 12.

For we are not treating only of children somewhat advanced in years, to whom certain men are unwilling to attribute sin of their own until the juncture of their fourteenth year, when they begin to reach puberty. We would rightly believe this if there were no sins except those committed with the genital members. But who would dare affirm that thefts, lies, and perjuries are not sins, unless he wished to commit such things with impunity? Yet childhood is full of them, although they do not appear punishable in children in the same way as in older persons, because it is hoped that, as years are added and reason grows strong, they will be able to understand salutary precepts better and obey them more willingly. Nevertheless, if children commit these things with impunity, there is no hope that when older they will not dare what was permitted when they were small.

Certainly, who would deny that those sins must be punished except one who has endeavored to overthrow the whole state?

But blows, they say, are not fitting for great talents. Those talents, however, must be restrained especially and frequently, because they flee labor and pursue pleasant things rather than useful ones; they must be reproved even by fear and blows. I shall set down a passage of Augustine, than whom no one was greater in talent, who unfolds for us the history of his own time in Book 1 of the *Confessions*, chapters 9 and 10:

"O God, my God, what miseries and mockeries I experienced there, since as a boy this was set before me as the rule for living rightly: to obey those who admonished me, so that I might flourish in this world and excel in wordy arts which serve human honor and false riches. From there I was sent to school to learn letters, though, wretched as I was, I did not know what usefulness there was in them; and nevertheless, if I was slow in learning, I was beaten.

"For this was praised by our elders, and many who lived this life before us had built in advance the sorrowful roads through which we were compelled to pass, with toil and sorrow multiplied for the sons of Adam. But, Lord, we found men praying to you, and from them we learned, perceiving as best we could, that you were some great being who, even without appearing to our senses, could hear and assist us. For as a boy I began to pray to you, my aid and refuge, and in calling upon you I broke the knots of my tongue; and, though small, I prayed

[Printed page 233]

to you with no small affection that I might not be beaten at school. And when you did not hear me--which was not to my folly--adult men laughed at us, even our parents, who wished no evil to befall me, although my blows were then a great and grievous evil to me.

"Is there anyone, Lord, so great in spirit and cleaving to you with immense affection--is there, I say, anyone (for a certain stupidity also produces this)--is there therefore anyone who, by piously cleaving to you, is so grandly disposed that he esteems racks, iron claws, and various tortures of this kind so lightly, though throughout all lands men supplicate you with great fear to escape them, that he laughs at those who fear them most bitterly, just as our parents laughed at the torments with which we boys were afflicted by our masters? For we neither feared those torments less nor prayed to you less to escape them; and yet we sinned by writing, reading, or thinking about letters less than was required of us.

"For, Lord, we did not lack memory or talent, which you willed us to possess sufficiently for that age, but we delighted in play, and punishment was exacted from us by those who certainly did the same things. But the trifles of adults are called business, while the like trifles of children are punished by adults; and no one pities either the children, or those adults, or both. Unless, indeed, any good judge of affairs approves my being beaten because, as a boy, I played ball and by that game was hindered from learning letters as quickly as I should--letters with which, as an adult, I would play more shamefully.

"For the very man by whom I was beaten did nothing different: if he was defeated by a fellow teacher in some petty question, he was tormented more by anger and envy than I was when overcome by a fellow player in a contest of ball. And nevertheless I sinned, Lord God, ordainer and creator of all natural things, but ordainer only--not creator--of sins. O Lord my God, I sinned by acting against the precepts of my parents and of those masters. For afterwards I could make good use of the letters which they wished me to learn, whatever their intention toward me. I was disobedient not because I chose better things, but from love of play, loving proud victories in contests and loving to have my ears scratched by false tales so that they might itch more ardently with that same curiosity, which sparkled more and more perilously through my eyes toward the spectacles and games of adults.

"Yet those who produce these spectacles excel with such dignity that almost all wish it for their little children; and nevertheless they willingly allow those children to be beaten if they are hindered by such spectacles from the study through which their parents desire them to arrive at producing those very spectacles. Look mercifully upon these things, Lord, and deliver us who now call upon you; deliver also those who do not yet call upon you, that they may call upon you and that you may deliver them."

But what need is there of reasoning? For where can sins be unpunished without overflowing and growing beyond measure? It is the custom of all nations to instruct their sons by caresses and blows.

§ 5. But blows produce servile spirits. Rather, they produce amended spirits. Not only asses are driven by blows: the strength of horses is tamed for human uses by hard curb-bits and the rod, and whips teach the fiercest and most intelligent dogs. The son of Peleus himself, the bravest of the Danaans, was educated thus:

> The son of Philyra perfected the boy Achilles with the lyre,
>
> And subdued his fierce spirit by the gentle art.
>
> He who so often terrified his allies and so often his enemies
>
> Is believed to have feared the aged old man.
>
> At his master's demand, he offered to the blows
>
> The hands which Hector was destined to feel.

Nevertheless, a prudent master's clemency will employ moderation, so that he neither grants license to sloth and vices nor, by cruelty, makes himself and the most beautiful studies objects of hatred. These very few laws will suffice.

First: let him never punish when angry. For he himself will easily exceed the measure, and the accused will think that he is being punished by the master's anger, not by his own desert. For an angry man expends punishments for himself, not for the amendment of youth.

Second: let him be neither precipitate in punishing nor excessive in investigating. For he who punishes quickly is not far from punishing willingly.

Third: let him overlook whatever can be overlooked without public or private injury. For he punishes not because a sin has been committed, but lest sin be committed.

Fourth: let him abstain altogether from inflicting insult by word or deed. Let him employ only the reproof which a father also customarily uses.

Fifth: let him never call anyone by any name other than his own name or surname. For insulting nicknames offend grievously and produce hatred, not amendment. They cling even to adults.

Sixth: let punishment always remain within measure, and let chastisement at a tender age not be equal to the offense. For one who has deserved greater things, it is enough to beat him with a strap; for one who has deserved blows, it is often enough to have terrified him with threats.

Seventh: ordinarily let expulsion avenge graver offenses which demand punishments more atrocious than a father should inflict. For it does not befit a professor to rage, even against those who deserve it; an unaccustomed harshness of punishment brings infamy upon schools.

I am pleased to append here a judicial history, as Guevara, that most prudent counselor of kings, relates it in Book 2, chapter 37. Dicaearchus, the Greek historian, in his book of antiquities, and Sabellicus in his general history, say that a father came to Solon of Salamis to complain about his son, and the son about his father; and that the son, speaking first, instituted his accusation before the philosopher in this sense:

"I complain about my father because, although he is rich and I poor, although he is my father and I his only son, he has disowned me while living and made an adopted son his heir. My father neither ought nor was able to do this. For since I owe it to him that by nature I am so frail, it is equitable that he furnish me resources to sustain and support nature's weakness."

To this the father said: “I complain about my son because he has been to me not in the place of a son but of a mortal enemy. For in all matters, from his very cradle, he has always opposed me; and therefore I have disinherited him while living. Nothing would be more pleasant to me than if, just as I deprived him of an inheritance, so the gods deprived him of life. For the earth is most cruel which does not swallow alive an execrable son who has no reverence and obedience toward his father. As to his saying that I have adopted an entirely new son, I confess that this is true. But as to his saying that he has been deprived of an inheritance by me although begotten of my blood, I answer this: I am not disowning my son; I am disinheriting his luxury from the product of my labor. For nothing is more inequitable than that a flagitious adolescent son should be warmed and refreshed as though in baths by the sweat flowing drop by drop from the body of his aged father.”

The son responded thus to this speech of his father: “I do not deny that I have been troublesome to my father, and I confess that I have lived luxuriously and flagitiously. But if the truth must be spoken, the fact that I became luxurious and wicked was my father’s fault, because he did not form me while I was a boy; and if he disowns me for that reason, he inflicts the greatest injury upon me. For the father who does not educate and instruct his son well when young unjustly disowns him when old.”

The father, responding again, said: “It is true, son, that when you were very small you were treated by me with the greatest indulgence. But this too has not escaped you: when you were older, you were frequently both instructed

[Printed page 234]

and chastised by me. The reason you were not imbued with teaching in infancy was that at that tender little age you were not capable of discipline. But when I educated you by both teaching and good discipline, there were present both a mind capable of precepts, an age suitable for acting, and powers firm enough for exercise. For upon one who lacks both aptitude and strength, the labor of teaching is expended in vain.”

Here the son spoke again: “Because you are old and I am young; because you are my father and I your son; because you are white in beard and head and I am beardless; because you have more experience, as one who has seen more, while I have experienced fewer things, as one who in age is still a youth [the end of the parenthetical phrase is indistinct in the print]--it appears most equitable that you should be believed and I condemned. For it often happens in the common course of life that he who has less authority therefore departs defeated from a most just case.

“I confess, my father, that when I was a boy you took care that I should be imbued with letters. But you will not deny that, if I had committed some fault, you did not permit me to be chastised and punished. From this it came about that, because you allowed me to do what pleased me while I was a boy, I became disobedient to you after I grew older. Therefore I rightly add this: if I am accused of offense and fault in this matter, you are certainly not altogether free of responsibility for my fault. For it is not the duty of parents to teach their sons in tender years to dispute about what the virtues are, but to accustom them to the pursuit of virtue and invite them by rewards. For it is an immense good if, as adolescents, we arrive at that advanced age at which we begin to recognize evil already accustomed and instructed to act well thereafter.”

After hearing and carefully weighing the reasons of both parties, Solon of Salamis said: “I deliver this judgment: that this adolescent’s father, because he did not chastise him even when he was a boy, shall lack burial after he has died; and I command that this father’s son, because he did not believe and obey his father while he was an adolescent, shall lack the inheritance while his father lives, on this condition: that after the father has died, his son shall enter upon his inheritance. For it would be most unjust that the son’s innocence should pay the penalties of the father’s wickedness.

“I likewise command that all these goods be deposited with a man of good faith, who shall from them give support to the father as long as he lives and make a tomb for the son after he has died. I have not without cause delivered this judgment, which embraces both life and death. For the gods do not will there to be a double punishment for one crime,

but will some to be punished in life by the loss of honor or possessions, and others in death by the removal of memory and burial."

CHAPTER XI

Learning Is Honorable and Necessary to the State

ON THE EDUCATION OF YOUTH

§ 1. Under the name of learning I embrace knowledge of all the liberal arts and sciences, and even skill in sacred laws and theology. I shall now treat these generally, and then individually.

Someone has said incorrectly: "Many embrace evil things; no one accuses what is good." For many accuse knowledge, and philosophy certainly had its detractors of old. Licinius was so unlearned that he could not even sign his own name upon official documents. He burned with such hatred of letters that he called letters a pest and public calamity. He hated rhetoricians and philosophers most bitterly and said that they were the virus and poison of the state. But he, brought up by a rustic father among the barbarous Dacians, was equitable only toward them. Yet this vice is rare. For the splendor of letters and their dignity are so great that most princes even hunt after the reputation of learning and flee the reputation of ignorance. Nero was the first among those who gained supreme power to need another man's eloquence. Tacitus, Book 13: for he recited Seneca's speeches in order to commend himself to the Senate and people by the praise of eloquence.

How much the learning of many men, especially nobles and magnates, contributes to the state is easily understood in any private person. For learning brings it about, as that man used to say, that stone does not sit upon stone. As much as Socrates surpasses Batto, and Atticus Bambalio, so much does a state polished by letters surpass an unlearned one.

§ 2. For the pursuit of wisdom is contained chiefly in letters. But a state cannot subsist unless he who commands possesses and cultivates the pursuit of wisdom. The counsels of wise men must certainly be heard; otherwise all decrees of princes which are supported neither by law nor wisdom cannot be protected by the mere force of the ruler. Through either the reproach of subjects or the praise of a successor, responses given without counsel are abolished.

First, therefore, I require a learned prince, such as Solomon was. "God," he says in Wisdom 7:17, "gave me true knowledge of the things that are: that I might know the disposition of the globe of the earth and the powers of the elements, the beginning and ending and midst of times, the alterations of their courses and the changes of seasons, the mutations of customs and divisions of times, the courses of the year and arrangements of the stars, the natures of animals and the rages of beasts, the force of winds and the thoughts of men, the diversities of plants and the powers of roots; and all things that are hidden and unforeseen I learned, for wisdom, the artificer of all things, taught me."

How greatly it harms the state when most princes are governed and follow whatever anyone, induced by money, hatred, or favor, has whispered into their ear, all kingdoms have taught. Yet this is the second happiness and wisdom: to follow the wise. For the first part of wisdom is not to believe oneself wise; and he who wishes to be good will accomplish this in no easier way than by believing himself evil, so that through repentance he may become good.

> Προνοίας οὐδὲν ἀνθρώποις ἔφυ
>
> κέρδος λαβεῖν ἄμεινον, οὐδὲ νοῦ σοφοῦ.

For human beings there is no advantage greater or better than prudence and a wise mind.

Nor would I wish the Roman laws to be believed more on my authority than on that of the prince himself. "The imperial Majesty," he says, "ought not only to be adorned with arms but also armed with laws, so that either time, both of wars and of peace, may be rightly governed; and so that the Roman Prince may not only stand forth victorious in battles against enemies, but may also expel the iniquities of calumniators through lawful paths, and become both a most religious observer of law and a magnificent triumphator over vanquished enemies."

He will never be able to do this unless he himself knows the laws by which he commands, just as he will not wage war properly unless practiced in camps. Deservedly, therefore, the Authentic *Concerning Judges* ordains that they not be unlearned: “We, therefore, seeing the arrangement of judges altogether confused, have thought it necessary to determine by this law the things which may impose a becoming order upon a case. For we have not thought it necessary to have the names of certain judges, especially men unlearned in the laws and, moreover, lacking experience of cases. For our administrators are in every way accompanied by assessors, who explain matters of law and fulfill their duties; since many, detained by the cares which they have with us, deservedly discharge their part in judgments through the presence of their assessors. But those men, having neither a belt of office nor an administration entrusted by us, if they cannot by themselves know what is just but must beg from elsewhere for the honor of judging--

[Printed page 235]

how will it not be the greatest defect of the state to entrust lawsuits not to those who know from themselves what must be done, but to permit them to seek others from whom they may learn what it befits them to pronounce in judging?”

§ 3. This too is a remarkable advantage of a learned prince: he alone possesses counselors of whom some are altogether incorrupt and others timidly wicked. Those who speak a most upright opinion without hope and fear are dead men; for princes read in them things which no one ventures to tell them. They would not endure being told by a friend the things which they delight to read in unknown men; they delight in reproaches being made against their errors when those authors threaten with a public voice. Since, therefore, even those who apply themselves to the disciplines with great zeal and devote themselves to governing the state frequently err, what must be thought of those whom ignorance and torpor, like golden rams, have given as prey to cunning men?

For although a prince may possess a great intellect and a grave and prudent nature, he nevertheless cannot administer the state with certainty and without fear. For he possesses nothing except opinion, which is accustomed both to deceive and to be deceived. And even when he has conceived some most illustrious measure, he must hand it over to jurists for examination, from whom he afterwards receives it as though dictated, and by his own authority publishes among the people what was conceived by another mind.

They enumerate for us as learned princes Solon, Epaminondas, Philip of Macedon, Alexander, Philopoemen, Romulus, Remus, Caesar, Octavian, Tiberius, Claudius, the Antonines, Constantine, the Theodosii, Charlemagne and Charles V, Robert king of Jerusalem, Emperor Sigismund, and Alfonso of Aragon. From ancient peoples they also name Mithridates and Chosroes. Lipsius treats them in his *Monita*, as do many others. They do not even exclude women: Zenobia, Amalasuntha, Isabella, and others. I value more highly the fact that all those learned rulers surrounded their sides with the most learned men and thus most excellently established very many things.

§ 4. For this reason alone, learned kings and a learned state find approval with me: I readily observe that it is a singular privilege of the Christian religion to excel in the liberal arts and sciences. For if we weigh history, we shall easily understand that the whole world yields the palm to Christians. Although the ancients lacked neither talents nor time, and although diligence even abounded, they nevertheless could in no way reach the summit of the sciences to which Christians ascended. Pythagoras, Democritus, and Plato traveled through Egypt, Asia, and India to acquire learning for themselves; Crates the Theban cast away his wealth; Cleanthes supported his studies by drawing water. Yet it will be evident that they accomplished little by so great an exertion if they are compared with Christians, so that it is like a prodigy that the philosophers of the gentiles, though so studious, remained fixed in so many and such great errors.

The Chinese also in our time, although many expend their entire life upon studies and although the fruit of study is very great, can nevertheless scarcely compare their most learned men with our adolescents. They first learned from Father Matteo Ricci that the earth is not square, and other matters. Father Nicolaus Trigautius narrates the affair in Book 4, chapter 5, of the expedition among the Chinese. By nothing else did Father Matteo equally lead the entire multitude of Chinese philosophers into astonishment as by the novelty of European sciences confirmed by the firmest reasons. For now, for the first time after so many ages, it was heard that the earth was round. They held as though for a

first principle a certain old axiom: “Heaven is round, but the earth square.” No one knew that a center lay in its middle, either summoning all heavy bodies to itself or receiving them when they fall by their own inclination; that the whole surface around it is inhabited; or that antipodal human beings stand opposite human beings without falling--matters to which, although the intellect assents, the imaginative faculty of many does not yet acquiesce.

Until then it was unheard of that an eclipse of the moon results from the earth being placed between the sun and moon. In explaining it they devised absurdities more defective than the moon itself. Among these interpreters, some said that the moon, placed opposite the sun, lost its light from astonishment. Others perforated the sun itself in the middle and asserted that the moon, when opposite this opening of the sun, could not receive light from the sun. It was novel that the sun exceeds the whole globe of the earth in magnitude, although some more readily allowed themselves to be led to believe this because it was established that it had also been written in the monuments of books by the ancient mathematicians of their kingdom, who, after measuring the sun, had found it to exceed a thousand miles in their mathematical instruments. But that the stars themselves, which our eyes measure by so small a space, exceed the entire surface of the earth--this at last seemed a paradox. It had not yet been understood, nor even said, that the heavens consist of solid matter, that the stars remain fixed in it and do not wander irregularly, that ten celestial spheres are numbered, that one is enclosed by another, and that they are borne by different motions. From these things it is established that every commonplace matter was unknown to them.

§ 5. But in the Christian state, even apart from sacred theology, there is such great knowledge of foreign matters that heathendom has nowhere beheld anything equal to it, or even second to it. For if we retrace ancient things, the very beginnings of the Christian religion will supply Christian philosophers far more excellent than the pagans were. Dionysius the Areopagite, a man illustrious in knowledge and reputation and a disciple of Paul, then at last discovered true philosophy. In the times of Dionysius there was also Aristides of Athens, a most eloquent philosopher, as St. Jerome calls him. Quadratus followed, then Justin, Pantaenus, and Ammonius, whom Porphyry prefers to all.

Ammonius had many illustrious hearers, both Christian and gentile. Among the Christians was Origen, to whose learning Porphyry, an enemy of our piety, bore witness: “I saw Origen when I was still a very young boy, occupying the citadel of all learning, as is also proved by those things which he handed down to the memory of posterity. This is that Origen whose immense glory is held among their teachers. He had attained all the secrets of Plato; he had been instructed in the books of Numenius, Cronius, Apollophanes, Longinus, Moderatus, and Nicomachus; and in Pythagorean matters the commentaries of the highest men had not escaped him. He also touched upon the volumes of Chaeremon the Stoic and Cornutus.”

Jerome agrees: “I shall not leave unspoken this fact concerning his immortal intellect: that he also learned dialectic, geometry, arithmetic, music, grammar, rhetoric, and the sects of all the philosophers.” Origen’s pupils were many and weighty men, to whom most of the gentiles yielded. In the succeeding times there followed Basil the Great, Gregory Nazianzen, Chrysostom, Augustine, Victorinus, Vegetius, and Albinus. And if we judge rightly, the Catholic world numbers so many thousands of bishops governing churches

[Printed page 236]

that, although the learning of them all is unequal, all heathendom nevertheless has not equaled the learning of one century either in number or in excellence. But this, though more marvelous, is nevertheless true: if the learned men who flourished in Greece and in the Roman state before the beginning of the Christian religion, and those who excelled in knowledge of matters in Christian times, are collected, they will yield to one city. They will not be able to equal in learning the Roman Church’s pontiffs alone who were distinguished in philosophy and secular letters.

Clement I--whether he was Actius Clemens, to whom Pliny wrote, or another man--was most devoted to philosophy and committed excellent monuments to writing. See Baronius at the year 102 and in the *Martyrology* at July 2; Franciscus Turrianus against the Centuriators; and Delrio in his *Vindiciae* against Scaliger. Linus and Cletus too were

noble Romans illustrious in letters. Hyginus was the most celebrated philosopher of his time when he was chosen for the pontificate.

And although the secular learning of Alexander, Sixtus, Pius, Telesphorus, and Soter is less known, from the letters which survive we readily gather that they were most learned men. His own writings teach that Cornelius was certainly not unequal in learning to Cyprian and others, as do those of Stephen and his successors.

Felix I and Eutychianus held famous disputations against Sabellius, Paul of Samosata, and the Manichaeans.

Liberius and Felix were men even of excessive and calamitous learning: for Liberius, from fear, subscribed to the condemnation of St. Athanasius, and Felix succeeded to his see by no good example.

Among these Damasus, the oracle of the world, was eminent in wisdom, eloquence, skill in governing, and love of learned men.

Innocent, famous also for his defense of St. Chrysostom even after Chrysostom's death, was not greatly unequal to Damasus.

These learned centuries, agitated by heresies, possessed most learned pontiffs. Thus Innocent was succeeded by Zosimus, he by Boniface I, and Boniface by Celestine I, whom Augustine also consulted. At that time the hidden contagions of the Manichaeans and of other sects were creeping about, as were those of the Arians, Origenists, Pelagians, Nestorians, Acephali, Eutychians, Predestinarians, and Iconoclasts. They disturbed the Church not only by corrupting the Scriptures and ecclesiastical writers but also by vain philosophy. And so God, the supreme shepherd, gave the Church leaders who would meet the raging men on equal ground, armed in every part, and protect the Church by sacred and profane knowledge.

Leo the Great was then elected, who proved his teaching even to the succeeding world. Hilary, Simplicius, Felix III, Gelasius I, Symmachus I, Hormisdas, Vigilius, Gregory the Great, Leo II, John V, Gregory II, Stephen II, Paschal I, Eugenius II, Gregory IV, Nicholas the Great--who represented Gregory the Great in learning and virtues--John XVI, Eugenius III, Gregory XIII, Sixtus V, and Innocent IX also came into the number of the learned. Learning is therefore a peculiar dowry of the Church and is for that reason especially to be commended to the state. And if we also consider the present times and the lyceums of so many academies, no one can doubt that at this one time more learned men are living than all Greece possessed of old, from the age of Solon and the other sages down to the irruption of the Muslims, if you except the Christians.

ON THE EDUCATION OF YOUTH

§ 6. Not wise men, but a certain factious and unlearned class of courtiers, are accustomed to advance two objections against learning. The first is that tyrants have proceeded from philosophers. The second is that letters are an impediment to civil and military prudence. For Phalaris was a philosopher, as were Tiberius and Julian. Sicily endured Cyclopes at first and then tyrants, most of whom, however, were educated in Greece.

Indeed, Rhodiginus, Book 22, chapter 21, judges that philosophers commanded more cruelly: "For as many as proceeded from the schools of philosophers and seized tyrannies are found to have exercised them more cruelly, avariciously, and savagely than men altogether ignorant of letters. With what ferocity, I beseech you, did Ariston, nurtured in the schools of the Epicureans, oppress the liberty of his Athenian fatherland? Before him, did not Critias also do so, together with those who were initiated with Critias into the mysteries of philosophy? What shall I say of Pythagoras? What of those very Seven Sages and the others who attempted to undertake the weight of the greatest affairs? Are they not found to have used command most cruelly?

"The excessive cruelty of Athenion among the Athenians during the Mithridatic War became known from Athenaeus. Nor is the tyranny of Lysias of Tarsus, issuing from the schools of the philosophers, unknown. When his fatherland

had chosen him *stephanephoros*, that is, priest of Hercules, once he had seized command he did not lay it down but openly played the tyrant. Moved by the bloody savagery of these men, Democharesor perhaps it was Cratesis reported to have said wittily: 'Just as no one could fashion a spear from savory, so neither could one fashion a blameless soldier from Socrates.'"

I could certainly have wished so learned a man to speak more circumspectly. For he could have been moved by the reasons which he himself brought forward. Socrates, in Book 5 of Plato's *Republic* (*On Justice*), says: "Unless philosophers become masters of cities, or those who are now called kings and potentates philosophize legitimately and sufficiently, and unless civil power and philosophy meet in the same persons, while these are notas now happenshandled by different dispositions, there will be no rest from evils for the city or, as my opinion bears, for the human race; nor will this state which we have set forth in words arise according to its powers and behold the light of the sun before then."

And Tully writes to his brother Quintus: "Plato, the chief of intellect and learning, judged that this conjunction of power and wisdom could be the salvation of cities." Julius Capitolinus also relates that Antoninus the philosopher-emperor kept the same maxim upon his lips. These are Caelius's own words.

But the things which he himself advanced are weak. We do not admit Ariston the Epicurean to be a philosopher: he was ignorant of defining, dividing, and discoursing, a child in physics, and depraved in morals, since he did everything for his own sake alone. But that aim is diametrically opposed to the office of a prince, whose duty it is to prefer the public good to private advantage.

The other is Critias, one of the Thirty Tyrants and by far the cruelest and most avaricious of them. But I marvel greatly that Caelius, a man

> πολυμαθῆ,

learned in many things, uses against learning that example by which learning itself is most clearly illustrated. For Xenophon relates in Book 1 of the sayings and deeds of Socrates that Socrates was accused on account of his pupils Critias and Alcibiades. I shall disclose Xenophon's words, though they are rather lengthy, because in the same manner this same lawsuit is brought against our Society and against many academies.

[Printed page 237]

Xenophon's words are these: "Yet the accuser said that he had been the cause of the laws of the city being despised, by saying that it was foolish for magistrates in the city to be chosen by votes, since no one ever employs a helmsman, a craftsman, a flute-player, or any others like them appointed by lot, although mistakes in those occupations inflict much lighter injuries than those committed in a city by its rulers. He said that these discourses incited young men to despise the state and rendered them violent.

"But I judge that those who cultivate prudence and think that by admonition they can show their fellow citizens the things that are advantageous to them ought least of all to be violent, since they know that force is followed by enmities and dangers, whereas by persuasion the same things can be accomplished without danger and with friendship. For those who are compelled hate as though they had been despoiled; but those who have been persuaded love as though they had received something pleasing. It therefore by no means belongs to those who cultivate prudence to inflict violence upon anyone, but to those who possess power without reason. Moreover, he who dares to employ force needs no small number of helpers; but he who persuades needs none, for he thinks himself sufficient by himself to persuade. Furthermore, it least of all falls to such men to kill anyone. For who would wish to destroy someone rather than use him alive and persuaded as he wishes?

"But the adversaries also added this: that Critias and Alcibiades, after hearing Socrates, afflicted the city with many injuries. For Critias, when the constitution of the city had come into the hands of a few, became one of them and was by far the most avaricious and violent of all. Alcibiades, however, while the people still held command, was the most

unjust and incontinent of all. If they brought any evil upon the city, I shall not answer for it; but I shall narrate how their association and familiarity with Socrates arose.

“These men were by nature by far the most ambitious of all Athenians. They desired all things to be conducted through themselves and desired to become as celebrated as possible. Since, therefore, they knew that Socrates lived abundantly upon very little money, was most abstinent from all pleasures, and used all who conversed with him as he wished by the power of his discourse, when they saw these things and possessed the character stated a little above, would anyone think that they desired Socrates’ company from a longing for his life and moderation, or because they supposed that, if they enjoyed his company, they would become most capable of saying and doing whatever they wished? For I judge that, if one of the gods had given them the choice either to live their whole life as they saw Socrates living or to die, they would rather have chosen death. This is clear from their deeds. For as soon as they judged themselves more eloquent than others in persuading, they immediately left Socrates and devoted themselves to governing the state, the principal reason for which they had desired to hear Socrates.

“But perhaps someone will say in reply that Socrates ought first to have handed down sobriety and moderation to his hearers, and only afterwards the science of governing the state. I do not contradict this. Yet I see that all who teach both show their pupils in their own persons how they do the things which they teach and introduce them by discourse. I also know that Socrates showed himself to his hearers as a good and honorable man and discoursed most excellently about virtue and all other human matters. I know too that those men were moderate and sober while they associated with Socrates--not because they feared suffering some injury or being beaten with blows by Socrates, but because at that time they judged this to be advantageous to themselves.

“Perhaps certain of those who call themselves philosophers will say that a just man can never become unjust, a moderate man insolent, or one learned in any matter in which teaching has been handed down unlearned in that which he learned. But I think differently about these matters. For I see that, just as bodily actions cannot be done well by those who do not exercise their bodies, so too those who do not exercise the mind are least able to perform the mind’s actions. For they can neither do the things which must be done nor abstain from those from which they must abstain.

“For this reason, even if fathers know their sons to be sober, they nevertheless prohibit them from conversation with depraved men, as though association with good men were an exercise of virtue and that of depraved men its destruction. The poet who says this also bears witness:

> You will indeed learn good things from good men;
>
> But if you mingle with the depraved, you will lose even your inborn understanding.

“And so does he who says:

> A good man is at one time strong, at another weak.

“I too assent to them. For I see that, just as those who do not employ continual practice readily forget songs, so those who neglect the discourses and admonitions of their teachers hand them over to oblivion. But when someone has forgotten those discourses, he also forgets those things by which his mind is moved to desire sobriety. Once this has happened, it is surely no marvel that he also hands sobriety itself over to oblivion.”

Thus Critias and Alcibiades were corrupted by vices before they approached Socrates. They approached familiarity with Socrates not for the sake of philosophizing but for hunting after fame and eloquence. Nevertheless, during that time they conducted themselves modestly. Finally, when they again lived with the wicked, each returned to his own disposition and held Socrates in hatred. Indeed, as tyrants were bound to do, they enacted a law that no one should speak about virtue, justice, or temperance unless he was thirty years old. They therefore touched philosophy too lightly to be able to dishonor it by their impure contact.

§ 7. I do not know of what Rhodiginus especially accuses Pythagoras, for by authority and persuasion he recalled the Crotoniates, who had been ruined by luxury, to frugality and the pursuit of justice. He then migrated to Metapontum and died there. He exercised no tyranny except against vices.

He even defames the seven men of Greece whom they call sages. This is done not only with injustice but with scarcely pardonable

ἀνεξοφία,

that is, folly. Solon certainly was not cruel, for he mitigated Draco's laws, written in blood, which punished every offense with death, even the fault of idleness and the theft of vegetables. At length, fleeing the tyranny of Pisistratus, he went to Egypt and then Cyprus. He also conferred very much upon Croesus, until at last in Cilicia Solon founded an Athenian colony, becoming in part a new father of his country.

I confess that Periander the Corinthian acted as a tyrant, but he was cruel through fear. For it was not safe for him to escape from the royal power handed down to him by his father Cypselus as though by hereditary right, lest he expose himself, his father's friends, and his whole family to the fury of a most corrupt populace. Nevertheless, he adorned the city, continually waged wars, held the kingdom for forty years, and, like Augustus, when wearied of cruelty at last admitted clemency. Aristotle certainly defends his cruel model in Book 3 of the *Politics*, chapter 12: when he answered Thrasybulus nothing, but leveled the crop by cutting off the taller ears. Pittacus administered the state of Mytilene with modesty of life and learning, without any suspicion of tyranny. Nor did Bias commit any other offense against Priene, his fatherland, than this--if it is an offense--that, fleeing when it was captured, he said, "I carry all my possessions with me."

[Printed page 238]

Chilon the Lacedaemonian, who was one of the sages, employed no tyranny, unless these sayings of his which were consecrated at Delphi are held to be tyrannical: "Know yourself"; "Desire nothing excessively"; "Misery is the companion of debt and litigation." He died from the force of joy upon hearing that his son was victor at the Olympic games, and thus all Greece attended his funeral. It would never have done this for a tyrant, for the name of tyrant is hateful even when stripped of power.

Cleobulus, or Cleobolus, was far removed from tyranny. He said that good must be done to friends and enemies: to enemies in order that we may render them friends, to friends in order that we may render them still more friendly. Tyrants destroy enemies, distrust friends, and thereby make them enemies.

Thales of Miletus did not even hold command. He lived peaceably and died in extreme old age while watching the games in the fifty-eighth Olympiad.

Athenion, after releasing the prisoners in the workhouses and the *volones*, subdued Drepanum. He was a prudent and learned man, but the cause of the war is obscure. It has therefore in no way been proved that philosophy and learning are the cause of tyranny, just as a pottery does not fashion tyrants although Agathocles was the offspring of a potter. Learned men can nevertheless aspire to command more easily, since they cannot be ignorant of histories, passions, revolutions, deceits, and frauds, and know the entire art of ruling. If justice and piety are absent, it is no wonder that they readily occupy a tyranny and render it secure by political arts once occupied.

CHAPTER XII

The Study of Letters Does Not Obstruct Political Prudence, Whether Civil or Military

ON THE EDUCATION OF YOUTH

§ 1. This was the second objection which the unskilled advance against us--and sometimes even learned men do so. Nor is the answer as obvious as it appears to many. For the errors of many compel us to censure certain kinds of study. Some remove mathematicians from the state because, being accustomed to

ἀκριβολογίαις ἀποδεικτικαῖς,

the most exact demonstrations, they preserve the same lines in the state, although that versatile wheel of cities demands equity, **ἐπιείκειαν**--equitable flexibility--dissimulation, and other things. They spurn grammarians as base, philosophers as skeptics, poets as madmen, rhetoricians as turbulent, jurists as sowers of lawsuits, and theologians as enemies of liberty. Among them only

ἀμύμων καὶ ἄμωμος,

ignorance, the rustic goddess, is without fault and reproach.

Indeed, I remember that pleasant stories in Greek concerning scholastics were once commonly circulated. For certain men indulge speculations to such a degree that they are altogether unfit for obtaining food and for human association. This is a vice not of the arts but of men. For they cut many matters too finely and conduct them to useless subtlety, and so lead the mind into bonds rather than raise and elevate it. What happens in letters happens in all matters: what is excessive is vicious; that is excessive which detains minds destined for useful things upon useless ones.

“For concerning those men,” says Seneca in chapter 13 of *On the Brevity of Life*, “no one will doubt that they laboriously do nothing, since they are detained in studies of useless letters; and among the Romans too there is now a great band of them. It was a sickness of the Greeks to inquire what number of rowers Ulysses had, whether the *Iliad* or the *Odyssey* was written first, whether they were by the same author, and then other questions of this stamp. If you keep these things to yourself, they do nothing to assist your silent conscience; if you publish them, you will appear not more learned but more troublesome.”

For the more effort such men expend, the more they impede themselves. And as in a labyrinth, the more anyone hastens toward the exit, the more he entangles himself and the farther he is from the door. Many did not find necessary things because they sought superfluous ones. “The quibbling of words,” says Seneca in Epistle 45, “and captious disputations which exercise an ineffectual acuteness have taken much time from them. We weave snares and attach an ambiguous signification to words, and then dissolve it. Have we so much leisure? Do we now know how to live and how to die? The whole mind must proceed to that place where provision must be made lest things, not words, deceive us. Why do you distinguish for me similarities of words by which no one has ever been caught except while disputing? Things deceive; distinguish them.”

The wretched diligence of Tiberius appeared thus to the learned. Suetonius, chapter 70: “He chiefly cultivated knowledge of fabulous history, even to foolishness and derision. For he also assailed grammarians, a class of men to which, as we have said, he was especially devoted, and generally tested them with questions of this kind: Who was Hecuba’s mother? What name had Achilles among the maidens? What were the Sirens accustomed to sing? And on the first day on which he entered the Senate after the death of Augustus, as though about to satisfy piety and religion together, following the example of Minos he made supplication with incense and wine, but without a flute-player, as Minos had formerly done upon the death of his son.”

No better was that archbishop concerning whom our Laelius Bisciola writes in Book 3, chapter 1, of his *Leisure Hours*: "When I was studying theology at Padua, I knew the archbishop of that most flourishing city in Italy, already advanced in age, a learned, talented, acute, and grave man. If you wished to confer with him about theology and divine wisdom, you would see him contract his brow, raise his eyebrow, and by manifest signs turn away from discourse of this kind. But if you intended to communicate something to him concerning modals, conversions, mixtures, maximum and minimum, proportions and degrees of action, passion, reaction, and repassion, he would brighten his countenance, exult, and triumph with joy.

"Nights and days this old and grave archbishop was wholly occupied in explaining the theory of modals. He wrote upon that argument, wrote in reply, conferred with this man and that, censured one man's explanation and commended another's, and never satisfied himself. Yet he did not rest even in that position if someone else appeared to him to have found something more probable, which he soon altered again. He also instituted a treatise concerning the cause and origin of laughter; and because in it, while refuting the opinions of all other ancient and recent philosophers, he seemed to himself to have touched the matter itself as with a needle, he so pleased himself that you might say he had joined the great emperor of the Turks to the faith and religion of Christ."

Bisciola himself judges rightly concerning him with the saying in Stobaeus, Sermon 8:

> ὁ ἑλλέβορος ὁλοσχερέστερος μὲν ληφθεὶς καθαίρει, εἰς δὲ πάνυ σμικρὰ τριφθεὶς πνίγει· οὕτω καὶ ἡ κατὰ φιλοσοφίαν λεπτολογία.

Hellebore purges when taken in rather large pieces; but when it is ground into the smallest particles, it suffocates. So too does empty and excessive subtlety in philosophy.

§ 2. For these reasons those arts also had a bad reputation of old. Zeno at the beginning

> τῶν ἐγκυκλίων παιδείαν ἄχρηστον ἀποφαίνει,

declares the encyclopedic, or liberal, arts useless. Yet the Stoics were excessive in subtleties, so that it is astonishing that Zeno, the chief of the Stoics, thought thus. It is true that many empty things are taught by those men. They inquire into the ages of Achilles and Patroclus

[Printed page 239]

and where Ulysses wandered. Concerning this Bion says rightly in Stobaeus, Sermon 8:

> Τοὺς γραμματικοὺς ζητοῦντας τὰς τοῦ Ὀδυσσέως πλάνας μὴ ἐξετάζειν τὴν ἰδίαν, μηδὲ καθορᾶν ὅτι ἐν αὐτῷ τούτῳ πλανῶνται, ἀσχολούμενοι περὶ τὰ μηδὲν χρήσιμα.

Grammarians who seek the wanderings of Ulysses do not seek their own, nor do they perceive that they err in this very thing: that they labor over useless matters.

Seneca describes and condemns this entire class in Epistle 88: "But, you say, knowledge of many arts delights me. Let us therefore retain from them only as much as is necessary. Or do you think a man is to be censured who procures useless things for himself and displays a pomp of precious objects in his house, but not one who is occupied with useless furniture of letters? To wish to know more than is sufficient is a kind of intemperance.

"What of the fact that this pursuit of the liberal arts makes men troublesome, verbose, unseasonable, and self-satisfied, and therefore not learners of necessary things because they have learned superfluous ones? Didymus the grammarian wrote four thousand books. He would be wretched if he had merely read so many superfluous things. In these books the fatherland of Homer is investigated; in these, who was the true mother of Aeneas; in these, whether Anacreon lived more lustfully or more drunkenly; in these, whether Sappho was a public prostitute; and other matters which, if you knew them, ought to be unlearned. Go now and deny that life is long!

"But when you come to our own men too, I shall show you many things to be cut away with axes. At a great expenditure of time and with great annoyance to the ears of others is this praise acquired: 'O learned man!' Let us be content with this more rustic title: 'O good man!' Is it so? Shall I unroll the annals of all nations and inquire who first wrote verses? Though I have no chronological tables, shall I calculate how much time lies between Orpheus and Homer? Shall I review the marks of Aristarchus with which he punctured another's verses and consume my life upon syllables? Shall I thus cling to the dust of geometry? Has that salutary precept so fallen from me: 'Spare time'? Shall I know these things in order that I may be ignorant of what?

"Appion the grammarian, who under Gaius Caesar was carried about through all Greece and adopted by all the cities into the name of Homer, used to say that Homer, after completing both subjects, the *Odyssey* and the *Iliad*, added a beginning to his work in which he embraced the Trojan War. As proof of this matter he advanced the fact that in the first verse Homer had deliberately placed two letters containing the number of his books. A man who wishes to know many things must know such things.

"Do you not wish to consider how much time ill health takes from you, how much public occupation, how much private occupation, how much daily occupation, how much sleep? Measure your life: it does not contain so many things. I am speaking about liberal studies; how much that is superfluous do philosophers possess, how much that departs from use? They too descended to distinctions of syllables and the properties of conjunctions and prepositions, and envied grammarians and geometers. Whatever was superfluous in the arts of those men, they transferred into their own. Thus it came about that they know more diligently how to speak than how to live.

"Hear how much evil excessive subtlety produces and how hostile it is to truth. Protagoras says that one can dispute on either side of every matter equally, even on this very question, whether every matter can be disputed on either side. Nausiphanes says that, among the things which appear to exist, nothing exists more than it does not exist. Parmenides says that, among the things which appear, nothing at all exists. Zeno of Elea has cast every affair out of affairs: he says that nothing exists. The Pyrrhonists, Megarians, Eretrians, and Academics dwell around almost the same points, for they have put on a new knowledge: to know nothing.

"Cast all these things into that superfluous herd of liberal studies. The former hand down to me knowledge which will not profit me; the latter snatch away hope of all knowledge. It is better to know superfluous things than nothing. The former do not carry before me a light by which my sight may be directed toward truth; the latter dig out my eyes. If I believe Protagoras, nothing in the nature of things is anything but doubtful. If I believe Nausiphanes, this alone is certain: that nothing is certain. If Parmenides, nothing exists except one. If Zeno, not even one. What, then, are we? What are these things which surround, nourish, and sustain us? The whole nature of things is a shadow, either empty or deceptive. I could not readily say whether I am more angry with those who wished us to know nothing or with those who did not leave us even this: to know that we know nothing."

The letters are M and H in the word **MHNIN**, and they make the number forty-eight. In Plutarch's *Banquet*, another man observes that the first verse of the *Iliad* and the first of the *Odyssey* consist of the same number of syllables, namely seventeen, and the last verses of the same books of sixteen. Who could endure subtlety hostile to truth? Who could endure thorny foolishness? That ostentation harms minds and introduces a new anxiety and care.

"You twist words for me," says Seneca in Epistle 48, "and arrange syllables. Evidently, unless I have constructed the most cunning interrogations and by a false conclusion have bound a lie arising from truth, I shall not be able to distinguish things to be sought from things to be avoided. I am ashamed: in so serious a matter we old men are playing. 'Mouse' is a syllable; but a syllable does not gnaw cheese; therefore a mouse does not gnaw cheese. O childish foolishness! For this have we drawn down our brows? For this have we let down our beards? Is this what we teach, sad and pale?"

§ 3. Men of sound judgment, men endowed with a great spirit, censure these things in letters, with the best right and deservedly. But that error belongs not to letters but to minds which use their good badly and decline from true things

toward empty ones. The liberal studies retain both their dignity and usefulness, and likewise their limit and measure. In this class three things occur to me which must be said and in which the entire rationale of those studies is contained.

The first is that all those studies are preparations and, as Xenocrates used to say,

> λαβὰς τῆς φιλοσοφίας,

handles of true philosophy. Youth must therefore be exercised in them so that it may not halt in them but through them strive toward greater things.

The second: that this folly is not learned from letters, but is brought to the learning of them and, through learning, intensified and increased.

The third: that it is not useless to the state for certain men to pass their whole life in those trifles. All concede the first to me; the second is doubtful; the third a paradox.

Nevertheless, I shall establish each. Seneca acknowledges the first in Epistle 88: "You desire to know what I think concerning liberal studies. I admire none and number among good things none which ends at money. They are gainful arts, useful thus far if they prepare the intellect but do not detain it. For we must linger upon them only as long as the mind can do nothing greater. They are our rudiments, not our works. You see why they are called liberal studies: because they are worthy of a free man. But one study is truly liberal, that which makes a man free: the study of wisdom, sublime, brave, and magnanimous. The rest are petty and childish."

And again: "What, then? Do liberal studies contribute nothing to us? Much toward other things, nothing toward virtue. For even those base arts professedly consisting in work by hand contribute very much to the instruments of life, yet do not pertain to virtue. Why, then, do we educate our sons in liberal studies? Not because they can give virtue, but because they prepare the mind to receive virtue. Just as that first literacy, as the ancients called it, by which elements are handed down to children, does not teach the liberal arts but prepares a place for soon receiving them, so the liberal arts do not conduct the mind to virtue but equip it."

This alone, therefore, is the utility they possess: they exercise intellects,

[Printed page 240]

cultivate them, sharpen sagacity, and no one has a passage to perfect wisdom except through those arts. Philo says rightly in *On the Preliminary Studies*:

> ὥσπερ γὰρ ἐν οἰκίαις αὔλειοι πρόκεινται κλισιάδων, ἐν δὲ πόλεσι τὰ προάστεια, δι' ὧν εἴσω βαδίζειν ἔνεστιν, οὕτως καὶ ἀρετῆς πρόκειται τὰ ἐγκύκλια· ταῦτα γὰρ ὁδός ἐστιν εἰς ἐκείνην φέρουσα.

Houses certainly have their forecourts, and cities their suburbs, through which there is an entrance; so the liberal arts have the encyclopedic disciplines set before them and already prepare a road for virtue.

Those who therefore remain fixed in these matters do the same thing as men who, enticed by the pleasantness of inns, neglect the soil of their fatherland. The aim of our Society is to direct the other studies of those who live in it toward theology. Constitution, Part 4, chapter 12: "Since the aim of the Society and of its studies is to aid our neighbors toward knowledge and love of God and the salvation of their souls, and since the faculty of theology is the means more proper to that end, the universities of the Society shall chiefly apply themselves to it. Through very suitable teachers they shall diligently treat matters which pertain to scholastic doctrine and the Sacred Scriptures, as well as expository matters which agree with this end fixed for us."

And chapter 5: "Since the aim of the learning which is acquired in this Society is, with God's favor assisting, to profit one's own soul and the souls of one's neighbors, this shall be, both universally and in individual persons, the measure by which it is determined to which faculties our members ought to apply themselves and how far they ought to advance in them. And because, speaking generally, humane letters in various languages, logic, likewise natural and

moral philosophy, metaphysics, and theology--both that which is called scholastic and that which is called positive--and Sacred Scripture aid toward this, those who are sent to colleges shall devote themselves to the study of these faculties. Indeed, they shall occupy themselves with greater diligence in those which, account being taken of time, place, and persons, and the rest, the supreme moderator of studies will judge in the Lord to agree more closely with the aforesaid end."

For some, medicine is proposed; for others, knowledge of the laws. Let each so learn the lesser things that he prepares himself for the great. Meanwhile, it is certain that without these things those who profess the greater sciences cannot be understood.

ON THE EDUCATION OF YOUTH

§ 4. The second point is the one which I confessed to be doubtful to many: those who cling to these lesser minutiae of the sciences brought their error to them; they did not learn it from those sciences. For how can it happen that anyone, while tasting the first rudiments of letters, should judge that they have no use unless they are counted and compared with one another? What moderately prudent man can judge that clever subtleties were invented solely as instruments of torture for intellects? Are there not very many men of lofty and vigorous intellect, well versed in the greatest sciences, who are not ignorant of those trifles and sometimes play with them for recreation, and test the abilities of boys who answer anxiously? Since, therefore, the subtlety which they have learned sharpens the intellects of most men and does not blunt them, why would it so derange a few, if they had brought a mind to letters? For, as Philonides used to say, one must

> Γράμματα μαθεῖν, καὶ τὸν μαθόντα νοῦν ἔχειν.

learn letters and bring a mind to the learning. And so, when you observe men sitting continually over these things, you will judge that they either cannot or do not wish to attain greater things, and that they could not have attained even these without letters. Thus two kinds of grammarians and philosophers immediately disclose themselves. The first is moderate, learned, polished, and prudent; it refers precepts to eloquence and to knowledge of historians, orators, and poets, and this knowledge to the higher sciences, the flight from vices, and the love of virtues. I have no fear of calling men of this kind, even though they occupy themselves with grammar, pillars of the state. The other kind is laboriously wretched, delighting in the hunting of syllables and the subtleties of feverish erudition--in a word, entangled in most laborious follies. This saying of Aristippus must frequently be impressed upon them: Those who eat or exercise the most are not in better health than those who take what is necessary; so those who read not the most things but useful things are to be judged learned.

Nevertheless, the madness of those men is blamed upon letters in vain. For in all arts, even the illiberal, there is a certain laborious and foolish subtlety. What garment did nature will to be ready for man? It is made from the hide or wool of animals. But how many kinds of clothing have leisure and luxury invented! A toga is scarcely completed in one year, the workmanship of which exceeds its material. Let courtiers themselves consider how much time they spend upon ceremonies and titles. In every matter there is something excessive, in every life something superfluous. Saddles, bridles, and the collars of greyhounds are burdened with elaborate expense. And now the evil has increased to such a degree that those things appear necessary, and the man for whom expenditures upon these follies are lacking thinks himself in need. Therefore, just as superfluities are introduced by human folly into every art concerned with every kind of thing and action, so too the liberal arts are afflicted by the same cause.

In the third place I said that it is not useless to the state for the cares and labors of certain men to be detained upon those curious, useless, thorny, and grim matters. Just as excessive diligence in the treatment of the liberal arts serves some advantage, and it is desirable for a prince to have certain craftsmen of the highest excellence in all arts, even those which are not necessary, so too it is conducive to many things that there should be a few men who have exceeded the measure in the liberal arts. He who draws a grain of millet through the eye of a needle will easily strike a

designated enemy with a sure blow. He who could enclose the whole *Iliad* in a nutshell will easily write secret letters for his prince to men under siege. He who could walk upon a rope will proceed securely over the walls and battlements of the enemy. He who is an excessive investigator of history nevertheless carries a light before the rest.

Annaeus relates these superfluous matters: Duilius was the first to conquer in a naval battle. Curius Dentatus was the first to lead elephants in a triumph. Claudius Caudex was the first to board his own ship. Valerius Corvinus was the first to assume a name from a conquered city. Sulla was the first to exhibit lions released in the circus. Pompey was the first to present a combat of eighteen elephants. These things have their own utility and assist men who are occupied. For those leisured men are like nomenclators, who promptly supplied names to their masters; they arranged friends and clients in order by name and always had books at hand so that they could remember. The memory of so many names--of so many powerful men and so many childless old men--is an immense and fastidious labor; nevertheless, many men wore away a lifetime in it. At that time it was a profession: “to beat upon the proud doors of the more powerful, to arrange childless old men alphabetically,” as Seneca says in Epistle 68. And it is agreed that there were large books containing the names both of clients and of the more powerful. Labor in these excessive cares of letters is not dissimilar, because it is frequently of use in grave matters--not so that the intellects of youth may be distracted by these minutiae, but so that certain amusements of the arts may be preserved, just as those of other things in the state are preserved. Never

[Printed page 241]

will there be too many men in so grim a labor; in every other field more men transgress through curiosity than in the sciences.

§ 5. Will you therefore tolerate in the state a man counting the syllables of Homeric verses, one disputing about the mark behind Helen’s ear, one doubting Penelope’s chastity, one examining ancient stones, one writing three hundred volumes of dialectic or four thousand on grammar? Certainly: just as you tolerate an athletic trainer, a flute-player, arrangers of delicacies, and painters of faces. Yet that curiosity of grammarians is more honorable and is frequently useful to many; much more so is that of natural philosophers and mathematicians.

§ 6. Much greater is the assault of martial men upon men of letters: they contend that spirits are broken, grow languid in leisure, and lose their courage. Nor do they listen to an excuse, for there is not enough reasoning in arms; they advance with sheer force. Yet learned men ought not to yield. They possess the prerogative bestowed by the man who sang, to the disgust of all:

> Let arms yield to the toga; let the laurel yield to the tongue.

Once the eloquent man bore the arms of the brave man: Ulysses those of Achilles. Agamemnon desired not ten Ajaxes or Diomedeses, but Nestors. Many wars are brought to completion by counsel, few by strength.

> Ὅπλον τοι λόγος ἐστὶ τομώτερον ἀνδρὶ σιδήρου.

Speech is a sword sharper than iron for a man.

Two things perfect a warrior: prudence and courage. Without courage, prudence can resist for a long time; without prudence, courage is nothing, and the rashness which takes its place constructs its own ruin. It is truly said:

> Ἀλκὴ δ’ ἀνεμώλιος ἄφρων.

Foolish courage is weak.

It is truly said:

> Διπλοῦν ὁρῶσιν οἱ μαθόντες γράμματα.

Those who have learned letters see double. In war there is the greatest need of counsel, because counsel must be taken both most swiftly and most prudently. Most swiftly, because opportunities must be seized and counsel taken in the arena itself. Most prudently, because it is not permitted to err twice: the first error is fatal. A learned man, from history, from philosophy, and from stratagems, will decide the matter more swiftly and safely; others will decide more slowly. That error--that only fury is needed in war--is not the error of soldiers but of rustics. There is need of a commander who is pleasing to the soldier, who can temper the fierce, rouse the sluggish, and strengthen the fearful; who can retain allies, attract the wavering, and soften enemies; who can diminish an enemy's power, render his allies suspect, and set them against one another. If war were nothing other than a battle line, and if men fought in the battle line solely with the strength of their bodies, after the manner of the Andabatae, perhaps there would be less need to know human affairs.

Do you think that the philosophy of Socrates and knowledge of all histories hindered Xenophon? Did Julius Caesar conquer more slowly because he loved learning? Lucan, Book 10:

> The fame of my son-in-law indeed led me to the Pharian cities,
>
> Yet also fame of you; amid battles I always devoted myself
>
> To the regions of the stars and sky, and to the gods above;
>
> Nor will my year be surpassed by the calendars of Eudoxus.

Pericles, the thunderbolt of Greece, for forty years governed the people by eloquence, the soldier by courage, and both by prudence. He was a disciple of the philosopher Anaxagoras. Greece scarcely knows a better man than Dion, scarcely a wiser slayer of a tyrant; yet he professed that he owed all those ornaments to Plato. Greater in learning and in name, Timotheus, a most excellent general, emerging from the instruction of Isocrates, restored the affairs of Greece. Archytas of Tarentum instructed Philolaus, and Xenophon instructed Agesilaus.

The Athenians sent three philosophers to Rome concerning the greatest affairs--Carneades, Critolaus, and Diogenes--although the negotiation was chiefly instituted concerning war and alliance. Zeno of Elea taught military affairs by design, and very many slayers of tyrants came forth from his school. Whether rightfully or wrongfully, I do not dispute; this I assert: his school was plainly martial. By reading, Lucullus suddenly became a commander and so broke the forces of Mithridates that he handed the victory over him to others. Tullius himself both sought a triumph and judged more prudently concerning the civil war than Pompey.

§ 7. I do not judge either Virgil or Horace to have been unwarlike, and I judge Ennius also to have been a brave man. Alcaeus, Stesichorus, and Archilochus were also renowned in war, although the last resolved to abandon his shield rather than his life.

Letters, therefore, are equally necessary for peace and war. Agrippina acted wickedly when she denied that philosophy was suitable for Nero, who was to become emperor; for she feared that, if cultivated by letters, he would more quickly pass out of his mother's power. Nor was Louis XI right when he wished his son Charles to know no more Latin than these words: "He who does not know how to dissemble does not know how to reign." For certainly many things were found wanting in his reign.

Letters do not draw men away from the conduct of affairs if they are joined with prudence; for in letters we learn both things done and things to be done, and before all else to abhor idleness. Were Severus, Pertinax, and Antoninus less because they were learned? Men acclaimed to Tacitus: "Who rules better than a man of letters?" And indeed he would have ruled most excellently if customary treachery had not removed him from their midst. Gordian was an orator and a poet; he made Misitheus prefect and by his counsel rightly administered the empire. I shall close with the jeweled maxim of Pope Julius II: knowledge of letters is silver in common men, but jewels in nobles and princes. I shall add: in commanders it is victory.

CHAPTER XIII

Academies and Public Schools Must Be Established

ON THE EDUCATION OF YOUTH

§ 1. Eupolis, Timon, and others testify that the Academy, so called from the hero Academus, was in a suburb of Athens, six stadia from the Dipylon Gate. Caelius relates that the place was unhealthy and arid. And he excuses Plato, who chose it for studies, on the ground that, because he enjoyed an excessively prosperous condition of body, he wished by the inconveniences of the place to restrain that condition in its luxuriance. But since students have the greatest need of suitable health and air, and since Plato sought renown and attendance for his Academy, I cannot persuade myself that he wished to deter his disciples and drive anyone away by the unpleasantness of the school. For how few are there who would not prefer to be in good health rather than to learn? Or who would wish, for the sake of learning, to enter a pestilential house? Another cause, therefore, must be sought for his establishing in the Academy a school sacred to Pallas. I think it was this:

ἵν’ μὴ ἀναπολήσειεν ἡδονάς,

that he might not recall pleasures, a quiet place was sought, away from the crowds of sailors and from the luxury of the city gardens; for exercises of the mind rejoice in quiet and solitude. Nor was another place at hand or in Plato’s power. But concerning the healthfulness

[Printed page 242]

and pleasantness of the Academy, we must think somewhat differently if we listen to Plutarch in the *Life of Cimon*. For Cimon made the arid place well-watered by conducting the purest waters to it, and planted it with a shady grove. There were three schools at Athens: the Academy, the Lyceum, and the Stoa. Aristotle’s walk was in the Lyceum; Zeno, the chief of the Stoics, taught in the portico; Plato’s was the Academy. It retained the name, so that all renowned schools founded with the immunities of monarchs are called academies. An academy consists of a multitude of teachers and learners, privileges, and what is, as it were, a state of learned men.

§ 2. The right to erect an academy belongs to the pontiff, the highest monarchs, and all states, so far as letters and the civil sciences are concerned. For as regards sacred law and theology, the power to teach them with authority must be sought from the supreme prelate of religion.

Saint Thomas, in his treatise *Against Those Who Attack the Religious Life*, refers that power to the pope, king, and prince.

As concerns princes, it belongs to them to determine what faculties they wish to be taught in their provinces and who may occupy themselves in them, and to grant privileges and immunities. Yet they cannot bring it about that those schools are regarded as academies in the kingdoms of other princes; if, however, the approval of the supreme pontiff is added, those schools too are held valid. It is of great importance that the highest chairs of teachers depend upon the highest authority.

First, a place suitable for students must be chosen. In it I require fineness and healthfulness of air; fertility, or easy approaches by which necessities can be imported; renown; and also well-mannered citizens.

Above all, a prince will esteem healthfulness of air. For it conduces both to intellects and to bodily health, and it also produces better and properly mannered inhabitants. I should therefore be unwilling for an academy to be established at Thebes in Boeotia, lest in the thick air more polished intellects too grow brutish; but rather in Attica itself, at Athens, the inventress of the arts, where there is

Ἑλλὰς τῆς Ἑλλάδος,

"the Greece of Greece," where there is the common Museum of all Greece. For the gentler Muses cannot bear inhabitants of a harsh and uncultivated disposition.

No one fails to see that the fertility of the soil, or the convenience of rivers and harbors, is necessary so that food may be supplied to a great multitude. Otherwise students are exhausted by expense and the inhabitants are burdened.

From this it follows that academies must be established in renowned cities, or in cultivated towns near which there are rivers, marts, and a populous concourse. This was customary among the ancients. Athens,

τῶν λόγων ἑστία,

"the hearth of eloquence," had the most acute citizens because of the temperateness of the climate, the convenience of the place, and attention to the best things. Cicero, *For Flaccus*; Eusebius, Book 10, chapter 2. And so it was most honorable to devote one's labor to the liberal arts or to philosophy at Athens. Cicero, Book 1 of *On Duties*: "Although, my son Marcus, since you have now been hearing Cratippus for a year, and that at Athens, you ought to abound in the precepts and principles of philosophy because of the very great authority both of the teacher and of the city--the one of whom can increase you in knowledge and the other by examples--nevertheless, just as I, for my own benefit, have always joined Latin studies with Greek, and have done this not only in philosophy but also in the exercise of speaking, I think that you must do the same, so that you may be equal in command of both languages."

And in Book 3: "You have undertaken, besides, the heavy burden both of Athens and of Cratippus. Since you have set out for them as though for a marketplace of the good arts, it is most shameful to return empty. Therefore, strive with as much exertion of mind as you can, contend with as much labor--if learning is labor rather than pleasure--and bring it about that you do so; and do not allow it to appear that, although everything has been supplied by us, you have failed yourself."

In that very place Cicero did not consider it beneath his dignity if he himself also professed philosophy, as he testifies in Book 3. Leading Romans indeed used to journey there; Aulus Gellius, Book 1, chapter 2. In Jerome's work addressed to Marcella, a distinguished orator is said to have reproached a certain man because he had learned Greek letters not at Athens but elsewhere. That distinction remained with the most renowned city for a long time. Nazianzen and Basil the Great studied there. But afterward both the glory of its studies and the city itself declined.

§ 3. Byzantium, nevertheless, transferred to itself a great part of the praise and renown of Athens. For the arts, following the majesty of the empire, placed their seat at Constantinople, to such a degree that Athens was now distinguished more by the shadow of its ancient name than by any present good. So Gregoras and Emperor Frederick to Nicholas V. Theodosius, Valentinian, and others assisted letters wonderfully. A royal house was also added, in which twelve of the most learned and select men were to dwell and answer those who consulted them; Zonaras, Book 3. Leo, because they opposed Iconoclasm, burned them together with the house and the books; and from that time studies languished in the imperial city, barbarism increased, and at last the harshest Turkish servitude was imposed. Bardas, Leo the Philosopher, his son Constantine, Constantine Ducas, Alexius Comnenus, and Andronicus the Logothete indeed attempted to restore the schools and studies to their former flower, but through schism, heresy, and wars all things fell.

§ 4. Nearly equal to the school of the Athenians in antiquity and renown was the Cranium, the *phrontisterion* of Corinth, in which even Dionysius, after being driven from his kingdom, taught letters as a mockery of fortune. That city was great and distinguished by two harbors, celebrated by the merchandise as well as the intellects of Europe and Asia. The sect of the Cynics especially flourished there, one in harmony with the most corrupt morals of the city. For the city, always infamous before, was in the time of Saint Paul, so to speak, a stable of shamelessness.

The school of the Rhodians was also most renowned, but mathematical study and the oratorical faculty especially flourished in it. This was not so only in the final times of the Romans, when the state was already tottering and tending toward monarchy; for Aristippus also discoursed there concerning mathematics, and when, shipwrecked, he saw the marks of learned work in the sand on the shore, he bade his companions be of good hope, because traces of men appeared there also. The Rhodians had Panaetius, Stratocles, Andronicus, Leonidas, Pisander, Eudemus, Dionysius Thrax, Apollonius, and, before these, the exiled Aeschines--all most learned men. It seems to me that Rhodes rivaled Athens because of the convenience of navigation and the pleasantness of the place, since the leading Romans sent their children there. Cicero had his son there, as well as his nephew, the son of Quintus. Nor were the Athenians ignorant of this, for many Athenians devoted themselves at Rhodes to the study of eloquence; Laertius, Book 4. I judge that this happened because of the city's frequent disasters: Sulla's siege and other misfortunes frightened away the professors of the arts. At Rome the studies of wisdom began late to be held in esteem, but were thereafter cultivated with great honor. Good letters and schools therefore flourished in the foremost cities. Among them the school of Berytus stands out; Berytus is the most renowned city of Phoenicia after Sidon, near the mouth of the river Lycus. Justinian

[Printed page 243]

calls it most beautiful and grants it the same prerogative in letters as new and old Rome. "We will," he says, "that these three volumes composed by us be delivered to students only in the imperial cities--Constantinople and Rome--and in the most beautiful city of the Berytians, which someone may rightly call the nurse of laws, because this was also established by earlier emperors; and not in other places which have not merited such a privilege from our ancestors. For we have heard that in the most splendid city of Alexandria, in that of the Caesareans, and in others certain unskilled men wander about and deliver adulterated teaching to their disciples. We repel them from this attempt under the following threat: if they dare hereafter to perpetrate this and to do it outside the imperial cities and the metropolis of the Berytians, they shall be punished with a fine of ten pounds of gold and shall be cast out of that city in which they do not teach laws but commit offenses against the laws."

§ 5. The ancient and most renowned academy of all must not be omitted, which the Jews placed not in some desert but in the principal city, where the royal seat, the temple, and all the sacred institutions of the nation had been established. We owe its enlargement to Solomon, who discoursed from the cedar of Lebanon even to the hyssop which grows out of the wall. There were very many schools there, belonging to different sects and different nations. Josephus denies that philosophy and the Greek arts were taught there; indeed, he denies that this was lawful. But this must certainly be understood with qualification. For they rightly excluded that erring philosophy. If anyone today were to teach that pleasure is the highest good; if with the Academics he were to doubt all things; if with the Peripatetic school he were to assert the eternity of the world; or if he were to introduce Stoic fate, teachers of errors would rightly be proscribed by laws and punishments.

The other studies were by no means forbidden. They learned Hebrew grammar for understanding the sacred writings and Greek grammar for instructing proselytes; all were taught the divine and ancestral laws according to an established system. No one who has considered that the Egyptians learned these sciences from the descendants of Abraham, and the Greeks from the Egyptians, can be ignorant that eloquence, poetry or hymnody, logic, natural philosophy, and the mathematical disciplines were held in esteem and flourished among the Jews. The Essenes, detesting the Epicureanism of the Sadducees and the hypocrisy of the Pharisees, established separate schools by the Asphaltite Lake, in which they also taught the liberal arts. There is no need to speak of the most renowned schools of Alexandria, Antioch, Ephesus, Caesarea, and Nicomedia, since even Heliopolis, Carthage, and Cyrene had very well-equipped public schools.

Later generations imitated the ancients, who judged prudently concerning letters. Bologna, Ferrara, Florence, Milan, Naples, Padua, Pisa, Zaragoza, Coimbra, Granada, Seville, Salamanca, Toledo, Valencia, Paris, Angers, Orléans, Bordeaux, Lyon, Poitiers, Reims, Toulouse, Leuven, Cologne, Trier, Mainz, Vienna, Prague, Erfurt, Cambridge, and Oxford have academies. I am not ignorant that in Germany especially there are sometimes public schools in smaller towns. But either their situation is most convenient and they have populous cities round about--as at Molsheim, where

a year ago the Most Serene Leopold, Archduke of Austria and Bishop of Strasbourg and Passau, erected a new academy; and at Paderborn, where the Most Reverend Bishop and Most Illustrious Prince Theodor founded a public school for the ingenious and industrious Westphalian nation--or the place must possess some renown. This is attained not merely from a multitude of citizens but from the presence of princes and a court, and from the distinguished learning and splendor of the clergy. For no one can recall without laughter the vanity of Bion of Borysthenes, who, in order to acquire authority for his school, drew into it a crowd of sailors dressed in scholastic garments. How far he was from that philosophy which he taught!

I therefore demand an attendance of learned and honored men in academic cities. For this causes young men to imbibe civility and courtesy of manners together with letters. Next, the professors themselves, in the public eye, discharge the most difficult duty of teaching with greater diligence, dignity, and eagerness, and avoid before the eyes of magnates and censors those things which prudence counsels them to guard against. Finally, since honor nourishes the arts, and all academies distribute among their own members various degrees of dignities and honors, there is no esteem for those degrees except in great cities or before an assembly of princes and nobles.

CHAPTER XIV

Privileges Must Be Granted to Professors and Students, and Which Privileges Are Suitable

ON THE EDUCATION OF YOUTH

§ 1. The privileges of private persons are not detriments to the state, as envious malice is accustomed to object against many brave men. For since in justice the mean is not established according to arithmetical proportion, so that Titus has as much as Gaius, but by geometrical reckoning, so that the recompense for the labors and dangers of Titus bears the same proportion that Titus bears to Gaius, and reward is rendered according to the magnitude of the work and the dignity of the person, it is not unjust to give unequal things to unequal persons. Since, moreover, among all human things the studies of wisdom claim first place for themselves, they must be adorned with great honor and immunities. If, therefore, a laurel is decreed to the victor, if maintenance in the Prytaneum, if immunity from taxes, if other incentives to courage, how great must be the care for wisdom, by which courage and the other virtues are governed?

Privileges, moreover, belong either to places or to students and professors devoting their labor to studies in privileged places, as they call them. Both things and persons receive them. All are deservedly granted; for it is also fitting that the citizens to whom an academy is entrusted should be honored, so that they may be rightly disposed toward learned men, studies, and students, and may both wish and be able to assist them.

§ 2. The first privilege is that provision be made for the advantages and liberty of an academic city. History relates that the Athenians were endowed with many privileges. For after losing the empire of Greece and their liberty, they flourished much more peacefully under Roman rule, by the protection of letters, than they had when they lived under their own laws. Hadrian especially favored them: he honored their studies with money and an annual supply of grain, and gave them Cephallenia; so Dio Cassius and Sextus Aurelius Victor. Yet Demetrius had long before surpassed Hadrian’s munificence: although offended by their defection and taunts, he nevertheless relieved them, when oppressed by want, with a distribution of grain. Emperor Severus avenged his injuries less civilly, for he diminished their privileges.

Everything, therefore, which, in accordance with the character of the nation and the nature, business, and situation of its towns, can adorn and enlarge an academic city may be granted. Such is a prerogative of dignity among other towns; for since academic cities contain an academic senate composed of the wisest theologians, jurists, physicians,

[Printed page 244]

and philosophers, there is no doubt that the civic council too will become wiser through familiarity with and the counsel of the most learned men. Next, I judge that immunity from certain taxes must be permitted, especially those which are accustomed to burden the grain supply and provisions. For this benefit is general, as one bestowed upon various nations. Accordingly, just as Aachen, the most noble seat of the German realm, received throughout the whole empire freedom of commerce and immunity from tolls because the august emperors had established their residence there, so too the kindness of a prince requires that, like a father, he support more magnificently, with no loss to the treasury, whatever city he has willed to be an abode of wisdom, virtue, and letters. The large multitude of students, however, will compensate that loss in another way. Third, if a prince is not free to bestow this indulgence upon the whole state, he can nevertheless be more liberal toward those in whose houses and at whose tables students lodge; for in this way they will obtain more honorable lodgings at less expense.

§ 3. The second privilege is that the arts be taught publicly in one or two designated places in the city. This appears altogether necessary, for private and clandestine teachers, who are all mercenary, can introduce great errors. Theodosius and Valentinian forbade teaching at Rome in any place other than the Capitol: the sole law *On Liberal*

Studies in the City of Rome, Book 21, chapter 18. Nor do I judge that anyone can enjoy the privileges except those who are taught publicly in a public place.

Julian indeed prohibited the profession of civil law to the Alexandrians and Caesareans, because unlearned men, intent upon gain, imbued youth with depraved opinions.

§ 4. The sciences may also be taught in monasteries and by religious. This was the practice of old. Trithemius, *On the Praise of Scribes*, manual, chapter 16: "Nor ought you to leave the monastery for the sake of study, because you can find at home the means by which you may advance. For we have known that many most learned monks formerly flourished in our order, and we know that they studied only in monasteries. Bede, priest and monk, most skilled in every kind of learning, was entrusted to a monastery at seven years of age; there he drank in whatever he learned of the Scriptures. Among his disciples were the most learned Alcuin, later the teacher of Charlemagne, Claudius, and John Scotus--monks excelling in all doctrine, divine as well as secular, and instructed in Greek and Latin speech--of whom many distinguished works survive.

"Rabanus, abbot and archbishop of Mainz, was entrusted to the monastery of Fulda while still almost a boy; how much he advanced in every science his volumes testify. His abbot of Fulda nevertheless sent him to Francia for the sake of study, to Abbot Alcuin, whom we have already mentioned; under his instruction he persevered for many years in the monastery. Strabo, a monk of Fulda, is said to have been the disciple and scribe of Abbot Rabanus; given to a monastery as a young man, he shone forth as a distinguished teacher. So too Haymo, Notker, Hermann Contractus, and almost innumerable other monks were regarded as excellent teachers. Living humbly under the Rule of Saint Benedict, they had monasteries for their schools.

"Nor do we say that those men who were regarded as the teachers of others lacked teachers. They certainly had teachers, but monks and companions in the regular life, who instructed them no less by life than by doctrine. Perhaps we too should find teachers if we were willing to be disciples. For unless humility and love of the Scriptures mutually agree with each other, the studies of monks are neither expedient for the order nor profitable. Love of the Scriptures without humility destroys the discipline of the regular life; humility without love does not attain knowledge of those Scriptures.

"Therefore, let the man who desires to become learned in a monastery preserve these two things inviolate. Let us imitate the holy Fathers, applying ourselves to the divine Scriptures with humble love; and what divine grace conferred upon them it will not deny to us as we pray and read diligently. For the more assiduous each man is in reading, the richer the fruit he takes from it. The fruit, moreover, which we seek in the Sacred Scriptures is love of God and of our neighbor, and knowledge of our most merciful Savior."

For this reason we see that most theological studies have been entrusted to religious houses or persons even today. Gregory the Great also once cleansed Britain of the Pelagian heresy by entrusting sacred lectures to monasteries. Nor are the treatments of letters foreign to their institution, because, apart from jurisprudence and medicine, the other sciences are customarily referred to theology, although scarcely anyone can be a theologian without a general knowledge of laws.

§ 5. I am not ignorant that the profession of monks and ascetics--the divine occupations--sometimes conflicts with the variety of sciences taught in academies, as Charlemagne rightly judged in the additions to his Capitularies, chapter 45. But since many are compelled to apply themselves to sacred sermons and to the care of preserving and governing affairs; since very many abbots administer provinces, govern subject peoples, and possess their station and dignity in the empire, it ought not to seem foreign to a servant of God, a religious man, or a hermit of a monastery, amid so great a scarcity of pious teachers, to profess grammar, poetry, eloquence, and philosophy, so that by this opportunity he may instill piety into tender minds. Indeed, in former times the sons of magnates were excellently instructed no more in piety than in every kind of learning. For until approximately the year of the Lord 1200, monasteries were almost the

sole abodes of letters. From that time academies were established and monastic discipline declined. The study of civil law is also often useful to clerics; but there is another place for treating these matters.

§ 6. Very many personal privileges--that is, privileges of professors and students--have been established in various academies, both by reason of their dignity and because the greater part of the students are foreigners. No one is ignorant of the great injuries to which they are exposed while, as young men far from fatherland and kindred, they are compelled to live under foreign law. The poverty of many is worthy of compassion; the nobility of others is often exposed to the dangers of journeys and to the tricks of cheats and money-changing. Unless the kindness of the laws assists them in all these things, it is inevitable that everyone should be turned away from studies and from learning and esteeming wisdom.

No one except students can properly estimate the labors of study. I confess that men of ability find in the treatment of studies a great delight, one greater than all human pleasures; for this reason it is easy for studious and industrious young men to be chaste. Nevertheless, that most delightful recreation of the mind gradually consumes health and even the man himself, like a kind of fever. For in truth it produces melancholy, rheums, diseases of the head, chest, and vital organs, and various symptoms, to such a degree that the most eminent physicians prescribe a certain special regimen for students. For these reasons princes have conferred very many privileges upon doctors of the gown.

§ 7. The first privilege is that professors and students should in most causes, or in all, be exempt from the jurisdiction of the ordinary praetor or judge, but have their own senate and judge;

[Printed page 245]

and thus, although the academy is in a city, it nevertheless enjoys its own law as though it were a certain private state. The reason is just and has been approved by all academic cities. For academies consist of many most distinguished and learned men, to whose judgment one might more readily entrust a lawful cause than to the consul or prefect of the city. Next, many causes arise which need a swift judgment pronounced, as it were, upon a summary hearing. Since students, as foreigners, readily suffer injury from inhabitants, there is need of a judge who is in no way suspect. It is readily presumed that a consul’s disposition is more favorable toward his own citizens--often his relatives and connections--than toward strangers and, as frequently happens, toward a neighboring and hated nation. Judges are therefore deservedly selected from the professors and academic senators.

Nevertheless, in most places this common axiom of law is preserved: the plaintiff follows the court of the defendant. And I judge that it is the foundation of a true and free academy to possess a magistracy and tribunal. For this reason Julius, the magnanimous and most provident bishop of Würzburg, when he founded an academy, gave it power equal to the ordinary tribunal of his chancery and admitted no appeal except to the prince alone. This was deservedly so, since princes themselves very frequently submit the gravest causes to the judgment of academies.

Yet I have observed that this privilege is sometimes abused, when youth, relying upon the leniency of the courts, fight among themselves with swords or grow insolent in injuries against the citizens. Grave citizens not rarely object to this, to the great disgrace of the academies and harm of studies. Martin Luther, shortly before his death, writes that this happened at Wittenberg, addressing his own colleagues. For he complains that such outrages were committed and that there was such contumacy that the four elements could not bear it; the leading men of Saxony afterward complained in the same way about the insolence of the academicians. These things must be avoided. Nevertheless, an academy must not immediately be assailed and its privileges diminished whenever the ardor of youth is swept away into some levity, since the vices of youth are corrected most calmly and easily through their own moderators.

And indeed princes, induced by the centaur-like counsels of certain courtiers, gravely err when they diminish the authority of those through whom alone they can restore holy morals--as though there were not graver sins in the cities themselves, indeed in the courts of princes, than among the alumni of academies, and yet princes would not wish the

transgressions of their household attendants to shake the scepters from their own hands. With great judgment so great a liberty has been granted to studies, as at Bologna, Paris, and Mainz.

The first privilege of the Academy of Mainz, which Archbishop Diether granted, reads thus: "We therefore bestow, grant, and concede by force of the present letters: first, to the doctors, masters, scholars or students of our said university of Mainz, the judges whom they can possess by law--the rector and conservator of the university and the ordinary of the place." Most equitable statutes command the plaintiff to follow the forum of the defendant, for the common law decreed this long ago.

Concerning judicial procedure our founder established as follows: "In order that provision may be made for those incorporated into our university concerning observance of judicial order and the decision of causes, we will and ordain that the rector shall have power to hear and determine every cause and question arising among the aforesaid incorporated persons. If he is rejected as suspect by either party, we will that arbitrators be elected and that the other provisions which the laws make concerning this be observed."

Consuls, satraps, praetors, and judges ought neither to be jealous nor to judge that anything has been taken away from their dignity if a certain part of the state has other, and indeed its own, governors, since they themselves entrust their sons to teachers and pedagogues. For when anyone sends his children to Padua or Bologna, to the marketplace of the sciences, who judges it equitable that the child should be subject to civic rather than academic magistrates?

§ 8. The second privilege is that professors of the arts, doctors of laws, and their wives should have immunity from all civic and public duties, even from the reception of guests; so Constantine judged. In this matter the founder of our academy was indeed munificent. The words of the grant read thus:

"Likewise, let the doctors, masters, and students of our university, as also the notaries and beadles, be immune, exempt, and free, in their persons and in things pertaining to their food, clothing, and use, from public payments and charges imposed and to be imposed throughout the city and diocese of Mainz, by land or by water, and pertaining for the time being to the archbishops of Mainz. Let them neither be held nor compelled to the payment of a tax, excise, impost, toll, or of anything of any other kind, by whatever name they may be designated, every manner of deceit and fraud being entirely excluded.

"And we will that this concession and favor be understood of masters and scholars who dwell collectively in houses or bursae, and of students who, after obtaining the rector's permission, dwell in houses or rooms outside the bursae and maintain themselves and their households at their own cost and expense.

"Likewise, since the greatest quiet is fitting for professors of letters and for those who are to be instructed in learning and morals, and since those who pursue better things will be strangers to tumult, we will and ordain that the houses and dwellings of the rector, doctors, masters, and students--and especially the schools in which the college, doctors, masters, and students live together, which in their common manner they call bursae, or in which honorable students dwell after the rector's permission has been sought and obtained, maintaining themselves and their household at their own cost and by domestic provision--shall enjoy this perpetual immunity: that no official or member of his household, of whatever condition or status he may be or by however extensive a commission he may be appointed, shall presume tumultuously to invade those houses or dwellings, or break into or violate them with ruinous force, every fraudulent fiction or false pretext being entirely removed.

"Moreover, let no official or any other ecclesiastical or secular person presume in the city of Mainz to attack or offend any one or more of the doctors, masters, students, or their household, or to inflict violence or injury upon them. But if anyone, which God forbid, is found to be a contemner of this our concession, let him know that he will incur our indignation and a penalty to be inflicted according to the measure of such offense, deceit, or fault.

“And seventh: likewise we will that none of our functionaries and officials, or any other laymen or citizens, shall injure, offend, disturb, or otherwise place in danger in any manner any doctor, master, or student, by word or deed, directly or indirectly, every fraud and deceit being removed, under the aforesaid penalty.”

But since all who attend the schools and do not live within the bursae, as they say, do this with the permission of the rector, they all also enjoy that privilege. These provisions are clear concerning personal burdens and those goods which are given as salaries; but I do not think that the law is understood of patrimonial goods, nor does custom permit this. And lest those privileges of the renowned academy be infringed by the ignorance or malice of other administrators, the most wise founder willed that all officials of the city of Mainz be bound by oath to preserve the academy’s immunity. The words read thus:

“Likewise, every official of this our city holding office for the time being shall swear into our hands to preserve unharmed the aforesaid doctors, masters,

[Printed page 246]

and students in their persons, affairs, and goods, and not to contravene the said privileges, but to uphold them and their affairs, goods, and privileges aforesaid and hereafter stated, to the extent of his ability and knowledge.”

CHAPTER XV

There Are Many Other Privileges of Students, and What They Are

ON THE EDUCATION OF YOUTH

§ 1. The pontiff, the emperor, individual princes, and states have granted very many privileges. Since later academies are customarily endowed with the privileges of the older ones, it happens that very many are granted in a single phrase. We see this done in this most noble academy, concerning which Pope Sixtus IV speaks thus:

"For the praise of the divine name and the propagation of the same Catholic faith, by apostolic authority and the tenor of these presents we perpetually erect, constitute, and ordain a university in the same city of Mainz; and by the said authority we establish and also decree that henceforth, for all future time, a university shall flourish there after the pattern of the aforesaid universities of Bologna, Paris, and Cologne, both in theology and in canon and civil law, as well as in every other lawful faculty or science; and that masters in theology, doctors, lecturers, and students there may freely and lawfully use, possess, and enjoy each and every privilege, liberty, exemption, immunity, grace, and indulgence which other masters, doctors, lecturers, and students in the universities of Bologna, Paris, and Cologne enjoy and use. Moreover, those who in the course of time shall have merited degrees in any of the aforesaid lawful faculties in which they have studied may receive a license to teach, so that they may instruct others, and may have the honor of the mastership or doctorate bestowed by the masters or doctors of that faculty or science in which the examination is to be held."

The founder equates Mainz with the three most excellent academies of Bologna, Paris, and Cologne. It has hitherto maintained that dignity so well that it has numbered among its auditors illustrious and learned men not only from Germany, Poland, and Belgium, but even from most cultivated France.

Therefore, lest anyone be ignorant of the great favor with which monarchs have pursued studies, and lest students themselves be unaware of their own advantages, I intend to set down those one hundred and eighty privileges--or, rather, heads and rubrics of privileges--from the most learned jurist Pierre Rebuffi.

§ 2. The first privilege from Rebuffi:

First. It is permitted to study, teach publicly, and dispute on every feast day--after divine worship has, of course, been rendered in the offices. Rebuffi thinks it forbidden if done for the sake of gain, as when an advocate studies on a feast day principally for gain. In this matter I by no means agree with him, for although he studies for the sake of gain, study is nevertheless not servile work, and desire for gain can obtain an honorable end. Nor does ecclesiastical law forbid gain, but servile work.

Second. It is lawful to study even in a church. Rebuffi's exceptions are general: one must not study at a time when one is obliged to hear Mass, nor study forbidden arts--which is not lawful even outside a church. In a church, however, the offense is graver, because it makes the house of God a house of wickedness.

Third. Scholars may expel craftsmen from their own house if they disturb their studies with noise. This is a great and almost odious privilege. Rebuffi nevertheless cites laws concerning this matter. Indeed, at Montpellier he says that he drove away a weaver who impeded students with singing; for when the magistrate, after hearing the rights of the students, ordered the importunate musician either to sing more softly or to withdraw, he preferred to leave the house rather than moderate his voice.

Fourth. A case concerning this privilege may be conducted on a court holiday; so he says. But I judge that this must not be granted unless the cause is urgent. I judge the following a legitimate cause: if, because of the dog days or other

vacations, there were an interruption of several weeks, then, lest an entire college of students be compelled to endure a prolonged disturbance, the matter could be decided even on a feast day.

Fifth. This case may be treated and concluded summarily and without formal proceedings. Otherwise studies could be impeded for entire years, since while the lawsuit is pending the hammerer retains the use of his possession, and students do not readily undertake long-lasting lawsuits.

Sixth. No appeal is granted from a sentence pronounced against the hammerer. This has been abrogated by practice and, unless I am mistaken, by equity; for why should this be denied if knowledge is in question?

Seventh. A scholar can compel someone to let him a house, room, or horse. But I have nowhere seen the use of this privilege, and indeed it is altogether better not to use it, since the right not to be compelled against one's will to let property to another or admit a stranger into one's household is highly consonant with reason; and it is a matter of great danger to let a house to another. I have indeed never observed its use in any place.

Eighth. A landlord cannot expel a student from a rented house, although the landlord himself needs the house--if, evidently, it would have to be relinquished for that reason.

Ninth. When the term of the lease has ended, students must be preferred if they are willing to pay as much as others, unless perhaps--as generally happens--the habitation of students makes a house worse than does that of others, or unless they are of insufficiently accommodating morals.

Tenth. If a doctor or scholar rents a house already let to another scholar before the term of the lease has ended, he is excommunicated.

Eleventh. If he withdraws for a just cause before the term has ended, he is bound to pay not for the whole year, but only proportionately.

Twelfth. A student withdrawing from a rented house may substitute another in his place, provided that the landlord's condition is made worse in no way.

Thirteenth. If a civic statute provides that no one may buy more grain than for his own use, and a scholar buys for a year but then withdraws after half a year, he does not incur the penalty if he had intended to remain in that place for the whole year. I extend this privilege to everyone, including citizens, for an intention consonant with justice ought not to harm them.

Fourteenth. A scholar who withdraws may seek his share of things held in common.

[Printed page 247]

Fifteenth. Flight does not render a scholar suspect of an offense; rather, he is presumed to be visiting his parents or seeking money.

Sixteenth. A loan for use made by a scholar is revoked before the end of its use when he wishes to withdraw.

Seventeenth. When the course of study has ended, a person is compelled, although unwilling, to bring his action against the student; or, if he does not act within a time to be fixed by the judge, perpetual silence is imposed upon him.

Eighteenth. Students acknowledge no charge for the lodgings in which they reside.

Nineteenth. Books are not tacitly pledged for the rent of a house.

Twentieth. In Rebuffi's judgment, it is a wrong rather than a privilege that a student living dishonorably can be expelled less readily than another tenant. I judge that he must be expelled not only from the house but also from the city.

Twenty-first. It is similar and unjust that infamous prostitutes may be brought into a common lodging; but those things were drawn from the sewer of the gentiles into the books of Christians and must be condemned to eternal silence.

Twenty-second. It is peculiar to the French to obtain nominations, but Rebuffi complains that those laws have now been overthrown.

Twenty-third. A student who has gone home for the sake of seeking money and immediately returned retains the privileges of study, and that time is computed in the five-year period. But in most cathedral churches of Germany and in others this is not observed. If even a single night interrupts the biennium, the whole of the remaining time is lost. Evil morals produced this severity of the laws. This ought to be added: that they should carry testimony to their diligence and progress. As it is, many pass the biennium idly in wealthy cities or live luxuriously.

Twenty-fourth. When nominees present their nominations to prelates and seek benefices, they cannot be examined, because the university has already approved them by examining them and conferring a degree. These provisions are for the most part observed; indeed, here at Mainz masters of philosophy are not examined even for orders. Elsewhere, however, the Church examines even doctors of theology, and the Church altogether retains this right and does not depend upon universities. Nor is this safe now, since many academies promote unfit men to degrees; for that this happens is clearer than daylight. I have seen masters of arts and philosophy who knew no difference among the three figures of syllogisms. Nor does Italy cease daily to send us certain doctors with diplomas who can scarcely determine in what faculty they were promoted. Hence many dispute against the privileges of academies. Louis XII indeed punishes with suspension of privileges and another discretionary penalty those academies which promote men unfit in morals, knowledge, and merits. Every effort must therefore be made that academies reform themselves.

Twenty-fifth. In France, parish priests of towns must possess a degree or at least must have studied for three years; I judge that this study must be understood as theology. In Germany many prebends require a mastership or baccalaureate.

Twenty-sixth. If a student has let the revenue of a benefice for three years or a shorter term and dies in the meantime, his successor is bound to hold the lease valid, because it was made in favor of studies and therefore for the utility of the Church.

Twenty-seventh. Greater benefices are owed to learned men, provided that their life corresponds to their learning--and, as morals have now declined, provided that relatives are lacking. For vices have long since suppressed this privilege.

Twenty-eighth. A student who has a vicar is released from reciting the canonical hours if he recites each day the Office of the Blessed Virgin and the seven penitential psalms. So a few canonists hold, but the others and the theologians think otherwise. For cursed is the study through which the divine office is abandoned. It is certain that no one is excused, for the entire office can be completed in almost one hour. How little it is, if from twenty-four hours you spend one upon God and prayer, you who live from the patrimony of the Church! Will one hour, or one and a half spent in prayer, impede you from attaining learning? Do you so flee piety that you seek immunity from that hour? You spend entire days upon games, walks, and spectacles.

Twenty-ninth. Scholars are not bound to reside in their benefices. It has now been most excellently established that they may not be absent without the permission of their prelates and that they must present testimonials of their studies.

Thirtieth. They are bound to pay nothing to the bishop if they do not reside.

Thirty-first. They receive the revenues of benefices as though present. This is not customary in Germany. A definite sum is assigned to them in favor of their studies. They certainly never receive distributions.

Thirty-second. Though absent, they retain the right of option.

Thirty-third. They are never deemed to be absent fraudulently.

Thirty-fourth. If someone studies in a nonprivileged place for the sake of repeating his courses, he retains the privileges of students for six months in France; in Germany no account is taken of private study.

Thirty-fifth. Once entered in the matriculation register, one returning by right of postliminy is bound to pay nothing.

Thirty-sixth. A beneficed cleric who, for the sake of studies, is not ordained within a year can receive a dispensation from the bishop.

Thirty-seventh. The bishop cannot revoke that dispensation without an evident cause.

Thirty-eighth. Money ought not to be received for a dispensation. This, however, is common to all sacred things, which ought to be given without a price.

Thirty-ninth. Dispensation is more readily granted to students and learned men.

[Printed page 248]

Fortieth. Those who possess a degree can, with a dispensation, obtain four benefices. I shall speak of this abuse in Book 6, on the ecclesiastical magistracy.

Forty-first. A pension granted by the bishop for the sake of study is not taken away if an equal benefice is granted, but one which requires residence is, unless the studies have been completed.

Forty-second. The bishop together with the chapter can establish that every canon shall contribute something annually for the support of a poor, able, and diligent student.

Forty-third. Knowledge makes a rich man from a poor one.

Forty-fourth. Hence many serve learned men.

Forty-fifth. Students who have attained knowledge are regarded as noble. Indeed, in Germany they are equated with nobles--in the Imperial Diets at Augsburg in the years 1530 and 1548--and both formerly and now in many kingdoms they are preferred. For virtue is the one and only nobility; knowledge is a nobility lesser than virtue but greater than nobility of lineage.

Forty-sixth. A doctor who answers without present labor deserves a fee, because he has already labored formerly.

Forty-seventh. Poor students who beg, if able-bodied, cannot be compelled to labor, just as nobles cannot.

Forty-eighth. When two men of equal merit are elected--the unlearned choosing one and the university the other--the judgment of the university prevails.

Forty-ninth. The state ought to be entrusted to learned men.

Fiftieth. A learned student is preferred to an unlearned doctor.

Fifty-first. A scholar becomes more learned by teaching.

Fifty-second. A larger dowry is owed to a learned person.

Fifty-third. A father can be compelled to supply the expenses of study to his son. This privilege has so many limitations that I judge it never rightly done--indeed, not to be done.

Fifty-fourth. A parent is bound to give an allowance to a student at the beginning of the month. This privilege too is placed in the parent’s hand.

Fifty-fifth. In the division of an inheritance, a scholar receives the books before the division and is not bound to bring them into the common stock.

Fifty-sixth. Books are not reckoned into the lawful share; in a doubtful case the father is deemed to have given the books.

Fifty-seventh. When students are compelled to bring the books into account, they may retain the books and contribute their assessed value.

Fifty-eighth. A loan given to a son by his father can be reclaimed.

Fifty-ninth. A debt contracted for the sake of studies must be paid from the common property.

Sixtieth. A gift made to a son under paternal power is valid if the son studies.

Sixty-first. Nor can that gift be revoked.

Sixty-second. The father does not possess the usufruct of goods so given.

Sixty-third. A student may revoke a gift made with the intention of departing from study if he does not depart.

Sixty-fourth. A gift made to a student, even if it exceeds five hundred gold pieces, does not require registration.

Sixty-fifth. A student who is the son of a professor retains his origin in his father's city.

Sixty-sixth. A doctor is bound to support his poor scholar. But this is fitting only when the doctor is rich and the student poor. There are now so many thousands of poor students that scarcely any king could support them.

Sixty-seventh. Doctors can be witnesses for their own students and disciples.

Sixty-eighth. He whom his auditors regard as learned must be deemed learned.

Sixty-ninth. A doctor cannot be rejected as judge in the cause of his own students. Scholars, however, can reject the ordinary judge.

There has been great controversy concerning criminal causes. Students are customarily judged by their own doctors, but in horrendous crimes they are remitted to the magistrate. The slowness and connivance of academicians in punishing offenses has abolished many privileges. Rebuffi says that the Bolognese renounced their privilege; those of Mainz defend their right and, so long as discipline flourishes, will defend it with the state's applause. For privileges are customarily lost only through offenses.

Seventieth. Students do not summon their doctors to court unless permission has been sought, for no less reverence is owed to them than to fathers.

Seventy-first. Doctors ought not to beat their auditors. A light chastisement, however, is granted to a master of arts and to a teacher.

Seventy-second. An auditor may follow the judgment of a learned, conscientious, and modest doctor even when it is contrary to the common opinion. I understand this, however, only if the doctor judges it true and persuades himself of it by probable reasoning.

Seventy-third. A student summoned by his father may withdraw, even if he has affirmed by oath that he would not withdraw. This is unjust and therefore not a privilege, if the oath was given in a lawful manner and for a lawful cause; and it is an occasion of wrongdoing and fraud, which greatly bring the best arts into disrepute.

Seventy-fourth. One who swears that he will accompany the rector is not always bound to accompany him, provided that he devotes himself to studies at home.

Seventy-fifth. Students disobedient to the rector, even if they are perjurers, are nevertheless not infamous.

Seventy-sixth. Even if they swear that they will not take a degree in some university, they will nevertheless be able to do so if there is a new cause, such as a new examination. I judge that they are bound by the oath.

[Printed page 249]

Seventy-seventh. A father visiting his son at the place of study cannot be sued there concerning other contracts, unless he is bound to the place by another cause.

Seventy-eighth. Much less can he be seized under reprisals, for studies would be greatly impeded.

Seventy-ninth. One who inflicts loss upon the relatives, servants, messengers, or messengers of students is bound to make restitution fourfold.

Eightieth. A mandate in favor of students does not expire upon the death of the mandator. Titus orders his agent to give one hundred gold pieces to Gaius the student; if he dies before the money has been given, his heir is bound to pay it.

Eighty-first. Doctors and students are not bound to execute apostolic rescripts.

Eighty-second. When there are two rescripts of entirely equal force, the presumption is in favor of the student.

Eighty-third. The goods of students ought not to be seized.

Eighty-fourth. An able and learned man can be made a doctor even before the five-year period of studies.

Eighty-fifth. The desire to surpass others in knowledge is not a sin. But this must be properly understood, and it applies to many other things.

Eighty-sixth. A student who is notoriously expert ought not to be examined.

Eighty-seventh. A student can exclude from his examination a doctor who is suspect.

Eighty-eighth. In this matter the student's oath is accepted.

Eighty-ninth. Doctors ought not to demand a dinner for the beginning of a lecture which students commence.

Ninetieth. A doctor ought to demand nothing from the poor.

Ninety-first. A rescript against a student is not valid unless it mentions that he is a student.

Ninety-second. A rescript granted to a student is not void if he is designated not from his fatherland but from his place of study.

Ninety-third. A change of name is not forbidden to students.

Ninety-fourth. Garments of every kind and color are permitted to students, for they are foreigners. Individual academies, however, are accustomed to prescribe modesty to their own students.

Ninety-fifth. One who has promised that he will write a book for a student is not released if he pays the student's interest; rather, it is necessary to complete the work itself.

Ninety-sixth. He is bound to write even with his own ink and rubric.

Ninety-seventh. A student may by his own authority seize a scribe who promised that he would write in a certain place, if the scribe deceives him. This privilege has been altogether abolished.

Ninety-eighth. In ecclesiastical territories the emperor is accustomed to legitimize a student.

Ninety-ninth. The disadvantage of a purchased thing does not fall upon a student.

One hundredth. Someone can be compelled to sell a site for enlarging the schools or one suitable for a college.

One hundred first. No one can occupy the places of students.

One hundred second. A student cannot be seized in a school unless he is rebellious toward his doctor.

One hundred third. An injury done to one student is regarded as common to them all.

One hundred fourth. The greatest friendship is contracted through similarity of studies.

One hundred fifth. A judge inquires without an accuser against those who trouble students, for it is sacrilege to attack a student's house.

One hundred sixth. A student who has suffered injury together with another who is not a student grants his own privilege to his companion, so that both may conduct their case before the conservators of the city.

One hundred seventh. An association of a few students can create a syndic.

One hundred eighth. If a student is killed and the murderer is not apprehended, the ten nearest houses are placed under interdict for five years. If a thing is taken from a student by theft, the neighborhood is liable. But these provisions have never been employed in Germany.

One hundred ninth. A doctor or exceptionally excellent student condemned for a crime ought to be given his life because of his expertise.

One hundred tenth. Neither students nor their servants ought to bear arms in a crowd. Scholars who carry arms every day--a sword and other weapons--are presumed wicked and to possess a malevolent disposition; the gloss on the paragraph *If Any Rustic*.

One hundred eleventh. If a student unknowingly passes counterfeit money, he is not punished, because he is presumed to know laws rather than money.

One hundred twelfth. If students become rich after a cession of goods, although they are bound to repay their creditors, nevertheless their books ought not to be taken from them.

One hundred thirteenth. Books cannot be taken from him for any cause, not even for execution of a judgment, unless he is unruly.

One hundred fourteenth. Books ought not to be given to another without an express mandate.

One hundred fifteenth. Jews and other purchasers of students' books cannot retain them until they are reclaimed by their owners.

One hundred sixteenth. A bookseller is bound to produce books to scholars so that a scholar may see whether they are his. Thus defendants are compelled to produce books to the plaintiff in order to establish his claim.

One hundred seventeenth. Although Jews ought not to live with Christians, their children are nevertheless not excluded from Christian schools.

[Printed page 250]

One hundred eighteenth. Students are preferred to the other creditors; indeed, they possess such preference in these matters that the goods of the city are judged mortgaged to professors for their salaries.

One hundred nineteenth. A student who has suffered loss can seek restoration to his original position during his studies.

One hundred twentieth. A student deceived by booksellers immediately possesses an action for rescission.

One hundred twenty-first. A student cannot be sued in an academic place on account of contracts entered into elsewhere.

One hundred twenty-second. Nor even on account of obligations contracted before his studies.

One hundred twenty-third. Indeed, not even on account of offenses committed at another university.

One hundred twenty-fourth. Repentance is also allowed to students, so that a student is not regarded as infamous if he restores what was taken away.

One hundred twenty-fifth. Students enjoy all the privileges of the citizens among whom they reside.

One hundred twenty-sixth. Yet students are citizens of the city in which they reside in such a manner that they experience its advantages, not its disadvantages.

One hundred twenty-seventh. Accordingly, they are not bound to the burdens of the city, even if something has been established concerning this matter contrary to their immunity.

One hundred twenty-eighth. A student can make a testament concerning goods given by his father or by others.

One hundred twenty-ninth. Students are regarded as foreigners, are presumed to be ignorant of the customs of the city, must be defended by everyone, and belong to the forum of the Church.

One hundred thirtieth. If a legacy of books is established, a doctor will possess all the books belonging to his faculties; if he has been promoted in several faculties, he will possess even those of medicine.

One hundred thirty-first. A legacy is owed to a student at the place of the academy, and is not diminished by the expense of conveying it unless the testator has provided otherwise.

One hundred thirty-second. If maintenance is bequeathed to a student, it must be paid in money.

One hundred thirty-third. An uncertain legacy for the sake of study is valid, because it is deemed to be for pious causes; the promise and stipulation are interpreted according to the judgment of good faith.

One hundred thirty-fourth. The Falcidian deduction is not taken from a legacy to students, just as it is not taken from legacies for pious causes.

One hundred thirty-fifth. A legacy made to mendicant religious for the sake of study is valid.

One hundred thirty-sixth. An annual legacy is owed at the beginning of the year.

One hundred thirty-seventh. A legacy left by an informal expression of will, if it has been furnished for three years, is also owed thereafter.

One hundred thirty-eighth. When books are bequeathed to students, money for purchasing them is deemed to have been bequeathed.

One hundred thirty-ninth. Students may confess to the parish priest in whose parish they reside or to others possessing lawful authority.

One hundred fortieth. A student cannot be deprived of his privileges or matriculation unless he has been warned three times.

One hundred forty-first. If someone has been ordered to be matriculated, he is regarded as matriculated for the purpose of undergoing the imposed penalty if he has offended a student.

One hundred forty-second. Even one struck from the matriculation register enjoys the privileges until he is enrolled in another university.

One hundred forty-third. In a city which is under interdict, students can hear lectures, although their doctors too are under interdict.

One hundred forty-fourth. If a student beats a cleric moderately, he can be absolved by the apostolic conservator.

One hundred forty-fifth. What students expend is deemed to be expended for the utility of the Church.

One hundred forty-sixth. They owe no tolls upon the things which they carry with them.

One hundred forty-seventh. If they assert that they are carrying books, credence is given to their oath and that of their messengers.

One hundred forty-eighth. Those who compel students to pay tolls are deprived of all their privileges.

One hundred forty-ninth. Students are immune from levies and public duties.

One hundred fiftieth. They cannot be seized under reprisals.

One hundred fifty-first. A student who is not otherwise proscribed is always safe while going, remaining, and returning.

One hundred fifty-second. A student has as judges the bishop, the civil authority, the rector, and the doctor.

One hundred fifty-third. Even after joinder of issue, he can choose another judge.

One hundred fifty-fourth. When summoned by a judge who is not his own, he is not bound to plead his privilege, because he is notoriously privileged.

One hundred fifty-fifth. In civil and criminal matters he can be a plaintiff without the consent of his father.

One hundred fifty-sixth. Indeed, some extend the privilege concerning a civil action to monks; I judge that this is forbidden by the vows and oaths of religious.

One hundred fifty-seventh. One who draws a student before a foreign tribunal loses his case.

One hundred fifty-eighth. Doctors possess jurisdiction over students by the law of all academies, and in many places those who appeal elsewhere are perjurers.

One hundred fifty-ninth. Even masters of arts are judges in controversies among their fellow students.

[Printed page 251]

One hundred sixtieth. A student sued before his own judge can bring a counterclaim.

One hundred sixty-first. Students may draw their debtors as far as four days' journeys.

One hundred sixty-second. Students who are plaintiffs do not follow the forum of the defendant. But this is nowhere observed except where there are special conservators who are, as it were, judges of both parties.

One hundred sixty-third. Students may appeal from an interlocutory judgment.

One hundred sixty-fourth. Students may appeal directly to a superior judge without an intermediate judge, because the emperor by special grace offers himself for their defense.

One hundred sixty-fifth. A student loses his privilege when study ceases. If, however, he attends the schools from time to time and studies at home--especially if he is of advanced age--he retains it.

One hundred sixty-sixth. The servants and scribes of students, accessory persons, and even their entire colleges enjoy their privileges.

One hundred sixty-seventh. A student's servant cannot seek wages unless mention and agreement were made.

One hundred sixty-eighth. Setoff cannot be sought against students, for by this means a student could be reduced to extreme straits.

One hundred sixty-ninth. A student is never deemed to seek academic honors through ambition.

One hundred seventieth. A student can be a witness for his companion and friend, especially in a cause concerning studies.

One hundred seventy-first. A student may be given as surety, but he must renounce his privilege.

One hundred seventy-second. A student who is a surety and is about to depart for study can ask the creditor to substitute another.

One hundred seventy-third. A magistrate who seizes a student offering sureties and does not release him is liable for injury; but this applies in a civil, not a criminal, cause.

One hundred seventy-fourth. Maintenance unduly given to a poor student cannot be reclaimed.

One hundred seventy-fifth. A gift made by a wealthy wife to her student husband is valid.

One hundred seventy-sixth. For a doctor, the time during which he professed before his doctorate counts toward the *comitiva* which someone obtains by twenty years of teaching.

One hundred seventy-seventh. A father may cede a lawsuit to his student son.

One hundred seventy-eighth. All these privileges are deemed to have been granted to students *motu proprio*; therefore deceit is presumed absent, especially with respect to those privileges which are in the body of law.

One hundred seventy-ninth. When all privileges are derogated by an edict of the prince, those privileges which are in the body of law are not deemed included, and a special privilege is not derogated by a general law.

One hundred eightieth. Historians, rhetoricians, and grammarians also enjoy these privileges, but not those who teach or learn the first elements of letters, and in no way those who devote themselves to forbidden arts.

The privileges of Mainz likewise extend only to those who devote themselves to studies. “Likewise,” says the founder, “we will that the privileges, concessions, exemptions, and indulgences given and granted as stated above shall be understood only of doctors and masters incorporated into the university and its faculties, and of students who enter, attend, and are enrolled in the matriculation register of the university.”

I wished to collect all these things from a most diligent and most learned jurist, not being ignorant that not all are everywhere employed and that many have been privately granted in other places, but so that they might be ready at hand for readers and all might recognize with what great favor, liberality, and munificence princes, kings, emperors, and above all the Church and the supreme pontiff have pursued professors and pupils of the sciences. His sole care ought to be that learned piety and pious learning be preserved in the Christian world.

There are, however, very many times and occasions on which scholars do not enjoy these privileges. For some privileges, if they do not involve injustice, rightly carry offense to others, and have a just use only among the most just. Next, students have fallen from the right of privileges if a student is a wanderer; if he lives dishonorably; if he neither studies at home nor attends lectures; if he is a disturber of others and of discipline; if he beats, mocks, reviles, or hisses at others; if he is a gambler, bankrupt, or blasphemer; if he is excommunicated; if, being a cleric or monk, he studies without the permission of his superiors; if he refuses to obey the rector; if he devotes his labor to forbidden arts; or if he studies outside privileged schools.

Golden, therefore, is the law of our academy, which adorns golden Mainz. Although expressed in the words of an ancient age, it possesses the sense of true and genuine piety: “We further will and establish that doctors, licentiates, masters, and generally all incorporated into our university who wish to enjoy its privileges shall live honorably and according to the precepts of law and the statutes of our university. First, let them render due honor to the rector; then each to the other according to the preeminence of dignities and degrees. Above all, we require doctors, masters, and graduates to display gravity, constancy, and maturity of mind; in scholars, obedience, chastity, and diligent study; in all, finally, gentle and honorable morals; and, in sum, a life becoming disciplined men. We shall nevertheless punish

the rebellious, disturbers of the peace, unruly men, night-wanderers, and all other delinquents whatsoever according to the atrocity of the offense, as follows."

To this pertains that noble exhortation of the Faculty of Philosophy to its pupils: "May it be happy and auspicious, and indeed for the entire literary state. We intend to publish our sacrosanct laws and statutes to our entire assembly. In this business of promulgation, you, studious cohort, present yourself to us as one who must first be admonished, lest you appear to have assembled for the publication of our statutes with unwashed hands and feet, as the saying goes, or with insufficient reverence. Indeed, we command and desire all comrades of our service to listen with purified ears and minds and to pay attention without yawning. We desire men who are properly well-born, tractable, intent upon the studies of the disciplines, and burning with love of them to be presented to us. But, on the contrary,

[Printed page 252]

we send far away from here the unruly, undisciplined, difficult, and morose, those born under an unfavorable genius and with the Muses and Apollo angry; and by manifest declaration we reject them as unwarlike, slothful, and useless for literary service."

The most provident care of our ancestors rightly enacted these things. For such great privileges were bestowed upon the study of wisdom, piety, and the liberal arts, and upon the utility of the state--not upon the wickedness, idleness, and luxury of wandering young men.

CHAPTER XVI

Degrees and Honors Must Legitimately Be Conferred upon the Learned, and Must Be Highly Esteemed

ON THE EDUCATION OF YOUTH

§ 1. I have undertaken to treat separately a privilege of great advantage and great dignity, one which preserves most academies from destruction: namely, the honors, power, and titles which a university, as a certain state, is accustomed to confer upon those who have deserved well. For this shows much more clearly that an academy is a state than does the use of a scepter. The state alone distributes public dignities among its citizens. Therefore, just as every state is governed by expectation of rewards and punishments, so too are academies. It is rightly said:

> Οὔτε γὰρ ὁ μισθὸς οὐδέν ἐστ' οὔθ' ἡ τέχνη.

There is neither reward for the art, nor does the art itself flourish.

All honorable things languish unless value from honor also accrues to them. For who will consecrate his sons to study if no rewards are established for so prolonged and uncertain a labor? As it is, many din this into little children:

> Why do you attempt a useless study?

The other honors conferred by the multitude are indeed held in less esteem. But true honor is the judgment of wise men concerning the dignity of another. This exact judgment of learning began with the academies themselves. For although great honor was formerly decreed to learned men, nevertheless neither so exact a test by the Lydian stone nor a distinction of orders was instituted; that privilege is reserved for the worthy members of academies.

In Lucian, Solon desires that those who have conducted themselves rightly in the schools should be seen honored by all and magnificently proclaimed by the voice of a herald in the assembly of all Greece, so that all youth and the spectators might be inflamed with love of virtue and of the sciences. But as vices gained strength and wars caused disorder, no regular honor was accorded to learning. At Athens Basil was courted by the attentions of magistrates and magnates even to the point of envy. Some trace of these honors of ours appears in his case; for at Caesarea, as Gregory, that holy Achates of his, relates, the doctors of the school resolved to confer upon him the insignia of teaching and honor. Augustus also denied to everyone the authority to give legal opinions, except those to whom it had been granted by the examination of the schools.

§ 2. The Lateran Council procured the greatest authority for academic degrees or dignities, for it most diligently ordered that the studies of the good arts be defended, preserved, and promoted. The statutes and decrees of the Council of Vienne celebrated under Clement V are also excellent in this matter. Those who obtained degrees especially enjoyed all privileges.

Academic honors are public testimonies of learning conferred with dignity and reverence, and the power of acting and enjoying the goods which are connected with the dignity conferred.

That honor is great which is bestowed not upon fortune, bodily strength, or athletic exercise, but upon the goods of the mind.

Power is granted not only for giving opinions and teaching, but also for other summits of honors and dignities. For those approved by the examination of universities were sent to princes, civil as well as ecclesiastical, so that they might undertake a share in the care of the state; they also possessed by reason of learning a prerogative for benefices and prelatures. Accordingly, with this hope Justinian in the preface to the *Institutes* exhorts everyone to studies as

necessary to the state: “Receive these laws of ours with the greatest effort and eager study, and show yourselves so learned that the most beautiful hope may encourage us that, when the entire legal work has been completed, our state too can be governed in the parts of it to be entrusted to you.”

For in a state philosophy and learning strengthen all things more than military affairs do. Valerius, Book 3, chapter 3: “There is also that vehement and constant warfare of the mind, philosophy, potent in letters, the priestess of the venerable mysteries of doctrine; when it has been received into human breasts and dishonorable and useless passion has been expelled, it strengthens them wholly within the solid fortification of virtue, rendering them more powerful than fear and grief.”

§ 3. There is variety in these dignities, first among different faculties and then within the same ones. Among different faculties the order is that theologians are placed first, jurists second, physicians third, and philosophers fourth. So Panormitanus, chapter *Cleric*, *On Judgments*; Silvester, *On Doctors and Masters*, number 2. Nor can the most honorable nation of physicians complain about the jurists because, while the latter protect property and riches but physicians protect life, which is greater than the accessories of life, they are placed after them. For a jurist teaches men to live well, justly, peacefully, and in a manner conducive to the common good, which is better than merely to live. I add that jurists also defend life by laws against plots and violence.

As for what some have judged--that those approved by a superior and more dignified authority ought to take precedence--I think that this is now done nowhere, so far as I know. Indeed, when doctors distinguished by diplomas from the pontiff or Caesar come to academies, for reasons which I shall state they are held suspect

> περὶ ἀγνοίας,

of ignorance.

§ 4. Another order exists within one and the same faculty, in which there are those now called bachelors, licentiates, and doctors, and in theology biblical and formed bachelors. Definite times, books, and degrees of knowledge are prescribed for each, and the purpose is that they should gradually reach the summit through intermediate honors. For in every state there are degrees of honors: among the Romans, the aedileship, quaestorship, praetorship, consulship, and, as the ornament of men of consular rank, the censorship and dictatorship.

Formerly there was a different system of names, which Justinian recounts concerning students of law. For those who devoted themselves to laws in the first year, as is stated in Justinian’s letter *On the Method of Teaching Law*, were called *dupondii* by a name as frivolous as it was ridiculous--as though “two-obol men,” as Cujas thinks. A *dupondius* was certainly a kind of very small coin. Seneca in a *Controversy*: “Shall ten young men thus perish on account of your two asses?” And Seneca to Lucilius, Epistle 18: “Then, believe me, Lucilius, you will exult when filled for two asses, and you will understand that fortune is not necessary for satiety; for even when angry she must still give what is sufficient for necessity. Yet there is no reason why you should think that you are doing anything great: for you will do what many thousands of slaves and many thousands of poor men do. Esteem yourself on this account: that you will do it without being compelled.”

[Printed page 253]

They were therefore two asses, or still smaller coins, which nevertheless sufficed for the most meager hunger of a little slave. I indeed think they were two asses, since Seneca adds a little later that Epicurus wrote to Polyaenus and boasted that he was fed on less than a whole as, while Metrodorus, who had not yet advanced so far, was fed on a whole one. That it was a small amount is established from the words of Epicurus in Stobaeus:

> Βρυάζω τῷ κατὰ τὸ σωμάτιον ἡδεῖ, ὕδατι καὶ ἄρτῳ χρώμενος, καὶ προσπτύω ταῖς ἐκ πολυτελείας ἡδοναῖς, οὐ δι’ αὐτάς, ἀλλὰ διὰ τὰ ἐξακολουθοῦντα αὐταῖς δυσχερῆ,

which the most learned Lipsius translates thus: “I am full and overflow with the pleasure of my little body, and that while using water and bread. But I spit upon costly pleasures, not because of the pleasures themselves, but because of the inconveniences which accompany them.”

Those *dupondii*, therefore, were so called in jest, almost in the same manner in which, at the beginning of logic in certain academies, they call dialecticians who have not undergone deposition *Beani*. But the prudent emperor softened the harsh beginnings by the honor of his own name and called the novices “New Justinians”; I see, however, that this appellation has now fallen out of use in most places.

The author himself states that auditors of the third year were called Papinianists. Auditors of the fourth year were called **λῆται**, or **λυτοί**, or, as it seems to me, **λύται**. For **λῆται** does not pertain to the matter, unless someone derives it from **λάω**, as though they were “seers.” **Λυτοί** signifies men “released” rather than “solvers” of questions. Turnebus judges that it means men fit for solving questions, by which reasoning **λύται** or **λυτῆρες** would be the best forms.

In the fifth year, in which they completed the study of law, they were called **πρόλυτοι**, or rather **προλύται**. Hesychius has **προλυθείς**, which he interprets by **τῶν μελελυμένων**, “of those who have been released”; by this he indicates that he read **πρόλυτοι**. But if they were “released,” those who were occupied in the fourth year had therefore not yet disentangled themselves from their difficulties. Accordingly, I prefer these men to be called **λύτας**, superior and more learned definers, and to have obtained this name from the honor of declaring law.

ON THE EDUCATION OF YOUTH

§ 5. Although the Chinese have no academies, they nevertheless confer great honors upon learned men. Thus the celebrated Nicolas Trigault, after traversing the world for the salvation of nations, explains concerning them in Book 1, chapter 5, of his *Chinese Expedition*:

“There is, moreover, no public school or academy, as some of our writers have asserted, whose masters have undertaken to expound these books to their pupils; rather, each chooses a teacher at his own discretion, by whom he is instructed in his own home and at his own expense. There is an immense multitude of these domestic schoolmasters, especially because, as I have said, it is customary for each man to open a school in his own house only for his sons, even if only one or two are counted, I believe so that they may not be turned away from application to study by association with others.

“In this learning three literary degrees are conferred upon those of their number who present themselves for examination and are judged fit. The examination, moreover, consists almost solely in writing. The first literary degree is conferred in individual cities, in the place which is called the school. Some distinguished man of letters appointed by the king himself for this purpose confers it. He is called *Tihio* by office, while the degree itself is called *Sieveai* and represents our baccalaureate.

“The *Tihio*, therefore, travels through all the cities of his province to confer that degree, before which a threefold examination is held. When that chancellor, to speak in our manner, arrives, all those from the city and its territory who aspire to that degree suddenly assemble and submit themselves to examination. The first is instituted by those schoolmasters who preside over the bachelors after they have obtained the degree while they seek to attain a further one. Anyone is admitted to this examination, and it often happens that four or five thousand are counted from one city. These schoolmasters are maintained by a royal stipend for this purpose.

“The candidates are then sent by the schoolmasters to the four prefects of the city--all of whom are learned, for no one else has a part in the state. After examining them again, the prefects present no more than two hundred from the whole number to the chancellor, those whom they have judged most worthy by reason of the better composition. The chancellor conducts the third examination, altogether more severe than the others; for from the two hundred he names as bachelors no more than twenty or thirty, according to the size of the region, whom he has found most worthy in the

same examination, and joins them to the bachelors of previous years. All these represent by dignity a not inconsiderable part of the city, for all honor them in hope of the future dignity toward which they advance.

“They put on a long robe, cap, and boots as the peculiar insignia of their dignity, and it is forbidden for anyone other than a bachelor to appear in that apparel. In assemblies of magistrates they sit in a more honorable place, and weightier ceremonies of civility are shown to them which the common people are not permitted to employ. They also enjoy many immunities and are subject to almost no one except the chancellor and those four schoolmasters of theirs; nor do the other magistrates readily judge their causes or offenses. The chancellor’s office extends not only to the new bachelors but brings to the anvil even the older men distinguished by that degree in former years, and by a severe balance tests how far they have either advanced or declined.

“Accordingly, he establishes five orders according to the quality of the writing. To those who are judged to be in the first, as a reward he gives the power to discharge certain public offices--but not the highest--without a superior degree. He also grants a reward, though a lower one, to those enrolled in the second class. He judges those in the third worthy neither of reward nor of punishment. Those in the fourth are publicly beaten, paying the penalty for their indolence. Finally, those in the last are stripped of the insignia of the baccalaureate and cast back into the order of the common people. They do this lest, after the men have been enrolled among the bachelors, they hide in idleness and consign what they had learned to oblivion.

“The second literary degree of the Chinese is called *Kiugin* and is compared with the order of our licentiates. It is conferred only every third year in the metropolis of the province, around the eighth moon, and with still greater majesty. It is not conferred upon all who are judged worthy of it, but upon those who, among them, are most worthy within a fixed number--more or fewer according to the dignity and populousness of the provinces. For in each of the two royal cities, namely Peking and Nanking, one hundred and fifty licentiates are proclaimed from the entire number of bachelors; in the provinces of Cequiana, Quian-Sinensi, and Fuquiana, ninety-five; and in the rest, somewhat fewer according to the number of learned men and the dignity of the province.

“Only bachelors are admitted to this examination, and not even all of them; rather, from each city or school of the province, as I have already said, a minimum of thirty and a maximum of forty bachelors, selected by that chancellor from the whole number after their writing has been tested, are chosen.

[Printed page 254]

“And yet by this method in the more populous provinces the number of those who aspire to the order of licentiates often grows to four thousand. Therefore, in that year which returns every third year for the initiation of licentiates--such, for example, was the year of the Lord 1609, and the next will return in 1612--a few days before the eighth moon, which often falls in the month of September, the magistrates of Peking present to the king in a submitted document one hundred philosophers selected from the whole kingdom, so that from them he may appoint thirty, namely two for each province, to preside over this examination of licentiates. One of the two must belong to the royal college which they call *Hanlinguem*, whose members are said to be the most celebrated in the whole kingdom.

“The king does not name them at all until the very point of time at which they will be able to arrive in the designated province by the most rapid journey. Very many guards are also employed, lest for any reason they speak with anyone from that province before the licentiates have been proclaimed. The more celebrated philosophers are also summoned from the same province by the magistrates; by them the two royal examiners are faithfully assisted in this examination and first review of the writings.

“In every metropolis one sees an immense palace constructed solely for this examination and enclosed by very high walls. Within it are very many separate dwellings removed from every disturbance, in which the examiners whom I have mentioned reside while they examine the writings. Besides these, in the middle of the palace there are more than

four thousand cells, which can hold nothing beyond a small table, a stool, and one man. From these cells no one can speak with a neighbor or even see anyone.

“When the urban and royal examiners whom I have mentioned have arrived in the metropolis, each is first enclosed in his own dwelling in that palace before they can speak with anyone; indeed, they are excluded even from mutual conversation with one another during the entire time occupied in examining the writings. Furthermore, at that time long watches by night of many soldiers and magistrates investigate and prevent every exchange of letters and conversations between those who reside within the boundaries of the palace and those who remain outside them.

“The same three days are appointed everywhere throughout the whole kingdom for this examination: namely, the ninth, twelfth, and fifteenth days of the eighth moon. From the first light of dawn until the beginning of night time is granted for writing, the doors being carefully closed. A light refreshment, prepared the day before at public expense, is furnished to the writers. When the bachelors are admitted within the palace boundaries, they are examined most severely to determine whether they are carrying some book or writing with them. They are permitted to bring only some brushes which they use for writing, the writing tablet mentioned above, ink, and paper. Their garments, brushes, and writing tablets are examined lest they contain anything by fraud. If any fraud is discovered, they are not only excluded but also punished most severely.

“After the bachelors have been admitted into the palace, the doors closed and secured with public seals, the two royal presidents of the examination publish three sayings from that *Tetrabiblion*, chosen at their discretion, which each candidate sets before himself as the themes of as many compositions. Likewise, four sayings from those five doctrines are proposed as themes for as many other compositions. Each chooses those which are drawn from the doctrine which he professes. These seven compositions must be weighty not only with ornaments of words but also with weight of thought, the precepts of Chinese eloquence being accurately observed. No composition may exceed five hundred characters in number, each of which is equivalent to one of our words.

“On the second day--which follows two days granted for the repose of those being examined--when they have been enclosed in the same manner, three events are proposed which were drawn from the annals of the ancients and happened formerly, or certain other events which could occur hereafter. Each declares his judgment in three compositions, or advises the king by a submitted document what he thinks ought to be done in that case for the good of the kingdom. On the third day, similarly, three disputes are proposed to them from those which can require decision in discharging the offices of the state. Each again explains in three compositions the judgment which he would render in deciding that dispute.

“After each has received in this manner the subjects of the compositions on the appointed day and committed them to memory, the bachelors enter the cell designated for each of them by the persons responsible, in order to write; and in great silence each one writes everywhere. Each copies his compositions into a booklet prepared for this purpose, adding at the end of the compositions his own name and those of his father, grandfather, and great-grandfather, and seals the booklet so that it can be opened only by the deputies.

“When each has done this with each booklet, they offer them to the deputies. Before the booklets come into the hands of the examiners, they are copied by the hands of scribes who are already present and prepared. To prevent fraud, the copies are written in red, while the autograph texts themselves, without the names of their authors, are delivered to the examiners for review. The autographs, marked with numbers corresponding to the copies, are preserved in the meantime. This is done so that those who examine the writings may recognize neither the authors’ names nor their manner of forming the characters.

“Those first examiners selected from the urban magistrates examine all the compositions and reject every poorest one in such a manner that they offer the royal examiners twice the number to which the number of licentiates may rise. Thus, if one hundred and fifty must be proclaimed, three hundred compositions are set apart and transmitted to the dwelling of the royal examiners to be examined in the final scrutiny. From these they separate all the best ones, as

many as suffice for the number of licentiates. From this number they next choose the first, second, and third compositions and arrange them carefully in order.

“When this has been accomplished, all the examiners together compare the copies with the autographs recognized by the numbers placed upon them, and read the author’s name in the autograph. They display these names, written in letters a cubit high, upon an immense tablet, at about the end of the eighth moon, amid a great concourse of magistrates and the applause of those who are connected by blood or affinity with the men proclaimed licentiates.

“This degree is far superior to and more celebrated than the former, enjoys other, more noble immunities, and possesses a distinctive ornament of dignity. Indeed, if its recipients lay aside the desire to aspire to the highest degree,

[Printed page 255]

they are capable of offices in the state which are not of the lowest rank. When this proceeding has been brought to completion in this manner, the royal presidents of the examination publish a book by which the outcome of the whole examination, the names of the licentiates, and the more distinguished compositions on each proposed subject are disseminated throughout the entire kingdom in this manner. Above all, the compositions of the man who obtained first place among the licentiates are printed with those types. In Chinese he is called *Quiayuen*.

“This book is printed in an especially elegant character and distributed throughout the whole kingdom; several copies of it are offered to the king and to the other courtiers. Those who are bachelors of another province are by no means admitted to this examination. Only in each royal city are a few men from other provinces admitted by a special privilege, because they have been enrolled in the royal school of which they are members. After obtaining the baccalaureate, they are admitted to that college upon paying a definite number of gold pieces to the royal treasury.

“The third literary order among the Chinese is called *Cinsu* and plainly represents our doctorate. It too is conferred every third year, but only in the royal city of Peking, and the year for initiating doctors is always the one which immediately follows the proceeding for licentiates. Only three hundred men from the entire kingdom obtain it, although licentiates from the individual provinces are admitted by law whenever they wish to undergo the hazard of the examination.

“This proceeding is instituted in the second moon on the same days which we mentioned above, and also in the same form, with altogether no difference except that, in accordance with the degree and its dignity, diligence in the examination is also increased, lest any fraud or favor perhaps creep in. The examiners themselves are selected from the gravest magistrates of the kingdom, whom they call *Colaos*, concerning whom below; one is appointed president of the examination.

“When the examination has ended and the doctors have been proclaimed in that same palace in which it is also customary for the licentiates to be proclaimed, all together in the royal palace, before the chief magistrates of the entire court--and formerly even the king himself was present--they compose a writing upon a proposed theme. By the judgment of this writing the order of the magistracies which they are to hold is proclaimed, divided into three classes. Great is the solemnity of this examination, which consists entirely in a short composition. The man who obtained first place in the examination of doctors has his third place in this second examination placed beyond hazard. The man who obtains first or second place in this examination is distinguished throughout his whole life by a remarkable dignity, besides the fact that he discharges all the greatest offices in the state. That dignity might most suitably be compared with the title of duke or marquis among us, if it passed to descendants by hereditary right.

“These doctors immediately enjoy their own robe, cap, boots, and also the other insignia of magistrates, and are advanced to the richer and more noble public magistracies. The order is always such that doctors are nowhere surpassed by licentiates. They are also numbered among the foremost men of the kingdom and suddenly become so superior to the other licentiates--their own colleagues the day before--to whom fortune did not fall equally, that it can

scarcely be believed; for everywhere places of precedence are yielded to them, and they are addressed by more splendid titles.

“Those licentiates, however, who have been rejected from the number of doctors, if they have laid aside hope of obtaining the doctorate in the future, are admitted to the administration of the state. Although below doctors, they nevertheless hold magistracies which are not the lowest, either in the royal city or abroad. If they decide to try fortune again, they return home and exercise themselves assiduously in writing and reading throughout the following three years, until, when the cycle of years returns, they again descend into the arena of examination. They are permitted to attempt this as often as they wish. It happens not rarely that they undergo the hazard ten times, while fortune always resists; fed upon that hope, they spend their entire life without a public office, because they wish to be either the highest or nothing.

“The outcome of the men proclaimed to this rank also--one not slight or inferior--is printed by the examiners in its own separate volume, with the names and every more distinguished composition added as above. Besides this book, another is also published annually, in which are described the names, fatherlands, parents, offices, and places of office of all the doctors. Thus, anyone who examines this annual volume will know what dignity each man held, and where, from the first year of his doctorate until his death, and by what degrees of honors he either ascended or descended--which among the Chinese is an everyday occurrence according to each man’s merits.

“And in this obtaining of degrees, it is worthy of admiration what bond colleagues of the same year contract among themselves. For licentiates no less than doctors, whom fortune conspired to favor in the same year, regard one another as brothers throughout their whole life and mutually assist both one another and the relatives of their colleagues in all matters, always with a unanimous concord of affections. They also bind a still closer bond with the examiners themselves, such as customarily exists between parents and sons or disciples and masters, with due reverence always preserved, although it often happens that the disciples themselves ascend higher than their master through the individual degrees of honors.

“It is also customary to grant these degrees of honor in the same years, places, and titles to those who profess military service. Only the time is customarily deferred to the following moon. But because the military art lies prostrate among the Chinese, these degrees are conferred with far inferior ceremony. And so few aspire to them that the affair appears altogether wretched.

“This military examination is also threefold. In the first, the candidates discharge nine arrows while urged on in an equestrian course. In the second, standing with their feet fixed, they aim as many arrows at the same target. Those who have struck the target with at least four arrows from horseback and two from the ground are admitted to the third examination, in which, when a question concerning military affairs has been proposed, they are ordered to respond in writing. The judges then compare this threefold examination and proclaim about fifty licentiates from the whole number in each province.

“In the year in which doctors are named at Peking, military candidates selected from the entire number of licentiates of the whole kingdom, after the same threefold examination, are distinguished with the military doctorate, altogether one hundred in number. Doctors from this college are more readily appointed than licentiates to some military prefecture, though not without gifts. When both groups are first proclaimed, whether they belong to the philosophical or military senate, they inscribe above the threshold of their houses, for the commendation of their family, a title in letters a cubit high, by which the dignity each has attained is signified.

“Finally, this must not be passed over: the judges and presidents of all examinations, whether an inquiry is instituted concerning military affairs, the mathematical disciplines, the art of medicine, or--much more--ethical matters,

[Printed page 256]

are selected from the philosophical senate; nor is any general, mathematician, or physician joined to them. This will seem not a little astonishing and perhaps foolish to our Europeans. For so great among the Chinese is the reputation of those who excel in ethical discipline that they appear altogether able to render a suitable judgment concerning every subject, although they wander rather far beyond the bounds of their own profession."

ON THE EDUCATION OF YOUTH

§ 6. I have related these things in the author's very many words, both that I myself may recall the memory of an excellent man, one who so often placed his life in his own hands in order to gain the souls of an unknown nation, and because our academies, in which discipline has fallen and the ardor for learning has been extinguished, can be restored to soundness in this manner. Let a prince dare something similar: he will behold the most noble academy in all Europe rise in his city.

What intervals of time are required for these degrees cannot be determined with certainty. Our Society has established three years for philosophy and four years for theology. Thus Rule 17 of the Provincial Superior provides: "They shall complete the philosophical course in three years, but not in a shorter time, where our members are present. But if the hearers are external students alone, let it be left to the Provincial's judgment. Every year, however, if it can be done, one course is to be completed and another begun."

And Rule 9, §1: "In accordance with the Constitutions, he shall take care that the course of theology is completed in four years, and that by two ordinary professors, or, if it could not possibly be done otherwise, by three, according to the different practice of the provinces. Where there are three, however, the third lecture will be moral theology, in which moral subjects that are customarily either wholly passed over or treated very briefly by the ordinary professors are to be explained expressly and solidly. Our members should hear this lecture for at least two years, and Sacred Scripture for the other two years."

§ 7. The laws of the Kingdom of France in this kind of matter are most severe, as the most prudent and learned writer on politics, Pierre Grégoire of Toulouse, relates in Book 18, chapter 9. He reports them thus from the concordats between the kingdom and the Supreme Pontiff: "The time that anyone has spent learning in schools contributes to a presumption proving his knowledge. Justinian taught that the study of civil law could be completed in five years, while the canons taught that canon law could be completed in seven. But by the prescription of the concordats between the French and the Supreme Pontiff, in order to obtain benefices in the Kingdom of France by force of the privileges of graduates and nominees, it was established that ordinary collators or ecclesiastical patrons are bound to confer dignities, personates, administrations, offices, and ecclesiastical benefices falling vacant in the months assigned to graduates and nominees upon those simple graduates or nominees, or at least to present them for those positions, who have studied for a competent period in a renowned university.

"A competent period is declared to be ten years for masters, licentiates, or bachelors in theology; seven years for doctors or licentiates in canon law, civil law, or medicine; five years for masters or licentiates in arts, with a rigorous examination, reckoned inclusively from logic, or in a higher faculty; six years for simple bachelors in theology; but five years for bachelors in canon or civil law. For bachelors in canon and civil law who are noble through both parents, three years are decreed sufficient. 'Simple graduates' there means those who do not possess nominations, and who are not endowed in obtaining benefices with favor as great as those who do possess them. Before the attainment of degrees, that period of study is required to have been completed for the purpose of obtaining the privilege of accepting benefices, vacant in certain months as was defined and distinguished, which are owed through the concordats to simple graduates or nominees."

The period for completing the studies in the foregoing cases belongs to positive law for the purpose of obtaining the privilege; but in other cases it can be left to the discretion of the masters, who by their own judgment may approve

those to be promoted either before or after that time. The arts are long, life is short, and one who is to be able to learn needs time so that afterward he may be able to teach.

§ 8. Yet he admits that this belongs to positive law, while in other cases it is discretionary; for because of the diversity of abilities, some attain learning more quickly and others more slowly. Therefore, that calculation of time must be instituted which is sufficient for middling abilities, is not burdensome to the greatest abilities, and is scarcely attained by slow abilities with great labor.

The Theological Faculty of Mainz, which has now flourished for fifty years to the great benefit of all, thus established in title 4, §2: "We do not wish any account of age or duration of studies to be taken in promotions unless the candidate is also commended by a knowledge of theological matters appropriate to the degree sought and by testimony of honorable conduct and life. For we altogether exclude from promotions infamous apostates or persons notoriously endowed with corrupt morals, however greatly they may excel in learning."

For the loss of time without advancement contributes nothing to the matter. Nevertheless, it prescribed a period in §4: "Likewise, we establish and ordain that no one be admitted to the lecture or degree of biblical bachelors unless he has heard the ordinary lectures in theology for at least two years; but no one is to be admitted to the degree of bachelor of the Sentences before the completion of the third year, so that he may begin the lecture on the third book of the *Sentences*. Once this has been begun, they are considered formed bachelors. No one, however, shall obtain the degree of licentiate unless the fourth year of theological studies has elapsed."

§ 9. Now the evils of academies must also be enumerated; for it is not the part of a writer on politics to conceal those things which break forth to the destruction of the entire state. First, in many places, unworthy men are promoted to academic honors. That is an ancient complaint, on account of which many hate the academies and some desire them to be overthrown. But they do so unjustly. How often are those men whom an honorable man would not wish to have as slaves raised to civil magistracies, tribunals, the diadem, and scepters by fear, hope, payment, and even shameful services? The wealth of the Church, too, frequently falls to the worst and not often to the best. What wonder is it, therefore, if the vices by which the whole state is oppressed also breathe upon academics and gradually infect them? Let us therefore acknowledge that it is so and that the most learned men never lack something to correct. They will not have me as an accuser of the academy.

The Council of Constance warned long ago: "Likewise, that wisdom may flourish hereafter and the studies of letters thrive, let no one be raised to the titles of degrees and honors unless he is fit, approved in morals and knowledge, and well deserving; nor let promotion be so slight and excessively precipitate. For, as is known and is ridiculous to many, many obtain the name of masters whom it would be more fitting still to be disciples. Those who act or proceed contrary to this are by the law itself to be deprived of the royal privileges granted to those same universities."

The ambition of the unskilled imposed even upon the Pontiffs. Pierre Grégoire shows the practice in Book 18, chapter 9, §7. He relates that Julius III, the Supreme Pontiff, in a

[Printed page 257]

constitution issued on the sixth of February 1552, corrected a certain abuse: many men ignorant of civil and canon law, aspiring unduly to the degree of doctor, under the pretext that by devoting labor to a university of general study they had advanced so far that they were fit, obtained or extorted a license from the Apostolic See enabling them to receive the insignia of a doctorate in the Roman Curia from some prelate or person established in ecclesiastical dignity, even by extorting favorable letters. Under the pretext of that license, without employing the examination required for this or the other necessary measures, contrary to the statutes of the sacred canons and the provision of law, and to the disgrace of the dignity of that doctorate, they caused themselves to be promoted to that degree. Consequently, the degree was cheapened by the foregoing practices. Correcting this, the Supreme Pontiff ordained that thereafter no one could be

created a doctor in the city of Rome except by the College of Consistorial Advocates, notwithstanding privileges and licenses granted to the contrary.

In Melander, Book 1 of *Serious Jests*, there are verses against unlearned men in scholars' gowns:

> A bull creates you a doctor; the bull is your ornament.
>
> The bull gives you powers; the bull procures titles for you.
>
> But take care lest perhaps the bubble endure less long than you:
>
> You are a bubble of a man and a bubble-doctor; why, then, are you puffed up?

Hence today nothing is cheaper or more suspect than doctors made by bulls, although many possess distinguished learning, whereas those whom the Pontiff or Emperor honored with that distinction were customarily held in the highest place. Fraud is presumed--not indeed in a court of law, but in human opinion. Yet the error in the academies themselves is no smaller. I appeal to experience: let the doctors defend causes; let the masters dispute. Let Rhodes and the leap refute my suspicion.

The cause of so great an evil is gold, more powerful than the world itself. For while some academics gape after money, they prostitute their honors to anyone whatsoever; and the unskilled, who soften the severity of the examination by gifts, are far more welcome than those who present learning and a distinguished proof of doctrine. I believe that the poverty of academics sometimes casts them down to these petty gains; but anything else whatever should be done rather than dragging cattle and logs to the chairs of doctors. For men of such a kind should be promoted that, even if the laws perished, they would nevertheless teach and live rightly. I therefore propose these matters for consideration both by academics themselves and by princes.

§ 10. First: a doctorate in the theological, legal, or medical faculty can neither be received without mortal sin by one who knows himself to be unworthy nor be conferred by others if they know him to be unworthy. Thus Sylvester, "On Doctors," §4; Navarrus, *On the Sin of Masters and Doctors*, chapter 25; Armilla; Álvaro Pelayo, Book 2 of *The Lament of the Church*; and Sá in the *Aphorisms*.

The reason is weighty: they deceive the state and the Church, and in a weighty matter. For men who would not dare to offer an unskilled flute-player for the prince's pleasure do not fear to expose the salvation of peoples and princes to another man's inexperience. Those degrees are given so that the Church may have competent doctors who resist heresies and convert unbelievers; princes and bishops therefore trust the academies, by which they cannot be deceived and mocked without grave wickedness. Through their own complaisance, those academies are guilty of all the evils that follow from it. If an ignorant theologian either betrays the faith through ignorance or, conscious of his weakness, flees adversaries; if an ignorant advocate ruins his client; if an inexperienced physician undertakes the care of a bedridden patient, they bind themselves by a deadly crime, because for the sake of gain they cast their neighbors into danger of salvation, life, and fortunes. And so that they might possess such power, they range about more freely, supported by academic authority.

To this is added the particular pledge and duty of each faculty. For the doctors who are in the academic senate are bound either by a promise or even by an oath not to admit the unfit. Our faculty in title 7, §4, binds all by an oath that, when they are lawfully asked, they will give faithful testimony concerning the bachelors in the theological faculty. Sylvester therefore rightly judges those who admit an unworthy man to be bound by perjury as well.

Although candidates may appear never likely to teach, plead causes, or indeed exercise the practice of medicine, so that danger seems absent, nevertheless a public testimony of learning cannot be decreed to the unlearned without mortal sin. For perhaps an occasion or necessity--as all human affairs are uncertain--will require it, and thus the person will bring nothing but an empty title and, if his ignorance has hitherto lain hidden, an authority that will do harm. It belongs to a prudent man to take care not to entrust a sword to a madman or the power of judging or teaching to an

unskilled man. For although a madman sometimes uses a sword rightly, a sword is never rightly given to a madman. And although chance may sometimes make the work of an unskilled physician beneficial, nevertheless the rashness of the man who experiments with his art upon another's body is wicked.

But if men furnished with the privilege and title of a doctor are never going to cause any harm, it is nevertheless a grave sin and destructive to the state to fasten the insignia of learned men upon foolish cattle. Nor can the most honorable will of princes and founders be frustrated without wickedness. For if it is in the interest of the whole state that cunning and crafty men not divert to themselves the rewards of brave and well-deserving men, it will certainly feel the greatest harm if men adorned with a false testimony of learning and prudence walk about who are so uncultivated that they can scarcely be taught. For besides the fact that those honors are utterly despised if they fall to the unworthy as well as the worthy, another evil also arises which has ruined many academies: the idleness and inactivity of all the youths and the dissoluteness and lusts breaking forth from them. For if rich ignorance as well as laborious knowledge leads to the citadel of academic honors, many will readily redeem themselves from the greatest labors of a long period by the loss of a few coins. Many universities experience the most sorrowful effects of this academic perfidy: in them no one has for many years been excluded from degrees, and an examination is conducted merely as a ceremony. For who is more diligent in letters in order to obtain a degree, or whose fear of rejection shakes off his listlessness, if he sees the unlearned rich standing in the highest place as though made more venerable by learning?

§ 11. Nor are the resources of an academy served by that prevarication. For after the insignia have been made common to the unworthy and the crowd has made them contemptible, the nobility first despised those honors, which it would never have done if it had recognized true testimonies of learning in them. This is a great wound to universities: to have lost the noblest part of the youth. I have seen the most noble young men--sons of magnates and kinsmen of princes--treat every branch of study assiduously and diligently and seek the testimonies of their masters, yet despise academic degrees, that is, public testimonies.

[Printed page 258]

"For what is granted indiscriminately to the learned and the unlearned," they said, "is not a testimony of learning, but a useless ceremony of idle and ambitious men." Yet the Church by no means wishes doctors to be despised, since it entrusts so many and such great matters to them. The Council of Trent explained how much it grants to doctors in Session 22, chapter 2, *On Reform*: "Whoever is hereafter to be appointed to cathedral churches is not only to be fully endowed with birth, age, morals, life, and the other qualifications required by the sacred canons, but also to have been constituted beforehand in sacred orders for at least the space of six months. Information concerning these things, if there is no knowledge of him in the Curia or only recent knowledge, is to be obtained from the legates of the Apostolic See or the nuncios of the provinces, or from his ordinary, and, if he is lacking, from the nearest ordinaries. In knowledge, moreover, let him excel, in addition to these things, in such a manner that he can satisfy the necessity of the office to be imposed upon him. Therefore, he is beforehand to have been deservedly promoted in a university of studies as a master, doctor, or licentiate in sacred theology or canon law, or to be shown by the public testimony of some academy to be fit to teach others. But if he is a regular, let him have a similar attestation from the superiors of his religious order. All the aforesaid persons, however, from whom the information or attestation is to be obtained, shall be bound to report these things faithfully and without payment; otherwise, let them know that their consciences are gravely burdened, and that they shall have God and their superiors as avengers."

§ 12. What more severe thing could be said by a general council against those who sell those public testimonies for little dinners and a few coins?

The same Synod in Session 24, chapter 18, *On Reform*, sets doctors over the examination of clerics: "Let these examiners be masters, doctors, or licentiates in theology or canon law, or other clerics or regulars, including those of the mendicant order, or even secular men who will appear more suitable for this. Let them all swear upon the Holy Gospels of God that, setting aside every human affection, they will discharge the office faithfully."

But what will they judge concerning the knowledge of others if through their own ambition and academic perjury they themselves were made doctors? If the salt becomes insipid, with what will things be salted? In the same session, chapter 12, the Synod commands archdeacons to be masters or licentiates in theology or canon law; and in chapter 16, episcopal vicars are appointed. When the Church establishes these things, it ascribes as much to academic testimonies as it scarcely does to any other; and therefore it deservedly invokes God as avenger against prevaricators. The same reasoning applies to doctors of law and medicine. For almost the whole state is involved in the counsels of the former, and the lives of many men--including princes and magnates--in the knowledge of the latter.

ON THE EDUCATION OF YOUTH

§ 13. But what is to be said of masters of arts and bachelors? There are some who excuse the unworthy from mortal sin, whether unskilled men receive the degree or confer it. For no part of the state is entrusted to them; and therefore, although they adorn blockheads in gowns with a hood, cap, and ring, they will nevertheless deceive no one, because these men have not yet been applied to affairs.

I hold the contrary: that to adorn unworthy men with the insignia of the baccalaureate or philosophical mastership is a mortal sin. First, on account of the oath by which examiners in many academies are bound to promise that they will not admit the unworthy. Accordingly, the founders and academies that require the oath judge the matter to be grave; from this it follows that even those who, although they have not sworn an oath, are nevertheless bound by a promise of fidelity cannot give false public testimony in a grave matter without grave sin.

Next, many things are customarily entrusted even to masters of arts: the power of disputing, teaching, examining others, and promoting them. When this has been conferred upon the unskilled, those studies which are necessary to the state must suffer great harms; and since these are greater than monetary losses, a crime is discerned here also. For since the youth who devote themselves to philosophy in the academies are numerous, it is evident that by contempt for academic honors they extinguish the youths' very ardor for study--that is, they deliberately corrupt youth itself. These honors are despised when they cease to be testimonies of learning. And the greater the apparatus of clothing, banquets, poems, and retinues with which those ceremonies are conducted, the greater the mockery in which they are held by those conscious of their own ignorance and that of others, because false testimonies and the frivolity of academics are paraded in a more conspicuous pomp.

There are not a few collegiate churches which require a baccalaureate or mastership; to deceive them is not only shameful but criminal. Finally, those who promote the unworthy gravely defame those whom they reject, since they cannot always promote everyone without overthrowing all discipline; for it is a great disgrace not to have had a place even among the unlearned, not to be even the lowest of the Mysians. And hence that contempt arises, since the first place is no great honor, while the last draws immense disgrace. But how shall I recognize the worthy and the unworthy? Or what are the standards of discrimination?

§ 14. It is a difficult matter, one which opens hiding places for excuses to those who dissolve discipline and measure academies not by the bloom and pursuit of the sciences but by empty displays. Nevertheless, I shall disclose those secrets and remove the pretexts.

Among those who are judged worthy of the doctorate, there is a great difference and, as philosophers say, latitude. Augustine and Jerome are doctors; yet Eucherius, Prosper, and others are not therefore unworthy of that name, for the Church had Augustine once, but it needs many doctors in every single year. Learning, therefore, is not to be exacted according to one standard. For who is now created a doctor or bishop who does not gladly and willingly confess himself Augustine's disciple?

No one ought to be created master or doctor of a science if he cannot teach it; for masters and doctors are so named from teaching. Next, in most academies those who are promoted are bound to teach even by oath. The philosophical faculty requires this oath from its members: "Lastly, they shall swear that for one whole year after promotion they will

remain in our faculty lecturing and teaching, and that in the same year they are willing once to preside over a public disputation." How will a man swear that he will teach what he has not learned? This oath is an object of ridicule if an ass swears that he will teach letters.

The Church and the state established all those masterships and doctorates at so great an expense for teaching, as Sylvester excellently warned in "On Doctors," §4. The canons teach that the Church refers not only philosophy and the higher studies but even the knowledge of languages to teaching. The whole matter

[Printed page 259]

was expounded by Clement V in the *Extravagantes*, "On Masters," chapter 1, at the Council of Vienne:

"Among the concerns resting upon our shoulders, we revolve with perpetual care how we may be able, with his grace cooperating with us, to lead those who err into the way of truth and gain them for God. This indeed is what we seek with desire; to this we diligently direct the affection of our mind; and about it we watch with diligent zeal and zealous diligence. We do not doubt that, for attaining a desire of this kind, an exposition of the divine utterances is fitting and the preaching of their faith exceedingly opportune. But neither are we ignorant that these things are proclaimed in vain and return empty if they are put forth to ears ignorant of the speaker's language.

"Therefore, imitating the example of him whose place on earth we occupy, though unworthily, who willed that the Apostles who were to go throughout the entire world to evangelize should be learned in every kind of tongue, we earnestly desire the holy Church to abound in Catholic men having knowledge of the languages which the unbelievers chiefly use, men who know how and are able to instruct those unbelievers in the sacred institutes and to gather them into the fellowship of Christians through the doctrine of the Christian faith and reception of holy baptism.

"Therefore, that skill in languages of this kind might suitably be obtained through the efficacy of instruction, with this sacred council approving, we have provided for schools in the kinds of languages written below wherever the Roman Curia may happen to reside, and likewise in the universities of Paris, Oxford, Bologna, and Salamanca. We establish that in each of these places there shall be Catholic men having sufficient knowledge of the Hebrew, Arabic, and Chaldean languages--namely, two men skilled in each language--who shall govern schools there, faithfully translate books from those languages into Latin, and diligently teach those languages to others and transmit skill in them to those others by zealous instruction, so that, sufficiently instructed and taught in languages of this kind, they may, with God as author, be able to produce the hoped-for fruit and beneficially propagate the faith among the unbelieving peoples themselves.

"We wish competent stipends and expenses to be provided for those teaching in the Roman Curia by the Apostolic See; in the University of Paris by the King of France; at Oxford by the prelates, monasteries, chapters, convents, exempt and non-exempt colleges, and rectors of churches of England, Scotland, Ireland, and Wales; at Bologna by those of Italy; and at Salamanca by those of Spain--imposing upon each the burden of contribution according to the measure of its resources. No privileges and exemptions whatsoever to the contrary shall stand in the way; nevertheless, we do not wish prejudice to be generated for them in other respects."

This consideration ought to move all academics to admit candidates to honors with great selectivity and a severe examination. They will easily accomplish this if they judge the preservation of sound doctrine, and consequently of the state, to depend upon their fidelity. And when they observe bishops, kings, and princes seeking learned and industrious men for the Church and state with such concern, such expense, and such privileges, they will understand that it is an example of the worst kind for the very sanctuaries of the sciences to hold them in contempt and blunt the eagerness of those who learn.

§ 15. Once this has been established, let them test the learning of their hearers by an examination that is varied and not slight. The Academy of Mainz has strict laws, worthy of flourishing everywhere. For if anyone seeks academic honors in the theological faculty, it is first necessary that before the senate he have the testimony of his professors concerning

the duration, exercises, and progress of his studies. Unless they testify that he appears worthy to undergo examination, he is repelled from the threshold. Next, after he has been admitted, he is compelled to prove his learning in five public disputations.

The jurists exercise their candidates in such a way that, if they approve a man in the first disputation, they then assign him another law, for the exposition and defense of which he prepares himself in the space of twenty-four hours. This interrogation and testing is so serious that no one readily commits himself to the hazard unless he is properly instructed. The physicians also have strict laws in examination and serious disputations, so much so that no unlearned man easily knocks here at the doors of the doctorate.

The faculty of liberal arts, in addition to daily exercises and the testimonies of professors, institutes examinations in all the arts, including eloquence, poetry, and mathematics, and, by testing each man separately, examines almost the whole of philosophy. For all the examiners promise that they will admit no one insufficient or inadequately qualified: § "Promise of the Masters Who Examine." There is, therefore, one examination which lasts through the entire duration of the studies, while the candidates either prove their progress in their own school, with their master and fellow students as witnesses, or offer a specimen of their ability in public disputations throughout the year and in the assembly of all the philosophers. There is another examination, in which they are questioned privately by masters appointed for that task.

Although at the entrance to the examination those masters furnish only a promise, they are nevertheless bound by oath from another cause as well. Before promotion, among other things, they swear thus: "Likewise, that they will give faithful testimony concerning bachelors to be promoted in the faculty whenever they shall have been duly required concerning this matter": § "Oath of Those Receiving the License and Insignia."

Through neglect of this care and precaution, not only unlearned men but even heretics are intruded into churches and academies in other universities; for unlearned academies cannot even recognize subtler heresies, much less keep them out. "It has also greatly harmed the state," says Pierre Grégoire in Book 18, chapter 9, *On the State*, "that some professors are found to possess a conscience insufficiently fearful and, often granting degrees through favor to profane men, do not consider what Arcadian beast they thrust into churches and benches. Nor do they consider that they will render an account before God and men for so great a negligence in approving studies. They also sometimes thrust heretics into chairs, from whom poison and destruction, or a plague of the state, must follow. In correcting these things, diligent reform is needed. It will be easy for rectors and conservators, or bishops and princes, if studies are recalled to the end intended at their foundation, if learned men of good conscience and sound faith are placed in command, and if those who obstinately persevere in error or malice are corrected."

ON THE EDUCATION OF YOUTH

§ 16. But if the academics themselves lay aside the care of their own affairs and undertake no labor either for their reputation or for the safety of the state, that care will fall upon bishops and princes. Albert of Brandenburg, cardinal of the Holy Roman Church and archbishop of Mainz, did this, as both the acts and the preface of the statutes of the faculty of arts attest. I am not ignorant that visitation and reform appear difficult and harsh. But it is better that learned men be admonished and academies restored than that youth perish. Nor can a means of correcting everything be lacking.

First, let all licentiates and doctors also be examined for nominations to benefices and for orders; and let the academic judgment not be relied upon if the unskilled are customarily promoted by it to degrees. Lawsuits and disturbances will arise from this, but a prince will easily

[Printed page 260]

quiet those evils--otherwise he will leave them in place.

"A prelate," says Pierre Grégoire in Book 18, chapter 9, "appears to do injury to a university by wishing to examine one of its graduates; indeed, it would be an injury to princes that those whom they themselves judge fit should be considered unworthy. In other cases the law requires inquiry into the fitness of those seeking a grant and does not wish a person to be examined when he has already been approved.

"Thus a bishop cannot examine a person presented by an abbot, since the abbot's testimony is sufficient. For if an examination of graduates, nominees, or persons presented by universities and abbots were granted to a bishop, he would never find a graduate or nominee learned or sufficient--even if he were like Bartolus or Panormitanus--unless that graduate were agreeable to them. This also has place among those pharisaical censors, the bishop's vicars, who are blinded by such stupidity, presumption, and pride that they think no one knows anything unless he flatters or applauds them--unskilled men who think nothing right except what they themselves do. Therefore, one must always presume rather in favor of an act of the university, if it was done in due form, and in favor of the fitness of the person."

Thus he speaks most excellently and prudently concerning reform. Nevertheless, I do not agree when he denies that a graduate ought to be examined. For if there is a probable cause for doubting his learning, a bishop not only can but also ought to examine the man whom he places over souls. Pierre himself admits in the same chapter, §6: "From the abuse and corruption of professors, as we have learned by experience, many disadvantages and evils can be introduced into the state, especially when degrees are conferred upon the unworthy and by the marketing of money." If he learned this by experience, and if bishops and princes learn it daily through the evils and disadvantages of the state, why ought they to endure those evils rather than examine the man in doubt?

The Council of Trent, Session 7, chapter 13, subjects all to examination except those who are presented by universities: "Those presented, elected, or nominated by any ecclesiastical persons whatsoever, even the nuncios of the Apostolic See, shall not be instituted, confirmed, or admitted to any ecclesiastical benefices whatsoever, even under the pretext of any privilege or custom, even one prescribed from time immemorial, unless they have first been examined by the ordinaries of the places and found fit. And no one can protect himself by the remedy of appeal so as not to be bound to undergo examination. Those presented, elected, or nominated by universities or colleges of general studies are nevertheless excepted."

But in Session 24, chapter 18, the exception nevertheless appears to be revoked, when the Council had perceived more and more that the integrity of universities was corrupted. For since unlearned doctors do not enjoy the privilege, academies that promote the unlearned cannot communicate privileges to them; therefore, the unlearned cannot use the privileges of doctors. Thus Grégoire himself, Book 18, chapter 9: "Nor ought an unlearned doctor to enjoy the privilege of doctors."

And certainly men who are doctors in title alone, and those who through neglect of study have lost what they once learned, would be worthy of being examined again--not indeed by those who wish to appear rabbis, for the blind would lead the blind, but by learned masters, approved professors of good conscience who fear God, and by rectors and reformers of schools. These are certainly no less necessary in the state than visitors of churches. But men should be deputed who are most skilled in reforming the professions or faculties, who have discharged the office of professor with praise, and who are veterans and emeriti--not men from elsewhere or of another kind.

Nor do we deny that we judge it both equitable and beneficial to the state that a man once approved as a doctor can be rejected again if he is afterward found insufficient by the aforesaid reformers or by the very masters who approved him before; indeed, he can be deprived of the insignia, or at least the privileges, unless his knowledge was lost by accident, disease, or old age.

Thus the emperor Gordian: "It is not unknown that grammarians or orators approved by a decree of the order can be rejected again by the same order if they do not show themselves useful to students." For public utility is involved in these men also, since on account of the presumption of learning doctors are admitted to many public offices and ecclesiastical benefices, and their inexperience harms many people who are thus deceived. Therefore, a person

examined and approved for the degree of licentiate can be rejected in the examination for doctors when through a new cause he has been able to render himself useless--for example, if there is a great interval of time between the licentiate or prolytate and the doctorate sought, or because he was approved in only one examination and others remain--according to the observations of Abbot Panormitanus.

Thus Sylvester, "On Doctors," §5: "Fifth, it is asked what things are required in one who is to be made a doctor, so that he may not be rejected but approved. And I say that a scholar can be rejected not only on account of a deficiency of knowledge--which is, of course, to be judged sufficient at the discretion of those making him a doctor--but also on account of morals, as is proved in law *Magistros*, Code, *On Professors and Physicians*, Book 10, joined with Clementine 11, *On Masters*; and custom observes this. Hence six things are required in one who is to be promoted to the dignity of mastership. First, skill in teaching, that is, knowledge. Second, eloquence in teaching. Third, subtlety in interpreting. Fourth, abundance in teaching. And these are found in the sole law of the Code, *On Professors Who Are in the City of Constantinople*, Book 12. Fifth, excellence of morals, as in the aforesaid law *Magistros*. Sixth, strength of courage, so that he knows how to resist the force of violence, law *Reddatur*, Code, *On Professors and Physicians*, Book 10. Hence few attain the dignity of the doctorate, as Bartolus says after Cynus in law *Omnes populi*, Digest, *On Justice and Law*.

"And one who possessed these conditions at the time of approval, if he afterward becomes useless, is to be degraded from the doctorate, as in law *Grammaticos*, Code, *On Professors and Physicians*, Book 10. For a doctor or master can be rejected, as in law 11 of the Code under the same title, and Bartolus notes in law *Sed et reprobari*, Digest, *On the Excuses of Guardians*, at the beginning, where the text says that a physician can be rejected; and the same in law *Ut gradatim*, § *Reprobari*, Digest, *On Public Duties and Honors*--but not without cause: law *Pomponius scribit*, Digest, *On the Management of Affairs*."

If, therefore, that doctor is to be degraded, he cannot be capable of nominations, for the law speaks of learned men who have been lawfully promoted. This can readily be recognized from the concordats of France and the Supreme Pontiff. The words of the agreement are: "But when a vacancy of this kind occurs in those cathedral churches, the King of France then reigning shall, within six months reckoned from the day of the vacancy of those churches, nominate to us and our successors, the Roman Pontiffs, or to the aforesaid See, one grave master or licentiate in theology, or doctor or licentiate in both laws or either law, from a renowned university and with rigorous examination, and established in at least the twenty-seventh year of his age; and provision shall be made for the person so nominated by the king, by us and our successors, or by the aforesaid See."

Who doubts that in the Council of Trent the Church seeks such a man as it describes in the French concordats?

§ 17. From Rebuffus, moreover, I learn that there are various titles of promotion in French and neighboring academies. For certain universities do not confer the license with this clause: "by rigor of examination," but either with the clause "by grace," for the ignorant; or "by good justice," for the moderately learned; or "by good and pure justice," for the rich

[Printed page 261]

and citizens; or "by good and pure justice and for merit," for the most learned or those possessing favor. No one fails to see that these titles are the destruction of all the arts and sciences, since the most learned man and the rich man, the most learned man and the man who is favored, are imposed upon the state with the same commendation.

If, therefore, in the Chinese manner the titular little doctors and little masters are recalled to the anvil by the laws of Europe, if academics are bound by a new oath, if other theologians already tested are ordered to be present at the examination, and if several doctors of law hear the candidates being examined, the integrity of the academies will easily be restored. The sum is this: if an academy persists in promoting the unworthy, let it be punished; and, if

necessary, let the authors of destructive favor fall from their dignities. This care pertains no less to the prince than the restoration of roads, citadels, and a fleet, and all the more as the offense brings greater danger.

Formerly impostors, for the sake of gain, falsely said that they had been promoted and undertook to teach; the magistrate proceeded severely against them. Panormitanus in chapter *Quoniam*, *Extravagantes*, *On Masters*, and the other doctors in law *Eos*, *On Forgeries*, relate that this was done deservedly. It is not much less serious to lie about learning than about promotion; for promotion is the sign of learning, which those men falsely display. For that man too is an impostor who hangs ivy upon an empty cask and displays to wretched hearers the shadow of titles without the body of learning.

§ 18. Finally, let new and rival academies be erected to stir the torpor of the old. Many ancient ones are, as it were, exhausted, flourishing neither in youth nor in masters. They have unlearned what they knew. Seekers after reputation who now act the doctor at leisure console their solitude with applause for antiquity and do not repair their strength and former vigor, like that man of whom Lucan sings:

> The shadow of a great name stands,
>
> like a lofty oak in a fruitful field,
>
> bearing the ancient spoils of a people and consecrated
>
> gifts of commanders, no longer clinging by strong roots.
>
> Fixed by its own weight, spreading naked branches through the air,
>
> it makes a shadow with its trunk, not its foliage.
>
> But although it totters, destined to fall beneath the first east wind,
>
> though so many woods around rise with firm strength,
>
> it alone is nevertheless revered.

In its neighborhood, at a lawful interval, let a prince who loves learning establish one that is vigorous, exercised by labor, and gleaming with new youth. Such an academy, I say, in which there is not only the name and reputation of an academy, but:

> Virtue that knows not how to stand in place,
>
> and the only shame--not to conquer. As a soldier,
>
> this novice will strike the enemy squadrons with brave assault,
>
> fierce and untamed, wherever mind and laws have called him
>
> to bring his hand, and fearing no labors of study;
>
> pressing his successes, urging on the favor
>
> of the divine power, driving away whatever envy
>
> casts before one seeking glorious things.

Make trial, prince: rival excellence will furnish spurs.

§ 19. Nor, however, should another means of preserving and enlarging academies be left unmentioned. Let provision be made for theologians and philosophers with a stipend that is not merely just and lawful but ample. Let a still richer grant be conceded to jurists and physicians. For since Galen gives wealth, since the practice of an excellent physician produces great gain, he cannot be bound to a chair and daily lectures by a slender salary. Therefore, let his honorarium

be so great that he neither visits patients nor is compelled to visit them; indeed, let this very thing be forbidden to him. It will be sufficient if he teaches others and is consulted by the rest.

Justinian supplies riches and honors. Therefore, so great a salary should be established for a professor of civil and even canon law that he neither courts the prince's chancery nor admires the swift wealth and increases of advocates who are overwhelmed by crowds of clients. For it cannot be hoped that a man will endure the continual labors of a chair for five hundred gold pieces when many princes invite him with lavish stipends and great honors and magnates demand him as advocate in the greatest causes. Great doctors, therefore, must be hired at great expense. For to appoint over novices a man to teach laws to noble youth who has never won a cause, nor indeed could even have lost one because no client so simple was found as to entrust a dispute over dripping water to him, is just as if you were to appoint over recruits a commander who had seen no camp.

§ 20. Finally, let it also be a care of the state to furnish the best possible libraries of all the sciences, not merely for the adornment of the city but rather for the use of learned men. For as the founding of a library does not belong to private means, so it belongs especially to public magnificence--and indeed to the most useful magnificence of all.

Most noble was the library of Ptolemy, concerning which Philo, Josephus, Livy, Seneca, and Aulus Gellius write, although there is some discrepancy between Seneca and Gellius. Seneca, *On Tranquillity of Mind*, chapter 9: "I shall take account even of expenditure upon studies, which is the most liberal expenditure, for so long as it retains measure. To what end are innumerable books and libraries, whose owner scarcely reads their catalogues in his whole life? A multitude burdens the learner; it does not instruct him. It is much better to entrust yourself to a few authors than to wander through many. Four hundred thousand books burned at Alexandria, a most beautiful monument of royal opulence. Let another man praise it, as Livy does, who says that this work was outstanding for the elegance and care of kings. That was not elegance or care but studious luxury--indeed, not even studious, since they had procured them not for study but for display, just as for most men ignorant even of the literature of slaves, books are not instruments of study but ornaments of dining rooms. Therefore, let as many books as are sufficient be procured, nothing for show."

Aulus Gellius in Book 6, final chapter, says that there were seven hundred thousand volumes. I do not approve Seneca's reproach. He answers himself well: "'More honorably,' you say, 'would I have poured out expenditures upon these than upon Corinthian bronzes and painted panels.' What is excessive is vicious everywhere." Again he objects: "For whom do you have less pardon: one who seeks a name from marble and ivory, or one who seeks out the works of either unknown or disapproved authors and yawns among so many thousands of books, taking the greatest pleasure in the fronts and titles of his volumes? Among the most idle men, therefore, you will see whatever there is of speeches and histories, and shelves constructed up to the ceiling. For now, among baths and hot rooms, a library too is fitted out as a necessary ornament of a house. I would plainly pardon it if it arose from an excessive desire for studies; but now those carefully sought-out works of sacred talents, copied with portraits of their authors, are procured for the appearance and decoration of walls."

He says only this rightly: that works of disapproved authors are not to be sought, and that among so many good authors studies are not to be neglected. The Alexandrian library deservedly burned in civil war, for it was full not only of books by impious philosophers

[Printed page 262]

but also of superstitious books by magicians and documents of forbidden arts. But it is exceedingly useful for the state to procure in an academy, and for the use of others, an abundance of the best books; for nothing more retards the abilities of many men than a lack of books.

Jerome on Psalm 1 wonderfully commends the library at Caesarea, founded by Julius Africanus and enlarged by Pamphilus and Eusebius, which he himself often consulted. Although it had declined a little at that time, it was most renowned, as was the Alexandrian library. At Athens, the tyrant Pisistratus was the first to make books available for

public reading. The Athenians afterward furnished a library; but after the city of Athens was burned in the common ruin of the Greeks, Xerxes sent the library into Persia. Seleucus restored it to the Athenians when, in turn, the plunder of the Elamites was carried back into Greece.

Aristotle himself also left a library to Theophrastus, while Theophrastus handed it on to Neleus. Neleus carried it to Scepsis, Strabo says, and left it to descendants who were unskilled men and kept the books shut up and carelessly stored. When they perceived the zeal of the Attalid kings for gathering books into the library at Pergamum, they concealed them in a certain pit. After the books had been corrupted by moths and dampness, they sold them to Apellicon of Teos for a great sum of silver--the Aristotelian and Theophrastan books, that is. But Apellicon, because he was more devoted to books than to wisdom and wished to repair the corrosions, had them copied, the writing being incorrectly supplied. He therefore published books full of errors.

Consequently, the ancient Peripatetics after Theophrastus, since they altogether lacked the standard books except for a few exoteric discourses, had nothing upon which to philosophize securely, but produced certain theses by night labor. Later men, however, after these books came to light, philosophized far better than the earlier men by imitating Aristotle. Yet because of the multitude of errors, they were compelled to say merely plausible things.

But among the ancients Theodosius shone with great praise. He surpassed Ptolemy in zeal for books and in prudence of collection, for he placed all the best codices of the holy fathers in his library and copied many with his own hand, as Nicephorus is the authority in Book 14, chapter 3. The Church of Hagia Sophia, the noblest that Constantinople possessed, preserved one hundred thousand books in its library.

Before our times Lorenzo de' Medici of Florence, through Markos Mousouros of Crete, searched the hidden libraries of Greece and furnished that noble library at Florence. Victor writes that formerly there were twenty-nine public libraries at Rome. The most noble are now the Vatican and Venetian libraries. Augustus, as Suetonius relates in chapter 29, built at home the Temple of Apollo in that part of the Palatine house which the soothsayers declared to be desired by the god because it had been struck by lightning. He added porticoes with a Latin and Greek library, in which place, now advanced in age, he often also held the senate and reviewed the panels of judges.

Domitian too restored the libraries consumed by fire, as the same Tranquillus relates, for he took care that corrected copies be transcribed from everywhere. Constantine the Great did the same at Constantinople. Nor does the statement that a multitude of books is said to disturb the mind establish anything against libraries, for since there are many men in the state, it is fitting to construct them for many. Each man will read whatever books he wishes according to his ability. And it is surely necessary to have read many and seen many. "Would," says Saint Jerome in Epistle 40, "that I possessed the volumes of all commentators, so that I might compensate for slowness of ability by diligence in learning." And: "I take many things into my hand, and from many men I shall learn many things."

§ 21. Therefore, the state will open the best library to men devoted to studies; and, that this beneficence may not be momentary, it will prescribe these laws:

1. Let no persons enter without the librarian's permission.

2. Let no one be admitted unless of tested fidelity and probity.

3. Let books of all faculties be arranged in good order.

4. Let all books display externally in a title their subject and the author's name.

5. Let there be another book containing a catalogue of all books in alphabetical order.

6. In that catalogue, let the author's name, the subject of the book, its size, and its color be described.

7. Let no one, not even the librarian himself or a consul, be permitted to carry a book out unless a signed acknowledgment has been given.

8. If anyone carries one out, let him return it after a month.

9. Let them take care of the cleanliness of the library and the books.

10. Twice each year let the librarian admonish the senate concerning the purchase of new books.

11. Let forbidden books be exiled.

12. Let no one impress a mark upon books either with ink or by folding back the paper.

13. But if the state shrinks from the expense, let it add another law, troublesome for enlarging the library and reducing expenditures.

14. If anyone increases the library by a book, let it be deemed a good deed; let the librarian courteously preserve his memory.

§ 22. The custom of academies indeed provides that doctors be created by doctors, theologians by theologians, jurists by jurists, physicians by physicians, and masters by masters. Nevertheless, it is not contrary to laws and common law for any men to be promoted by any men; there is no difficulty in the matter, nor are we forbidden by any law. The objection of those who deny that anyone can give what he does not possess is excessively crude. You would think them speaking about a ball or a knucklebone, not about a right or dignity, which is conferred even by one who does not possess a right or dignity of the same name but another, more eminent one.

An academic degree was formerly the ornament of magnates. Our archbishopric certainly had two doctors, Uriel and Sebastian. The two lights of Germany, Julius of Würzburg and Johann Gottfried, prelate of Bamberg and Würzburg, also possessed academic degrees. I pass over Philip II of Speyer; Matthew of Worms; Henry IV and Christopher of Augsburg; Reichwin, Duke of Lorraine and bishop of Strasbourg; Albert I, Count of Hohenberg and bishop of Würzburg. Eichstätt also had two prelates who were doctors, Philip and Johann III; Brescia and other dioceses have them now.

CHAPTER XVII

An Enumeration of the Things That Must Be Learned

ON THE EDUCATION OF YOUTH

§ 1. Immense is the force and multitude of the things proposed to us for learning, but so great is our weakness that we scarcely possess perfectly one part of them all. For who, after the studies of many years, understands those great mysteries concerning God, angels, and souls? That mind, so swift, so active, so curious about all things, cannot determine what it itself is. Concerning points and lines, concerning the connection of corporeal things and **συνέχεια** (*continuity*), after so many thousands of volumes, we all carry ignorance to the grave. But it is foolish to lament these things, since clarity and knowledge are promised to us in the future life; nevertheless, to subdue pride, our darkness must often be impressed upon us.

A twofold order of the sciences must be established, one of method, the other of nature. In method they generally observe this order: that youth is first polished by grammar, poetry, eloquence, and history; that it is next exercised in the subtlety of logic, physics, mathematics, metaphysics, and moral philosophy; and that from here some pass to the profundity of most sacred theology, others to the studies of law and legislation, and others to those of medicine. I too approve and confirm this method of teaching, approved by almost all academies and neglected by a few not without public harm to youth. This order, indeed, was established according to the convenience of learners. The other is natural: following the summits of things, it distributes the sciences to us according to their division. If we consult it, it does not readily appear how one ought to call a science one and by what limits it ought to be defined.

The philosophers indeed establish that one science is so called from one formal aspect of its object; but what that formal aspect which conciliates unity may be is not yet clear. Cajetan holds that formal unity is taken from being knowable, not from the being of the species. Light and color, for example, are objects of sight not from their nature and essence, which are diverse, but from the fact that they are visible. But he entangles the matter with a greater difficulty. For if body is the object of physics according to knowable being, what is that one knowable thing which makes one science? For there are many bodies and therefore many knowable things; and if they constitute one science because all can be known, spirits and bodies will also be joined into one because they can be known. Being itself, which contains all things, is also knowable.

The common distinction of the sciences is by three abstractions, which almost all the logicians whom I have seen put up for sale. For physics abstracts from singular matter, but not from sensible matter; it considers the species of bodies and their affections, not singular bodies. Mathematics abstracts from singular and sensible matter, for it considers points, lines, surfaces, and depths abstractly in themselves, and not as they are in matter. Metaphysics, however, abstracts from singular, sensible, and intelligible matter, because it considers only the most general or spiritual things, things which have no position and location.

I admit that there is something I miss in this matter. Those abstractions do not apply to rational and moral science, although their dignity is distinguished. Next, if a special abstraction is assigned to quantity, it can also be assigned to quality; for both quantity and quality are sensible, and writers on perspective treat light, while professing themselves mathematicians. And certainly it can be considered without matter. Finally, if physics expounds body, quality, and quantity, surely few things will be left for metaphysics. Therefore, a distinction of sciences must be sought which has been established by nature and exists in the objects before our mind has known them. I judge as follows.

§ 2. There is one peculiar science of each class of things and one general science of all. When I have demonstrated that every triangle has three angles equal to two right angles, I possess knowledge; when I have learned several propositions of the same kind, I have attained one total science from the likeness of things related to one another. But

since the whole universe of things and system of all beings agrees in being, in like manner one most general science will be so called which corresponds to that whole. And just as Being taken most broadly is divided into its parts, so science will be divided into its parts. For just as being taken generally is intelligible, so the faculty of understanding extends to being and all its parts; in the same manner, a habit--either one or consisting of many--will bring the capacity of the power of understanding to firmness.

Thus formerly Plato, Book 7 of the *Republic*; Proclus, Book 1, chapter 4, on Euclid; and Giles of Rome, preface to the *Metaphysics*, question 22. Accordingly, Antonio of Mirandola is not the author but the elucidator of that opinion in Book 3 of *The Overthrow of the Singular Contest*, sections 6 and 7. Those who attack this reasoning do not sufficiently observe that, when they call physics one science, they force very many and very widely separated things into one object and cannot give a law to others preventing them from adding still more. They extend metaphysics itself to every class of things. But now, following the nature of things, let us divide the sciences.

Science taken most broadly is divided into that which treats spiritual being and is properly speculative metaphysics--its primary object is the uncreated spirit, its secondary object the created spirit. On account of the difficulty of its object, the general doctrines of the other sciences have been added to it. The other is physics, which treats material being and contains many practical and speculative sciences. By the name of material being we understand not only bodies but also all accidents of bodies and whatever things possess some order toward bodies, such as the rational soul, intellect, and human will, because the former is the form of the body and the latter are properties of that form.

Physics taken in this manner is divided into physics strictly taken, whose object is natural body, which Aristotle explains in his books of the *Physics*; and mathematics, which considers quantity, a part which Euclid and his interpreters chiefly expound.

Physics is again twofold, for it treats either simple body or body compounded from simple bodies. If it treats simple body, it treats either incorruptible or corruptible body; if incorruptible, it is celestial; if corruptible, elemental. Aristotle explains these parts in his books *On the Heavens* and *On Generation and Corruption*. This celestial science, which is physical, differs from astronomy, which belongs to mathematics. For physics considers the quantity of the heavens in itself, its matter, form, and efficient cause; but astronomy considers the proportions of quantity and the magnitudes from the principles of mathematics. The object of the science of mixed body is

[Printed page 264]

whatever is found in the whole universe besides the heavens and the elements. First, one science concerns imperfect mixtures, another perfect mixtures. Imperfect mixtures are snow, ice, mist, and the other things which Aristotle explains in the books of the *Meteorology*. The remaining mixtures are perfect, namely, those which possess a perfect tempering of the elements from which they are composed. Imperfect mixtures have one element so predominant that the powers of the others scarcely appear.

Of perfect mixtures, however, some are animate and others inanimate. Aristotle also treats mixtures in general in the two books *On Generation and Corruption*, and animate things in the three books *On the Soul*, the *Short Natural Works*, and *On the Generation of Animals*. The science of inanimate things has two principal parts, gemology and metallurgy, concerning which Aristotle says little, but Pliny, the alchemists, and Cardano say much in the books *On the Variety of Things* and *On Subtlety*.

The science that concerns animate things is held either concerning sentient things or those without sense. The latter is threefold: arboriculture, shrub-lore, and herb-lore; for root-lore, which others add, is common to all these. Aristotle treats these matters first in *On Plants*, as do Dioscorides, Theophrastus, and his interpreter Julius Scaliger. There are three species of sentient things, which both Aristotle and Gesner--above all a diligent investigator of natures--treat.

But since man is as it were a little world, there are several sciences concerning him as species of anthropology.

For if we consider the body, either its nature and parts are considered, and this is a species of the science of animate things--Vesalius treats it with the greatest accuracy--or the body is considered insofar as it is capable of being healed. This science is subordinate to the former, namely medicine, which they divide into active and contemplative medicine. The latter they again divide into physiology, which investigates the natures of things so that it may use their powers for health; this part they divide again into the physiology of elements, humors, temperaments, powers, and members; into etiology, which investigates the causes of all diseases and symptoms; and, third, into semiomantics, which infers from signs either past, present, or future things. All these matters were treated by Hippocrates of Cos and his interpreter Galen, and thereafter by Avicenna and others.

The science which treats the human mind can be called noetics and is threefold. First is that which explains the actions of the mind as such; this is customarily called *animastics* by the Latins. Two sciences are, as it were, subordinated to this: the first directs the operations of the intellect toward truth, namely logic; the other directs those of the will toward the good or honorable, and is moral philosophy. Moral philosophy is again twofold, principal and ministering. The ministering is called oratory and is divided into dialectic, rhetoric, and poetics; for those sciences were invented to incite the will toward the honorable. The principal is called ethics, or moral philosophy properly so called; its object is human actions insofar as they are good or evil. They divide this very variously, concerning which matters in their own proper place. Aristotle treated it in the *Nicomachean Ethics*, the *Great Ethics*, and the *Politics*. Jurisprudence can be referred here; one part of it is positive, the other epideictic or demonstrative. Its parts are various.

The science which treats quantity deals either with continuous or with discrete quantity. That which treats continuous quantity is generally called geometry by one name. It is divided in two: one part treats lines and surfaces and does not have a proper name but claims the general name for itself and is called geometry; the other treats solid body and is called stereometry, as though “measurement of solids.”

They further divide geometry in another manner: into that which discusses quantity as it exists by itself and contains the parts just named; and into that which treats quantity as joined with matter and subject to the senses. This, from its primary part, is called astronomy; others call it impure mathematics because it does not treat quantity considered in isolation. It is again divided into astrology, geodesy, perspective, and mechanics.

Astrology is that which discusses the motions of the world, the magnitude, figure, illumination, and distance of the heavenly bodies. It has three parts. The first is gnomonics, which measures time by the position of the gnomon or style. The second is meteoroscopy, which examines differences of elevations and the other theorems. The third is dioptrics, which investigates the distances of the planets and other stars with dioptric instruments.

Perspective is that which uses visual rays in the manner of lines and the angles constituted from those lines. This again is threefold. First is perspective properly so called, which gives the causes of those appearances in which things seem to us to be otherwise than they are, whether because of distances, position, or medium. The second is the science of mirrors, which is occupied with various refractions. The third is sciography, namely the delineator of shadows, which gives an account of various appearances arising from shadows.

Geodesy is the science which measures various things--such as fields, heaps, wells, and towers--by visible lines. If it treats the entire earth and sea, it is customarily called geography; if some one region, chorography; if some one place, topography.

Mechanics embraces various arts and therefore has almost the same definition as art, although properly those arts which leave no work behind them, such as the art of dancing, are not mechanical. Its parts are architecture, which constructs every kind of building; organopoetics, which constructs various machines and instruments; and, third, thaumaturgy, which effects certain wonders by air, weights, sinews, and fires. To this they refer the art which they call natural magic, which uses no magical deceptions but, on account of a hidden knowledge of things, produces effects of such a kind that they seem incapable of being accomplished naturally, but only by the aid of demons--as when Archimedes draws a ship by himself.

Arithmetic is occupied with discrete quantity. They call one kind speculative and another practical. Music is subordinated to the latter, which they likewise divide into speculative and practical. Both practical and speculative music are divided into melic, harmonic, and rhythm. Melic contains oratorical and poetical feet; and so, with respect to this part, poetry and rhetoric were subordinated to music. Harmonic is the account of acute and grave sounds, by whose proportion all songs are completed. Rhythm is the artful motion of the body according to harmony. A dance is constituted from harmony and rhythm.

It has been granted to us to know many things concerning uncreated being--God, the Best and Greatest--and concerning the holy angels, especially concerning God, who can in some manner be known from created things.

The sciences that I have named possess many parts under themselves, and in every single part difficulties which only those who have devoted themselves to them for a very long time and with the greatest diligence know to exist, but which they have never thoroughly penetrated. All these things must be taught in the state, and to excel in one part of them is

[Printed page 265]

glorious. But as one who treats on behalf of the state, my purpose is to follow the method and the ordinary manner of transmitting the sciences themselves. For confusion in learning prevents more people from attaining wisdom than does weakness of ability or the will to advance.

CHAPTER XVIII

How the Elements of Grammar Are to Be Taught

ON THE EDUCATION OF YOUTH

§ 1. They have called grammar the foundation of all the arts. But it has been the foundation ever since, when an attempt was made to raise a tower to heaven, God confounded the languages of men at Babylon. They were undertaking that immense structure for no use but out of proud vanity, in order to cause wonder in posterity. We pay the penalty of that ambition even today, so that we spend our tender years upon letters and syllables; for many years we learn the signs of things and almost grow old before we know how to speak.

Happy was that offspring of men which did not twist the tongue into foreign words, which without labor drank its mother tongue with its milk. Now the intricacies and variations of conjugations and declensions, and three or four languages, detain us in a care that is most disagreeable but necessary. Yet because this yoke has been imposed upon us all, we must strive to bear it gently and render it lighter by prudence.

§ 2. First one must begin with little things, because, since all things cannot be grasped at once, everything must be instilled piecemeal into tender minds. A weak hand cannot break that bundle when it is bound together; the individual twigs must therefore be broken up. Accordingly, few and varied things are to be proposed to the earliest age. Let there be a class in which the rudiments and certain beginnings--or certain general precepts of syntax and of composing discourse--are transmitted.

The order of our Society provides that in the lowest class the master transmit a perfect knowledge of the rudiments and a begun knowledge of syntax. These things are taught for five hours each day. For I intend to show this because it will apply to many other things, especially since I observe that in this manner young boys and almost children complete an encyclopedic course in the more humane letters.

Two hours before noon and the same number after dinner are spent in exercises. The books are the *Rudiments*, Cicero, a Greek reading, the catechism, and the introduction to syntax. This variety is arranged into its own periods as follows.

In the first hour the assigned portions of the readings, which ought to have been committed to memory at home, are demanded and recited. For the master's labor brings no benefit unless the memory of the young men is cultivated by perpetual exercise. The more improvident youth flees this labor of learning, the more must a faithful master strive not to permit the vigorous little memories of the boys to be covered with mold and squalor.

Cicero's easier letters are learned by heart so that they may draw the Latin language from the source itself and become accustomed amid their beginnings to Ciceronian rhythms.

In the same hour, the theme that was given in the vernacular on the preceding day is offered to the master and corrected--if not that of everyone, at least of most--both publicly and privately, so that in another's writing they may recognize their own errors or **κατορθώματα** (*successful usages*).

The usefulness of this exercise is so great that it can almost by itself make learned men. For, made acute in the errors of others by mutual rivalry, they more easily avoid their own, especially when they see that everything is conducted publicly and in the light.

The second hour contains the exposition of Cicero, after the preceding day's reading has been repeated. No more than four lines are expounded, lest they be confused by a multitude of material. First, either the master reads them or causes them to be read, so that by this practice they may learn the perfect pronunciation of words and the quantity of syllables. Next, the subject is explained in the vernacular. Second, the text is translated period by period and word for word.

Third, returning to the beginning, the master is to indicate the structure; unweaving the period, he is to show what words govern what cases, weigh most things for explaining the laws of grammar, bring forward one or another observation concerning the Latin language--but one as easy as possible--demonstrate metaphors by examples of the best-known things, and dictate nothing except perhaps the subject.

The subject for a composition is to be dictated in the common speech, word for word, clear, and generally no longer than four lines, and it is chiefly to be related to the grammatical precept. The pupils are sometimes to be ordered to append to it a brief rendering or expression from Cicero, in accordance with the prescription of syntax, or those very things that must be learned from the Greek rudiments, or another thing of this kind.

In the final half-hour, some part of the declensions or other exercises is explained, or they contend in disputation, for which all ought to be prepared.

§ 3. The first fruit, therefore, is the exercise of memory and the polishing of the language; the other is the correction of the theme, which weighs everything according to the precepts of grammar. If anything has been committed against any rule, if there is an error of spelling or punctuation, the file removes it all.

Cicero, when already celebrated at Rome and numbered among the foremost orators, judged this to be of such importance that he journeyed to Greece and Asia and attached himself especially to Molon, concerning whom he glories in the *Brutus*: “Dionysius of Magnesia was with me most assiduously; there was also Aeschylus of Cnidus and Xenocles of Adramyttium. These were then numbered among the chief rhetoricians of Asia. Not content with them, I came to Rhodes and attached myself to the same Molon whom I had heard at Rome, both a distinguished pleader in real causes and a writer, and the most prudent in noting and observing faults and in instituting and teaching. He took pains--if only he was able to attain it--to restrain us, excessively redundant and overflowing through a certain youthful impunity and license of speaking, and, as it were, to confine us when flowing beyond the banks. Thus I returned two years later not only more practiced but almost changed. For both the excessive exertion of my voice had subsided and my speech had, as it were, cooled; strength had come to my sides and a moderate habit to my body.”

I warn of this because the labor of correcting the work of others is most tedious and often saddens the man upon whom this benefit is bestowed. It is therefore neglected with immense loss by masters who are under their own authority and teach under their own auspices and judgment. Nothing is more pitiable than noble young men who, through want of an admonisher, retain for their whole life certain troublesome habits and ineptitudes of words, gestures, and manners which a teacher could have removed with one word.

Great advantage is also brought by hearing a Latin reading in the vernacular, by its repetition and the writing of the theme, and by the exercise of the rules of grammar.

§ 4. This diversity is not burdensome to abilities. The gifted learn through play, the middling easily, and the slow with moderate labor the four lines

[Printed page 266]

which they heard explained in school on the preceding day. The theme too is brief, and aids for composing it are provided from the readings.

In this ordering, teachers of boys long ago erred in two ways. Some, making no mention of Cicero, syntax, or any book, inculcate the rudiments, declensions, and genders; by constantly repeating disagreeable matters and showing no use for so great a labor, they oppress and torment abilities and--what is most serious--do so without benefit. They sometimes wear down the wretched pupils for three or four years and do not lead them to the point of learning to speak three words correctly. Hence, formerly, before the industry of the Society laid out the schools, Pallas was indignant that grown, bearded young men sweated in composing a little letter.

The other error was still more serious: they mixed with the childish rudiments weightier readings which the children could not grasp. Therefore, they could neither be examined nor instructed. There are those who teach the same pupils rudiments, syntax, poetics, rhetoric, and dialectic. I remember that in the second grammar class I had a pupil of good ability and advanced age who, although in composition he stumbled on every other line, recited most readily the definitions and precepts not only of poetics and rhetoric but even of logic. In wonder, I began to test whether he understood any of them; but he answered in such a way as to show that, when he defined genus or species, he did not even suspect what things he was speaking about.

§ 5. I have spoken of the hours before noon. After midday, the first exercise of the memory consists in reciting grammar, both Latin and Greek. The written exercises are then corrected; next, grammar is expounded and illustrated with examples.

In the second hour the introduction to syntax--that is, the general rules--is explained. A fourth part of the hour, however, is allotted to Greek. In the final half-hour a little army is set in motion and fights with its voice; by the privilege of its seating, the distinction of titles, the enticements of little prizes, and the fear of disgrace, it is inflamed with the desire for victory.

To many, the mention of the Greek language at the beginnings customarily appears untimely. But experience has taught that, if very few things are proposed, they are gradually instilled with little trouble; but after pupils have already made proper progress in the Latin language, they can be brought back to the Greek elements only with the greatest difficulty. I shall speak of the Greek language elsewhere.

A boy who is gifted, diligent, and already endowed with some judgment can easily complete this course in half a year. Yet because most are of a weak little age and incapable of great labor, and indulgence is also granted them at home so that they do not render their assigned work, almost a full year is spent.

§ 6. From here, therefore, the step is made to the middle grammar class, in which a knowledge of the whole of grammar but only an imperfect knowledge of syntax is required. For only the easier appendices are joined to the general rules which they learned in the preceding class. From Greek they learn nouns, contracted verbs, verbs in **-μι**, and the easier formations; also the Greek catechism or the *Tablet of Cebes*. The authors proposed are Cicero's familiar letters and Ovid's easiest poems from the *Tristia* and *Letters from Pontus*.

The manner of exposition and exercise of memory are the same as shown above, but nevertheless different in part. First, more things, and more difficult things, are expounded in Cicero, for they have already understood the easier matters before. Next, they are explained more learnedly; the construction of the discourse and the exercises of syntax are especially inculcated. Third, verbal elegances and more exquisite phrases are transmitted. Fourth, an easy poet is expounded, not so that they should already begin to compose verses but so that they may gradually become accustomed to understanding more difficult things and imbibe the rhythms, whose system they nevertheless do not yet grasp. From this arises another advantage also: namely, that they are not only captivated by the sweetness of rhythmical speech but also observe the transpositions of words which the necessity of verse makes very great.

Those masters therefore erred who formerly expounded a poet late, and not until the precepts of rhetoric. But others erred far more destructively who, through premature haste in teaching, explained the system of verse at these beginnings. For they wonderfully disturbed little abilities not only by the multitude of things but also by confusion. They have not yet learned to speak, and you order them to sing? Their greatest labor is to weave words and nouns suitably into discourse without barbarisms and solecisms. Therefore, they ought not yet to be taught to learn those things upon which the system of verse depends.

I judge those who make poets prematurely to do the same thing as foolish nurses who teach infants to dance when, still among hoops and supports, they scarcely walk with a tottering step. Let them first speak readily, abundantly, and

without fear of erring; then let them knock at the doors of the Muses. A slow or lame dancer is a ridiculous thing, for without agility and urbanity that harmonious motion of bodies is a ridiculous ineptitude.

§ 7. There is a highest grammar class, in which the remaining things that belong to this art are explained perfectly: namely, all the more difficult precepts of syntax, figurative constructions, all the precepts of metrical art, and all the Greek rudiments.

That order is most correct: they learn the easiest laws of constructing discourse in the lowest class, the easy laws in the middle, and the difficult laws in the highest. What happens to architects who build steps thus also happens to them, for whenever they build the upper steps upon the structure, they rest upon the lower ones.

As regards readings, from the orators there can be expounded in the first semester all the weightiest letters of Cicero to his *Friends*, to Atticus, and to his brother Quintus; but in the second, the books *On Friendship*, *On Old Age*, the *Paradoxes*, and others of this kind. From the poets, in the first semester some selected and expurgated elegies and letters of Ovid; in the second, certain passages likewise selected and expurgated from Catullus, Tibullus, Propertius, and Virgil's *Eclogues*, or even Virgil's easier books, such as the fourth of the *Georgics* and the fifth and seventh of the *Aeneid*. From the Greeks, Saint John Chrysostom, Aesop, Agapetus, and authors similar to them.

§ 8. The distribution of time and the other exercises possess an analogy with the things that have been said. Nevertheless, everything is to be expounded more learnedly, and the highest account is to be taken of elegance. Poetry must also be begun: first with verses given in prose order, which the novices are to restore; next, with certain words changed; finally, with a dictated theme which they themselves are to bind in feet by their own effort and clothe in rhythms.

If this order is observed constantly and suitably, it produces immense fruit by rapid labor. I have seen innumerable boys who, after being instructed by this method and entering the lowest class in the ninth year of age, spoke and wrote purely and in Latin when the twelfth year came round; they also composed easy verses and explained Latin authors.

[Printed page 267]

And if an experiment is sought, our gymnasia exhibited hundreds of such pupils. It would be easy for me to prove this method of teaching from various authors. But I appeal to experience, the most certain witness of the things stated. Would that masters everywhere in the towns followed the same method, or that the magistrate labored so that they could. But frequently, because of the smallness of their stipends, they are drawn away elsewhere, since they are compelled to be pleaders of causes and scribes at the same time. Next, so great is the labor not only of teaching but of teaching by the water clock and changing at fixed turns that no one readily deigns to undertake this burden constantly except one who has devoted his life to God.

CHAPTER XIX

On Poetry

ON THE EDUCATION OF YOUTH

§ 1. We now lead our novice to the studies of eloquence, to the orator--not so that he may approach private or public causes, but so that he may learn the things which he may afterward bring forth opportunely when practical experience demands them. Eloquence is twofold: copious and expanded, which inundates like a river and which they properly call eloquence; and contracted or compressed, as Cicero calls it in the book *On Famous Orators*, which is dialectic.

Again, each kind--but especially that more abundant kind, which resembles an open palm, not a fist--is divided into prose and discourse bound by rhythms, or metrical discourse. I say "especially," for even the precepts of dialectic can be comprehended in meters; indeed, certain acute, brief, and exceedingly concise poems imitate dialectic by their pointedness. The sacred poems of David and Job are full of examples, as are some Latin epigrams, if we consult them.

If you weigh these things according to the common manner, you will divide them into three faculties whose perfection few have attained; but if you look to the nature of eloquence, you will understand one end: to teach, move, and persuade by speech, whether it drives or draws minds with a flood of words, or penetrates by pointed brevity and performs the office of an orator without commotion. I am indeed accustomed to wonder at those who measure eloquence by the ornament and majesty of words and thoughts. Whoever speaks suitably for persuasion is eloquent, whether he governs his words with Ciceronian eloquence or invades minds with Chrysippean subtlety. Not only experience but also the divine writings teach this.

Experience does so, for a brief admonition, a clear maxim, and a timely axiom are often more powerful than long speeches, since we see that the briefest speeches have possessed the greatest force. Second Kings, chapter 14, verse 5: "Alas, I am a widow, for my husband is dead. And your handmaid had two sons, who quarreled with each other in the field, and there was no one who could restrain them; and one struck the other and killed him. And behold, the whole kindred rises together against your handmaid and says, 'Hand over the man who struck his brother, so that we may kill him for the life of his brother whom he killed, and so that we may destroy the heir.' And they seek to extinguish my spark which is left, so that no name or remnant may survive for my husband upon the earth." And the king said to the woman: "Go to your house, and I shall give orders concerning you."

And the woman of Tekoa said to the king: "Upon me, my lord king, and upon my father's house let the iniquity be; but let the king and his throne be innocent." And the king said: "Whoever contradicts you, bring him to me, and he shall no longer proceed to touch you." She said: "Let the king remember the Lord his God, so that the blood relatives are not multiplied to take vengeance and so that they by no means kill my son." He said: "As the Lord lives, not one of your son's hairs shall fall to the earth." The woman therefore said: "Let your handmaid speak a word to my lord the king."

And he said: "Speak." And the woman said: "Why have you devised a thing of this kind against the people of God, and why has the king spoken this word so that he sins and does not bring back his own banished man? We all die and flow away like waters upon the earth which do not return. God does not will a soul to perish but takes thought, considering that the one cast away should not perish utterly. Now, therefore, I have come to speak this word to my lord the king in the presence of the people. And your handmaid said: 'I shall speak to the king, if in some manner the king may do the word of his handmaid.' And the king heard, so that he might deliver his handmaid from the hand of all who wished to erase me and my son together from the inheritance of the Lord. Therefore, let your handmaid say that the word of my lord the king be like a sacrifice. For as an angel of the Lord, so is my lord the king, that he may be moved neither by blessing nor by cursing; hence the Lord your God too is with you."

Thus she pleads before the king in the presence of the people--and eloquently, for she truly obtains what she sought. Abigail likewise, First Kings, chapter 25, verse 24: “Upon me, my lord, let this iniquity be. Let your handmaid, I beseech you, speak in your ears, and hear the words of your servant. Let not my lord the king, I pray, set his heart upon that wicked man Nabal, for according to his name he is a fool, and folly is with him. But I, your handmaid, did not see your servants, my lord, whom you sent. Now therefore, my lord, as the Lord lives and as your soul lives, the Lord who restrained you from coming into blood and saved your hand for yourself--and now let your enemies and those who seek evil for my lord become like Nabal.

“Therefore receive this blessing which your handmaid has brought to you, my lord, and give it to the servants who follow you, my lord. Take away the iniquity of your servant; for the Lord will surely make for you, my lord, a faithful house, because you, my lord, fight the battles of the Lord. Therefore, let no malice be found in you during all the days of your life. For if at any time a man rises, persecuting you and seeking your life, the life of my lord will be guarded as in the bundle of the living before the Lord your God; but the life of your enemies will be whirled about as by the force and circle of a sling. Therefore, when the Lord has done for you, my lord, all the good things which he has spoken concerning you and has established you as ruler over Israel, this will not be for you, my lord, as a sob and a scruple of heart--that you shed innocent blood or avenged yourself. And when the Lord has done good to my lord, you will remember your handmaid.”

These passages show an altogether different eloquence, accommodated to the manners and character of human beings. I warn of this so that we do not judge so great a matter by fluency and elegance of words alone. We must therefore now speak of these things, and first of eloquence bound by rhythms, or poetry. For the purpose of all is to teach and persuade, and this is done by speaking well. He speaks well who speaks well in the judgment of the judges or hearers. For if they reject you, if they judge that you speak falsely, vainly, and without elegance, you will have spoken well to no purpose. Concerning poetry I have chiefly these things

[Printed page 268]

to say: first, that it is useful to the state; next, what the method and system for it may be; finally, how varied it is.

§ 2. I easily show from many things that poetry is useful in the state. First, from its most praiseworthy antiquity, which always shone in well-established cities and kingdoms.

If we repeat the most ancient memory, we shall understand that poetry excelled not only among the Jews but also among neighboring peoples and was the work of princes. Although the true poetry of the ancients is unknown to us, we cannot be ignorant that poetry existed, and perhaps anyone will understand without much difficulty that hymns are rhythmical if he is willing to run through the various species of poems and their mixtures. Scaliger in the *Hyle*, or Book 2 of the *Poetics*, chapter 6, enumerates various kinds of verses: catalectic, acatalectic, brachycatalectic, hypercatalectic, pure, and impure. In some of these, as in melic and dithyrambic poems, hyporchemes, scolia, and paeans, they aim only that strophes and antistrophes correspond, and that at different intervals. Parts of verses are connected with different whole verses. He indeed goes so far as to recognize a verse or a degree of a verse in one foot or syllable.

Since, therefore, there are so many kinds of pyrrhics, iambics, dactylics, trochaics, spondaics, anapaests, ionics, aeolics, and paeonics; so many mixtures of feet in one poem; and so many compositions of poems, either recurrent or non-recurrent, it will not be difficult to refer most Hebrew poems to those kinds. Or surely you will understand many Greek poems of such a kind that, if they are written in the form of prose, you would scarcely believe from their rhythms that they were poems. I shall give examples. Bacchylides in Athenaeus, *The Deipnosophists*, Book 2:

Ἐλπὶς δ’ αὔξουσα φρένας,

ἀναμιγνυμένα Διονυσίοισι δώροις,

ἀνδράσι δ’ ὑψοτάτω

πέμπεται μερίμνας·

αὐτίκα μὲν πόλεων

κρήδεμνα λύει,

πᾶσι δ’ ἀνθρώποις

μοναρχήσειν δοκεῖ·

χρυσῷ δ’ ἐλέφαντί τε

μαρμαίρουσιν οἶκοι,

πυροφόροι δὲ κατ’ αἰγλήεντα

νῆες ἄγουσιν ἀπ’ Αἰγύπτου

μέγιστον πλοῦτον·

ὣς πίνοντος ὁρμαίνει κέαρ.

And hope strikes the mind when it is mingled with Bacchic gifts, and projects the deepest cares upon men. At once he storms the walls of cities and thinks that he will be monarch of all human beings. Indeed, houses gleam with gold and ivory, and ships laden with grain carry most splendid and abundant wealth from Egypt, as the heart of the drinker imagines.

Who, moreover, would suspect poems where all the syllables are short, as in these lines of Pratinas?

Τίς ὁ θόρυβος ὅδε;

τίνα τάδε τὰ χορεύματα;

τίς ὕβρις ἔμολεν

ἐπὶ Διονυσιάδα

πολύπαταγα θυμέλαν;

ἐμός, ἐμός ὁ Βρόμιος.

What is that tumult? What dances, what insolence, has invaded the altar of Dionysus, which possesses much clamor? My own, my own Bromius.

The scolion of Aristotle is better known, to which not a few Hebrew poems nevertheless correspond:

Ἀρετὰ πολύμοχθε γένει βροτείῳ,

θήραμα κάλλιστον βίῳ,

σᾶς πέρι, παρθένε, μορφᾶς

καὶ θανεῖν ζηλωτὸς ἐν Ἑλλάδι πότμος,

καὶ πόνους τλῆναι μαλεροὺς

ἀκάμαντας· τοῖον

ἐπὶ φρένα βάλλεις

καρπὸν τ’ ἀθάνατον

χρυσοῦ τε κρείσσω καὶ γονέων

μαλακαυγήτοιό θ’ ὕπνου.

σεῦ δ’ ἕνεκεν ὁ Διὸς Ἡρακλῆς

Λήδας τε κοῦροι πολλ’ ἀνέτλασαν,

ἔργοις σὰν ἀγρεύοντες δύναμιν.

σοῖς δὲ πόθοις Ἀχιλλεὺς

Αἴας τε Ἄϊδαο δόμους ἦλθον·

σᾶς δ’ ἕνεκεν φιλίας μορφᾶς

Ἀταρνέος ἔντροφος

ἀελίου χήρωσεν αὐγάς.

τοιγὰρ ἀοίδιμον ἔργοις

ἀθάνατόν τέ μιν αὐξήσουσι Μοῦσαι,

Μνημοσύνης θυγατέρες,

Διὸς ξενίου σέβας αὔξουσαι

φιλίας τε γέρας βεβαίας.

Virtue, much laborious for the human race, most beautiful quarry of life: for the sake of your countenance, maiden, death is a desirable fate in Greece, and so is the endurance of fierce, untamed labors. You cast such a fruit into the mind, immortal and more excellent than gold and parents and sleep. For your sake Hercules, son of Jupiter, and the sons of Leda suffered many things, hunting your power by their works. Through desire for you Achilles and Ajax also entered the houses of Orcus. Indeed, on account of your lovely countenance the ward of Atarneus was deprived of the light of the sun. Therefore, most celebrated in works, the Muses, daughters of Mnemosyne, will exalt him as immortal, increasing veneration for hospitable Jupiter and the reward of firm friendship.

See most of the poems of that man whom no one has emulated without mishap, that is, Pindar. Unless you divide individual things in him, even sever words, and assign one word to the preceding poem and another to the following, you will assuredly show me a poem only with difficulty; nevertheless, we infer the poetry from a more divine manner of speaking. Behold, I propose that you read it thus:

Ὁ πλοῦτος εὐρυσθενής, ὅταν τις ἀρετᾷ κεκραμένον

καθαρᾷ βροτήσιος ἀνήρ, πότμου παραδόντος αὐτὸν ἀνάγῃ

πολύφιλον ἐπέταν, ὦ θεόμορε Ἀρκεσίλα. Σὺ τοίνυν

κλυτᾶς αὐτὸν ἐκ βαθμίδος σὺν ἀεὶ δόξᾳ μετανίσσεαι,

ἕκατι χρυσάρματος Κάστορος, εὐδίαν ὅς

μετὰ χειμέριον ὄμβρον τεὰν καταθάλψει μάκαιραν

ἑστίαν.

Riches are widely powerful when some mortal man, fortune granting them, increases them tempered by pure virtue; they are companions who conciliate many friends. O Arcesilaus, you who have obtained a lot from the divine power, you surely exercise them from the highest steps of a renowned age, with glory, by the favor of Castor who is carried in a golden chariot, who after winter rain flashes tranquillity upon your blessed house.

[Printed page 269]

You will observe all these things in the choruses of Euripides, Aeschylus, and others. From them, therefore, we shall gather that poetry does not fail to appear in Hebrew because it does not exist, but because we do not possess its system. I certainly recognize verses in many passages. The oracle given by Israel to the twelve patriarchs in Genesis 49 was composed in verse:

> Reuben, my firstborn, you are my strength and the beginning of my sorrow, first in gifts, greater in dominion.

In Hebrew they are thus:

> Ruben bchori, attha cochi
>
> Verheschith oni,
>
> Lether scheeth, veiether ghaz.

The remaining words, with some variation, can nevertheless be recognized as bound by rhythms. Antiquity also sang a song of victory when Sihon the Amorite had been conquered; its beginning is given in Numbers 21:27:

> Come into Heshbon; let it be built,
>
> and let the city of Sihon be constructed.

The Hebrew words have this form:

> Bou Chesbon Thibane
>
> Veticonen ghir Sichen.

It is the form of an Anacreontic poem, or catalectic dimeter, except that there are spondees in place of iambs, for short syllables are rare among the Hebrews. The Song of Moses in Exodus 15 consists of the same mixtures of verses, although brachycatalectics are interposed there as well. The Song of Moses in Deuteronomy 32 does not differ much, although it intersperses very many brachycatalectics. But in chapter 33 he begins the blessing with verse, at verse 2: "The Lord came from Sinai and rose from Seir for us; he appeared from Mount Paran, and with him were thousands of saints, and in his right hand a fiery law."

Those words in Hebrew give us this harmony:

> Iehova Missinai -- catalectic verse
>
> Ba, vezarach mescheghir -- catalectic
>
> Lamo, hophigh meher Pharan -- acatalectic
>
> Veatha mirceboth codesch -- catalectic
>
> Mimino esch dath lamo, and the rest -- acatalectic.

In precisely this manner Deborah and Barak sang in Judges 5. But the Orpheus, Homer, and Virgil of the Hebrews--if it is lawful to compare sacred things with profane--King and Prophet David, adorned their poetry most greatly. His poems are more pleasing to us by their meaning of piety and mysteries than by their rhythms; nevertheless, in very many I have observed a certain exact measure of syllables, as also in the *Lamentations* of Jeremiah, who took care to begin the openings with the same letters according to a fixed manner.

No one doubts that Solomon's *Song of Songs* is sacred poetry, in which he sings the heavenly nuptial song of a blessed soul. Jeremiah, Job, and the Songs also have their own rhythms, pleasing by a certain more divine kind of speaking rather than by a perceptible sweetness of feet. For all recognize Pindar as the chief of lyric poets, and yet in him the system of verse is more often sought than felt. Thus Horace, who approaches nearest to him: "Whoever strives to emulate Pindar, Julius, relies upon waxen wings by the art of Daedalus, destined to give a name to the glassy sea. Like

a river running down from a mountain, which rains have swollen above its familiar banks, Pindar boils and rushes immeasurably from his profound mouth, deserving to be presented with Apollo's laurel, whether he rolls new words through daring dithyrambs and is borne along in rhythms freed from rule."

That praise of Pindar is deserved: equally **ἀμίμητος** (*inimitable*) and **ἄμεμπτος** (*blameless*). Yet without discriminating the rhythms employed, you may read as follows:

> Ἄριστον μὲν ὕδωρ, ὁ δὲ χρυσὸς αἰθόμενον πῦρ ἅτε
>
> διαπρέπει νυκτὶ μεγανορῶς ἔξοχα πλούτου. εἰ δ' ἄεθλα
>
> γαρύεν ἔλδεαι, φίλον ἦτορ, μηκέθ' ἁλίου σκόπει ἄλλο
>
> θαλπνότερον ἐν ἀμέρᾳ φαεννὸν ἄστρον ἐρήμας δι' αἰθέρος.

Water indeed is best, and gold, like nocturnal blazing fire, flashes excellently among proud riches. But, my soul, if you desire to tell of contests, do not now contemplate another star more splendid than the sun, shining by day through the empty ether.

ON THE EDUCATION OF YOUTH

§ 3. From these things I conclude that there was a use of poems among the Hebrews and that holy and great men were poets. Therefore, they were honored in the divine state and are not now lightly to be rejected.

Poets were once held in great honor among the Romans; among the Greeks I find them indeed cultivated excessively. Plato called them sons of the gods. An ingenious poet also said:

> There is a god in us; when he stirs us, we grow warm;
>
> this impulse possesses the seeds of a sacred mind.

And:

> That spirit comes from ethereal seats.

The sole reason why some denied poetry to the Hebrews is that they could find in that language no harmony similar to ours, but all things appeared similar to prose. Yet since the same thing must be conceded in the most eminent Greek poets, anyone will easily judge that what men admire in the Greeks must not be denied to the Hebrews.

Plato in the *Cratylus*, mocking philosophers and sophists, advises that poets be approached and an account of virtue sought from them. Democritus too believed that there was something divine in Orpheus, Homer, and others. Heraclitus says, **τῷ ἀβεβήλῳ ἐντὸς περιῤῥαντηρίων ἡγνισμένος**. "Holy with undefiled and sacred sprinklings." They carried laurel as an emblem of divination when they sang their verses. Still others delighted even more in declaring a mystery in the fables of poets, to speak seriously. For since they defended everything in the fables, even foul things, as coverings of a more sacred philosophy, the result was that the majesty of nature was polluted by the foulness of the narratives, and many eagerly clung to the delights of the fables but did not understand--or indeed despised--the mysteries feigned to lie beneath them. But I shall speak of the abuse afterward.

These things were practiced in antiquity; but more cultivated ages procured greater honor for poetry. After Homer had been despised in death, cities contentiously claimed him:

> Ἑπτὰ πόλεις διερίζουσι περὶ ῥίζαν Ὁμήρου.

Seven cities dispute concerning Homer's stock.

Cicero, *For Archias*: "And yet we have received from the greatest and most learned men that the studies of other things

[Printed page 270]

consist in learning, precepts, and art; but that a poet has power through nature itself, is aroused by the forces of the mind, and is breathed upon, as it were, by a certain divine spirit. Therefore, by his own right, our Ennius calls poets holy, because they appear to be commended to us as though by some gift and bounty of the gods. Therefore, judges, among you most humane men, let this name of poet be sacred, a name which no barbarity ever violated. Rocks and solitudes answer their voice; savage beasts are often bent by song and stand still. Shall we, instructed in the best things, not be moved by the voice of poets? The Colophonians say Homer is their citizen; the Chians claim him as their own; the Salaminians demand him back; the Smyrnaeans indeed affirm that he is theirs. And so they even dedicated a shrine to him in their town. Very many others besides fight and contend among themselves."

And it is certain that poets were valued among kings--not so much, I believe, because of any utility, although that also existed, as from a desire for glory and immortality; for many lack memory because they lack a sacred bard. Virgil was valued by Maecenas and Augustus; Archelaus of Macedon cultivated Euripides; Hiero, Aeschylus and Simonides; Dionysius, Philoxenus; Polycrates of Samos, Anacreon; Antigonus, Antagoras and Aratus; the Spartans, Tyrtaeus. As he was dying, Plato placed the books of Sophron beneath his pillow.

§ 4. But if we also regard the use of this most honorable and difficult art, it is certainly manifold. First, holy men employed verse in the praise of eternal majesty; then, by corrupt imitation, the gentiles employed it for encomia of idols. For the hymn is the most ancient kind of poetry. Many hymns of Orpheus and the ancients survive, and so both hymn-singers and hymn-makers were named. They composed a *hypragon* for Diana, a paean or hyporcheme for Phoebus, a processional song for both together, a dithyramb for Bacchus, and an *iulus* for Ceres. Scaliger enumerates more in the *Idea*, chapter 112.

The ancient theologians Orpheus, Linus, and Musaeus divided not only these powers, which are the greatest and primary, but also other, lesser powers in such a way that they established various and diverse divinities, whom they likewise called gods. Therefore, while they acknowledged Jupiter as the supreme God, they feigned him father of the others, from whom all things had proceeded. Thus they established Pallas, Mars, Vulcan, Proserpina, Venus, and Bacchus for those functions which are recognized by us as united in one. Therefore, it should by no means appear strange if they divided the nature of hymns into various kinds: **ἱκετικούς, ἀποπεμπτικούς, φυσικούς, μουσικούς, γενεαλογικούς, πεπλασμένους, ἐντοπίους, ἀπευκτικούς, μικτούς**--supplicatory, dismissive, natural, musical, genealogical, fictive, local, deprecatory, and mixed. If **παιᾶνες** (*paeans*) and **προσόδια** (*processional songs*) are not reduced to these kinds, species having different principles will be numbered with them. Didymus is authority that hymns with a cithara, **τὰ προσόδια** with pipes, were customarily sung by the Athenians at altars.

But we shall address a hymn to the one and only God, as that same excellent teacher of poetry rightly says. The praise of God should always occupy our entire mind and whole thought. Whatever you do without communion with him, do not judge that truly done; how much more must the mind be directed toward those modulations which receive as much of his divinity as they embrace of him, and become akin to those harmonies which have been assigned by the maker to the heavenly windings and proportions. The praise of God is called **ὕμνος** by the Greeks and *celebratio* by the Latins.

Since he is one and the same is three, a Christian man has the right either to sing of him alone or to celebrate the persons separately, adding their properties with reverence--not as morose disputants, but as pious poets have been accustomed to do. After many others, we too attempted this. For when we wrote a hymn to God the Father as creator of all things, we led it from the creation of the world itself down to us and our affairs. But we wrote of God the Son, our Lord Jesus Christ, as savior of the human race; in him we led our mind away from the prison of the body to the free fields of contemplation, which was to transform me into him. Then the ineffable power of the most holy Spirit was celebrated with such ardor that, although the hymn had begun in the gentlest rhythms, it blazed up under a sudden assault of divine fire.

Whatever is in God is God himself; but through the weakness of our knowledge, by the example and image of these lower things, many things are as it were distinguished: intellect, from which comes will, and afterward power. Yet nothing is before or after; they are not only simultaneous but also one. From these the ancients derived the two greatest principles of things and actions, Nature and Fortune. For Nature is the power of God, but Fortune is his will.

§ 5. A second use is in praises of heroes and great men. Thus Jeremiah praised Josiah; thus David praised Jonathan; thus Prudentius praised the martyrs. In this matter, indeed, poems are now for the most part consumed. Nor is the abuse new by which poets flatter powerful men without shame whenever they please to make poems. You will find plainly few men like Philoxenus. Virgil himself inaugurated his name with exquisite flattery:

> It rained the whole night; the spectacles return in the morning:
>
> Caesar possesses a divided sovereignty with Jupiter.

And our Lucan is thought deservedly slain by Nero because he flattered that monster so slavishly:

> But if the fates found no other way for Nero's coming,
>
> and eternal kingdoms are procured for the gods at great cost,
>
> and heaven could not serve its own Thunderer
>
> except after the wars of savage giants,
>
> now, heavenly powers, we complain of nothing. These crimes and this wickedness
>
> please us at this price. Let Pharsalia fill its dreadful fields,
>
> and let the Punic shades be sated with blood;
>
> let the final deadly battles meet at Munda.
>
> Let Caesar add to these fates the famine of Perusia and Mutina's labors,
>
> the fleets which rugged Leucas crushes,
>
> and the servile wars beneath burning Etna.
>
> Yet Rome owes much to civil arms,
>
> because the business was conducted for you. When your earthly station is completed,
>
> you will seek the stars late; the palace of heaven preferred for you
>
> will receive you while the sky rejoices, whether it pleases you to hold the scepters
>
> or to mount Phoebus's flame-bearing chariot
>
> and survey with wandering fire the earth, fearing nothing from the changed sun.
>
> Every divine power will yield to you, and nature will leave to your judgment
>
> which god you wish to be and where to place the kingdom of the world.
>
> But choose your seat neither in the northern region
>
> nor where the warm pole of the opposing south inclines,
>
> from where you may see your Rome beneath an oblique constellation.
>
> If you press upon one part of the immense ether,
>
> the axis will feel the burden. Hold the weights of balanced heaven

in the middle of its sphere. Let that whole part of serene ether

be empty, and let no clouds obstruct Caesar.

Then let the human race consult its interest after laying down arms;

let every nation love in turn; let peace sent through the world

restrain the iron thresholds of warlike Janus.

But to me you are already a divinity; and if I receive you in my breast as bard,

I should not wish to trouble the secrets of Cirrha to move the god,

or to turn Bacchus away from Nysa.

[Printed page 271]

You alone are sufficient to give strength to Roman songs.

Nor are there lacking modern flatteries of souls that are not only profitable but also cheap.

The use of verse in transmitting history, laws, and arts is no smaller. The ancient laws of the Athenians were written by Draco in three thousand verses; Pittacus wrote those for his Mytilenaeans in fewer, namely six hundred. History too is written most elegantly in verse, and morals are taught, so that poets are called the fathers of wisdom even by Plato. Solomon's songs, **τῶν ᾠδῶν**, as the Septuagint translates, are numbered at five thousand; the Hebrew calls them three thousand parables, axioms, or distinguished maxims and, as it were, flowers of wisdom.

This is the primary purpose of sacred poetry: after praises have been sung to the divine power, to prepare the minds of men to approach God purely by a sweet melody which is readily retained. Horace attributes this to bards in Epistle 1 of Book 2:

The poet forms the tender and stammering mouth of the boy;

even now he turns his ear away from obscene speech;

soon he also forms his breast by friendly precepts,

corrector of harshness, envy, and anger.

He recounts things rightly done and instructs the rising age

with famous examples; he consoles the needy and the sick.

From where would the maiden ignorant of a husband learn prayers

with chaste boys, had the Muse not given a bard?

In Aristophanes--otherwise a buffoon and a certain pus and poison of poetry--there is a useful conversation on this matter between Euripides and Aeschylus:

Αἰσχύλος: Ἀποκρίναι μοι· τίνος οὕνεκα χρὴ θαυμάζειν

ἄνδρα ποιητήν;

Εὐριπίδης: Δεξιότητος καὶ νουθεσίας, ὅτι βελτίους τε ποιοῦμεν

τοὺς ἀνθρώπους ταῖς πόλεσιν.

Αἰσχύλος: Ταῦτα γὰρ ἄνδρας χρὴ ποιητὰς ἀσκεῖν. Σκέψαι

γὰρ ἀπ᾽ ἀρχῆς

ὡς ὠφέλιμοι τῶν ποιητῶν οἱ γενναῖοι γεγένηνται.

Ὀρφεὺς μὲν γὰρ τελετάς θ’ ἡμῖν κατέδειξε φόνων τ’

ἀπέχεσθαι,

Μουσαῖος δ’ ἐξακέσεις τε νόσων καὶ χρησμούς, Ἡσίοδος δὲ

γῆς ἐργασίας, καρπῶν ὥρας, ἀρότους· ὁ δὲ θεῖος Ὅμηρος

τάξεις, ἀρετάς, ὁπλίσεις ἀνδρῶν.

That is:

“Aeschylus: Answer me: for the sake of what ought a poet to be admired? Euripides: For skill and admonition, because we make the men of our country better. For poets ought to practice these things. Consider from the beginning how many of the noble poets have been useful. Orpheus showed us sacrifices and abstention from slaughter; Musaeus, cures of diseases and oracles; Hesiod, the working of the earth, the seasons of fruits, and plowing; divine Homer, the orderings, virtues, and armaments of men.”

Nature has indeed so arranged it that verses are heard more sweetly, cling more deeply, and move more readily. Hence we see not only philosophers but Paul too employ verses of noble poets. No one is more cultivated than Paul to whom many things of this kind are not already known.

Poets are not only pleasing and good teachers of virtue, but also the sharpest censors of vices; for what is more bitter, what more forceful, than satire? They alone lash the vices of magnates after steeping them in sharp vinegar. Then you may see:

Mighty Tituses tremble when poems enter their loins

and their innermost parts are scratched by a quivering verse.

Finally, the precepts of almost all arts and of philosophy itself are found comprehended in verse. Astronomy, agriculture, wars, laws, and whatever comes into use--the writings of bards disclose them to us.

ON THE EDUCATION OF YOUTH

§ 6. Yet an ancient opinion recalls and draws some men away from this most liberal art: namely, that poetry obstructs prudence. Plato in the *Phaedrus* says:

ὃς δ’ ἂν ἄνευ μανίας Μουσῶν ἐπὶ ποιητικὰς θύρας ἀφίκηται,

πεισθεὶς ὡς ἄρα ἐκ τέχνης ἱκανὸς ποιητὴς ἐσόμενος,

ἀτελὴς αὐτός τε καὶ ἡ ποίησις ὑπὸ τῆς τῶν μαινομένων

ἡ τοῦ σωφρονοῦντος ἠφανίσθη.

Whoever has knocked at the doors of poetry without frenzy, persuaded that he can become a poet by art alone, finds his attempt fruitless, and his poetry likewise vanishes.

They therefore think frenzy necessary, for:

Father Ennius himself never leapt forth to arms unless he had been drinking.

For drunkenness is a voluntary frenzy, as anger also is.

"The mind," says Seneca, "cannot speak anything grand and above others unless it has been stirred. When it has despised common and customary things and risen higher by a sacred impulse, then at last it has sung something grander than a mortal mouth. It cannot attain anything sublime and placed on high so long as it is with itself."

Hence the Platonists taught that poems were poured forth by inspiration and madness. Ptolemy asserts that the soul is thus stirred by the stars.

§ 7. But slenderness of ability keeps very many away from poetry. I judge that in this way a great injury is inflicted upon compressed eloquence through this calumny. The reason is that no one can be a poet unless he is gifted. And this is the first testing of young men: it belongs to anyone to recite lessons with a faithful memory, to remember expositions and the meanings of words, and to translate Latin into the vernacular; it belongs to the gifted to compose a poem. An orator can be made; a poet must be born.

I interpret this so that I judge that a great ability, together with a knowledge of art and precepts, is necessary for poetry; small abilities knock at the doors of the Muses only with ridicule, middling ones without praise. Art and nature have great force if they are joined. Cicero, *For Archias*: "I also add this: nature without instruction has more often availed for praise and virtue than instruction without nature. And I likewise contend that when a certain systematic training and formation by learning has been added to an excellent and illustrious nature, then that unknown something glorious and singular customarily comes into being."

Thus Horace too:

> Whether a praiseworthy poem was produced by nature or by art
>
> has been asked. I see neither what study can do without a rich vein,
>
> nor what untrained ability can do: thus each thing
>
> seeks the aid of the other and conspires in friendship.

In other matters art can assist nature when it is deprived of aid; in poetry, without nature, art plays in a void. The same Cicero shows this in the passage already recited.

From the same opinion, therefore, comes what they write concerning a certain madness of ingenious men and poets, concerning which I have spoken in its place. This is also confirmed by the fact that a middling orator, a soldier neither timid nor very brave, and a certain mediocrity of industry in other matters are customarily commended. But among poets whatever is praiseworthy is magnificent:

[Printed page 272]

> Neither men, nor gods, nor booksellers' pillars
>
> have permitted poets to be mediocre.
>
> If he departs a little from the summit, he inclines to the bottom.

§ 8. But it is most difficult to be a distinguished, grandiloquent, polished poet to whom you would wish to add nothing and from whom you would wish to remove nothing. Cicero truly said that scarcely in each age has one good poet been found. Since, therefore, good poets are so few, there are nevertheless many who seek the honor of this name, which is to sound out great things. No ape fails to love its young, and even a bear despises death for offspring which appears an unformed mass and leaps over hunting spears. Likewise, no poet ever wrenched from his talent a poem so gaping in words or tasteless in sense that he did not love it desperately--**ὑπὲρ αὐτῶν γάρ**, says Aristotle.

And so in no matter have more men endeavored to display their ability than at limpid Hippocrene and chilly Parnassus. Hence those ineptitudes; hence so many verses which we marvel could have been made by sane men. Compare the

matter with morals: scarcely one age receives one poet. But I judge that there are ten myriads of men who even at this time judge themselves good poets. Horace deservedly says of them:

> Add poems now--that is, add oil to the furnace.
>
> If anyone made these while sane, you too act sanely.

Persius lashes the custom of his own age:

> Shut in, we write: one man in rhythms, another with foot set free,
>
> some grand thing for a lung over-generous with breath to pant forth.
>
> Naturally, this is for the people, with hair combed and a fresh toga,
>
> gleaming at last in birthday white with sardonyx,
>
> reading from a lofty seat, when with liquid modulation you have gargled
>
> your mobile throat, languishing with a lascivious little eye.
>
> Here you may see mighty Tituses, neither in seemly manner nor with serene voice,
>
> tremble when poems enter their loins
>
> and their innermost parts are scratched by a quivering verse.
>
> Then, old man, do you gather bait for the ears of others--
>
> ears to which you, ruined in skin, may say, “Enough!”?
>
> What is the use of learning unless this leaven, and the fig tree
>
> once engrafted within, bursts the liver and comes out?
>
> Behold pallor and old age--O morals! Is your knowledge
>
> altogether nothing unless another knows that you know this?
>
> But it is beautiful to be pointed out with a finger and to have it said, “This is he.”
>
> Do you count it nothing that you were the lesson dictated to a hundred curled youths?
>
> Behold, amid their cups the satiated sons of Romulus ask
>
> what the divine poems tell.
>
> Here someone with a hyacinth-colored mantle around his shoulders,
>
> after speaking something rancid through his stammering nostril,
>
> filters out Phyllises, Hypsipyles, and whatever is lamentable among the bards,
>
> and trips up words with his tender palate.
>
> The men assent. Is not that poet’s ash now happy?
>
> Does not his tombstone now press more lightly upon his bones?
>
> The dinner guests praise him. Do not violets now spring
>
> from those shades, from that tomb and fortunate ember?
>
> You laugh, he says, and indulge your hooked nostrils too much.

Will there be anyone who refuses to wish to have merited the people's voice,

and, after speaking things worthy of cedar oil, to leave poems

which fear neither mackerel wrappers nor incense?

Among these, how many thousands are there whom it is harder and more laborious to hear than to work in the quarries, where all weariness must be driven from the body? Accordingly, good poets are few; many are, as Aristophanes jokes, **ἐπεφύλλιδες καὶ φυλλώματα, χελιδόνων μουσεῖα, λωβηταὶ τέχνης**: spurious excrescences which grow upon leaves, not clusters; chatterers, museums of swallows, disgraces of art. Refer here wandering beggar-poets and certain men who name themselves poets laureate. Because the race of bards is irritable, I certainly should not wish to irritate them. Yet it is necessary to acknowledge that many foreheads unworthy of so royal a foliage are shaded by it.

It is contrary to equity to impute the madness and stupidity of these men to true and prudent poets. Moses, Deborah, Barak, David, Solomon, Isaiah, and Jeremiah were most prudent men and nevertheless most excellent poets; their poems are sung daily to cast the seeds of wisdom and piety and to increase the virtues. Nor would you rightly call Homer imprudent in mind although blind. A bard is witness for a bard: Horace, Book 1, Epistle 2:

While you declaim at Rome, Lollius, I reread at Praeneste

the writer of the Trojan War,

who tells what is beautiful, what shameful, what useful and what not,

more fully and better than Chrysippus and Crantor.

Hear why I believe this, unless something detains you.

The tale in which Greece is related to have collided with barbarism

in protracted war on account of Paris's love

contains the passions of foolish kings and peoples.

Antenor judges that the cause of war must be cut away.

What of Paris? He denies that he can be compelled to reign in safety and live happily.

Nestor hastens to settle the quarrels

between the son of Peleus and the son of Atreus.

Love burns the one; anger, indeed, burns both alike.

Whatever madness kings commit, the Greeks are punished.

Within and outside the walls of Troy men sin

by sedition, deceits, crime, lust, and anger.

Again, as to what virtue and wisdom can accomplish,

he proposed Ulysses to us as a useful example:

the conqueror of Troy, who prudently examined the cities

and manners of many men and, while preparing a return

for himself and his companions over the broad sea, endured many harsh things,

incapable of being submerged by the adverse waves of affairs.

Inspect the subjects of Virgil, Lucan, Horace, Juvenal, and others. If you remove the wicked and impure things, you will clearly find that nothing in political life lay hidden from them; indeed, they understood most of the philosophers' deepest matters.

§ 9. But many have judged that poets should be expelled from the city. I admit it is so. Augustine relates the reasons in Book 2, chapter 14, of *The City of God*: "Next we ask: the poets themselves, composers of such fables, who are prohibited by the law of the Twelve Tables from injuring the reputation of citizens, while hurling such disgraceful revilings against God--why are they not held dishonorable like actors? And by what reasoning is it right that the actors of poetical fictions and of ignominious gods should be defamed, but their authors honored? Is the palm perhaps rather to be given to Plato the Greek, who, when he fashioned by reason what a city ought to be, judged that poets should be expelled from the city as adversaries of the city? He both bore indignantly the injuries done to the gods and refused to allow the minds of citizens to be painted and corrupted by fictions."

[Printed page 273]

"Compare now the humanity of Plato, expelling poets from the city lest citizens be deceived, with the divinity of the gods demanding theatrical games for their own honor. Plato, lest such things should even be written, although he did not persuade the frivolity and wantonness of the Greeks, nevertheless advised it by disputation. Those gods, by commanding, extorted from the gravity and modesty of the Romans that such things should even be acted. Nor did they merely wish these things to be acted, but dedicated, consecrated, and solemnly exhibited to themselves. To whom, then, would the city more honorably decree divine honors: to Plato, who prohibited these foul and impious things, or to the demons who rejoice in this deception of human beings, whom he could not persuade of true things?"

There are two reasons: because they fashioned false gods--concerning which Augustine also complains in Book 18, chapter 14, of *The City of God*--and because they corrupted morals. By the best law, such men are expelled as corrupters of the state. In Book 2 of the *Republic*, Plato judges them to be expelled on account of the disgraceful deeds and crimes which they fasten upon the gods; and in Book 10, after Socrates has said many things against poets, he at last decides the suit by a just judgment in favor of good poets. For he judges that those poets should be retained whose poems induce courage and chastity. Pythagoras held no other opinion. From this it plainly appears that this corruption of morals was most ancient; indeed, the Sibyl too sang concerning them:

Ἑλλάδα τὴν τριστάλαιναν ἀνιήσει ποιητής.

Poets will afflict thrice-wretched Greece.

Epicurus indeed has less authority in this matter. Although he may perhaps have proscribed the songs of bad poets from the state as the deliriums of little old women, nevertheless, because he condemned all the liberal arts by one ballot, he did no peculiar insult to poetry. It was more honorable for her to be proscribed with the rest as an honorable matron than to be retained alone in the kingdom of pleasure like a little prostitute. Eratosthenes and others, however, punished not the thing itself but its vices with exile.

It was charged as a fault against Fulvius Nobilior that he had taken a poet into his province. For at that time, as Cato is witness, if anyone pursued this study, he attached himself to banquets and was called a marauder. Fulvius therefore acted badly in taking him into the province, as though he were a flute-player, for the sake of pleasure. Would that today too the magistrate awakened to this matter, proscribed obscene and blasphemous little books with a grave penalty, and punished their authors. But I have said enough about these things where I treated the preservation of chastity in the state.

ON THE EDUCATION OF YOUTH

§ 10. I shall show briefly what method there is for attaining this eloquence, which ought to be stricter in rhythms, freer in words, and more sublime in thoughts. Aristotle wrote concerning poetry, but neither suitably enough for the abilities of learners nor in a complete treatise. Horace teaches how to avoid faults more than he instructs the beginner, and in his customary manner acts the satirist. In our time Vida and many others occupied themselves with teaching that art. Julius Scaliger snatched the palm from them all by writing seven books to his son Sylvius. I judge this a finished work, by which alone he merited more nobility than if, with Italy's approval, he had truly traced his stock to the family of the Scaligers of Verona.

But it was a great disgrace not only to poetry but also to philosophy and the other arts that Julius and Joseph, such famous alumni of those arts, labored with so persistent an imposture to insert themselves into another man's race and family. If they had possessed the strength, they would have attempted something after the ancient manner. As it is, they vigorously accomplished what they could and avenged themselves with savage poems, as dogs do by barking. Joseph wrote an elegant but bitter poem against the Most Serene Republic of Venice, in which he arraigns the Venetians as though they had unjustly wrested Verona from his ancestors, although his ancestors were no more counts of Verona than Irus was king of the **πτωχῶν** (*beggars*) of all the Achaeans.

But these are the errors of men who dream of great fortunes; when they fall upon great and troubled minds, they also stir great movements, as when a great force of winds has lain upon the great Ocean. Yet however his morals may have conducted themselves, Julius explained the art more accurately than everyone else and was himself a great poet. Nevertheless, his manner and system of writing were accommodated more to perfecting a bard than to instructing a novice.

Our Pontanus therefore undertook this care and disclosed the whole matter in an orderly and learned manner. I have seen no book more useful for learning poetry. Yet if anyone, after reading it, seeks more and more recondite matters, let him seriously unroll Julius. If he labors over comedy or tragedy, let him read through all of Martin Delrio upon Seneca; for he not only shows the road but carries and conveys a man, as though on swan's wings, to the high summit of Parnassus. Joseph Scaliger too, before their friendship was broken, preferred Delrio to everyone. Our Society imitates these authors in teaching poetry. I intend to place its method before the eyes.

§ 11. I said that in the middle grammar class an easy poet is explained and tender minds are thus gradually imbued with poetic rhythms; for although they do not know the system of verse, they are nevertheless delighted by measure and harmony.

In the highest grammar class, when they have now learned syntax, metrical art is learned. Thus the professor's rule provides: "On alternate days, the general precepts of metrical art are to be taught, with the exceptions omitted. In the later semester, however, for at least two months, let that part of grammar which is proper to the first class be reviewed; and on alternate days let metrical art be reviewed by running briefly through the rules already explained and dwelling upon the others as much as necessary. When the repetition of grammar has been completed, let metrical art thereafter be explained daily, with the exceptions, kinds of poems, and the things transmitted concerning patronymics and accent added."

Selected elegies of Ovid, Catullus, Tibullus, and Propertius and the easier books of Virgil are joined to this explanation. One hour each day is assigned to explaining and reviewing these authors. Accordingly, when the system of poems has been learned, they themselves are also gradually taught to compose, or to restore verses dissolved into feet and rhythms; next to compose Adonics, heroic verses, and elegies, and not attempt greater things. It will be sufficient if a student possesses the rhythms in his own poem and recognizes them in another's.

Thus instructed, he will be led to the humanities class, concerning which our method prescribes as follows: "The degree of this class, after the pupils have left the grammar classes, is to prepare, as it were, the ground for eloquence.

This occurs in three ways: through knowledge of the language, some erudition, and a brief instruction in the precepts pertaining to rhetoric. For knowledge of the language, which consists chiefly in propriety and abundance, Cicero is used in the daily lectures, generally in those books which contain moral philosophy; from the historians, Caesar, Sallust, Livy, Curtius, and any similar authors; from the poets, chiefly Virgil, with the *Eclogues* and the fourth book of the *Aeneid* excepted; in addition, selected odes of Horace, likewise elegies, epigrams, and other poems of illustrious ancient poets, provided they have been purged of all obscenity. Erudition is to be employed moderately, so that it may sometimes stimulate and refresh the ability, not impede observation of the language."

[Printed page 274]

"A brief summary of the precepts of rhetoric from Cyprian will be transmitted, namely in the second semester. At that time, with Cicero's philosophy omitted, some of his easier speeches may be taken, such as *For the Manilian Law*, *For Archias*, *For Marcellus*, and the others delivered before Caesar. That part of the Greek language which is properly called syntax belongs to this class. Care must moreover be taken that the pupils understand writers moderately well and know how to write something in Greek."

The authors prescribed here will now be easy after the instruction of which we have spoken has preceded in the lower classes.

Here too, in the first semester, metrical art or prosody is expounded on alternate days with a historian so that it may cling more firmly to the mind; in the second semester, the precepts of rhetoric and a historian alternate.

There are besides exercises which are designated in these words:

"In the second morning hour, let the most recent lecture be repeated briefly and a new one explained for half an hour or a little longer; soon afterward let it be demanded, and if any time remains, let it be placed in mutual contention among the pupils.

"In the final half-hour at the beginning of the first semester, let a historian and metrical art alternate by days; but after metrical art has been completed, let a historian be treated daily. In the second semester, let Cyprian's *Rhetoric* be either explained, reviewed, or disputed every day."

Greek authors and syntax likewise; composition of poems. Because the precepts of rhetoric are also common to poetry--for the poet is neighbor to the orator--the ornament and method of verse and several precepts of the art are also expounded. Rule 5 comprehends the whole method: "Let the lecture be lightly sprinkled at times with ornaments of erudition, as much as the explanation of the passage demands. Let the master pour himself out rather wholly upon observations of the Latin language; upon the force and etymology of words, which he will seek from approved authors, chiefly the ancients; upon the use and variety of expressions; and upon imitation of the author. Nor let him judge it foreign to express something at times in the native language, if it is chiefly useful for interpretation or possesses something distinguished. But when he explains a speech, let him examine the precepts of the art. At the end, if it seems good, it will be permitted to translate everything into the native language, but as elegantly as possible."

And Rule 6: "The subject for writing is to be dictated. In the first semester it is generally to take the form of a letter, word for word in the common speech. It will often be useful to compose it so that the whole has been torn from passages already explained in the lectures, here and there. About once each week, however, let them compose by their own effort, after some kind of letter has first been explained and letters of Cicero or Pliny pertaining to it have been indicated. In the second semester, let ability then be stimulated; and let chriae first, then proems, variations, and embellishments be composed when an easy and copious subject has been proposed. Let the master dictate the subject of a poem in Latin, with much variety of expressions. The method for a Greek theme will be the same as for Latin prose, except that it should generally be drawn from the author himself and the system of syntax shown beforehand."

And Rule 10: "Let poems be affixed to the walls of the school about every other month to adorn some more celebrated day, to promulgate officeholders, or on some other occasion, with all the most select poems copied by the pupils.

Indeed, according to the custom of the regions, let there also be something in shorter prose, such as inscriptions for shields, temples, tombs, gardens, or statues; descriptions, such as of a city, harbor, or army; narratives, such as of a deed performed by one of the saints; and finally paradoxes. Let pictures corresponding to the emblem or proposed subject sometimes be added, but not without the rector's permission."

Concerning Greek reading, Rule 9 provides: "In the Greek lecture, grammar and an author will be explained on alternate days. As to grammar, after briefly running through the matters transmitted in the first class, let the teacher pursue syntax and the system of accents. In the first semester, an author in prose will be taken from the easier writers, such as some speeches of Isocrates and Saints Chrysostom and Basil, some of the letters of Plato and Synesius, or something selected from Plutarch. In the second semester, some poem will be explained--for example, from Phocylides, Theognis, Saint Gregory Nazianzen, Synesius, and authors similar to them. The explanation, as the level of this class permits, is to serve knowledge of the language rather than erudition."

As the year inclines toward its end, the system of Greek syllables can be transmitted on alternate days with an author. Poems dissolved into prose order can also sometimes be composed anew.

Ancient poetry transmitted good precepts of morals and did not minister to wantonness. The more cultivated Greeks and Romans afterward made a prostitute from a virgin.

By this exercise a future poet or orator is not yet perfected, even if he possesses ability. For many precepts necessary to know are lacking, and especially practice, which requires a longer time; moreover, in our gymnasia the pupils' age is frequently not yet mature for more difficult labors. Accordingly, there follows another class, which we call rhetoric.

CHAPTER XX

Eloquence in Prose Speech

ON THE EDUCATION OF YOUTH

§ 1. Usage has customarily called this eloquence properly so called. Some define it as wisdom speaking copiously; others, as the art of speaking well. Aristotle, *Rhetoric*, Book 1, chapter 2:

Ἔστω δὴ ἡ ῥητορικὴ δύναμις περὶ ἕκαστον τοῦ θεωρῆσαι τὸ ἐνδεχόμενον πιθανόν.

Thus, therefore, rhetoric is the faculty which considers what has force for persuasion in each particular matter. For this is proper to no other art. For although both those who speak without art and those who proceed dialectically and philosophically endeavor to persuade, rhetoric nevertheless transmits the method of persuasion in all matters; for no one will have taught dialectic, medicine, or jurisprudence perfectly without eloquence.

No one can attain eloquence unless he has already become accustomed beforehand to speak correctly:

Ἀρχὴ τῆς λέξεως τὸ ἑλληνίζειν.

"The beginning of expression is to speak Greek correctly," says Aristotle, when discussing the eloquence of his native language. For the man who fastens the figures of eloquence upon faulty speech will do just what one does who sews golden borders and jeweled meanders upon a ragged and torn cloak. For he both dishonors the ornaments and makes poverty more conspicuous by the neighboring abundance, since contiguous contraries manifest one another. And, what is the chief point, he produces a monster fit to be laughed at: Irus in purple, golden sandals soiled with mud, a chamber-pot made of a gem.

Here there comes to my mind the premature haste of many parents in the education of their sons: they order those who do not yet speak to become orators. Hence we discern that the books of many theologians, jurists, physicians, and philosophers, though most polluted in their utterance, sometimes contain phrases and sentences ridiculously affected.

[Printed page 275]

For it usually happens that the most infantile man is the one who most affects eloquence. Eloquence is altogether a rare thing. Cicero is witness, in Book 1 of *On the Orator*: "For what reasons should anyone not rightly wonder that, from the whole memory of ages, periods, and states, so small a number of orators is found?"

He gives the reasons in the same book: "But unquestionably it is something greater than men suppose, and gathered from more arts and studies. For amid the very great multitude of learners, the great abundance of masters, the most excellent abilities of men, the infinite variety of cases, and the most ample rewards proposed for eloquence, what else could anyone think to be the cause, except a certain incredible magnitude and difficulty of the thing? For there is both a knowledge of very many matters to be comprehended, without which fluency of words is empty and ridiculous; and the speech itself must be established not only by the choice but also by the construction of words; and all the movements of minds which nature has bestowed upon the human race must be thoroughly known, because the whole force and method of speaking must be displayed in either soothing or arousing the minds of those who hear. To this must be added a certain charm and wit, an education worthy of a free man, and speed and brevity both in replying and in assailing, joined with subtle grace and urbanity. Moreover, all antiquity must be grasped, together with the force of examples; nor must knowledge of laws or civil law be neglected. For why should I say more about delivery itself, which must be governed by bodily movement, gesture, countenance, and the formation and variation of the voice? How great this is by itself, the slight art of actors and the stage declares: although all labor over the regulation of face, voice, and movement there, who does not know how few there are, or have been, whom we can watch with an

untroubled mind? What shall I say of memory, the treasury of all things? Unless it is applied as guardian to matters and words discovered and conceived, we understand that all of them, even if most splendid, will perish in the speech. Therefore let us cease wondering what the cause of the scarcity of eloquent men is, since eloquence consists of all those matters in each of which it is an exceedingly great thing to labor. Let us rather exhort our children and the others whose glory and dignity are dear to us to embrace in mind the magnitude of the matter, and not to trust that they can attain what they seek by those precepts, masters, or exercises which everyone uses, but by certain others. And in my judgment no one will be able to be an orator heaped with every praise unless he has attained knowledge of all great subjects and arts. For speech ought to flower and overflow from knowledge of things; unless the matter has been perceived and known by the orator, speech possesses a certain empty and almost childish eloquence. Yet I would not impose so great a burden upon our orators, especially amid so great an occupation with the city and with life, as to think that they may be ignorant of nothing--although the force of the orator and the very profession of speaking well seem to undertake and promise this: that upon every matter whatsoever proposed, he may speak ornately and copiously."

§ 2. Eloquence must indeed be maintained in a state because it conciliates the highest dignity for the state; but it must especially be cultivated by the nobility and by the prince. Aristotle truly says to Alexander:

> **Ὥσπερ γὰρ ἐσθῆτα σπουδάζεις τὴν εὐπρεπεστάτην τῶν λοιπῶν ἀνθρώπων ἔχειν, οὕτως εὕρεσιν λόγων λαβεῖν ἐστί σοι πειρατέον τὴν ἐνδοξοτάτην. Πολὺ γὰρ κάλλιόν ἐστι καὶ βασιλικώτερον τὴν ψυχὴν ἔχειν εὐγνωμονοῦσαν ἢ τὴν ἕξιν τοῦ σώματος ὁρᾶν εὐειματοῦσαν. Καὶ γὰρ ἄτοπόν ἐστι τὸν τοῖς ἔργοις πρωτεύοντα φαίνεσθαι τῶν τυχόντων τοῖς λόγοις ὑστερίζοντα, καὶ ταῦτα εἰδότα ὅτι τοῖς μὲν ἐν δημοκρατίᾳ πολιτευομένοις ἡ ἀναφορὰ περὶ πάντων τῶν πραγμάτων εἰς τὸν δῆμόν ἐστι, τοῖς δ' ὑπὸ τὴν τῆς βασιλείας ἡγεμονίαν τεταγμένοις, πρὸς λόγον. Ὥσπερ οὖν τὰς αὐτονόμους τῶν πόλεων διορθοῦν εἴωθεν ἐπὶ τὸ κάλλιστον ἄγων ὁ κοινὸς νόμος, οὕτω τοὺς ὑπὸ τὴν σὴν βασιλείαν καθεστῶτας ἄγειν δύναιτ' ἂν ἐπὶ τὸ συμφέρον ὁ σὸς λόγος. Καὶ γὰρ ὁ νόμος ἐστίν, ὡς ἁπλῶς εἰπεῖν, λόγος ὡρισμένος καθ' ὁμολογίαν κοινὴν πόλεως, μηνύων πῶς δεῖ πράττειν ἕκαστα.**

For just as you strive to excel other men especially in the adornment and magnificence of clothing, so you must also strive to receive that invention and force of speaking which is most beautiful and surpassingly most illustrious. For it is far more beautiful and more kingly to be well constituted in mind than to behold the condition of the body adorned with beautiful garments. For it is absurd that one who excels others in the glory of deeds should appear to yield in speaking to certain men of the lowest rank, especially since you are not ignorant that those who live under popular government refer all matters to the people, while those who have been placed under the guidance of one man's rule refer them to reason and speech. Just as the common law which leads toward some most honorable end has been accustomed to direct free states, so in the same manner may your speech also be able to lead those whom you hold under your rule to what is advantageous and useful. For law, so to speak, is a certain speech which, defined by the common consent of the state, commands in what manner each thing is to be done.

Certainly, speaking has been given commonly to all men; eloquence is what shows men to be learned, or makes them appear learned. Speech joined to learning is the guide of life. And certainly, after reason itself, nothing greater than the majesty of speaking has been given to man; for he who speaks well is heard both pleasantly and beneficially. Indeed, this is the chief ornament: as ability is the glory of a man, so eloquence is the light of ability. Afranius, when asked what he had learned in eighty-one years, replied: "Nothing except to teach well and to speak well," placing in this not only the whole dignity but even the majesty of life.

Nothing has raised more men to dignity than eloquence. Generals have attained the government of the state with greater danger, orators with greater labor. Yet there is this difference: orators hold authority both in war and in peace; generals hold it only in war and are neglected in peace. And certainly generals themselves who were distinguished in war, such as Vespasian, Hadrian, Domitian, and Alexander, established salaries for orators and immunity from burdens; thus Modestinus in *Si duos*, §6. Leo and Anthemius joined advocates and eloquent patrons of causes to them.

In free states, as there was always greater regard for eloquence, so there was also greater danger. Pericles held tyranny with arms.

Cicero, in Book 1 of *On the Orator*, commends it splendidly: "Nor indeed does anything seem to me more excellent," he says, "than to be able by speaking to hold assemblies of men, entice minds, drive wills wherever one wishes, and lead them away from wherever one wishes. This one thing, among every free people and especially in peaceful and tranquil states, has always flourished preeminently and has always held dominion. For what is so admirable as that, out of an infinite multitude of men, there should arise one who, either alone or with a few, can do what has been given by nature to all? Or what is so pleasant to know and hear as speech adorned and polished with wise thoughts and weighty words? Or what is so powerful and magnificent as for the movements of the people, the religious scruples of judges, and the gravity of the senate to be turned by the speech of one man? What, moreover, is so kingly, so liberal, so munificent as to bring aid to suppliants,

[Printed page 276]

raise up the afflicted, grant safety, free men from dangers, and retain men in the state? And what is so necessary as always to possess weapons by which you can either be protected yourself, challenge the wicked, or avenge yourself when provoked?"

I marvel at the great affection of the Athenians toward Gorgias of Leontini, for they called the days on which he had delivered a speech **ἑορτάς** (*festivals*), and named the speeches themselves **λαμπάδας** (*torches*). He was the first to adorn speech with antitheses, equal clauses, similarly falling endings, and other figures; and therefore Greece erected a golden statue at Delphi for him alone.

§ 3. This indeed is the dignity of eloquence; its force and efficacy in moving are far more conspicuous. Pyrrhus's orator Cineas is commonly adduced as an example: by speech he captured more cities than the most skillful commander captured by war. Cicero spoke most truly: "The authority and speech of a good citizen wrench weapons from the hands of angry citizens." More men have attained kingdoms and principalities through eloquence than through military courage. More men have also retained them. Caesar himself is an example. When the soldier enlisted for service against his fatherland had grown fierce because men stained by the same crime boasted that they had been made equal even to their commander, Caesar restrained them by a brief speech and brought it about that they inflicted punishment upon themselves:

> He stood upon a rampart of supported turf,
>
> Undaunted in countenance, and deserved to be feared
>
> By fearing nothing; and, as anger dictated, he spoke these words:
>
> "Soldier, who just now raged with face and right hand
>
> Against me while absent, you have my breast bare and ready for wounds.
>
> Flee from here, if the end of war pleases you, after abandoning your sword."
>
> The mutiny disclosed unwarlike minds, having dared nothing bravely;
>
> The young soldiery had contemplated only flight
>
> And had grown weary of the undefeated leader's successes.
>
> "Go, and leave me to my own fates for war.
>
> These weapons will find hands, and when you have been rejected,
>
> Fortune will restore as many men as spears will be vacant.

Or do the peoples of Italy follow the flight of Magnus
With so great a fleet, while victory will not give us a throng
Which, merely driven on, may carry off the prizes of war,
Seize the reward of your labor, and attend
Laurel-bearing chariots without a wound?
You, old men despised and a throng exhausted of blood,
Will behold our triumphs, now the Roman commons.
Do you think Caesar's course can feel
Any loss from your flight? Even if all the rivers
Should threaten to withdraw the springs which they mingle with the sea,
The deep would never sink more when those waters were removed
Than it now rises through their waters. Do you think that you
Have given me any weight at all? Never does the care of the gods
Press itself down so far that the fates have leisure for your death
Or your safety. The movements of the great--all these things follow them.
The human race lives in a few. The terror of the Iberian world
And the northern soldier under my name
Would certainly have fled with Pompey as leader. Labienus was brave
In Caesar's arms; now, a worthless deserter,
With his preferred leader he traverses lands and seas.
Nor is your loyalty better to me if you wage wars
With neither enemy nor me as leader. Whoever abandons my standards
And does not deliver his weapons to Pompey's party
Never wishes to be mine. Surely these camps are
The care of the gods, who wished me to engage in such great wars
Only after my soldiery had been changed.
Alas, how great a burden Fortune removes from shoulders
Now weary beneath its weight! It is granted to disarm right hands
That hope for everything, for which this world is not enough.
Now surely I shall wage wars for myself. Depart from the camp;
Cowards, hand over my standards to men--Quirites!
But a few, through whose instigation this madness blazed,
Are held back not by Caesar but by punishment. Prostrate yourselves upon the earth,

Lower your guilty heads, and stretch forth your necks to be struck.

And you, raw recruit, upon whose strength alone the camp will now stand,

Behold the punishment, and learn to strike;

Learn to die." Under the savage voice of the threatening man

The inert multitude trembled, and so great a body of young men feared

One head, although they were about to make it a private man,

As though he commanded their very swords

And would set the steel in motion even against his soldiers' will. Caesar himself fears

Lest weapons and right hands be denied him for this crime.

Endurance conquered the savage leader's hope

And offered throats, not merely swords.

Nothing does more than readiness to die to destroy minds accustomed to crime.

And each fears to perish. By the stroke of so dreadful a compact

Peace was obtained, and the soldiery returned, reconciled by punishment.

There is certainly great force in speech, nor should the eloquence of Hegesias, the Cyrenaic philosopher, seem astonishing: he discoursed so effectively upon the good of death and the evils of life that many laid hands upon themselves and sought lakes and precipices. Valerius, Book 8, chapter 9: "How powerful in eloquence do we suppose Hegesias, the Cyrenaic philosopher, to have been? He represented the evils of life in such a way that, when their pitiable image had been planted in the breasts of his hearers, he engendered in many a desire to meet voluntary death. Therefore King Ptolemy prohibited him from discoursing further on this matter."

Hence also the tales of the Gallic Hercules, of Thebes built to the lyre, of trees and wild beasts led along, and of the underworld pacified are told for this reason. The discipline of speaking well pertains no less to the providence of a prince than that of acting rightly. For since the multitude which addresses the prince is infinite, and since many have deserved exceedingly well of him, he cannot satisfy everyone in deed; therefore kindly words are necessary, so that he may raise them up and sustain them. For an honorable profusion of words is more welcome to many than benefits--benefits which princes insufficiently skilled in eloquence bring into hatred through harshness of words and a haughty brow. Such is often their arrogance that one regrets having obtained the request. For a benefit is unwelcome when given with hateful speech.

Anger, consternation, and arms yield to eloquent words. For learned eloquence both leads kings wherever it wishes and draws peoples. "After the kings had been expelled," says Valerius, Book 8, chapter 9, "the commons, in dissension from the fathers, settled under arms beside the bank of the river Anio upon the hill which is called Sacred. And the condition of the state was not only disgraceful but also most wretched, the remaining part of the body being divided from its head by a pestilential sedition. And had the eloquence of Valerius not come to its aid, the hope of so great an empire would have collapsed almost at its very birth. For by a speech he recalled the people, rashly rejoicing in a new and unaccustomed liberty, to better and sounder counsels and subjected it to the senate; that is, he joined city to city. Therefore anger, consternation, and arms yielded to eloquent words."

[Printed page 277]

He next produces from Greece an example not unlike it: "But Pericles, polished and equipped by the most earnest study under his teacher Anaxagoras, in addition to nature's most fortunate augmentations, placed the yoke of servitude

upon the free necks of Athens. For he drove the city and turned it at his own judgment. And although he spoke against the will of the people, his voice was nevertheless pleasant and popular. Therefore the slanderous tongue of Old Comedy, although it desired to lash the man's power, nevertheless confessed that a charm sweeter than honey dwelt upon his lips, and proclaimed that certain stings, as it were, were left in the minds of those who had heard him. It is reported that a certain man, when already very old, attended the first public address of the young Pericles, and that the same man, as a youth, had heard the now decrepit Pisistratus address the assembly; he could not restrain himself from exclaiming that this citizen ought to be guarded against, because his speech was most like the speech of Pisistratus. Neither his assessment of the utterance nor his augury of the character deceived the man. For what difference was there between Pisistratus and Pericles, except that the former exercised tyranny armed, the latter without arms?"

Victor likewise relates concerning Constantine that by eloquence he accomplished what could either scarcely be obtained or could be obtained only with much blood.

§ 4. But two things must be considered by a prince. First, he must carefully take heed that wicked men are not cultivated by eloquence. Second, eloquence must be accommodated to his own state.

The first is necessary, for power generally follows eloquence. Curios, Alcibiadeses, and the others of that kind must be kept away, lest they be armed against the state.

The second is that eloquence is not to be considered true unless it is accommodated to the manners of the people. If an Asiatic orator brings verbal cosmetics and luxuriance to Sparta, he will accomplish this: he will be mad according to method. For streams of words are not agreeable to them. When the Samians, oppressed by the tyrant Polycrates, came as suppliants to the Lacedaemonians for aid and set forth their calamities in a long speech, the latter--certainly arrogant in the face of another's calamity--replied that they did not remember the earlier things and for that reason did not understand the later. Then the Samians, to show that they too could **λακωνίζειν** (*speak laconically*), brought forward a bread-basket and said that it needed bread. The Lacedaemonians said that "bread" was superfluous; and thus aid was then decreed and given to them. For since the end of speech is that you disclose your mind to another and persuade him of what you wish, one must not employ speech from which the other is estranged. He speaks best who speaks suitably not only to art but also to the minds of his hearers, for this is considered the highest art. A calamitous yet royal woman attributes everything to eloquence:

Τί δῆτα θνητοὶ τἄλλα μὲν μαθήματα

μοχθοῦμεν ὡς χρὴ πάντα, κἀματεύομεν;

Πειθὼ δὲ τὴν τύραννον ἀνθρώποις μόνην

οὐδέν τι μᾶλλον ἐς τέλος σπουδάζομεν,

μισθοὺς διδόντες μανθάνειν, ἵν' ἦν ποτέ

πείθειν ἃ τις βούλοιτο, τυγχάνειν θ' ἅμα.

Why, then, do we mortals labor in the other disciplines and, as is proper, investigate them all, yet not rather pursue Persuasion, or Suada, who alone is queen of men, giving payment so that a man may be able to persuade others of what he wishes and at the same time obtain it?

If, therefore, the hearer is devoted to brevity, you will persuade briefly. Demetrius of Phalerum thinks that concise expressions penetrate more vehemently and that brevity befits those who command. Brief are those replies of the Spartans: to the Argives, **αἴκα** (*if*); to Philip, **Διονύσιος ἐν Κορίνθῳ** (*Dionysius at Corinth*). Indeed, they also had laws written with the same brevity. Charilaus spoke truly: **ὅτι τοῖς ὀλίγα λέγουσιν ὀλίγων καὶ νόμων ἐστὶ χρεία**. "Since they speak with few words, they also have need of few laws."

Yet I judge that brevity so extreme should scarcely be used, for it indicates great contempt and can be drawn into various meanings. Certainly you will not easily render a man well-disposed by a single little sentence; you will, however, collect great and eternally enduring hatreds if, as with a sharp weapon, you dig into his innermost parts. For deep and small wounds can scarcely be healed. The brevity of Phocion is praised by the ancients. When someone said to him, **Σκεπτομένῳ ἔοικας, ὦ Φωκίων**--"You seem like one looking intently, O Phocion"--he replied that he was looking to see what he could remove from the things he was going to say before the Athenians. Certainly, he was considering most properly what he could remove without prejudicing the cause; otherwise brevity would be unadorned and harmful. For he who omits the things that ought to be said betrays his trust; and he too betrays the matter who touches only in passing upon things that must be driven home, impressed, and repeated. But he who drives home foreign, exotic, and obscure things does not speak in order to persuade, nor does he wish to be believed, but to seem learned.

CHAPTER XXI

The System and Method of Learning Eloquence

ON THE EDUCATION OF YOUTH

§ 1. It is not my purpose to write a rhetoric. Many learned men have done that, especially Cicero, and Aristotle before him. But because I am instructing a prince who will place orators over his youth, I shall propose a brief practice for teaching this most beautiful science. For I protested above that nothing is more ruinous to academies than that each man should have the right to teach according to his own judgment: many lack prudence in establishing an order; more lack love of labor; and most lack constancy, for they gradually grow languid. I shall therefore propose the laws which our Society prescribes for the professor of rhetoric: both that I may answer those who criticize our method of teaching because they do not know it, and that I may show the reason by which it comes about that so many men distinguished in eloquence proceed from the schools of the Society. The professor's rules therefore read as follows:

"The level of this school cannot easily be defined by certain fixed limits, for it forms the pupil toward perfect eloquence, which embraces the two greatest faculties, oratory and poetry--of these two, however, the first place must always be assigned to oratory--and it serves not utility alone but also indulges ornament."

Eloquence certainly extends very widely, as I demonstrated in the preceding chapter, and it is not altogether perfect without knowledge of the other sciences. But young men must be instructed in such a way that they can carry the common precepts and the exercise of style over to the other sciences to which they will devote their labor. The first place is assigned to prose speech, because its use and necessity are chief in the state.

§ 2. Yet poetry must not be neglected altogether, even by those of middling ability. First, it confers a more perfect knowledge of the Latin and Greek languages, for poets speak, as it were, another language. Next, nothing is equally useful for abundance and elegance of speech, since the laws of verse compel a variety of words, thoughts, and figures to be devised. Nothing, however, is equally praiseworthy in young men as abundance of speech and a certain, as it were,

[Printed page 278]

luxuriance. For since wisdom is not yet mature enough to cut away and restrain everything that flows too excessively, there nevertheless ought to be something which a more mature judgment may one day remove. A vine which luxuriates prodigally is rendered fruitful by pruning; one which does not put forth superfluous shoots withers before autumn. Professors therefore provide very badly for abilities when they exercise with sharp epigrams and maxims those who do not yet comprehend them. For they confine abilities just as much as those who enclose growing bodies in garments smaller than their measure.

Let ample and customary subject matter be given: let them describe woods, seas, battles, and the common exercises of all poets--sunrise and sunset. The third utility of verse is that through practice they may learn thoroughly the quantities of syllables. I have indeed seen learned men who not only did not dare to pronounce and read but could not determine the quantity of syllables even while reading poets. This matter is so important that it impedes the freedom not only of delivering a speech but even of speaking privately. A constant fear of error threatens and oppresses speech with anxious dread.

This strict rhetoric therefore assists the other marvelously, renders it abundant, and adorns it; it brings it about that one dares to speak and read freely. Finally, prose speech also demands rhythms for itself, but generally avoids poetic rhythms, concerning which no one can judge unless learned. Cicero certainly labored very much in verse, but with neither Muses nor Apollo. Yet this exercise was an aid to him in eloquence. Nor, however, should Cicero's poems be

judged so harshly; for before him, who among the Romans wrote better ones? He read the ancients and spoke in their manner. For in Cicero's time prose speech flourished, and poetry a little afterward. The words of the rule follow:

§ 3. "In general, it can be said that eloquence is contained chiefly in three things: the precepts of speaking, style, and erudition."

Those three perfect eloquence if the natural goods of ability, memory, and disposition have been added. The individual matters must now be discussed.

Concerning precepts, the rule decrees as follows: "Although precepts can be sought and observed from every quarter, nevertheless in the daily lecture none are to be explained except Cicero's rhetorical books and Aristotle's *Rhetoric*--if it seems good--and his *Poetics*."

And in the distribution of time: "The second hour before noon is to be given to a lecture either on the precepts, if a speech is explained after dinner, or on a speech, if the precepts are explained then, provided that constancy is preserved in what was begun at the start of the year. A repetition is to follow, and when necessary a subject is to be given for writing a speech or poem. Whatever time remains is to be assigned either to contest or to the things they wrote in the first hour." And: "In the first hour after noon, after repetition of the last lesson, a new lecture is to be held, either on a speech, if precepts were expounded in the morning, or on the precepts, if a speech was. A repetition is to follow this in the customary manner."

No one has doubted that precepts are necessary. And it indeed seems to me that, although men are lower and weaker in many respects, they especially excel beasts in this: that they can speak. Therefore he seems to me to have attained something glorious who excels men themselves in the very thing by which men excel beasts. If perhaps this is accomplished not by nature alone nor by exercise, but is acquired also by a certain artifice, it is not foreign to the subject to see what those men say who left us certain precepts concerning that matter.

But before we speak of oratorical precepts, it seems necessary to speak of the kind of the art itself, its office, end, material, and parts. For when these matters are known, each person's mind will be able to consider the system and life of the art itself more easily and readily. There is a certain political science which consists of many great matters. A great and ample part of it is artificial eloquence, which they call theoretical rhetoric. For we neither agree with those who think that political science does not need eloquence, nor dissent greatly from those who think that it is wholly contained in the power and artifice of the rhetorician.

The precepts of the rhetoricians are innumerable and their books manifold; they must be sought from every quarter, for no book is so bad that it does not confer something good. But our public law commands that in the schools they be sought by explaining Cicero and Aristotle alone. And indeed I marvel at Cicero when he says in Book 2 of *On the Orator* that he will transmit only those things which practice itself taught him, and adds that, with us as guides, one should come to the place to which we came without a guide, since we are able to teach better things. I marvel, I say, since he had so many books of the Greeks and heard their orators, as he acknowledges concerning himself in the book *On Famous Orators*; nevertheless, once carried higher himself, he left everyone below him.

He certainly had Aristotle's books, in which Aristotle treated those things accurately; he is, however, more obscure and concise than is suitable for his explanation everywhere, especially in the three books of the *Rhetoric*. In the *Rhetoric to Alexander* he is plainer and professes great diligence, for he begins thus:

> **Ἐπέστειλάς μοι ὅτι πολλάκις πολλοὺς πέπομφας πρὸς ἡμᾶς τοὺς διαλεξομένους ὑπὲρ τοῦ γραφῆναί σοι τὰς μεθόδους τῶν πολιτικῶν λόγων. Ἐγὼ δὲ οὐ διὰ ῥᾳθυμίαν ὑπερεβαλόμην ἐν τούτοις τοῖς χρόνοις, ἀλλὰ διὰ τὸ ζητεῖν οὕτως ὑπὲρ αὐτῶν γραφῆναί σοι διηκριβωμένως, ὡς οὐδεὶς ἄλλος γέγραφε τῶν περὶ ταῦτα πραγματευομένων.**

"I have been informed by your letters that you have often sent certain men to us to ask me to write out for you the precepts of civil causes. I did not delay the matter up to this time through any negligence, but in order to seek to write

to you about these things so diligently that certainly no other person who had labored in these matters ever wrote more diligently."

Rightly and deservedly, therefore, do we follow those authors, but we Latins chiefly follow the Latin Cicero, who not only meditated upon the laws of eloquence in the shade but exercised them in the field and dust. He therefore transmitted genuine precepts and, what is chief, with such elegance and dignity that, while others are barren in them, he displayed the greatest eloquence in slender matters. Then, if we depart from Cicero, whom at last shall we explain? For what schoolman has lately arisen so speechless that some *Rhetoric* of his has not come forth into the light? Will you teach those laws from a compendium? It is not fitting: unless you teach eloquence eloquently, you will render pupils tongueless and mute. Soarius's *Rhetoric* itself is collected principally from Cicero and Quintilian; it is proposed to beginners at first, until they draw all the precepts from the fountains themselves. So much concerning precepts.

§ 4. Concerning style, the instructions for the rhetorician teach many things, especially those of Cicero. The chief point is that each person should propose someone to himself to be reproduced by imitation. Thus Cicero indeed says in Book 2 of *On the Orator*: "Therefore let this be first among my precepts: that we show whom he is to imitate, and in such a way that he most diligently pursues those things which excel most in the man whom he will imitate. Then let exercise be added, by which, in imitating, he may reproduce and so express the man whom he previously selected--not as I have often known many imitators to do, who in imitating pursue either things that are easy or even those that are conspicuous and almost faulty. Nothing is easier than to imitate someone's clothing, stance, or movement. If there is also something faulty, it is no great thing to take it up and be faulty in it. Thus that Fufius, who even now rages in the state after losing his voice--

[Printed page 279]

does not attain the sinews in Gaius Fimbria's speaking, which Fimbria nevertheless possessed, but imitates the distortion of his mouth and the breadth of his words. Yet that man did not know how to select the person to whom he should especially be similar, and in the very man whom he had selected he wished to imitate even his faults. But anyone who does as he ought must first keep watch in selecting; then, in the man whom he has approved, let him most diligently pursue the qualities that excel most."

"For what cause do you judge there to be why individual ages have produced almost individual kinds of speaking? We cannot judge this so easily among our orators, because they certainly did not leave many writings from which a judgment could be made, as among the Greeks, from whose writings the system and inclination of speaking belonging to each age can be understood. The most ancient men whose writings survive are generally Pericles and Alcibiades, and in the same age Thucydides: subtle, acute, brief, abounding more in thoughts than words. It could not have happened that the kind was one and the same for all unless they had proposed someone to themselves for imitation. Critias, Theramenes, and Lysias followed them. Many writings of Lysias survive, some of Critias; concerning Theramenes we hear. All still retained at that time the sap of Pericles, but they were of a somewhat more abundant thread. Behold, Isocrates arose, the master of all those men, from whose school innumerable leaders issued as from the Trojan horse; but some of them wished to be illustrious in procession, others in battle."

ON THE EDUCATION OF YOUTH

§ 5. Whom, then, will a young man imitate, if not Cicero? Those who lived before Cicero did not leave many writings, and now none survive; those who followed him are inferior to Cicero, and each followed a certain peculiar kind of speaking. Each also had certain faults of his own, greater than Cicero's, and virtues much smaller. The first reason, therefore, why we propose Cicero is that no one has given us a better man.

No ancient author escaped criticisms. Pericles and Thucydides were judged acute and unadorned by many. Many blamed Plato's **σύγχυσιν**, his confusion; the ancients said that many things in him were useless and many foreign to the matter. Athenaeus, Book 11, chapter 22 of the *Deipnosophists*, and Theopompus in his book *Against Plato's*

Manner. Aristotle's accurate diligence and often his **μικρολογία** (*minuteness of discourse*) were tiresome; because of his obscurity he displeased many, and to such a degree that they judged the ink of the cuttlefish to have been poured over his writings.

But, to withdraw from the quarrels and rivalries of the Greeks, let us treat the Latins. Lenaeus, Pompey's freedman, called Sallust a monster, a thief of Cato's words, and a most unlearned affecter. Trogus charged Livy with Patavinity; Caligula judged him verbose. Seneca, while he always desires to speak acutely, often drives home empty and frigid subtleties; nevertheless, Caligula almost removed him from the midst of life because of his eloquence. Quintus Remmius Palaemon called Varro, commended in so many ways by his contemporaries, a pig. All either had faults or envy fastened faults upon them. Terence, Virgil, and Cicero are accused by the Greeks of extortion; but Terence and Virgil gloried in having transferred Greek things to their own use. Cicero joined the force of Demosthenes, the sweetness of Isocrates, and the abundance of Plato, as Quintilian judged truly.

Nor ought it to deter us from him that he himself is not the author of everything; rather, it ought to allure us to imitate a man who so expressed by imitation the three virtues of the three most excellent orators that he surpassed them all. Yet among the men of his own age he was called rather swollen, Asiatic, excessively redundant in repetitions, sometimes frigid in witticisms, fractured and spineless in compositions. Indeed, Brutus called him soft, as the same Quintilian reports. He himself acknowledges the swelling, but, admonished by Molon, corrected it; and would that there were a similar swelling in all young men. Cicero, Book 2 of *On the Orator*. That swelling was ornament before the people, redundancy before the senate. The other faults belong to his rivals, not to Cicero; although nothing prevents a man who speaks daily in the senate or courts from having said many things which he would bring back to the anvil. Who does not know the difference between a public speaker who is well prepared and one who speaks for the occasion?

We speak of the speeches which have been left to us. They carried off this prerogative: the age was able to preserve no speeches of any earlier Roman orator besides them. Nor does the authority of Brutus move me. As a follower of Stoic discipline and an admirer of Cato, he despised a more polished and copious speech. But I shall convict those who censure the labors of our Society in this department and call men elsewhere, using as witnesses the very men whom they have cited to me; and I shall produce an argument to which not even calumny will attempt to reply.

He must be regarded as a great orator whose speeches brought it about that the speeches of all who flourished in the Roman state by the praise of eloquence ceased to be read--and this in a free state, not through fear or flattery but by the freest judgment, even that of his bitterest enemies--and whom posterity then imitated. But it is manifest that this happened to Cicero. In the *Brutus*, Brutus himself and the experience then present are witnesses. "Curio, therefore, was almost of the same age, certainly an illustrious orator, concerning whose ability one can judge from his speeches. For there are others, and also his noble speech *For Servius Fulvius on Incest*. When we were boys, it was judged the best of all; now it scarcely appears amid this crowd of new volumes."

"I understand excellently," says Brutus, "who brought about that crowd of volumes." "And I," Cicero says, "understand, Brutus, whom you mean. Certainly we both brought something good to the young--a kind of speaking more magnificent than it had been and more ornate--and perhaps caused harm because the ancient speeches, after ours appeared, ceased to be read, not indeed by me, for I prefer them to my own, but by most men." "Number me," he says, "among the most, although I see, on your authority, that many things which I formerly despised must now be read by me."

They will therefore concede this to me: even if we possessed an orator more ancient than Cicero, he should nevertheless not be proposed for imitation, since Rome ceased to read him when Cicero's volumes had been published and, as though acorns had been disdained after grain was discovered, rejected the ancient diction. Nor did the following age find anyone so foolishly arrogant that he would make himself equal to Cicero. Seneca, the most eloquent man of his time, acknowledges Cicero as the father of Roman eloquence. "Our Cicero too," he says, "from whom Roman eloquence arose, was a gradual worker." Let the same Seneca be heard concerning composition in Epistle 100:

"Read Cicero: his composition is uniform; it keeps its cadence, is carefully wrought, slow, and soft without disgrace. By contrast, that of Asinius Pollio is rough and leaping and will abandon you where you least expect. Finally, in Cicero everything comes to an end; in Pollio it falls, except for a very few expressions which are bound to a fixed measure and a single model."

But in Epistle 114 he seems to wish to censure Cicero. Yet because he speaks ambiguously, let us rather accept it in a good sense and not impute envy to Seneca, as if, because he himself followed another form of speaking, he had censured Cicero's style. Those who delight in criticisms of great men will believe this more readily, because writers transmit that Seneca turned Nero away from reading the ancient orators so that he might keep him longer in admiration of himself. I shall transcribe the whole passage because it treats imitation:

"Let us pass to composition. How many

[Printed page 280]

kinds of fault do you have in this? Some approve a stiff and rough composition. They deliberately disturb anything that has flowed out rather smoothly; they do not wish the joint to be without a rough place; they consider manly and brave whatever strikes the ear through unevenness. The composition of some is no composition but modulation, so greatly does it flatter and glide softly. What shall I say about that in which words are deferred and, long awaited, are scarcely returned at the close? What of that which is slow at its ending, as Cicero's is, sloping downward and ending softly, and answering in no other way than it customarily does, according to its own manner and cadence? The fault is not only in the kind of thoughts, if they are either petty and childish or shameless and have dared more than decency allows, but if they are flowery and excessively sweet, if they issue into emptiness and effect nothing more than their sound.

"Some one man under whom eloquence then stands introduces these faults; the others imitate and transmit them one to another. Thus, while Sallust was in vigor, amputated sentences, words falling before they were expected, and obscure brevity stood for cultivation. Arruntius, a man of rare frugality who wrote histories of the Punic War, was Sallustian and strove toward that kind. In Sallust there is: 'He made an army with silver,' that is, he procured it with money. Arruntius began to love that expression and placed it on every page. In one place he says: 'They made flight for our men.' In another: 'Hiero, king of the Syracusans, makes war.' And elsewhere: 'When these things were heard, they made the men of Panormus surrender to the Romans.' I wished to give you a taste. The whole book is woven from these expressions. Things which were rare in Sallust are frequent and almost continuous in this man--and not without cause, for Sallust happened upon them, whereas this man sought them.

"You see, however, what follows when someone's fault serves as a model. Sallust said, 'while the waters were wintering.' Arruntius says in the first book of the Punic War: 'Suddenly the storm wintered.' And elsewhere, when he wished to say that the year had been cold, he says: 'The whole year wintered.' And elsewhere: 'Thence he sent sixty light transports, besides the soldiers and the sailors' necessaries, while the north wind was wintering.' He does not cease thrusting this word into every place. Somewhere Sallust says: 'Amid civil arms he seeks reputations for equity and goodness.' Arruntius could not restrain himself from immediately placing in his first book: 'There were enormous reputations concerning Regulus.' These, therefore, and faults of this kind, which imitation has impressed upon someone, are not indications of luxury or a corrupted mind."

In Book 2 of the *Natural Questions*, Seneca says that Caecinna would have had some name for eloquence had Cicero's shadow not oppressed him. Lucan gave him the same testimony:

> The greatest author of Roman eloquence,
>
> Cicero, beneath whose law and toga fierce Catiline
>
> trembled before the peace-making axes.
>
> Eloquence added strength to a feeble cause.

What of Velleius Paterculus? “All eloquence burst forth under the leader of its own workmanship.” Pliny, Epistle 20: “The best speech of Cicero is the longest.” And Fabius 12.20: “Cicero is most eminent in all the qualities which are praised in each individual.” Indeed, even those who were his enemies charged him not with speechlessness but with immoderate eloquence; for no sane man denied that he was the most eloquent of Romulus’s descendants.

ON THE EDUCATION OF YOUTH

§ 6. Nevertheless, some censure this: they say that those who imitate Cicero are not learned. They prefer Lipsius or another in whose individual periods and thoughts there is either a point worthy of an epigram, a precious word from antiquity, or a hemistich from the best Greek sayings. Those things do not move me; for while such men pursue them studiously and affectedly, they become not only dry but even barbarous.

In that kind of style Justus Lipsius had a most peculiar gift; yet he himself everywhere inculcates the imitation of Cicero, detests his own imitators, and no one ever--or certainly very few--has attempted without inept subtleties what Lipsius did. But if that charge is pressed against the Society, it will be repelled without great labor by those who understand that it is one thing to draw forth the thought of one’s mind evenly, in Latin, and considerately, and another to patch together rhapsodies by leaps.

Let Caelius Rhodiginus come forward, who opened the eyes of all antiquarians. Although he has often seemed to many to speak stones--for his whole speech is rough and rocky--he nevertheless pursues Cicero with true praises in Book 25, chapter 13: “And lest we seem through want to have passed over our own authors, what is more abundant than Cicero, whom Pliny admires as placed beyond every hazard of ability, Quintilian pronounces the best master of speaking, Jerome confesses to have stood upon the summit of Latin eloquence, and Augustine, so great an assertor of Christian truth, plainly acknowledged that he owed his salvation to the *Hortensius*? What is more eminent? What streams of water overflow so greatly? What sea inundates more spaciously? What thunderbolt flashes more impetuously? You would believe him to seize the judge, envelop him, drive him headlong, and trample him down; you would think him not merely to set the hearer on fire, but himself to burn. Finally, you would believe him a certain god of minds. Whatever opposes and resists that rushing violence is judged to be beyond human comprehension.

“In him the force of Demosthenes ranges widely, the abundance of Plato shines, and Isocratean pleasantness caresses, entices, and moves--the school and workshop of speaking belonging to the man whose house lay open, as it were, to all Greece. Nor would you seek in vain the subtlety of Lysias, the acuteness of Hyperides, the resonance of Aeschines, the gravity of Africanus, or the gentleness of Laelius. So much the less tolerable is the book of Largus Licinius, which was portentously entitled *The Scourge of Cicero*. The qualities which shone singly in others all blossom together in one man, and indeed at the highest degree, so that you might judge the others hay, as they say. If you think that they should be compared with him, you would accomplish no more than if you attempted to compare act with potency, or with the entelechy which lies hidden in matter. Yet you will find men who, swelling with a censorious brow, contend that they have scented something of Asiatic swelling in so great an orator.”

Marcus Cicero writes concerning himself and Demosthenes: “You see,” he says, “that he accomplishes many things and we attempt many; that he is able, while we wish, to speak in whatever manner the cause demands.” There are afterward those who extol to me the brevity of Sallust with praises. I pass over what Seneca writes: while Sallust was in vigor, amputated sentences, words falling before they were expected, and obscure brevity stood for cultivation, which Arruntius, a man of rare frugality, imitated in the books in which he embraced the histories of the Punic War. That brevity is certainly plausible. I add also what the gravest authors have called it: immortal. Yet what is it to a judge whose attention is already occupied? Nor would I greatly approve Thucydides for this use. And because we seem to be tearing down great names before which it would have been far more honorable to rise, this is Marcus Cicero’s own judgment, from whom we know it was elsewhere also transmitted thus: “Brevity,” he says, “is a praise sometimes in some part of speaking; in eloquence as a whole it has no praise.”

Speeches from Cicero's books are therefore expounded so that the precepts of eloquence may shine more brightly in them, with all antiquity approving this. Yet other writings are not rejected, for the sixth rule also permits the exposition of others. The lecture is twofold: one pertains to art, in which the precepts are explained; the other to style, in which speeches are explained. In each, however, two things must be considered: first, which authors are to be taken up for exposition; then, what method of interpretation can be maintained. Enough has been said concerning the first in the first rule: Cicero alone is to be used for speeches; for precepts, Aristotle is to be added to Cicero.

[Printed page 281]

A speech must never be omitted; indeed, the explanation of precepts should be continued for almost the whole year, for the force of oratorical precepts is immense. Yet in place of this, where custom permits, as the year is now declining, the use of some author who contains greater erudition or variety is not forbidden. A certain lecture upon a poet may sometimes be interposed during the summer between lectures on precepts or on a speech.

§ 7. Of historians, Livy and Sallust are chiefly expounded. I do not trouble myself about the judgments of others; I shall use the testimony of the man whom I have already called forth on Cicero's behalf. "Moreover," says Caelius in Book 25, chapter 3, "that milky and overflowing amplitude of the Paduan historian, so often affecting the reader that it almost overwhelms him with a certain stupor, seems to me to nourish the ability far more richly; so much so that--as that man says of painters who did not know how to take their hand from the panel--you cannot tear your eyes away from the reading. In his speaking all things are not merely sketched but graphically expressed.

"That most sweet abundance, yet austere and not boiled down, shining and blossoming without labor--as Seneca writes of Theophrastus--is not merely poured over with nectar but anointed with a certain enchantment of Circe, whom Homer, the prince of letters, wished to be understood as a goddess. You desire to depart; the indescribable vastness of eloquence holds you with caressing loves. Yet it is not vast, but more honorably arranged, more preciously cultivated, divinely unencumbered. Nowhere is there childish paint or empty cosmetics, nowhere a more tightly curled lock. You are not present; the pleasantness already tasted summons you, far more powerfully than the songs of the Sirens, past which the deaf rower is at last said to have traveled. Not even a blind man could neglect this pleasantness if he perceived it only by its fragrance.

"What now shall I say of erudition? In this one man it so continually gushes forth, exults in such manifold fashion, and provokes every most ingenious man--his ear first well steamed and then washed with sharp vinegar--by a recondite knowledge of things, that in the very year when we were commenting upon these matters I drew this confession from my hearers for whose sake that labor was performed at Padua and whose inner fiber was by no means horn: that they carried away more benefit from one lecture dictated upon Titus Livy than from ten upon Sallust, whom we explained on spare days, that is, feast days."

Pollio Asinius nevertheless thinks that the phrasing of this man savors somewhat of Patavinity. I suppose this is because his speech is not colored with a certain urbanity, that is, the genuine propriety of the city of Rome--a quality which is perceived while reading rather than capable of being expressed in speech. For something greater rings and resounds more urbanely in Roman writers than in those of the other nations. Thus too Quintus Granius, a Roman herald, overwhelmed Tinca of Placentia, a most witty man, with some indescribable native flavor. And so a little old woman called Theophrastus, a man of divine eloquence, a foreigner, having marked his affectation of one word.

I believe that those Paduan hearers loved their fellow citizen too greatly. For who does not see that Sallust possessed greater ability and a more inward eloquence? Certainly Roman history has no men equal to these. Velleius is not to be despised; Curtius is customarily read in the humanities class. Tacitus surpassed all Romans and Greeks in prudence and judgment, but his style is more concise and weightier in thoughts than young men can comprehend or are able to imitate. Therefore he must be read by learned men, not proposed to beginners.

§ 8. But if someone asks me by what method those works are explained, I shall now state that too. Rule 7 speaks thus concerning precepts: “As to the method of interpretation, if precepts are being explained: first, the meaning of the precept is to be opened up, after the judgments of the interpreters have been compared, if it is rather obscure and they do not agree. Second, other rhetoricians who prescribe the same thing, or the same author if he prescribes the same elsewhere, are to be brought forward. Third, some reason for the precept itself is to be devised. Fourth, several similar and especially illustrious passages of orators and poets in which they employed that precept are to be adduced. Fifth, if anything from varied erudition and history contributes to the matter, it is to be added. Finally, it is to be shown how it can be accommodated to our own affairs; and this is to be done with the greatest possible selection and ornament of words.”

Rule 8 speaks in this manner concerning a speech or poem: “If a speech or poem is explained: first, the thought is to be expounded if it is obscure, and differing interpretations are to be judged. Second, the whole method of the art--namely, invention, disposition, and expression--is to be examined: how aptly the orator insinuates himself, how suitably he speaks, or from what topics he takes arguments for persuading, adorning, and moving; how many precepts he often mingles in one and the same place; in what manner he encloses reasoning for producing belief within figures of thought, and in turn interweaves figures of thought with figures of words. Third, several passages similar both in matter and words are to be brought forward, and other orators or poets who used the same precept to persuade or narrate something similar are to be produced. Fourth, the matters themselves are to be confirmed by the judgments of wise men, if the subject permits. Fifth, from history, fables, and all erudition, those things are to be sought which contribute to adorning the passage. Finally, the words are to be weighed, and their propriety, ornament, abundance, and rhythm observed. These things, however, have not been brought forward so that the master should always pursue them all, but so that he may select from them those which seem more opportune.”

§ 9. I do not think anyone will ask me about the utility or dignity of this interpretation, but rather that all will marvel how one man can be equal to so many and such varied labors. For it is the labor of a whole day, divided into various parts. First he reviews and corrects compositions. That immense labor is described in the fourth rule: “In correcting a composition, let him indicate if any fault has been committed in oratorical or poetic art, in elegance and cultivation of speech, in connecting the discourse, in arranging rhythms, in orthography, or otherwise; if any passage has been treated wrongly, obscurely, or humbly; if decorum has been insufficiently preserved; if any digression has been too long; and other things of the same kind. Finally, when the speech has been completed, let each pupil offer to the teacher the whole speech copied out together--or at least corrected--which he had previously brought in parts, so that it may appear that the speeches have been perfected by everyone.”

Ten things are proposed in the correction of a speech, five in its explanation, and still others in the theme; but I shall afterward explain the manner in which the Society forms its own instructors into professors.

§ 10. The exercises are daily, according to Rule 5: “The pupils’ exercises while the master corrects the compositions will be, for example: to imitate some passage of a poet or orator; to produce some description, such as of gardens, temples, a storm, and similar things; to vary the same expression in several ways; to translate a Greek speech into Latin or conversely; to embrace in prose the verses of a poet, both in Latin and in Greek; to change one kind of poem into another; to compose epigrams, inscriptions, and epitaphs; to excerpt expressions, whether Greek or Latin, from good orators and poets; to accommodate rhetorical figures to particular subjects; to draw forth from rhetorical and topical places many arguments concerning some matter; and other things of the same kind.”

Rule 9 determines the subject and kind of composition: “A subject for a speech is to be dictated, either the whole at the beginning of each month or in parts each week--for at most one speech is to be completed in each month. Let it be brief, but such as proceeds through all parts of a speech. Let the teacher indicate the topics of confirmation, the principal figures of amplification which could be employed, and, if it seems good, certain passages of good authors for imitation. Sometimes, after some writer according to whose imitation they should form the speech has been pointed out, let the matter be proposed word for word.”

And Rule 10: “The subject of a poem can also be transmitted either in writing or orally, either by indicating the matter alone or by adding a particular thought. Let it be either brief--such as the subject of an epigram, ode, elegy, or epistle--to be completed at one sitting; or longer, so that they may weave a poem, just as a speech, over several sittings.”

And Rule 19: “The master will sometimes be able to propose to the pupils, in place of a subject, some brief action--namely, an eclogue, scene, or dialogue--so that afterward the one which has been written best of all may be presented in the school, with the parts distributed among them, but without any theatrical ornament.” It is not merely to be presented to the master but also exhibited for public judgments.

Rule 18: “Let poems be affixed to the walls of the school about every other month to adorn some more celebrated day, to promulgate officeholders, or on some other occasion, with all the most select poems copied out by the pupils. Indeed, according to the custom of the regions, let there also be something in shorter prose”--

[Printed page 282]

ON THE EDUCATION OF YOUTH

§ 11. All this exercise tends to this end: that they exercise themselves as much as possible in writing and speaking. For eloquence is learned chiefly by practice. It is pleasing to marvel at the negligence of our age when it is estimated from the diligence of the ancients. Suetonius writes concerning Octavian Augustus: “From his earliest age he eagerly and most laboriously practiced eloquence and liberal studies. During the war at Mutina, amid so great a mass of affairs, he is said to have read, written, and declaimed every day. For thereafter he never spoke in the Senate, before the people, or before the soldiers except with a speech meditated and composed beforehand, although he did not lack the ability to speak extemporaneously upon sudden occasions. And lest he incur a hazard of memory or consume time in learning by heart, he instituted the practice of reciting everything. More serious conversations also with individuals, and even with his Livia, he had only from writings and from a little book, lest he say more or less extemporaneously. He pronounced with a sweet and peculiar tone of voice, and continually gave attention to Phonascus; but sometimes, when his throat was weakened, he addressed the people through the voice of a herald.”

Every circumstance increases our wonder. He was already eighteen years old; from his earliest youth he practiced eagerly. During the war at Mutina, where he was contending for reputation, resources, and life against powerful enemies, he read, wrote, and declaimed daily, so that you may recognize the genuine pupil of Cicero. That he chiefly read Cicero is evident from what was said above.

Posted compositions and declamations are proposed for this reason: that they may exercise mutual criticism and publicly furnish a specimen of their progress. We certainly see abilities wonderfully aroused by this means. In vain will they learn all the laws of all oratorical precepts; in vain will they read everything; they will not become orators without practice. No one becomes a soldier by reading or watching the gladiatorial art: it is necessary to strike the stake, to be burdened with arms and palisades, and to have struck the target with a practice weapon, so that at some time you may cut down an enemy. Tullius, the best master and model of speaking, chiefly commends this in Book 1 of *On the Orator*: “But the principal thing is that which--to speak truthfully--we do least; for it is a matter of great labor, which most of us flee: to write as much as possible. The pen is the best and most excellent maker and master of speaking, and not unjustly. For if meditation and reflection easily surpass a sudden and fortuitous speech, surely assiduous and diligent writing will surpass meditation itself. For all the topics, whether of art or of a certain ability and prudence, which are present in the matter concerning which we write, show themselves and occur to us when we seek them and contemplate them with the whole acuteness of our ability. And all the thoughts and all the words of every kind which are especially illustrious must come beneath the point of the pen and present themselves. Then the very arrangement and formation of the words is perfected in writing, not by a poetic rhythm but by a certain oratorical rhythm and measure.

"These are the things which produce cries and admiration in good orators, and no one will attain them unless he has written long and much, even if he has practiced most vigorously in these extemporaneous speeches. And one who comes to speaking from the habit of writing brings this ability: even if he speaks suddenly, nevertheless the things which are said seem like things written. And even if at some time in speaking he has brought something written, when he has departed from it, the remaining speech will follow in a similar manner. Just as, when a ship has been set in motion and the rowers have ceased, the ship itself nevertheless retains its motion and course when the impulse and beat of the oars have been interrupted, so in a continuous speech, when the written portions fail, the remaining speech nevertheless maintains an equal course, set in motion by the likeness and force of the written portions."

§ 12. In the same place he relates a twofold exercise. For he used either to express a Latin speech or verses in other words--in which he says there was this defect, that others had already occupied the best words--or to translate Greek. "Afterward," he says, "it pleased me, and I employed this method as a young man, to translate the Greek speeches of the greatest orators. By reading them I attained this: that when I rendered in Latin what I had read in Greek, I not only employed the best words, yet words in customary use, but also formed certain words by imitation which were new to our people, provided they were suitable."

What hope of eloquence can there be for us if we stand so far from Cicero and every subject for writing is tedious? How slight a reason calls young men away from writing--indeed, from speaking! It is shameful to say: when they offer a theme, they believe that they are laboring for their teacher. Ludovicus Vives severely assailed that error in his commentary on Book 22, chapter 11, of Augustine's *City of God*: "Certainly there was a divine force of ability in Marcus Tullius, who, amid the affairs and commotions of the whole world, so withdrew himself whenever he pleased that he found time not only in which to read, but also in which to write those things which we are never sated with admiring. If a little priestly benefice worth one or two annual sesterces, or a very small and very easy procuratorship, falls to one of us, we judge ourselves so hindered and entangled that we suppose we have obtained a lawful discharge from all letters and that we are treated with no slight injustice if we are summoned back to them. But if we handle any letters at all, first of all we of course cast up and repeatedly urge to the point of disgust our enormous and intolerable occupations, continually lamenting them, displaying them to others as objects of pity, and charging much to the account of the public advantage if anything has been wrought by us for their sake amid so many pressing affairs by which we are overwhelmed. Let us blush, by all the Muses, when idle, to reproach the parent both of Roman eloquence and of Latin philosophy for any lapse whatever, since his errors are more learned than all our well-spoken things."

How far had those men withdrawn from Brutus, to whom Cicero's age yielded and lowered its fasces?

[Printed page 283]

"Not so much the fruit and glory of speaking," says that man, "as its study and exercise delights me, and nothing will take it away from me, especially since you are so devoted to study." Thus plainly does Cicero describe his own youth in *On Famous Orators*: "The orators were heard by me every day in public assemblies. But grief first struck me, who was most eager to hear, when Cotta was expelled; while frequently hearing the others I was held by the keenest devotion, and every day, writing, reading, and preparing, I was not content with merely the exercises of an orator." And again: "Every day I practiced by declaiming, and I did this much in Latin also, but more often in Greek."

I had to set forth these things so that learned men who think otherwise may understand openly upon whose authority the schools demand daily writings--prose and verse, Latin and Greek--and resound with daily declamations. For at one time the frequency of compositions was objected to me; by displaying Cicero's example I answered them without words of my own. And certainly, if Tullius returned to life and watched those exercises, he would admonish this alone: that each should exercise himself with the greatest accuracy and labor. For by speaking wrongly men become accustomed to speak wrongly, and by writing badly to write badly. I have seen young men who changed their style in three months through diligent exercise; I have seen those who after two years wrote humbly and abjectly, because they never wished to lift their pen from the ground.

§ 13. I have spoken about writing; it follows that I treat of delivery. Thus Rule 16: "On alternate Saturdays, during the last half-hour before noon, with the humanities pupils assembled, a declamation, or a lecture, or a poem, or a Greek speech, or a poem and speech together, is to be delivered from the lectern by one or two of the pupils."

And Rule 17: "In the hall or church, a more serious speech or poem, or both--now in Latin, now in Greek--or a declamatory case, with arguments set forth on either side and a judgment delivered, is to be held about once each month; nevertheless, only after it has been reviewed and approved by the prefect of higher studies."

And Rule 19: "The master will sometimes be able to propose to the pupils, in place of a subject, some brief action--namely, an eclogue, scene, or dialogue--so that afterward the one which has been written best of all may be presented in the school, with the parts distributed among them, but without any theatrical ornament."

Rule 12 also pertains here: "The contest or exercise will consist both in correcting those things which one rival has detected in the other's speech, and in proposing to one another those things in which they practiced during the first hour; then in recognizing or composing figures; then in reciting or applying the precepts of rhetoric, letters, poems, or history; then in expounding more difficult passages of authors and explaining difficulties; then in pursuing the customs of the ancients and matters pertaining to erudition; then in interpreting hieroglyphics, Pythagorean symbols, apophthegms, proverbs, emblems, and riddles; then in declaiming, and in similar matters at the teacher's discretion."

All those things form and perfect the orator, even the performances of comedies and the contests of disputants. They shake off useless shame, furnish boldness, and strengthen the voice. For the majesty of an orator shines forth in delivery; the very countenance, voice, and breath are what rule the minds of the hearers. "There ought to be added," says Tullius in Book 2 of *On the Orator*, "a delivery varied, vehement, full of mind, full of breath, full of grief, full of truth. If in these works someone has comprehended that art by which, like Phidias, he can fashion the statue of Minerva, he will certainly not labor to learn how, like that same craftsman, to make the smaller works upon the shield."

§ 14. Nor is the voice alone polished and made illustrious; it is also rendered more urbane if the instruments of speaking are exercised by frequent delivery. For we distinguish different nations, even when they speak one language, from their sibilations and a certain peculiarity; there is something which can be heard but cannot at all be explained. Nature gave the same instruments of speaking to all--the tongue, lips, teeth, and palate. All those things are more rustic in the unpracticed and draw much from the common people unless they are diligently exercised. For in a marvelous manner the part of the upper lip which they call **φίλτρον** (*philtrum*), and the lower which is called **τύπος** (*form*), are adjusted by speaking; the prominence itself and **προσωμία** (*facial configuration*) produce certain marks of speaking. The tongue also is drawn by habit toward a particular part in such a way that it can hardly be changed. There is no other cause than custom and a nature made from motion. For just as the fingers of lyre players strike most softly and swiftly the distinctions of the strings, so too words are formed by use. Why, indeed, are the Chinese inhabitants unable to utter letters which are expressed by a swift curling of the air and by a stroke of the tongue as though of a plectrum--such as L and R--unless because they have not exercised the tongue for it? Nicolas Trigault of our Society certainly reported to me that those who associate familiarly with Europeans gradually learn to pronounce those letters.

ON THE EDUCATION OF YOUTH

§ 15. The most delicate judgment of the ears is also very greatly aided by rhythm, which is perceived only through the sound of the voice; because one who has not frequently heard men speaking, nor spoken himself, must necessarily be destitute of that faculty. Aristotle, in Book 3, chapter 8, of the *Rhetoric*, advises that speech ought indeed to possess rhythm:

> **Τὸ δὲ σχῆμα τῆς λέξεως δεῖ μήτε ἔμμετρον εἶναι μήτε ἄρρυθμον· τὸ μὲν γὰρ ἀπίθανον (πεπλάσθαι γὰρ δοκεῖ), καὶ ἅμα καὶ ἐξίστησι· προσέχειν γὰρ ποιεῖ τῷ ὁμοίῳ, πότε πάλιν ἥξει· ὥσπερ οὖν τῶν κηρύκων προλαμβάνουσι τὰ παιδία, τὸ "τίνα αἱρεῖται ἐπίτροπον ὁ ἀπελεύθερος;" "Κλέωνα." τὸ δὲ ἄρρυθμον**

ἀπέραντον· δεῖ δὲ πεπεράνθαι μέν, μὴ μέτρῳ δέ· ἀηδὲς γὰρ καὶ ἄγνωστον τὸ ἄπειρον. περαίνεται δὲ ἀριθμῷ πάντα· ὁ δὲ τοῦ σχήματος τῆς λέξεως ἀριθμὸς ῥυθμός ἐστιν, οὗ καὶ τὰ μέτρα τμήματα. διὸ ῥυθμὸν δεῖ ἔχειν τὸν λόγον, μέτρον δὲ μή· ποίημα γὰρ ἔσται. ῥυθμὸν δὲ μὴ ἀκριβῶς· τοῦτο δὲ ἔσται, ἐὰν μέχρι του ᾖ. τῶν δὲ ῥυθμῶν ὁ μὲν ἡρῷος σεμνὸς καὶ λεκτικῆς ἁρμονίας δεόμενος· ὁ δὲ ἴαμβος αὐτή ἐστιν ἡ λέξις ἡ τῶν πολλῶν· διὸ μάλιστα πάντων τῶν μέτρων ἰαμβεῖα φθέγγονται λέγοντες.

"The form of expression ought neither to possess meter nor to be without rhythm. The former is less suited to persuasion, for it seems to have been fabricated, and at the same time it distracts; for it causes attention to be given to when the like will come again. Thus children anticipate the heralds: 'Whom does the freedman choose as patron?' 'Cleon.' But that which is without rhythm is without a limit. It ought to be bounded, but not by meter; for what is unbounded is unpleasant and not accommodated to cognition. All things are bounded by number. But the number of the form of speech is rhythm, of which meters also are sections. Therefore speech ought to have rhythm, but not meter; otherwise it will be a poem. Nor ought it to seek rhythm with exactness. This will be accomplished if it possesses it only up to a certain point. Among rhythms, the heroic is grand and suited to diction, but in need of harmony. The iambus, however, is the very expression of the multitude. Therefore those who speak utter iambics more than any other meter."

[Printed page 284]

Indeed, the voice itself is made vibrant, the movements are made smooth, and confidence in speaking is prepared when one remembers that it has gone well. But nothing is equally necessary to the voice as moderation, or frequent change, so that it may be accommodated to every emotion. And this is the one reason why we frequently impose dialogues, little comedies, and contests upon youth who must be exercised; for by that method they learn to bend the voice to all movements of minds, much better than by the flute of Gracchus. But this matter also was once a concern to the greatest orators. Cicero, Book 3 of *On the Orator*: "For the use and praise of delivery, the voice without doubt obtains the greatest part. First it is to be desired by us; then, whatever it shall be, it is to be preserved. Concerning how the voice is to be cared for, nothing now pertains to this kind of instruction; yet I certainly judge that it must be cared for greatly. But it does not seem foreign to the office of this discourse of ours to observe that, as I said a little before, in very many matters that which is most useful is somehow also most becoming.

"For maintaining the voice in speaking, nothing is more useful than frequent change; nothing more destructive than an unrestrained exertion without interruption. And as regards our ears and the pleasantness of delivery, what is more fitting than alternation, variety, and change? Accordingly, that same Gracchus--as you can hear, Catulus, from Licinius, your client, a learned man whom he had as a slave at his hand--was accustomed to have a skilled man stand concealed behind him with a little ivory flute when he addressed the assembly. This man would quickly sound that note by which he might either arouse him when relaxed or call him back from exertion."

"By Hercules, I have heard it," says Catulus, "and I have often admired both the man's diligence and also his learning and knowledge." "But I," says Crassus, "have heard it too, and indeed I grieve that those men fell into that deception in the state--although such a web is now being woven and such a manner of life is being urged on in the state and displayed to posterity that we already desire to have men like those citizens whom our fathers did not endure." "Leave that conversation, I beg you, Crassus," says Julius, "and return to the flute of Gracchus, whose rationale I do not yet fully understand."

"In every voice," says Crassus, "there is some middle pitch, but one proper to each voice. To raise the voice gradually from this point is useful and pleasant. For there is something rustic in beginning with a shout, and that same practice is salutary for strengthening the voice. Then there is a certain extreme of exertion, which nevertheless is lower than the sharpest shout; the flute will not permit you to proceed to that shout and will nevertheless call you back from the exertion itself. Conversely, there is likewise a certain deepest point in relaxation, to which one descends as though by steps of sounds. This variety and this course of the voice through all its sounds will both preserve the voice and bring

pleasantness to delivery. But you will leave the flute-player at home and carry with you into the forum the perception produced by this habit."

It is especially important, however, that by hearing and speaking the discourse should be colored, as it were, by a certain urbanity. But what is the color of urbanity? Tullius answers in *On Famous Orators*: "'I do not know,' I said; 'I only know that there is a certain one. You, Brutus, will now understand it when you come into Gaul. You will indeed hear certain words not current at Rome, but these can be changed and unlearned. The greater matter is that something more urbane rings and resounds in the voices of our orators. Nor does this appear in orators alone, but also in others. I remember Titus Tinca of Placentia, a most witty man, contending in sharp speech with our friend Quintus Granius, the herald.' 'Is he,' says Brutus, 'the one concerning whom Lucilius says many things?' 'The very same. But Granius overwhelmed Tinca, though he said no fewer things wittily, by some indescribable native flavor. Thus I no longer marvel that what is related happened to Theophrastus. When he asked a certain little old woman for how much she was selling something, and she answered and added, "Stranger, it cannot be sold for less," he took it ill that he could not escape the appearance of a foreigner, although he had passed his life at Athens and spoke excellently. In all our urbane speakers, as I think, there is a certain sound, just as there was among the Attic speakers.'"

§ 16. Therefore those who despise these things as though accidental deprive their pupils of a great and almost the whole fruit of their labors: either because the matter is one of great labor, or because the teachers themselves do not know the laws of delivery, or because instruction in this part is disagreeable to the pupils; for to correct the voice and gesture very often contains a silent reproach of rusticity.

§ 17. I wish the things which I have said concerning Latin to be understood concerning Greek also, although I observe that pupils generally make less progress in it, because that language is less loved and does not seem to many to possess the same utility. Nevertheless, I shall not omit the things which have been established among us concerning it.

"In the second hour before noon," it says in the distribution of time, "after the last lecture upon a Greek author has been repeated, a new one is to be explained and exacted. The remaining time is to be reserved now for correcting Greek compositions, now for Greek syntax and metrical art, and now for a Greek contest."

Rule 13 indicates to us a selection of authors and the most excellent ones: "The Greek lecture, whether upon orators, historians, or poets, is to be only upon ancient and classical authors: Demosthenes, Plato, Thucydides, Homer, Hesiod, Pindar, and others of that kind--provided that they have been expurgated--among whom, with the best right, Saints Nazianzen, Basil, and Chrysostom are to be placed. During the first semester, orators or historians are to be interpreted; yet once each week some epigrams or brief poems may be interposed. In the latter semester, conversely, a poet is to be explained, with an orator or historian interposed once. Although the method of interpretation ought not entirely to reject matters of erudition and art, it will nevertheless look rather to the propriety and use of the language. Therefore some expressions are to be dictated in each lecture."

Rule 14 provides thus concerning Greek precepts: "At the beginning of the year, Greek syntax and the measure of syllables are to be explained on alternate days, if there is need; syntax indeed briefly, by recalling certain principal heads."

The last part concerns erudition, about which Rule 15 is written thus: "For the sake of erudition, on a vacation day, in place of a historian and poet, it is permitted sometimes to bring forward other more recondite matters: such as hieroglyphics; emblems; questions pertaining to the poetic art--concerning the epigram, epitaph, ode, elegy, epic, and tragedy; concerning the Roman senate and the Athenian senate; concerning the military practice of each nation; concerning gardening, clothing, the dining room, the triumph, the Sibyls, and other things of the same kind--yet in moderation."

What we call erudition therefore extends very widely and embraces every knowledge of histories and antiquity. This is the knowledge of history and of those things which are attached to it, such as laws, institutions, and customs.

[Printed page 285]

CHAPTER XXII

That a Prince Can Have Professors Who Accomplish All These Things

ON THE EDUCATION OF YOUTH

§ 1. To one considering the matter more carefully, it will certainly seem arduous to find a man who either wishes or is able to accomplish so many and such varied things. Nor do I deny that the labors in this matter are very great. I recall with grief that certain most able men among my colleagues lost their lives in that course, when, through ardor for study, they flew past the limit.

But I shall set forth without any concealment the method which our Society employs in this matter. For princes and states which do not employ the work of our Society will also be able to train other professors according to this norm; and these things cannot be useless to the other religious orders which educate youth. For it will be conceded that certain distinguished seminaries of the best teachers may be established with great utility.

§ 2. The first requirement, therefore, is that none but suitable men be admitted into that company of future professors. The Society determines in general as follows concerning those to be admitted into the number of its members, in Part 1, chapter 2, of the *Constitutions*: "Speaking universally of those who are to be admitted, the more gifts of God, natural and infused, with which they are endowed for advancing the divine service according to the institute of the Society, and the more certain the trials by which they have been examined, the more suitable they will be to be admitted into it.

"As regards externals, they ought to be endowed with an honorable appearance, health, age, and strength for enduring the bodily labors which offer themselves in the Society; and they should seem to possess, or certainly to be likely at some time to possess, some talent for assisting it.

"Although it would not be useless to the men themselves to be admitted, nevertheless, considering the end and manner of proceeding of our institute, we persuade ourselves in the Lord that it is not expedient for His greater service and praise to admit men of very intractable ability or men useless to the congregation.

"Those who would be admitted for this purpose, that they assist the Society in spiritual matters, ought--considering what a ministry of this kind requires in order that the souls of their neighbors may be assisted--to be adorned with the following gifts of God.

"As regards the intellect: with learning, or an aptitude for acquiring it; and with discretion in conducting affairs, or certainly a disposition of good judgment for acquiring it.

"As regards memory: with an aptitude for apprehending and faithfully retaining precepts.

"As regards the will: that they be devoted to universal virtue and spiritual perfection; calm, constant, and strenuous in the things which they undertake for the divine service; that they possess zeal for the salvation of souls and, for that reason, be well disposed toward our institute, which directly tends toward assisting those souls and disposing them to attain their ultimate end from the hand of God, our Creator and Lord.

"In externals, a grace of speech is desirable, as being most necessary for dealing with one's neighbors.

"An honorable appearance, which is accustomed to be edifying to those with whom one deals.

"Good health and strength by which they can endure the labors of our institute.

"An age suitable for those things which have been said: for admission to probation it ought to exceed the fourteenth year; for profession, however, the twenty-fifth.

"External gifts of nobility, riches, good reputation, and similar things, just as they are not sufficient if the others are absent, so, when the others are present, these will not be necessary. Nevertheless, insofar as they contribute to edification, they render more suitable for admission those who would otherwise be suitable without them on account of the other aforesaid endowments. The more one who desires to be admitted excels in these, the more apt he will be for this Society, to the glory of the Lord our God; but the less he excels, the less suitable he will be. Yet the holy unction of divine wisdom will teach those who have undertaken this care for His obedience and more abundant praise what measure ought to be observed in all these matters."

If a state assigns young men of this kind to a seminary, there is no doubt that it will shortly possess a great supply of learned men.

§ 3. The Society admits them either when they have completed these studies of rhetoric or when they have finished the course of logic, physics, metaphysics, ethics, and mathematics. Hearers of rhetoric are admitted with greater difficulty; for although many possess mature and prudent judgment, we nevertheless prefer both that their judgment should grow while they hear philosophy for three years and that constancy should be strengthened by duration.

§ 4. For two entire years they are instructed in piety in the house of probation, and every day all the labors to be undergone throughout their whole lives are impressed upon them. The rules of the master of novices explain this matter excellently, and I have shown it in the little book *On the Secrets of the Society of Jesus*. Every six months they examine the apostolic letters and the rules with renewed attention, and test their strength and spirit. Those who, when the two years have been completed, have been approved by us, if they themselves also wish it, offer to God vows of poverty, chastity, and obedience. They must be prepared for any ministries and offices whatever; to labor, teach, preach, depart for either India, and go to death for the conversion of nations. And we are perpetually admonished not to seek any human recompense from our labors, but to offer the whole to God.

Although this does not pertain to studies, it is nevertheless the foundation of studies. For one who has some proposed aim for his labor other than the glory of God and the welfare of youth and of the state which depends upon it will never persevere amid so great labor. But those who have voluntarily chosen insults, mockeries, chains, prisons, shipwrecks, the **ἀνθρωποφαγίας** (*cannibalism*) of barbarians, and prolonged troubles throughout their whole lives are not wearied by the lesser labors of schools, although no remuneration answers to them in this life.

§ 5. If, therefore, some state trains professors in this manner and takes care that they do not aspire to repose and hunt after honors through the momentary labors of three or four years, it will protect and educate youth excellently. For men never treat studies seriously when they salute them as though from the road, tend elsewhere, and--as they are accustomed to say--judge themselves born for greater things.

§ 6. Although the two years of novitiate are spent in the exercise of virtue and Christian philosophy, they nevertheless produce no moderate progress in letters; for through companionship with learned men, the reading of sacred books, meditation, and preaching, it is necessary that they become more learned.

§ 7. When probation has been completed and the vows pronounced, if they have heard philosophy before, another two years are granted for the repetition of humane letters and philosophy. Everyone understands how important this is.

[Printed page 286]

For young men who have already made good progress apply themselves to studies alone, without any other labor and without any care. During this time they recall the precepts of learning, orators, histories, and every memorial of antiquity; they look ahead to the lectures which they will one day explain; they note what will be useful; they conceive and write the subject matter to be dictated for speeches and poems. And just as Cicero did not come into the forum in order to learn, but brought there what he had already learned, so too our professors do not rush unprepared into their labors, but come after meditation.

§ 8. If they have not yet been imbued with the philosophical sciences, for three entire years they are educated most studiously in them, not only by the exercises of the academy but also by domestic instruction. Nevertheless, meanwhile there are daily exercises of some kind in eloquence, and toward the end of philosophy they devote themselves wholly for several months to the study of humane letters.

§ 9. These arrangements, therefore, contribute greatly to training teachers, and it would be worthwhile for all states to establish for themselves that law which was laid down for our provincial superiors and is the fourth in the order of those concerning studies: “Well in advance let him provide which professors he can have for each faculty, observing those who seem more apt for that matter--who are learned, diligent, assiduous, and devoted to the progress of the students both in lectures and in other literary exercises.”

For learned men are not born but made. But that they may become such, no expense is to be spared; they are to be invited by every method and advantage. The same matter is commended to the others; the ninth rule of the rector expressly provides concerning professors of humane letters: “Lest the teachers of the lower classes approach teaching while inexperienced in teaching, the rector of the college from which teachers of humane letters and grammar are customarily drawn shall select some one man most skilled in teaching. Near the end of their studies, those who are soon to be teachers shall assemble before him three times each week for an hour, to be instructed for their new teaching office; and this by turns through lecturing, dictating, writing, correcting, and performing the other duties of a good teacher.”

§ 10. But after they now proceed into the academies and seem instructed in everything, they are not immediately sent to teach those things which they are able to teach, but begin from the lower subjects. Those who were able to be engaged in poetry and oratorical ability with praise and distinction teach grammar. This has a twofold utility. The first is that those who were capable of greater things explain easier matters without great labor and anxiety. For those who can carry the palisade and provisions are no more wearied by carrying their arms than by carrying their limbs. For one who already knows the most difficult passages of Tullius, Virgil, Horace, and others, the exposition of easier passages is familiar conversation, not a profession.

The second is that in spare hours and private study they can treat greater things and thus proceed most fully prepared to the higher sciences. Finally, all these things overflow to the advantage of the pupils; for it cannot happen that a learned and widely read teacher, even while doing something else, should not scatter many learned things which, although they do not adhere in all, nevertheless adhere in more capable minds.

§ 11. When this course of humane letters has been traversed, they are sent to hear theology for four years; during this time they both repeat philosophy and equip themselves to teach it. Indeed, many who are already nobly educated in philosophical and theological studies return to those studies so that they may teach eloquence with greater judgment.

§ 12. Obedience first renders all those things light. Through it they cheerfully receive everything as though commanded by God; and they attend not to what they do, but to the diligence, charity, and humility with which they discharge their office. For they know that the highest reward is placed even in a humble station, and each chooses to be abject in the house of God.

§ 13. “Poems,” says that man, “seek the retirement and leisure of the writer.” The professors of the Society possess very much leisure--but busy leisure, literary leisure. This arises first from the freedom of a mind which has most fully claimed itself into its own power by submitting itself entirely to the will of another. Thus they neither complain about their present condition nor think anxiously about the future, while the rest of men, generally suspended upon what is to come, allow the present to slip past. No care for food, clothing, or provisions to be accumulated for old age torments them. There is no burdensome trouble concerning wives, children, or grandchildren; no banquets and drunken bouts which steal time by delighting and, after pleasure, assail them with diseases and pains. Dinner is finished in half an hour, and the little supper even more quickly; yet not even that refreshment is without the choicest reading. I have said more concerning these matters in the little book *On the Secrets of Our Society*.

The familiarity and conversations of many learned men, which are often more useful than study itself, also help very greatly. Finally, there is the abundance of books which each college is accustomed to procure according to its resources. After God, we are accustomed to call this also our treasure. If a prince were to establish some college in this manner from an order of religious or of canons, he would certainly provide most excellently for the provinces and would possess constant teachers of wisdom.

CHAPTER XXIII

Philosophy Is Useful to the State, and How It Is to Be Taught

ON THE EDUCATION OF YOUTH

§ 1. The judgments of many concerning philosophers and philosophy are, and formerly were, bitter. For I said above that they were driven from the state, and the books of others were burned. The books of Numa, king of the Romans, written in the Greek language, were burned in the sight of the Quirites by authority of the Senate. Lactantius, Book 1, chapter 22. By the same judgment the memorials of Labienus were burned, Seneca, *Controversies*, Book 10; and Tacitus, Book 4 of the *Annals* and the *Life of Agricola*, laments that the memorials of the most illustrious abilities were burned. Alcius and Philiscus were driven from Rome when Lucius Postumius was consul. Antiochus also drove philosophers from his kingdom, threatening hanging to their followers and grave penalties to their parents. In the year 593 of the city, by a decree of the Senate, they were ordered to depart from the city. In the year 615, the Chaldaeans were ordered to depart from the city and Italy within ten days. Cato judged that Carneades and Diogenes, the philosophical ambassadors of the Athenians, should either not be admitted into the city or be dismissed at once. Plutarch, *Cato*. Indeed, he judged that the Greeks should universally be expelled. “Whenever that nation shall give us its letters,” he says, “it will corrupt everything.” Concerning Lysimachus, Sophocles, Agrippa, Tiberius, Nero, Domitian, Vespasian, and the Messenians, our Laelius writes at length in Book 3, chapter 7.

§ 2. Next, philosophers are accused of innumerable vices: with great haughtiness they despise everyone and admire themselves. Third, they are seen not only to be vicious--

[Printed page 287]

--but nothing is more vicious than a vicious philosopher, since they are not *sophi* but *asoti*, as Salvian says in Book 1, chapter 4, *On the True Judgment and Providence of God*. “Nothing,” he says, “is more shameful than a philosopher pursuing obscene vices, because, in addition to that deformity which the vices possess in themselves, the name of wisdom is still more disgraced.” But philosophers were most vicious--not only those concerning whom Plautus writes in *Curculio*, Act 2, Scene 3:

> Then those cloaked Greeks, who walk with covered head,
>
> Who walk stuffed with books and with little baskets,
>
> Stand still and confer discourses among themselves like runaway slaves;
>
> They obstruct and stand in the way with their opinions;
>
> You may always see them drinking in the wine shop.
>
> There, what they have stolen, with covered head they drink hot,
>
> And go about gloomy and drunken;

but their leaders also. For apart from the fact that most of them learned the magical arts--as Pliny teaches concerning Pythagoras, Empedocles, Democritus, and Plato in Book 30, chapter 4--they went to the Egyptians and Chaldaeans, among whom there was little of purer philosophy and much of superstition. Concerning Pythagoras, Laertius certainly writes that he was seditious, furnished an occasion for sedition, and was desirous of tyranny. Indeed, how far from the precepts of philosophy is that which the same Laertius and Hermippus relate! For when he had come into Italy, in order to subdue the uncultivated peoples by imposture, he made an underground house. He instructed his mother to record upon tablets, with the time noted, whatever happened meanwhile among those above. And when, after a year,

almost killed by filth and emaciation, he emerged and secretly read the tablets, he recounted everything to those who marveled, but lied that he had been among those below, so that by this method he might hunt after a reputation for divinity.

How destructive was Empedocles, who, through love of a famous death, cast himself headlong into burning Etna? Socrates also, if we believe Aristophanes, taught those tricks by which men are injured under an appearance of law--namely, to make **τὸν ἥττω, τὸν κρείττω λόγον**, to make a bad cause good by speaking. Porphyry, writing about him from Aristoxenus, says that he was lustful, accustomed to become most violently angry, burdensome to his parent, and most shameful in every vice. Plato, the pupil, was not much better than his master: a slave of foul lust, liable to anger, possessed of scurrilous sharp speech, initiated into the rites of Egyptian monsters, a reviler, abusive, vain, eager for glory--Athenaeus, Book 1, chapter 22--and finally a teacher of tyrants.

Aristotle possessed no smaller vices, if we believe Laertius. Through helplessness in his love of Hermias's concubine, he sacrificed to her as though to Eleusinian Ceres. Shame certainly forbids us to speak concerning Diogenes the Cynic and that entire cohort of dogs and herd of Epicureans. In how great crimes of teaching and living were the Stoics themselves engaged? They bound God's providence to fate and abolished freedom and every distinction in sin. Seneca the Stoic, who surpassed all philosophers in holiness of speech, is accused in Tacitus, Book 13 of the *Annals*, and in Dio's *Nero*, of adulteries with princely women. Hence Lucian also, the mocker of all men and especially of philosophers, compares philosophy to a poison, which, when taken immoderately, kills like hemlock and other poisons; and thus, lest it be harmful, it ought merely to be tasted.

They next allege in summary the doctrines of the philosophers, as absurd and altogether abhorrent from civil government: such as the community of all things, even of wives, which is found in Plato. Next, they were judged inept for civil affairs; Antonius, in Cicero, Book 1 of *On the Orator*, thinks that Socrates was condemned on account of his inexperience in speaking. Finally, that case is pleaded in Seneca, *On the Happy Life*, chapter 17:

"Why do you speak more bravely than you live? Why do you submit your words to a superior, regard money as a necessary instrument for yourself, become moved by loss, let tears fall when you hear of the death of your wife or friend, look toward reputation, and become touched by malicious reports? Why is your country estate cultivated beyond what natural use demands? Why do you not dine according to your own prescription? Why is your furniture more splendid? Why is wine older than your own age drunk in your house? Why, moreover, is a house arranged? Why are trees which will give nothing beyond shade planted together? Why does your wife carry in her ears the valuation of a wealthy household? Why is your troop of young attendants girded in costly clothing? Why is ministering an art in your house? Why is the silver not set down casually and as one pleases, but service is rendered skillfully, and there is someone who is master of carving the provisions?

"Add, if you wish: Why do you possess property across the sea? Why do you possess more things than you know? Shamefully, you are either so negligent that you do not know your few slaves, or so luxurious that you possess more than memory suffices to know. I shall presently assist your reproaches and shall cast up against myself more than you suppose. For now I shall answer you this: I am not a wise man, and--to feed your malevolence--I shall not be one. Therefore I require of myself not that I be equal to the best, but that I be better than the bad. It is sufficient for me to remove something from my vices every day and to rebuke my errors. I have not arrived at health, nor indeed shall I arrive. For my gout I compose palliatives rather than remedies, content if it comes more rarely and gnaws less. Compared with your feet, however, I am a feeble runner.

"I do not say these things on my own behalf, for I am in the depth of all vices, but on behalf of that man in whom something has been accomplished. 'You speak in one way,' he says, 'and live in another.' This was cast up against Plato, cast up against Epicurus, cast up against Zeno, by most malicious heads hostile to every excellent man. For all those men said not how they themselves lived, but how one ought to live. I speak concerning virtue, not concerning myself; and when I reproach vices, I reproach my own first of all. When I am able, I shall live as I ought. Nor will that

malice of yours, steeped in much poison, deter me from the best things. Not even that venom with which you bespatter others and kill yourselves will prevent me from persevering in praising the life not which I live, but which I know must be lived; from adoring virtue and following it, crawling at an immense distance.

“Am I, to be sure, to expect anything to remain inviolate from malevolence, to which neither Rutilius nor Cato was sacred? Why should anyone not seem too rich to those for whom Demetrius the Cynic is not poor enough? O most vehement man, fighting against every desire of nature! In this he is poorer than the other Cynics: although he forbade himself to possess, he also forbade himself to ask. They say that he is not sufficiently in need. Do you see? He professed not the knowledge of virtue but of poverty.

“They say that Diodorus, an Epicurean philosopher who within the space of a few days placed an end upon his life by his own hand, did not act according to the decree of Epicurus when he cut his throat. Some wish this deed of his to seem madness, others rashness. He meanwhile, happy and full of a good conscience, bore witness to himself as he departed from life, praised the repose of an age passed in harbor and at anchor, and said what you heard unwillingly, as though it must also be done by you:

> I have lived, and completed the course which fortune gave.

[Printed page 288]

“You dispute concerning the life of one man and the death of another; and at the name of great men distinguished by some exceptional praise, you bark like little dogs at the approach of unknown men. For it is expedient for you that no one should seem good, as though another’s virtue were a reproach of your offenses. Unwillingly you compare splendid things with your filth, nor do you understand at how great a cost to yourselves you dare to do it. For if those who follow virtue are avaricious, lustful, and ambitious, what are you, to whom the very name of virtue is hateful?

“You deny that anyone accomplishes what he says or lives according to the model of his speech. What wonder is it, since they speak brave and immense things which escape every human tempest, since they attempt to tear themselves loose from crosses into which each one of you himself drives his own nails? Those driven to punishment nevertheless hang upon single stakes. Those who exact punishment from themselves are torn apart by as many crosses as they have desires; and, abusive men, they are elegant in insulting another. I would believe them, were it not that some spit upon the spectators from their own gallows.

“Do philosophers not accomplish what they say? Nevertheless they accomplish much by saying it and by conceiving honorable things in their minds. For if they also did things equal to their words, what would be happier than they? Meanwhile there is no reason for you to despise good words and breasts filled with good thoughts. The pursuit of salutary studies is praiseworthy even short of the effect. What wonder if they do not ascend when they have assailed steep heights? But look up to men who attempt great things even if they fall. It is a noble thing, looking not to one’s own strength but to the strength of one’s nature, to strive after high things, to attempt them, and to conceive in the mind things greater than can be accomplished even by men endowed with an immense spirit.

“The man who has proposed this to himself: ‘I shall hear of death with the same countenance with which I shall see it. I shall submit to labors, however great they will be, supporting the body by the mind. I shall despise riches equally, whether present or absent: I shall not be sadder if they lie somewhere else, nor more high-spirited if they shine around me. I shall perceive fortune neither as it comes nor as it departs. I shall regard all lands as though mine, and mine as though belonging to all. I shall live as though I know that I was born for others, and I shall give thanks to the nature of things on this account. For in what better manner could it have conducted my affair? It gave me alone to all, and all to me alone.

“‘Whatever I shall possess, I shall neither guard sordidly nor scatter prodigally. I shall believe that I possess nothing more than what has been well given. I shall weigh benefits neither by number nor weight, nor by any valuation except that of the recipient. Nothing which a worthy man receives will ever be much to me. I shall do nothing for opinion,

everything for conscience. Whatever I do with myself as witness, I shall believe to be done with the people as witness. The end of eating and drinking will be to extinguish the desires of nature, not to fill and empty the belly. I shall be pleasant to friends, mild and easy to enemies; I shall be persuaded before I am asked, and shall anticipate honorable requests. I shall know that the world is my fatherland, and that the gods stand above and around me, as judges of deeds and words.

"'But whenever nature reclaims my breath or reason dismisses it, I shall depart having borne witness that I loved a good conscience and good studies; that no one's liberty was diminished through me, least of all my own.' The man who shall propose, wish, and attempt to do this will make a road to the gods."

ON THE EDUCATION OF YOUTH

§ 3. The whole dispute comes back to this: ought the vices of philosophers to be prejudicial to philosophy? The answer is easy: they ought not. All things are full of evils; vices prevail publicly, but the vices of philosophers are noticed. The most cruel of tyrants and the most ruined of prodigals speak about Socrates, Plato, and Seneca.

Philosophy must therefore be retained, without which the state will end in barbarism. The Christian princes Theodosius and Valentinian embraced it. "And since we desire a glorious youth to be instructed not only in these arts, we also associate with the aforesaid masters authors of more profound knowledge and learning. We therefore wish one man to be added to the others who may search the secrets of philosophy." For philosophy is a divine gift, the love of wisdom--indeed, divine love. Moses, Solomon, and others most practiced in it joined integrity of life to knowledge. Nor was the mind of the most holy men otherwise: Dionysius, Heraclas, Pantaenus, Clement, Athenagoras, Justin, Basil, Nazianzen, Nyssen, Jerome, Hilary, and Augustine, who were not only philosophers but also advanced toward virtue from the books of philosophers.

Augustine wrote most truly: "No one is ordinarily considered a philosopher other than a lover of God." Theophrastus calls philosophy the guide of life and the expeller of vices; if someone should remove it from life, he would sin more than if he had extinguished the lamp at a banquet. Its advantages are many and frequently hidden. When the father of the Eretrian, threatening blows, imperiously demanded from his son, a pupil of Zeno, what he had learned, he was calmed by a prudent answer: the son declared that he owed this to philosophy, that he could bear his father's anger with an even mind.

§ 4. Next, the decrees of philosophy are excellent; they reproach every vice, even the smallest. Few apprehend virtue without them. "What, then?" says Seneca in Epistle 95. "Have not some without subtle instruction become upright and attained great advancement, while obeying only bare precepts? I confess it. But theirs was a fortunate disposition, and they seized salutary things in passing. For just as the immortal gods learned no virtue, since they were born with every virtue and it is a part of their nature to be good, so certain men, having obtained an excellent disposition, arrive without prolonged teaching at those things which are customarily transmitted, and embraced honorable things as soon as they heard them. Whence are those abilities so rapacious of virtue, or fruitful from themselves? But from those who are either dull and obtuse or beset by bad custom, the rust of minds must long be rubbed away. Moreover, just as one who transmits to them the tenets of philosophy more quickly leads those who are inclined toward the good to the summit, so he will assist the weaker and draw them out of evil opinions. You may see how necessary these tenets are. Certain things reside within us which make us sluggish toward some things and rash toward others. Neither can this boldness be repressed nor that inertia aroused unless their causes--false admiration and false fear--are removed."

Epistle 17, which sufficiently explains its power, should also be read. But now we dispute this question in vain, since the customs and laws of all Christian nations embrace philosophy. I must therefore explain how it is to be taught. For the state ought also to regulate it politically.

§ 5. At the outset, therefore, a state that loves philosophy will impose this law upon its professors, or even exact it by oath: that they teach philosophy in such a way that through it, as through aids, students may come to the more serious

sciences--medicine, jurisprudence, politics, and theology. The Society chiefly regards theology, especially in its own members. Thus the first rule of the professor: "Since the arts or natural sciences dispose abilities toward theology, serve toward its perfect knowledge and use, and of themselves assist toward the same end, the teacher shall treat them with the diligence that is proper, sincerely seeking the honor and glory of God in all things, in such a way that he prepares his hearers, and especially ours, for theology, and above all arouses them to knowledge of their Creator."

[Printed page 289]

Thus also the *Constitutions*, Part 4, chapter 12, §3. Dialectic is necessary to all, physics to physicians, ethics to jurists, and metaphysics to theologians; yet every part of philosophy is both an aid and an ornament to every science.

And this is what Saint Thomas admonished: that philosophy should serve theology as a waiting-maid. Thus it was also customary of old to say that the Christian mysteries begin where the dogmas of the philosophers end, and that Plato's summits are the threshold of Christians. Plato seems to have understood this through a shadow, since--as Augustine also recalls from him--he called a philosopher a lover of God. He said that the philosopher's office is to know divine things excellently and so far as reason permits, but in no way to abandon human affairs; rather, to place labor and zeal in disposing them according to the norm of prudence.

The state will provide for this not only with greater caution but also by command and punishments, because philosophers are an unbelieving nation and weigh everything in the deceitful balance of the understanding, unless you subject the judgment of reason to divine censure. Otherwise empty philosophy knocks at truth but does not enter it. Tertullian speaks excellently against heretics in *Prescription*, chapter 7: "These are the doctrines of men and demons, born for itching ears from the ingenuity of worldly wisdom, which the Lord, calling foolishness, chose the foolish things of the world even to confound philosophy itself. For worldly wisdom is the material of those very heresies: a rash interpreter of the divine nature and dispensation. Finally, the heresies themselves are suborned by philosophy.

"From it came the Aeons, and certain forms, I know not what, and the trinity of man in Valentinus: he had been a Platonist. From it came Marcion's better god, from tranquility: he had come from the Stoics. That the soul is said to perish is observed from the Epicureans. That the restoration of the flesh is denied is taken from the one school of all the philosophers. Where matter is made equal with God, it is the discipline of Zeno; and where anything is alleged concerning a fiery god, Heraclitus intervenes. The same subjects are rolled about among heretics and philosophers; the same reconsiderations are entangled. Whence is evil, and why? And whence is man, and how? And what Valentinus very recently proposed: whence is God? From an enthymesis, of course, and an ectroma.

"They insert Aristotle, who established dialectic for them: an artificer, changeable in form, of building and destroying; constrained in opinions, hard in conjectures, productive of contentions in arguments, troublesome even to itself, reconsidering everything lest it should have treated anything at all. Hence those fables and interminable genealogies, fruitless questions, and discourses creeping like a cancer. The Apostle, restraining us from these things, expressly testifies that philosophy must be guarded against, writing to the Colossians: 'See that no one circumvent you through philosophy and empty seduction, according to the tradition of men, apart from the providence of the Holy Spirit.' He had been at Athens and from its encounters had learned that human wisdom, the affecter and adulterator of truth, itself also divided into manifold heresies by the variety of mutually opposing sects.

"What, therefore, has Athens to do with Jerusalem? What has the Academy to do with the Church? What have heretics to do with Christians? Our institution is from the porch of Solomon, who himself had transmitted that the Lord is to be sought in simplicity of heart. Let those who have produced a Stoic, Platonic, and dialectical Christianity look to it. We have no need of curiosity after Christ Jesus, nor of inquiry after the Gospel."

§ 6. If Aristotle and others possess anything contrary to the orthodox faith, let them seriously refute it. This has been diligently provided for among our professors in Rules 2, 3, and 4: "In matters of some importance, let him not depart from Aristotle unless something occurs alien to the doctrine which the academies everywhere approve, and much more

if it opposes the orthodox faith. If there are arguments of his or of another philosopher against it, let him strive vigorously to refute them, according to the Lateran Council.

"Let him neither read nor bring into the school interpreters of Aristotle who have deserved badly of the Christian religion without great discrimination; and let him take care that the pupils are not disposed toward them.

"For that reason, let him not gather the digressions of Averroes--the judgment is the same concerning others of that kind--into any separate treatise. If anything good is to be brought forward from him, let him bring it forward without praise and, if it can be done, show that he took it from elsewhere."

§ 7. But because contests of sects sometimes arise, it will be altogether fitting in every state that visitors and magistrates inquire what opinion each man teaches. For affection and admiration for those authors truly cast young men headlong into the dangers of empty and false opinions, magical impostures, and atheism. My mind shudders to remember Cardano, Massilio, and others whom an excessive eagerness for knowledge compelled to die doubtful concerning religion. "Depart from the heathen, heretic; give back to them their own opinions, because he too is not instructed from yours." Cyril already showed in Catechesis 18 that offense was once committed in this matter. Why does it help to animate impiety and license concerning the atheism of the ancients? Why, so that you may hunt after the glory of subtle speaking, do you desire to derive a name from condemned names and errors? The memorials of so many holy philosophers are in our hands; do you reckon it a glory to approach the patriarchs of heretics?

Formerly the battle lines of sects were innumerable: the Eretrian, Epicurean, Cyrenaic, Megarian, Theodorean, Pyrrhonian, Stoic, Peripatetic, Old and New Academic, Cynic, Potamonian, and Eleian. It would be more fitting for them to assemble among clocks than among philosophers. Those which quickly raised their head quickly failed. The Old and Minor Academics left no leader; who is there who transmits the precepts of Pyrrho? That hateful crowd of the Pythagorean school found no teacher; the new sect of the Sextians, possessed of Roman strength, was extinguished amid its beginnings, although it had begun with great impetus. Therefore, whoever is entrusted with Christian youth must teach truth according to the opinion of pious philosophers and academies.

ON THE EDUCATION OF YOUTH

§ 8. Let him also recognize his office, which consists in life, not in disputation alone. Golden is the admonition of the Roman sage in Epistle 20: "But this, my Lucilius, I ask and exhort you to do: that you send philosophy down into your innermost breast and take proof of your advancement, not by speech or writing, but by firmness of mind and diminution of desires. Prove words by deeds. One purpose belongs to those who declaim and seek the assent of a surrounding crowd; another to those who detain the ears of the young and idle by varied or fluent disputation. Philosophy teaches doing, not speaking; and it exacts this: that each should live according to its law, lest life disagree with speech, and that the one life itself should be of one color throughout, without disagreement among its actions. This is both the greatest office and the greatest indication of wisdom: that deeds agree with words, and that a man should everywhere be equal to and the same as himself. Who will accomplish this? Few, yet some. This is difficult; nor do I say that the wise man will always proceed at one pace, but along one road." Let him therefore live according to the law of philosophy and teach men to live thus.

For if the professor of philosophy corrupts morals, as did the Epicureans and Cynics, the discipline of the state will suffer, and he will give himself over to delights.

[Printed page 290]

§ 9. Let the teacher diligently apply himself to this: that pupils of philosophy, while they inquire into everything, should not only refrain from disputing against divine laws but should also render honor to magistrates and obey political laws. It was formerly objected to the Stoics that magistracy and laws were despised by them; and it certainly was ready to think this concerning men who were accustomed to say that all were insane, that there was no praetor, no

consul, and no king. It is charged against Rubellius Plautus in Tacitus, Book 14, that he had assumed the arrogance and sect of the Stoics, which makes men turbulent and eager for affairs.

Seneca answered in Epistle 73: “Those who judge men faithfully devoted to philosophy to be obstinate and refractory, and despisers of magistrates and kings or of those through whom public affairs are administered, seem to me to err. On the contrary, none are more grateful toward them, and not undeservedly; for they accomplish more for none than for those who are permitted to enjoy tranquil leisure. Therefore those for whom public security furnishes an approach to their purpose of living well must honor the author of this good as a parent--much more, indeed, than those restless men placed in the midst of affairs, who owe much to princes but also charge much against them, whose desires, which grow while they are fulfilled, no generosity can ever encounter so fully as to sate them.”

And in Book 2, chapter 5, of *On Clemency*: “I know that the Stoic sect has a bad reputation among the unskilled, as though it were excessively hard and would give counsel by no means good for princes and kings. For it is objected against it that it says that the wise man does not pity and does not forgive. These things, if set down by themselves, are hateful. For they seem to leave no hope for human errors, but to bring every offense to punishment.”

He excuses them, but I fear whether forcefully and truly; for Augustine accuses them of hardness. There are everywhere many examples of the obstinacy which they called fortitude. Therefore the professor of morals especially will inculcate this part and the foundations which nature itself laid down. The rule itself requires this of the professors of the Society: “Let him understand that it is in no way part of his institute to digress into theological questions, but, proceeding through the text, to explain briefly, learnedly, and gravely the principal heads of moral science which are contained in the ten books of Aristotle’s *Ethics*.”

The principal doctrine, however, is that in the state they should observe the lawful order of obeying, and finally recognize the virtues themselves.

§ 10. Flee contentions. For philosophy contains an investigation of truth, to which nothing is equally opposed as the cheap little glory of conquering and triumphing--yet it is a keen tyranny in the minds of sophists. With peace and charity preserved, citizens contend before the judge’s tribunal concerning estates and inheritances; philosophers declaim with fury concerning little words, beings of reason, and relations. Our professors are admonished in Rule 5 to teach not only their own doctrines but also to refute those of others with modesty: “In those questions in which it is free to follow either side, let one side be so defended that provision is made modestly and benevolently for the reputation of the other side also--and much more for that of the preceding professor, if he had taught the contrary. Indeed, if authors can be reconciled, it is desirable that this should not be neglected. Finally, in naming or refuting authors, let him conduct himself modestly.”

Let it therefore be your concern to possess philosophy, not to make a display of it. If you are more perspicacious than your colleagues in little questions, rejoice that your own ignorance has been taken from you; do not reproach others with theirs. If you wish to philosophize without envy, philosophize without parade. Hateful is the man who speaks in such a way that he seems to condemn whatever he himself does not teach.

§ 11. Novelty of opinions must also be avoided. For what is accustomed to happen in calamities--that novelty strikes us and adds weight to grief--is also accustomed to happen in this fickleness of opinions: they come with great impetus and applause, and then are rejected with rapid disgust. Men are long tormented by the difficulty and obscurity of common opinions, which even great abilities cannot overcome except by great labor; when they hear new things, they ponder within themselves not what they possess but what they desire. Therefore a desire for innovation is the summit of evil for the unskilled. Whatever novelty alone has made precious is rendered cheap when it is present, and an author is not esteemed when he has ceased to be new.

That novelty is seriously forbidden to us even in matters otherwise indifferent, in Common Rule 6: “Even in matters in which no danger to faith or piety is present, let no one introduce new questions in matters of some importance, nor any

opinion for which there is no suitable author, without consulting those who preside; nor let him teach anything against the axioms of the Doctors and the common sense of the schools. Rather, let all follow the most approved Doctors and those opinions which, as the use of the times has borne, have been especially received in the Catholic academies."

Indeed, I judge this matter to be so important that I think no one should be admitted to the profession of philosophy unless he is prepared to travel by the old and well-worn--that is, royal--road. For if he expounds to youth that philosophy which Aristotle, Pantaenus, Augustine, Saint Thomas, and innumerable others professed with great agreement and in which they became illustrious, the state already knows what young men are being taught. If he brings new things, although they might perhaps be good, they are nevertheless doubtful and dangerous; but the state desires its youth to be placed in safety. No novelty completes its work in a moment, nor is it on solid ground except through a space of time; new things must therefore be imperfect.

The Dutch have long attempted new routes across the Ocean through the Arctic regions; great hope and great rewards are proposed to those who hazard them. But no prudent man commits himself to an uncertain voyage when wind and wave furnish enough dangers upon the course of the known sea. Therefore this caution is fitting for the state: let them not entrust youth to new and unknown opinions unless it has first become established that some have attained erudition by that doctrine and method which is vaunted. When that has happened, novelty will already have ceased; for great things come forth slowly. And the man who admits the hazards of a new philosophy into himself acts no less imprudently than one who perceives that an experiment with an uncertain medicine is being made upon his own health.

§ 12. Not only new but also old and useless opinions, which bring philosophy into disrepute, must be avoided. Thus Common Rule 8: "Let him not adduce useless, obsolete, absurd, or manifestly false opinions." Nevertheless, there is nothing so absurd that some philosopher has not thought and said it; and if their absurdities are frequently recalled to memory, they will at some time find a follower. Philosophers possess much that is superfluous and will never come into use; let them not only cut those things away but omit mention of them altogether, lest abilities be made to struggle with unnecessary matters. I spoke above concerning excessive subtlety, which is hostile to truth. Now I admonish only this: that it pertains to public ordering to keep watch lest time and life be passed in empty little disputes.

Philosophy is threefold: moral, natural,

[Printed page 291]

and rational. The first orders the mind; the second searches the nature of things; the third, which is a part of eloquence, examines the properties and structure of words and arguments, lest false things creep in for true.

Let the industry of a good teacher be enclosed within these limits. Let him not draw in other matters--a thing which many will nevertheless neglect unless the care of their superiors restrains absurdities. Formerly it was done thus: philosophers descended even to distinctions of syllables and the properties of conjunctions and propositions, and envied grammarians and envied geometers. Whatever was superfluous in their arts, philosophers transferred into their own. Thus it was brought about that they knew more diligently how to speak than how to live. Indeed, even now many do not know how to speak, for while they entangle the mind in useless intricacies, they have not learned even to unfold and explain words.

§ 13. Let him cite illustrious philosophers, imitate them, and commend them to his pupils. Thus Common Rule 8: "In bringing forward the authorities of the Doctors, let him not be excessive. Yet if he possesses testimonies from more distinguished authors for confirming his opinion, let him recite the very words--as far as can be done, though few of them--and faithfully; much more those of the Sacred Scriptures, Councils, and holy Fathers." Moreover, it belongs to the dignity of a master to bring forward almost no author whom he himself has not read.

Yet let him not report everything; let the hearers be referred to reading the authors themselves, as is stated in Rule 10: "If things contained in readily available authors must be adduced, let him explain rather than dictate them. Indeed, let him refer the hearers to those authors who have treated some subject copiously and accurately."

§ 14. Let him exercise the young men in disputation: nothing is more destructive than Pythagorean silence. For five years, like mute fish, they heard no great wisdom. I wish the future philosopher to hear, reflect, and inquire assiduously and diligently. But because many things fall from memory, many doubts occur, and many reasonings arise in the opposite direction, it is necessary that hearers be exercised every day and have someone to whom they may propose doubts and whom they may consult. In one word a master explains what had to be sought by prolonged labor. Proud is the man who considers it more honorable to err than to have the road shown to him.

Our laws provide concerning this matter as follows. Rule 11: "After the lecture, let him remain in the school or near it for at least a quarter of an hour, so that the hearers may approach him to ask questions. And let him sometimes exact an account of the lectures and take care that they be repeated."

The varied exercises in disputations in Rule 12 and the following rules also pertain here. "At home also, every day except Saturdays, vacations, and feast days, one hour is to be appointed in which our men repeat and dispute, so that by this means both their abilities may be exercised more and the difficult things which occur may be made more clear. Therefore, let one or two be forewarned to repeat from memory for no more than a quarter of an hour. Afterward let one or two likewise argue, with as many answering. If any time remains, let doubts be proposed. But so that it may remain, let the master strictly maintain the form of argumentation and cut off the argument when nothing new is brought forward.

"Toward the end of the year, the repetitions of past lectures are to be so arranged that, unless something prevents it, an entire month may be left free even from them, not only from lectures.

"On Saturday, or on another day which the custom of the academy requires, let them hold disputations in the schools for two hours--even longer where there is a great concourse of outsiders. But if two feast days, or one feast together with the weekly vacation, fall in any week, let there be no disputation, but a lecture on Saturday. Yet if this should continue for three weeks, let one disputation be interposed.

"Where the received custom of the academy does not prevent it, on some appointed day each month--except the final three summer months--or every other month if the hearers are few, let common disputations be held both before and after noon. As many hearers as there are masters shall defend, each one the questions of one master.

"As far as can be done, let other Doctors and professors of ours also attend the disputations, even those of different faculties. So that the contest may grow warmer, let them press the force of the arguments which are being discussed--provided that they do not undertake to pursue an argument upon which an arguer is still dwelling usefully and vigorously. Let it be permitted even to outside Doctors to accomplish this same thing; indeed, they can be invited expressly to argue, unless that custom is less approved somewhere.

"Among the hearers, let only the more learned dispute publicly; let the others be exercised privately until they are so instructed that they are not judged unworthy of that place.

"Let him judge the day of disputation no less laborious and fruitful than the day of lecture, and that all the utility and fervor of the disputation depend upon him. Let him so preside over it that he himself appears to be the one who contends in each contestant. Let him praise anything good that is brought forward and command everyone to attend. When some more serious difficulty has been proposed, let him continually suggest something brief by which he may either support the respondent or direct the arguer. Let him neither remain silent for long nor speak always, so that the pupils themselves may also bring forth what they know; but let him correct or polish what has been brought forth. Let him command the disputant to proceed while the difficulty retains force; indeed, let him himself increase the difficulty, and let him not conceal it if the one who argues has crept forward to another argument. Let him not permit either an

argument nearly solved to be pressed longer or an answer which does not cohere well to be sustained for long; but after some contest, let him briefly define and explain the whole matter. Finally, if anything else is anywhere in use by which disputations are customarily rendered more frequent and more fervent, it is to be retained diligently."

Let him sometimes deal with the assistant, or beadle, appointed by the rector, and question him concerning the condition of the whole class and the diligence and progress even of the outside hearers. Let him take care that the same man performs his office faithfully and accurately.

§ 15. Let the professor be such as Rule 20 describes: "Finally, in all things, with divine grace inspiring him, let him be diligent and assiduous, and devoted to the progress of the students both in lectures and in other literary exercises. Let him not show himself more familiar with one than with another. Let him despise no one. Let him provide equally for the studies of the poor and the rich, and procure particularly the progress of each one of his students."

But in order that he may be such, let a learned man be chosen who fears God and loves the state. And although he is such, let the eyes of the nobles nevertheless be fixed upon him, lest at some time he be changed by weariness.

CHAPTER XXIV

On the Study of Logic, Physics, Metaphysics, and Mathematics

ON THE EDUCATION OF YOUTH

§ 1. It is not my intention to commend these faculties to states; those who became illustrious in each have accomplished that. Rather, it is to give counsel to the state which it may employ in admitting and teaching them. For concerning the necessity and use of dialectic--

[Printed page 292]

--since it is the principal instrument of reason, it is necessary to say nothing; nor is anything in it censured except sophistically. Those who removed it from philosophy judged that its necessity was almost greater than that of philosophy. Laertius, in the *Life of Epicurus*, says that philosophy was divided by him into canonical, physical, and ethical philosophy. The canonical is that which furnishes the means, approaches, and entrances to the work; and it was transmitted by him in one book which is called by him the *Canon*. The Stoics divided the canon into logic and rhetoric. Thus, although the Epicureans wished to separate dialectic, they nevertheless admitted it by another manner and way. "The Epicureans," says Seneca in Epistle 89, "thought there were two parts of philosophy, the natural and the moral; they removed the rational. Then, when they were compelled by the matters themselves to distinguish ambiguous things and to convict false things lying hidden beneath the appearance of truth, they themselves also introduced under another name the rational part, a place which they call 'Concerning Judgment and Rule.'"

But I have resolved to write the laws which the state should impose upon one who will teach dialectic; for I do not doubt that very much error is committed everywhere in teaching it.

§ 2. The first law for teaching dialectic: in Europe, let it admit no one to learn dialectic unless he is moderately practiced in eloquence. This rule is so necessary, at least in those provinces which are devoted to more cultivated letters, that it cannot be neglected without the greatest disgrace. For since one must discourse in Latin, if pupils have not previously apprehended the precepts and exercises of eloquence, they must necessarily be rendered altogether speechless. Dialectic disputes concisely and obscurely and employs words of its own alien to common use. Thus it comes about that they neither retain their former ability nor understand the acuteness of the dialecticians, and, through fear of committing a solecism, do not dare to utter the things which they understand.

§ 3. The second law is that the precepts of dialectic should be received from Aristotle alone, and indeed also the most recondite knowledge of physical things. Such is the custom of our Society, and almost eight hundred years now agree. But because many have gravely attacked us for this reason, and Francis Patricius of Venice attempted to overthrow Aristotle's philosophy, I shall defend us not only by the judgment of all the Peripatetics but also by the opinion of others. Justus Lipsius, a most learned man who always referred the use of learning to public utility, discusses this matter thus in Book 1, chapter 4, of his *Guide*:

"But matters have now come to such a point that, the others yielding, two schools contend almost alone for sovereignty: those of the Peripatetics and the Stoics. For common agreement has slain the Epicureans; the Academics, by professing that they themselves know nothing, ceased to have pupils. Concerning the Peripatetics, if you hear the judgments of the present day, you have a settled matter: they alone reign in the schools, having been admitted among Greeks and Latins for more than eight hundred years. Who shall drive them out? Perhaps I neither wish nor ought to do so. Yet I do not know whether wisdom with me desires to make this kingdom divided and to give it colleagues.

"Who would deny that Aristotle, that king of the Peripatetics, was great among men? Great men themselves assign him a place thus. Cicero among the first: 'A man not only abundant in speaking but also singular in philosophy.'

Elsewhere: ‘Of the highest ability, knowledge, and abundance.’ And again: ‘Than whom nothing is more polished, nothing more acute.’ He is called by the same man ‘a golden river of eloquence,’ and by Plutarch ‘a most eloquent man and skilled in bending minds wherever he wished.’ Finally Cicero with full hand: ‘Who of all was more learned, who more acute, who keener than Aristotle either in discovering or judging matters?’ Nor do others turn away from these praises. Pliny indeed calls him ‘a man supreme in every branch of learning’; elsewhere, ‘of immense subtlety.’ What of Arnobius? ‘A man powerful in ability and preeminent in learning.’

“But Averroes, as though raving, rushes into his praises. ‘Aristotle,’ he says, ‘invented three sciences: logic, natural science, and divine science; and no error has been found up to this time, which is one thousand five hundred years. That one man should be such is miraculous rather than human.’ The same elsewhere: ‘Aristotle is the rule and model which nature discovered to demonstrate the ultimate human perfection.’ Finally, with similar praise: ‘Aristotle’s doctrine is the highest truth, since his intellect was the limit of the human intellect. Therefore it is well said that he was created and given to us by divine providence so that we might know whatever can be known.’

“These are great and admirable things, I confess, and nearly make the man equal to the heavenly beings. What, then, do others say? Other things. Tertullian censures his minuteness of speech, and Irenaeus with the same expression censures his ‘minuteness of speech and subtleties concerning questions’; Jerome, his artifices. What do they mean? That he was excessively and slenderly subtle, and often an inquirer with obscurity. Therefore Sidonius: ‘Plato explains; Aristotle entangles.’ But Gregory Nazianzen casts up both this and graver things:

> **Βάλλε μοι, φημί, Ἀριστοτέλους τὴν μικρολόγον πρόνοιαν, ἢ τὸ ἔντεχνον, ἢ τοὺς θνητοὺς περὶ ψυχῆς λόγους, ἢ τὸ ἀνθρωπικὸν τῶν δογμάτων.**

“‘Cast away from me Aristotle’s minuteness of speech, his sagacity and artifice; cast away those mortal discourses concerning the soul and, universally, those human dogmas.’ He condemns one who does not rise and remains fixed upon humble and earthly things.

“Atticus says this also in Eusebius:

> **Ἀριστοτέλους λεπτὴ ἦν καὶ ταπεινὴ δριμύτης, ἥτις διαδῦναι μὲν τῶν ἐπὶ γῆς πραγμάτων ἢ τὴν ἐν τούτοις ἀλήθειαν ἰδεῖν ἐδύνατο, τῆς δ᾽ ὄντως ἀληθείας ἐποπτεῦσαι τὸ πανδήλιον οὐχ οἷά τε ἦν αὐτῷ.**

“‘Aristotle’s subtlety was slender and humble; it could indeed penetrate earthly matters and perceive what was true in them, but he was not able to behold the clear and serene light of that solid truth.’ Lactantius likewise says: ‘Aristotle disagrees with himself concerning God, and says and thinks contradictory things.’ Again: ‘Aristotle neither worshiped nor cared for God.’ Philo the Jew:

> **Ἀριστοτέλης μήποτ᾽ εὐσεβῶς, ἢ ὁσίως ἐπιστάμενος.**

“‘Aristotle was never learned piously or holily.’ Therefore you see, my hearer, that he is raised up and you see that he is cast down, suspended as though upon this swing of judgments.

“Indeed, learn this also: that Plato was preferred to him by the almost unanimous agreement of the ancients. Cicero himself, his herald by profession--indeed, as though hired for it--takes away the palm and transfers it to Plato’s right hand: ‘Aristotle, excepting Plato, is the prince of philosophers.’ Does he not openly make him second? Again: ‘Aristotle, far surpassing all men--always excepting Plato--in ability and diligence.’ And very many of our own nobles also cast their vote to this side. Arnobius: ‘That divine Plato, thinking many things worthy of God and not common to the multitude.’ Again: ‘That great Plato, wisely pious and holy.’ Tertullian agrees and acknowledges that in Egypt Plato chiefly drew these dogmas from that Trismegistus and his writings. But others send him to the Prophets and sacred books, and Numenius says openly:

> **Τί γάρ ἐστι Πλάτων ἢ Μωυσῆς ἀττικίζων;**

"'What is Plato but Moses speaking Attic?' Augustine, however, that summit of our writers, far and widely prefers Plato to the other philosophers of the nations. Indeed, he almost places him in heaven, insofar as he piously can. 'Labeo,' he says, 'thought that this Plato should be numbered among the demigods; he places the demigods above the heroes and locates both among the divine powers. Nevertheless, I do not doubt that the man whom he calls a demigod should be preferred not only to the heroes but even to the gods themselves.' Elsewhere, in the same sense, he says that a temple should more justly be erected to him than to those gods of the nations. And he himself sets forth the reason why: 'The philosophers of the Platonic family can most easily of all, with few things changed, become Christians.'

"And certainly it is much in a philosopher--indeed, it is the principal thing--to rise to God and divine things, upon which all other wisdom is joined and depends. Therefore you see that in these matters Aristotle is far surpassed and left behind by Plato--and also by the Stoics; no prudent man would deny it.

[Printed page 293]

"What, nevertheless, is the case? He transmitted dialectic firmly and systematically; likewise physics, concerning which there is this testimony of Tullius: 'Nature was so investigated by the Peripatetics that no part in heaven, sea, or earth was passed over.' And Laertius:

Ἐν τοῖς φυσικοῖς αἰτιολογικώτατος πάντων ἐγένετο, ὥστε καὶ περὶ τῶν ἐλαχίστων ἀποδιδόναι τὰς αἰτίας.

"'In natural matters he rendered reasons more than all men, even down to the smallest matters.' I therefore confess that, so far as these two parts are concerned, he was usefully received into the schools; for whom rather should they receive? The other ancients who transmitted these things perished through age. Youth also needs a fixed Doctor and dogmas to which it may become accustomed. 'Just as leaves,' says Seneca, 'cannot flourish by themselves but require a branch to which they may adhere and from which they draw sap, so precepts, if they stand alone, wither; they desire to be implanted in a sect.'

"Youth, I say, needs this. But as regards mature men, what envy or sloth is it not to send them farther? In theology, in ethics, and in physics itself, how many excellent and rare things did the Pythagoreans or Stoics say, and certain other men also! Shall I not approach and appropriate these things and regard them as an inheritance left by my ancestors? I shall act boldly and, as though I sat in the Senate, shall not only hear but examine, and, when asked, shall myself give my opinion. For always to follow that opinion of one man--as our Annaeus acutely says--is not the part of a senate but of a faction. I indeed rise and venerate the discoveries and discoverers of wisdom, but as a man venerates men, and men who are not our lords but our leaders. Who was ever so fortunately--indeed, so divinely--wise that he poured forth everything from a truth-speaking mouth? There was no such man, and there will not be. It belongs to that eternal benignity to scatter the gifts of abilities through ages and among men, and not to have conferred all things together and at once upon that one age or this one man. The best of poets says:

Ἀλλ᾽ οὔπως ἅμα πάντα θεοὶ δόσαν ἀνθρώποισιν.

"'But the gods do not give all their gifts together and at once.'

"The testimony of great men had to be employed, so that our cause, approved by such great authorities, might be protected by the dignity of its patrons. Concerning logic and physics no one will deny it, unless someone should show a better author, a more accurate one, and one more skilled in argumentation. Plato's dialectic is almost nonexistent; his physics is scanty and full of errors. His moral disputations are more numerous, but none transmit the whole of ethics compendiously. In the age of the Fathers he was considered great because he taught many things in moral matters, approached Christians in divine matters, and supplied many arguments to bishops against idolaters."

§ 4. The third law: in logic and physics, let Aristotle be expounded in such a way that whatever learned and useful matter can be collected from the ancients and moderns is accurately transmitted at the same time. For that others saw nothing besides Aristotle and that so many thousands of interpreters added nothing to Aristotle is not merely incredible; innumerable books also demonstrate it.

§ 5. The fourth: in dialectic, let the matter be expounded briefly; let useless intricacies and subtleties be removed. Let no new questions be added; let many of the old ones be cut away.

§ 6. The fifth law: in every kind of mathematical science, this must be accomplished--that the most perfect authors and professors should be possessed. For the very system of all machines, crafts, and time useful in the state flows from them. First, let there be one who contemplates the motions of the heavens and the stars and expounds all its parts. That matter contributes much to civil life and even to heavenly life: to consider the works of God, to know their magnitude and symmetry, and to divide the tracts of lands. Many ridiculous superstitions and fables have arisen from ignorance of these matters, even among barbarous nations; indeed, magical incantations rest upon nothing other than ignorance of such things. Therefore let geometers, geographers, arithmeticians, gnomonists, experts in optics, and even makers of instruments be joined to astrologers; for there is none of these arts which does not at some time possess the greatest necessity and use.

§ 7. Finally, let the highest care be assigned to metaphysics, which is nearest to theology--indeed, a certain natural theology--a principal part of which is even now taught in theology. Concerning this matter, Francis Suárez of our Society disputes very extensively and accurately at the beginning of his *Metaphysics*.

A prince ought to know letters, practical philosophy, the foundations of jurisprudence and theology, and politics, the art of arts. It is especially fitting for a prince to be wise, to judge, and to live well.

CHAPTER XXV

That the Greatest Care Ought to Be Taken for Medicine

ON THE EDUCATION OF YOUTH

§ 1. What was said to everyone by Ecclesiasticus, chapter 38, concerning honoring the physician has been commanded especially to the state and the prince. For it belongs to them to provide not only for themselves but for the whole fatherland, so that diseases may be encountered at the proper time and excellent physicians, surgeons, and apothecaries may be possessed. They must be maintained with such munificence that they do not wish for a crowd of sick people. And just as a prudent head of a household, when he has relieved hunger, nevertheless stores provisions for future necessity, so too let a city possess one or more physicians who may remedy private and epidemic diseases. Let it not only foster him in the state but also assign him an honored place. I shall embrace in perspicuous words what I think concerning this matter.

§ 2. Let singular honor be assigned to physicians in the state. Thus the divine writings, Ecclesiasticus 38:1: "Honor the physician on account of necessity, for the Most High created him. For all healing is from God, and he shall receive a gift from the king. The physician's learning shall exalt his head, and he shall be praised in the sight of the great. The Most High created medicine from the earth, and a prudent man will not abhor it. Was not bitter water made sweet by wood? Their power was made known to men, and the Most High gave knowledge to men, that He might be honored in His marvelous works. By these things the one who treats shall mitigate pain, and the perfumer shall make pigments of sweetness and compound ointments of health, and His works shall not be brought to an end. For the peace of God is over the face of the earth."

Most modern Greek copies have:

Τίμα τὸν ἰατρὸν πρὸς τὰς χρείας τιμαῖς αὐτοῦ.

"Honor the physician according to necessities with his honors." For it does not understand an honor by which you come to his aid lest he be in want. Rather, it means that you should honor him before the necessity of disease exacts it. Thus Ben Sira expounded it. And other Hebrews command gifts to be given to the physician and honor to be imparted to him, so that, remembering them, he may visit you willingly and promptly in time of illness.

§ 3. Let the dignity and rewards of a physician in the state be so great that even nobles and magnates aspire to them. Let there be no less an approach to undertaking the state for Machaon than for Demosthenes. For why should they not entrust a part of the state to the man to whom they entrust their own life and the lives of their children and wives--

[Printed page 294]

The reason why I so judge is that I consider the health of the citizens and the prince worthy of being cared for by men of the first rank. Nor is it unworthy of a noble man to visit the cottages of the poor, feel the pulse of an artery, judge the signs and criteria of diseases, and prescribe pills. It is human malice which has detracted esteem from the guardians of its health and yet surrounded the avengers of its crimes with majesty. Fasces, axes, and a lictor are added to magistrates as insignia of power, yet they are instruments of executioners. Magistrates approach prisons and command the guilty to be stretched, cut by claws, burned, and driven to the cross; and the ambitious names of judges and prefects lead to this power. Why should there be less honor for a physician, the patron of life and health, than for a judge, the minister of death? Our nature, the corrupter of order, has envied its own goods and esteems the power of destroying guilty men more than the ability to preserve a citizen. Whence comes this great evil, that the man who preserves good men is lesser than the man who destroys bad men?

I do not wish this to be said as though I wished physicians to be preferred either to jurists or to magistrates. For their own honor remains to magistrates, and no one moves the palm from its place in the order; and according to the custom of the academies, physicians yield to jurisconsults. I say it so that I may show that physicians also are to be adorned with public dignities and that nothing in their functions is to be judged base.

Nevertheless, the controversy between physicians and jurists concerning dignity of place is ancient. I do not make another's suit my own. But I shall copy in his own words what the most illustrious Christoph Besoldus, primary professor of the Academy of Würzburg, thinks in his juridical-political dissertation *On the Law of Academies*, chapter 3, page 200: "Immediately after theologians, or in second place, jurisconsults take precedence over physicians. Whether this happens by right is an ancient question. See Lipsius, Oration 8; Rodericus a Castro, *The Political Physician*, Book 1, chapter 12; Alphonsus Moditius, § *Prudentum*, question 12; Limnaeus, *Disputation on Academies* 2, thesis 10; the most illustrious Hilligerus on Doneau, Book 3 of the *Commentaries*, chapter 9, letter N; Johannes Gerardi, *Century of Political Questions*, decade 9, question 6; Johannes Baptista de Plotis and Count Rogerius, *Matrimonial Counsels*, tome 1, counsel 87 and following; Benius, *On the Privileges of Jurisconsults*, Book 3, chapter 55; Jacobus Martini, century 9 of *Various Questions*, disputation 2, question 10.

"I would not wish anything to be detracted from either art. But if it is fitting to pronounce an opinion from the feeling of one's mind and judge from true foundations rather than begged votes, I would determine the matter by this distinction, with the most excellent physician Francisco Valesio in his *Sacred Philosophy*, chapter 74: that medicine must altogether yield to true jurisprudence, which is engaged not in pleading causes but in administering the state; but not to that petty practice which merely arranges lawsuits--or rather mixes them into entanglements." This says that man who takes precedence among the jurisconsults.

§ 4. It is advantageous to a free state to summon physicians into the Senate. Kings and princes, however, provide most prudently for their own safety if they employ them in public counsels, provided that they are good and prudent men. For by that honor they bind their fidelity to themselves, and by trusting them they make them faithful to themselves. Next, since physicians know nature and natural affections, they can frequently persuade things which are advantageous, or certainly judge from countenances and eyes what things may be considered to be in the prince's interest. The example in Antiochus, son of Seleucus, was pitiable, yet it was an example of medical sagacity. For Erasistratus detected the love of Antiochus, just as Hippocrates marked the madness of Perdiccas. Plutarch, *Demetrius*; Soranus, *Life of Hippocrates*.

Nor is it marvelous that great honors and dignities in the state are decreed to physicians. For formerly this was the care of kings. Solomon certainly, while enumerating the gifts of his wisdom in Wisdom 7:15 and following, acknowledges medicine: "But God gave me to speak according to judgment and to conceive things worthy of those which are given to me, since He Himself is the guide of wisdom and the corrector of the wise. For in His hand are both we and our discourses, and all wisdom, and the learning of the knowledge of works. For He gave me true knowledge of the things which are: that I might know the ordering of the world and the powers of the elements; the beginning, completion, and midpoint of times; the alternation, changes, and transformations of seasons; the courses of the year and dispositions of the stars; the natures of animals and rages of beasts; the force of winds and thoughts of men; the differences of shrubs and powers of roots. And I learned whatever things are hidden and unforeseen, for wisdom, the artificer of all things, taught me."

Knowledge of these things is necessary to the physician; and when he has acquired it, he easily maintains the method of healing. Therefore men learnedly and fittingly called medicine the sister of philosophy. For the state will admit no one who is not well practiced in philosophy into the innermost things of medicine--that is, to preserve or destroy the lives of men. Dionysius the tyrant at Syracuse acted not only as a physician but also practiced surgery, as Aelian is the authority in Book 1. It is established that Mithridates, king of Pontus; Hermes of the Egyptians; and Ganges, king of the Medes, were most skilled in medicine and preserved the lives of many by their counsel. The emperor Pogonatus

also embraced that art. When many magnates are occupied with the labors of waters, oil, and sublimations, and adhere to their alembics, what else do they do than prepare medicines?

It is no less unbecoming that kings should be physicians than philosophers; for medicine is not only a most honorable but also a most useful part of philosophy. Formerly physicians were indeed called physicists because they not only knew the natures and changes of animals, plants, and elements, the constitution of man, the causes of diseases, and the method of health, but used their knowledge for the health of each individual. Among cultivated peoples physicians were once held in such esteem that they built shrines and erected altars to Apollo, Aesculapius, Chiron, Machaon, and even Hippocrates, and assigned them divine honors. Indeed, the fables appointed Paeon physician of the gods, because that uncultivated age--which attributed anger, childbirth, wounds, and pus to the wretched stars--judged that not even the gods could lack so divine a knowledge and its use. Nor did they relate that Apis of the Egyptians was worshiped so religiously for any cause as much as because he was held to be the inventor of medicine. Celtic Hercules also, who because of his skill in healing was called Alexipharmacus, attained authority and resources no more through strength or bodily mass than by healing diseases.

Nor did physicians themselves despise their knowledge. Philo called the most efficacious medicines either **πολύχρυσα** (*worth much gold*) or **πάγχρηστα θεῶν χεῖρας** (*all-useful hands of the gods*). For four hundred years there were no physicians at Rome, as among a most turbulent and rustic people. At Athens they lived both few in number and without honor--

[Printed page 295]

But this is not marvelous, for **κακοβουλία** (*bad counsel*) was peculiar to the Athenians, and indeed was so well known that their prophet Aristophanes casts it up against them as a familiar fact:

Φασὶ γὰρ δυσβουλίαν τῇδε πόλει προσείναι.

"They say that rash and evil counsels are conducted in the city." What wonder, therefore, if they esteemed physicians little, when through their envy the best citizens were cast into exile?

ON THE EDUCATION OF YOUTH

§ 5. Finally, since very ready shortcuts to great riches are open to learned and faithful physicians, and since it is useful to the state that wealthy men should be in magistracies--both lest the dignity itself, having fallen into base men, be despised, and lest physicians, not bearing contempt for themselves, migrate elsewhere and abandon the state--the rulers ought to bind them to themselves by honor. Concerning the immense riches of physicians, others write, and especially our Laelius in Book 16, chapter 11, of *Leisure Hours*.

Erasistratus, who flourished about the year 600 of the city, after curing King Antiochus, as Pliny writes in Book 29, chapter 2, was given one hundred talents by King Ptolemy, his son--that is, sixty thousand of our gold pieces, as Budaeus calculates in Book 2 of *The As*. In the same place Pliny also numbers the Cassii, Carpitani, Arruntii, Albutii, and Rubrii, who received from princes an annual fee of 250,000 sesterces--that is, six thousand two hundred fifty gold pieces. Quintus Stertinius, however, charged the princes with the fact that he was content with five hundred thousand sesterces annually; for he showed that his gain from the city was six hundred thousand, the houses being named. That is, he obtained from citizens a sum greater by another such amount--fifteen thousand gold pieces--while the emperors themselves paid twelve thousand five hundred gold pieces.

Pliny adds: "An equal fee was poured upon his brother by Claudius Caesar; and although their property had been exhausted by works with which Naples was adorned, he left three hundred hundred-thousands of sesterces to his heir, as much as Arruntius alone had left up to that age"--that is, thirty million sesterces. "Recently," says Pliny a little afterward, "Crinas of Massilia left ten million sesterces for the walls of his fatherland, when another man had also constructed fortifications for almost no smaller sum." For it must be read thus, not "one hundred sesterces"; for how

could so small a sum have sufficed for walls? Charnus likewise, from the same Massilia, contracted to cure a sick man from among his fellow Massilians or provincials for two hundred thousand sesterces--that is, five thousand of our gold pieces.

Why should I commemorate the resources of Archontius? Claudius confiscated from this man alone--he was a physician of wounds--when condemned, ten million sesterces, that is, two hundred fifty thousand gold pieces; yet within a few years no less was acquired by the same man in exile and when he had returned to Rome. The very ancient Democedes, as reported by Herodotus, Book 3, was hired for each year by the Aeginetans for one talent, by the Athenians for one hundred minas, and by the tyrant Polycrates for two talents. Thus it is in no way marvelous that Asclepiades, a master of rhetoric in the age of Pompey the Great, when he did not make good gain from that faculty, suddenly turned himself to medicine so that he might become wealthy. Pliny mentions him in Book 7, chapter 37, as the founder of a new sect, and in Book 26, chapter 3, and Book 29, chapter 1.

Conversely, a certain Gallus, a physician who was indeed most acute but most greedy for money, when he saw that he made little gain from medicine at Nicopolis, turned himself to pleading cases, as Antonius Panormita is the authority in Book 4, *On the Deeds of King Alfonso*. He turned the forum upside down with sophisms and cavils, but with a different outcome, since it was decreed by an edict of King Alfonso that a suit which had Gallus as patron should by that very fact be judged unjust.

We know that Galen was very wealthy. He himself testifies in Book 9, chapter 9, *On Recognizing the Diseases of the Mind*, that he was accustomed to spend a tenth part of his revenues annually and add the rest; thus he surpassed all his fellow citizens in riches, although he confesses that he was wealthy from his patrimony.

I come to the Christians. Thaddaeus of Florence, whose books concerning medicine are also read, when he departed from his fatherland for the sake of some treatment, hired out his work for no fewer than fifty gold pieces each day; and after curing Honorius, the Supreme Pontiff, he carried away ten thousand gold pieces. The same is related concerning Pietro d'Abano, who acquired the name of Conciliator.

Dubravius, Book 23 of *Bohemian Affairs*; Antonius Bonfinius, Book 2 of decade 3; and Aeneas Silvius, chapters 35 and 42 of his *Bohemia*, relate that a certain physician named Albicus, through the very ample riches which he had acquired by his art, made for himself with Wenceslaus, king and most indolent emperor, a step to the prefecture of the Church of Prague. You will read similar examples in *The Theatre of Human Life*, volume 10, Book 6, under the title Avarice **ἐν λήψει** (*in receiving*).

There is a saying of King Philip to a wealthy but avaricious and importunate physician. For when Philip had received a wound in the neck near the clavicle and was being treated by him, speaking as though whispering to the man in a low voice, he said, "Take as much as you please, because you have the key"--that is, **λάμβανε ὅσα βούλει, τὴν γὰρ κλεῖν ἔχεις**--as Plutarch reports in the *Apophthegms*.

With the best right, a physician will receive a gratuity for his labor, because it is advantageous that he be wealthy so that he may treat the poor without payment--or even treat everyone. Hippocrates certainly did so, and so did the parent of Ausonius:

> "I offered aid," he says, "to all who sought the service
>
> of an art not purchased, and my office was joined with piety."

§ 6. Let no one be admitted to teach or practice medicine unless he has been taught for a long time and accurately. I spoke above concerning academic honors. Because they are often given to unworthy men, the prince ought not to rest upon that authority so that, if anyone comes from Italy or Gaul furnished with the testimony of some academy, he should thereby be judged a physician. For what is more unworthy than that a man who purchased the title of physician for a few gold pieces should possess a public right of killing and of seeking experiments of his art through deaths of

obscure men and sometimes even of illustrious men? Too often the common proverb, derived from what was once done and said, is customarily bandied about:

Μόνῳ δ᾽ ἰατρῷ τοῦτο καὶ συνηγόρῳ

ἔξεστιν ἀποκτείνειν μὲν, ἀποθνῄσκειν δὲ μή.

"To the physician alone and the advocate alone is it permitted to kill without the penalty of death."

§ 7. Let it be a capital crime for an unskilled physician if he has undertaken to treat the sick, even if by chance he has cured them. For a good outcome is from God; his own rashness had destroyed the sick man. Certain laws reject such men and prohibit their practice, Book 6, § *Sed et reprobari*. And deservedly; for it is better that practice should cease than that men should be killed by drugs. But those who learn through our dangers, who conduct experiments through deaths, deserve a greater penalty. Pliny already complained long ago, in Book 29, chapter 1, that there was no law which punished the capital ignorance of physicians. To have given a deadly love potion was formerly a capital crime, because to have offered a doubtful medicine renders a man guilty of killing. But an unskilled physician cannot be certain. Thus he always hesitates in uncertainty whether he offers a salutary drug or a poison; and if it benefits, he does so by chance, not by knowledge. The woman who--

A jealous adulterous wife gave poisons to her husband,

Nor believed that enough had been given for death;

She mixed deadly weights of quicksilver--

is not free from crime; yet the husband's life prevailed over the poisons fighting among themselves, and his survival does not thereby absolve the sorceress.

The law which I recommend is not severe. It concerns the life of men--

[Printed page 296]

--and is on behalf of life. The man who treats a human life doubtfully has despised it. One who has led a city or army into danger is considered a traitor. What will you think concerning a man who, after receiving money, dispenses poisons and drugs with no certain discrimination? An unskilled advocate does less harm, because his error is more easily recognized and he has an opponent; therefore no one easily commits himself to the arena except with hope of victory. The affairs of physicians are secure: when they have killed, they are not accused; they deceive the sick. Thus there are few who plead cases while unskilled in law; but the error of physicians is recognized only when life has been despaired of, and it is frequently neglected by a greedy heir whom it benefited that the physician was unskilled.

I therefore think that, in a well-constituted state, this rashness must be restrained by a grave penalty, even a capital one. If this were done, not every village would abound with ignorant physicians. Otherwise there is no doubt that a physician of this kind binds himself by a crime. Navarrus, in chapter 25, concerning the sins of a physician and surgeon, says:

"It must be said, first, that a physician or surgeon sins when he practices without sufficient knowledge, even if he has been granted a laurel; and one who sufficiently knows the art but does not follow its precepts; and one who notably neglects to study or to visit the sick, although the sick man is cured--according to Saint Antoninus, with the obligation of restitution according to the opinion of Panormitanus and everyone; and one who applies medicines to a disease before he knows it. Nevertheless, one who through prolonged experience has learned to treat oblique maladies--for example scabies, a fracture of bones, a clouding of the eye, fistulas, and pain of the teeth, molars, ears, and other similar parts--can licitly treat them although he is ignorant of the rules of medicine, provided that he does it without any incantation or fascination, that when fever supervenes he employs a skilled physician for the sick man, and that he attempts nothing which he does not know.

"Second, one sins who, doubting whether some medicine was notably harmful or not, administered it so that he might experiment, make a profit, or not be regarded as ignorant, and so forth; and still more one who administers a thing which he knows to be notably harmful, even if he administers it from pity or in order to please the sick man; and one who abandons a sick man before he ought, from which death or prolongation of the disease results, with the obligation of restoring the loss; and one who, when some limb must necessarily be cut off, does not seek a man whom he believes will cut it off well, or who, doubting the necessity of amputation, ordered it to be cut off; and one who, not knowing how to let blood or cut off a limb, does either or both; and one who, knowing that an apothecary will use corrupted medicines, does not choose uncorrupted ones; and one who, in order that he may receive a greater fee, delays the treatment of a disease."

The opinion of others is the same, and the counsel of Sylvester must altogether be maintained. "First, therefore," says he, "it is asked what is required in a physician so that he can practice the art without sin. And I say that many things are required. First, it is required that he be so skilled that he is commonly considered suitable by men skilled in that faculty. It is not sufficient to possess a doctorate; otherwise, if from notable ignorance he harms the sick man in his treatment, he sins mortally, acting against the commandment 'You shall not kill,' *De poenitentia*, distinction 1, *Homicidium*. And according to Richard, he is held to make equivalent satisfaction to the sick man, since he cannot repair the principal thing. Indeed, even if health follows, he sins mortally, because he exposed himself to the danger of mortal sin--that is, to a work from which notable injury to his neighbor can follow. Nor is it an objection that he does not intend this, because he voluntarily places himself in a situation from which this is naturally able to follow: Article 15, question 1, *Merito*, and § *Sed obicitur*, concerning Lamech.

"Nor is he held only in the forum of the soul when he voluntarily harms--for example by prolonging illness and matters of that kind--but also when he harms from ignorance or inexperience or by not following the traditions of the art, as Petrus notes in Authentica *Sed hodie*, Code *De iudiciis*; because a physician's inexperience is numbered as fault, law *Si quis fundum*, § Celsus, Digest *Locati*, and law *Imperitia*, Digest *De regulis iuris*. Panormitanus, however, in chapter *Ad aures*, *De aetate et qualitate*, limits this to when he voluntarily assumed the office; it is otherwise if from necessity and in good faith he did what he could when other physicians were lacking. Therefore let the man who chooses such a person impute it to himself, since that person said that he was unskilled.

"Second, he ought to be diligent. Therefore one who, after having been requested, is notably negligent in reviewing books, visiting the sick man, examining the quality of medicinal things, and similar matters, if death follows, is irregular and sins mortally; and similarly if a great aggravation of the illness follows without death. But according to Antonius de Butrio, in chapter *Tua nos*, *De homicidio*, he is said to have employed all the diligence which he ought when he follows the traditions of the art, visits personally, and dictates a regimen to the sick man. He is not held to continuous personal watch, according to Hostiensis; and thus the outcome of death is not imputed to him: Digest *De officio praesidis*, law *Illicitas*, § *Sicuti*.

"Third, he ought to possess a justified intention, so that he does not intend to profit from another's loss: *De regulis iuris*, *Nemo*, Book 6. Therefore he ought to conclude the treatment as quickly as he can. If he extends and prolongs the treatment for profit, he sins mortally and is held to restore the excess. Likewise, if he permits the apothecary to place in the composition of a medicine ingredients which are insufficient through age or some other defect so that he himself may profit more, he sins gravely, and each is held to the sick man for every loss. Indeed, according to the Archdeacon, he ought not to trust an apothecary unless he knows that he is conscientious, skilled, and practiced; rather, the composition of the medicine ought to take place beneath his own eyes. Nevertheless, if he gave the medicine according to the art and displayed all due diligence, it is not imputed to him if through a defect in the ingredients or some other admixture it is harmful: *De clerico excommunicato ministrante*, chapter *Apostolicae*, according to Innocent and Hostiensis. In all the aforesaid cases, however, he is held according to the judgment of good men."

And again: "How ought a physician to conduct himself in applying medicines or remedies to bodies? I say many things. First, according to Innocent in chapter *Tuo nos*, *De homicidio*, he ought diligently to take care that he does not

apply medicines concerning which he is not certain according to the art; because if he doubts whether they ought to benefit or harm, he sins by giving them. For in doubtful matters the safer road is to be followed: this is to leave the sick man to nature and the Creator rather than expose him to a medicine which he does not know."

Since, therefore, jurisconsults and theologians arraign unskilled physicians as guilty of killing, the vigor of the laws ought to be armed against them no less than against brigands, since they destroy more men; and magistrates who neglect their office in this part involve themselves in another's sin.

ON THE EDUCATION OF YOUTH

§ 8. Physicians, therefore, must be examined most diligently and severely before they are presented for the care of a state. Nor is an injury inflicted upon the academies which promoted a Doctor, for a great part are proclaimed Doctors before practice. But a prudent prince will admit no one unless he has already practiced under another master, lest he conduct experiments through deaths. Moreover, they must be examined in every part of medicine. Some establish three parts of medicine: dogmas, method, and experience. In academic promotions, dogmas, enunciations, and aphorisms are sought; their rationale, or method, is exacted; experience is not yet present. Yet this too must be known.

Plato divides medicine into that which assists a sick man with medicated plants, potions, and pastilles; then into surgery, to which belong emollient poultices, plasters, incisions, and cauterizations; third, into the care of daily diet and exercises--

[Printed page 297]

fourth, into that which quickly recognizes diseases and at last treats them; finally, into that which comes to aid with great and swift assistance, as though by a divine hand, and drives away pains. But these methods are generally so connected with one another that, with surgery almost alone excepted, they cannot be separated.

Our men divide it into that part which treats the constitution of man and embraces anatomy and complexion, or temperament; then into that whose office is to preserve bodies from diseases. Since very few men employ this part and are accustomed to consult a physician only when the violence of disease cuts off the hope of life, so many cohorts of diseases therefore rush upon them--as though God sent the heavenly gift of medicine to us from those ethereal seats only so that we might drive out a plague which has slipped into our entrails, and not also so that we might turn it away as it comes.

The third part investigates the causes of diseases and, in diseases, the causes of symptoms; complete knowledge of the first part is necessary to it. Joined to this is the part which teaches concerning signs and critical indications, judges future crises, and knows which things are present and which have passed. An experienced physician does this so dexterously that Hippocrates asserts medicine to be akin to prophecy. Hence ignorant antiquity also attributed foreknowledge of future things to Apollo. The fifth part maintains the method of healing, whether it be by diet, by medicines taken in any manner, injected into the viscera, or poured on, or by a different kind of surgery. This extends most widely. For it is necessary that the physician know every kind of medicine, simple and compound, and take care that they are prepared with great care.

In all these matters he will have to be tested long and much before he is approved. Nor must the learning of the novice Doctor be explored only by disputation; he will also be compelled to mix and compound the pills themselves and to approve and disapprove the drugs of apothecaries. Sylvester certainly shows this when he denies that an apothecary is to be trusted unless the physician knows him to be conscientious, skilled, and practiced; rather, the composition of the medicine ought to take place beneath his own eyes. The physician will inspect it in vain if he is ignorant of practice. Therefore this part also must be cultivated. For if he knows it and then learns the prescriptions of noble physicians, he will easily treat common and familiar diseases; but if he is ignorant of the substances to be compounded, as they call them, those precepts will help nothing. He will insert a melon in place of a radish and wrench the soul from a wretched man by a medical death.

§ 9. Let none even of the most approved physicians employ a new medicine unless it has also been approved by others. I am not unaware that many things can be added to the discoveries of the ancients, nor do I condemn new things in the arts. For if all sciences have received great increases through an interval of time, I do not see why this should be denied to this one alone. Yet because experiments upon the human body are dangerous, he will also hear the opinions of others. The law of the Egyptians, concerning which Diodorus Siculus writes in Book 1, chapter 6, did not seem unjust to me: it freed from blame a man who did not heal the sick after administering medicine according to the precepts of the sacred book, but punished with death one who instituted a treatment contrary to those doctrines.

Nor should those be heard who allege that they are unwilling to disclose great secrets and efficacious remedies. Through that boasting of secrets they build up in advance authority for their idleness and ignorance--indeed, often for imposture. If the remedies are good and possess a rationale, it is better that they be made known than lie hidden. They propose poisons dangerously compounded, distilled waters, and violent remedies; and while they treat one disease or part, they consume the whole body.

§ 10. So that medicine may be rightly administered, the prince will establish academic professors with great stipends and gratuities. Then he will liberally support, for six or seven years in that study, three or four men born of distinguished ancestry, of good morals, and endowed with great abilities. So that lawful physicians may possess honor and recompense, however, he will forbid there to be a multitude of physicians--a multitude, I say, of physicians. It is now so great that there is no village so abject in which several are not found; for where no one is a physician, everyone professes medicine.

I laughed when, in a noble city of Germany, I learned that there was no Doctor of medicine and asked whom, therefore, the sick consulted. The answer was that, besides prophetic old women, a pharmacist, surgeon, apothecary, confectioner, bath attendant, Jew, and even executioner compounded doses, observed signs, and discharged every office of a physician. “And all,” they said, “grow rich by this art.” I did not conceal my opinion, but said that the magistracy sinned gravely: not only because it called the health of the citizens into danger and made simple persons the prey of cunning men, but also because by this method it furnished an occasion for superstitions and magical deceptions.

The desire of living is great and natural in everyone and excessive in most. A sick man is deceived by nothing more easily than the hope of health. Thus they descend to every measure and, if they cannot bend those above, they move Acheron. Pliny, in Book 30, confesses concerning magic truly and according to the opinion of all the Doctors: “No one doubts that it was first born from medicine and crept in under a salutary appearance as something higher and holier than medicine. Thus to the most flattering and most desired promises it added the powers of religion, before which the human race is still especially benighted.” And certainly, through the hope of medicine, the devil enticed many living men into this abyss. If, therefore, the magistracy desires to furnish a state pure from magic, let it forbid those clandestine physicians--or rather diviners--to exist. Let it enjoin silence upon them through fear of death.

I do not doubt that the custom of the Babylonians was foolish. They placed the sick in public so that, if anyone had at some time been healed of the same disease, he might transmit the method of healing to the sick man; nor was anyone permitted to pass by without learning about his disease. It was a foolish practice, I say, for the sick man was both afflicted publicly and made to struggle with so many counsels, and--what was gravest--he often had to trust an unknown and ignorant man. But such great ignorance existed publicly that they thought the same diseases in different men and at different ages were to be treated by the same remedies.

We therefore laugh at those things, but we see worse things committed by those who entrust the life and health of the body to unlearned men. For those men maintain some medical method by which they know that certain persons were at some time assisted; they apply it to everyone as a **πανάκειαν** (*panacea*), than which nothing is more destructive. They also often place souls in danger while they expect health through incantations from witches--that is, from the demon.

We marvel that the credulity of the ancients advanced so far that they believed still greater things. Democritus promised a composition of a medicine by which beautiful and fortunate children would be born, but we see such things every day. Asclepiades, the freedman of Pompey the Great, once innovated in medicine, and Pliny relates that "he turned almost the entire human race toward himself in no other manner than if he had arrived after being sent from heaven." Furthermore, he drew minds by a marvelous artifice, promising wine to the sick and giving it at the proper time--

[Printed page 298]

and then cold water. Since Herophilus had first instituted the search for the causes of diseases and Cleophantus had made illustrious among the ancients the rationale of wine, Asclepiades himself preferred to acquire a name by giving cold water, as Marcus Varro is the authority. He also devised other flatteries: now suspending little beds, by whose rocking he might either lessen diseases or elicit sleep; now instituting baths for the most eager desire of men; and many other things pleasant and agreeable to say. He acquired great authority and no less fame when, having encountered the funeral of an unknown man, he brought the man back from the pyre and preserved him--lest anyone suppose that so great a transformation was produced by light causes.

This alone we can regard with indignation: that one man, sprung from a most insignificant nation and without any resources, for the sake of his own revenue suddenly gave laws of health to the human race, which many afterward nevertheless abrogated. Many things assisted Asclepiades: the excessively anxious and crude care of those men, such as burying the sick beneath clothing and inducing sweats by every means; now roasting bodies beside fires or continually seeking the sun in a shady city; indeed, when all Italy was mistress of the world, then first flattering desire without limit by the use of suspended baths. Furthermore, in certain diseases he removed the tortures of treatment, as in anginas, which they treated by an instrument lowered into the throat. He deservedly condemned vomitings, then excessively frequent. He also accused medicinal potions as hostile to the stomach, which for the most part has been forbidden. Therefore we mark above all the things which are useful to the stomach.

These things possess some rationale. But that which Pliny adds in Book 26, chapter 4, is detestable: "Above everything, magical vanities assisted him, raised to such a height that they could abolish confidence in all herbs."

§ 11. Let the care of an excellent physician be that, when it can be done, the sick employ simple and obtainable medicines. Pliny speaks truly in Book 22, chapter 14: "That parent and divine artificer of things did not make wax salves, emollient poultices, plasters, eye salves, and antidotes. These are inventions of workshops--indeed, more truly of avarice. The works of nature are born complete and perfect, with a few things assumed by reason, not conjecture: so that dry substances may be tempered with some juice for the passages, or moist substances with another body for cohesion. To collect and mix powers by scruples is not a work of human conjecture but of impudence."

Hence it has been brought about that a pharmacy is not permitted to physicians, lest they devote themselves to selling wares rather than to health. But because there can be a conspiracy between the apothecary and physician, the state will do excellently if it itself undertakes that care. Yet I do not see this done, although it would be most praiseworthy, while in many places princes and cities assume for themselves as though a royal care the selling of wine, the grinding of grain, and other matters.

Pliny praises the diligence of the ancients in Book 23, chapter 6: "One cannot sufficiently marvel at the care and diligence of the ancients, who, having searched everything, left nothing unattempted. In this very pomegranate there are little flowers which burst forth before the fruit itself appears, which we have said are called *balaustium*. Therefore, having tested this too, they discovered that it opposes scorpions."

But he says that that diligence was corrupted and removed and complains, in Book 24, chapter 1, that frauds succeeded in its place: "Hence medicine was born. These alone had pleased nature as remedies prepared for the common people, easy to discover and without expense, from which we live. Afterward the frauds of men and snares of abilities

invented those workshops in which his life is promised for sale to each man. At once compositions and inexplicable mixtures are loudly proclaimed. Arabia and India are valued in their midst, and a medicine from the Red Sea is charged to a little ulcer, although the poorest man eats the true remedies every day."

The physician who heals without expense will not thus be less esteemed, but more readily available and more honored; for great care also exists in applying medicines liable to danger. Herophilus, the noble physician, said excellently that many herbs benefit when trodden underfoot.

§ 12. Let the state also possess men who gather medicinal plants at the proper time, for Pliny is the authority in Book 24, chapter 2, that the whole of medicine was once in these: "This was ancient medicine, which migrated entirely into the Greek language. But the reason why more plants are not known is that country people and those ignorant of letters test them, since they alone live among them; furthermore, the ready availability of a crowd of physicians gives security from searching. Names are also lacking for many discoveries, as for that plant which we reported in the care of grain and which we know, when buried at the corners of a field, causes no bird to enter. A most shameful cause of their rarity is that even those who know are unwilling to show them, as though what they transmitted to others would perish from themselves. Added to this is the uncertain method of discovery. Indeed, even among things discovered, chance finds some and--as I shall speak truly--God finds others."

And these things were once valued so greatly that it was sufficient for the Arcadians to employ as medicine the milk of cattle which grazed in places rich in plants. Pliny, Book 25, chapter 8: "Otherwise they relate that Mount Pelion in Thessaly, Mount Telethrius in Euboea, and all Arcadia and Laconia are rich in plants. The Arcadians indeed employ not medicines but milk around springtime, since then plants swell especially with juices and udders are medicated by the pastures. They drink cow's milk, since cattle are almost omnivorous among plants. The power of plants through quadrupeds is still made manifest by two illustrious examples."

But this practice is Arcadian and belongs to ancient foolishness; for since the kinds of diseases are varied, that **γαλακτοποσία** (*drinking of milk*) cannot remedy everyone, but only some.

ON THE EDUCATION OF YOUTH

§ 13. The prince ought to take great care that new medicines are not introduced, as I have said; for the trial is attended by uncertainty. Those whom they call Paracelsists must therefore be admitted cautiously. Pliny proves that no art has been more inconstant, and that it was changed rather frequently even in his own time. The cause of the change is desire for gain, so that they may attract men to themselves by novelty. New things, however, are eagerly taken up by the sick, because they perceive that they are being cured slowly by the old ones; and, just as they delight in changes of rooms and beds, so too they delight in variety of medicine.

Hippocrates long held sway over everyone; he became renowned around the beginning of the Peloponnesian War. They say that he drew his ability to heal from remedies written in a temple according to custom; for it was the custom that those who had been freed from diseases should deposit in the temple a written account of the kind and method of the remedy. Having used these, he is said to have gained fame after the shrine had already been burned. But so great a knowledge of things sufficiently shows that he employed another teacher. He indeed healed everyone without payment, but Prodicus, his disciple, made the art profitable and instituted iatroleptics. Chrysippus, however, altered their doctrines, and Erasistratus, the grandson of Aristotle, altered those of Chrysippus; and thus the disciples rejected their teachers.

In Sicily there was a sect of Empirics, with Acron of Acragas as its founder. Since it rested upon opinions and experience, it was quickly dispersed into various little sects, all of which Herophilus deservedly condemned. The words of Pliny, Book 29, chapter 1, concerning the sect of Herophilus should be noted: "Then this sect too was abandoned, because it was necessary to know letters in it." I marvel and am almost stupefied that there were sects of physicians which did not know letters, and that the one which required a knowledge of letters--

[Printed page 299]

was abandoned for that very reason. But even today, when illustrious physicians have been forsaken, do not many seek health from old women and country people, and embrace their sayings all the more because they come from the unlearned?

Asclepiades followed next. His hearer Themison altered his precepts; Antonius Musa altered Themison's doctrines when he had cured Augustus by a contrary treatment. But Valens Vectius, Messalina's adulterer and powerful for that reason, also founded another sect. Under Nero's rule Thessalus abolished all the decrees of the ancients and declaimed with a certain madness against the physicians of every age. He caused it to be inscribed upon his tomb that he was *Iatronicen*, "the conqueror of physicians." Meanwhile he drew the whole city after him; that age, Pliny says, "leapt over to him." No actor's or driver of a three-horse team of mares' appearance in public was more fully attended. But, while he was still alive, his own crowd deserted him. For Crinas of Marseilles, having doubled the art in order to appear more cautious and more religious, surpassed him in authority by giving foods according to the motions of the stars from a mathematical ephemeris and by observing the hours. "These men ruled the fates," says Pliny in Book 29, chapter 1, "when suddenly Charmis, from the same Marseilles, invaded the city. He condemned not only the earlier physicians but also the baths, and persuaded people to wash in cold water even amid the chills of winter. He plunged the sick into pools. We used to see aged men of consular rank stiff with cold even to the point of ostentation." Concerning this there also survives the supporting testimony of Annaeus Seneca.

Nor is there any doubt that all those men, hunting for fame by some novelty, immediately trafficked in our lives. Hence those wretched contests of opinions around the sick, with no one judging the same thing lest he appear to be another's appendage. Hence that inscription upon an unhappy monument: that he had perished through a crowd of physicians. "The art changes daily; so often are we altered, and we are driven by the breath of Greek talents. And it is manifest that, as each among them grows powerful in speaking, he is immediately made emperor of our life and death--as though thousands of nations did not live without physicians, yet not without medicine, just as the Roman people did beyond its six-hundredth year. Nor was that people itself slow in receiving the arts, and it was even eager for medicine, until, having tried it, it condemned it."

You indulge your pen too much, O Pliny. It did not condemn the art, but the vices of men: avarice, cruelty, and pride. The art is to be retained, the vices restrained, and, so that they can be restrained, their occasions must be removed. This is clear from the fact that the Roman people held Archagathus exceedingly dear; but since he was a wound-physician, through cruelty in burning and cutting his name passed over into "executioner," and the art into loathing. The very words of Cato show this:

"I shall speak about those Greeks in their proper place, my son Marcus: what I have discovered at Athens, and that it is good to inspect their literature but not to learn it thoroughly. I shall prove them a most wicked and unteachable race; and consider that a prophet has said this: whenever that nation gives us its literature, it will corrupt everything--even more so if it sends its physicians here. They have sworn among themselves to kill all barbarians by medicine. But they do this very thing for a fee, so that they may be trusted and may easily destroy us. They also repeatedly call us barbarians, and foul us more shamefully than others by the name of Opicans. I have forbidden you to have dealings with physicians."

And this Cato died in the 605th year of our city and the seventy-fifth year of his own life, lest anyone suppose that he lacked either public times or the private span of a life for making trial. What, then? Do we believe that a most useful thing was condemned by him? By no means, by Hercules; for he adds by what medicine he brought both himself and his wife to a long old age--namely, those very things which we now treat. He also declares that he possesses a notebook by which he may treat his son, his slaves, and the members of his household, which we set forth according to the kinds of its use. The ancients did not condemn the thing, but the art. Above all, however, they refused to let gain be made from life at a monstrous price.

§ 14. Let a sworn apothecary preserve all compositions and prescriptions of drugs; and every year let other physicians, with leading men from the senate joined to them, institute an examination not only of the apothecaries' shops but also of the medicines dispensed. For if an error has been committed, if a medicine was suited neither to the age nor to the person, many things will be able to be corrected; and if the matter rested upon injury to another's life, the physician can be warned not to sin further, and, if the error was more serious, can be removed. For since the people cannot judge, the prince ought to entrust that care to skilled men. In this matter nothing is more wretched than man, and so it was formerly as well. Pliny, Book 29, chapter 1:

"Roman gravity does not yet practice this one alone of the Greek arts, despite so great a benefit. Very few of the Quirites have touched it, and they themselves immediately became deserters to the Greeks. Indeed, authority does not belong to those who treat it otherwise than in Greek, even among the unlearned and those unacquainted with the language. And they trust less what pertains to their health if they understand it. And so, by Hercules, in this art alone has it happened that anyone professing himself a physician is immediately trusted, although in no falsehood is the danger greater. Yet we do not look at this, so beguiling for each person is the sweetness of hope on his own behalf.

"Moreover, there is no law which punishes deadly ignorance, no example of vengeance. They learn through our perils and conduct experiments through deaths; and for a physician alone, to have killed a man is the highest impunity. Indeed, abuse is passed onward, and intemperance is blamed, and those who have perished are accused besides. Yet panels of judges are, according to custom, examined by the censures of princes; an inquiry is conducted through walls; and one who is to judge concerning a coin is summoned from Gades and the Pillars of Hercules, while in a matter of exile a ballot is given only to forty-five selected men. But what kind of men enter into consultation concerning the judge himself, immediately about to kill him? Deservedly so, while none of us pleases to know what is needed for his own health. We walk with another's feet; we recognize with another's eyes; we greet by another's memory; we live by another's labor. The values of nature and the proofs of life have perished. We have nothing else as our own except pleasure."

Certainly, in civil cases an appeal is granted, and after the appeal a review, so that a good cause cannot perish through the law. Here, where human life may be lost, let an inspection be established, so that there may be some fear of killing.

§ 15. A physician who is to be admitted to practice in the state shall furnish an oath that he will be not only faithful, but will also, as much as he can, moderate expenses according to the circumstances of the persons. Let the inspectors also consider whether, in an ordinary disease curable by cheaper remedies, he has caused heavier expenses without reason. For why must pearls and gems be dissolved--a thing prodigious even amid royal luxury--if beet and mallow evacuate the bowels more beneficially? Things readily at hand are more harmless. For if God had willed that costly things alone should benefit, he would have provided only for the few rich men. I call things costly not only in kind, but also in mixture. Good God, how often have I heard that many things--seventy-four ingredients, if I am not mistaken--enter into a single most costly little powder. How are the powers of all of them tempered with one another? Pliny complained of these things long ago:

"A composition devised by luxury is called theriac. It is made from foreign things, although nature has given so many remedies which would suffice individually. The Mithridatic antidote is compounded from fifty-four things, with no two of equal weight, and for certain things the sixtieth part of a single denarius is prescribed. Which of the gods, by Faith, revealed these things? For human subtlety could not have been so great. A display of art and a portentous advertisement of knowledge--

[Printed page 300]

is manifest. And not even they themselves know it. I have discovered that red lead is commonly added to medicines in place of Indian cinnabar through ignorance of the name; we shall teach among the pigments that it is a poison." Behold: through the physician's ignorance poisons are given for medicines.

§ 16. But we deal with private persons in vain unless a public law comes to their aid. For just as there is a certain luxury of life, so there is also ostentation in medicine. A philosopher says nothing so absurd that it is not believed through someone's levity; a physician prescribes nothing so poisonous or vain that it is not taken even with danger. They have handed down medicines made from the ash and nest of the phoenix.

§ 17. When a disease is dangerous, let the physician warn the sick man concerning the salvation of his soul. The counsel of Navarrus and others in this matter is moderate, under the word "Physician":

"Thirdly, he sins who does not persuade a sick man to make confession before he applies medicine to him. This has no place when it is manifest that the disease is not dangerous, whatever Sylvester may say; nor even when he believes it to be dangerous and lethal, if, according to the custom of good and honorable physicians, he warns the man's parish priest, or those who have the care of him, that they should provide the sacraments to him, and physicians themselves omit to say this personally--not because they are unwilling to do it, but because they think, according to Cajetan, that it would harm the sick man. For, as he himself and we say, that constitution has been received and is observed in this manner; and although the sick man is unwilling to confess, he is not on that account to be abandoned by the physician, according to everyone."

§ 18. If any physician proposes shameful remedies for health, such as the warm blood of a slain infant, as was done for Constantine, drunkenness, **γονόῤῥοιαν** (*seminal discharge*), adulteries, or abortions, let him be *intestabilis*--legally disqualified--and let him be punished in proportion to his fault. For life ought not to be preserved through crimes. Therefore care must be taken that he be a good man, lest, while he treats diseases, he introduce greater evils of morals. Accordingly, let him believe that health is a gift of God, let him depend upon God, and let him not attribute this to himself, so as to assert that he can heal the sick when God does not approve.

Pliny testifies that morals have been corrupted under the appearance of medicine: "Those things destroyed the morals of the empire, those things which we endure while healthy: wrestling practices and wax salves, as though instituted for the sake of health; burning baths, by which they persuaded men that food was cooked within their bodies, so that no one came out without being weaker, while the most obedient were carried out for burial; then the drinking of those who were fasting, and vomitings, and again deep drinkings; and the emasculating removal of hair by means of their resins; and likewise the pubic regions of women actually exposed in public. Thus it is assuredly: a plague of morals, and none greater than from medicine, daily makes Cato altogether a prophet and his saying an oracle--that it is enough to inspect the talents of the Greeks, not to learn them thoroughly."

These things should have been said on behalf of that senate and the six hundred years of the Roman people against an art in which, under a most treacherous condition, the good create authority for the worst; and at the same time against the stupefied beliefs of certain men who think that nothing benefits unless it is costly.

I pass over Apollonides of Cos, who deservedly, after a year's **αἰκισμὸς** (*maltreatment*) and torture in the Persian manner, was buried alive, and others as well, because I treat of physicians, not of the vices of men, which are found monstrous in every class of men.

§ 19. The things said against physicians pertain to itinerant practitioners and impostors. There is scarcely any physician in Muscovy; the duke alone has one. Yet treatments are not lacking there, whether derived from experience or from superstition. The world has always wished to employ such things and has learned them by its own loss. See the *Questions* of Rodericus a Castro. At Rome medicine at first lay prostrate; afterward it ruled. Nor is that surprising in a rustic people which for many centuries lacked even bakers, when a dictator used to cook turnips for himself.

Many teach from Genesis 50:2 that physicians were slaves in Egypt; for Joseph commanded his servants, the physicians. But the proof is weak. For by that reasoning Joseph's brothers also would have been of servile condition: according to the custom of the East, magnates called themselves the servants of kings, not after the manner of chattels,

but to declare their readiness for obedience. Nevertheless, nothing prevents the most wise Joseph from having willed that certain chattels be taught medicine.

Solomon was the prince of physicians: he embraced the whole of natural philosophy and discussed most wisely whatever was ever known. Even now diviners, enchanters, empirics, Hermetics, and observers of the stars and constellations bring medicine into disrepute, as do the inventors of weapon-salve, or the diabolical advocates of magnetic cures. Concerning them, see the most learned man Johannes Roberti against Goclenius, and the disputations of Gaspar Wenck published at Dillingen; and the work of the same Roberti against the *Synarthrosis*.

These things concerning education. What can be said concerning jurisprudence and likewise theology is more properly set forth in the book concerning laws and the ecclesiastical magistracy. Education for military service and war itself must be treated in a separate book. I shall conveniently speak concerning the mechanical arts when I give an account of acquiring power; for although they can have another end, they nevertheless almost always have **χρηματοποιίαν** (*money-making*) set before them. Nor must I treat of them in any other way than that they be adapted to the state. For all things have their true use if they are conducted for the public good.

ADAM CONTZEN

TEN BOOKS OF POLITICS

BOOK FIVE

On Laws

CONTENTS

Chapter I. The Rationale of the Undertaken Discussion concerning Laws 4

Chapter II. The Definition and Division of Laws 7

Chapter III. The Necessity and Utility of Laws 12

Chapter IV. The Matter of Laws Is Varied 16

Chapter V. The Legislator Is a Magistrate or the Whole State 21

Chapter VI. The End of Law Is to Make Men and Citizens Equally Good 26

Chapter VII. Law Is Imposed upon a Community for the Sake of the Common Good 30

Chapter VIII. The Effects and Offices of Law Explained 34

Chapter IX. Not All Laws, Even Just Ones, Bind Consciences; Some Bind Unequally 44

Chapter X. Penal Laws Are Necessary and Bind in Various Ways 47

Chapter XI. It Is Best That Laws Be Few 50

Chapter XII. Laws Ought to Be Just, Equal, and Moderate 58

Chapter XIII. Laws Are Not to Be Changed Easily 62

Chapter XIV. There Is an Eternal Law, and It Is the Source of All Laws 66

Chapter XV. On the Adjuncts of Human Laws, and First of All on Interpretation 69

Chapter XVI. Laws Sometimes Cease Although They Are Not Abrogated 71

Chapter XVII. A Law Can Be Abrogated for a Just Cause 73

Chapter XVIII. Privileges Are to Be Granted, but for Merits and Moderately 74

Chapter XIX. The Legislator Must Take the Greatest Account of Custom 77

Chapter XX. The Prince Is Bound by the Laws 81

Chapter XXI. The Old Law Was Useful for Morals and for the Polity 88

Chapter XXII. Antinomians Must Be Expelled from the State 89

Chapter XXIII. The Written Divine Law Necessary to the State Is Rightly Understood and Observed by Catholics Alone . . . 98

Chapter XXIV. We Are Unjustly Accused of a Corrupt Version and Interpretation of the Divine Law 107

Chapter XXV. Sectarians Cannot Possess the True Law of God 116

Chapter XXVI. The Written Divine Law Is Truly Difficult 121

Chapter XXVII. Reading the Divine Law Is Not Prohibited by Us 126

Chapter XXVIII. The Law Handed Down by Tradition Is Joined to the Written Law 131

Chapter XXIX. The Study of Law Commended to Princes and Private Persons 138

CHAPTER I

The Rationale of the Undertaken Discussion concerning Laws

§ 1. To enact salutary laws for the state belongs to the highest prudence and authority; but to observe them belongs to a most excellent citizen. For nothing is more useful or honorable to a city than the guardianship of good laws. Therefore, to discuss laws, to judge laws, to recommend new ones, to amend old ones, and to pronounce that some must be abrogated appears to belong to a prince--and to a supreme prince; to venerate and kiss the laws and to undertake what has been commanded belongs to subjects. Shall I too, then, discuss laws? That, indeed, is necessary for the theologian and the philosopher; but the whole subject matter of the jurisconsult is law, for he blushes to speak without law. The statesman, however, will have constituted the state in the best and most solid manner if he brings it about that the best laws are enacted and flourish widely. For law is the soul of the city: by its vegetative influence this great body lives, and by its nod it is governed. And just as we greatly shudder at **τὰς ἀνόμους κινήσεις**, the lawless convulsions, of epileptics and the delirious, because they twist the members of the body contrary to the will of the mind, so too, when law has been lulled to sleep or suppressed, the state is agitated by violent movements, suffers from the falling sickness, and is about to fall suddenly with a tremendous crash. Therefore I too must speak concerning laws.

I shall not speak concerning individual laws, for that would be a work without end and would not belong to my profession. That discussion would encompass the whole of jurisprudence--the knowledge and treatment of sacred and civil laws. I shall therefore speak generally concerning the nature of right and laws, their causes and effects, and their properties and parts: those things which suffice for ordering a city and conduce to understanding and establishing particular decrees. And I shall do this chiefly according to the judgment of emperors, kings, and the most learned men, drawn from the trustworthy experience of histories--that is, of the human race.

Nor was the Persian law just--**ἀνομίαν εἶναι πένθ᾽ ἡμερῶν**--that there should be no law for five days after the king had died. For that period was long enough for crimes to be conceived and perpetrated.

§ 2. But since the institutions and customs not only of different nations but even of the same people are so various that, although falsely, someone once said nevertheless not without occasion, “The distinction between honorable and base rests upon opinion alone,” I shall be free to judge according to my own judgment concerning the institutions of all states. Nor ought my judgment to be constrained by the prior judgment of one state if the decrees of other cities support me. And let the judgments of others likewise be free concerning my own judgment.

I shall therefore weigh the laws and furnish the state with them. Divine law, indeed, must be considered day and night. “The law of God, therefore,” says Ambrose in *On the Mansions of the Children of Israel*, at the twenty-eighth mansion, “must be examined by every most exact test and observed with the greatest diligence possible, lest perhaps we fall away from it. This present mansion teaches us this. For Bene-jaakan signifies a stirring-up. But he who thoroughly cultivates the law of God observes diligently, lest even the smallest syllable or stroke slip away through negligence.”

§ 3. For this consideration directs the conscience, illuminates the mind, and gives form to the state. For this reason many of the ancients and not a few writers of the middle age treated laws, while in our own time innumerable writers have done so. The most ancient of all whose monuments survive is Plato, whose twelve books are still in our hands today: learned if you regard their antiquity, but insufficiently exact if you regard our times. Various writers then followed him, but their monuments have perished. Cicero, the foremost of the Romans, expounded Plato’s judgment in three books. Before him, the eminent men who flourished in the state gave opinions concerning right and laws.

Cicero, book 1 of *On the Laws*: “I remember that there were eminent men in our state who were accustomed to interpret it for the people and to give opinions; but, though professing great things, they were occupied with small

ones. For what is so great as the power of the state? Yet what is so slight as the function of those who are consulted? How necessary it is to the people!"

Then, in the age of the emperors, hosts of jurisconsults followed. But they generally drew their doctrines from the Twelve Tables, decrees of the senate, plebiscites, decrees of princes, and opinions of the learned--not, as the ancients also had done, from the inner depths of philosophy. They discussed how people might make provision by law, how they might defend their property, and the law concerning walls, boundaries, roads, and rainwater falling from roofs. They touched sparingly upon the entire basis of universal right and law. Cicero therefore complains with justice that the ancients "professed great things but were occupied with small ones." For the civil law which they chiefly treat "is confined to a small and narrow place. But the nature of right must be explained by us, and it must be derived from the nature of the human being. The laws by which cities ought to be governed must be considered; then those rights and commands of peoples which have been compiled and written down must be treated, among which those of our own people, which are called civil laws, will not lie hidden."

[Printed page 302]

Thus Cicero; and he had previously given the reason: "In no kind of discussion is it more honorably disclosed what has been bestowed upon the human being by nature, how great a power of the best things the human mind contains, for the sake of cultivating and accomplishing what duty we were born and brought into the light, what the association of human beings is, and what natural fellowship exists among them. For when these things have been explained, the source of laws and right can be found." You think, therefore, that the discipline of right must be drawn neither from the praetor's edict, as most now think, nor from the Twelve Tables, as earlier men thought, but from the inner depths of philosophy.

§ 4. This method was followed by St. Thomas in I--II, question 90; Antoninus, part 1, title 11; Hugo, *On the Power of Laws*; Gerson, part 3, *On the Spiritual Life*, and in the first part, *On Ecclesiastical Power and the Origin of Right and Laws*; Vincent of Beauvais in the *Moral Mirror*, book 1, page 2; Alfonso de Castro, *On Penal Law*; William of Paris; and Domingo de Soto, books 1 and 2. Among the theologians of the Society was Gregory of Valencia, who also illuminated Germany by published works covering the whole of theology and by refuting heretics. His hearer Clement VIII bore testimony to him and called him "the doctor of doctors."

Gregory of Valencia was followed by John de Salas, the Castilian, in whom, besides a profound knowledge of theology and philosophy, skill in every kind of law and equity is also apparent.

Gabriel Vásquez treated the matter in I--II, disputation 150 and those following, and did so with great and independent judgment. Martin Becanus, my teacher, treated it briefly, lucidly, and acutely, so that he could both instruct the learned and assist the busy. Francisco Suárez pursued the same material at length in ten books--yet briefly, if we consider the fertility of so vast an intellect and his other monuments. There is no need of a new encomium for me to commend those books to students of theology. I assert only that what his censors, Father Friar Luís dos Anjos, provincial of the Order of Friars Minor, and Father Friar Vicente Pereira of the Order of Preachers, pronounced is true. Luís's judgment is this:

> By command of the supreme senate of the Holy Inquisition, I have examined this treatise concerning laws, composed by the very reverend and most learned Father Francisco Suárez. In it, with the highest learning customary to him, he discusses and resolves the difficulties of this subject matter. Nothing repugnant to the faith is contained in this treatise; nothing contrary to the decrees of our nurturing Mother Church and the holy Fathers, or to good morals. Rather, I found in it so great a splendor of learning in the explanation of everything which can concern this discussion that nothing further seems capable of being desired, either for theological discussion or for the interpretation of pontifical law. I therefore judge it worthy to be offered to all in print, as necessary for those most learned in theology and canon law and most useful to the Christian state. Given at Lisbon, on 5 May, in the year of the Lord 1611.

Vicente's judgment is this:

> By command of the supreme senate of the Holy Inquisition, I have carefully read this treatise concerning laws, divided into ten books, whose author is the Reverend Father Doctor Francisco Suárez, primary professor in the Academy of Coimbra, and I judge it worthy of its author. For there is more in it that is approved by sight than can be praised by the mouth, as St. Ambrose says concerning light in book 1 of the *Hexaemeron*, chapter 9. It may therefore be committed to type for the common utility of all. Given in the convent of St. Dominic at Lisbon, on 5 August, in the year 1611.

§ 5. Theologians indeed discuss laws in order to lead the minds of human beings toward obedience and a desire for what is true and honorable. My purpose, however, is to show from the rationale and nature of right and laws by what means a city may be governed best. I therefore see that many of their disputations must be left aside, that I must take up those matters which they have discussed copiously, and that many matters more commonly employed in schools than in courts and tribunals must also be passed over; but everything must be accommodated to the use and utility of men engaged in the state.

There is one matter about which I wish all who either enact laws, defend them by reason of their office, or interpret them to be admonished: that they show regard for the laws which they themselves approve. Lactantius speaks excellently in book 4 of the *Divine Institutes*: "Whoever gives precepts to human beings fashions them for life and morals. The good things which he has prescribed belong, indeed, to others; but he himself must live in the same manner in which he teaches that one must live, lest, if he lives otherwise, he detract from the credibility of his precepts and render his doctrine less weighty--if in deed he loosens what in words he strives to bind. Therefore, when someone does not do what he has prescribed, what arrogance it is that he wishes to impose upon a free human being laws which he himself does not obey! For human beings prefer examples to words, because speaking is easy, but performing is difficult."

CHAPTER II

The Definition and Division of Laws

§ 1. There are many definitions of laws, which can easily be defended but much more easily attacked. For nothing is rarer than an exact definition. Indeed, every difficulty can be reduced to a definition.

Aristotle, *To Alexander*: **Καὶ γὰρ ὁ νόμος ἐστίν, λόγος ὡρισμένος καθ᾽ ὁμολογίαν κοινὴν πόλεως, μηνύων πῶς δεῖ πράττειν ἕκαστα.** For law too is a statement--or rational ordinance--defined by the common consent of the city, showing how each thing is to be done.

Cicero, book 1 of *On the Laws*: "Law is the highest reason implanted in nature, which commands those things that ought to be done and forbids their contraries." And in book 2 of *On the Nature of the Gods*: "Law is the prescription of what is right and the repulsion of what is depraved."

St. Thomas, I--II, question 91, article 4: "Law is an ordinance of reason for the common good, promulgated by him who has care of the community."

Papinian, *Lex est*, **π.** *On Laws*: "Law is a common precept, the considered judgment of prudent men, the coercion of offenses committed either willingly or through ignorance, and, finally, the common pledge of the state."

Alfonso de Castro: "Law is the right will of him who represents the people, promulgated by voice or writing, with the intention of obliging subjects to it."

Valencia: "Law is a certain right decree of practical reason, sufficiently sanctioned by him who bears the care of the community, and established so that by its force some mode must necessarily be applied, whether in a thing or in an action, for the sake of the common good."

John de Salas: "Law is a precept imposed upon a community, perpetually binding unless it is revoked."

Suárez, book 1, chapter 12: "Law is a common, just, and stable precept, sufficiently promulgated."

I willingly pass over other definitions, such as: "A law is a general command of the people or of the plebs, upon the senate's proposal." Gellius, book 10, chapter 20. And:

[Printed page 303]

"A law is what the Roman people established when questioned by a senatorial magistrate, such as a consul." For these contain particular law.

Most of those definitions seem to me capable, by a suitable interpretation, of being referred to a true understanding and explanation.

Therefore, in order that we may place the thing itself before our eyes, many matters must be considered in the meaning of laws and in the thing itself.

§ 2. First, the Hebrews call law **תורה**, from **תור**, which means to explore, consider, and order. For **תור** is order, method, ordinance; for an investigation proceeds in a most orderly manner when it prudently examines a matter. At Esther 2:12 it designates a time or order. But I prefer to derive it from **ירה**, which means to teach; and among the Hebrews it is taken very broadly, so as to mean method, doctrine, disposition, judgment, and statute. Among the Greeks it is called **νόμος**, not so much from feeding as from distributing to each person his own right. Formerly, however, they called songs **νόμους**, as Aristotle is the authority, *Problems*, section 19, problem 28: "Why are most laws called songs? Is it because, before human beings knew letters, they sang their laws, lest they consign them to oblivion--a practice which

even in our own age is customary among the Agathyrsi? Therefore they also called the earliest of the later songs by the same name by which all the earlier ones were called." Law, therefore, is called a measure, rule, norm, condition, and precept, even when inequitable; but we are speaking of law in its proper sense.

§ 3. Next, every law is composed of various parts. For in it there is a judgment, or an act of the legislator's intellect, by which he judges that something is to be done or not done and that the subject is to be bound. Next there is a decree, or an act of the will, by which he determines to bind him. Third, there is promulgation, by which the law is made known to the subject. Fourth, there is the subject's understanding, by which he recognizes his obligation--or, certainly, fails to know it through his own fault. Finally, there is the thing itself, or what they call the object, about which the judgment and will both of the legislator and of the subjects are occupied. The law in Paradise is: "You shall not eat from the tree of the knowledge of good and evil." This object, known by God and human beings, is called law and is the terminus of divine command and human obedience. For it directs both the intellect and the will of the human being. First God understands that this is to be commanded; next he wills to command it; and finally he declares it by his command, upon knowledge of which the obligation to obey arises. Therefore, the matters disputed at greater length here by the theologians--whether law is a work of the intellect or of the will--are in no way necessary for us, since it embraces both. Once these matters have been established, therefore, it is easy to comprehend the nature of law in a brief definition.

Law is an equitable precept of a superior, obliging a subject to act or not to act. For *precept* is the genus; equity excludes unjust commands, which are called laws only by an abuse; and the obligation of the subject includes promulgation and the other elements. I shall speak in its proper place about stability and the other attributes of laws.

§ 4. There is a great affinity between law and right, and they are frequently confused. *Ius*, right, is so called because it is just, and it is the object of justice. For that virtue establishes its own object, just as the other virtues do. For they say that this is right which has flowed from justice as its fountain. General right, I say, is that which corresponds to general justice: namely, that which in every thing and action is consonant with right reason and equity. Particular right is that which corresponds to justice strictly taken, and it is either what law prescribes or the faculty which law grants to each person. In the usage of jurists, *ius* frequently signifies law. "Right is civil equity," says Crispus, "either sanctioned by written laws or received in institutions or customs." And these are the beginnings and the nature of laws.

§ 5. The division of laws and of right is, by a certain proportion, the same. The ministers of Themis themselves establish a varied partition of right. They call the natural inclination of each thing primary natural right; next, secondary natural right, such as standing by promises and harming no one. This same thing is called by some primary law of nations. Third, what is derived from this they call secondary law of nations, as that which is gathered by practical reasoning in a manner so consonant with nature that all nations--or nearly all, unless they are exceedingly savage--agree upon it. Thus natural right is not altogether distinct from the law of nations. For the emperor calls that the law of nations which natural reason has established among all human beings. Necessity establishes secondary natural right, as Aristotle says in book 1 of the *Politics*, chapter 3. An example is servitude, which is not contrary to natural right--namely, that milder servitude amended by Justinian and others; for the ancient form was altogether barbarous and tyrannical.

They likewise call right that of **τῶν νόμων ἐγγράφων**, written laws, and **ἀγράφων**, unwritten laws; others call them **θέσμια**, ordinances, and **τὸ νόμιμον**, what is lawful. There is also the right of persons, things, and actions.

From this also arose what is called civil law, which neither departs wholly from natural right or the law of nations nor serves it in every respect. Thus, when we add something to or subtract something from the common right, we understand it as proper or civil law. But if it departs altogether from natural right, it is no longer right, but injustice and tyranny.

Thus servitude belongs to the law of nations. For although all are born free--because the whole human race is one and from one--nevertheless they can become slaves by the law of nations, which is not contrary to the law of nature. For he who brings an unjust war against another and contrives his death can himself be killed:

> In my judgment, guile is permitted to repel guile,
>
> And laws allow arms to be taken up against the armed.

Nevertheless, by the humanity of civilized nations, servitude was substituted for the penalty of death. Civil law, therefore, never corrupts natural equity, but determines it. But if at times it seems to depart rather far from it, it must nevertheless have a reason which, on account of some circumstance, makes what is prescribed just. It certainly seems harsh that by prescription one should lose possession of one's own property; but lest the ownership of things be tossed into uncertainty for a very long time when the possessor is uncertain, it is more prudent to provide for public tranquility at the cost of a few. Gregory of Toulouse speaks excellently in the *Syntagma of Law*, book 11, chapter 1, § 9 and following: "In the same way, civil reason too has natural reason almost always as its companion. For a reason can scarcely be named which is not natural; yet it does not always consider what accords with the common nature of all, but sometimes only the circumstance of a particular civil society, so that someone's life may be ordered more suitably, account being taken of the customs of the present place and of what happens there more frequently than elsewhere among human beings generally."

[Printed page 304]

Hence civil law--which is proper to each city, that is, which is especially conformed to the rites and customs received in the city--partly agrees with the law of nature, as though with the leaven of equity, justice, and right, from which it has so much as is just; yet it does not serve it in every respect--that is, it does not enact altogether according to universal natural equity. For the necessity of societies sometimes commands a departure from that equity: penalties may be increased because of the frequency of crimes, or harsher provisions enacted because customs are more savage and barbarous; at other times penalties may be diminished for the contrary reason. It is expedient to temper laws in one way here and in another way elsewhere. All these laws, although different and contrary in different places, are nevertheless just and equitable, but by a different rationale and in a qualified sense--not according to the general consideration of the law of nature in the abstract, but according to natural right in the concrete, that is, according to the suitability of the subject for whom the legislator prescribes what is just. Thus I do not doubt that natural right also exists in civil law. Yet in that concrete case the designation *civil* predominates. And although civil sanctions, if they are not consonant with reason, do not make right, even though they are so named, but rather corruption; nevertheless, if they agree with reason, since that reason is natural, civil law will in this way also be natural law, and in the concrete it can be called both natural and civil law, by reason of its restriction to this or that city.

§ 6. These are the determinations they have made concerning right; the division of laws also is not dissimilar. In the *Timaeus*, Plato divides law into divine, celestial, natural, and human. He distinguishes celestial law from divine. He calls that divine which theologians call eternal law, which is the rational order existing in the divine mind and governing the universe. For Plato, celestial law is **μοῖρα**, or fate, which Christian piety does not admit except under a sound interpretation. Natural law is that which we defined above. St. Thomas divides law according to the same rationale into eternal, natural, divine, and human; others divide law or right into natural and positive. Jurists consider natural law, the law of nations, and civil law; they leave divine and canon law to theologians. Authors divide civil right or law into six parts.

For a law is what the Roman people established when questioned by a senatorial magistrate. But this definition concerns only Roman law and the law of the state while it stood. For Romulus had established that nothing should be sacrosanct unless the plebs or people had sanctioned it. What had seemed good to the curiae was referred to the senate. For the enactment of laws, the creation of magistrates, and the determination of war were in the power of the people. Indeed, the imposition of a more serious fine was also decreed by the people, Titus Livy, book 25.

A decree of the senate is what the senate determined. If any tribune interposed his veto, only a formal opinion was written down and the matter was referred to the senate and people. Many, however, exclude this kind of law; for decrees of the senate and magistrates did not possess the same force as commands of the people, since both magistrates and plebs swore to a law. Nevertheless, it can be called a true law; for lesser power or obligation does not cause it to cease being law, but causes it to be a weaker law, nor does it belong to the definition of law that subjects swear to it. For the senate is consulted in the place of the whole people, and therefore it possesses power over affairs to be conducted, except those which the people reserved.

Festus defines plebiscites as those measures which the plebs accepted in the tribal assemblies, without the Fathers, upon the proposal of a plebeian magistrate--that is, a tribune of the plebs.

Edicts were the measures which the other magistrates--such as consuls, aediles, and tribunes, but especially praetors--promulgated at the beginning of their assumption of office. For this reason it was called praetorian law, just as it was also called honorary law, because it had been declared by those who held honors.

At the beginning of their term the praetors declared what law they would pronounce concerning each matter, so that each person might prepare himself: book 2, § 5, *On the Ancient Civil Law of the Romans*, and Sigonius, book 3, chapter 5. In book 1 of the second pleading *Against Verres*, Cicero calls it an annual law. For the Kalends of January brought it to an end, and on the same Kalends its beginning arose. By this law the urban praetor pronounced judgment, not according to his own discretion, but in accordance with laws already enacted; for he assisted, supplemented, and sometimes corrected the laws of the Twelve Tables. Thus it belonged to his office to establish laws according to equity and the present condition of the city. That power was moderated, both because its end was equity and because it was annual; and if he had pronounced judgment inequitably, not only was his rejection from the consulship certain, but an accuser also threatened him. Nevertheless, it was later judged proper to make the praetors' edicts perpetual, as was provided by the Cornelian law.

The determinations of princes are those occasions when the emperor has either given a rescript, rendered judgment, or prescribed something by edict. That power was given to Caesar through the Royal Law, so that the whole ordering of laws, just as the state itself, came to one man.

Finally, the opinions of prudent men are the judgments of jurists who formerly gave opinions concerning right with public authority. A judge was not permitted to depart from their consensus. The *Institutes*, book 1, title 2, § 8, speaks thus about them: "The opinions of prudent men are the judgments and opinions of those to whom it was permitted to give opinions concerning right. For in antiquity it was established that there should be persons who publicly interpreted laws, to whom Caesar gave the right of giving opinions and who were called jurisconsults. The judgments and opinions of all of them possessed such authority that a judge was not permitted to depart from their opinion, as has been established. Unwritten law is that which usage has approved. For customs of long standing, confirmed by the consent of those who use them, imitate law. And it seems not inelegant that civil law has been distributed into two species, for its origin appears to have flowed from the institutions of two cities, namely Athens and Lacedaemon. In these cities it was customary to proceed in such a way that the Lacedaemonians committed to memory those things which they observed as laws, whereas the Athenians preserved those things which they had embraced in written laws. But natural rights, which are for the most part observed among all nations, remain always firm and immutable, having been established by a certain divine providence. Those things, however, which each city establishes for itself are often accustomed to be changed, either by the tacit consent of the people or by another law subsequently enacted. Moreover, all the right which we use pertains either to persons, to things, or to actions; and let us first consider persons, for it is a small thing to know right if the persons for whose sake it was established are unknown."

In this manner, therefore, the emperor himself defines and divides right--but written right, as he says. For customs, about which I shall speak in their proper place, pertain elsewhere. For Charles Sigonius, in book 1, chapter 5 of *On the Ancient Law of the Romans*, makes law twofold, namely, one part consisting in writing and the other in custom. And

indeed the laws of some cities were not written, as Justinian testifies. Custom and the institutions of the ancestors brought unwritten right into the state, and by their equity the austerity of the law was often tempered.

[Printed page 305]

§ 7. Certainly, among an uncultivated people there was no law at the beginning. A book of Roman law was compiled in the times of Tarquinius Superbus, concerning which Pomponius says: "At the beginning of our city, the people began at first to conduct affairs without fixed law and without fixed right, and all things were governed by the hand of the kings. Later, after the city had increased to some extent, Romulus himself is said to have divided the people into thirty parts, which he called curiae, because at that time he administered the care of the state through the judgments of those parts. Thus he himself proposed certain curiate laws to the people, and the succeeding kings also proposed them. All these laws remain compiled in the book of Sextus Papirius, who lived in those times in which Superbus, the son of Demaratus the Corinthian, was among the foremost men. That book, as we have said, is called the Papirian civil law--not because Papirius added anything of his own there, but because he brought together into one collection laws enacted without order."

But they lived more by royal will than by right. Therefore, after the tyrants had been expelled and liberty had been afflicted by the domination of the patricians, thought was given to laws. From this arose the Twelve Tables, which contained a threefold right, or three kinds of laws. Ausonius, in the *Riddle of the Number Three*:

> The threefold law of the Tables, which four times three sanctioned:
>
> Sacred, private, and whatever was common to the people.

Actions, procedures, and formulas were appended to the laws. At first these were employed to shorten lawsuits, lest each person conduct cases according to his own discretion; but afterward Gnaeus Flavius published the formulas, whence came the Flavian law. Aelius added other actions, which the uncultivated multitude called the Aelian law. For when contention occurs in the forum, the brawler generally gains more authority than the jurist. And these observations suffice concerning the descriptions and divisions of right and laws, about which novices in political philosophy are customarily instructed at very great length.

CHAPTER III

The Necessity and Utility of Laws

§ 1. We do not call law necessary in the same manner in every case. For eternal law, considered in itself--that is, the object of a just command, by which right things are commanded, and of the obedience by which commands are received--is everlasting. Thus it is necessary in such a way that its nonexistence is contradictory. For that an injury must not be inflicted and that equity must be cultivated is a most sacred law, and a necessary one which no reasoning can obscure and no force can break. For by no power--not even by the omnipotent power of God--can it be brought about that inflicting injury upon another is just.

§ 2. Eternal and natural law is necessary if creatures possessing reason and intellect exist. For those living beings, or spirits, endowed with a lofty and capacious mind and a free will, are by their nature subject to the command of a greater lord. For they depend upon the will and providence of him by whose power they were created; thus it is their nature to obey. Lactantius explained this excellently in book 6, chapter 8: “True law is indeed right reason, consonant with nature, diffused among all, constant and everlasting, which calls to duty by commanding and deters from wrongdoing by forbidding. Yet it neither commands nor forbids the upright in vain, nor moves the wicked by commanding or forbidding. It is not lawful for this law to be extended, nor is it permitted that anything be derogated from it, nor can it be wholly abrogated. Nor indeed can we be released from this law either by the senate or by the people; nor must another expositor or interpreter be sought. Nor will there be one law at Rome, another at Athens; one now, another hereafter. Rather, one everlasting and immutable law will embrace all nations and every time; and God will be, as it were, the one common master and commander of all--the inventor, judge, and enactor of this law. Whoever does not obey him will flee from himself and spurn the nature of the human being; by this very fact he will suffer the greatest penalties, even if he escapes the other punishments which are so regarded.”

Thus a rule has been implanted in the mind itself, and therefore in the nature of justice and holiness. Hence it was rightly said: God reigns where law reigns.

> For without law, what remains for earth and heaven
>
> To obey? All things are governed in succession,
>
> And by turns submit beneath their proper laws; the whole
>
> Earth submits, while fortunate Rome presses upon the diadems of kings.
>
> To rulers it was granted to restrain her; soon authority over them
>
> Grows for the gods above.

§ 3. Some cities were founded with laws from their very beginning; others gradually added and changed laws. Good laws have generally arisen from vices. Just as the onrushing force of diseases compelled the development of medicines, so human beings, driven by necessity, agreed upon various laws of living. Nevertheless, the condition of those cities which established laws together with their very walls is better; for since the safety of the city lies in its laws, as Aristotle advises in book 1 of the *Rhetoric*, chapter 4, fortifications of bodies give little assistance if little provision has been made for the integrity of minds.

§ 4. The principal difficulty concerns positive civil and canon laws, and even those which they call the positive laws of God. For many, hating laws and the order of laws, approve a lawless life and admire the ancient race among whom life was not conducted by law, among whom simple reason and charity stood in place of law:

> Nor did the suppliant multitude fear

The face of its judge, but without a judge they were safe.

But those men fabricate ideas and, as the poet says, **ἀεροβατεῖ**, walk upon the air; they seek or fashion a state such as no age has seen or will see. We know that the virgin earth was drenched with a brother's blood and that the whole world before the flood was destroyed by waters; and yet, soon after so great a shipwreck, an insolent son mocked his parent and the lust for dominion blazed up on the plain of Shinar. I therefore judge as follows. Just as all human beings--and indeed every creature--are by their nature flexible in either direction, for by the very fact that a creature is from nothing it is mutable, waxen toward both evil and good, and therefore needs law in order that it may live in conformity with a right norm, be held back from evil, and become accustomed to virtue; so also, since we see very many persons sinning very frequently in the state, there is need of a law which not only forbids sins but also cuts away occasions for sins. But I shall omit those disputations concerning the absolute power and necessity of laws. Concerning external political laws, which are properly called civil, it is established that no city can be administered without them. For since human nature is corrupt and inclined to evil from youth, it must be restrained by fear of the laws. Without laws the society of human beings is robbery

[Printed page 306]

and injustice; it is in no way a state. Nor would it be enough for there to be princes and magistrates, for they too are frequently drawn from the many and sometimes are worse even than the multitude. Certainly they do not always judge with the same disposition; nor is it enough that they have been well instructed, for commands change even good men. Formerly the judgments of princes stood for laws; but the proven faithfulness of the prince caused laws not to be missed. Augustine, book 4 of *The City of God*, chapter 6, from Pompeius Trogus: "At the beginning of affairs, the command of peoples and nations was in the hands of kings. Not popular ambition but moderation proven among good men raised them to the summit of this majesty. The peoples were bound by no laws; the judgments of princes stood for laws. It was customary to defend rather than extend the boundaries of command. The kingdoms of each ruler ended within his own homeland. Ninus, king of the Assyrians, was the first of all to change the ancient custom, as though ancestral to the nations, through a new lust for empire. He was the first to bring wars upon his neighbors and subdued peoples still untrained in resistance as far as the boundaries of Libya." So too in book 2, at the beginning, *On the Origin of Right and Laws*, and in *On Constitutions*, § "But also what has pleased the prince."

§ 5. But law is necessary not only for these reasons; primacy also must be given to it. For law is queen of all, as Pindar admonished: **ὁ νόμος πάντων ἐστὶ βασιλεύς, θνητῶν τε καὶ ἀθανάτων.** Law is queen of all human beings and gods. The angels too had their law, and private households have theirs. Marcianus speaks excellently in book 2 *On Laws*: **ὁ νόμος πάντων ἐστὶ βασιλεὺς θείων τε καὶ ἀνθρωπίνων πραγμάτων, δεῖ δὲ αὐτὸν προστάτην τε εἶναι τῶν καλῶν καὶ τῶν αἰσχρῶν, καὶ ἄρχοντα καὶ ἡγεμόνα· καὶ κατὰ τοῦτο κανόνα τε εἶναι δικαίων καὶ ἀδίκων, καὶ ὅσα φύσει πολιτικὰ ζῷα, τῶν μὲν ποιητέων προστακτικόν, τῶν δὲ οὐ ποιητέων ἀπαγορευτικόν.** That is: "Law is queen of all divine and human affairs. For it ought to preside over both good and evil, and to be prince and leader; and in accordance with this, to be the rule of just and unjust things and, for all living beings that are political by nature, the commander of things to be done and the forbidding authority of things not to be done."

The necessity of order in every state, in an army, and in courts is so evident that without it no community can endure. For since innumerable things are indifferent and can rightly be done in different ways, nevertheless, unless an order is prescribed so that they are performed in some fixed manner, they cannot be done at all without difficulty. Without some right not only can no state act, but not even a band of robbers can. Conspiracies established against the laws themselves possess certain laws, nor can they have strength without some appearance of justice. Laws forbidding disgraceful things and commanding honorable things are not the only laws necessary; there are also other laws about lesser matters--about the right of boundaries, dripping rainwater, servitudes, roads, light, and overhanging roofs--without which a city cannot long endure. For all things are uncertain: not only possessions and buildings, but life itself. No one can be certain what is his and what belongs to another in a city in which nothing is acquired or retained by any law. Everything must be tossed about. No one can determine what he may leave to heirs or bequeath to

those who have deserved well. Demosthenes therefore spoke very well when he said that the whole life of mortals is governed by laws and by nature. Nature is not sufficient in a state, even when it is upright and morals are good. There is need to have, so far as possible, a fixed norm for all things, fixed orders and limits, and a method of acting. The law concerning prescription is a harsh one and, unless restoration to the former condition is granted, is sometimes unjust; nevertheless, without it the safety of the state cannot be preserved unimpaired, because ownership of things would remain uncertain for a very long time. Law therefore removes disturbances, establishes peace, and establishes charity among citizens. A multitude of lawsuits does not follow from the right ordering of laws; for it is not a moderate multitude and knowledge of laws, but ignorance, that is litigious, as Cicero very well admonished in book 1 of *On the Laws*.

Law is the eye and light of the city. When it has been removed, darkness will possess all things, together with the works of darkness--that is, crimes. But if light sometimes flashes amid that dense darkness, it nevertheless will not be capable of being seen if the eye trembles with continual shaking.

Therefore a prudent legislator will write laws concerning even small matters which will have no small importance--not only for inducing a habit and love of obedience, but also for avoiding disturbances. The Ephors' slight and ridiculous precept seemed so to many: **ξυρεῖσθαι τὸν μύστακα**, "To shave the beard." But the reason is added: **καὶ πείθεσθαι τοῖς νόμοις**, "and to obey the laws"; for there ought to be great reverence even for the smallest laws. How many laws concerning minute things did the immense majesty of God enact for the Israelites? Yet they had to be observed, and they possess a just reason. What of that law in Deuteronomy 23:15? "You shall have a place outside the camp to which you may go out for the requirements of nature, carrying a small stake in your belt; and when you sit down, you shall dig round about and cover with the displaced earth that of which you have relieved yourself." God therefore enacts a law even about the smallest and sordid things.

§ 6. Therefore, let no one esteem lightly laws concerning matters which are not great, for they concern things either necessary or useful. I have admired the care, solicitude, prudence, and vigilance of the princes of Germany--not only of each one in his own territories, but of them all together in public assemblies. Examine the imperial recesses: you will find sanctions worthy of German majesty concerning the most serious matters, and most prudent laws concerning the smallest as well--at Augsburg in the years 1530, 1551, 1559, and 1566; at Speyer in 1570; and at Frankfurt in 1577. Examine the headings: *von den Schalcknarren / Pfeifferen / Trommetern / Spielleuten / Landfährern / Sängern / vnd Reimsprechern*--concerning buffoons, pipers, trumpeters, players upon every kind of instrument, vagabonds, singers, and versifiers. For because the safety of all pertains to the care of princes, laws also had to be enacted concerning all. Nor does guardianship by laws obstruct liberty; rather, it is the fountain of liberty. It is wickedness to wish to be permitted what the laws forbid--not only in matters which nature has sanctioned, but also in those in which law has determined one part of what nature left free. The state has forbidden the carrying of swords; it is now contrary to nature for you alone to rise against all who obey and to go about girded with a sword. He who, with great labor, levels and paves roads through the rough places of hills and commands all to undertake their journey by a direct and safe route does not obstruct liberty. It is not the part of a free person, but of a madman, to run through thickets and rough places and to refuse to make use of another's kindness. Heraclitus therefore spoke very well when he said that one must fight more for laws than for walls; for a city can exist without walls, but not without laws. Sparta long held walls in contempt, and at that time was more fortunate. A bull can live without horns, a lion without claws, and a boar without the thunderbolt of its teeth,

[Printed page 307]

but none can live without a soul. Law is the soul of a city; therefore, the city cannot exist without it, since neither place nor any force of resources can preserve dominion without laws.

The state, therefore, will be safe if all fear the law as a tyrant, as Bias prudently judged, if the greatest authority resides **ἐν τῷ ποικίλῳ ξύλῳ**, in the variegated or inscribed wood.

Indeed, this too must be noted: excessive prosperity is most dangerous solely for this reason, that one who is excessively prosperous does not easily endure the yoke of laws, just as luxuriant horses throw off their rider. When Plato was once consulted about writing laws for a most flourishing and wealthy--and consequently most wanton--state, he replied: "It is not easy to write laws for such prosperous Cyrenaeans." Gregory of Toulouse also speaks excellently in the *Syntagma of Law*, book 47, chapter 3, § 2: "This is among legitimate acts, because it cannot be called a judgment unless it is made according to the laws. And magistrates then rightly administer the state if they follow the laws. For he who wishes law to rule wishes God and the laws to preside; but he who wishes a city to be governed by a human being's discretion adds a most savage beast, as Aristotle writes." Although I know that Aristotle examined most diligently whether it is more useful for the best man to command than the best law, I think it truer that laws established by the best deliberations ought rather to be followed, as inflexible things rather than the mutable wills of human beings. As Plato too rightly thinks, the destruction of the state is imminent when laws do not command magistrates, but magistrates command laws.

§ 7. The Church also approves the laws of the state and makes use of them. The bishop of Bagai sought assistance from the laws, and Augustine judged that he had done this not only rightly but necessarily, since he had followed Paul's example. Letter 50, to Count Boniface: "He therefore sought assistance from a Christian emperor, not so much for the sake of avenging himself as of defending the Church entrusted to him. If he had neglected this, his patience would not have been praiseworthy, but his negligence would deservedly have been blamed. For the Apostle Paul too was not taking thought for his transitory life, but for the Church of God, when he brought it about that the plan of those who had conspired to kill him was disclosed to the tribune. Hence it came about that an armed soldier escorted him to the place to which he was to be conducted, lest he suffer from their treachery. He also did not hesitate at all to invoke the Roman laws, proclaiming himself a Roman citizen, for Roman citizens were not then permitted to be afflicted with scourges. Likewise, lest he be handed over to the Jews who desired to kill him, he sought the aid of Caesar--a Roman prince, indeed, but not a Christian one. In this he sufficiently showed what the stewards of Christ ought to do afterward when they found Christian emperors while the Church was in danger."

The same Augustine, in Letter 48 to Vincentius, also approves that the impious be bound by the chains of civil laws as though they were frenzied; for laws, even when burdensome, correct in a salutary manner. Thus in Letter 50: "For this happened to the Donatists which happened to the accusers of holy Daniel. For just as the lions were turned against the latter, so the laws by which they wished to oppress the innocent were turned against the former--except that, on account of Christ's mercy, these laws which seem adverse to them are rather for their benefit, since many have been corrected through them and are corrected daily; and they give thanks that they have been corrected and freed from that furious destruction. Those who hated now love; and, when health has been restored, they rejoice over the most salutary laws which had been burdensome to them as greatly as they detested them in their madness. They are now aroused, with us and with a similar love, toward those who remain and with whom they would have perished, so that together we may press upon them lest they perish. For the physician is burdensome to a raging madman, and the father to an undisciplined son--the former by binding, the latter by beating, but both by loving. If, however, they neglect them and allow them to perish, that false gentleness is rather cruelty."

CHAPTER IV

The Matter of Laws Is Varied

§ 1. The matter of law is twofold: that in which law exists, which the schools call the subject of law, and that about which law exists. The subject of law is the intellect and the will. For we are not treating the law of sin about which the Apostle disputes in Romans 7. Every law, therefore, is in the mind and the will, as I taught above. Next, law exists in speech and in writings as in signs.

Nevertheless, it is not necessary that a law be written; consequently, parchments and tablets are not necessary subjects of laws. Thus, Digest, book 1, title 3, § 32: "In those cases in which we do not use written laws, that must be observed which has been introduced by customs and usage; and if this should be lacking in a particular matter, then that which is nearest and consequent upon it; but if not even that should appear, then the law which the city of Rome uses must be observed."

"Custom grown old is deservedly observed as law--and this is the right which is said to have been established by customs. For since the laws themselves bind us for no other reason than that they have been received by the judgment of the people, those things also which the people have approved without any writing will deservedly bind all. For what difference does it make whether the people declare their will by vote or by the things and deeds themselves? Hence this too has most rightly been received: that laws are abrogated not only by a vote of the legislator, but also through disuse by the tacit consent of all."

Lycurgus certainly did not write his laws, and formerly laws were also contained in songs, which individuals taught to their own people. The same rationale applies to canon laws, for which writing is in no way necessary. Suárez, de Salas, and Valencia teach this, and Aristotle before them in book 10 of the *Ethics*, chapter 9.

Nevertheless, it is most useful for a law to be written. First, God willed that his law, which he gave to a people now multiplied, be written; indeed, he himself inscribed it upon stone tablets with his own finger. He willed that the volume of the law should never depart from the hands of the Israelites. For writing is the principal aid to memory. Nations which are illiterate and afflicted by wars, floods, and epidemics easily change and forget all their institutions. Words easily escape; sentences are easily mutilated when trust is placed in memory alone. They must therefore be bound fast by durable characters suitable for eternity.

Basil speaks elegantly in Letter 178: "Words have a winged nature. Human beings therefore employ the characters of letters so that one who writes may catch the speed of flying speech. You, therefore, boy, must draw the characters of the letters perfectly and set their forms in the right order. For a slight error by the writer detracts very much from the discourse; but by the writer's diligence, what has been said is completed and brought to perfection intact."

The speech of one who is speaking cannot so easily be corrected, because it swiftly flies across after **φύγεν ἕρκος ὀδόντων**, it has escaped the fence of the teeth. Just as one cannot observe a bird flying beneath a cloud as readily as one which is confined in a cage.

Next, through the easiest repetition of written law,

[Printed page 308]

all agreements, covenants, and contracts are directed. Nor can the memory of one human being, however prodigious, possibly be the repository of that multitude of all the laws. Thus Exodus 17:14 and Deuteronomy 31:22: "Moses therefore wrote the song and taught it to the children of Israel. And the Lord commanded Joshua the son of Nun and said: Take courage and be strong; for you shall bring the children of Israel into the land which I promised, and I shall be with you. Therefore, after Moses wrote the words of this law in a volume and completed it, he commanded the

Levites who carried the ark of the covenant of the Lord, saying: Take this book and place it beside the ark of the covenant of the Lord your God, so that it may be there as a testimony against you."

And Deuteronomy 17:18: "After he has taken his seat upon the throne of his kingdom, he shall write for himself a copy of this law in a volume, receiving an exemplar from the priests of the Levitical tribe; and he shall have it with him and read it all the days of his life, so that he may learn to fear the Lord his God and to keep his words and ceremonies which have been commanded in the law. Let not his heart be raised in pride above his brothers, nor let him turn aside to the right or the left, so that he and his son may reign for a long time over Israel."

Most nations followed God in this matter and committed civil laws to writing. For although Sallust defines right as civil equity either sanctioned by written laws or received in institutions and customs, and most distinguish custom from law in such a way that law is written while custom is **ἄγραφος**, unwritten, nevertheless this has not been deduced from the nature of laws, but from the practice of states, which have published all laws in writing and maintain customs without writing. Hence Isidore admonishes in book 2 of the *Etymologies*, chapter 10: "The difference between law and custom is that law is written, whereas custom is a usage approved by antiquity, or an unwritten law." And in book 5, chapter 3: "Law is a written constitution; custom is an unwritten usage approved by antiquity." For most laws not only are written but also ought to be written, although without writing they too contain the nature of law.

§ 2. In the Roman state writing was required for a law. For a magistrate who was to propose a law first weighed it himself at home in written form and summoned into consultation those skilled in law and customs. Next, he referred the question of its enactment to the senate or people. Third, he posted it in public--or *published it beforehand*, as Festus says--so that it could be inspected, assessed, and judged by anyone. The interval during which the examination of the law continued was a *trinundinum*, that is, twenty-seven days. Fourth, they recommended or opposed it and commanded that it be law, and this in writing with the letters **V. R.**, that is, *uti rogas*, "as you propose"; or that it not be law, with the letter **A.**, that is, *antiquo*, "I reject it in favor of the old." After the law had been accepted, all confirmed it by oath. Finally, it was cut into bronze, and the tablets were either displayed in public or deposited in the treasury. Roman laws, therefore, were not without writing. Hence some deny that a measure is law in the Roman Empire if it has not been written--a view which the emperor also seems to hold in the Code, *On Laws*, law *Humanum*. This practice is certainly so customary that a prince must deservedly be said to act imprudently if he promulgates a law without writing.

§ 3. The matter about which law treats consists in the actions of those who use reason and free choice. For whatever can be governed by some norm is capable of law. Various matters concerning this will occur throughout the whole book; for now I wish these few observations to be noted.

In general, therefore, laws command or forbid human acts, and civil laws are occupied with no other matter. But the actions of human beings are manifold--praiseworthy, depraved, or indifferent--and they are as many and varied as the chorus of virtues is great and the chaos of vices. Next, some actions are conceived in the mind and will alone; the work of others appears in words and deeds. Third, the performance of some works is ordinary and easy, but that of others rare, difficult, dangerous, horrifying, and full of torment. Concerning these I judge as follows.

§ 4. No civil law can command or defend any evils, even if pseudo-statesmen proclaim that this is necessary for the state. Thus civil law either forbids an evil or commands nothing concerning it, but wholly disregards it. Machiavelli therefore destroys the state when, for its protection, he admits crimes into the fellowship of the virtues as though they were useful. Sylvester asserts, under the word *Law*, § 10, that there are many unjust laws.

First, those laws which permit the son of one full brother to contract marriage with the daughter of another full brother, as in the *Institutes*, *On Abduction*, § *Inter eas*, and in the Code, *On Nuptials*, law *Nemini*; because according to the law of God such persons must be separated entirely: *On Consanguinity and Affinity*, *Non debet*, and 35, question 3, *Progeniem*.

Second, those laws which say that an abducted girl cannot contract marriage with her abductor, Code, *On the Abduction of Virgins*, sole law; because today she can do so according to the canons, *On Abduction*, final chapter, although according to the ancient canons she could not.

Third, those laws which permit an unmarried man to keep an unmarried woman as a concubine, as in the Authenticum, *By What Modes Natural Children Are Made Legitimate*, § *Si quis*; because according to the law of God even simple fornication is a sin and excludes one from the kingdom of God, 1 Corinthians 6.

Fourth, those laws which permit a husband to kill the adulterer of his wife when caught in adultery, if he is a lowly person and one to whom reverence is not owed: Digest, *On Adulteries*, law *Marito*, law 1, and law *Si adulterium*; whereas today, under the new law, he can kill him not only when caught in adultery, but anywhere after three denunciations, as in the Authenticum, *That It Be Permitted to the Mother and Grandmother*, penultimate and final sections. And those laws which permit a father who has his daughter under his power to kill the daughter's adulterer when he is committing fornication in his own house or that of the son-in-law, and to kill the daughter herself: Digest, *On Adulteries*, laws *Pater* and *Non in ea*; and even one found engaged in sexual preliminaries, by law *Quod ait*, Digest, *On Adulteries*, which according to the Gloss are things antecedent to the crime--namely preparations, conversations, an appointed place, banquets, kisses, and touches; and Bartolus holds the same. Likewise concerning a brigand and a plunderer of fields. For according to the law of God none of these killings is permitted, according to Exodus 20, "You shall not kill"; concerning which see also *Homicide* 1, § 2, part 5.

Fifth, those laws which condemn a man who retains a wife caught in adultery: Code, *On Adulteries*, laws *Crimen* and *Castitati*; because according to the law of God and canon law he can retain her without penalty, provided that she is willing to withdraw from adultery, 31, question 1, § *Obauditur*.

Sixth, those laws which permit repudiation of a wife and dissolution of a marriage duly contracted in many cases, especially in the case noted in chapter *Lege*, distinction 10, and 27, question 2. There are those who say that these laws are unjust because this is prohibited in those same chapters.

Seventh, those laws which condemn a wife who marries within the period of mourning for her husband--that is, within one year--to infamy and many penalties: Code, *On Second Marriages*, laws 1 and 2; because the Apostle says that a woman may marry whom she wishes, *On Second Marriages*, chapter 1, at the end, where Innocent notes that all penalties which are only for her punishment are remitted to her. It is otherwise if something thereby accrues to others, as Lord Antonius de Butrio declares more fully

[Printed page 309]

in the same place, saying that penalties founded upon hatred of second marriages or upon the haste of the transition have been corrected, as in the cited final chapter, because contracting marriage is neither hateful nor forbidden but permitted by the Apostle. Those penalties, however, which are founded upon favor toward the first marriage still endure. Thus, if a mother obtains anything intestate or by testament from any of the children of the former marriage, she has only the usufruct of it while she lives, while ownership remains with the children of the same marriage if any survive; if none survive, she obtains the full right, as in law *Feminae*, final section, *On Second Marriages*. Add that the penalties established in favor of children and on account of the mother's fault remain. Thus the law imposes a penalty upon a mother who has acknowledged the guardianship of her son and passes to second vows without requesting a guardian for her son, as in law *Omnem matri*, Code, *To the Tertullian Decree of the Senate*.

Eighth, those laws which say that a spurious son is not to be maintained, as above, *Son*, § 4.

Ninth, those laws which say that an heir, if he has not made an inventory, is liable for all the debts of the deceased; the contrary of this was stated above, *Inheritance* 3, § 5.

Tenth, those laws which say in certain cases that an heir is not liable for the wrongdoing of the deceased; because, as is evident above in the same place, he is liable for all his debts, even those arising from wrongdoing, insofar as the inheritance suffices.

Eleventh, those laws which will that a bequest in a last will is not valid unless it has seven or five witnesses: Code, *On Testaments*, law *Si unus* and the final law; because according to the law of God, three or even two witnesses suffice in bequests for pious causes, *On Testaments*, chapters *Cum esses* and *Relatum*.

Twelfth, those laws which say that a human being is not bound by a promise in a bare pact without another solemnity of law, since no action arises from it: Digest, *On Pacts*, law *Iuris gentium*; because according to the law of God and the canons one who withdraws from a pact sins mortally, *Extra*, *On Pacts*, chapter 1; 22, question 5, *Iuramenti*, together with the notes there. The same applies if I make a promise to one person receiving it on behalf of another, because according to the law of God I am bound, but not according to the civil laws--unless the promise has been made to a person existing under another's power, such as a slave or a son under paternal power, or to a procurator or manager of affairs; because through these persons an acquisition is validly made for the father and master: *Institutes*, *Through What Persons Obligations Are Acquired for Us*, throughout, and the Digest and Code, *On Procurators* and *On the Management of Affairs*.

Thirteenth, those laws which allow or permit deception between buyers and sellers, according to what was stated above under *Purchase* 7.

Fourteenth, those laws according to which it is not permitted to buy or sell, for a price less than the principal debt, rights and actions which someone has against another; otherwise the purchase is not valid, nor can more be sought than the amount which was paid. Nor can such rights be sold in part and donated in part: Code, *Mandati*, law *Per diversas* and law *Ab Anastasio*. But according to the law of God such a purchase is permitted, provided that it is not made as a fraudulent cover for usury, but on account of the interest or labor which may perhaps be involved in recovering the debt, or because it is feared that the debtor may flee or fall into poverty. But concerning this see below, *Usury* 2, § 1.

Fifteenth, those laws according to which a possessor in bad faith acquires by prescription over the longest period, that is, thirty or forty years; because this is false according to canon law, *Extra*, *On Rules of Law*, chapter *Possessor*, book 6. See below, *Prescription*.

Sixteenth, those laws which as a rule do not punish the crimes of thoughts: Digest, *On Penalties*, law *Cogitationis*; because every evil thought must be punished either by God or through penance, 33, question 2, *Omnis*.

Seventeenth, those laws which, although they punish magicians and poisoners, nevertheless reward according to their provisions those who have done these things against rains, winds, and hail: Code, *On Evildoers*, law *Eorum*; because according to the law of God, to do such things even in this manner is a most serious sin, as St. Thomas proves in II--II, question 96.

Eighteenth, those laws according to which it is lawful in a capital case to corrupt the accuser: Digest, *On Collusion*, final law; because according to the law of God this is not lawful, II--II, question 69.

Nineteenth, those laws which permit usury; but today they too have all been abrogated by the laws, as below, *Usury*, § 1, question 1, just as those laws which punished a woman in a brothel, as St. Thomas says. It would be easy to show that there are very many more inequitable laws in every kind of matter, although some of these seem capable of being excused.

§ 5. Civil laws are indeed chiefly occupied with justice, but nevertheless they also embrace the matter of all the other virtues. For they regard chiefly the public good and human concord and happiness in the city, for which justice is especially necessary. Augustine, book 2 of *The City of God*, chapter 27: "At the end of the second book Scipio had said that, just as a certain harmony composed of distinct sounds must be maintained in stringed instruments and pipes,

and in song itself and voices--a harmony which trained ears cannot bear when it has been changed and become discordant--and yet that harmony is rendered concordant and congruous by the modulation of the most dissimilar voices, so a city, by a regulated proportion among the highest, middle, and lowest orders interposed like sounds, harmonizes through the consent of the most dissimilar persons; and what is called harmony by musicians in song is concord in the city, the closest and best bond of preservation in every state, which can in no way exist without justice." Law also strengthens and fortifies the other virtues and excludes vices. Aristotle, book 5 of the *Ethics*, chapter 1: "Law commands the performance of the offices of a brave man, such as holding one's position and rank in the battle line, and neither fleeing nor casting away one's arms; and those of a temperate man, such as not committing adultery or violating anyone; and those of a gentle and mild man, such as striking no one and reviling no one. Likewise in the other virtues and vices, partly by commanding and partly by forbidding: rightly, indeed, in the case of a law enacted rightly and salutarily, but wrongly in the case of one enacted negligently and inconsiderately." The strongest rationale is taken from the end, for the purpose of law is to make its citizens happy, which cannot be brought about in any other way than through the observance of all the virtues, as was demonstrated in the second and third books. Next, so many military and sumptuary laws and others which regard the public utility demonstrate this. Thus there is no act of any virtue which cannot sometimes be commanded by an enacted law. Civil law can also forbid all sins; but because it accommodates itself to a community in which not all things can be punished--and therefore it is not fitting that all things be forbidden--it disregards certain things, not by approving them, but because human power is unequal to human vices. Nevertheless, all are forbidden by natural and divine law, because God can both know and punish all things.

§ 6. Not every determination of good works is the matter of civil law, for civil law cannot command arduous fasts or perpetual chastity. Nevertheless, such a work can accidentally be the object of law, as when those things are commanded which demand works of this kind or cannot be accomplished without them.

[Printed page 310]

CHAPTER V

The Legislator Is a Magistrate or the Whole State

§ 1. It has never entered anyone's mind to doubt that the divine majesty, to whom belongs supreme right over all creatures, can establish laws according to his own judgment. For to him to whom belongs the power of creating belongs also the whole jurisdiction of governing. "Behold, God is exalted, and there is none like him among legislators," Job 35:22. His goodness in enacting law is also supreme, concerning which the Prophet sang: "For the legislator will give a blessing; they will go from virtue to virtue; the God of gods will be seen in Zion." All ought to venerate his law; no one ought to judge it. "But if you judge the law, you are not a doer of the law but a judge. There is one legislator and judge, who can destroy and deliver," James 4:11.

§ 2. Most of the human beings who first founded states by laws either received laws from God or falsely claimed to have received them. Abraham and Moses, instructed by divine conversations and oracles, gave laws to their posterity. In emulation of them, the ancient **νομοθέται**, legislators, by a fraudulent fiction of religion referred the invention of new laws either to the true God or to fictitious deities.

Jeroboam attempted to found a new kingdom by superstition. Numa feigned nocturnal meetings with Egeria. Plutarch, *Numa*; Dionysius of Halicarnassus; Valerius Maximus, book 1, chapter 2. Lycurgus deceived the Spartans and Cretans by the same art: at Lacedaemon he pretended that Apollo was the author of the laws, but in Crete, Jupiter. Minos did no differently, for by withdrawing into a cave each new year he pretended that he was instructed by Jupiter's admonition. Nor is it necessary to recount ancient examples. Superstition created Muhammad's power, which he nourished with domestic blood and the destruction of nations. But in the book concerning religion I taught that those frauds always ended badly. Zoroaster, who put forward Oromasdes as the author of his laws, learned by experience that he had been an unsuccessful legislator. Trismegistus persuaded the Egyptians that Mercury gave them laws; and it is certainly credible that the demon who commanded such great and such ridiculous evils was most frivolous. Zamolxis likewise claimed that the laws which he gave to the Scythians had been received from Vesta. The Carthaginians claimed Saturn; the Athenians, the most cultivated of peoples, boasted rather than believed that Minerva was the author of their laws.

They therefore judged it a divine matter to enact law for human beings. For since human beings are free by nature, and no one--if you regard the first beginnings of birth and life--is subject to another, and since they are also tenacious of liberty and of their own right, it certainly seemed difficult and almost tyrannical for anyone to impose his own laws and for an equal to exercise power over equals. They therefore referred the authority of laws to some nature more sacred and divine. But they would have acted more rightly if they had taught that magistrates are necessary to the state and that, as a consequence, the power of establishing laws has been granted to magistrates. For since that superstition cannot be lasting and does not hold all persons equally, it also detracts esteem from the true authority of legislators. Every pretense, when it is exposed, does harm twice, for it detracts credibility both in the present and for the future.

§ 3. A private person cannot be the maker of laws; it is necessary that it be either the whole state or a magistrate. At present this belongs properly to the magistrate. For no one can bind anyone by his own laws except a subject. Political or civil dominion is required for commanding. The power of coercing and of sanctioning the observance of a law by penalties is also required, and this cannot exist in a private person. It can exist without jurisdiction strictly so called; for someone can enact a law although he lacks the power of judging, and one who lacks the power of establishing laws can judge.

§ 4. The power of establishing laws resides by nature in the state itself, or in the multitude of human beings, not in any one person. For the opinion of certain canonists who attributed this power by nature to the supreme prince and his

successor has long since been rejected. The state itself, therefore, alone possesses by nature the right of its own government and laws. It can therefore establish laws and set a magistrate over itself, and it can also confer upon him the power of establishing laws. Thus St. Thomas, question 90, article 3, and question 97, article 3; Molina, volume 1, *Institutes*, treatise 2, distinction 22; Bellarmine, volume 1, book 3, *On the Laity*.

Clear reason demonstrates this, for it cannot belong to any one person to undertake care of the multitude. No one has power over another except by the other's will or offense. Nor is that power owed to old age, primogeniture, or paternal right. Nevertheless, it resides in the state itself because the state cannot be governed without laws and an order of right. Nothing is more certain if you read title 2 of book 1 of the Digest, for the laws were first made by the people; then that power was transferred to the senate; finally, to Caesar. It therefore seems necessary to us to demonstrate the origin and development of right itself.

1. At the beginning of our city, the people first began to conduct affairs without fixed law and without fixed right, and all things were governed by the hand of the kings.

2. Later, after the city had increased to some degree, Romulus himself is said to have divided the people into thirty parts, which he called curiae, because at that time he administered the care of the state through the judgments of those parts. Thus he himself proposed certain curiate laws to the people. The succeeding kings also proposed laws, all of which remain compiled in the book of Sextus Papirius, who lived in those times in which Superbus, the son of Demaratus the Corinthian, was among the foremost men. That book, as we have said, is called the Papirian civil law--not because Papirius added anything of his own to it, but because he brought together into one collection laws enacted without order.

3. Next, after the kings had been expelled, all these laws fell out of use through the Tribunician Law. The Roman people again began to be sustained more by uncertain right and custom than by enacted law, and endured this for nearly twenty years.

4. Afterward, lest this continue any longer, it was resolved by public authority that ten men should be appointed, through whom laws might be sought from the Greek cities and the city founded upon laws. They set these laws, written upon ivory tablets, before the Rostra so that the laws might be perceived more openly. Supreme right in the city was given to them for that year, so that they might both correct the laws, if necessary, and interpret them; and no appeal from them was permitted, as it was from the other magistrates. They themselves observed that something was lacking from those first laws, and therefore in the following year they added two others to the same tablets. Thus, from this circumstance, they were called the laws of the Twelve Tables. Some have reported that a certain Hermodorus of Ephesus, an exile in Italy, was the adviser to the decemvirs in enacting them.

5. After these laws had been enacted, it began to happen, as naturally occurs, that interpretation and the disputation of the forum, necessary through the authority of prudent men, were desired. This disputation,

[Printed page 311]

and this right, which came without writing and was composed by prudent men, is not called by any proper designation, as the other parts of right are designated by their own names; rather, it is called by the common name *civil law*.

6. Next, at nearly the same time, actions by which human beings might litigate with one another were composed from these laws. Lest the people institute these actions as they wished, it was willed that they be fixed and solemn. This part of right is called *actions of the law*, that is, lawful actions. Thus at nearly the same time these three forms of right arose: the laws of the Twelve Tables; the civil law which began to flow from them; and the actions of the law composed from the same. Nevertheless, both the knowledge of interpreting all these laws and the actions were in the possession of the college of pontiffs. From among them one was appointed each year to preside over the affairs of private persons, and the people employed this custom for nearly one hundred years.

7. Later, when Appius Claudius had published these actions and reduced them to form, Gnaeus Flavius--his scribe and the son of a freedman--stole the book and delivered it to the people. That gift was so pleasing to the people that he became tribune of the plebs, senator, and curule aedile. This book, which contains the actions, is called the Flavian civil law, just as the former book is called the Papirian civil law; for Gnaeus Flavius added nothing of his own to the book. As the city increased, because certain kinds of proceeding were lacking, not long afterward Sextus Aelius composed other actions and gave the people a book which is called the Aelian law.

8. Next, when the city possessed the law of the Twelve Tables and civil law, and also possessed the actions of the law, it happened that the plebs came into discord with the Fathers, seceded, and established rights for itself, which are called plebiscites. Soon, when the plebs had been recalled, because many dissensions arose concerning these plebiscites, it was resolved by the Hortensian Law that they too should be observed as laws. Thus it came about that a plebiscite and a law differed in the form of their establishment, but their power was the same.

9. Next, because it began to be difficult for the plebs to assemble--and certainly much more difficult for the people amid so great a crowd of human beings--necessity itself transferred the care of the state to the senate. Thus the senate began to interpose itself, and whatever it established was observed. This right was called a decree of the senate.

10. At the same time the magistrates too administered justice. In order that citizens might know what right each magistrate would pronounce concerning every matter and might prepare themselves, the magistrates published edicts. These edicts of the praetors constituted honorary law. It is called honorary because it came from the praetor's honor, or office.

11. Finally, as the course of establishing right seemed, under the compulsion of circumstances themselves, to have passed to fewer persons, it gradually happened that it became necessary for the state to be provided for by one man; for the senate could not administer all the provinces equally well. Therefore, when a prince had been established, the right was given to him that whatever he established should be valid.

12. Thus in our city a rule is established either by right--that is, by statute--or it is civil law properly so called, which, without writing, consists solely in the interpretation of prudent men; or there are actions of the law, which contain the form of proceeding; or a plebiscite, which was established without the authority of the Fathers; or an edict of the magistrates, from which honorary law arises; or a decree of the senate, which is introduced solely by the senate's establishment, without a statute; or a constitution of the prince, that is, a provision that what the prince himself establishes is to be observed as law.

§ 5. The custom of all kingdoms is that the supreme prince can establish new laws and abrogate old ones. Nevertheless, this is not necessary to supreme jurisdiction, for precept, government, and coercion are one thing, and law another. Thus, although this is customary and it could scarcely be done rightly in another way, supreme power and the faculty of establishing laws are not perpetually joined. For a magistrate will be able to govern the state and coerce the wicked according to laws enacted long ago. When the state chooses a king, it can, if it pleases, retain this greatest right for itself, so that he may neither establish new laws nor abrogate old ones. Indeed, many kings swear to the laws when they receive the diadem; thus they cannot abrogate those laws which they bind themselves by oath to preserve. If, therefore, a prince can be bound not to violate or abrogate old laws, who would doubt that the same prince can be bound not to impose new ones? For there is no less danger in the establishment of new laws than in the abolition of old ones, both because everything new is burdensome to many and because, by a new law in a state which possesses many laws, some old law is ordinarily derogated from. This practice became so customary that a clause was placed in every sanction of laws and was, as Cicero calls it, a customary clause transferred from old laws into new ones.

Cicero, book 3, Letter 23 to Atticus: "The second section is the customary one, concerning immunity if anything has been done contrary to other laws for the sake of this law. My Pomponius, consider by whose counsel and by whom the third section was pressed in; for you know that Clodius sanctioned his law in such a way that it could scarcely, or not at all, be invalidated either by the senate or by the people. But you see that the sanctions of laws which were abrogated

have never been observed. For if this were so, scarcely any law could be abrogated, since there is none which does not surround itself with the difficulty of abrogation. But when a law is abrogated, that very provision prescribing the manner in which it must be abrogated is abrogated. Since this is in fact so, our eight tribunes of the plebs inserted this section: 'If anything is written in this proposal which by the laws and plebiscites--that is, by the Clodian Law--it is not or has not been lawful to promulgate, abrogate, or derogate from without personal liability; and if on this account a penalty or fine lies against him who has promulgated, abrogated, or derogated from it, concerning this nothing is proposed by this law.'"

Thus it will have been placed within the power of the state establishing a prince either to grant the prince the power of establishing laws or not to establish them, or to moderate that faculty so that he is permitted to establish some laws and forbidden to establish others. And that power ought altogether to be tempered and not exercised without the consent of others or mature deliberation. For there are never lacking persons who desire to increase private advantages through new laws.

§ 6. Nevertheless, because new controversies arise every day, and because through continual changes it frequently happens that laws which were salutary at the beginning are rendered harmful by some circumstance and must be removed, it has come about that nearly all states have granted this right to princes or senators. Thus monarchical power--whether it is called imperial, royal, or by any other name--provided that it is absolute, will possess in a well-constituted state the right and authority to establish, explain, and abrogate laws. For the state subjects the laws themselves to the emperor and king when it receives him as, in a manner, an animate law. Hence the power of granting privileges has also been conceded to the prince, by which the common law is always derogated from. Certainly all princes, even those who are not supreme, employ this right. For who among the nobles of Germany does not sometimes remit a penalty owed under imperial laws? Who does not mitigate it? Indeed, he sometimes aggravates it when the atrocity of an offense in a crime so demands. But he could not do this unless he possessed the power of tempering the law itself. Thus, when the state gave him the principate to be administered according to the laws,

[Printed page 312]

it is judged also to have given him the faculty of showing mercy. John de Salas judged this matter excellently in disputation 7 *On Laws*, section 3: "I say fifth that some were without doubt established specially by God as kings and princes with legislative power. Unless an exception is expressed, legislative power is always understood to be granted to kings and princes. This is evident concerning Saul and David, whom God established as kings, although Samuel anointed them and the people accepted them. But although God granted Moses, Joshua, and certain other judges and leaders judicial and military power, I do not know whether God gave some of them--such as Moses and Joshua--legislative power. I am certain that the other judges did not possess it, because they were not leaders and could command nothing except in relation to rendering judgments and sentences."

We must not therefore think that, when an association of human beings comes together as one and chooses a prince for itself, legislative power is also conferred upon him by God as though by a natural direction and consequence. Rather, that power is given only to the community itself as a property consequent upon nature. For when that body has been constituted, the necessity of right and laws, and therefore power, naturally arises; and it is communicated to the prince according to the will and usage of the state.

§ 7. This power cannot be taken away from any association without injury, unless the association itself has given cause. For just as a human being who uses reason is free by nature and cannot be dragged into servitude without the crime of kidnapping, so neither can this political body be deprived of its own right. Therefore a tyrant is more detestable than a kidnapper in proportion as he wickedly oppresses more persons. Nevertheless, a state can be stripped of its right on account of an offense if it abuses that right, attacks its neighbors, or refuses to render justice to those who seek it--just as in any private person the abuse of liberty is punished by servitude. For the public abuse of liberty is more harmful than a private abuse.

§ 8. The power of establishing law, all civil jurisdiction, and the government which either a part of the multitude or one person possesses over the multitude flow from the community itself; nor can they be just in any other way, except over those captured in war. For since that power is from God, and therefore from nature, in the association--not in individuals and not in a particular class of human beings--it cannot pass either to one person or to certain persons without the will of the others. For I am not treating kings established by God through revelation.

Not only does the first of a line of kings receive the diadem from the people, but all his successors do as well, since the people granted the right of succession.

§ 9. No civil law can bind the whole world, because no one is lord of the universe. Bartolus is mistaken at law *Hostes*, **π.**, *On Captives*, when he condemns as guilty of heresy one who denies that the emperor is lord of the world--unless someone should perhaps wish to interpret this as referring to the Roman world. Yet even so I would not wish it to be called a heresy. Nevertheless, Panormitanus, part 2, counsel 6, number 2, Paulus Castrensis, and others hold the same opinion. But very many writers, together with history and geography themselves, teach that it is false; for the Roman never possessed even a tenth part of the world, even when he crossed the Euphrates and recovered the standards from the Parthians. Nor can a Christian emperor establish civil laws for all Christians; for although he is the supreme head of the state in temporal government and is held in the greatest honor among kings, he is nevertheless not the lord of kings.

§ 10. Just as no greater power of establishing laws has been given to supreme governors than was given by the Royal Law--that is, by the consent of the state--so no power belongs to princes and others established under a king except by permission of the supreme prince. This power is extensive for electors and others in Germany but restricted in Spain, for no one except the king can enact laws unless it has been conceded to him by a special privilege. The cause of the difference in law is the less dependent jurisdiction of the princes.

§ 11. The power of establishing and abrogating laws is deservedly judged the foremost among the heads of majesty. For he to whom that faculty has been conceded possesses the right of majesty; one who lacks it is not judged to possess the right of majesty. Deservedly so, for the power of establishing laws is such that it can easily change the whole state and transform it into another form. Augustus accomplished this most artfully by retaining the names and ceremonies of the magistrates while drawing right and power to himself. Thus, in a short time, governors and free magistrates were made slaves clad in purple.

CHAPTER VI

The End of Law Is to Make Men and Citizens Equally Good

§ 1. There is an ancient opinion, both shameful and destructive to the state, that a state cannot be administered without some injustice. For this opinion admits inequitable laws--indeed, demands them--and does not possess as its end the making of good citizens. Rather, the legislator, captivated by a false appearance of it, regards some utility, and will even perform and command detestable crimes if they seem likely to be useful. How much better is Plato, who defines law as a rational method of governing and a true norm which leads us by a suitable way to what is best, fixing a penalty for one who transgresses and a reward for one who obeys. For law is from the highest good, tends toward the highest good, and both leads and draws us to it. Its end is justice; law itself is necessary to the state, is its instructor, and is its director toward what is best.

Cicero explained that end excellently in book 2 of *On the Laws*: "It is certainly established that laws were created for the safety of citizens, the preservation of cities, and the tranquil and blessed life of all; and that those who first sanctioned decrees of this kind showed the peoples that they would write and enact provisions by whose inscription and acceptance they would live honorably and blessedly. Those provisions which were thus composed and sanctioned they evidently called laws. From this it is right to understand that those who prescribed destructive and unjust commands to peoples, since they acted contrary to what they had promised and professed, enacted anything rather than laws. Thus it can be evident that, in the very interpretation of the name *law*, there is contained the force and meaning of cultivating justice and right."

Plutarch also speaks excellently: in a city some things pertain to what is honorable and others to necessity; the highest and first of honorable things is **τὴν εὐνομίαν**, good order under law; of necessary things, **τὴν εὐπορίαν**, abundance. When he defines law as belonging to honorable things, he plainly judges that inequitable laws, laws commanding depraved things, and laws opposed to virtue in any manner are in no way worthy of so holy a title. For since law is the bond of the city, the foundation of liberty, and the fountain of equity; since the mind, spirit, counsel, judgment, and morals of the city are situated in its laws, it cannot have another end than the best end by which the whole community itself is governed. Therefore, those laws must be judged best which do not chiefly heap human beings with riches, but render them as thoroughly instructed as possible in civilized morals and prudence in civil affairs. Diodorus Siculus, book 1 of the *History*.

[Printed page 313]

§ 2. In enacting laws, therefore, great care must be taken that they are occupied not with the instruments of life but with the whole of life itself. For the legislator is the craftsman of living; and although he embraces actions individually, they too are nevertheless directed toward virtue. He establishes an error at the very beginning who thinks that laws promise only earthly works: they breathe more loftily and are a gift of God. Just as medicine is established as a cause of health and is praised only if it applies manifold knowledge and a variety of herbs to strengthening and restoring bodies, who would consider someone a physician who arranged everything rightly but nevertheless had no concern whatever for health? The legislator, therefore, will hand down a method by which citizens may easily perform every part of their duties in every matter. Let laws fortify the city and protect security and tranquility, but let them chiefly comprehend the whole of life. For no one will rightly perform those intermediate or indifferent things unless he has an end to which he may refer them. Therefore, the first foundations of justice must be laid and virtue instilled. Seneca, Letter 95: "We must set before us the end of the highest good, toward which we may strive and to which our every deed and word may look, just as the course of sailors must be directed toward some star. Life without a purpose is wandering. But if a purpose must certainly be set before us, decrees begin to be necessary. You will grant, I think, that nothing is more shameful than one who is doubtful, uncertain, and timid, now drawing back his foot and now

advancing it. This will happen to us in all things unless those things which restrain and detain our minds and prevent them from striving with their whole strength are removed."

§ 3. Even the best laws do not always make good citizens. This is plainly so. Precepts do not always lead to right actions, but do so when a compliant disposition is present; sometimes they are applied in vain if depraved opinions beset the mind. Nevertheless, the legislator must strive, and must strive with the whole mass of the laws. For although he establishes many things excellently, prudently, and holily, if in some part he nevertheless strikes against vice, the whole impetus will roll in the direction in which the slope lies. Although he sees that many things are not done rightly, he must nevertheless hold in his hand the rule to which distorted and projecting things are to be applied, so that even if they are not corrected, they may nevertheless see their own censure and be struck by fear of it, or at least by shame.

"Many violate the laws," you say; "vices are stronger than the good institutions of the fatherland." This complaint is ancient. The human race inclines by nature toward vice. How few devote themselves wholly to what is honorable? How few remove the obstacles to good laws? Nevertheless, one must strive in the contrary direction, so that, if sins cannot be removed, at least the fury and course of sinning may be checked. In this way some will be saved, and those who are going to perish will fall more slowly. Medicine holds to its purpose amid so many deaths. It now has more business because bodies have been corrupted by luxury, yet it struggles against diseases. It does not immediately abandon the person whom it sees nearly given up and mourned as dead, but by art holds back his fleeing life and mitigates his torments. Why should a prince not imitate this? Why should he not strive with all his strength at least to alleviate the evils of those whom he cannot persuade to perfect virtue and whom their own obstinacy prevents him from freeing from diseases of the mind? To diminish great assaults of fevers belongs to the art.

§ 4. Once the end has been established, the other things will succeed according to one's desire. Chief among them is that the means, or rational methods, be accommodated to the end. For just as shoes must be accommodated to feet and a bridle to a horse, so laws must be accommodated to customs--that is, to the disposition of a nation and region. When medicine has prepared excellent drugs, it examines before all things the constitution and temperament of the sick person, lest it cast him down by a remedy that is too strong or fail to move him by one that is too diluted.

Two things especially must be regarded in this matter: first, the disposition of the human beings themselves; next, the progress and increase of virtues and vices.

The legislator will consider the character of the people: whether it is hard, flexible, proud, humble, industrious, idle, frugal, luxurious, fickle, constant, irascible, or calm. Here there is need of great and almost divine prudence, so that there may be **ὁ νόμος καθ' ὃν τρόπον**, a law accommodated to customs, and precepts suited to actions. I do not mean that the law should be a Lesbian rule and bend itself toward the vices which it ought to overturn, or incite the inclinations of human beings which it is enacted to restrain; for in this way it would go astray at the threshold. I mean that it should lead every nation toward virtue according to its customs, opinions, and affections. Unless it maintains this principle, it will utterly overturn the state. Reason itself teaches this. Asians, Egyptians, and Arabs, a servile race, are governed by the harshest command because they cannot bear liberty, but would turn it toward mutual destruction. The Swiss enjoy a moderated equality and persist in it, except that within the memory of our fathers Zwinglian superstition, when its author sounded the trumpet, enraged some against kindred blood. Italians enjoy an intermediate liberty; and although they appear to be equals, they endeavor to be superiors. Therefore, they flourish under a moderated principate and milder laws. Some peoples approve what others cannot bear. Each must be commanded that one among indifferent things which suits it. It is rightly commanded of a Swiss that he never appear in public unless girded with a sword. For the honorable carrying of a sword is a certain rudiment of war and, lest it be in vain, also animates him toward exercise and the contemplation of war. But to an Italian or Spaniard, because they are **ὀξύθυμοι** and **ἀκρόχολοι**, hot-tempered nations, the legislator will not permit even a dagger. For they will quickly rush to slaughter. At Athens he advised badly who wished the most fickle people to be free; among the Lacedaemonians he advised well, for they were more temperate. Liberty established by equitable laws brought great increases of wealth to

the German cities. Belgium, made very free by the truce, is agitated by perpetual seditions, because its character is settled only under one prince.

The second consideration is skill in observing the progress of virtues and vices. The more people have advanced in virtue, the more easily they are governed, because the road is more easily maintained when one is near the goal. In the correction of vices there is the greatest difficulty, both because they cling tenaciously and give pleasure and because every correction has change joined to it, and change is always hateful. But the more widely vices reign and threaten dangers, the more kinds of remedies must be sought on every side. When diseases are inexplicable and manifold, the physician too must be armed with many observations and kinds of things. He will not drive out bad humors with one assault, but will draw them off gradually, lest he also draw off the sound part. They advise that as much severity be added to the laws as vices have increased. This is a notable axiom, but it must be restricted--namely, to the case in which the vices of a few have increased. For if the vices of all

[Printed page 314]

have grown strong, they must be treated more gently, lest they overpower the physician. In an earlier age Christian emperors labored to abolish the bloody spectacles for which the Roman world raged. It would not have been safe even for an emperor to intervene in the midst of the fury of those turning their thumbs. What, therefore, must be done? First, provision must be made by law that a private person may not present gladiators unless he gives the citizens an equal value for a public banquet; that no one sell himself to the sword; that a trainer of gladiators may not belong to the number of citizens; that the conveniences of the amphitheater be removed; and that expenditures be transferred to distributions of meat and other gifts. In every way, finally, it must be brought about that that cruel pleasure is surrounded by many difficulties and that minds are drawn toward other things, the atrocity of the crime also being shown. Then, after minds have been prepared to respect what is honorable, those spectacles must be forbidden entirely by an enacted law. I understand these measures to apply when the power of the ruler is not equal to the vices; otherwise, such great savagery should quickly have been removed by a severe edict, as the emperors finally did. But I am speaking of the Roman senate, which, amid so many ambitious rivalries, vetoes of tribunes, and tumults of the people, I do not think was equal to abolishing so inveterate an evil.

In this manner, therefore, if some city or prince attempts to remove the vice of drunkenness from its dominion--and all ought to attempt it unless they wish to be guilty of all the evils arising from it--if they can indeed press the matter through, they will forbid drunkenness and establish a penalty which they will gradually increase. But if they cannot, first they will impose a measure upon banquets by sumptuary laws; next they will prescribe definite laws for innkeepers; and when this vice has been reduced to a few persons, they will mark it with infamy. These observations suffice concerning the end of laws and the general method leading toward the best end.

§ 5. Those persons must not be heard who seem to themselves to have invented a subtle and cunning distinction by which they may introduce license. For they maintain that the end of political laws is to make a good citizen, not a good man. In this the most cunning men stumble childishly. For those who are evil in morals are also evil citizens. How will one who neither takes account of his own life nor prudently administers his household and family be a good citizen and useful to the state, when he is not good for himself? There are evil persons whom desire carries headlong, **ἀσύλλακτοι**, disordered; and they are the more destructive because they cover their poison under a certain appearance and deliver their blow before they are detected. One who is evil in private will never be good in public. Aeschines, *Against Ctesiphon*: **οὐκ ἔστι κακῶς κεχρημένον ἄνδρα τοῖς ἰδίοις εἶναι πιστὸν ἐν ἀλλοτρίοις**--"It does not ordinarily happen that one who administers his own affairs badly is faithful in the affairs of others." Certainly least of all in public affairs, which are often neglected even by diligent men. Justinian, *On the Composition of the Digest*, and Leo, Constitution 19, *Cassio*, book 5, support this judgment.

There are nevertheless others who carp at law. St. Paul in Romans 3 calls the law "the law of death," and in chapter 4 says that it "works wrath," and in chapter 5 that "the law entered in so that offense might abound." But this argument

contributes nothing to the present matter. For law does not by its own force or efficacy bring it about that you can follow virtue, but shows virtue, invites you to it by reward, and deters you from vices by setting penalties before you. Hence among the impious offenses are made more serious when they rage at the occasion presented by law.

CHAPTER VII

Law Is Imposed upon a Community for the Sake of the Common Good

§ 1. Jurists ask whether a law can be imposed upon one person alone. I judge this to be a dispute about a name. For most laws are public; the eternal law binds all; and the Digest, **π.**, *On Laws*, law *Iura*, asserts the same: "Rights are established not for individual persons but generally." A norm too belongs not to one thing alone but to all similar things. When a law seems to be imposed upon a private person, they call it a precept, not a law. But, as I have said, the dispute concerns a name. For whether law is dictated to one or to many, it possesses the same force of binding. If we regard the present mode of speaking, we scarcely call it a law; if that of the ancients, we shall properly call even those measures which pertain to one person laws. Examples are the Clodian Law concerning the interdiction of water and fire to Cicero and concerning not receiving him beneath a roof; the Gabinian Law concerning entrusting the command of the war to Pompey; the Gellian and Cornelian laws concerning the same Pompey; and innumerable others which were enacted even for condemning or absolving defendants.

§ 2. All laws are referred to the common utility. For law is a common precept established for the common utility, so much so that, although it is imposed upon a private person, it is nevertheless referred to the public utility. Aristotle, book 3 of the *Ethics*, chapter 6; Plato, *On Laws*; Plutarch, problem 40. For although the good or evil of a private person is frequently embraced by law, it is nevertheless necessary that the state's own utility accrue from it. Concerning those measures which are proposed to the community there must be no doubt, for the public good must not be referred to the private good, but the latter to the former. Therefore, the legislator must regard not the advantages of the prince but those of the whole state. For the magistrate exists for the sake of the subjects, not they for the sake of the magistrate. Kings are ministers and must undergo dangers for the state. Even privileges themselves, which seem to derogate from the common good and favor private persons and are therefore invidious, nevertheless flow back to the common good by another route, because it is publicly advantageous for those who have deserved well to be adorned with privileges. But when privileges are given without a legitimate cause, they harm the state according to the circumstances. Some are judged to constitute a certain honor, such as the right to wear a laurel crown or dine at public expense, and other things of this kind which ambition has devised. Others benefit one person in such a way that they burden the rest, such as immunity from tribute and exemption from military service and other burdens. When some are exempted from these, the others are burdened so much the more.

§ 3. When a law is enacted publicly which indeed does not harm the community but harms a private person, and is proposed with this intention--not that provision be made for the state but that damage be inflicted upon rivals--if that law is useful to the state, it cannot be accused of injustice even though it results in the injury of private persons. Nevertheless, the legislator sins and exposes himself to great danger when he prescribes good things for an evil end. But here the seeds of great dissensions are sown, when one part of the state cries that something is not unjust and the prince judges otherwise.

For example, a privilege is given to certain churches that they possess the right of asylum, a right which has in great part been removed in France, Germany, and other places. But concerning privilege let us examine law *Pateant* 4, *On Those Who Flee to a Church*, book 9 of the Theodosian Code, title 45. The law commands that everything within the church as far as its doors be regarded as an asylum. Edward II, king of England, imposed exile after forty days and twelve hours upon an accused person who had fled to a church.

[Printed page 315]

Augustine excommunicated Count Boniface because he had dragged a suppliant out of a church. Gelasius did the same for the same offense. This privilege, therefore, was customary, that persons might flee to altars and statues of Caesar.

But license turned what mercy established into an abuse. The right of asylum was first given to those places so that slaves might have a refuge from the savagery of masters. For an asylum is a sacred boundary by which security is given to slaves. Euripides, in the *Suppliants*:

ἔχει γὰρ καταφυγὴν θὴρ μὲν πέτραν,

δοῦλος δὲ βωμοὺς θεῶν· πόλις δὲ πρὸς πόλιν

ἔπτηξε χειμασθεῖσα.

For a wild beast has a rock as refuge, slaves the altars of the gods, and a city, when tossed by a storm, flees to another city.

There was an abuse which Tacitus describes in book 3 of the *Annals*: "But Tiberius, while strengthening for himself the power of the principate, offered the senate an image of antiquity by sending the petitions of the provinces to the examination of the Fathers. For throughout the Greek cities there had increased the license and impunity of establishing asylums. The temples were being filled with the worst of the slaves. By the same protection debtors against their creditors and persons suspected of capital crimes were received. Nor was any command sufficiently strong to restrain the seditions of a people protecting the crimes of human beings as though they were rites of the gods. It was therefore resolved that the cities should send their charters and ambassadors. Some voluntarily relinquished what they had falsely usurped; many trusted in ancient superstitions or services rendered to the Roman people. It was a magnificent spectacle on that day when the senate examined the benefactions of the ancestors, the treaties of allies, the decrees even of kings who had held power before Roman might, and the religious observances of the deities themselves, free as formerly to confirm or change them.

"First of all the Ephesians approached, recounting that Diana and Apollo were not born at Delos, as the multitude believed; that among them there was the Conchrian River and a place called Ortygia, where Latona, pregnant with her offspring and leaning upon an olive tree which remained even then, gave birth to those deities; and that the grove had been consecrated at the admonition of the gods. Apollo himself, after killing the Cyclopes, had there avoided the wrath of Jupiter. Later, Father Liber, victorious in war, had pardoned the suppliant Amazons who had occupied the altar. Thereafter, by the concession of Hercules when he possessed Lydia, the ceremony of the temple had been enlarged; its right had not been diminished under the dominion of the Persians, and afterward the Macedonians and then we Romans had preserved it.

"Next, the Magnesians relied upon enactments of Lucius Scipio and Lucius Sulla. The former, after Antiochus had been driven out, and the latter, after Mithridates, honored the fidelity and virtue of the Magnesians by establishing that the refuge of Diana Leucophryne should be inviolable. Afterward the Aphrodisians and Stratonicensians brought forward their ancient services to the party of Caesar the dictator and a recent decree of the deified Augustus. They had been praised because they endured an incursion of the Parthians without in any respect changing their constancy toward the Roman people. The city of the Aphrodisians defended the religious observance of Venus, that of the Stratonicensians the observance of Jupiter and Trivia. The Hierocaesareans traced their case more deeply, setting forth that among them was the Persian Diana, with a sanctuary dedicated by King Cyrus. They also recalled the names of Perpenna, Isauricus, and many other commanders who had attributed the same sanctity not only to the temple but to an area of two miles.

"Next came the Cypriots concerning three sanctuaries, of which the most ancient had been founded for the Paphian Venus by its author Aerias; afterward his son Amathus had founded one for Amathusian Venus; and Teucer, fleeing the anger of his father Telamon, one for Salaminian Jupiter. The embassies of other cities were also heard. Wearied by their abundance, and because the parties were contending through partiality, the Fathers permitted the consuls, after examining the right and whether any inequity was involved, to refer the whole matter back to the senate.

"In addition to those cities which I have mentioned, the consuls reported that the asylum of Aesculapius at Pergamum was established. They reported that the others relied upon origins obscure because of their antiquity: the Smyrnaeans upon an oracle of Apollo, by whose command they had dedicated a temple to Venus Stratonicis; the Tenians upon a poem of the same god by which they had been commanded to consecrate an image and temple to Neptune. The Sardians relied upon a nearer grant, that of the victorious Alexander, and the Milesians likewise upon King Darius; but the cults of their deities were, respectively, the veneration of Diana and Apollo. The Cretans also petitioned for the image of the deified Augustus. Decrees of the senate were made which, although highly honorable, nevertheless prescribed a limit. They were commanded to make bronze inscriptions in the temples as a consecrated memorial, lest under the appearance of religion they descend into ambition."

But nothing was accomplished by these measures, so much so that Tiberius was compelled to abolish every right of asylum. Thus Tranquillus, *Tiberius*, chapter 37: "He abolished the right and custom of all asylums, wherever they existed." But the more numerous and more criminal the persons who abused that right were, the more obstinately the people defended them. At Athens, citizens who killed aspirants to tyranny after they had fled to the altar of Minerva were themselves killed by their fellow citizens, because they esteemed privileged superstition more highly than liberty. Thucydides, book 1. The Sicilians spared Ducetius, a traitor to his fatherland, who had fled into a temple. A privilege must therefore be granted slowly, because, although it brings the greatest evils, it is abrogated with the greatest difficulty.

§ 4. Another difficulty also arises because privileges are so fortified that they surround themselves by the very difficulty of abrogating them. They do not cease at the death of the person who grants them. Often those who possess them cannot even renounce them, because they contain the right of another, or magistrates are bound by oath not to yield privileges. Some also have another precept annexed so that they cannot be relinquished voluntarily. Thus, if someone possesses the power of hearing Mass during a time of interdict, he cannot renounce it, because he is bound by another law to hear Mass; and because the privilege has removed the impediment, he is now bound by the law. Next, privileges which are not invidious cannot be removed by prescription; but when others are burdened by them, those persons can prescribe against them, and they set a period of ten years. Third, privileges which are not burdensome to others and in no way prejudice them are lost through nonuse only in the external forum, not in conscience, unless in certain cases the law has disposed otherwise. Fourth, a privilege is not lost, with respect to the whole faculty, through a contrary use, although this may appear to be a tacit renunciation. Finally, it is lost through abuse, as was stated concerning asylum. But in all these matters it is most difficult either to correct the privileged or, after the privilege has been removed, to bring them back under the common law.

§ 5. The abuse of a privilege is manifold.

1. It occurs when in actual fact more is done than was conceded. Thus, when a prince has been given the right to levy soldiers for the defense of his territory, he assembles them against neighbors with whom he can contend by right.

2. It occurs when he turns the use of the privilege into an occasion for crimes; this was stated concerning the right of asylum. We see this even today: very many murders are committed in those cities where asylums have been established for murderers. The citizens defend those asylums so greatly that it seems they can scarcely be removed without sedition.

3. The most customary abuse of privileges is that which conflicts with the end of the privileges. Such today is the privilege in churches by which a two-year course of study is completed at a university. For this it is almost sufficient to have been enrolled at the university and to have passed no night outside the university town; there is very little inquiry into study and morals. A similar privilege provides that those who have arrived by the Epistle, while the office is sung in choir, receive the distributions. This was granted in favor of those who, being occupied, are compelled either to arrive later or to depart earlier. But now the abuse of that privilege is that before the Epistle and after

it they linger in the portico and the church--not without scandal to the Christian people--and suddenly enter at the Epistle, as though they had been hired not to pray but to transact every other business and to seek the reward of irreligious conversation.

Privileges are lost through these abuses. St. Augustine speaks truly in Sermon 247 *On Time*: "By the judgment of the laws, he who abuses a privilege conceded to him is cast down from the dignity obtained by right." Yet privileges are removed with difficulty and not without a disturbance of the people. One must therefore proceed cautiously, lest they be given. It is not difficult, under the shadow of a privilege, to do many more things than the force of the privilege permits. Finally, I judge thus: one who concedes many privileges and immunities cuts the strength and sinews of the principate, furnishes matter for seditions, and arms citizens and subjects against justice and the state. But since the abuse of privileges is great, it is necessary that one who, by gratifying many, has burdened many should now gravely offend those same persons or their successors.

CHAPTER VIII

The Effects and Offices of Law Explained

§ 1. Theophrastus spoke excellently: **ὀλίγων ἀγαθοὶ νόμων δέονται.** Good persons need few laws. The cause is that in most matters they direct themselves and are taught by nature to do those things which belong to law. Evil persons need very many laws, concerning whom Seneca rightly said: "It is a miserable innocence to be good only according to law." Virtue, anticipating law, directs the good; law deters the evil from crime and directs them toward virtue. The first office of law, therefore, is to direct the state and all citizens within the state.

§ 2. The second office of law is to command. The essence of law consists in commanding, for it is not law unless it commands. By commanding, it also forbids contrary things; and when it permits indifferent things, it commands that there be liberty in either direction and forbids impediments.

§ 3. Punishment also is an effect of law, about which we must speak later. Modestinus speaks truly in law 7 *On Laws*: "The force of law is this: to command, forbid, permit, punish, and affect with reward." These things are clear. But we must treat the primary effect of law.

§ 4. The primary effect of law is to bind. Suárez discusses this in book 3, as do many others; but our times have seen those teachers who, by removing the obligation of human law, overturn with great temerity all order and peace in the state and the authority of the magistrate. Concerning this we establish the following.

§ 5. The power of enacting laws is not only from God but also proceeds **ἀμέσως**, immediately, from God. "For there is no power except from God." This is indicated both by other acts and especially by punishment, which is inflicted upon bodies and above all is death, a power which cannot have been conceded to a human being except by God. But when human beings unite into one political body, they cannot prevent that power from existing among them, for it arises as a natural affection and property. Each person by his own nature is suited to entering a society of this kind; but when the state has been constituted, it is within its power to institute monarchical government, aristocratic government, or the polity of the people. Thus the state possesses power from God first and immediately; magistrates designated by it possess power mediately from God and immediately from the people. By the nature of the thing this power exists wholly in the community first and immediately. Nevertheless, if God establishes a king by revelation and by his command, or if some king has legitimately subdued a state by war, he will not be said to possess power from the people. Yet the power even of other kings is from God, because he approves it as legitimate; next, because he inclined the mind of the state to choose a king; finally, because when the king has been established, he now acts in the place of God, is greater than his own kingdom, commands the state which subjected itself to him, and writes laws. And the saying addressed by the emperor to rebellious soldiers is worthy of an emperor: "It was within their power not to choose; now that they have chosen, they must obey."

§ 6. This power can exist, and very frequently does exist, even in unjust human beings. Thus long ago the Church and all systems of law judged against Wycliffe and Hus.

§ 7. Civil laws, with God as their author and a faithful magistrate as their director, are directed not only toward temporal but also toward eternal happiness. Civil laws possess as their end the happiness of the whole state, of perfect human society, and of individual human beings insofar as they are its members.

§ 8. Civil law is occupied only with external acts. For internal thoughts and acts of will are judged by God alone and are not subject to a secular court, because by their nature they are hidden. Therefore, witnesses cannot be summoned against them, nor can proceedings be conducted against them by laws; much less does the legislator possess coercive power to compel someone to love, hate, believe, or hope. By what instruments of torture will you compel a human

being to love you? Roman laws therefore rightly establish: “A bare thought must not be punished if the will has not passed beyond the bounds of thought.” For judges correct those crimes of which they possess full proof; they leave thoughts to him who searches hearts and reins, who gave them the precept, “You shall not covet.” Before a judge, one who has not been convicted is innocent. But God, who is present at the actions of hearts, also threatens vengeance upon them: “Woe to you who devise evils in your hearts.” Chapter *Si quis*, 15, question 1; law *Illicitas*, § *Veritas*, *On the Office of a Governor*; final law of the Code, *On Proofs*; canon *Cogitatio* and *On Penance*, distinction 1; canon *Si quandoque*, 15, question 6; canon *Si omnia*, 6, question 1.

§ 9. If, therefore, there is suspicion of a hidden thought, purgation by oath is instituted. Hostiensis, on canon *Licet*, *On Rules of Law*. But if hidden machinations have broken forth, the wickedness of the will is punished, not the outcome. For a will which has become known stands before the judge as the deed. Thus one who endeavors to create unchaste desires is held by law; one who has sought after a virgin is arraigned under the law concerning corrupters. Peter Gregory produces notable examples in the *Syntagma of Law*, book 24, chapter 12, § 12 and following.

Dio Cassius writes that certain men were condemned to death because they had encountered Livia, the mother of Tiberius Caesar, while naked. Nevertheless, she rescued them from death by a pardon, saying that to chaste women such men differed in no respect from statues. Among the islanders of Utopia, to have solicited someone to sexual violation is the same as to have committed the violation. The sacred page relates that Pharaoh was afflicted with many disasters merely for attempting the chastity of Sarah, Abraham’s wife, and Abimelech, king of Gerar, for the same causes. Marcus Claudius Marcellus, the curule aedile, accused Gaius Scantinius Capitolinus, tribune of the plebs, before the people because he had solicited his son for sexual violation; the defendant was condemned upon the testimony of the single person who had been solicited. Metellus Celer, likewise a punisher of an unchaste intention, brought Gnaeus Sergius Silo to trial because he had given money to a married woman. He was condemned, and not the deed but the intention was brought into question. The athletic contest among the people of Vienne was abolished by Trebonius Rufinus during his duumvirate, with Emperor Trajan confirming the measure, because the morals of the people of Vienne were being infected by this effeminate and unchaste contest. And things which give an occasion for wrongdoing must be removed.

[Printed page 317]

Therefore, a will which has given sufficient signs of a crime is rightly punished, yet less than a will which has been put into daring action, because the latter was more deliberate, more obstinate, and more harmful in evil. For the mind could more easily have corrected things only contemplated.

§ 10. When civil laws command good works or prohibit evil ones, they consequently bind the act of mind and will joined to external obedience in such a way that it cannot be opposed to them. For law is given to human beings as free persons, so that they may act willingly. Thus, when a law of the emperor established that no one except an equestrian might wear a ring, it also forbade anyone to possess a will contrary to the law. For such a will is opposed to the law and therefore belongs to a disobedient person.

§ 11. When a civil law is enacted without the prescription of a definite time, it binds immediately if it is negative; if it is affirmative, it binds when the command of execution presses. It does not, however, bind in those places to which knowledge of it could not morally have arrived. For an emperor establishing a law at Vienna cannot at the same time bind those who dwell upon the Rhine, since they could not yet have suspected anything about the law. It is indeed a law, but it binds only those to whom it has been sufficiently made known; for one who is ignorant of it without fault does not offend against the law.

§ 12. A law must therefore be promulgated. Nevertheless, most persons think that an imperial law does not bind until two months after its constitution. Thus the Authenticum states: “But so that the matter may be declared still more openly, we sanction that, if a law of this kind has been written, it shall have force after two months from the date assigned to it.” Yet they do not extend this to the laws of inferior magistrates.

§ 13. Acceptance of a law is not an ordinary condition for its validity. When a law is just, it must necessarily be accepted by the peoples, for in the magistrate there is the authority and will to enact law and bind subjects. The subject must therefore obey, for violators are immediately punished. Acceptance is an effect which follows obligation; but the effect of a cause is not a necessary condition for the cause to exist or act.

§ 14. Once these matters have been established, there is a great controversy whether civil law not only binds but also binds the consciences of subjects, so that those who transgress it sin against God. For example, by a sumptuary law a prince defines a fixed number of guests at weddings, and likewise the duration and manner of the courses. Titius increases the number, the courses, and the duration. Does he not offend against the law in such a way that he sins?

§ 15. All who profess the Catholic faith agree in saying that civil law also binds consciences. Many heretics deny this; some concede it. In this year 1618, a certain Scharpius, a man of malicious ignorance, attempted by many arguments to persuade others that the laws of princes do not pertain to consciences. But the Apostle Paul himself refutes him most clearly in Romans 13:1 and following: "Let every soul be subject to higher powers. For there is no power except from God, and those that exist have been ordained by God. Therefore, he who resists power resists the ordinance of God; but those who resist acquire damnation for themselves. For princes are not a terror to good work but to evil. Do you wish not to fear the power? Do good, and you will have praise from it. For he is God's minister to you for good. But if you do evil, be afraid, for he does not carry the sword without cause. For he is God's minister, an avenger unto wrath against him who does evil. Therefore, be subject from necessity, not only on account of wrath but also on account of conscience. For this reason you also pay tribute. For they are the ministers of God, serving God in this very thing. Render, therefore, to all their dues: tribute to whom tribute is due; tax to whom tax; fear to whom fear; honor to whom honor."

The same Paul says in Titus 3:1: "Admonish them to be subject to princes and powers, to obey what is spoken, to be prepared for every good work, to blaspheme no one, not to be contentious but modest, showing every mildness toward all human beings."

Nor is it surprising, since Christ commanded that those things which are Caesar's be given to Caesar and those which are God's to God. He himself also paid tribute, Matthew 17:24.

From this a firm and evident argument is taken: God commands obedience to the laws of kings; therefore, one who transgresses them resists God's command, and one who resists that command sins; therefore, one who violates royal laws sins.

Hence Augustine teaches that those who obey the just laws of princes merit a great reward, while those who neglect them merit a great punishment. Certainly, obedience is owed even to harsh masters, 1 Peter 2.

For since the magistrate enacts laws as a minister of God and exercises a power received from God, in contempt for him the divine majesty itself is contemned. 1 Samuel 8: "They have not rejected you, but me, lest I reign over them." But if the state established a prince under the condition that he not write constitutions binding conscience, it would not follow from this that no laws bind. For that state together with the king will be able to bind consciences if a law is written for that end by common consent.

Next, the law which commands obedience to princes is natural law--indeed, eternal law. "For this is the will of God," says the Apostle. But natural law binds conscience. Hence even the gentiles frequently commend obedience. Obedience is the greatest good in the state, in military service, and at home. Xenophon, *On the Lacedaemonian State*; and Augustine, book 14 of *The City of God*, chapter 12: "In a rational creature obedience is in a certain manner the mother and guardian of the virtues." Who would believe that the greatest good of the state, in a state established by God, does not bind citizens, or that they do not sin if they act contrary to it?

The command of masters over slaves, of a husband over a wife, and of parents over children is not only legitimate but also of such a kind that those who evade it sin gravely before God. In Deuteronomy 21 a disobedient son is

commanded to be killed. Women are commanded to be subject to their husbands; why should citizens not likewise be subject to the magistrate? To obey kings, therefore, is to obey God; to rage against the just laws of kings is to overthrow the power of God. The disobedience of all these persons injures conscience; therefore, every such command binds it.

The nature of law is to bind and direct; therefore, when a law is proposed seriously, it also binds. Otherwise coercive power could often be eluded. For many can escape an external penalty, some hold it in contempt, and most transgress in the hope of impunity. But the Calvinists, although disagreeing among themselves, rise up vehemently against this.

§ 16. Pareus, on Romans 13:5, doubt 7, says that Calvin appears to defend the negative opinion in the *Institutes*, book 3, chapter 19, numbers 15--16, and book 4, chapter 10, numbers 3--5. Beza follows him in his notes, as does Sibrandus, *On the Roman Pontiff*, book 8, chapter 7. Stapleton assails this bitterly as an infamous doctrine in the *Antidote*, page 783. Bellarmine too reproaches Calvin with it in book 3, chapter 9 of *On the Laity*, and says that John Gerson had taught the same before him in lecture 4 of *On the Spiritual Life*.

But among them all John Scharpius pleaded the worst cause most gravely and shamelessly--not the Hercules, as his flatterers call him, but the Cacus of Britain, the Ives of France. Let us therefore examine his arguments.

[Printed page 318]

Objection 1. God alone possesses right over the consciences of human beings. Romans 1:32 and 2:15; 1 Corinthians 7:25; James 4:12; 1 Peter 4:19; and elsewhere. Therefore, no law except divine law binds conscience.

I answer, first: nothing of this kind is found in Romans 1:32, nor is it there; there is only this: “Although they had known the justice of God, they did not understand that those who do such things are worthy of death--not only those who do them but also those who consent to those who do them.” Among the other persons, however, he enumerated those disobedient to parents and those without order, from which the contrary is inferred. Those disobedient to parents are worthy of death; therefore, so are those disobedient to magistrates; therefore, so are those who violate the laws of magistrates. For they do not obey the magistrate but are without order; therefore, disobedience injures conscience.

Second, in Romans 2:15 the gentiles who do not possess the law are said to show the work of the law written in their hearts. He does not say that the gentiles lacked civil law, since they possessed innumerable laws, but denies that they had received the law of God under which the Jews lived. Much less does he indicate that their consciences were not bound by civil laws.

Third, in 1 Corinthians 7:35 the Apostle denies that he wishes to cast a snare upon the Corinthians. He is treating the preservation of virginity and declares that he is not establishing a precept but giving counsel. But what sort of reasoning is this? Paul does not give the Corinthians a precept to preserve virginity and does not cast a snare upon their consciences; therefore, the laws of kings do not bind subjects in conscience. Would anyone who observed any law of argument speak in this way? What has the liberty of counsels to do with the necessity of precepts?

Fourth, James 4:12: “There is one legislator and judge, who can destroy and deliver.” But what has this to do with the olive trees? The Apostle admonishes them not to judge the law but to do it, because there is one legislator and judge. Yet it is not thereby proved that there are no other legislators, just as it is not proved that there are no other secondary judges. If there are other legislators and judges, but secondary ones, then there are also laws and therefore obligation.

Fifth, 1 Peter 4:19 says: “Let them commend their souls to the faithful Creator in good deeds.” What follows? Are they therefore not bound by the laws of their princes? The soul is commended to God by obeying magistrates. “But God alone possesses right over consciences.” Certainly, in the same way God alone possesses right over bodies and fortunes, yet he has communicated that right to others: he commanded some to reign, command, forbid, and punish, and commanded others to obey. When he gave makers of laws, he willed others to obey. The first and supreme right is in God; in God’s vicars, kings, there is a participated right, just as in parents, teachers, and husbands. A prince can

therefore bind in what they call the forum of conscience, the forum of God, because God commanded that he be obeyed.

But it is preferable to answer the French minister from the opinion of another minister. Pareus, on Romans 13:5, doubt 7, objects thus: "Conscience regards God alone." He himself answers: first, conscience regards not only God but also human beings, as Paul testifies in Acts 24. Second, conscience regards civil laws, not as such, but as enacted by a minister of God and fortified by the authority of the general divine precept, "Honor your father," and so forth.

Pareus objects secondly: "To bind consciences belongs to divine law alone and therefore not to civil laws." He answers: "The fallacy of the non-cause. For God binds consciences either immediately, under the character of worship, through divine laws, or mediately, under the character of discipline, through the laws of his ministers," and so forth. By the judgment of his own people, therefore, that Calvinist who attacks the Most Christian king of France with these sayings is refuted.

Objection 2. Human law often must not be obeyed on account of conscience, Daniel 3 and 6. But divine law must always be obeyed on account of conscience. Therefore--

I answer: from this nothing against the truth is established, but only ignorance. For what sort of argument is this? Impious laws commanding idolatry must not be obeyed; therefore, the upright and useful laws of princes do not bind conscience. Augustine speaks very differently in Letter 50 to Count Boniface: "When emperors establish evil laws on behalf of falsehood against truth, those who believe rightly are tested and those who persevere are crowned. But when they establish good laws on behalf of truth against falsehood, those who rage are terrified and those who understand are corrected. Therefore, whoever refuses to obey the laws of emperors which are enacted against the truth of God acquires a great reward. But whoever refuses to obey the laws of emperors which are enacted on behalf of the truth of God acquires a great punishment."

When we say that laws must be obeyed, we are speaking of just laws. But if one reasons correctly who says, "Human laws often must not be obeyed; therefore no human law binds conscience," I do not see why we should not argue in the same manner: "A human magistrate must often not be obeyed--namely, when he commands depraved things; therefore, no commands of a magistrate bind conscience; therefore, there is no need for power, nor is a soul subject which can oppose him and even resist if he wishes to enforce his commands by punishments."

Objection 3. Laws of conscience cannot be changed, just as neither conscience nor God can be changed. But human laws are various and mutable. Therefore--

I answer that this argument too belongs to ignorant malice. It has neither the form nor the matter of a syllogism. For if it is to be put into a legitimate form, the argument must be made thus:

> No law of conscience is mutable.
>
> All human laws are mutable.
>
> Therefore, no human law is a law of conscience.

But the major premise, understood in this manner, belongs to the Manichaeans and removes nearly the whole Old Testament, for the ceremonial and judicial laws were changed. The general law of conscience remains unmoved: evil must be avoided and good sought; nothing must be done contrary to the dictate of conscience. But particular laws which at one time bind conscience are frequently changed. Formerly, unless a soul was circumcised, it was destroyed from among its people; but now the law says, "If you are circumcised, Christ will profit you nothing." Behold, one law contrary to another: a mutable law, but an immutable God, who from eternity immutably decreed to change the law at the appointed time, to abrogate the old, and to enact the new. If Scharpius pursues this argument, therefore, he will suddenly establish that the old law of God did not bind consciences.

Objection 4. Political power is temporal and concerns external things, not internal ones, and its end is external peace. Therefore, it cannot produce a spiritual effect, that is, bind conscience.

I answer that political power is of itself occupied with external matter and therefore cannot of itself and directly introduce a spiritual obligation in a spiritual matter. Nevertheless, because honorableness and baseness can be found in external and temporal things, temporal law can introduce obligation in that matter. For it is a participation in divine power. Pareus answers weightily: "It is the same fallacy"--of the non-cause--"for although the magistrate may not intend by laws to bind consciences, nevertheless the conscience of subjects senses itself bound to obedience under guilt on account of the general command of God: 'Honor your father and mother.'"

Yet he errs in this matter, for in reality a magistrate often enacts a law in such a way that he does not wish to bind consciences, and if he does not wish to do so, it does not bind. For the right of a law does not extend beyond the will of the legislator. Pareus himself testifies that a magistrate sometimes wishes to bind, though amid so great a rhapsody he is little mindful of himself. On Romans 13:5, doubt 7, proposition 5: "Civil laws by which a prince intends not only to make known or show what must be done, but seriously to command and to bind transgressors to guilt, bind consciences in particular and of themselves under mortal guilt and offense against God."

The disagreement lies here. But the affirmative reasons contend validly for this position, and especially the determination of the Apostle: it is necessary to obey not only on account of wrath but also on account of conscience. The reason is evident: violation of a particular law necessarily carries with it violation of the general law concerning obedience toward the magistrate. But violation of the genus injures conscience. Therefore, so does violation of the particular law. It therefore binds conscience. These are truly the words of Pareus.

But Scharpius's own reasoning destroys itself. He says that the end of political power is external peace. But we are bound in conscience to external peace and therefore to those things without which that peace cannot exist. Yet external peace cannot exist without laws, for laws are the bond of citizens with one another and with the magistrate. Laws therefore bind conscience.

[Printed page 319]

Objection 5. Political power cannot inflict a spiritual punishment or absolve from it; therefore, neither can it bind conscience spiritually.

I answer that the punishment of some transgression can be understood in two ways. First, an altogether spiritual punishment may be imposed for violation of a command. Political power cannot do this, for it cannot inflict upon contemners of its laws a spiritual punishment such as suspension, interdict, or excommunication. Yet it can inflict a punishment through a certain consequence, because it can bind to guilt. For since God wills the magistrate to be obeyed, there is no doubt that the violator of the divine order incurs a spiritual punishment--not so much by the force of the human precept as of the divine precept, which is contemned through violation of the human one. Let the elder Eurystheus, his parent, teach the young Hercules.

Nor is the knot loosed or tightened by saying that the magistrate must be obeyed on account of conscience, not because he can enact laws for consciences, but because with a safe conscience you cannot resist him to whose power God subjected you. For by this very statement it appears that consciences are bound by the laws of the magistrate, because it is not lawful to resist them on account of God. To resist the magistrate is to resist his laws.

Objection 6. Political power cannot absolve conscience from an offense; therefore, neither can it bind.

I answer that in **votis**, vows, and laws it is not required that one who can bind must also be able to absolve. By a vow, contract, or stipulation anyone can bind himself, but he cannot absolve himself. Suárez says that this is true when the obligation is not imposed directly. Nevertheless, that general proposition can be true in this manner: whoever can impose the obligation of a law can also remove it. First, just as the legislator can establish a law which binds consciences, so he can remit that obligation either by abrogating the law or by indicating that his intention in this

matter is to direct subjects but to bind no one's conscience. He can also dispense from his own law, provided this can be done without injury to a third party.

It is not necessary, however, that after the law has been violated he be able to remit the whole guilt. For if the just law of a viceroy is violated, not only the dignity of the viceroy but also the royal majesty, from which the authority of the inferior magistrate comes, is injured. The viceroy can remit his own injury, but not the king's, unless he has received special power concerning that matter. So too must it occur in these cases. One who transgresses a civil law is held under liability to the punishment which the magistrate established, and the same magistrate can remove that punishment. Yet he cannot bring it about that the person did not commit an offense, nor can he remit that guilt and punishment which pertain to God, for this is the power of a higher order. The transgressor acted against this will of God, which wills him to obey not only on account of wrath but also on account of conscience.

Thus the commands of parents bind the consciences of children, yet parents cannot absolve the disobedient from the offense. This belongs to divine right.

Objection 7. If civil laws bound no less than divine laws, then human laws would have to be obeyed no less than divine laws, and no one could exempt himself from the observance and punishments of human laws, because no one can exempt himself from divine laws. For where there is an equal reason, the same right ought to obtain. But the Papists teach that the latter is false when they contend for the immunity of clerics.

I answer that the question is not about equality between the obligation in divine laws and that in human laws. Divine laws bind more strictly, because they are always not only just, useful, and holy, but are also certainly known to be such. Next, in violating them divine majesty, from which they proceed immediately, is injured more greatly. Third, divine laws bind everyone; human laws do not bind everyone, because some are exempt from the jurisdiction of a political magistrate. All are equally subject to God. But just as God can exempt some from his own positive law, so too can a magistrate exempt some from his law, for someone can be given a privilege by which he is not held by a law.

Objection 8. If ecclesiastical laws do not bind conscience outside a case of scandal and contempt, then civil laws do so much less. But the former was proved above. Therefore--

I answer that we argue the contrary: if civil laws bind, ecclesiastical laws bind much more, as we shall teach in their place. The conflict between Scharpius and Pareus is extraordinary. Scharpius says that ecclesiastical law does not bind and concludes from this that civil law binds much less. But Pareus deliberately defends the contrary: ecclesiastical law does not bind for the reason that civil law does bind.

We have long experienced more than enough how much confusion this opinion produces, especially in the Roman Empire. Those who have imbibed these opinions think that neither the sentence of judges nor laws must be observed.

Objection 9. No law enacted by a human being, as such, can bind conscience, because a law extends no further than the legislator.

I answer that human law binds absolutely and that consciences are held by human laws. Whether they bind as human laws is not a question of morals; yet to deny it is contrary to good morals, since human magistrates, as such, possess the right of commanding and enacting laws. Thus this was formerly censured in Gerson, because he said that human law does not bind insofar as it is human, but insofar as it is a degree of divine law, lecture 4, corollary 4. Deservedly so. For the meaning is that the obligation to obey is founded not upon the power

[Printed page 320]

of the legislator but upon our reasoning, by which we deduce that the law which we obey is derived from divine or natural law. When this deduction is brought into morals, it must disturb the state; for according to the varying capacity of human beings, that derivation will be established variously. Next, an examination of all human laws will be undertaken by everyone, and the power of kings will be restrained according to the doubtful and most frivolous

deduction of restless human beings. Finally, how much license is here conceded to the most cunning subtleties of legal instruments? They will compare contrary laws and will set before the laws by which they are governed other laws differing from them in any manner whatsoever. It must therefore be said that obligation arises from human power and consequently that the law of human power, even as such, binds, for even as such it possesses its whole force from God because it possesses it from the vicar of God. For the rest, it is not fitting to argue so subtly, lest real tumults arise from false trifles.

Objection 10. Human law establishes a means remotely, or mediately, toward an end, and a means for preserving human society invented by human thought, in which it often errs. Therefore human law, as such, does not bind conscience before God.

I answer that a knot is being sought in a bulrush. Although Pareus and Calvin appear to think in this manner, Pareus, by dissenting from the others, sufficiently shows that he thinks human laws bind of themselves, in proposition 5 cited above. But the French Hercules indicates his meaning through other things which he teaches unsuitably: namely, that they do not bind because they do not command acts of the virtues, as he says in his response to objection 4. And in response to objection 5 he says: "Next, the laws of kings bind conscience only when they promulgate those things which God has commanded." According to his opinion, therefore, whatever the king commands, unless God has commanded it beforehand, will be rejected with a free conscience. Nor must scandal be feared, because no one is rightfully scandalized if another exercises his own right. Therefore no Calvinist instructed in this heresy will be bound to obey the king unless the king shows his law plainly in the sacred Bible. What could be more seditious than this? Finally, if divine law is promulgated by royal law, it receives no new obligation beyond that which it possessed before. For if the king possesses no jurisdiction over conscience, no new obligation will be added even when he enacts divine law.

At last Scharpius, forgetful of what he has disputed, draws this conclusion in his response to objection 7: "We are commanded to obey the magistrate on account of conscience. Therefore--" He answers: "The inference is denied, because the Apostle treats only those who condemn and spurn the magistrate and withdraw themselves from obedience to him. Next, this is said with respect to the authority in commands which is from God, not with respect to individual laws. Finally, civil laws do not bind of themselves, because the necessity of observing them does not consist in the things commanded but depends upon the authority of the magistrate and the general end of laws."

These are so many arguments against himself. First, Paul reprehends not only contempt for the magistrate but disobedience. He wills obedience on account of conscience. But when someone does not obey a law because he thinks there is no power of binding, he contemns the authority of the magistrate. Second, he says that obedience is owed with respect to the authority which is from God. But this is sufficient, for that authority has been communicated by God to magistrates; therefore obedience is owed with respect to the authority given to the magistrate, and therefore with respect to individual laws insofar as they possess authority from the magistrate. It makes no difference that civil laws concern indifferent things, for many laws of God concern only means; yet when they are commanded by God, they cease to be indifferent, for they become necessary. So too these indifferent matters of civil laws, by reason of the power which God conferred upon the magistrate, are necessary means for preserving human society.

And at last he admits this when he says: "Because the necessity of observing them does not consist in the things commanded but depends upon the authority of the magistrate and the general end of laws." If necessity depends upon the authority of the magistrate, then that authority constrains consciences, upon which it imposes the necessity of obeying. He therefore appears to hold a milder opinion than he had declared in words--if, indeed, he knows what he thinks. For heresy draws him toward depravity, reason toward truth.

In question 1, where he asks whether it is lawful for a magistrate to establish laws, he answers that it is lawful and proves it by these arguments:

1. Princes are called legislators, Proverbs 8:11 and Isaiah 33:22. Therefore--

2. If Christians can be kings, then they can also establish laws, because supreme magistracy and **νομοθεσία**, legislative power, necessarily cohere according to the rule of law: when jurisdiction has been conceded, those things without which it cannot be exercised are conceded. But the former has been proved above. Therefore--

3. A law is nothing other than the command of a king. Therefore, if kings can command, they can also enact laws.

4. Christians are human beings and therefore citizens of a state. They must therefore possess a rule of civil actions. Natural law is insufficient as the rule because it shows only certain general principles, and evangelical law is insufficient because it treats only divine matters. Human law is therefore necessary.

5. If it were not lawful for a Christian prince to bind the people by laws, this would be because it is opposed to Christian liberty. But the latter is false, because Christian liberty is opposed only to the slavery of sin, to which a just law is also opposed. Next, what possesses its foundation in integral nature is not opposed to Christian liberty. But every just civil law is such. Therefore--

§ 17. From this a firm argument, necessary for peace, is deduced. Princes are legislators; therefore, they can bind subjects. Second, **νομοθεσία**, or the power of enacting laws, is connected with jurisdiction; therefore, it binds as jurisdiction does. But jurisdiction binds in conscience; therefore, so does **νομοθεσία**. For if a judge is bound in conscience to judge according to civil laws, subjects are also bound to obey. The example is clear.

Immovable things are acquired by usucaption among persons present in ten years, and among persons absent in a period of twenty years. §1 *On Usucaptions*; the single law *On the Transformation of Usucaption*. A judge is bound in conscience to judge according to this law and adjudge the property of Gaius to Titius if Titius has acquired it by prescription. There is no one who would not judge a judge deciding otherwise impious, unjust, perjured, and a robber. His conscience is therefore held by human law, for divine law did not define periods of usucaption. But if the necessity of judging in this manner rests upon the judge, Gaius will be held by the same necessity to obey and will act against conscience if he does not obey, since the necessity of judging according to this law and that of abiding by the judgment are reciprocal. Thus the whole force and determination are in human law, though derived from divine law.

But if Gaius is a Scharpian Calvinist, he will be able to obstruct execution by any means, for he will judge that law and judgment have nothing to do with conscience. Secretly or openly, now or later, whenever his strength gives him opportunity, he will go to recover the property. Thus the war could be just on both sides: Titius will retain the property by the privilege of the matter adjudged, while Gaius will say that without guilt he can resist the judgment of human law.

[Printed page 321]

If, therefore, **νομοθεσία** is connected with jurisdiction, human law binds consciences. One who teaches otherwise introduces sheer brigandage and the overthrow of the state in place of legitimate judgments.

§ 18. I refute Scharpius from his own words as well. If a law is nothing other than the command of a king, and a command must be obeyed on account of conscience, then a law, which is nothing other than the command of a king, must also be obeyed. But a king is bound to command many things, and therefore a subject is bound to obey them. What the king is bound to demand, the subject is bound to furnish. Besides natural and evangelical laws, human law is necessary. If the law is necessary, obedience to it is therefore necessary. For it is ridiculous that in a city some law should be necessary for the city's safety, yet the observance of a necessary law should be optional and every citizen should be able to violate the necessary law.

Finally, if a just civil law does not obstruct Christian liberty, if it has its foundation in nature, and if a prince can bind his citizens, who would doubt that consciences too can be bound?

Nevertheless, these statements conflict with what he teaches in question 3 *On Antichrist*: that Christ does not wish our consciences to be pressed by this yoke. He speaks generally of the Church and secular princes. And argument 10 says:

"A human being cannot condemn someone to hell; therefore, he cannot bind conscience to observe a law under penalty of eternal death." As though a human being endowed with divine authority could not do this. For if someone sins against the law, he has already condemned himself. Thus it is not the father but God, the avenger of disobedience, who consigns a rebellious and contumacious son to hell.

CHAPTER IX

Not All Laws, Even Just Ones, Bind Consciences; Some Bind Unequally

§ 1. Civil laws sometimes bind immediately only to punishment, but not to guilt. On this point there is some disagreement among theologians. Some contend that every law which commands or forbids binds consciences, because in every law there is power together with a will to bind, and in its violation there is disobedience, which is a sin. Thus they think that it is not even within the power of the legislator not to bind if he wishes to enact a law. Others maintain that it can happen that a legislator truly commands, and does not merely ordain or direct, and yet the transgressor does not sin, because the legislator can will not to bind him to guilt but only to punishment. It is a true law, and yet the transgressor is not held by guilt.

For example, there was an ancient law of the Venetians that a fine should be imposed upon one who built the curia--which was then humble and in no way equal to the dignity of the state--with greater magnificence. One of the doges demolished the old building and raised a beautiful structure worthy of so great an assembly. When accused, he willingly and readily paid the fine. He did not sin by that magnificence, for it was not the intention of the state to bind him to sin, but through fear of punishment to preserve the frugality of the fathers.

I said “immediately,” for in reality that law too touched conscience: after he built the palace, he was bound in conscience to pay the fine. Many laws of religious orders are of this kind: they do not bind to guilt but only to punishment, either definite or indefinite. For the whole obligation depends upon the intention of the person commanding. The transgressor is compelled to sustain the punishment, because otherwise there would be no reason for compelling him if he were held neither by conscience nor by punishment.

§ 2. We have described that law according to common usage. For if we cut the matter to the quick, that whole law binds conscience, and the person who performs the deed to which the punishment is annexed--whether it is called a punishment properly or analogically--does not properly offend against it. Rather, the one who transgresses the whole law does so; that is, he both performs the deed and refuses the punishment. For the law is: “Either do not build, or pay the fine.” Nor is it necessary that the law always be enacted in that disjunctive form. A law can be established absolutely with the intention that it bind only to punishment.

In our Society there is a law that those who leave the house write their names--which are inscribed on a tablet near the door of the house--and inform the doorkeeper where they are going. No punishment is added, nor does the legislator declare that guilt is absent; nevertheless, because at the beginning he declared that he did not wish to bind anyone’s conscience, one who omits these things does not sin. Thus, whether a law is purely penal or mixed, it will sometimes not bind to guilt. It is agreed that a purely penal law, which says only, “Whoever does this shall undergo this punishment,” does not bind. Concerning a mixed law, which truly commands or prohibits something and assigns a punishment to the transgressor, the matter too is clear: when by the command the legislator wishes to bind in no way other than to punishment, there is therefore neither a will to bind otherwise nor disobedience until the punishment is refused after the deed.

§ 3. A law founded upon a presumption of fact which is false does not bind conscience. For example, if Gaius secretly married a woman and afterward celebrates solemn nuptials with another, in the external court judgment is rendered in favor of the second marriage because witnesses and all the proofs of marriage are present, and because he is presumed to lie about the prior marriage and not to have deceived publicly. Yet in reality he is bound to the former spouse.

If a presumption is founded upon fear of danger, the law binds even though in the particular case the rationale of the law ceases; it must nevertheless be observed on account of the common good. There is a law that no one make religious profession before completing his fifteenth year, for it is presumed that this would be done rashly from

weakness of judgment. Thus, although it is done with mature judgment and prudence, it nevertheless does not bind, because the law, which regards ordinary dangers, renders the profession altogether invalid.

§ 4. Human law sometimes binds under mortal sin. For since it belongs to divine and natural right to obey just laws, the matter and circumstances can be of such a kind that transgression is judged grave and harmful. Whether a transgression is a mortal sin cannot be gathered from the words of the law alone, from the intention of the legislator, or from the severity of the punishment, but from the gravity of the matter. For since the intention of the legislator ought to be just and reasonable, he ought gravely to bind consciences only in a grave matter in which a great interest of the state is involved. But when the cause is grave, the legislator cannot bind under venial sin, because the transgression is grave by the nature of the matter.

For example, when a sumptuary law has been established and the manner and duration of courses defined, if someone violates it publicly, the act can redound to great evil for the state. But if contempt either for the legislator or for the matter of the law is added, the sin will be greater. Contempt for God is always mortal; contempt for human law in a small matter is venial; contempt for the civil legislator on account of human defects is sometimes venial and sometimes mortal. But if he is contemned insofar as he is a superior, or by reason of the power itself, the guilt is always mortal, because this contempt is insulting to divine majesty

[Printed page 322]

and its ordinance.

§ 5. Civil law can bind even with danger to life. This is seen especially in war. A soldier must not desert the ranks even if he sees that he must die. The state can command this fortitude, for if it could not, insufficient provision would have been made for the common good and defense. That defense certainly belongs to natural right, but the magistrate can assign it to particular human beings and send these or those legions, cohorts, and squadrons into evident dangers. By military law they are compelled to obey.

§ 6. The observance of a law binds with danger to life when more utility redounds to the state from its preservation than from the life of the person held by the law, or when transgression of the law is more destructive to the state than the death of a citizen. That rule is commonly approved. In it we must consider first that the danger in question be true and certain; next, that there is the greatest difficulty in judging whether the good or evil is greater.

For there are many whose life does not greatly benefit the state and indeed appears even to burden it. For what benefit to the state is a leper who is also a beggar? How easily can a public good be found greater than his life, and a loss more grave than his death? Thus the matter must be determined not only from the public good considered precisely, but also from the private good or evil of the person who is a part of the state. For it pertains to the good of the state not to be prodigal of its own blood. Nor is the sin in this matter slight, especially on the part of commanders in war, when for the sake of a small advantage they expose a soldier to great dangers. “Who could endure an ignoble village being purchased with the blood of so great a king?” the Macedonians cry. Who does not see that Drances spoke rightly?

> Let the royal bride, of course, fall to Turnus,
>
> While we, cheap lives and unburied bodies,
>
> Lie scattered over the field.

What, then? At night enemies drive away herds stalled before a city. A leper sees them--an infirm old man, burdensome to the state. If he is silent, his silence causes public loss; if he cries out, death stands before his eyes. But there is a law which commands that the approach of an enemy be reported. I judge that even if the old man’s life burdens the state rather than benefits it, and the loss of the driven-away herd is great, nevertheless the old man is not bound to act with danger to his life. Rather, so great a good for the state, or so great an evil, is required that, all things considered, the matter is worthy of one for which a prudent person would lay down his life.

In this matter the following must especially be observed: in a well-constituted state there must be the greatest charity toward individual citizens. For just as we do everything to avoid cutting off bodily members, so too the life of every individual citizen ought to be highly commended. No one is bound to undergo death for a neighbor's cattle, nor can the state command it. For the protection of individuals, even the wretched, pertains to it, and it is of concern to all that the afflictions of no one be exposed to injury.

CHAPTER X

Penal Laws Are Necessary and Bind in Various Ways

§ 1. Very many human beings are restrained in their duty neither by kindness nor by benefits. Dio speaks rightly: "Human beings endowed with so evil a disposition are overcome by no benefits, since these persons prepared snares for him from whom they had received such great benefits." For so many evil persons, therefore, as for the sick, the medicine of legal punishments must be prepared.

Hence punishments are so frequent in the state, because very many are evil and must be restrained by fear of punishment. This was so little hidden both now and formerly that Seneca insulted the human race to applause when he said: "He who hates the evil hates everyone."

In punishment, therefore, care must be taken that it look to the future. For just as one is not worthy of the name of physician if he torments the sick person with loathing for medicines or the pain of cutting and burning because intemperance has afflicted his health, rather than in order to heal him, so too must the legislator act. For no prudent person, as Seneca says in chapter 16 of *On Anger*, punishes because a sin has been committed, but lest it be committed. Past things cannot be recalled; future things are prevented. Those whom he wishes to make examples of wickedness ending badly he will kill openly--not only that they themselves may perish but that by perishing they may deter others.

§ 2. There were eight kinds of punishments, themselves distributed into various forms: loss, bonds, blows, retaliation, ignominy, exile, servitude, and death. All the same forms are still in use, and in so great a variety of torments they all represent to us the severity of the future judgment.

§ 3. I think that three things must be observed in these matters. First, grave punishments must be established by laws, for they are fit to terrify. If human beings commit those things for which punishments have been established, they will commit much more those for which there are none. Great harms are introduced when, through confidence in impunity, they boldly perpetrate evils.

Next, no one's power or services toward the state should be so great that he is exempted from the punishments of laws. Unless this is observed, he will become insulting and injurious, judging license to be the reward of his virtue.

§ 4. Clemency must always temper the punishments of laws according to the circumstances of persons. But let us now treat the obligation of penal laws.

The following rules can therefore be established concerning them.

Rule I. A penal law binds the judge to punish the defendant according to it. For he ought not to judge laws but to judge according to laws.

Rule II. Another law can be enacted which binds to punishment before sentence, as do certain censures of excommunication and irregularity.

Rule III. This does not occur when a law threatens punishment or uses a verb in the future tense. But when it is said that punishment is incurred by the deed itself, or from that time--which is not customary in civil laws--the punishment binds conscience before condemnation by the judge. This is much more so when an express clause indicates that the punishment has already been incurred, as frequently occurs in deprivations.

Rule IV. After sentence has been rendered, the defendant is bound to undergo the punishment patiently, without resistance.

Rule V. Indeed, if some action by the defendant is necessary for the punishment, he is bound to it. Even when he has justly been condemned to death, he is bound to leave the prison for the place of punishment and not to fight against the ministers of justice. When prison, exile, or a fine is decreed, he is also bound to execute it.

Rule VI. A law which renders acts invalid can bind conscience so that they are not performed otherwise than according to the form which it prescribed. Yet it does not always prohibit performance of the act, for someone can perform an invalid act;

[Printed page 323]

in many cases, however, it is in no way lawful.

Rule VII. Laws always have this punishment annexed: acts done contrary to the laws--indeed, without the solemnity of the laws when the laws require it for the substance of the matter--are invalid. The law of Theodosius concerning decurions was enacted and concludes thus: "For we will that no pact, no agreement, and no contract be regarded as having been concluded between those who contract when the law prohibits them from contracting." Yet in civil law such a contract becomes invalid only when this is declared by a sentence.

Rule VIII. The supreme prince, who possesses the right of tempering laws, has power to moderate punishment. Indeed, every punishment is discretionary for the supreme prince, as Baldus says on the final law *On Senators*. But this must be understood in such a way that he does not depart from equity and just severity.

These rules generally contain those things which pertain to the judge and the defendant. Meanwhile, jurists treat punishments variously. It must be noted that they are imposed sometimes by canon law and sometimes by civil law, although they are often the same.

§ 5. The first punishment is **νουθεσία**, admonition. It is usually private and the mildest, when the obligation of someone's duty is recalled to his mind. This is followed by another admonition called **παραίνεσις**, which has rebuke joined to it, called **ἐπιτίμησιν** in Greek. In Synesius there is: **νουθετήσας οὐκ ἔπεισα, ἐπιτιμήσας ἠρέθισα**--"By admonishing I did not persuade; by rebuking I provoked."

Κόλασις is vengeance rendered to the state, and it regards the correction of the person punished. **Τιμωρία** is rendered to the person who was injured. Thus Aristotle, book 1 of the *Rhetoric*: **ἡ κόλασις ἕνεκα τοῦ πάσχοντος· τιμωρία ἕνεκα τοῦ ποιοῦντος, ἵνα ἀποπληρωθῇ**. Correction is punishment for the sake of the person who suffers it; retribution is for the sake of the person who exacts it, namely, that the punishment be fulfilled.

The state should direct great care to ensuring that judges do not neglect that form of punishment by which they make satisfaction for the losses or injury of others. For injured persons in reality turn their hatred against the prince, as Pausanias did against Philip, if they perceive that justice is denied them.

§ 6. The forms of punishments which are referred to those eight kinds are various.

First there is infamy, when someone's reputation is marked. Among jurists, reputation is the condition of unimpaired dignity approved by laws and customs. When it is diminished or removed, the person who has been marked is rendered infamous, and every gate of dignity is closed to him. Law 2 *On Dignities*; law 12 of the Code under that title. Infamy is either of law or of fact; infamy of law belongs either to canon or imperial law. Under canon law, murderers, evil-doers, thieves, sacrilegious persons, robbers, adulterers, incestuous persons, poisoners, perjurers, false witnesses, and others like them are infamous, as are heretics, actors, plunderers of ecclesiastical goods, calumniators, and simoniacs. More persons are infamous under civil law, although not all are infamous under both systems.

Next is deposition or degradation, whether from an office, a benefice, or a rank; confiscation of goods; confinement in a monastery; prison; condemnation to public labor or the mines; servitude; and exile. All these are of various kinds.

In this class care must be taken that persons who can avenge themselves and harm the state are not punished by infamy or exile. Greece and Italy have experienced this.

Next, another grave and useful kind of punishment, extremely customary in former times but now rare, appears altogether worthy of restoration: condemnation to the mines, to public labor, to service in a public work, to saltworks, sulfur works, or sand pits. Women were condemned to service. Now almost the only remaining kind, and not even in all places, is condemnation to the galleys, and elsewhere to various labors. If the other punishments also were renewed in place of temporary or perpetual prisons, the auction block, public chastisement, branding, mutilation of ears, and exile--which now, amid divided territories and so great a multitude and rivalry of dominions, neither constitutes a great punishment nor presents a danger--if, that is, laborious punishments which recall the mind to duty were renewed, fewer crimes would be committed and the state would be aided in expense. But I shall treat this elsewhere.

CHAPTER XI

It Is Best That Laws Be Few

§ 1. At the beginning the Roman city possessed few laws, as did all states at their origin; afterward, as morals declined toward worse things, the laws increased together with the vices themselves. Certainly very few laws of Romulus and the other kings are enumerated, although it is probable that they were in great part abolished through disuse and hatred of the kings. The laws of the Twelve Tables followed; from them law was pronounced for a very long time and with great constancy, as Cicero in the *Brutus* and *On the Laws*, and others, demonstrate.

Afterward, when the city and likewise lawsuits had increased, there was added the praetorian volume of edicts. Servius Sulpicius, most learned in law and justice, wrote two books *On the Praetorian Edict*, for so they called that book, and left nearly one hundred and eighty books. Yet Aulus Ofilius appears to have composed the Edict most diligently. But even then they labored under laws and vices. For Julius Caesar intended to reduce the civil law to a definite form and from the immense and diffuse abundance of laws to bring together all the best and necessary provisions in very few books. Thus even then there were many books and laws, which wicked human beings abused for sowing discord and lawsuits.

Vespasian followed, who had some regard for justice. For from Augustus down to him a certain rage for accusing, calumniating, and overturning everything had grown strong. When the succession of lawsuits had everywhere increased so greatly that, as Suetonius says, the lifetimes of the litigants scarcely appeared likely to suffice for completing them, Vespasian chose by lot persons to decide extraordinarily and reduce to the shortest number those cases.

But justice was tossed violently until the time of Hadrian. For the praetors possessed great and almost excessive power: they published edicts and pronounced law according to them. Yet there was great care for justice, because soon afterward they could be accused of injuries and punished by law if they had issued an inequitable edict or judgment. But through civil wars and then the rule of monsters among human beings, the license of the praetors became more unpunished, because those who held power were companions of thieves. The chief occasion for wrongdoing was that law was pronounced variously. Hadrian therefore approved the labor of the jurist Salvius, who composed the Perpetual Edict, and commanded the praetors to pronounce law from it. Nevertheless, codes of laws were soon added in no smaller number. Indeed, the opportune subtlety of interpreters increased. Gaius, Domitianus, Ulpian, and Paul published commentaries upon the Perpetual Edict. Paul wrote eighty books and Ulpian eighty-three.

[Printed page 324]

It was the labor of most learned and most judicious men, but by its own mass it oppressed justice and gave pettifoggers and subtle pleading an occasion for injuries. A substantial witness to this matter is Justinian himself, who declares that the Perpetual Edict had been confused by the commentaries of interpreters. Having been taught by this evil, he wished to provide that his own Pandects not be burdened by additions of commentaries.

§ 2. Justinian's care was foremost in this kind, and the multitude of laws gave him the reason for establishing them anew. For he writes thus to Tribonian: "Since nothing in all affairs is found so worthy of study as the authority of laws, which disposes both divine and human matters well and expels all inequity, and since we have found the whole course of laws descending from the foundation of the city of Rome and the times of Romulus so confused that it extends to infinity and is comprehended by no capacity of human nature, our first concern was to begin from the most sacred former princes, to amend their constitutions, and to hand them down by a clear way, so that, gathered into one Code and freed from every superfluous similarity and most inequitable discord, they might offer to all human beings the ready protection of their integrity."

How great an abundance of frauds must there credibly have been where no human being could comprehend the multitude of laws? Justinian therefore acted excellently--if his other deeds had followed that measure.

And in the confirmation of the Digest addressed to all peoples: “Something wonderful has emerged from these books: the ancient multitude is found smaller in comparison with the present brevity. For persons who formerly conducted lawsuits, although many laws had been established, nevertheless carried their lawsuits through from a few of them, either because of the scarcity of books, which it was impossible for them to obtain, or because of ignorance itself; and lawsuits were decided more by the will of judges than by legitimate authority. But in the present completion of our Digest, laws have been collected from so many volumes that persons of former times--not merely, we say, did not know their names, but had never even heard them. All these have been collected and the most ample substance assembled, so that the ancient multitude is indeed found poor, but our brevity is rendered most wealthy. The excellent man Tribonian supplied especially the abundance of books of ancient wisdom, among which many were unknown even to the most learned human beings. When all had been read, whatever was most excellent in them was separated and passed into our best compilation. But the makers of this work read not only the volumes from which laws were placed; they also read many others and, finding in them nothing useful or new which they might extract and apply to our Digest, rejected them with excellent judgment.”

And to the great Senate: “Freed, namely, from the former disturbance and confused and endless establishment of law, they will hereafter employ laws which are upright, concise, ready to everyone’s hand, bring an abbreviation of lawsuits, and are prepared and exposed for easy acquisition by all who wish it. Nor will they any longer need great sums of money to collect a multitude of those useless books; rather, at the lowest price, the laws offer the means of obtaining themselves both to the richer and to those setting out from a more slender patrimony.”

The emperor taught how great the multitude was in the preface to the Pandects: “Formerly, as your prudence knows, from so great a multitude of laws--which extended to two thousand books and three million lines--students received from the voice of their teacher nothing other than merely six books, themselves confused and very rarely containing useful laws, while the rest were already obsolete and inaccessible to all.”

§ 3. There were therefore always persons who increased the laws, as can be seen in the history of law concerning professors and jurists. When their study and industry increased beyond measure, others reduced the confused prolixity to the brevity of the ancients.

That multitude nearly fell silent when Asia had been occupied by barbarians, Africa alienated from the empire, and kingdoms established in Europe. Lothair restored it to use. And now Germany is nearly submerged in the great multitude of laws and lawsuits.

That multitude is therefore harmful, since the work of those who cut it back is especially approved. I esteem highly the makers of laws, priests of sacred Themis; but if the emperor, employing the most learned jurists and the authority of the princes, restored this great chaos to order and transparent brevity, I would call him the savior of the state and father of the fatherland. To follow the examples of so many princes is glorious and necessary for the fatherland, which now spends more upon lawsuits than upon wars--lawsuits not to be ended, but to be continued, made harsher, quieted to the loss of the parties, or perpetuated.

§ 4. A multitude of laws is a witness to corrupted morals. For just as it is agreed that diseases existed before remedies were sought, so crimes and injuries harassed a city before laws were sanctioned by which wickedness might be opposed. Thus Demosthenes speaks in oration 2 *On Laws*: “The diseases which befall bodies are healed by the industry and aid of physicians; but the judgments of legislators repel and cast out the savagery of minds.” Where there are innumerable laws, therefore, innumerable crimes must have preceded them.

Seneca prudently explained this in Letter 95: “That ancient wisdom was without doubt, as you say, crude when it was first arising, no less than the other arts whose subtlety increased in their progress. But there was not yet any need for

carefully devised remedies. Wickedness had not yet risen so high or spread so widely. Simple remedies could oppose simple vices. Now the defenses must be more elaborate in proportion as the things by which we are attacked are stronger.

“Medicine was once the knowledge of a few herbs by which flowing blood might be stopped and wounds gradually close. Afterward it arrived at such manifold variety. Nor is it surprising that then it had less business, when bodies were still strong and solid and their food simple, not corrupted by art and pleasure. After food began to be sought not to remove hunger but to irritate it, and a thousand seasonings were invented by which appetite might be aroused, things which were nourishment to the hungry became burdens to the full.

“Hence pallor and the trembling of sinews soaked with wine, and a wasting more pitiable from indigestion than from hunger; hence the uncertain feet of those who stumble, and a constant reeling like that of intoxication itself; hence fluid admitted beneath the whole skin and the distended belly, while it becomes badly accustomed to receive more than it could hold; hence the suffusion of livid bile, a discolored countenance, the wasting of those rotting within themselves, twisted fingers with stiffening joints, the numbness of unfeeling sinews, or palpitation without interruption. Why should I mention dizziness of the head? Why the torments of the eyes and ears, the crawling sensations of a fevered brain, and all the parts through which we discharge waste afflicted with internal ulcers? Besides these, there are innumerable kinds of fevers, some raging with violence, others creeping with a subtle pestilence, others coming with shivering and a great shaking of the limbs. Why should I recount the other innumerable

[Printed page 325]

diseases, the punishments of luxury? Those who had not yet dissolved themselves in delights, who commanded and ministered to themselves, were free from these evils.”

Against those monsters of diseases medicine arms itself; against crimes laws are established. And just as symptoms are aggravated by the multitude of physicians, so injuries are renewed by the variety of laws. Health is certainly restored by few medicines or none. Variety disorders all the viscera.

§ 5. A multitude of laws produces innumerable lawsuits. Plato speaks most truly: **ὅτι παρ’ οἷς πλεῖστοι νόμοι, καὶ δικαστήρια τέτοια, καὶ βίοι μοχθηροί**. Among those who possess the greatest number of laws, there are also lawsuits and likewise depraved morals. But why do laws--good laws, laws invented by the most skilled persons for ending lawsuits--generate new lawsuits? The laws are good and holy, but they are employed by depraved persons for injury. Where there are many laws, this cannot humanly happen otherwise.

First, human weakness is unequal to learning, remembering, or even understanding them all. For which advocate or judge, much less procurator, could not only embrace in memory two thousand books and three million lines, but compare them with one another, prefer one law to another, and adapt the efficacy of each to recollection and action?

Hence many, even the most skilled, must be ignorant of their own right; when that right occurs to the mind of another, it wins the case. Hence the slow progress of jurists; and when they are summoned from the schools to practice, they are regarded as though untrained in the laws. Third, the multitude is loved by those who are nourished and enriched by lawsuits. Just as wasting disease sets prices for physicians, so the forum does for them. Their sole concern is to bring forward laws of every kind--even obsolete and inequitable laws and those twisted into a depraved meaning--as did that advocate before Galeazzo, duke of Milan, concerning whom the most learned Lipsius relates in chapter 10 of the *Political Admonitions*.

What did Galeazzo, duke of Milan, do? When he had several times heard that there was an advocate of so cunning a disposition that he could sow lawsuits and prolong and nourish those already sown even when the law was clear, he summoned the man and addressed him: “I owe my baker one hundred gold pieces. I do not wish to pay. Can you defend me at law and draw out the matter?” He assented freely and readily placed himself at the prince’s disposal. But

the prince brought evil upon him: when he had thus confessed his fraud, Galeazzo first rebuked him with words and then commanded him to be killed publicly by the noose.

Milder is what Lipsius relates about James, king of Aragon, who always showed himself hostile to lawsuits and litigants. Among these was Ximén Rada, a distinguished and foremost jurist in that age. Because many complained that they had been afflicted by his subtlety or malice, the king prosecuted him under the law against prevaricators and expelled him from the boundaries of the kingdom.

Everyone sees that persons of this kind must be restrained seriously. Having followed an honored art of plundering, they provide everyone assistance and courage for thefts which are safe and near to justice. They are far more harmful than open enemies, for without danger to themselves they make an assault upon the fortunes of others. More persons in the Roman Empire are stripped of property under the appearance of law than formerly by war. The old complaint is:

> The rage of arms and power of the sword press near;
>
> It will confound every right by force, and a wicked crime
>
> Will bear the name of virtue and endure through many years.

Our complaint is:

> The dark rage of the forum and the power of laws press near;
>
> It confounds every right by the pen, and a wicked crime
>
> Will bear the name of virtue.

There is another cause why laws are causes and nurses of lawsuits. Amid so great a multitude and so great a diversity of customs, those who enact new laws cannot remember the old. They must therefore be contrary, or at least **ἀσυντάκτους**, inconsistent with one another. Or if they do not conflict with one another, nevertheless very many are **ἐναντιοφανεῖς**, apparently contradictory, and appear to conflict. Justinian testifies that in his time there were many contrary laws. In the letter concerning the making of the new Code addressed to the senate of the city of Constantinople, he says that he specially entrusted John, Leontius, Phocas, Basilides, Thomas, and Tribonian to compose from the same three codes and the new constitutions laws which were certain and written in concise speech, and to place them under suitable titles. They were to cut away prefaces as superfluous as far as the solidity of the laws was concerned, together with similar and contrary provisions, except where they might be aided by another division of law, and also provisions which had passed into disuse. They were to add some things and remove others, and even change their words where convenience required it; to collect into one sanction provisions dispersed throughout various constitutions; and to render their meaning clearer, yet so that the temporal order of the constitutions might become clear not only from the added dates and consuls but also from their very composition.

Yet he does not dare to assert that his own laws are altogether free from defects. For in the letter to the senate and all peoples he says: “No contrary provision placed in this Code will claim a place for itself, nor will one be found, if someone with a subtle mind examines the reasons for the diversity. Rather, something new has been discovered or placed there secretly which dissolves the complaint of dissonance and introduces another nature escaping the bounds of discord.”

He certainly totters and is anxious about antinomy, and scarcely any jurist has solved this knot. Cujas attempts it. He says that many laws can be brought into agreement if some are referred to the benign right of constitutions and others to the old laws and severe right. I hear and approve the judgment of this most learned man, but I require that when the lives and fortunes of human beings are at issue there be something certain and established. While they litigate, while one presses severe right and another benign right, meanwhile a stranger holds my estate, or in an evil lodging I lament their long-lived disputations.

Why, therefore, do we not remove many lawsuits with one word and establish that among **ἐναντιοφανεῖς**, apparently contradictory laws, one is valid and the other abrogated? Volumes have already been written concerning laws which appear contrary either in words and meaning or by consequence. Lest lawsuits therefore be perpetual, let the worse of those laws which cannot exist together fall--or even the better, because in war even an indifferent peace is more desirable. The obscurity of many laws also produces immortal lawsuits; there is no reason why it should not be removed.

This certainly can and ought to be corrected. Peter Gregory speaks excellently in book 10: "Finally, in establishing laws there ought to be a manifest decision, not enveloped in obscurity of meaning or doubtful, lest it be capable of containing any snare; for laws ought to be a norm of living for everyone, the ignorant as well as women and children. Right is certain and defined, for over a doubtful matter the law, as rule, ought to remove doubt."

All therefore rightly require this: that they be able to understand what must be done.

§ 6. This is altogether necessary for peace; otherwise laws hand down not justice but ways of litigating. Hence the subtlety of the schools obstructs not only the wisdom but also the peace and quiet

[Printed page 326]

of the state. The oracles of sacred Scripture are obscure because the knowledge and wisdom of God are unfathomably profound, and the intellects and labors of so many excellent, holy, and learned theologians are the surest proof of this fact. We experience the same in laws: so many thousands of jurists dispute concerning the meaning of laws in universities; so many hundreds fight in the forum, grow hoarse at tribunals, and grow pale in the chancelleries of princes; and yet the mind and true opinion of the law has not yet been discovered.

Hence interpretations of laws have arisen--that is, new law. For it is not the law alone that is debated; rather, the decision of the law is sought from the multitude, dignity, and learning of interpreters. I desire that these ambiguities and labyrinths be dissolved by one utterance of the prince, cutting away the shadows of their winding paths, yet in accordance with the opinion of jurists. Everyone will know not only the law but also its meaning. In this matter I demand mature deliberation together with a clear decision. Emperor Alexander enacted many useful laws by which he removed many useless ones, but he sanctioned none except according to the opinion of twenty jurists. Let the emperor therefore establish what the law says. From this we plainly see that the whole of Europe is embroiled in lawsuits and, what is worse, cannot be released from them. They are perpetuated and are conducted among children's children as though hereditary.

§ 7. Finally, what cause is so openly inequitable that it does not appear capable of being defended by some law? Laws abolished by custom should therefore be removed; laws which are, or appear to be, contrary should be reconciled either by abrogation or harmonization. The counsel of the most prudent Lipsius is salutary, if it had an executor. I summon Plato again:

> **εἶεν δὲ οὐκ ἄν ποτε πολῖται φίλοι, ὅπου πολλαὶ μὲν δίκαι ἐν ἀλλήλοις εἶεν, πολλαὶ δὲ ἀδικίαι, ἀλλ' ὅπου ὡς ὅτι σμικρόταται καὶ ὀλίγισται.**

Citizens will never be harmonious or loving toward one another where there are many mutual lawsuits, but where these are shortest and fewest. Note the final words: he wishes lawsuits to be not only few but brief. I agree with you. Where are we now? A lawsuit of some size occupies a Metonic year. This happens through the wrappings of laws and the sordid practices of advocates; those adjournments are for gain and petty profit. One sails through the Symplegades to Colchis and the golden fleece.

Neither Plato nor I blame true counsellors learned in law and justice. We detest plunderers, pirates, and robbers who plunder securely in the forum before the eyes of the city, and we judge that the instruments of fraud and imposture must be removed.

Nor do the princes of Germany now think otherwise, for the complaint concerning reform of justice and tribunals is perpetual. Let all the imperial recesses be examined. Yet amid so great an army of those whom lawsuits nourish, they will not be able to attain this except by equalizing the laws. Weapons against right and equity will always be supplied from the very sanctuaries of justice and the laws.

§ 8. But learned men defend the variety and multitude of their laws by a great and difficult argument. First, the authority of Aristotle is brought forward for this opinion, book 1 of the *Rhetoric*, chapter **α.**: "It is therefore most fitting that rightly enacted laws themselves determine whatever they can and leave as little as possible to those who judge." But if laws must be established concerning very many matters and very few things left to those who will judge, very many laws are necessary.

Thus they turn their consideration to debating whether it is better that a city be governed without laws by the equity and prudence of magistrates and judges, or that everything be distinctly embraced by laws. In this matter I agree with them: laws must indeed be used. Thus Aristotle in the same place. First, because it is easier to find one or a few persons than many who judge rightly and are able to enact a law and establish right. Next, enactments of laws arise from considerations extending over a long time, but judgments are rendered suddenly, so that those who judge find it difficult to possess a right account of justice and utility. And what is greatest of all, the judgment of the legislator concerns neither singular nor present things, but future and universal things; an assembly and a judge judge present and definite things, with which love, hatred, and personal utility are very often joined, so that they can no longer perceive adequately what is true, but personal pleasure or distress obscures judgment. As we were saying, concerning other matters the arbitrator must be made master of as few things as possible. But judgment concerning whether a thing was done or not done, will or will not occur, exists or does not exist, must altogether be left to the arbitrators, for the legislator cannot foresee these things.

These arguments in no way move me to approve the present multitude of laws. For judges decide very many things from similarity of causes, conjectures, and the abilities of commentators. Many events and cases are not now embraced in that infinite multitude of laws and interpretations; in this respect, therefore, we are oppressed by a scarcity of laws. Next, abundance here is worse than scarcity. The multitude said to be accommodated to more events provides occasion for various calumnies, for by those laws through which justice could be protected in one case, many cases are oppressed. Third, this has no bearing upon so many similar, contrary, doubtful, and obscure laws. Let those be removed and the others enacted universally; where shameful subtlety inserts a lawsuit, let it be met by adding or changing a word. Fourth, if laws are clear and provision has been made for the integrity of judges, many extremely grave cases will easily be decided, and much free discretion will not be left to the judge; whereas now, amid our multitude of laws, nearly everything is left free. For what opinion will a judge pronounce today which cannot be fortified by the approval or distortion of some law?

Moreover, many things can restrain the license of a judge, such as visitation, examination of the sentence, appeal, the counsels of assessors, and the determinations of universities. Finally, what prevents laws from being much shorter? Do you desire an example? Law 2, **π.**, title 7: "It is forbidden that anyone remove by force a person summoned to court." A clear matter is treated by these laws.

The praetor proposed this edict so that by fear of punishment he might restrain those who forcibly rescue persons summoned to court.

1. Pomponius writes that a noxal action must also be granted in the name of a slave, unless he did it with his master's knowledge; for then the master must accept the action without surrendering the offender. Ofilius thinks that this edict has no application if a person who could not be summoned to court was removed--for example, a parent, patron, and other such persons. This opinion appears to me more true. Certainly, if the person who summoned him offended, the person who removed him did not offend.

2. For when each acts against the edict--both the freedman who summons his patron and the person who forcibly removes the patron--the freedman who sustains the role of plaintiff is nevertheless in the worse position in an equal offense. The same equity applies to one who

[Printed page 327]

was summoned to court at a place other than where he ought to have been. But it must be said still more strongly that a person is not regarded as forcibly removed when the law grants him the right not to be sued there.

3. But if someone removed a slave summoned to court, Pedius thinks that the edict does not apply, because he was not a person who could be summoned to court. What then? An action for production will lie. If someone removes a person summoned before a delegated judge, the punishment of this edict will not apply. What the praetor commands is, "removes by force." Does this require force, or also evil fraud? Force suffices even if evil fraud is absent.

4. But the word "removing" is general, as Pomponius says. To rescue is to take from someone's hands; to remove is to carry away in any manner by seizure. Thus, if someone does not take the person away but causes a delay so that he cannot come to court--so that the day for the action expires or the thing is lost through time--he will be regarded as having removed him although he did not remove his body. If he detained him in that place but did not lead him away, he is held by these words. Likewise, it is agreed that if someone removes a person who is summoned through calumny, he is held by this edict. The praetor says, "or does anything with evil fraud whereby he might more readily be removed," for this can occur without evil fraud, as when there is a just cause for the removal.

5. If someone removes him through another person, he is held by this clause whether he was present or absent. Against one who removed him by force, an action on the facts is granted. It contains not what the thing is worth in truth, but the amount at which the plaintiff valued the matter in controversy. This was added to make clear that even if someone is a calumniator, he nevertheless pursues this punishment. He must show, however, that through this removal it occurred that the person was not brought to court. But if he was nevertheless brought forward, the punishment does not apply, because the words must be understood as requiring an effect. This is an action on the facts, and if several persons offended, it will be granted against each; nevertheless, the person who was removed remains obligated. It will be granted to heirs if they have an interest. It will not be granted against an heir or after a year. One who forcibly removed a debtor does not free the defendant if he pays, because he pays his own punishment.

So many disputes were generated by so few words. Why, therefore, is the law not proposed clearly and briefly? "Let no one, whether slave or free, remove or delay, by force or evil fraud, personally or through another, a person legitimately summoned to court before a competent judge, so that he cannot appear." These matters are indeed usefully explained at greater length, but they can be stated much more briefly and, amid so great a weakness of intellects, ought to be. In many things natural reason truly teaches justice. For what need is there to add that assistance can be given to one who is dragged before a tribunal contrary to right and equity, and that he can be freed from those who drag him away? For we rightly rescue a person surrounded by beasts or robbers from danger; why should we abandon one harassed and afflicted by calumniators? The bite of a calumniator is more poisonous than that of beasts. What remains, therefore, except that decemvirs be established for reducing the laws and that the laws be confirmed by the supreme magistrate?

§ 9. In the laws of the Roman Empire I also require something else which use and necessity have approved: namely, that there are too many general laws which had to be abrogated by municipal laws and provincial statutes. For since there is such diversity of persons, places, and affairs that what is most just elsewhere is inequitable in another place, it was necessary to establish laws accommodated to provinces, towns, and villages. We plainly see that natural equity requires different laws in cities and villages. In some places it is observed that the children of a first marriage are heirs in full to the immovable goods both of the father and of the mother, but the offspring of another marriage enters upon all movables, livestock, household goods, and money as its part of the inheritance. This does not appear unjust in

places where the principal wealth is judged to consist in vineyards, fields, pastures, and houses; but in a city where there is a great abundance of merchandise and money and very few possess fields, another law must be established.

Hence it readily appears why all nations neither ought nor can use one law, and indeed why regions which once used Roman law have retained few of its laws. Even within Germany itself diverse laws are found. The territories of Belgium, Saxony, and Austria employ their own particular laws.

From these confusions another difficulty also arises, a fruitful mother of lawsuits: private agreements. The natural equity of the edict concerning agreements is **π.**, law 2, title 14: "For what is so congruent with human good faith as to preserve those things which persons have agreed among themselves?" Hence come the dotal agreements of marriages, and hence the thousand conditions and securities of sales and contracts which mutually entangle one another. For very many exceptions are granted against agreements. Next, they can never be composed so cautiously that calumny cannot search out some fold or hiding place through which it may insinuate itself into the agreements; for it will say either that the agreement is contrary to common law or that there are other agreements. Hence the instruments concerning one little field are so manifold that to have lost or insufficiently understood them is as dangerous as for the field to have been submerged by waters. Thus, while brothers, kinsmen, and relations by marriage strive especially to flee lawsuits and foster concord, by their very diligence they cast themselves and their posterity into lawsuits and conflicts.

We therefore experience what Tacitus admonished: "In the most corrupt state, laws are most numerous"; and what follows from it, pettifoggers are most numerous--just as in houses where many extremely grave diseases rage, we see everything full of medicines. What formerly afflicted the state of the Thurians has occurred. Strabo, book 4, relates that Zaleucus formerly gave the Thurians few and simple laws, but others followed who added other laws through subtlety and superfluous care, from which it happened that they became more celebrated than good.

CHAPTER XII

Laws Ought to Be Just, Equal, and Moderate

§ 1. The laws and institutions of all nations are not just. Cicero truly says in book 1 *On the Laws*: "Now it is indeed most foolish to suppose that all things are just which have been enacted in the institutions or laws of peoples. Even if they should be laws of tyrants? If those Thirty had wished to impose laws upon Athens? Or if all the Athenians delighted in tyrannical laws, would those laws therefore be held just? No more so, I think, than that law which our interrex carried, that a dictator might with impunity kill whichever of the citizens he wished without hearing his cause. For there is one right by which the society of human beings is bound together and which one law establishes. That law is right reason in commanding and prohibiting; whoever is ignorant of it is unjust, whether it has been written anywhere or nowhere."

And thereafter: "But if rights were established by the commands of peoples, by the decrees of princes, or by the judgments of judges, it would be right to commit robbery, right to commit adultery, and right to substitute false wills, if these things were approved by the votes or enactments of the multitude. But if there is so great a power in the opinions of fools that the nature of things is transformed by their votes, why do they not ordain that things which are evil and pernicious be held good and salutary? Or why, since a law can make right out of wrong, can the same law not make good out of evil? Yet we can distinguish a good law from a bad by no other standard than the natural one. And not only is right judged by nature, but altogether all honorable and shameful things."

And Augustine says: "For then"--that is, between the Second

[Printed page 328]

and Third Punic Wars--"that Voconian law was also carried, that no one should make a woman his heir, even an only daughter. What could be said or thought more inequitable than that law I do not know."

It is certainly astonishing that not merely inequitable but also most foolish laws have publicly pleased nations. The Ethiopians chose as king from among their priests the one who most displayed himself, by a fanatical running about, as full of divine inspiration. Among the same people, if the king sent an attendant to someone to announce his death, he at once killed himself with his own hand. A certain Egyptian law granted confessed thieves a fourth part of the theft. The Carthaginians offered brides to the lust of their kings, so that they were not led as virgins into their husbands' homes. The Nasamones also offered them to the sport of the wedding guests. Among the Massagetae intercourse took place openly; among the Troglodytes wives were held in common. Certain Arabs, with no account taken of blood relationship, coupled in the manner of cattle, while intercourse with an outsider was regarded as adultery. The luxury of the Medes advanced so far that they provided by law that no one should have fewer than seven wives. Among the kings of the Indians, the guards were purchased women; if any one of them killed the king, she had as the reward of her parricide marriage to his successor.

Under the laws of other Indians the flesh of parents and companions became food for banquets; lest it be made worse by disease, they killed the sick, adding as their reason, "You are spoiling my meat." The Issedones were milder, for they ate their parents only after they were dead. The Romans cast away monstrous offspring. The Lacedaemonians cast rejected infants into the place which they called the *Apothetae*. There would be no end if I wished to enumerate inequitable laws. I should rightly deny that these are laws and rights. And with me does a just and holy man, Augustine, book 19 of *The City of God*, chapter 21: "But what he calls the agreement of right he explains in the course of his discussion, showing by this that a state cannot be conducted without justice. Therefore, where true justice does not exist, neither can right exist. For what is done by right is assuredly done justly; but what is done unjustly cannot be done by right. For the inequitable enactments of human beings are neither to be called nor thought rights, since they

themselves say that this is right which has flowed from the fountain of justice; and that what is commonly said by some who think incorrectly is false: that right is whatever is useful to him who has greater power." If it is not right, therefore, neither is it a law, which establishes what is lawful and in which right resides.

§ 2. From this matter I also define what jurists and theologians are accustomed to propose: whether it belongs to the essence of a law that it be just. For the answer must be that a law which commands what is unjust is in no way a law. For it obliges no one to obey, and the law of the supreme divinity has been imposed upon all, by which they are commanded not to obey a law commanding unjust things. Divine law is always necessarily just, because the reason of divine law is his will, through its essence infinitely just. Therefore it can command nothing except what is just, although it sometimes commands what appears unjust but which his supreme power nevertheless makes just, as when he commands Abraham to sacrifice his only-begotten son. But things which can never be done honorably he cannot command--for example, to hate God, to be proud, or to envy.

§ 3. Next, not only must the things which a law commands be just, but it is necessary that the one commanding do so justly; that is, he must possess legitimate authority and jurisdiction. Otherwise it is not a law and has no force of obliging. Furthermore, unjust laws are made in many ways, but chiefly in one: when they are carried for the advantage of one party, to the detriment of others. The power of the nobles, the king, or the people is sought through the circuitous devices of such laws, whose malice appears in their execution and oppression. For in popular government it arms the plebs to seize the goods of the wealthy; in aristocracy it destines free citizens to be the slaves of nobles; in kingship it increases the fisc beyond measure. Sometimes it even rises to such madness that it establishes its enactments against divine laws. Thus Nebuchadnezzar ordained that the statue be worshiped; by not doing this, the Hebrews pleased God. The golden maxim of eternal truth remains: "Whoever refuses to obey the laws of emperors which are carried against the truth of God acquires a great reward." A law, therefore, will be just if it adheres to no party but regards the whole--that is, the common utility--if it guards and champions commutative and distributive justice. And in this matter indeed, when the advantages of some or burdens are transferred to others, there is great danger, as I have said.

§ 4. For a law, therefore, it is necessary, as I have often admonished, that it produce equality. This is the foundation of peace and charity in the state. Aristotle, book 5 of the *Ethics*, chapter 10: "It exists among human beings who are joined to one another by a community and fellowship of life, who are free and equal either proportionally or numerically, so that they abound of themselves in supplies of things necessary for living and require nothing from abroad. Therefore, among those for whom this is not so, there is no civil right among themselves, but a certain right so called from its likeness to that. For those among whom there is also a common law use a common right. But their law is common whose injustice also is common. For a judgment is an adjudication concerning right and wrong. But among those among whom injustice has a place there is also a place for the doing of wrong, though injustice is not immediately found in all of them. To do wrong is to assign to oneself more of those things which are absolutely good and less of those which are absolutely evil. Therefore, we do not permit a human being to rule, but the law or reason, because he is accustomed to do this for himself and becomes a tyrant. But the person who presides is the guardian of right; and if of right, therefore also of equality."

And with the same thought Cicero says in book 2 *On Duties*: "For when in the beginning the multitude was oppressed by those who possessed greater resources, they took refuge with some one person outstanding in virtue, who, when he protected the weaker from wrong, maintained the highest together with the lowest under equal right by establishing equity. The cause for establishing laws was the same as that for establishing kings. For an equal right was always sought; otherwise it would not be right. If they obtained it from one just and good man, they were content with him. When this occurred less often, laws were invented which would speak to all always with one and the same voice."

Pheidon of Corinth was indeed led by an argument not bad in appearance, but one least useful for carrying laws: for he wished households and their number to be equal, although at the beginning shares of goods unequal in size had fallen to them by lot. But no prudent legislator seeks this equality.

§ 5. The prince must take the greatest care that laws be moderate. This moderation is discerned both in the very kind of matters and in the punishment established for violators. In the laws themselves it must be observed that the things commanded can be done. For what is beyond our power cannot be commanded, much less oblige anyone or render him liable to punishment. Certainly, no one is capable of law unless freedom is in him; that is the faculty of doing what pleases each person, except what is prohibited by force or right, §1 *On the Law of Persons*, law 4. Faculty is **δύναμις**, by which we are able to act; it does not introduce a necessity that a thing be done, but makes it possible that it be done. No one except

[Printed page 329]

a madman will carry a law concerning things which altogether cannot be done--just as did that Egyptian tyrant, the archetype of all tyrants: "I do not give you straw; go and gather it wherever you can find it, and nothing shall be diminished from your work." Those who proclaim an impossible law fashion for us a God who is a tyrant of this kind. Dionysius of Syracuse imitated him, but more mildly. For after he had exhausted the people by exactions and saw them growing furious at new contributions, he vigorously pressed the business, not unaware that their anger was born from grief over money about to be lost. But when at last he saw them carefree and laughing, he believed that nothing remained, and therefore that a further law was impossible.

Yet many carry difficult and burdensome laws which, when human frailty and custom are considered, appear impossible. For laws must be adjusted not only to the common race of human beings but also to custom and the usages of the fatherland--to custom, I say, unless it is depraved. Therefore that Muhammadan law by which wine was prohibited was tyrannical, for so great a change of drink compelled many to meet death before their day. Lycurgus must be accused no less of the severity of the laws which Sparta rejected after a short time. The Romans refused to receive them, as Augustine says, book 2, chapter 16. For although he fabricated the claim that he had received them from Apollo, the Romans nevertheless prudently refused to believe it. Such was the law given by the Ammonite to the men of Jabesh-gilead concerning the gouging out of their right eyes.

Next, laws are judged inequitable when they lack just moderation of punishment. The laws of Draco sanctioned every smallest matter with capital punishment; therefore they were truly called cruel and Draconian, for they punished leisure and idleness with death. I shall speak of punishments in their own place. Here the legislator must be admonished always to wish to keep the punishment within the desert of the fault, mindful of human frailty, except in atrocious crimes, as was set forth in the chapter on clemency.

§ 6. First, therefore, savage laws must be cut away. Thus Solon corrected the laws of Draco; thus the Romans amended many. Tertullian's discussion of this matter in chapter 3 of the *Apology* is beautiful:

"But since our truth meets you at every point, and finally the authority of the laws is erected against it, so that either it is said that nothing is to be reconsidered after the laws, or the necessity of obedience is preferred to truth even by the unwilling, I shall first enter the contest with you concerning the laws, as with the guardians of the laws. Now first, when you harshly determine by saying, 'It is not lawful for you to exist,' and prescribe this without any more humane reconsideration, you profess force and exercise an inequitable domination, if you deny that it is lawful because you wish it, not because it ought not to be lawful.

"But if you do not wish it to be lawful because it ought not to be, without doubt that ought not to be lawful which is done badly; and by this very prejudgment it is decided that what is done well is lawful. If I shall find that to be good which your law has prohibited, does it not follow from that prejudgment that it cannot prohibit me from what, if it were evil, it would rightly prohibit?

"If your law has erred, I suppose it was conceived by a human being, for it did not fall from heaven. Do you marvel either that a human being could have erred in establishing a law, or that he came to his senses in rejecting it? Were not

even the laws of Lycurgus amended by the Lacedaemonians, inflicting such pain upon their author that in retirement he passed judgment upon himself by starvation?

"And do not you yourselves daily, as experiences illuminate the darkness of antiquity, lop and hew down that whole old and squalid forest of laws with the new axes of imperial rescripts and edicts? Did not Severus, most steadfast of princes, only yesterday exclude the most empty Papian laws, which compel children to be begotten before the Julian laws compel marriage to be contracted, after the old age of such great authority? There were also laws that condemned debtors be cut into parts by their creditors; nevertheless, by public consent their cruelty was afterwards erased. The capital punishment was converted into a mark of shame: with confiscation of goods applied, it preferred to suffuse a person's blood rather than to pour it out."

In chapter 8 of the Laws of the Twelve Tables, concerning debtors in bondage: "On the third market day let him suffer capital punishment, or let him go abroad beyond the Tiber. But if there are several"--that is, if there are several creditors to whom the debtor has been adjudged--"on the third market day let them cut the parts. If they have cut more or less, let it be without fraud." They abrogated this cruel law, also attributed to Romulus, in the 630th year of the city. The most avaricious cruelty of the ancient laws against the most wretched of human beings, Roman slaves, was also removed. After they had endured the most toilsome slavery, they were sold to the beasts like useless cattle. A cruelty extending widely and raging against many hundreds of thousands was restrained at home only late. It was answered that one is held under the Cornelian Law concerning Assassins if he gave a slave to the beasts without a judge, or sold or bought one for that purpose: Modestinus, in law *Circumcidere*, §1, *On the Cornelian Law concerning Assassins*. But when cruelty increased, by senatorial decrees and the Petronian Law the power of masters to hand slaves over to the beasts at their own discretion, without the sentence of a judge, was taken away. Martianus prohibited the same; and at last that entire power of life and death was taken from masters. Indeed, provision was even made that they should not rage beyond measure, although short of death: Martianus, law *Domini*, 42, *On Contracting a Sale*.

CHAPTER XIII

Laws Are Not to Be Changed Easily

§ 1. That laws can be changed, and indeed ought to be, and have frequently been changed, I have already shown with Tertullian as witness. Julius Caesar wished this; it was attempted under Hadrian; Theodosius, Justinian, Charlemagne, Alfonso, Charles IV, and now princes daily have done it, because laws must be accommodated not only to places and customs but also to times. Indeed, the books of laws themselves teach that this can be done, as does Augustine, book 3 of the *Confessions*, chapter 7:

"And I did not know true inward justice, which judges not from custom but from the most righteous law of almighty God, by which the customs of regions and days were formed according to regions and days, while it itself was everywhere one and simple, not one thing elsewhere and another otherwise; according to which Abraham and Isaac and Jacob and Moses and David and all those praised by the mouth of God were just. Yet they are judged unjust by the unskilled, who judge according to the human day and measure all the customs of the human race by a part of their own custom--as though someone ignorant, in an armory, of what is fitted to each member should wish the head to be covered with a greave and the foot to be shod with a helmet, and should complain that it does not fit suitably; or, when a cessation of business has been proclaimed on one day from the afternoon hours, someone should be angry that he is not permitted to offer something for sale because it was permitted in the morning; or in one house he should see something handled by any servant which the one who serves the cups is not permitted to do, or something done behind the stables which is prohibited before the table, and should be indignant that, although there is one dwelling and one household, the same thing is not assigned everywhere and to everyone.

"Such are those who are indignant when they hear that in that age something was lawful for the just which in this age is not lawful for the just, and that God commanded one thing to them and another to these for temporal reasons, although both served the same justice; while in one human being and in one day and in one house they see one thing suit one member and another another, and one thing have been lawful a little while ago but not lawful an hour later,

[Printed page 330]

and something permitted or commanded in that corner which in this is justly prohibited and punished. Is justice therefore various and mutable? Rather, the times over which it presides do not proceed equally, for they are times. But human beings, whose life upon earth is brief, because they are not strong enough in perception to connect the causes of former ages and of other nations which they have not experienced with those which they have experienced--although in one body or day or house they can easily see what suits each member, what suits particular moments, and what suits particular parts or persons--take offense in the former matters but submit in the latter."

Aristotle also held the same opinion, book 2 of the *Politics*, chapter 8: "For some doubt whether it is harmful or useful to disturb and change the ancestral laws, if there is another law better than one of them. Therefore it is not easy to assent and concede to what has been said about decreeing a reward to such persons on the ground that it is something useful to the city, if it is not expedient that anything in the state be changed. For it can happen that some may recommend either the abrogation of laws or a change in the form of administering the state as though it were a common good. But since we have fallen into this discussion, it will be better to dispute a little further about this matter. For, as we have said, it involves doubt. And it certainly appears better to change. For in the other sciences this has been profitable: medicine changed from ancestral institutions, and the art of exercising bodies, which the Greeks call gymnastics; finally, all arts and faculties, when changed, have brought great advantages to states. Therefore, since political prudence is also to be numbered among these, plainly it is necessary to hold the same opinion concerning it as well. Someone might take an argument for what we say from deeds and events. For ancient laws are very simple and

barbarous. The Greeks were accustomed both to carry swords and to buy wives from one another; and the remaining ancient institutions are altogether stupid and foolish. For example, at Cumae there is a law concerning matters which pertain to murder: if an accuser should produce a certain number of witnesses who are related to him, the accused is held liable to the penalty for murder."

Bad laws, therefore, must be removed very quickly; those which merely appear useless, slowly. Agesilaus suspended the laws for one day because of the battle of Leuctra, by which action he showed that laws ought both to be stable and not altogether immutable. It is better, however, to allow them to slip away and perish gradually.

§ 2. The continuance of laws is either altogether immutable or immutable in a certain manner. The eternal and natural law is simply immutable, for it was carried by God to remain eternally, and the matter which is its object is honorable of itself; therefore its obligation cannot be abrogated. But the old ceremonial law of God has now been abrogated; the new will continue to the end of the world. Human laws can be changed, nor can any be carried in such a way that it is forever immutable, because it can be abrogated by the legislator or by his successor, who is furnished with equal power, or by the state itself.

Francisco Suárez recognizes a threefold perpetuity of a human law. First, because it does not die with the legislator. Second, because it obliges posterity. Third, because it always endures until it is either revoked or its matter is so changed that it ceases to be just. In the first manner the legislator generally imposes an obligation, and this is the custom of laws; for thus they now distinguish a law from a precept, which is temporary. But this usage is now customary, whereas in former times it was also called a temporary precept or command. I should therefore prefer to distinguish law into temporary and perpetual. It is this duration, then, which must be discussed.

§ 3. I therefore think it must be said that a law whose foundation remains and whose matter is not made unjust is not to be changed easily, although its abolition may appear advantageous, unless it is manifest that the new law will be more advantageous to the present condition of the times and it is established that new disadvantages will not arise from that change. Cleon certainly judged prudently that the condition of a state which uses worse but stable laws is better than that of one which frequently changes them.

The primary reason is that novelty always produces suspicion; from suspicion come complaints, and thence a commotion of the people or the nobles. For the abrogation of old laws brings harm to some, while a new law does not make those whom it benefits friends of the legislator, because they regard it with suspicion, doubt his constancy, and fear that amid so many changes it too will be changed. Therefore, those for whom the change is burdensome impute the damage wholly to the prince; those for whom it is a source of profit or honor, because they do not think that account was taken of them personally in a common law, do not consider themselves bound by any favor. For each person judges that things given in common are owed to him.

Nor is it expedient for the opinion to gain strength that in carrying a law account was taken not of public advantage but of private favor or hostility toward a definite class of human beings. For this opinion will supply fuel for hatreds and discord, and it offends even those whom it assists and makes them objects of envy and therefore of hatred. Thus, to carry a new law is a matter full of danger--not only among the Locrians, where men recommended a law with a noose placed around the neck so that, unless they persuaded the people, they would immediately be strangled with their throat bound, but in every state, because it is necessary that very many be offended and none reconciled except slightly.

§ 4. A second reason is added, from the weakness of the human intellect and its slender foresight. It notices the offenses of the law which it uses, but cannot foresee all the offenses of another law which it is contemplating. The Romans established pay for their citizens serving in the army at Veii. The measure was pleasing to the army but burdensome to many, for there was need of a treasury, assessments, and exactions; and from this, I believe, it happened that they were offended with Camillus. Those eager for new laws are accustomed to experience what happens to those who travel along a difficult and broken road: they proclaim those happy whom they see gliding along

in a gentle course of waters upon a favorable river, and compare their own evils with the goods of others; but when they observe the winds rising, the skiff being tossed, driven upon the sands, or dashed against the rocks, they now console themselves concerning their own labor.

With great struggles the Roman plebs obtained equality with its patricians. Laws were established concerning this matter; auspices, the curule chair, priesthoods, and the dictatorship itself came into the possession of the ignoble. But from that time the city was always hostile to itself, until through civil wars it slid into servitude.

We also see in the Church not a few laws changed in the succession of times. At one time the people elected bishops and presented them for consecration; but since ambition in that crowd often snatched the place from virtue, nomination was granted to neighboring bishops or the metropolitan, and sometimes to the emperor. But when it was evident that favor and gifts intervened here also, at last that power was delegated to colleges of clerics. That legitimate law stood for a long time and gave many distinguished prelates. Afterwards, however, in some places a depraved custom gained strength, so that they not only put bishoprics and votes up for sale, but by private statutes so ensnared and constrained the bishop that he could not exercise the force and vigor of the sacred canons against those upon whom above all he ought to exercise it. Before the election they established certain

[Printed page 331]

decrees concerning his freedom and the non-reformation of morals, to all of which they swore. If anyone refused, there was no doubt that he alienated from himself the minds of all the more frivolous persons. Thus new laws always draw new disadvantages after them.

§ 5. Nor indeed is it lawful to propose a new law in a matter of great importance unless the novelty is of great advantage to the state.

For there is scarcely any new law which does not privately harm many persons very greatly. It is therefore necessary that there be such a public utility or necessity as compensates for the losses of private persons. For since private persons are parts and members of the great body, they must suffer their own losses to be borne for the public good; but if the losses of individuals are balanced by no distinguished public advantage, the innovation is inequitable. Indeed, the state is injured when its members are harassed to no profit of its own.

By a most salutary law, upon the opinion of the council and the princes, the Most Christian Louis XIII, king of France, recently ordained that dignities and offices should not be bought with money, nor could they be sold by those who had bought them. That measure affected countless persons with great disadvantages; but because the safety of the fatherland required this most sacred law, consideration for or the loss of a few ought not to have intervened to impede it--especially since by it they might more honorably conduct a contest of virtue than promises concerning morals. That law, therefore, was most just and most sacred.

But if public benefit is absent and private burdens grow heavier, the proposal of a new law will be a crime. Indeed, so will the restoration of a law which has been abolished.

When the fatal names and factions of the Guelfs and Ghibellines divided Italy, the Guelfs held the principate at Florence and, as is accustomed to happen in the zeal of factions, by public law excluded the Ghibellines from holding magistracies. But in time the law became obsolete, and now persons who drew their origin from the Ghibellines as well as from the Guelfs occupied great dignities without distinction. Then Hunguerius, prince of the Guelfs, renewed the old law and, with the law, the hatreds, hostilities, and former calamities--to the great harm of the Ghibellines, then to the destruction of his own people, and to no advantage of the common cause. For nothing is more pernicious than to administer the state according to one’s own passion, and to fasten and unfasten laws in bronze.

§ 6. In change there is also this danger: those who are pressed by private evils are made eager for innovations. While they see many laws being abolished, they conceive wicked hopes that even the best can be abolished. For after an attack has once been made upon the laws, those whose destruction appears likely to carry the greatest rewards with it

are especially attacked. Just as, when a city has been taken by force, men run not to plunder the fortunes of the most guilty but those of the rich, so also the best laws are attacked most fiercely by the vilest persons.

But since many are nauseated by present things and live suspended in expectation of future things, an ingenious poet spoke truly:

> The novelty of all things is also most pleasing.

For:

> Whatever we saw in former years is cheap to us,
>
> and whatever we beheld long ago is sordid.

This propensity toward the pursuit of innovations ought not to be assisted and provoked by public leniency, for nothing will be so firm that it is not torn down. For in truth what Homer says happens in songs will occur:

> **τὴν γὰρ ἀοιδὴν μᾶλλον ἐπικλείουσ' ἄνθρωποι**
>
> **ἥτις ἀκουόντεσσι νεωτάτη ἀμφιπέληται.**

Human beings celebrate most highly that song which has come most newly to its hearers. Thus, just as they demanded **νεαρὰ ἄνθεα ὕμνων**, new flowers of songs, so also by an inborn curiosity they demanded new laws, **νόμους ἀπ' ἀκροσφυρίων**, fresh from the anvil and the bellows. Plato indeed stood so hostile to this curiosity that he forbade young men not only to dispute about the justice and integrity of laws but even to inquire into them.

For new things, although better, sometimes offend, as we perceive in a change of food, drink, or climate. Things to which we are accustomed please us as though natural and similar; new things strike us as though contrary. I shall close this place with the maxim of Augustine, letter 118 to Januarius: "For the very change of a custom--or law--even when it helps by its utility, disturbs by its novelty. Therefore, a change which is not useful is consequently harmful through fruitless disturbance."

§ 7. Laws in which there is some error, which are carried suddenly, or which appear to favor some vice are also abrogated with the greatest difficulty. By the most ancient laws the power of life and death was permitted to masters over slaves; with great effort and by many laws it could scarcely be revoked. I present an example in small matters which nevertheless cause grave harm. There is an old law, law 11, code, title 25, *Concerning Able-Bodied Beggars*:

"After all whom uncertain beggary has called to public gain have been inspected, let soundness of body and the strength of years be examined in each; and let necessity be imposed upon idle persons who are to be pitied without any debility, so that, in the case of those whom servile condition holds, the zealous and diligent informer may obtain them as master; but in the case of those whom freedom of birth alone attends, whoever has disclosed and proved indulgence of this kind may be supported by their perpetual colonate--saving to masters an action against those who perhaps furnished a hiding place to fugitives or counsel for undertaking beggary."

Who does not see what evils the abrogation or neglect of that law brings? Everything is filled with idle persons, thieves, and the most worthless gluttons, although the state could be assisted by putting them to work.

Public spectacles were granted by the worst custom and most cruel laws; scarcely could the clemency of Christian times and the power of the emperors remove them. Therefore laws must be carried and examined with great care, lest they be proposed through vice.

CHAPTER XIV

There Is an Eternal Law, and It Is the Source of All Laws

§ 1. Although my purpose is to transmit practical politics and to abstain from speculations, nevertheless, because it is true that honorable actions are produced by doctrines, not only by precepts, and most arts--and the most liberal among them all--have their doctrines, not only precepts, and no art is without its own doctrines, which the Greeks call *dogmata*, it seemed good to me to comprehend briefly those things which theologians and jurists teach concerning laws. For canon and civil laws are derived from these. They therefore define them thus.

§ 2. Eternal law is a dictate of the divine mind by which it judges that certain things are both right and to be observed by creatures, together with the will to oblige creatures.

§ 3. Second, eternal law is the rule of eternal

[Printed page 332]

and practical truth, to which all creatures are obliged by nature: irrational and brute creatures only naturally, intelligent creatures also morally.

§ 4. Third, that law is necessarily in God, because all things are governed by the providence of God; but law is the practical reason of the whole government.

§ 5. Fourth, it is distinguished by reason from an Idea, because it concerns not a thing to be made but a thing to be governed; next, it obliges, which an Idea does not do. This is called a law in God, although it has not yet been promulgated; if anyone contends about the word, we shall not be troublesome.

§ 6. Fifth, the necessary actions of God, such as the generation of the Son and the procession of the Holy Spirit, are not subject to the eternal law, because they are from natural necessity, not from providence.

§ 7. Sixth, the free actions of God are not properly said to be under the eternal law. Nevertheless, because, in a certain manner of conceiving, infinite prudence is the reason of the most holy will, just as immutability is the reason of eternity, we shall not unsuitably say that all the free actions of God are done according to the eternal law. For if the effects themselves of the divine mind, will, and power are under that law, then also the ordering and will of the effects are governed by that law; that is, it has from itself the ability and will to act with immutable rectitude.

§ 8. Without promulgation that law can be perfect, because its decrees are immutable by nature and always oblige without any variation as soon as a creature uses reason. Nevertheless, of itself it does not oblige immediately, but through other laws; therefore, when no creature exists, it obliges potentially rather than actually.

§ 9. Eternal law is one in itself, just as divine providence and will are one. Nevertheless, according to its multiple relations to diverse matter, it is called multiple--just as are Idea, providence, and will.

§ 10. From this law flows all the obligation which exists in the other laws. For all power is from God, and all direction proceeds from eternal wisdom. Natural law and the positive law of God, if they are considered not as they are in the conception and will of God but as they are in creatures and promulgated, are thus judged effects of the eternal law and have their force immediately from it. But the laws of princes and states are not derived from the eternal law in that manner, but with the power and will of a created legislator intervening.

§ 11. Eternal law is altogether immutable; for God cannot change, reject, or abrogate it, since he would deny his own intelligence and goodness. Nevertheless, some of its precepts are immutable, such as that one must not lie and that God

must not be held in hatred, for they can never be removed. Others are mutable, such as circumcision, holocausts, and similar things, which by the prescription of eternal law were imposed until the time of correction.

§ 12. The foundation of natural law is eternal law. Hence a nature furnished with intelligence and choice is considered as possible; for what is consonant with it is good, but what is alien and repugnant to it insofar as it possesses reason and will is evil. Nevertheless, this is not properly natural law, because it is not a precept; indeed, it precedes the will of God. The same must be thought concerning maxims, or the general axioms of morals--that evil is not to be done and that God is to be worshiped--if they are considered in nature as they are conceived to exist in the judgment of God antecedent to his will. For in that state they do not possess the character of a precept.

§ 13. Natural law, as it is in creatures using reason, is a dictate of natural, and therefore right, reason which indicates the goodness and wickedness existing in necessary matter, and which promulgates the divine will commanding necessary goods and forbidding evils, together with the obligation to obey. For all the matter of natural law is necessary: it is therefore commanded because it is good, and therefore forbidden because it is evil. Hence no creature can be created with reason and freedom of choice which is not held by natural law. For it would be a creature to which it was lawful to sin, which cannot happen; for if it were lawful, it would not be sin. That law is not promulgated through human beings or signs, but is implanted in reason itself; nor is there any people so barbarous or corrupt upon whom it has not been imposed.

§ 14. Natural law contains various precepts of all the virtues and prohibitions of the vices. Nevertheless, it can be called one law, because it is observed under the one character of natural good.

This natural right remains firm and one among all nations if you consider first act--that is, the natural light of the human intellect. If you consider second act--whether actual judgment or even depraved habits born from that judgment--it has variation.

For some nations have so corrupted natural judgments by evil customs that they established inequitable laws contrary to natural right. The Sardinians killed parents weakened by old age after beating them with clubs, because they called it an outrage for them to lead idle and inactive lives. Other nations violated the right of nature in other matters.

§ 15. Hence it appears that we are obliged by this law above all, not only to do honorable things and flee shameful things, but also to do this honorably. For fulfillment of the law ought to proceed from knowledge and will.

§ 16. That natural law is altogether immutable is evident from its matter. When an honorable thing is commanded, it is of such a kind that it is always honorable; and when a shameful thing is prohibited, it is such that it can never be honorable. Therefore, both negative and affirmative precepts are always necessary, nor do circumstances ever cause a natural precept to be rendered useless, imprudent, or harmful.

§ 17. Therefore, when a sword is not returned to a madman, and when a robber is killed, no sin is committed against natural law, although it is commanded that a deposit be returned and the killing of one’s neighbor is prohibited. For the precept of the law is that a deposit be returned justly, without danger and wrong to another, and that a killing not be committed by private authority and unjustly. For the circumstances cause these particulars not to be contained under the general law, since it is a natural law not to return a sword to a madman.

§ 18. When natural law is restricted and determined to a definite kind by a positive law, whether divine or human, it is not changed, but, remaining wholly intact, receives a certain addition--or rather a mode, which nevertheless can be changed. God must be worshiped; positive law prescribes the mode of worship, adoration, and sacrifices. Parents must be honored by all, but the honor of parents varies according to the custom of regions.

§ 19. Therefore no one can dispense from the natural law, because no inferior can

abrogate the law of a superior. But since natural law concerns necessary matter, it never ceases; nor indeed can God dispense from it. For things which are immutably evil, such as idolatry and similar things, he cannot make lawful by any law; and things which are good he cannot make evil by a law, such as loving God and willing to live well.

§ 20. The principal theologians teach that the law of nations is distinct in matter from natural law. For they say that the law of nations is a human law which, **ἀγράφως**, without writing, has been established by the consent of all peoples; its matter is in itself neither good nor evil but receives honorableness or shamefulness from the law, and therefore obliges because the nations have consented to that obligation. To this law belong receiving ambassadors and dismissing them in safety, conducting commerce, making contracts, pursuing enemies in war, and making those captured in war slaves. We see that all nations, unless they are altogether barbarous, live by this law. Therefore, if any nation violates ambassadors, it is oppressed by the just war of all nations.

§ 21. Jurists define natural right a little differently, but the disagreement concerns words; in the matter itself we agree. They call the natural inclination of each thing natural right, and this they call primary natural right. Second, they call that which is proper to human beings secondary natural right, such as standing by promises and harming no one; this is what theologians call natural law simply. Jurists call it the primary law of nations. But what those jurists call the secondary law of nations is that which has been gathered by practical reasoning, such as that ambassadors are to be inviolate.

CHAPTER XV

On the Adjuncts of Human Laws, and First of All on Interpretation

§ 1. There are certain affections and circumstances of laws which no less than the laws themselves either assist or oppress the state. The first of these is interpretation, by which laws are either extended or restricted and their meaning is in some manner expounded to us.

Next is **ἐπιείκεια**, when a law is understood according to equity and goodness, not according to rigid right. Third, dispensation. Finally, abrogation. These must be discussed briefly.

§ 2. Interpreters of laws were once held in the greatest honor and are so even now, for they are, as it were, living laws and speaking justice, no less necessary to the state than the laws themselves. For what are rights if there are no persons to give answers concerning right? But many abuse this sacred and royal office for pride and avarice. The reason why there is need of interpreters is that, in matters which are various, hidden, unusual, and possess names proper to their discipline, the mind of the legislator is not easily perceived without a great consideration of all things, unless a great part of those matters is understood. But I said above how the infinite multitude of laws now has produced more interpretations and interpreters, and how new interpreters multiply new expositions of laws.

§ 3. Interpretation of laws is threefold: authentic, customary, and doctrinal. Authentic interpretation is that made by the state or a magistrate possessing the legitimate power of carrying law. For it has the force of law when it does not decide a single case, but declares with authority that this is the meaning of the law. Constantine speaks of this, as it is in the Code, *On Laws and Constitutions of Princes*: “It both belongs and is permitted to us alone to examine an interpretation interposed between equity and right. Given on the third day before the Nones of December, in the consulship of Sabinus and Rufinus.”

The emperor must be judged to claim for himself alone authentic interpretation, which is in a certain manner a new law.

For the judgment of the supreme prince has the force of law and is extended to similar cases, as it is in the last law of the same title: “If the imperial majesty has judicially examined a cause and, with the parties placed face to face, has pronounced judgment, let absolutely all judges who are under our empire know that this is a law not only for that cause for which it was produced, but also for all similar causes. For what is greater, what more sacred than the imperial majesty? Or who is swollen with the disdain of such pride that he contemns the royal judgment? Since the founders of the ancient law also openly and clearly define that constitutions which proceeded from an imperial decree obtain the force of laws. Therefore, since we also find it doubted in the ancient laws whether, if the imperial judgment has interpreted a law, a royal interpretation of this kind ought to obtain, we have both laughed at their empty subtlety and judged that it must be corrected. We define that every interpretation of the laws made by the emperors--whether in petitions, in judgments, or in any other manner--is to be held valid and undoubted. For if at present it is conceded to the emperor alone to establish laws, it is fitting that to interpret laws also be worthy of the imperial power alone. But why, if a doubt arises in lawsuits and the leading men judge themselves neither fit nor sufficient for deciding the suit, is recourse made to us through their reports? And why do our ears receive all the ambiguities of judges which happen to arise from the laws, if pure interpretation does not proceed from us?”

Therefore, this **ἀπόφασις** of the prince--for thus the Greeks call the emperor’s judgment--makes a law which interprets the former law. This is the best Doctor:

> Who solves the knots of right and the riddles of laws.

Thus the axiom must be understood: “The prince is the sole founder and interpreter of laws.” O how great the disturbances, how destructive the subtleties, which royal majesty would remove with one utterance, if kings deigned to interpret ambiguous laws according to equity and goodness! Indeed, sometimes in interpreting they may take away, add, or alter certain things and accommodate them to the present time. Thus it was done in chapter 1, *On the Oath of Calumny*, and in the sole chapter *On the Marriage of Clerics*, in the Sixth.

§ 4. Customary interpretation is that which has now obtained by custom and use; precedents and judgments belong to it. This is chiefly employed today. Therefore, those who have devoted themselves to law in academies are trained in the imperial chamber and attend chiefly not to how variously teachers interpret a law, but to what judges pronounce in the supreme tribunal. For this knowledge is especially necessary to those about to plead causes.

§ 5. The third interpretation is that of Doctors, who expound a law not by pronouncing judgment but by giving an opinion. Their authority has now perished in great part through disagreements, nor can it be established except by laws.

In this matter, first, natural equity is considered; next, from the adjuncts, the mind of the legislator; third, the proper meaning of the words; fourth, the likeness of other laws, for a meaning of a doubtful law which conflicts with other manifest laws is false.

§ 6. There is a great controversy concerning the extension of a law, which is said to occur when a law is taken not only for the things immediately signified but is extended to

[Printed page 334]

certain other matters. This sometimes happens by understanding a law of all and only those things which are comprehended by the natural signification of the words, if it is favorable and no other law or equity obstructs. Thus, when a son under paternal power repels a creditor by the exception of the Macedonian senatorial decree, we understand a daughter under paternal power to enjoy the same right. For daughters also come under the name of sons.

Next, when there is the same disposition of right in a favorable law, the words are extended to a civil signification; for adopted sons, who are sons civilly, can use the same exception.

Third, when otherwise the law would be null, absurd, or unjust unless it were understood improperly, the words can be extended to an improper signification. Thus, when an interdict is imposed upon a city, the suburbs also are understood.

Fourth, when a law is extended because of similarity or identity of reason. Many think that, when the reason is equal, those in whom it is equal are comprehended by the law.

But this must in no way be admitted, because when a determination has been made concerning one deed or punishment, it is not therefore lawful to draw it from equality to another deed. If the legislator had wished this, he himself would have done it. For example, there is a law: “If a freeborn woman has joined herself to another person’s slave, let her be a fellow slave of his.” Equality of reason does not extend the law to a freeborn man; indeed, not even identity of reason, which exists here, does so. For the gravity of the sin is the same in either sex, although it is not estimated so civilly. Certainly, the conscience of no one will be obligated by this interpretation.

Fourth, restriction is contrary to extension. It is necessary when the words of a law, taken generally, contain injustice in some deed or harm an innocent person; for the legislator is never presumed to wish to harm the innocent. Very many laws require restriction, because many things which the legislator could not foresee are accustomed to occur, and justice compels that they be excepted. For a rule fails where equity advises something else.

CHAPTER XVI

Laws Sometimes Cease Although They Are Not Abrogated

§ 1. The highest right is sometimes the highest wrong, and this arises from a rigid interpretation of laws. What they call equity, or **ἐπιείκειαν**, remedies this. It then corrects a law when, in a singular deed which the legislator could not foresee but which, had he foreseen it, he would expressly have excepted, the law is judged not to oblige. Thus St. Thomas, *Summa theologiae* I--II, question 96, article 2.

§ 2. The interpretation of equity arises from a defect of a law which speaks universally; therefore it has no place either in natural law or in positive divine law, since their legislator foresaw all things. When this equity is evident, it is lawful for anyone; when doubtful, it must be determined by the superior.

§ 3. For a law to be judged not to oblige on grounds of equity, it is not a sufficient reason that the cause of the law ceases. It ceases in a particular case only when the law errs because of its universality, so that it would be either inequitable or harmful if it were observed. For example, let the law be: "Let no one ascend the wall; if anyone ascends it, let it be a capital offense." Gaius ascends the wall in order to repel the enemy. Who would doubt that Gaius is unjustly summoned as guilty of violating the law? But the legitimate reason must be of such a kind. For although the reason ceases negatively in the particular case, if it remains in common the will of the legislator can will to oblige the person in whom it ceases in the particular case.

Otherwise a great dissolution would arise in the state, and many laws would be violated without fraud. It is therefore necessary that the reason of the law cease in the particular case in such a way that the law would be unjust or very burdensome in that particular case. The matter is manifest from an example. The cause why ascending the wall is a capital offense is that an enemy or traitor may not seek an opportunity to destroy the city. Gaius is an excellent man, most loving toward his fatherland, and exceedingly rich; his safety depends upon the safety of his fatherland. There is therefore no danger that, by ascending the wall, he himself will create danger for his fatherland. The cause of the law therefore ceases in his case. Yet because it remains in common, and the legislator rightly comprehends even the best citizens under that law so that he may cut off the opportunity from the wicked, Gaius will be bound by that law. For if he ascends, many will follow who will also assert that they are most loving toward their fatherland, and thus it will be conceded to every most wicked person.

Next, it is necessary that it be the adequate reason of the law which ceases. Guardianship is entrusted to the nearest agnates, law 1, *On Legitimate Guardianship*, **π.** The reason of the law is that the law believed that goods could be administered no more safely and preserved no better than by the person who hopes that the same goods will at some time come to himself and his own. And thereafter, because it is equitable that the person who hopes for the profit should also undertake the burdens; a closer affection and friendship is added. It can happen that the reason of the law ceases, if it were known that the agnate would administer neither better nor more safely, and would not love the wards more; indeed, ordinarily a neighbor or some other person is more friendly than kindred. Nevertheless, the agnate is not to be repelled from the guardianship unless it is established that he would administer badly and had been hostile to the agnate.

The law of Solon was contrary to this: **Τῶν ὀρφανῶν κληρονόμον ἐπίτροπον μὴ εἶναι.** "Let the heir of orphans not be their guardian." The reason was that he judged it dangerous for the ward to be in the power of one to whom his death would be profitable. That law had to be maintained at Athens although the ward's heir was a man of the greatest integrity, from whom there was no danger. But if that heir were childless and rich, and had instituted the ward as his heir; if the ward had lawsuits which he would most willingly and ably prosecute; and if the ward would suffer great

loss through lacking him as guardian--then the law would be abrogated through equity. Otherwise, if the reason is not grave, it is always expedient that particulars accommodate themselves to common rules.

§ 4. When a human law concerns indifferent matters, upon the cessation of its adequate cause, whether negatively or contrarily, the law itself altogether ceases. Thus, if there is a law for contributing taxes to build a bridge, once it has been completed the law of the tax ceases; indeed, it is unjust. For when its cause ceases, the law is useless to the state, and the state is not to be burdened by laws which contribute nothing to the public good.

§ 5. For this reason very many laws of the ancients were abolished by Justinian's jurists, as the emperor acknowledges in the prefaces, and so was a great part of the laws of the Pandects and the Codes which has now been amended by other laws.

§ 6. If a human law prescribes a law which commands some act of virtue, it will retain its force even when the cause ceases. For there is sufficient cause in the exercise of virtue itself for the law to have been carried, provided that it is not excessively burdensome. For that act is capable of law of itself and by its nature; therefore the obligation remains until it is taken away by the prince. An example is that it was ordained that at first, against the Arians, there should be sung in the churches: "Glory to the Father, and to the Son, and to the Holy Spirit." Because that act is good and religious by its nature, that law remains although in many places not even the name of the Arians survives.

§ 7. Dispensation in a human law occurs when, while

[Printed page 335]

the law and its cause remain, the obligation is removed from one, another, or several persons.

There was a law which guarded Roman liberty, that in the administration of provinces there should be annual succession. Released from the law, Caesar governed the Gauls for ten years. From another quarter it was arranged that Pompey should be released from the laws. They properly call it dispensation when someone is released from a law for a time; otherwise, when he is perpetually free from a law, it is called exemption. When it is converted into another obligation, it is called commutation of the law.

§ 8. A prince, whether ecclesiastical or secular, can dispense from his own laws and those of his predecessors. For since it is in their power to oblige, it will also be in their power to remove an obligation, and to do so from this or that person as reason dictates. Next, an inferior magistrate can dispense from the law of a superior with the tacit or express consent of the superior, or by custom. Indeed, if the matter is of small importance and frequent, he can do so without approaching the superior.

§ 9. For a dispensation to be legitimate, it is necessary that its cause be legitimate. For it is contrary to the common good that some be released from laws without any cause, since all ought to conform themselves to the community. Next, the prince is bound by his own laws; if he can dispense without cause, he will never be bound by them. Therefore, a prince sins by dispensing without cause. Next, one who uses the dispensation commits an offense against the natural law which commands that a part be conformed to the whole state. Nevertheless, the thing itself which is conceded is valid. But if the cause of the dispensation was just, when it ceases the dispensation also ceases; when the cause returns, the dispensation returns.

But if the law has simply been removed, although the cause ceases before execution, the person can use that removal. Thus, if someone has been dispensed from an irregularity because of a scarcity of priests, even if the scarcity ceases before he has received orders, the dispensation nevertheless remains, because the irregularity has been altogether removed.

CHAPTER XVII

A Law Can Be Abrogated for a Just Cause

§ 1. A law unjust either from the beginning or through a change of times is not worthy of the name of law; and when the condition of the times has changed and it begins to be unjust, it has also ceased to be a law. We therefore treat of the abrogation of a just and useful law, which is abrogated when it is burdensome and its abrogation appears more useful to the common good than its observance. In this matter it is necessary that grave causes intervene.

§ 2. The founder can abrogate it, as can his successor and the superior the law of his inferior, but the inferior cannot abrogate the law of his superior. Concerning the last point there are great disputes, for certain cities and princes establish municipal laws contrary to imperial law, although they do not possess the power to do so unless it has been conferred upon them by a superior. It is certainly dangerous that common law should be derogated by private laws. Therefore, for the laws of princes and of subordinate cities to be just, it is necessary that they be certain determinations of common law.

§ 3. Every later law contrary to an earlier law abrogates it, whether it contains mention of it or does not contain it. For since they cannot possess force at the same time, the later will revokes the earlier.

§ 4. Unless it possesses a derogatory clause, it does not remove the earlier law when it is opposed to it, for they can be reconciled and each retain its force. Nothing else occurs concerning this matter except that abrogation should take place considerately, rarely, and for great causes, because of the reasons which I brought forward above.

Meanwhile, laws must be abrogated slowly and with great deliberation. He is worthy to succeed his ancestors if he does not change their institutions unless a new order of affairs demands new laws; and thus he will not change former counsellors either, unless they are found guilty of wickedness or are openly unworthy. See Olaus, book 8, chapter 3. He who has no gratitude toward his author, but begins his power from contempt of him, is believed likely to be unjust toward many.

CHAPTER XVIII

Privileges Are to Be Granted, but for Merits and Moderately

§ 1. A privilege is, as it were, a private law, or a law conceded to a private person. It is defined as a power conceded by law to someone or to several persons to act or not to act, or to receive or not to receive, beyond common law. It is a great matter, and one from which very great harm can be brought upon the state unless careful provision is made.

§ 2. There are various kinds of privileges.

1. One privilege is divine, another human. Very many divine privileges were conceded to the ancient priesthood. The rest are human, such as those military privileges of the *evocati*, that, like the others, they should be exempt except for repelling the enemy. 2. Affirmative and negative. By the latter one is freed from some burden; by the former one obtains the faculty of acting. 3. Personal and real. The latter adheres to things themselves, the former to persons. 4. Gratuitous, which is given from benevolence alone, and remunerative, which is given in consideration of merits. 5. That which is against right and that which is beyond right. 6. Conventional and without an agreement, or pure. 7. Perpetual and temporary; favorable and odious. Every privilege is favorable, but here we call favorable that which results in no harm to another third person, and odious that which harms others. 8. Of one person or of a community which is nevertheless part of another state. 9. In the internal and external forum. 10. By concession and by custom. 11. Ecclesiastical and civil.

§ 3. A state which has the power of establishing law can also concede privileges contrary to the law; one which lacks this faculty cannot concede privileges. Therefore, privileges are given only to one's own subject or to one who is subject in some manner. Thus many concede privileges within their territories to neighboring cities and distant merchants, because in some part they are superiors.

§ 4. That privileges be given to the well deserving pertains to the good of the state. For virtue is aroused by honor and reward, and very many are sharpened for the defense of the fatherland. The Roman state, as the mother of soldiers, was especially liberal. The primary privilege was not to be drawn into the ordinary forum but to be judged by their own commanders.

Gregory of Toulouse enumerates very many of their privileges in book 19 of the *Syntagma*, chapter 16. Privileges were also conceded to the persons of soldiers, of which take some: namely, that ignorance of the law, or an error in an exception which was to be proposed in its proper place but was omitted by a soldier before sentence, should have restitution to the original condition. In other solemnities also introduced by law, the military office

[Printed page 336]

relieves them, since it is more expedient for soldiers to know arms than laws. Another privilege of military service is found in Juvenal:

> Let us treat, he says, of the advantages--first those common to all,
>
> among which this will be by no means the least: that no man in a toga
>
> dare strike you, or show the praetor his knocked-out teeth
>
> and the black lump upon his face with swollen bruises, and so forth.

The sons of chief centurions follow their father's condition, and sons born from officials are summoned to the military service of their parents. Immunities from burdens and offices were conceded to veterans in all places: from civil duties, public works, contributions, and tolls which are furnished at fairs; so that they should neither be permitted to serve if

they wished nor compelled to serve against their will; should be struck by no incongruous injuries; and should be separated from others in punishments, so that they should not be given to the beasts or beaten with clubs. The same honor is accorded to veterans and their children as to decurions. They are excused from the construction of ships and are not appointed collectors of taxes. If, however, veterans have permitted themselves to be enrolled in the order of decurions, they are compelled to perform the offices by their tacit consent. But if they have not been selected into the order, but voluntarily undertake some office of the city, they ought not from this to be compelled to undertake others. Veterans do, however, undergo tolls and the customary burdens of patrimony, such as the paving of a road and the compulsory service of ships.

Veterans lose their privileges if they have devoted themselves to brigandage. Nobility is especially favored when illustrious men are produced from it and when they serve as soldiers, so that in a trial concerning injuries they are not compelled to be present, but can conduct the lawsuit through a procurator. They can also by agreement give their inheritance *inter vivos*, although among civilians an agreement concerning it is disapproved. And certainly, when the affairs and condition of military service are reduced to the truth, scarcely any other persons seem to me worthy of privileges or greater compassion, whether soldiers are good or evil, on account of their use. Indeed, the worse and more savage are better for this office. Philemon says:

Στρατιῶτα, κοὐκ ἄνθρωπε, καὶ σιτούμενε

ὥσπερ ἱερεῖον, ἵν' ὅταν ᾖ καιρὸς τυθῇς.

That is:

O soldier, not a human being, who are fed

like sacrificial victims, so that when the time comes you may be sacrificed.

And they must be incited by privileges to meet death, which all flee by nature. And thus, by the privileged life and death of criminals, the safety and goods of good human beings are preserved with slight detriment. There are equally good and strenuous soldiers, who are occupied for the safety of the state and are rightly honored with privileges as well deserving; others are allured by the same privileges to deserve well.

The cause was that military service was difficult, dangerous, and laborious: to dig a trench, carry a rampart, and pass one's life with slender provisions and under the harshest laws.

§ 5. Nevertheless, as formerly, so now also there have been abuses of privileges, and enormous disadvantages have arisen. For first, this is discerned in every kind of privilege: real privileges, while they are handed down through families and successions, gradually tend toward this, that they acknowledge no prince and obey in nothing. Personal privileges are less lasting, but they become cheap through their multitude, and persons upon whom too many are heaped generally fall headlong and are oppressed by their mass. Remunerative privileges are less odious but generally make men ungrateful and proud. Conventional privileges belong properly to sale, and recipients do not place among benefactions even those which they acquired for a small price.

Those which they call odious--that is, those which derogate from the right of others--must especially be guarded against. Thus, when immunity from tolls and public offices is given to many, it is necessary that the rest be burdened more heavily. Therefore Valentinian and Theodosius ordained that soldiers of the unarmed service should not be immune from public functions. But those privileges concerning forum and jurisdiction have now been removed, for they are summoned for civil matters and drawn for criminal matters to diverse judgments. For what will a soldier not dare when about to plead a bad cause before a centurion and companion in plunder? Hence so many extortions, exactions, and insults against provincials.

Next, privileges derogate from common law, either expressly, when the words themselves declare it, or in fact. Although common laws protect themselves and frequently possess an appended clause by which they remove all

privileges conceded to the contrary, nevertheless privileges often elude the law together with the clause itself. But there ought to be a great cause for laws to be diminished by a privilege. For what is not observed by many, and by the more honorable, according to right, is easily contemned by all. For example, certain nobles possess a privilege that they should not be drawn into chains because of debts. Many use it, contract great debt, and moreover insult their creditors; others imitate them and cause the good faith of contracts to lie wholly prostrate.

§ 6. Since odious privileges, and those which tend to burden others, are to be restricted so that they endure for the least possible time and obtain the fewest possible effects, nevertheless, through the importunity of the privileged, they are frequently extended contrary to the norm of right to correlative persons and to others. And what is dangerous to kings when affairs or dangers are adverse, many nobles and cities defend themselves by privilege so that they need not be present with aid or labor for common affairs. Those upon whom taxes, ships, grain, soldiers, and money could rightly and deservedly have been imposed now leave room not even for entreaties.

By no other thing more than privileges do slaves gain strength against masters and clients against patrons. Nor do I fear to say that the origin of all the seditions which for two hundred years have shaken the principalities and cities of Germany flowed from privileges, many and great. Formerly, in the age of the emperors, although many cities possessed the right of Roman citizenship, nevertheless the privileges of the Quirites were distinguishing marks of the inhabitants. At last Constantinople was made equal to it. Code, law 1, title 20: "Let the city of Constantinople rejoice not only in Italian right but also in its prerogative," concerning which see also canon 28 of the Synod of Chalcedon.

§ 7. Although privileges cease for many causes, nevertheless they are revoked with the greatest difficulty, and with greater difficulty the more they incline toward the detriment of the state. For the more of the public good they draw to themselves, the more obstinately they are retained as though most useful. That matter must be explained more fully for the public advantage.

§ 8. A privilege which through a change of affairs is rendered unjust from just must be altogether removed. The emperors did this even in private possessions. Constantine ordained that a possessor should not be obligated to fiscal offices, law 11, title 25, Code: "It is our pleasure that our private possessions be immune from all sordid offices, and that neither their lessees nor their coloni be summoned to extraordinary offices or any superindictions."

Valens removed this privilege in the same place: "For the sake of relieving the provincials, we wish our private estate to sustain canonical necessities under the condition under which we wish all

[Printed page 337]

persons to sustain them. But occasion has exceeded the command, since grain which must be carried from diverse places is not drawn to the customary places, but is carried so far that conveying it is burdensome and harmful. Therefore, let Your Spectable Sincerity cause those remaining in the same places to fulfill the functions of their own by which they formerly furnished grain."

Honorius and Theodosius declared that those works were not sordid: "Far be it from us to number among sordid offices the construction of a public road and the works of bridges and paved roads, dedicated under the titles of greater princes. Therefore, no class of human beings, and no one by the merits of any dignity and veneration, ought to be exempt from the construction and repair of roads and bridges. We gladly enroll even the divine houses under so praiseworthy a title."

Theodosius and Valentinian nevertheless restored them again: "Excepting the patrimony of our piety, whose revenues indeed we very frequently assign to public necessities, we judge that all possessors ought to acknowledge the functions in the titles imposed above without exception of any benefice."

Privileges are taken away from the idle. When the cause ceases, the effect ceases: law 13, **π.**, *On Adoption*; final law, **π.**, *On Testamentary Guardianship*. Through neglect of letters and dissolution of life, students fall from their right. See Horatius Lucius, *On the Privileges of Scholars*.

CHAPTER XIX

The Legislator Must Take the Greatest Account of Custom

§ 1. Custom makes a law and abrogates a law; or, if the severity of a prince strives against it, the law produces hatred and this hatred sedition. Therefore, a prudent legislator must above all have at heart the customs of his state. Custom is that which, without a law, has become customary just as though it were lawful--namely, right instituted by usages, which is received in place of law. Thus the author *To Herennius*. Isidore, in Gratian, adds to the latter definition, "when the law is lacking"; this part of the definition was taken from Tertullian, *On the Soldier's Crown*. It is also called usage and practice, and signifies a frequency of acts. It is understood concerning things which someone does over a long and continuous period.

Frequency of acts introduces a habit or inclination and a certain right, from which arises an obligation to act in the same manner and to abrogate other contrary laws. Custom therefore makes right and law; prescription, however, transfers ownership, gaining strength and being confirmed by the deed of a private person, whereas custom belongs to a people.

§ 2. Custom is concerned with things and persons, with human actions, and with most matters in which law exists. One is most common and is almost the law of nations; another exists in some one state; another is private, belonging either to a person or to an imperfect community which cannot make law. Yet this is accustomed to clamor against common law. Custom is also divided into ecclesiastical and civil custom.

There is also custom according to right, beyond right, and contrary to right. Every good and legitimate custom is according to natural right--that is, consonant with it--and according to positive divine right. Next, natural right and divine right cannot be abrogated by any custom.

§ 3. A custom contrary to the law of nations can have force if you consider the nature of the matter, for the contrary of what has been received by the law of nations is not evil by nature; therefore it can be introduced by custom. By nature it can be, but in fact it cannot, because of circumstances and the enactments and concord of other nations. The example is usually brought forward of persons captured in war, who become slaves by the law of nations, although this does not occur in certain regions.

But I do not think that the law of nations is removed by Christian Europeans because they do not reduce other Christians to slavery. For the law of nations is that persons captured in war should not be killed but preserved, and for that reason they were called slaves. Therefore the primary agreement by the law of nations is that the savagery of wars should not be excessive and that the sword of the victor should not rage to extermination. Gentleness is approved in the manner of servitude, and much more if they permit the captives to be redeemed and exchanged and if they are treated kindly. I judge this to be much more according to the law of nations than the most cruel slavery under which masters possessed the right of life and death, and under which persons could be sold to wretched labors in the mines, to the beasts, and to unspeakable things. For when Cicero and others determine that liberty is to be defended even by death, they spoke not hyperbolically but from the experience of affairs; for ancient slavery was in truth more grievous than death.

Therefore, I deny that any nation can introduce a custom contrary to the law of nations, because with respect to nations and this law there is equality of the human race; nor can they change that law without the consent of the whole, since the others are bound by that law.

Next, the law of nations cannot be abolished by a contrary law of one prince, because this would occur with harm to other nations. He can determine and mitigate it, as if he should command that enemies who have surrendered be

preserved; for they surrendered themselves to the mercy, not the cruelty, of the victor. He cannot abolish it except against an enemy who had himself previously violated the law of nations.

A custom beyond the law of nations can be given, just as another can be given beyond divine right. Thus, by divine right, forty blows were inflicted upon the guilty person; by the custom of the Israelites one fewer was given, lest by chance they exceed the number. Whatever custom is contrary to divine right is an abuse; it introduces no right but renders persons guilty of punishment.

Custom according to a human law confirms it; custom contrary to the law abrogates it.

To customs I refer style--that is, the manner and order of acting--and rite--that is, the solemnity of acts received by usage, so that it is now not lawful to institute the right otherwise.

§ 4. It belongs to every custom that it be just, useful, and for the sake of the common good; for what makes a law void must also be understood concerning custom. Therefore, just as bad laws, so also customs are to be abolished. Hence, just as a better custom can abrogate a worse law, so a better custom can abrogate a useless or burdensome custom. A law cannot prohibit for the future a custom contrary to itself, even if it forbids that custom to be introduced; for although it was introduced contrary to law, it is nevertheless reasonable. That it has been received into usages confirms the custom, since peoples observe the usage from agreement; for agreement inheres in custom.

Hence it is clear that a custom which is in the place of law can be introduced by a state or by a part of a state which possesses the power either to carry a law or at least to receive one; nor is it necessary that the custom be observed by all, but by the greater part.

[Printed page 338]

§ 5. The force of custom therefore begins from acts and from tacit agreement, whether by acts or omissions, but is perfected through the consent of the prince. This consent is either known from a law, if, seeing a just and useful custom gaining strength, he approves it by carrying a law--and thus it is law--or, observing it, he dissembles, or at least by a common law approves all honorable and useful customs.

Now common law approves reasonable and legitimate customs. Thus distinction 1, *Mos*: “Because usages make a law, and common right consists of laws and usages”; distinction 1, *Omnes*; distinction 8, *Mala*; distinction 12, *Omnia talia*; question 16.3, *Dicet*: “Because the custom of those with whom we associate, if it is not depraved, must be observed”; and distinction 11, *Quis*: “Because the customs of the Roman Church are to be observed.”

Civil law has the same in law *Forma censuali*, § *Si vero*, *On Censuses*. Thus also a custom whose beginning is beyond memory sustains an aqueduct from public ground, for the prince appears to have held it valid. These things must chiefly be understood of the custom which is called prescriptive; prescription occurs between persons present over a period of ten years, and between persons absent over twenty.

A judicial sentence is not required for it to be approved; nevertheless, unless it is proved thoroughly, judgment must not easily be made according to it--except when it is prescriptive, or approved by manifest consent, or, according to most Doctors, is the interpreter of some law.

§ 6. An unjust, useless, or pernicious custom must be carefully investigated. A sign of it is if it is vehemently desired by one class of human beings, for since it is useful to them, it will be useless to the rest. Generally, the exceptional advantage of a part redounds to the harm of the whole. It must be seen whether the custom arose from evil usages; for just as good laws arise from evil usages, so depraved customs also arise from them.

Hence good laws opposed to evil usages generally appear burdensome and seem to those who prefer to live by their own usages rather than by public laws to be removable through customs. For example, it is the custom of many churches that, if someone is present on one or another day of the year, he receives what they call the Body, although

during the rest of the time he has not even looked upon a church. That custom arose from plurality of benefices, and this from avarice; therefore the custom is rightly suspect.

When a custom conflicts with several laws, especially ecclesiastical laws, it is suspect. Isidore, in the *Synonyms*, chapter 16, says that custom yields to laws, but he appears to treat of a depraved custom. For depraved usage is overcome by reason and law. And distinction 11, chapter 2: "Let usage yield to authority; let law and reason overcome depraved usage." And canon 4: "The authority of custom and long-standing usage is not slight; nevertheless, its importance will not have such force that it overcomes either reason or law."

But canon 5 teaches that a custom which is shown to conflict with neither sacred canons nor human laws is inviolable. This must be understood of private and non-prescriptive customs, for it is evident that sacred canons concerning indifferent matters can be changed, as in distinction 12, chapter 7: "In those matters concerning which divine Scripture has established nothing certain, the custom of the people of God and the institutions of the ancestors are to be held as law. And just as transgressors of divine laws, so contemners of ecclesiastical customs are to be restrained."

§ 7. I judge that custom must be carefully examined, so that, if it is evil, it can be abolished before it is strengthened. For it generally has its beginnings from evil persons; for those who begin a custom which is contrary to laws undoubtedly sin by violating the law. A good custom therefore has its origin in transgression of laws and disobedience; laws, on the contrary, have their origin from deliberation, from the senate, and from the prince. Since this is so, custom is especially dangerous in ecclesiastical matters if it removes the canons from their place.

For in civil matters a law more easily begins to be unjust and accordingly is more rightly changed; nor does its change always take its beginning from evil usages, since in very many instances its matter is of such a kind that it does not pertain to morals. But canonical laws concern divine worship and morals; they have foundations and reasons from Scripture and apostolic sanctions, and also require severity and integrity of life, so that contrary customs are generally vicious. For canonical laws concern indifferent matters far less often than civil laws; therefore the examination of customs is more exact in sacred than in profane matters.

The eleventh canon is read in distinction 44: "For reverence toward God and priests, the whole holy synod ordained that--because idle tales are accustomed frequently to be interposed at tables--a reading of the divine Scriptures should be mingled in every priestly banquet. For by this both souls are built up toward the good and unnecessary tales are prohibited." Thus the Third Council of Toledo, chapter 7. Now that most beautiful law has been abrogated by a contrary custom, while the pontiff and bishops dissemble. Nevertheless, there is no one who does not prefer so holy a law to the custom; nor is there doubt that those who first violated the law sinned.

Therefore, the beginnings of a custom which is contrary to law are generally shameful, introduced by the worse part of the city, especially in ecclesiastical matters, which were established excellently from the beginning.

For the account of the earthly city is altogether different from that of the ecclesiastical city. The former began from a few and gradually, by experience, instruction, and the example of others, amended ancient and barbarous laws. The latter, instituted by Christ and the apostles, had the best precepts for living in its very beginnings and did not easily make a change except for the worse.

Basil the Great, *On the Holy Spirit*, certainly judged that customs which flowed from tradition must be seriously guarded. I shall transcribe the passage because it too was transferred into the Decree, distinction 12, canon 5:

"Of the doctrines and institutions which have been preserved in the Church, some indeed we possess from teaching consigned to writing, while others transmitted to us from the tradition of the apostles we have received in mystery. Both possess the same force for piety. Certainly, no one furnished with even slight experience of ecclesiastical laws will contradict these things. For if we undertake imprudently to reject those things which consist not in writing but only in custom, we shall harm the Gospel, and indeed in its principal parts, or rather shall reduce the institutions themselves to a certain empty name.

“For example--to commemorate in the first place what is first and most common--who taught in writing that those who have placed their hope in the name of our Lord Jesus Christ should be marked with the figure of the cross? When we pray,

[Printed page 339]

what writings taught us to turn toward the rising sun? Which of the holy Fathers left us in writing the words of invocation when the Eucharistic bread and the cup of blessing are offered? For we are not content with those things of which the apostle and the Gospel made mention, but we also say other things both before and after, as things which possess great importance for the mystery itself, instructed by teaching not written but handed down.

“We bless the water of baptism and the oil of anointing, and furthermore the person himself who is baptized--from what Scripture? Is it not from hidden and mystical tradition? What? What written discourse taught the anointing with oil itself? Whence have we received that a human being is to be immersed three times? What Scripture commanded renouncing Satan and his angels and all the remaining things whatsoever which we observe in baptism? Are they not from this teaching, not made public but secret, which our fathers guarded with quiet and altogether incurious silence? They understood well that the majesty of the mysteries is preserved by silence.”

I shall conclude with the golden maxim of Pope Nicholas to Hincmar, archbishop of Reims: “An evil custom, which is to be avoided no less than a pernicious corruption, unless it is more quickly torn out by the roots, is assumed by the wicked as a right of privileges; and transgressions and various presumptions, if they are not very swiftly suppressed, begin to be revered as laws and perpetually celebrated in the manner of privileges.” It is an oracle which is fulfilled daily.

CHAPTER XX

The Prince Is Bound by the Laws

§ 1. The theologians and jurists appear to me here not so much to hold different opinions as to employ different words. For the matter concerning a king, as it seems to me, can least of all be doubtful; for this reason I shall dispose of it in a few statements.

1. Every prince, and indeed the state, is bound in conscience by divine and natural laws no less than the subjects are. Indeed, by acting contrary to them, because the crime is more conspicuous and does the greatest harm by example, he sins more gravely than a subject. Plutarch speaks rightly about that law in *On Kingship*: **οὐκ ἐν βιβλίοις ἔξω γεγραμμένος, οὐδέ τισι ξύλοις, ἀλλ' ἔμψυχος ὢν ἐν αὐτῷ λόγος, ἀεὶ συνοικῶν καὶ παραφυλάττων καὶ μηδέποτε τὴν ψυχὴν ἐῶν ἔρημον ἡγεμονίας**. One must live by that law which is not written externally in books or upon tablets, but which is reason implanted in the soul, always dwelling with him and guarding him, and never leaving the soul without its own guardianship and care.

§ 2. Since in law there is a directive and a coercive power, the prince is bound neither to natural nor to civil law by coercive power. The reason is at hand: because that power comes from outside and acts against one unwilling; but none of the subjects can coerce the prince, because he possesses no legitimate authority over the prince. Nor is the prince said to coerce himself, but he does voluntarily what he does by his own choice. Still less can an external prince do this, because an equal has no power over an equal.

It is therefore pleasing that there be someone in the state who observes the laws from no fear of punishment--without fear of human punishment, that is, not without fear of divine punishment. For whatever the subjects fear in the prince, the prince expects from God.

§ 3. By violating divine laws, the prince incurs punishment and is rendered liable to eternal punishment; nevertheless, he is not punished with temporal punishment according to the laws. The precept of divine law is: "Whoever shall shed blood, his blood shall be shed"; and Deuteronomy 22:22, that both should die, the adulterer and the adulteress. King David committed both a crime and a shameful deed--the adulterer of the wife and the slayer of the husband--and owed punishment to God; yet he did not pay it according to the law, not because he was not guilty, but because an executor was lacking. For he was not obliged to accuse himself or hand himself over for punishment, but to await divine judgment, which he did.

For since he had no superior by whom he might legitimately be punished, and accordingly was compelled to obey no one in undergoing the punishment, he was not bound to that punishment except by a special command.

For the law was given to the magistrate so that, by ordinary power and after the case had been heard, he might kill the murderer and adulterer--not so that the murderer and adulterer himself should voluntarily present himself for judgment or inflict death upon himself. Kings therefore enjoy the same liberty, and by it they cannot be punished by a human being.

§ 4. The prince is bound to undergo certain penalties of divine law which bind others also in common, and which are of such a kind as neither to be unseemly for a prince nor to require the force of another, and which are laws rather than penalties, although they contain a penalty. For in the Old Testament both kings and the people were bound to offer the appointed victims for their sin, since in these matters each person was the executor of his own penalty. I do not dispute whether this was properly the act of unwilling persons, or whether they were properly penalties.

And certainly it is not expedient that persons be established in the state to punish the crimes of kings; for from this arise hatreds and wars. For if a king knows that he has transgressed, he will strive with all his power to escape

punishment, and more evil will arise from fear of the punishment than from the offense. It is easy for him to be just whose breast is free from fear; if he has deserved punishment, by the death of those whom he fears he will procure security for himself.

§ 5. I judge that the prince is sometimes bound by the penalties of civil laws and sometimes free from them. He is bound by a penalty when the offense tends toward the harm of another, or when a tacit agreement has been interposed.

And indeed there is no doubt concerning an agreement, for this is a principal virtue of a prince: to stand by agreements and covenants. But when a penalty or satisfaction is expressed in agreements, it must be undergone by a prince no less than by a private person.

For that matter passes into a debt. For example: by common law, donations between spouses are prohibited--those, namely, by which the recipient is made richer. The prince is bound by that law, and if he neglects to restore the gift, he is compelled in conscience, because the rationale of the law has much greater force in the prince; for he can both wheedle it from her, and, if the things requested are refused by his wife, a greater evil is to be feared. Thus the laws, **π.**, title *On Doubtful Matters*, law *If between Husband and Wife*. The cause is that they should not despoil one another through mutual love, failing to restrain themselves in donations but abusing their lavish liberality toward one another. And for this reason the law has barred the slippery roads to poverty. Here too the prince will be bound to make restitution, so that he may fulfill the law. And he is bound to this by natural right and by the common law according to which he is held to marry a wife. For what honorable man would give his daughter to a prince if the prince did not marry her according to the common law?

Next, whatever is conceded by way of agreement must be given, and a penalty, when it is to the prejudice of a third party, must be paid. An example is this: in

[Printed page 340]

a forest common to the prince and the nobility, let no one hunt except in autumn; if he does so, let him lack the right of hunting for two years. The prince hunts before the appointed time, catches nothing, and does not frighten the beasts away; consequently no harm was done. Nevertheless, because the law is common by agreement, he shall abstain from hunting for two years.

Next, when omission of the penalty tends toward the loss of others, he is compelled to discharge the penalty. For then natural reason, which forbids one to be troublesome to and harm others by violating the law, compels him to give satisfaction. For if it is the tutor's duty to appoint a judge, final law *On an Arbitrator in a Guardianship*, chapter *And Whoever Neglects This*, that person is infamous and the testator cannot remit it; if the prince undertakes a guardianship, he too must make an inventory, and if harm follows from its not having been made, he will be obliged to compensate the ward.

Next, sureties, guarantors, and nominators of tutors are bound for the giving of security, and sometimes also the magistrates who do not admit suitable tutors. In these matters, therefore, the prince is bound by natural right. For if he has compelled the tutors to give security that the ward's property will be safe, he has exempted himself from every penalty; if he has not observed the law, through which the ward suffered loss, let him impute it to himself.

If there is no loss to a third party, the prince will not be bound by the penalty of the law. German drinking challenges were prohibited at Augsburg in the years 1500, 1530, and 1548; at Cologne in 1512; and at Frankfurt in 1577. Let us suppose that a penalty was imposed whereby anyone who proposed a drink, or made another person or himself drunk, should offer a sextarius of wine to the poorhouse. The prince proposed a drink without drunkenness in himself or another; he is not bound by the penalty, although he contracted guilt.

For no injury is inflicted upon a third party such that he is thereby compelled to pay the penalty, nor can a judge compel him. No one is bound except by his own judge, chapter *But If Clerics*, *On Judgments*. Or, in his own case, he is not bound to be a judge against himself. Nevertheless, he sins more gravely and is left to be punished by God. Nor will

he defraud that creditor: punishments will creep upon him in a slow column, and cares and sorrows wandering about his ensnared roof will make him wretched.

§ 6. The prince is civilly bound by his own law, and therefore he must stand by contracts whose validity arises from civil law alone. Accordingly, a subject can also prescribe against him, and he is bound to surrender the thing to that subject. A civil obligation, however, is not necessarily coercive.

Nor, nevertheless, is directive force without coercive force empty, nor is the state greatly burdened. First, because it gravely binds the conscience. Next, because there is no reason why the prince should wish to deceive in small matters. For where the leading men or the people hold the helm of the state, individuals can be coerced. Finally, the loss in one man's liberty is not great. Let the state see that it elects such a person as one to whom, although very much is lawful, very little is pleasing.

§ 7. Finally, a civil law, whether the prince's own or his predecessors', for as long as it remains--for he can abrogate it for a just cause--truly binds the prince in conscience, provided that the matter commanded is common to the prince and the people; for some laws are written for the common people alone, others for the nobility. For example, if just prices of things are established, or weights and measures, the prince's treasury cannot sell those things more dearly or institute a lighter weight. The same rationale applies to coinage: since its value has been assessed by the prince's law, he cannot alter the coin so as to diminish or increase its value. Let this, therefore, remain firm and fixed: "Obey the law, whoever you are who have sanctioned the law."

This obligation arises from the force and nature of law. For the legal authorities teach that the prince is bound by law; therefore he is bound by the force and rationale of law, not merely from some other source. Thus distinction 9, chapter 2: "It is just for the prince to obey his own laws. For then let him think that his laws must be guarded by everyone, when he too offers reverence to them. It is fitting that princes be bound by their own laws, nor that the laws which they establish for their subjects can be condemned in their own case. For the authority of their pronouncement is just if they do not allow themselves to do what they prohibit to the peoples."

If this is just, and consequently the contrary unjust, it is just from no other source than law; for law constitutes the mean of justice, both in the king and in the people. So also in chapter *It Is Not Permitted to the Pope*, question 17.1, and in civil law, Code *On Laws and Constitutions of Princes*, law 1, title 14: "It is an utterance worthy of the majesty of one who reigns for the prince to profess himself bound by the laws. To such a degree does our authority depend upon the authority of law; and in truth it is greater than sovereign power to submit the principate to the laws; and by the oracle of the present edict we indicate that what we do not permit ourselves is unlawful." Given at Ravenna, on the third day before the Ides of June, in the consulship of Florentinus and Dionysius, 429.

And law 3.1, *On Testaments*: "It is proper to the emperor to live by the laws." And Cato most excellently: "Submit to the law which you yourself have carried." And law 23, **π.**, *On Legacies*: "Whatever rule of law each person has established against another, let him himself use the same," *On the Praetor's Edict*. "It is just for the prince to obey his own laws." Pliny speaks truly in the *Panegyric*: "The prince is not above the laws, but the laws above the prince." And Ambrose, Letter 32 to Valentinian: "What you have prescribed for others, you have prescribed also for yourself; for the emperor carries laws which he himself should be the first to guard." With the emperor justice avails more than license, as Symmachus wisely says. Indeed, this too is true: the prince is not exempt from the laws, but appears to be. Accordingly, when he is said to be **ἐπάνω τῶν νόμων**, "above the laws," this must be understood of penalties alone. **Ἁμαρτίαις γὰρ οὐ κολάζεται**--for he is not punished for sins.

He is worthy of great punishment if he subjects not only his dignity but also the instruments of virtues to vices; but this must be tolerated, because it cannot be avenged except by God. For the manifold offenses of others also are tolerated when they elude the severity of the laws.

§ 8. The state also binds the prince by the laws; for in truth, when he promulgates a law common to the whole state, he at the same time includes himself and by public will subjects himself to it. For the prince's authority depends upon right, and therefore whatever he has established is presumed to have been moved by a just cause. For that analogy and conformity is understood whereby the head is not unlike the rest of the body. How discordant would it be for a fast to have been proclaimed throughout the whole city and temperance to be observed, but for the prince alone to live festively in the court?

Since, therefore, the state cannot for a legitimate reason exempt the prince in laws common to every part and to the head, he will necessarily also be bound by his own law; for it is contrary to right reason, and therefore to natural law, which is right reason, for the head of the state not to agree with the body. For why should they bind heavy works upon the subjects, while they themselves are unwilling to move them with a finger?

[Printed page 341]

Hence we also understand that ecclesiastical laws are not to be imposed upon others unless the legislators themselves wish to be bound by them.

§ 9. But because the observance of a law that has been carried pertains to natural right, Suárez rightly teaches in book 3, chapter 35 of *On Laws* that it is commanded by God. I answer, therefore, that God, who is the principal author of this power, confers it under the aforesaid condition and not otherwise, and that this very thing is gathered from natural reason itself without any other revelation or human agreement. It is explained in this way: every legislative power is principally from God, either immediately, as in ecclesiastical power, or through the mediation of the state, as in civil power. Hence, although a human being immediately carries a law, in that act he conducts himself as a minister and steward of God, as we have adduced above from Paul. Therefore the intention and will of the prince carrying the law must be conformed to the intention of God giving the power; indeed, the efficacy of the law for binding depends more upon the intention of God than upon that of the particular legislator. But God, not only as the author of grace but also as the author of nature, wills that a human legislator should not possess the power to carry laws except with their universal obligation, which comprehends the whole state as consisting of body and head. Therefore--

The minor premise is proved from the very necessity of the common good, to which this power is ordained; for it is given for edification, not for destruction. That it pertains to such a common good that this power be given to the prince in such a manner that, although it lies within his will to carry a law, nevertheless, if it is carried, it is universal and comprehends him, is sufficiently declared by the testimonies of Scripture and the reasons adduced, and by the common consensus not only of the Fathers but also of the philosophers. For this reason Aristotle said most excellently near the end of *Politics* 3.7 that law ought to rule in the state. For, as Saint Thomas rightly explains there, when a sufficient reason for excepting something from a law does not occur, even the prince himself must be subject to it and either act or judge according to that law, because otherwise the law is rendered useless and the state is disturbed.

If, therefore, the prince has the power of carrying laws immediately from God, then he has it under the condition that he carry them according to right reason. If he has it mediately from God through the state, he has also received from the state a limited power, so that he himself is held to be bound by God and by the state.

Accordingly, the obligation arises from positive and natural law; although he is not bound to carry a law, nevertheless, once it has been established, he is bound by it. And this is what is said: "Law is the common pledge of the city." Those therefore err who say that, when law is said to command princes, this must be understood not of written but of natural law; for both natural and written law subject the prince, provided that its subject matter also pertains to the prince.

And hence those things which are disputed in favor of the license of kings against the laws are easily answered: when some assert that princes are greater than the laws; when they say that the intention of legislators is not to subject themselves to the laws; when they say that law is the work of the prince and that there is a difference between the giver and the receiver. Those who say these things themselves sufficiently show that they are not firm. For, once a law has

been established, the legislator's will, if it is right, must be that he be subject to the laws; for this has been established by God and belongs to natural right. God and the state, moreover, are distinct from the legislator.

Law is the work of the prince, and the prince is animate justice, but he is bound above all by his own work. So too a vow is manifestly the work of the person vowing, and nevertheless the vow cannot be violated. Certainly, those who make these objections nevertheless bind princes by the laws, as does Gregory of Toledo, book 7, chapter 20, §34.

Moreover, the laws which established the principate--such as those concerning the succession of the firstborn, the prohibition of alienating dominions, and the exclusion of women from succession to the kingdom--cannot, any more than other laws, be ruptured and broken by princes who attained the principate through law, unless the quality and condition of the kingdom and principate are also overturned. Nor can one who has wished to obtain the principate after the law of the kingdom has been changed escape the title of tyrant, because he will usurp the principate contrary to law. Therefore, when Samuel at God's command chose Saul as the first king in Israel, he spoke the law of the kingdom to the people in the king's presence, wrote it in a book, and laid it up before the Lord. And Plato says: "It is probable that this disease belongs especially to kings who live arrogantly on account of delights: they wished to strive to have more power than the laws, nor did they remain in concord in that which they had approved by words and oath; whence seditions arose."

Thus, by the peers of France, the agreements entered into at Troyes in Champagne between King Charles VI and Henry V, king of England, were declared void. By these agreements it had been resolved that the offspring born of Margaret, daughter of Charles VI, and King Henry should be successors in the kingdom of France, to the exclusion of Charles VII, because the agreements had been made contrary to the Salic law, which is fundamental to the kingdom of France. There will also be an example in the law of electing the emperor, which one who wishes to be called a legitimate emperor is not permitted to overturn. And if anyone wishes by his own rashness and forces to invert this law and overthrow in it the authority of the electors and the supreme pontiff, either he will accomplish little or he will stir up almost innumerable slaughters. Likewise, if anyone, scorning the laws for electing the supreme pontiff, should hasten to election, he will disturb with schisms the peace of the whole Christian state. In sum, gather this same conclusion concerning other principalities, in which, if anyone should wish at his own choice to shatter the laws of succession or election, it will come to pass that no state will be firm or safe, or preserved by upright laws or morals. The whole world in which such innovations are made will be nothing other than a cave of robbers and a Lerna of evils, and all things will be done by force rather than justice.

Now if I ask why princes cannot change the law concerning the succession of the firstborn, and if they adduce external causes--disturbances, scandals, and the like--it can come to pass that passing over the firstborn will produce neither sedition nor offenses. The cause, therefore, is the common pledge of the state and the will of God.

§ 10. Laws cannot be stable unless they are confirmed by princes, while the sinew and bond of law is usage. Drinking challenges have been prohibited in Germany by so many good and severe laws, yet moderation could never be introduced among the people because in the courts of certain princes compulsion to equal drinking challenges remains. Their drunken madness has extinguished all the vigor of the law, and the very assemblies in which sobriety was sanctioned resounded with the voices of drunkards. Within our grandfathers' memory, princes of Flaminia and Aemilia craftily carried laws sanctioned by great penalties, which nevertheless they themselves were the first to transgress; and when the laws were held in contempt and the number of transgressors was great, they exacted the most grievous fines. Those men were wicked tyrants, for they both

[Printed page 342]

carried laws badly and transgressed them worse, and punished those who had violated them worst of all. Nevertheless, by their example they showed how much power the life of princes possesses in the observance of laws. So indeed it is; Lorenzo de' Medici spoke truly: the city is such as are the morals of the prince.

§ 11. Those who exempt the prince from law are also accustomed to defend their opinion from Novella 105: "But from all things said by us let the fortune of the emperor be excepted, to whom God has subjected the laws themselves, sending him to human beings as animate law, because a perpetual and unceasing consulship has fallen to the emperor among all cities, peoples, and nations, as he distributes in each case the things that are pleasing."

Indeed, nothing is established from that law for this purpose. For the emperor writes to Strategius, count of the Sacred Largesses, and moderates the expenses of consuls, since they had grown excessive. The rationale of the law is that this customary honor, ordinarily given to the best men, should not diminish their property.

"But none of those who come to the honor of the consulship will experience difficulty if, making moderate expenditure in this manner, he should remain so at every time. And everything whatsoever that those who have hitherto possessed the honor of the consulship received both from the court of your Highness and from our most glorious prefects, or even from elsewhere through our munificence, we shall also now give to them, abbreviating the expenditures to be made by them but not diminishing our liberality. But from all things said by us let the fortune of the emperor be excepted, to whom God has subjected the laws themselves, sending him to human beings as animate law."

From this I answer first that this law belongs to the class which is not common to the prince and the people. For it pertains to relieving the expenditures of private persons, lest they incur loss from an honor. I answer secondly that the law does not extend more broadly than its rationale, while the rationale does not apply to the emperor, since it expressly says that the emperor's fortune is greater and that an unceasing consulship has fallen to him. Finally, the consulship follows the scepters of imperial power; he therefore adduces a cause not only just and equitable but also favorable for why he does not wish to use that law himself--namely, lest he restrict his benefactions toward peoples and cities. The pronouncement, therefore, accommodated to that present matter effects nothing against the emperor's obligation.

God subjected the laws to the prince because he can, according to the opportunity of the times, carry new laws and abolish old ones. Yet he did not subject them in such a way that the prince can at his choice violate them while they remain and bind the whole state.

For God also subjected the bodies of the subjects and their goods to the prince, but he possesses them only by sovereign command, not by ownership. Therefore, without legitimate cause he can neither take goods from the subjects nor use the labor of their bodies or rage against them. Book 5 of the same title, *On the Julian Law of Treason*, and title *On the Goods of the Condemned*. So too he cannot remove laws or dispense himself from them unless there is a legitimate cause for dispensing. Therefore, too lax was the royal law among the Persians which permitted whatever the king wished, and which was introduced by flatterers; for at the beginning the kings themselves also lived by the laws. Pernicious was the utterance of Julia, an incestuous woman: "Do you not know that you are emperor and give laws, not receive them?" Accordingly, in many matters the prince uses the same law as others. Novella 9, chapter 11, law 31, and **π.**, *Who May Make a Testament*, penultimate book, and **π.**, *On the Institution of Heirs*, book 15. Nevertheless, he enjoys his privileges, so that he is held greater than others. For the prince is animate law, as law is a mute prince.

Since, therefore, it is the emperor's office perpetually to take counsel for the subjects, and he is accordingly a perpetual consul, as that law teaches, while he takes counsel best if he himself observes the laws, he must not be exempted from the obligation of observing the laws. For besides the legitimate power which they exercise, they will arrogate to themselves a certain immeasurable license and on a slight occasion will be changed into tyrants.

§ 12. When a contract or some act is rendered void by a law, the prince also is bound by the same law, so that the act itself is in truth not valid. Thus law 3, title 23, law 6 of the same: "It has often been established that not even the emperor can claim an inheritance from an imperfect testament. For although the law of imperial power has released the emperor from the solemnities of law, nevertheless nothing is so proper to imperial power as to live by the laws." Promulgated on the eleventh day before the Kalends of January, in the consulship of Lupus and Maximus, 233.

Because the law of imperial power releases the emperor from the solemnities of law, it is certain that he is bound unless he has been released; therefore, from the nature of the matter, the emperor is bound by them. Here he does not use that law by which he has been released, because it appeared shameful for him to obtain an inheritance from an imperfect testament.

Since, therefore, for a just cause a dispensation has been granted from following the solemnities of law--so that, if the prince is present and acts, his person and good faith are held in place of the solemnities, lest what has been done be void--it is altogether sufficiently shown that in other matters he is bound. For although that invalidating law appears to be penal, nevertheless, because it intends in itself that the act not be valid, he is therefore bound by it.

The cause of this matter is that a certain manner of acting has been established for the common good in order to avoid frauds. Accordingly, an invalidating law regards the common good and the execution of right and justice, which the prince is bound not to diminish but to increase and confirm. Moreover, not every law invalidating an act is penal, because sometimes it gives form to the act, and therefore it also binds the prince. Thus Panormitanus on chapter 2, *On Constitutions*. For this is the directive law by which the state is bound.

The other solemnities, which are accidental, are supplied by the majesty of the prince, because law or custom has granted this to him. For unless we so establish, many disadvantages will follow. For by his testimony alone the prince will be able to raise up or ruin cases if no solemnity or number of witnesses is required. Nor is there another custom in most places, for all matters are transacted with princes in the same manner according to the forms of the laws as among private persons. And this is truly the majesty of the prince, which is greater than the prince himself.

CHAPTER XXI

The Old Law Was Useful for Morals and for the Polity

§ 1. The matters which are usefully disputed by theologians concerning the old law do not contribute much to politics; accordingly, I shall conclude them in a few propositions and prepare myself for other matters.

Certain laws besides natural law were established by God even before the law of Moses was given: in Paradise, the law concerning not eating from the tree of the knowledge of good and evil; afterward, the law concerning clean and unclean animals.

§ 2. The law given to Moses was holy, given by the good God through angels into the hand of Moses the mediator. Its end was supernatural: that they might be led to virtue and consequently to eternal life;

[Printed page 343]

that it might prefigure for us Christ, to whom the law led; that it might establish the worship of God amid so many discordant ceremonies of idolatry; and that it might strengthen political order.

§ 3. It was given to the Jews alone, and it bound them alone and those who, having received circumcision, passed over into the colony of the Jews.

§ 4. The precepts were of three kinds: moral, ceremonial, and judicial. The moral precepts bind everyone and always; the ceremonial have been abrogated; and the judicial, through the death of Christ, were first dead and afterward death-bearing.

§ 5. These matters are disputed in many ways, learnedly and most usefully, but they do not greatly pertain to politics. There is one matter which has sometimes been proposed by learned men. Why do Christian states not use the judicial laws carried by God himself? Although those laws do not bind, why do they not decide controversies according to the laws of God rather than those of impious Caesars? This is all the more so because we all ought to judge those judgments just, whereas we may deservedly doubt the laws of the emperors, many of which were unjust. God inculcates this upon his judges in Deuteronomy 1:17: “And I commanded all the things which you ought to do.”

Why, therefore, are the things commanded in Exodus 21 concerning servitudes not observed? Why, if anyone has stolen an ox, is he not compelled to give five for one, but is hanged? And in verse 16, for fornication are only marriage with the woman and a dowry commanded? And in verse 26, pledges are commanded to be returned before night? Since eternal truth weighed these and similar things in a just balance, why do we now use other laws? Why does a brother not take his brother’s wife into his house?

But however many laws there are of this kind, since they are mutable, it is not necessary for a state to adopt them; nor on that account were they carried less prudently by God. For they were accommodated to the capacity and character of the Jews. But since the beginnings of cities had other laws, there was no cause for changing them. Next, God carried those laws only for that state which he foresaw would be changed. When times are changed, laws also must be changed. Theft is now rightly punished by death; for if stolen things had to be restored, since thieves are generally poor, they would be bound all the more strongly to thefts.

Third, how great an incitement to wickedness would it be if marriage to a rich girl should fall as a reward to her fornicator? I am not unaware that this is the custom when they are equals; but when there is a great difference, the laws establish otherwise. Yet at that time those laws were just among that people and under that discipline; now the subject matter has changed among many nations, so that the laws cannot pertain to it.

CHAPTER XXII

Antinomians Must Be Expelled from the State

§ 1. The Gospel was handed down to us by Christ, the Son of God; hence he who is also Redeemer is the author of the new law which we call evangelical. Of him Isaiah 33:22 says: "The Lord is our judge, the Lord is our lawgiver, the Lord is our king; he himself will save us."

§ 2. Moral, sacramental, and faith-related precepts are contained in that law. Christ expounded the moral precepts more perfectly, and handed down wholly new sacramental precepts after the old ones had been abolished. He gave more explicit precepts of faith, for otherwise precepts concerning what must be believed were also given to the Jews and to the fathers before the Flood.

§ 3. Those precepts must be observed by us altogether, for all the precepts bind us, not only those of faith.

§ 4. In this matter there are heresies and errors which are most pernicious not only against piety but also in the state and in politics.

For first, the sectarians profess that the moral law can by no means be observed. Second, they profess that faith alone is accepted by God in place of the observance of all the precepts, as some say; or that faith alone is imputed for justice. They understand faith, of course, as confidence in justice and salvation. Third, they profess that no eternal penalties threaten believers for any commandment violated in any manner whatsoever.

Fourth, they profess that Christ is therefore not a legislator but only the promiser and giver of grace. Hence arose the Antinomians, who scorn every law, and the Müntzerians, who, employing Lutheran principles, rejected not only every law but even the magistracy. At the beginning I disputed against those who judge consciences to be altogether secure from obligation to human laws; I showed that they are pernicious to the state. Now these men indeed acknowledge that they sin by violating laws, but say that they do not fear punishment, because they have been freed from every active and passive curse; for God is neither angry with them nor punishes them, but in every crime fully justifies and beatifies them.

It belongs to theologians to dispute against their impiety; I shall discuss the disturbance of the state which this pestiferous sect contrives under the pretext of piety and Christian liberty.

But this must be noted especially: the very doctors of immeasurable license do not dare to assert in words the faith which they teach. For the Lutherans, although they gave the Antinomians their beginnings, pretend that they refute them; and the Calvinists pretend that they refute the Libertines, from whom they differ only in words. And indeed, those who profess to detest the Antinomians teach as follows.

§ 5. The Synod of Mansfeld: "The true understanding of the abrogation of the law consists in this: that at the beginning we know that the law in general has been removed by Christ in this manner, so that it cannot harm the sons of God by its curse, condemnation, and accusation, as is said in Galatians 3: 'Christ redeemed us from the curse of the law, himself having been made a curse for us.' This was done, namely, according to his office, concerning which the Holy Spirit had long before prophesied through Moses: 'Cursed is everyone who hangs upon the tree.' And from this Paul reasons that we who have been redeemed through Christ are now under grace and not under the law, Romans 6."

Their error is that they say that, whatever they commit against God and their neighbor--even acts of arson, murders, and treasons--they are not only not cursed or condemned by God, but are not even accused. If this is to be taught concerning the law of God and natural law, how much more is the same thing to be taught concerning a political law carried about an indifferent matter? For how will a decree of the senate or an edict of the prince concerning the making

of an inventory of a testament bind, if the laws of the eternal Emperor do not bind to accusation, curse, and punishment?

Whatever they seem to teach rightly concerning the law comes down entirely to this: they say that it must be observed, but that no punishment is to be feared from its violation. Finally, they say that the law cannot be observed.

From this foundation the Antinomians argue as follows.

[Printed page 344]

Can we observe the Decalogue or moral law with respect to obedience? The Mansfeldians answer: we can, although in great weakness and imperfection. Nevertheless, things of this kind do not bring condemnation upon us, Romans 8, provided that we remain in Christ. Thus they speak more mildly, but they are condemned by others because they say that every good work is by its nature a mortal sin. But insofar as it is by nature a mortal sin, God's precept is not observed.

Yet they imagine for themselves a great distinction between the just and the impious; for they teach that the law was established for the unjust, but by no means for the just: "Because, as we said before, the law has not been removed for everyone, but only for those who are under grace and acknowledge and embrace the benefits of Christ through faith; indeed, it has been abrogated for the just, as Paul says in 1 Timothy 1. It follows from this that the unjust and those not yet converted, who do not acknowledge and apprehend the benefits of Christ through faith and who otherwise lead an evil and dishonorable life, are still under the law, and this during the whole time of their impiety, so that the law continually exercises its office upon them by showing sin, the wrath of God, and the consequent penalties; next also by showing our weakness and impossibility in observing the divine law for obtaining justice; and furthermore by terrifying, accusing, condemning, and mortifying, so that the unjust themselves feel and experience the tyranny and dominion of the law, its curse and condemnation. This is signified in 1 Timothy 1: 'The law is given to the unjust, the disobedient, the impious, sinners, the irreverent, and the violent'; and against sinners of this kind the law, as pedagogue, still takes punitive action, Galatians 3; and thus the law is our pedagogue until Christ."

They enumerate the following as the errors and false dogmas of the Antinomians.

The First Error

§ 6. "The law is not worthy to be called the word of God."

This indeed belongs to the Manichaeans, who proclaimed an evil God as the author of the law, against whom are the disputations of the holy Fathers, especially Augustine. For if that law, "You shall not kill," and so forth, is not worthy to be called the word of God, then idols, blasphemies, parricides, adulteries, and robberies are not prohibited by the word of God. Who, therefore, prohibits them, if so holy a law is unworthy of its author? How will human law possess reverence if there is no divine law from which it is derived? The Mansfeldians refute that error when they exclaim: "It is horrible to hear that the law is unworthy to be called the word of God. For Scripture says in Exodus 32 that God wrote the law or Decalogue with his own finger; why, therefore, shall we not call it the word of God?

"In Deuteronomy 8 the Lord says that he will place his words in the mouth of the prophet, so that he may speak whatever he has commanded him. And so thereafter in all the prophets the law is called the law of the Lord, which fact is an argument that the law is truly the word of God. If it is truly the word of God, it certainly deserves also to be so called. But what Paul writes concerning the dignity of the law is to be sought from 2 Corinthians 3, which dignity of the law the Antinomians plainly scorn and deride. Augustine, in book 2 of *Questions on Moses*, question 166: 'Hence the law is called the work of God, because he himself ordained it; God wrote this law.' Likewise, in tractate 3 on John: 'He who gave the law also gave grace.'"

Yet that struggle is one of words. For a penalty is added to those laws, so that the soul of whoever transgresses them should be destroyed from his people; they deny that this pertains to them. But this too is the law of God: "Whoever

kills a human being shall surely die." The sectarians hold otherwise: although we have killed thousands upon thousands, nevertheless we shall not die, because we are free from the law. The law is dead to us--the law, I say, which forbids killing, is dead to us.

The Second and Third Errors

§ 7. "If you are a prostitute, if an adulterer, or any other sinner whatsoever, only believe, and you are on the way of salvation."

"When you are entirely fixed in the midst of sin, only believe, and you are in the midst of salvation."

The Mansfeldians profess that they detest these errors.

"These two errors," they say, "open the widest window to manifest crimes and shameful deeds, and despoil repentance of a certain great part of itself--namely, the good resolution to amend one's life."

Nevertheless, the shameless obstinacy of others remains: that in the midst of sins they are not only just by imputation, but also know this concerning themselves with certainty; and that David retained justice in adultery and homicide. What will citizens imbued with this opinion not dare? They deny that they are guilty of an offense against divine majesty; how will they revere human majesty? Deuteronomy 13: "If you hear in one of the cities which the Lord has given you to dwell in, persons saying, 'Let us go and serve alien gods,' killing you shall kill all who are in that city, and you shall burn it with fire, and it shall be without habitation forever, nor shall it be rebuilt." What if someone believes himself just in this matter and denies that the penal law pertains to him?

What if the son of Clytemnestra, or Nero, should come to judgment,

> For whose punishment there should not have been prepared
>
> one ape, nor one serpent, nor one sack?

Would he not, if he lived in our age, commit some crime greater than parricide, proclaim himself most just in the midst of the crime, and say that by the new law he was free from the curse of the law? The Argives, therefore, were excessively scrupulous; of them the parricide's sister complains:

> **ἔδοξε δ' Ἄργει τῷδε μήθ' ἡμᾶς στέγαις**
>
> **μητροκτονοῦντας· κυρία δ' ἥδ' ἡμέρα,**
>
> **ἐν ᾗ διοίσει ψῆφον Ἀργείων πόλις,**
>
> **ἢ χρὴ θανεῖν νὼ λευσίμῳ πετρώματι,**
>
> **ἢ φάσγανον θήξαντ' ἐπ' αὐχένος βαλεῖν.**

For it seemed good to the Argives not even to receive us matricides under a roof; but this is the decisive day on which the city of the Argives will deliver its judgment: for either we must die by a white stone, or the neck must be cut off with a sharpened sword.

But according to the prescription of the new Gospel, they are just, holy, and innocent if they believe themselves to be such. God is not angry with them, because they believe themselves to be sons; he does not punish them, because he does not impute sin. They say that they are on the way to heaven, on the way of salvation.

How much more will they ruin all civil laws? For why should solemnities and formulas bind those who trample upon all God's commands without fraud? Will those who judge themselves fully just and truly beatified delay for the order and procedure of the praetor if they fill the tribunal with the praetor's blood? Orestes, therefore, would be a fiducialist and would fear no vengeance from God.

The Fourth Error

§ 8. "The Decalogue pertains to the curia, not to the pulpit."

What do they mean by these words? Evidently, that when conscience is at issue, when justice, eternal life, friendship, and spiritual conversation are at issue, no mention of the Decalogue is to be made. Indeed, not even the law of God is to be expounded to the people. For the Decalogue does not

[Printed page 345]

pertain to the preacher.

Therefore, in their judgment, knowledge or observance of the Decalogue does not pertain to living well or to salvation; much less, therefore, does observance of civil laws. But how does it pertain to the curia if it does not pertain to the pulpit?

The curia indeed punishes crimes and guards the tablets of the commandments; but why does the curia do this, when God is imagined to will that human beings not even be admonished concerning this matter? Next, has a command been given to the curia--that is, to the magistrate--that it should wish to guard the Decalogue? This, then, is a command of God. Is it therefore not to be spoken to them in an address? From where, then, will the magistrate learn it?

The Mansfeldians answer rightly, but by no means consistently with their opinion: "It is true that the Decalogue pertains in part to the court and the curia. For the civil magistrate ought to be the guardian of both tables of the law. Therefore in Deuteronomy 17 God commands that kings, sitting upon the throne or at the helm of the state, take care that a copy of the book of divine law be written out for them, so that they themselves may both perform the precepts of the Lord on their own part and take care that they are performed among the subjects of their kingdoms. Likewise, in Romans 13 it is written: 'The magistrate is also the minister of God for your benefit; but if you do evil, you will fear him, for he does not bear the sword in vain.' But that the Decalogue is therefore also to be removed from preaching is intolerable, for both spiritual and political magistrates ought to be guardians and promoters of the Decalogue. Likewise, if doctors of the word ought not to treat the Decalogue before the congregation, how would they lead human beings to acknowledgment of sins? How would they deter them from sins by fear of God's wrath and punishments? How would they invite them to repentance and sorrows of the soul concerning sin? They would necessarily omit the principal part in the preaching of repentance.

"Finally, what would become of conversion? How could God render an account with us, according to the parable in Matthew 18, concerning the debt arising from violation of the divine will, if preaching of the law were to be banished from the churches? Finally, if preaching of the Decalogue perishes in the Church, at the same time the preaching of repentance falls, all discipline perishes, and no one is converted to salvation through the ordinary means."

By this answer they condemn themselves. For by law they condemn the magistrate and absolve the subjects. For I ask whether the magistrate himself ought to fear the penalty of an offense if he neither reads God's laws, nor takes care that they are observed, nor bears the sword for vengeance upon evildoers. For if he too, without offense against God, is not compelled by a most hateful work to offend his subjects; if the preacher ought not to admonish him concerning the guardianship of the laws as though a penalty were prepared for the negligent, then the law does not even pertain to the curia.

The Fifth Error

§ 9. "All those who have dealings with Moses proceed by the direct road to the Devil--indeed, to an evil end with Moses."

The Mansfeldians answer: "All those who have dealings with Moses or the law in such a way that through it they wish to become just--that is, accepted before God--do indeed all proceed by the direct road to hell, nor does any one of them attain the blessedness of eternal life. For it is written in Romans 3 that by the works of the law no flesh is justified

before God; and in John 3 eternal life is promised to believers alone. In Romans 10 Paul says: 'If you confess with your mouth that Jesus himself is Lord, and believe in your heart that God raised him from the dead, you will be saved.'

"But what dealings they have with Moses or the law we handed down above, according to the agreement of Scripture, in the doctrine concerning the law: what remains for us in it and how far we can still use it. These do not proceed toward the Devil, nor are they condemned, but experience the great and ample fruit and usefulness of the divine law.

"Neither Moses nor the law itself ought to be sent to an evil end, but for those who do not live according to the laws and precepts of the Decalogue the matter very often comes to an evil end or to the rope. The Antinomians themselves provide the occasion for this evil when they counsel their people to scorn the law and the Ten Commandments of God without concern and to omit them at pleasure. By these outcries, I say, they drive many to the evil cross and the torments of various punishments."

But this is an impious confirmation of the blasphemous paradox, repeating the error in milder words. First, because elsewhere they teach that not even the commandments observed with the grace of God contribute to salvation, since all are mortal sins--even the best works done in the best manner. Therefore the Antinomians stand upon the foundation of the Mansfeldians and conclude irrefragably: every work of divine and human law done in the best manner is a sin worthy of eternal death; therefore it must not be done by us, lest with Moses we be thrust down to hell.

Next, they interpret "works of the law" most perversely, since the Apostle is speaking about those which are done without grace. Finally, others add that they say the law is dead, not because they observe it through grace, but because, when violated, it cannot harm those who believe themselves just amid its defilement--even though someone

> has broken the aged throat of his parent.

When he has believed himself to be just, he will raise pure hands to heaven. Nor will he wait for a judge who is inquiring about the right of eavesdrip, boundaries, and windows. Indeed, he will not even dread the tribunal of God.

The Sixth Error

§ 10. "Human beings are not to be prepared for the Gospel through the preaching of the law; but it is necessary that God do this, whose proper work it is."

That reasoning is without the law of truth and right. For if God leads people through the preaching of the law, why does the preacher not also do so, exhorting in the place of God? But the Mansfeldians speak much more absurdly: "Nor is there any better preparation for the Gospel than the preaching of the law itself. For it terrifies, distresses, and wounds human beings, so that afterward they may experience the magnitude of evangelical consolation, joy, and salvation so much more pleasantly. For he also contemns the magnitude of aid who does not acknowledge the magnitude of the danger. Moreover, through the preaching of the law as preparation for the Gospel, nothing is taken away from God. For nevertheless true acknowledgment of sin, salutary acknowledgment of God's wrath and punishments, right fears, true contrition, and sorrows must be given by God."

For all this preaching falls among the jests of the Lutherans and Calvinists. Unbelievers are not terrified by those threats of the law, because they judge the shades of the underworld and the torments of the impious to be fables. Believers are not terrified because they are most certain that they are free from the curse, accusation, and condemnation of the law. Julius spoke contemptuously: "Will you proceed to cite laws to me while I am armed?"

Nero at last feared the punishments of the laws when, upon hearing the enemy's cavalry, he said:

> **ἵππων ὠκυπόδων ἀμφὶ κτύπος οὔατα βάλλει.**

[Printed page 346]

The sound of swift-footed horses resounds about my ears.

Before that, as one greater than the laws, he used to sing this: “Let kings go by whatever road they please.” Yet even that impious man was terrified by the nocturnal specter of his murdered mother; but those who boast that they are just merely by believing, in their confidence violate the laws without fear, and will answer the magistrate with the freest indignation:

“We are not prepared for the Gospel and salvation even by the law of God; much less, therefore, by your law, which is neither from God nor concerns a matter which is good in itself, but concerns matters which can rightly be done otherwise.”

The Seventh Error

§ 11. “In the Gospel one ought not to treat of violation of the law, but of violation of the Son.”

An opinion unworthy of a human being, much less of a doctor. They do not think the Son of God is violated except by unbelief, although he is also violated by blasphemies, hatred, and contempt. Nevertheless, they do not lack a reason for so absurd a matter, drawn from the adversaries themselves. For if they are just by faith alone, if they are rendered unjust by no shameful deed except unbelief, what need is there to treat of things which can neither harm salvation nor promote it?

The Eighth Error

§ 12. “To hear the word of God and perceive it in the heart is the proper consequence of the Gospel.”

From this they concluded that it was enough to hear and perceive, even if they did not act, although the Lord condemns those who received the word in their heart but produced no fruit.

From this they reasoned further, according to the testimony of the Mansfeldians: “It is enough to hear and perceive; a work is not required. Accordingly, it is not a sin to be overthrown by a little prostitute.” What will the prince promise himself here concerning citizens of this kind? “We have heard the law and perceived it; it is not a sin if we act contrary to it.” In the morning hours they will wear away the thresholds of Socrates, in the afternoon those of Thaïs. Yet they learned all these things from Luther and the Lutherans, for those men teach that good works are not necessary for salvation. But if this is true, it is enough to hear and perceive the law--indeed, not even to hear it. For why should you batter the ears when there is no need of action? But so that it may appear where those preachers lead the citizens, I shall cite the things which the Mansfeldians assembled in their Synod:

“This proposition is papistic, devised by the pontiffs themselves and fashioned in this manner. For it is found nowhere in Scripture, nor is it readily found even in the books of the Fathers, especially with the understanding which the papists attach to it: that good works are partial efficient and meritorious causes of salvation. Even if this proposition is bent merely into another meaning by some gloss affixed to it, nevertheless this sense stands out above the others, which the context of the words represents. Nor do the papists, the first inventors of this proposition, permit a new meaning to be constructed for it contrary to the nature and proper meaning of their own words.

“The divine Luther attacked this proposition most sharply, as his books everywhere testify. For in the first German volume printed at Wittenberg he writes that this proposition, ‘Good works are necessary for salvation,’ confounds law and Gospel with such loss and detriment as human reason can neither comprehend nor understand. For through it the doctrine of grace is obscured, Christ is torn away with all his benefits, and the whole Gospel is overturned.

“In the same place he says: ‘It is a slippery and empty statement to pronounce thus: faith indeed ought not to rest upon works and merits, but nevertheless it is necessary to possess good works as necessary for salvation. This whole thing is nothing. For if they are necessary for salvation, salvation cannot come without them, and therefore we are not saved by faith alone. But this is false and dissents from Scripture.’ In the same place he writes that it was decreed in the Synod of Jerusalem that the works of the law are not necessary for salvation.

"In volume 4, page 550: 'Unless three apostles had stood firm, the entire little assembly would have fallen back and decreed that the works of the law were necessary for salvation.'

"In volume 7, page 61: 'Eighth, it must be carefully observed here and guarded with great zeal that faith alone, without any works, makes persons just, free, and saved.'

"Page 63: 'From this it is clearly perceived how a Christian human being is free from all things and above all things, so that he has no need of works for justice and salvation, but faith supplies all things to him abundantly. And if he should be so insane as to hope to become just, free, saved, and a Christian through any good work, he loses faith with all its supports, like that dog which, when it carried a portion of meat in its mouth and gaped at the reflection in the water, lost both the meat and the reflection at the same time.'

"Page 65: 'No work and no commandment is necessary for a Christian for salvation.'

"In the same place: 'Although in this life a human being cannot be without works, nevertheless they are not necessary to him for justice and salvation.'

"Page 66: 'Let a Christian human being be content with his faith, which is his life, justice, and salvation, and let him be persuaded that he requires nothing further for that matter than to believe that the matter truly stands so.'

"In a certain sermon on the Ascension published in the year 1523: 'Beware that gloss or disguise of the philosophers or universities: "He who believes and has good works will be saved." Christ does not speak thus, but only, "He who believes," he says.'

"In the Household Sermons published at Nuremberg in the year 1545, page 41: 'It falls to us to be saved only through the remission of sins.'

"In the Greater Postils, from Advent to Easter Sunday, page 102: 'Christ saved us once in a twofold manner. First, he did all things whatsoever which it is necessary to do so that we may be saved; next, in baptism he communicated all his benefits to us.'

"The books of Luther are filled with these and similar passages, and we shall not commemorate more. But Luther cast down above all this proposition, 'Good works are necessary for salvation,' most forcefully in the disputation on the works of law and grace held at Wittenberg in 1537. In that disputation he altogether rejects the necessity of works for salvation and by no means wishes to tolerate it. If, therefore, anyone had intended to introduce this proposition again after Luther's death and thus overthrow and rupture the peace and concord of the Church, these things ought at that time to have been disputed and decided with Luther himself.

"At other times also in our churches, throughout the whole time elapsed after Luther's death, no one made mention of this pernicious proposition; rather, as something unaccustomed it was perpetually suppressed by silence. For everyone was very readily content with the doctrine of the Augsburg Confession: 'It is necessary to act well'; and concerning this there was never any dispute.

"After Luther's death this proposition emerged again,

[Printed page 347]

and once its authors have been shown it is very easy to judge; for their disputations in favor of this proposition are extant. Although various causes are alleged by which the defenders of this dogma affirm that they were moved, nevertheless these are of no importance in comparison with that immeasurable loss and detriment to the Christian religion which follows from it. And if afterward they had wished to abstain from this dogma, as by God's beneficence has occurred, it would have been preferable never to have brought it back into the light, and many disputes could have been avoided in this manner. The papistic justiciaries would not have been confirmed in their impious dogma

concerning the necessity of good works for salvation, and the weaker Christians in our churches would not have been disturbed."

§ 13. Experience has taught that the Antinomians were born from this; and we have as confessing culprits the adversaries of the Antinomians themselves. For since they could in no way avoid lawlessness and the confusion of all things if they condemned good works, many of the Lutherans themselves rejected such depraved teachings. The Mansfeldians narrate the matter thus in the controversy concerning good works:

"The following causes for restoring the proposition are brought forward: first, that the Antinomians manifestly teach that a human being, once regenerated, nevertheless retains grace and the Holy Spirit even if he rushes into sins against conscience, is an adulterer, drunkard, defrauder, or prodigal.

"Second, that there are said to have been some who jestingly and wittily declaimed that the salt of necessity had become putrid--or, as the proverb has greater charm in the vernacular language through the ambiguity of a word which signifies at one time necessity and at another seasoning: *Das Muss ist versalzen*.

"Fourth, that some were unwilling to bear the word 'debt.'

"Fifth, that all human beings have long since been remiss, sluggish, and idle with respect to good works.

"Sixth, that some understood the particle 'alone' in such a way that it excludes not only the merit of good works but also their presence."

Some of these causes are sufficiently honorable and suitable, and it is manifest that the Antinomians teach as has been stated; moreover, the idleness and languor of human beings with respect to good works is, alas, unknown to no one. The other causes are less known.

I now appeal to the conscience of all princes: whether they truly judge that a just and constant state governed by laws can be constituted from these human beings.

The Ninth Error

§ 14. "Peter did not understand Christian liberty; therefore he wished to observe the law by not eating unclean things."

What wonder if the Antinomians say this, since their masters and the antagonists among the masters agree? For when they treat of good works, they say not only that human beings are saved without them, but also deny that they are a condition without which persons are not saved, page 208. Much less is Christ's merit applied by good works. If, therefore, a magistrate cites Scripture, the ancestors, or any laws whatsoever, he will immediately hear: "You do not understand Christian liberty."

The Tenth Error

§ 15. "Peter's saying, 'Make your vocation certain through good works,' is useless."

The Lutherans answer: "Nor does this saying from the first chapter of the second Epistle support the Antinomians who cry out about Peter's ignorance, as if he had not sufficiently understood the doctrine of Christian liberty. For Peter's exhortation that we make our vocation certain through good works sufficiently declares that he understood the rationale of evangelical liberty: that it is not similar to carnal liberty, nor is wickedness to be clothed with the appearance of liberty. Christian liberty is not then drawn toward the carnal if through good works we establish our vocation; that is, if by good works we testify that our vocation to the kingdom of Christ and eternal life is certain. For where evil works are exercised contrary to the will of God, there we cannot be certain concerning our vocation, but must doubt whether we have truly been called to the inheritance of the kingdom of Christ and eternal life. By weakening this certainty of vocation, because they neither care about evil works nor greatly demand good ones, the Antinomians sufficiently show that they possess no sound judgment concerning evangelical liberty. Next, this too is manifest from the immediately preceding errors: that the Antinomians are enemies of good works and provide human

beings occasions, with a certain horrible security, to do whatever has pleased their mind. And although they do not dare openly to profess that an evil life is good, nevertheless they diminish sins, so that they say we can be freed from them at a slight moment, provided only that we believe, while in the meantime omitting the resolution to reform the course of our former life for the better."

But the poet deservedly sings in response to them:

> Let the straight man mock the club-footed, the white man the Ethiopian.

For in their reply they embrace no less impious a doctrine. For Peter commands that vocation be made certain through works; without works, therefore, it is uncertain. They deny that those who practice evil works contrary to God's will are certain, although the Calvinists affirm this. Yet if those people are uncertain, all alike are uncertain; for all perform evil works, and they say that all their good works are mortal sins, while vocation is not rendered certain through mortal crimes. Therefore they make good works of less account than the Antinomians do, because they openly profess that a good life is evil. Indeed, they highly praise these propositions: "It is possible to be saved without good works. All who have been saved were saved without good works. Good works are not necessary for salvation; they do not preserve salvation; they are not a condition without which one is not saved; they are by their nature worthy of eternal death. Evil works are effaced by faith alone. If you have committed every shameful deed, as soon as you have believed that you are just through Christ, you are just." What greater security can there be for the wicked? But do you expect a person to submit to human judgment when he thinks that by one assertion of the mind he has escaped all crimes and their punishments?

The Eleventh Error

§ 16. "Whenever a thought of this kind occurs to you--that in this or that manner a matter ought to be conducted in the Church so that human beings may be good, honorable, modest, holy, and chaste--you have already wandered from the Gospel."

If these things are true, it is certainly preferable to return to Judaism, or indeed to profess any religion whatsoever; for who is certain in a religion in which no account is taken of uprightness and there is no shame at wicked deeds? What else would the Ephesians, the Sybarites, or the Cyrenians say? We read that they were the most corrupt of nations; yet they did not condemn the cultivators of virtues, although they hated and exterminated them. If, therefore, the prince, mindful of his office, acts so that the citizens become good, modest, holy, honorable, and chaste, he wanders from the Gospel. If a parent thinks in this way concerning the education of his children, he ceases to be evangelical; for in this respect the rationale of prince and father is the same. **Οὐδὲν διαφέρει ἄρχων ἀγαθός, ἀγαθοῦ πατρός.** A good prince differs in nothing from a good father. He will never be a good citizen who judges that a magistrate solicitous concerning the life of the citizens wanders from the Gospel. Finally,

[Printed page 348]

since the state rules its citizens by both punishments and rewards, one who equally removes the causes of rewards and punishments cannot belong to the state.

Certainly, from even this single error there seems to me sufficient cause for all Germany to be dashed together in mutual conflicts, when the office committed by God to kings and princes--that they should be **τῶν νόμων φύλακες**, guardians of the laws--is assailed so shamelessly and insolently.

CHAPTER XXIII

The Written Divine Law Necessary to the State Is Rightly Understood and Observed by Catholics Alone

§ 1. The adversaries have long accused us gravely; but in the year 1617 writers as frivolous as they were abusive poured out upon the Catholics the venom of all preceding times. The principal accusation was that the written law of God had been rejected by us, interpolated, corrupted, and oppressed by a bad translation, interpretation, and additions of traditions. Although I answered concerning this matter in the *Conclusion of the Jubilees*, the necessity of many nevertheless requires a repeated answer here also.

I shall take my beginning from that in which they especially glory: the word of God, Scripture. They say that it is contemned by us and that our faith is overturned by it.

I do not remember that there is anyone among the Jubilarians who does not accuse us of that crime. The Heidelberg Academic Jubilee, page 24, has the following:

"8. The principle of the faith which is believed, ultimately terminating Christian faith, is divine Scripture, comprehended in the books of the prophets and apostles, and indeed Scripture alone.

"9. For all Scripture is divinely inspired and useful for doctrine, for reproof, for correction, and for instruction which is in justice, so that the man of God may be perfect, perfectly instructed for every good work.

"10. The Roman papacy long ago shook, and today continues to shake, this principle of the faith which is believed, not in one manner but variously.

"11. It teaches that nothing of divinity inheres in the sacred Scriptures except as much as Scripture receives from the Church.

"12. Nor does it hold the Scriptures as authentic except by the authority of the Church.

"13. Indeed, it does not believe God except on account of the Church.

"14. It suspends the divine authority of the Scriptures upon the judgment of the pope, because that authority resides in the pope as in the head of the whole Church.

"15. And because the pope alone, or with the prelates, is the Church, therefore the pope and prelates, if they believe the Scriptures, believe them on account of themselves; they wish the laity to believe the Scriptures on account of the pope and prelates.

"16. Thus the faith of pope, prelates, and laity concerning the Scriptures stands upon human testimony--that is, upon sand--and is nothing.

"17. It charges the Scriptures with such obscurity in matters which pertain to faith, worship, and morals that they can be understood by no one except from the interpretation of the pope.

"18. It makes the pope the supreme judge of all questions concerning faith, in whom our faith must ultimately come to rest, even in those matters which the evangelicals dispute with the pope.

"19. It accuses the Scriptures of imperfection, because they suffice neither for cultivating faith and piety nor for attaining salvation unless they are supplemented by traditions.

"20. Hence it calls its traditions the unwritten word of God, equally certain, infallible, canonical, necessary for salvation, and to be received with equal affection of piety and reverence as the written word of God.

“21. It blasphemes Scripture as a waxen nose, ambiguous, a dead letter, written in ink, made of paper, which needed the consensus of the Church for confirmation, like a sheath receiving any sword whatever--of steel, lead, wood, or bronze.”

Our Maximilian Sandaeus discussed these matters truly and learnedly in the *Secular Thesis*. More crudely, but more abusively, Jacob Martini, the dialectician of Wittenberg, treated the same matter in posted theses. Erhard Lauterbach, Sermon 2, says that the Romans neither read the Bible nor grammar, and that he believes no pontiff read through the Bible in his whole life. He says that Leo X, when Bembo brought forward a sentence from the Bible, said: “Why, Bembo, do you allege that fable to me?” And to Sadoleto, when he was writing commentaries on the Epistle to the Romans: “Omit those trifles; such follies do not become a serious man.” At these things Polycarp exclaims thus: “O you condemned Italian scoundrels, are your politics more serious than the word of God? Hear the most learned Leo and Bembo: if they esteemed Scripture as nothing, how would the unlearned esteem it?” Nearly all bishops, cardinals, and monks were of flour of this kind. Polycarp Leyser nevertheless writes that the Bible was not altogether lost, but hidden under a bench.

Christoph Schleupner, general superintendent and court stentor, when he wished to delight his people with pleasantries, made Catholic theology fivefold: canonical, scholastic, monastic, Interimistic, and Jesuitical, pages 8--11, Sermon 1. But he does this with such ignorance that he appears never to have seen any books of Catholics. I have named a few; all are engaged in the same cause, all labor to persuade the people that we contemn Scripture while they venerate and follow it, and therefore that we are governed by human law alone while they are governed by divine law. They especially call into odium our esteem for canons, councils, and pontiffs, as though we set those decrees before sacred Scripture. But let us explain the whole case.

§ 2. First, this is the common opinion and faith of Catholics: the sacred writings possess such depth, wisdom, and perfection that no writings of human beings can or ought to be equaled with them. For the law is the Creator’s.

Second, all hold by the same faith that sacred Scripture possesses infallible authority, divine truth mixed with no error, and the norm directing all things.

Third, whatever in the writings and sayings of others conflicts with even one sentence or one apex of the sacred writings is false.

Fourth, any Christian ought to die a thousand times rather than judge or say that even one saying of Scripture is false, or affirm that it can be false.

Fifth, whoever teaches or thinks the contrary concerning Scripture is not a Catholic; we say to him, Anathema, Maranatha. Therefore an injury, and indeed an extraordinary one, is inflicted upon us when we are accused of contemning Scripture, we who are prepared to pour out all our blood for its whole body and for each individual apex, as indeed we teach that it must be poured out. For it can happen that some Catholic experiences a spirit ready but flesh weak, desires to go to death and prison, but grows afraid at the voice of a maidservant and denies the Lord in his word. There is therefore no cause why they should depart from us in this respect,

[Printed page 349]

much less traduce us as violators of sacred Scripture and make two states from one.

Nor is this my judgment alone, but that of the whole Catholic world. The Council of Trent, session 5, chapter 1, seriously commands the prelates to take care that Scripture is diligently expounded, and affirms that this was cared for by synods and pontiffs. “The same sacred and holy synod, adhering to and embracing the pious constitutions of the supreme pontiffs and approved councils, and adding to them, lest that heavenly treasure of the sacred books which the Holy Spirit delivered to human beings with the greatest liberality should lie neglected, has established and decreed,” and so forth--namely, that it be expounded in cathedral churches, monasteries, convents of regulars, and public academies. Nor was this done for the first time then; examples of synods and supreme pontiffs preceded it.

And certainly there are many testimonies that Pope Leo held Scripture in the highest esteem, especially his constitution given at the Lateran Council in 1516, on the fourteenth day before the Kalends of January, where he not only cites Scripture and esteems it greatly, but also establishes excellent laws for its interpreters. Therefore what is invented about his having spoken into the ears of Bembo and Sadoleto was drawn from the same quiver from which myriads of calumnies came forth.

§ 3. We therefore follow Scripture as law, nor do we judge that it has been shown for a century that we have departed from its smallest particle. The sole reason, therefore, why the innovators departed from us is that they themselves utterly contemn the Scriptures which they cite and hurl about to the overturning of stomach and brain. I have already shown frequently that the matter stands thus. Weigh the matter: you will understand that they depart from the law of God.

For first, if among so many hundreds of those who departed from the Church there is one who rightly followed Scripture with an unerring footprint, let him be named, and I shall prove that the rest followed neither Scripture nor the Spirit of God, but their own sense, and set it before the truth of Scripture.

Second, when their leaders are pressed by Scripture, they turn to accusing it. When Vorstius had said that there were certain errors in Scripture, he defended his cause against the eternal truth of God by the authority of Calvin and Junius. I cited the passage elsewhere, but no one has answered me hitherto, and even now the importunity of the calumniators compels me to set forth the same things. “Finally, that especially is objected concerning the apostles and other writers of the New Testament: that they are said to have been able to err in slight matters or suffer a lapse of memory, and so forth. But does Calvin not have the same or similar things, when he writes not obscurely that the same writers of the New Testament sometimes hand down certain superfluous things, omit other things of great importance, disturb the order of time in a history, or cite certain things from the Old Testament less suitably, and so forth? In place of many examples let there be that one passage on 1 John 2:14, where he expressly says that those repetitions of the Apostle are superfluous, namely in these words, ‘I write to you, children,’ and so forth.

“But, to omit Calvin here, what seems to be the case concerning Francis Junius, who in his *Commonplaces*, recently printed here, book 1, chapter 19, does not fear to affirm that the writers of the New Testament sometimes knowingly and deliberately wrote certain things contrary to the truth of history? For he writes openly thus on pages 61 and 62: that they sometimes conceded something out of charity to a received error and, on account of public opinion, deviated from the truth of history, and even inserted certain things contrary to truth into the sacred text, and so forth. He confirms this by the particular example of Saint Luke, who, contrary to the truth of Mosaic history, placed the name Cainan in the genealogy of Christ, evidently so as not to offend those who had grown accustomed to the Greek version of the Old Testament, in which that name stood, and so forth.

“But if this assertion of Francis Junius can be excused--concerning which I now do not wish to deliver my opinion--why could not at least another similar hesitation or concession be excused? Certainly it is more serious knowingly and deliberately to write something contrary to the truth of history than to admit a **σφάλμα μνημονικόν**, a lapse of memory, in a slight matter. And again, it is something greater to assert the former certainly concerning someone than to grant the latter to an adversary by way of concession. But let these things now suffice. More examples of this kind from our doctors can be brought forward on another occasion, when there is need, at least so that it may appear that those suffer from great partiality who liberally excuse the same or similar sayings in one person which in another they traduce as heretical and impious.”

Calvin certainly, on Joshua 24:32, accuses Stephen in Acts 7:15 as if he had named Abraham for Jacob; nevertheless, among them the error indicated by Calvin remains. And in the *Harmony* on Matthew 20:26 he denies that the saying “Many are called, few are chosen” fits or is relevant; but it was Christ’s saying. If, therefore, one error is admitted into Scripture, all its credibility totters, for lying Scripture is not believed, and thus the foundation of all laws is weakened.

§ 4. Luther is no gentler in this respect; for he opposes Scripture to God, on Galatians 3, volume 5, folio 345: "I would prefer to hold in honor and believe Christ alone rather than be moved by all the passages which they could produce against the doctrine of faith for establishing the justice of works. Therefore one must answer them simply thus: here is Christ; there are the testimonies of Scripture concerning law and works. But Christ is Lord of Scripture and of all works." And a little later: "I pay no heed to passages of Scripture, even if you produce six hundred for the justice of works against the justice of faith and cry out that Scripture is fighting against me. I possess the author and Lord of Scripture, on whose side I prefer to stand rather than believe you." And after a few intervening words: "You urge the servant--that is, Scripture--and not the whole of it or its better part, but only some passages concerning works. I leave this servant to you. I urge the Lord, who is king of Scripture."

If, therefore, they object to errors in Scripture, how do they object to us contempt for it? These things were derived from the most impure fountains of the Ebionites, Cerdonians, Gnostics, Marcionites, Tatianists, Severians, Elcesaites, Manichaeans, Bogomils, and Albigensians, and flowed into the most poisonous lake of the Antinomians and Libertines as into a sewer. They labor to make the world lawless.

§ 5. Third, they held the worst opinions concerning those who left the sacred writings to us and who are commended in them. Scripture depicts Abraham for us as the father of the faithful, justified by faith and pleasing to God; Calvin charges both him and his wife Sarah, contrary to the divine oracles, as guilty of the gravest crimes. In his commentary on Genesis 16:3, he accuses Abraham of excessive facility and Sarah of haste. He says that Abraham's faith was shaken and that there was a middle pretext between fornication and marriage, cloaked with an honorable name. He says that they sinned in the manner or rationale of acting, not in substance, because they sought offspring outside God's legitimate ordinance. But that manner altogether removed the substance of faith. For, if we believe Calvin, they sought the blessing through adulteries and procuring; for he affirms that Abraham acted thus lest he be deprived of the blessing. But it is certainly shameful to commit adultery in order to obtain a blessing. Concerning Sarah he says: "Since she knew that in the seed of Abraham there were to be blessed

[Printed page 350]

all nations, it is not wonderful if she was unwilling to be deprived of the honor of partnership, lest, cut away from the blessed body like a putrid member, she also be made a stranger to the promised salvation." If these things are true, Sarah and Abraham were unbelievers. For to believe that she would be cut away from the blessed body unless she established a brothel in her own house, or that she would be a stranger to salvation unless she were her husband's procuress and the one who brought forward her maidservant, is to be an unbeliever. Nor is he gentler toward Moses on Exodus 2:12 and 4:10 and Deuteronomy 34:10. He says that Moses contemned divine obedience, wished as it were to compel God to break off the work, and possessed a mind forgetful of all things. He treats David, Elijah, Daniel, and others in the same manner. Therefore it is not we who contemn Scripture and its authors, but those who accuse us of that matter. They therefore affirm that the divine law was most shamefully violated by the prophets.

§ 6. Nor is the accusation just, nor is there a legitimate cause for departing from us because we number among the sacred books Judith, Tobit, the Book of Wisdom, Ecclesiasticus, Baruch, chapters 13 and 14 of Daniel, the Song of the Three Boys added to Daniel 3, the books of Maccabees, and the things which follow Esther 3:10. The first reason is manifest. Neither the Lutherans nor the Calvinists condemn their patriarchs because they removed from the canon certain books which they now judge true and legitimate books of Scripture. Therefore they ought not to be more inequitable toward us, even if contrary to their opinion we admit certain books into the canon.

Luther in the prologue to this Epistle, Brenz in the Wittenberg Confession, Chemnitz in the examination of session 4 of the Council of Trent, and the Magdeburg writers in chapter 1 reject the Epistle of James; yet the Calvinists do not flee the Lutherans on that account. They also reject the Epistle of Jude, doubt concerning 2 Peter and 3 John, and Luther and the leading Calvinists expunged the Apocalypse from the canon. Graser, in the hypothesis of the royal plague, acknowledges that because of its difficulty the Apocalypse was not received by his teachers. Later Calvinists

received it; therefore it will be possible that at some time they will also receive into the canon these books which they now refuse to bear.

If, therefore, Zwingli and others diminished the Apocalypse at its head without crime and this is forgiven them by their successors, they ought not to be such inequitable judges toward us as to interpret our facility so gravely because we admit the books which the ancient Church judged canonical. The second reason is even more evident: we possess great cause to receive those books into the canon, or, to speak more properly, not rashly to expunge those received long ago. For although certain persons formerly doubted, nevertheless most admitted them; those who received them into the canon were both more numerous and more learned. Bellarmine proves this in book 1, chapters 7 and following of *On the Word*, as does Nicholas Serarius in the prefaces to the commentaries which he wrote upon most of those books.

The authority of Beza adds force to this argument among his own people. For after, against Erasmus and his own teachers, he had restored the Apocalypse to the canon, he answers thus to the argument of those who said that it did not appear to the most learned to be a canonical book because in it there was nothing of apostolic gravity: "Whoever at last those most learned men were, they deserve great reproach because they dared to assail with abuse a book which would certainly be very short if one removed from it the things transcribed word for word from the prophets. Basil, Gregory, Cyril, Epiphanius, Irenaeus, and Hippolytus, as Arethas testifies, acted far otherwise. They not only thought this book written by a holy man, as Dionysius of Alexandria did, but also openly claimed it for John the Apostle. They certainly would never have done this if they had observed no traces of apostolic gravity in it. Which shall we hold as the more learned: those whose singular piety and highest erudition are attested by very many monuments of their own, or rather those whose very names do not appear, while their arguments sufficiently indicate how deservedly they are called most learned?"

He speaks well indeed, but there are many more: Dionysius the Areopagite, Justin, Tertullian, Hilary, Athanasius, Origen, Cyprian, Damasus, Ambrose, Eusebius, Chrysostom, Jerome--who himself also thinks thus in the letter to Dardanus and affirms that this is the opinion of all the Latins--Augustine, Isidore, Gelasius, Innocent, Theophilus of Antioch in Eusebius, book 4, chapter 23, Apollonius in the same author, book 5, chapter 17, and Pamphilus. Next there are the Councils of Florence, Rome under Gelasius, Trent, Ancyra, Third Carthage, Fourth Toledo, and Second Nicaea. If we use for the books which we receive an argument similar to the one Beza uses against his own people in favor of the Apocalypse, I do not see why on that account we should be condemned as impious toward Scripture, when the ancient Church is under the same condemnation. Beza wishes thus concerning Erasmus: "And would that he had preferred to profit under these teachers rather than, relying upon confidence in himself, to make a name for himself."

If Beza himself had followed this, he would neither have fallen into so many heresies nor now be opposed by all the Lutherans and the more moderate Calvinists. Now, if I cannot obtain peace or bring the adversaries to agree with antiquity, I demand only latitude and moderation: let them not calumniate us as betrayers of the divine utterances because, with so many and such firm arguments and with the consensus of the most learned and holy, we defend the canon. In that for which we deserve praise, let them grant pardon. Luther rejected many books--the Epistles of James and Jude and the Apocalypse--yet the Lutherans worship him. After he had very frequently asserted that he knew more certainly than certainty itself that the word of God stood on his side and that his doctrine was the doctrine of Christ, he denied the word of God, for he erased part of it from the canon. What do the Lutherans do here? They were ashamed of the error of Luther, Brenz, and Chemnitz, for in certain books they rubbed out those statements of Luther concerning the Apocalypse. Therefore Hunnius denies that he found any such thing in Luther. But our Gretser showed it to him, for the Nuremberg Bible of the year of the Lord 1527 has those words in its preface. I beseech you, do not employ such open **προσωπολημψία**, partiality, that you first corrupt the writings of Luther rejecting the Apocalypse, then veil his error with a lie and deny that he wrote what you yourselves deleted from him, while you devote us to every curse because with the ancient Church, councils, and Fathers we retain certain books which displease you. Behold, it is still in question who keep the law.

§ 7. But if we weigh your arguments in the balance, we shall find them lighter than a feather. In this year 1618 John Sharp published at Geneva a theological course. His companions, in order to make him insane instead of foolish, call him Hercules returned to life. Gathering his errors into a bundle, he attacks the truth thus on page 11:

"All the canonical books of the Old Testament were written by prophets. But none of these books was written by a prophet. Therefore they are not canonical books." The proposition is proved from

[Printed page 351]

2 Peter 1:19--21; Romans 1:2 and 16:26; Luke 1:70, 16:30, and 4:27; Ephesians 2:20; Hebrews 11; and the same can be proved by induction. But the assumption is confirmed by three arguments:

"1. By the confession of all the Jews, Malachi was the last prophet. Between him and John the Baptist no prophet intervened. But these books were written after Malachi, as is evident from the books of Ecclesiasticus and Maccabees. Therefore they were not written by a prophet.

"2. All books composed by prophets were written in the language which the prophets used--that is, Hebrew or Chaldean, then the vernacular and common language. But these books were written not in it, but in a foreign and unknown language, as the Fathers affirm, the matter itself proves, and the pontificians concede for the greatest part. Therefore, and so forth.

"3. If these books had been written by prophets, then Christ and the apostles would have used them as witnesses of their doctrine--for all prophetic Scriptures testify concerning Christ, and Christ and the apostles used them. But neither Christ nor the apostles used the testimony of these books. Therefore they were not written by prophets.

"II. The Church receives all the canonical books of the Old Testament. But it does not receive these books. Therefore they are not canonical. The proposition is proved: if that Church had rejected some part of canonical Scripture, it would have been guilty of the greatest crime in this, and Christ and the apostles would have reproved it under this name. For if Christ reproved them in Matthew 5 because they interpreted the Scriptures badly, he would have reproved them much more if they had rejected part of Scripture as noncanonical. But he did not reprove them for this cause. Next, in Romans 3:2 they are called **τὰ λόγια τοῦ θεοῦ**, that is, the sacred Scriptures entrusted to the Jews. But Justin, *Address to the Greeks*; Augustine, book 1 of *On the Harmony of the Evangelists* and Letters 3 and 59, testify that the Jews diligently preserved the entire ancient canon. Finally, if the books were then canonical and were not received by the ancient Church, it follows that many canonical books were not received by the whole Church. But it is most absurd that the whole Church--in which were prophets and priests and afterward Christ himself and the apostles--rejected the will of God. Therefore. The assumption is proved by the consensus of all the Fathers and even of the pontificians themselves, and it will appear afterward. Therefore.

"III. A book is known to be canonical in only two ways: 1. By the testimony of some prophet or apostle. 2. Or by the testimony of those who lived at the time when that book was published, to whom it could be certainly established whether it was published by a prophet or apostle or not. But by neither of these ways do we know that the disputed books are canonical. Not by the first, because there are now no prophets or apostles. Not by the other, because so far is anyone from being able to testify that a prophet or apostle published or received these books that not even in the time of Jerome, by his own testimony, were they received into the canon. But if the apostles had received and acknowledged these books, as Bellarmine wishes in book 1, chapter 10 of *On the Word of God*, the ancients would have used the testimony of these books as they did the others. But they did not use them; therefore these books are not to be acknowledged as canonical."

§ 8. Let us therefore examine these arguments by which the greater part of the Christian world is condemned. I do not labor greatly over the major premise; it is certain that the name "prophet" is not accepted in the same manner. Let us examine the proof of the minor, for it truly contains many errors and much ignorance--but bold ignorance, which opposes itself to the word of God and casts out the law of God.

Malachi was almost contemporary with Haggai and Zechariah, who prophesied about the twentieth year according to a probable chronology. Malachi followed them after a short interval. Sharp denies that there was a prophet throughout that entire period of more than four hundred years, until John.

Yet this conflicts with the Gospel, for Zechariah, the father of the Baptist, was a prophet, Luke 1:67; as was the elder Simeon, Luke 2:27; and in verse 36 Anna the prophetess, daughter of Phanuel, who was already at least eighty years old. Next, during the time of the Maccabees, when there were so many distinguished martyrs, who would doubt that there were also prophets? For although there was no ordinary office at the time when Judas died, 1 Maccabees 9:27, nevertheless afterward prophets were not lacking, who, just as they prophesied, could also write books. Nor is it an obstacle that they appointed Simon leader until a faithful prophet should arise, 1 Maccabees 14:41 and book 1, chapter 4:46. They awaited a prophet, but the one whom Moses foretold in Deuteronomy 18: "The Lord will raise up a prophet from your nation, like me." Since, therefore, there were prophets who expounded the law, exhorted to martyrdoms, and consoled persons in the bitterest persecution, there were also prophets suitable for writing books. For why could God not give infallible authority to them also?

For although those who foretell future things are prophets in the most proper sense, prophecy is nevertheless also properly attributed to others who reveal hidden things. Thus the Samaritan woman, because Christ had disclosed to her the deeds of her own life, calls him a prophet; and this is a very customary account of prophecy in the Scriptures.

Second, workers of miracles are also accustomed to be reckoned under the name of prophets, for almost all the prophets were distinguished by miracles: Moses, Aaron, Joshua, Elijah, Elisha, and others. For the divinity procured authority for his servants through wonderful works; accordingly, since those who performed miracles were also endowed with the spirit of prophecy, it came to pass that **τὸ θαυματουργεῖν**, working miracles, was called "to prophesy." Thus Ecclesiasticus 48:14: "Elijah's body prophesied." **Καὶ ἐν κοιμήσει ἐπροφήτευσε τὸ σῶμα αὐτοῦ.** And chapter 49:18, concerning Joseph: "And his bones were visited, and after death they prophesied," although that latter part is lacking in most Greek copies.

Saint Jerome on 1 Corinthians 14: "Prophets are those who explain the obscure things of the prophets and who exhort human beings, as he says elsewhere: 'For he who prophesies speaks to human beings for edification, exhortation, and consolations.'"

Third, they extend the word "prophesying" even more broadly, so that those are said to prophesy who, by admonishing, reproving, teaching, and consoling, call persons away from vices, lead them to the pursuit of virtue, interpret the Scriptures, and expound questions of Christian doctrine. For this was the office of the prophets, by performing which they are intermediaries of the divine will. Thus in Exodus 4 and 7 Aaron is the prophet of Moses; thus in 1 Corinthians 14:5 the Apostle admonishes Christians to take greater care that they prophesy.

Fourth, those who, inspired by the Holy Spirit, sing psalms to God are sometimes called prophets. In 1 Chronicles 25:1--3 they are said to prophesy with lyres, psalteries, and cymbals; to prophesy with a lyre while standing above and praising the Lord. Although in verse 1 the Seventy read **ἀποφθεγγομένους**, "those uttering forth," for *nebî'îm*, nevertheless in verse 3 they use the verb **προφητεύεσθαι**. Some wish this to mean "to sing prophecies"; but they sang the psalms which we possess. Now this is rightly called prophesying. In this signification

[Printed page 352]

they accept 1 Kings 10:7, where there is a band of prophets and Saul among the prophets. This signifies not singing God's praises in any manner whatsoever, but by a singular impulse; for it is not to be denied that many were accustomed to sing God's praises concerning whom there was nevertheless no such wonder, nor is it to be denied that many were accustomed to sing God's praises concerning whom there was nevertheless no such wonder, nor is it to be denied that among these were some who were called prophets properly and in the first manner.

Fifth, “to prophesy” is taken in a bad sense, so that it is the same as to be agitated by a fanatical spirit in the manner of demoniacs. Thus 1 Kings 18:10: “But on the following day an evil spirit of the Lord invaded Saul, and he prophesied in the midst of his house.” For because the seers of the gentiles, with foaming mouth and savage heart, agitated by madness, drove the nations mad with tortuous oracles, it came to pass that for them to rage was to prophesy, when the seers reveled in the cave. For in a most dissimilar thing there is a certain similarity: just as the holy prophets were driven by a good spirit so that their deeds and sayings were composed according to his will, so the false prophets were dreadfully agitated by an evil spirit so that they did all their things at the spirits’ command. Thus Scripture calls the unformed cries, gestures, leaps, incisions, and little wounds made by the prophets of Baal--the whole action of their impious ceremonies--“to prophesy,” 3 Kings 18:29: “But after midday had passed, and while they were prophesying, the time came at which the sacrifice is customarily offered.” Nor is this wonderful or new, since the name “prophet” is frequently attributed to false prophets and impostors, as in Jeremiah 6:13; 26:7, 8, and 11; 27:7; 28:1; and 29:1; Zechariah 13:2; Ezekiel 22:25, in which place the Seventy rendered **ἀφηγούμενοι**, “leaders,” whereas in the previously cited passages they rendered **ψευδοπροφῆται**, “false prophets.” We treat of prophets properly so called and deny that there was none during so great an interval.

To the second argument I answer: first, that certain of those books were written by prophets in the Hebrew or Chaldean language. Let Nicholas Serarius be heard concerning this matter, prologue 3 on Tobit: “In Letter 100, which is to the bishops Chromatius and Heliodorus, Saint Jerome relates that this book was written in the Chaldean language. There exists today a Greek version of the same book and two Hebrew versions, one of which, received from Constantinopolitans, this Germany of ours published more than forty years ago. Thus I greatly wonder what ignorance or impudence entered that Briton, enemy of the most learned Bellarmine--or rather of Catholic doctrine--the Calvinist Whitaker, when within this very decade he wrote, ‘Tobit is read only in Greek and Latin.’ For this is condemned as false even by other heretics themselves: Fagius, Münster, Vatablus--or rather Bedwell--of the Geneva edition, and Drusius. Indeed, a Syriac version is also found in certain libraries, as the most learned Andreas Masius relates concerning his own library in the dedicatory letter on Joshua to King Philip.”

Jerome himself translated Judith from Chaldean, as Letter 3 testifies. Mordecai was the primary author of Esther. Concerning Wisdom, Ecclesiasticus, and Maccabees, I judge that the first two were written in Hebrew and afterward translated into Greek; they certainly could have existed in the time of the prophets. The author of Maccabees, as it seems to me, wrote in the vernacular language--that is, Greek--in which most Jews living in the kingdom of the Greeks were skilled. For we readily gather that more Jews were ignorant of Hebrew than of Greek from the fact that they changed their ancestral Hebrew into Syriac, and next from the fact that Josephus, learned among the Jews, was ignorant of that language. Finally, there were colonies of Jews throughout all Asia and Greece; therefore the Greek language was not unknown to the Jews after the Maccabean wars. Otherwise, by that argument the entire New Covenant would be overturned, for it is certain that it was written in Greek. But the Hebrew language was no less foreign while a Latin prince ruled than while a Greek prince ruled. Certainly it is established that the Greek language was commonly known everywhere even to the Jerusalemites, both from many other things and from the fact that Acts 22:2 says: “But when they heard that he was speaking to them in the Hebrew language, they kept the greater silence.” They therefore thought that he would deliver his address in Greek. Both they would have awaited this in vain after making silence and Paul would have attempted it in vain, unless the raging crowd had also understood Greek.

The third proof can stir up disturbances and overturn many other books. For Christ and the apostles did not use the authority of all the books of the Old Testament. They did not mention Obadiah and Zephaniah, while from others only a few things occur here and there in their writings, so that, if we rest upon this argument, we must erase two prophets from the canon. Behold with what arguments ancient truth is attacked by the Jubilarian Hercules.

Sharp’s second argument is much weaker, column 12: “The ancient Church of the Old Testament did not receive these books and nevertheless was not reproved by the apostles, although rejecting any part of canonical Scripture is the greatest crime. Finally, the whole Church would not have received all the canonical books, which is most absurd.”

I answer that what he pronounces concerning the Church applies to the Lutheran and Calvinist church. By Sharp's testimony, the Lutheran church is guilty of the greatest crime because it rejects part of canonical Scripture, and the first Zwinglian church is guilty of no lesser crime, since it exterminated the Apocalypse. As concerns the ancient Church: although they were not in the first canon of the Hebrews, nevertheless the Church of Christ receives them, as Saint Isidore and Augustine, book 18, chapter 26 of *The City of God*, admonish. They were not in the first canon of the Jews; they were relegated to the second and were not accepted by everyone; afterward, nevertheless, they were judged canonical by the Christian Church. For it can happen that a book is doubtful for some time and is afterward held as canonical, as was said concerning the Apocalypse in the Calvinist assembly.

The third argument: it is established neither by the testimony of an apostle or prophet nor by that of anyone who lived at the time when they were written that they are canonical; therefore they are in no manner canonical.

I answer that we possess testimonies of Hebrews who had them in the second canon. The first canon was made in Ezra's time; they could not be in it because they were later. They were afterward in the other, as it is permissible to gather from Josephus, book 2 of *Against Apion*. For he cites those words of Ecclesiasticus 42:14, **κρείσσων πονηρία ἀνδρὸς, ἢ ἀγαθοποιὸς γυνή**--"Better is the wickedness of a man than a woman who does good"--in this manner: **γυνὴ δὲ χείρων, φησὶν, ἀνδρός, εἰς τὰ πάντα, καὶ ἡ πονηρία αὐτῆς ὑπὲρ ἀγαθοποιὸν γυναικός**--"A woman, he says, is worse than a man in all things, and her wickedness surpasses the good-doing of a woman." But the book from which he cites these things he calls **νόμον**, law, so that it plainly appears that he refers Ecclesiasticus to the law. Junilius Firmus says that the books of Maccabees possessed the same authority among the Jews as Chronicles, Job, and Ezra; why, therefore, should they not hold the same place among us? But if testimony is needed, what sort do you possess concerning the Apocalypse? You will say that you possess many, but not those of everyone; we too affirm the same concerning these books. Concerning the difficulties

[Printed page 353]

which they object from individual parts, I refrain from answering, because they have been explained sufficiently and more than sufficiently by the interpreters, and otherwise all books could be attacked by the same reasoning.

§ 9. "In only TWO ways," says Sharp, "is a book known to be canonical: first, by the testimony of some prophet or apostle; second, by the testimony of those who lived at the time when it was published, to whom it could be established whether it was published by a prophet or apostle or not." He denies that it can be known in the first manner, because there are now no prophets or apostles.

I deny that the Calvinists can know it in the second manner, because the testimony of any other person whatsoever, although he lived at that time, is human testimony, as they always boast; but faith cannot rest upon human testimony. For by this argument they attack the authority of the Church. If they truly do so, they no longer possess any Scripture which they believe, for there is now no apostle or prophet, as the British Alcides, Sharp, acknowledges, and the testimony of all others, even of the whole Church, is fallible and uncertain. By arguing thus, therefore, they bring it about that while they praise Scripture, they at the same time abolish it.

CHAPTER XXIV

We Are Unjustly Accused of a Corrupt Version and Interpretation of the Divine Law

§ 1. A manifold dispute is raised against us in this place: our version is rejected, our interpretation is attacked, and liberty of prophesying--that is, of interpreting--is sought. To this pertain conflicting versions, vernacular readings, the interpretations of the unlearned, the easiness of Scripture, and adulterations of divine law and right.

The accusations are various and come from various persons. John Gisenius, in *The Remembrance of the Reformation*, thesis 14: "The authentic edition in the Old Testament is the Hebrew, and in the New the Greek"; and thesis 18: "Scripture is clear, perspicuous, and manifest in the doctrines which it is necessary to know for salvation." So also thesis 22; and thesis 20: "The interpretation of Scripture is not to be brought in from elsewhere, but must be derived from Scripture itself." Yet John Salmuth claims for himself the palm of malicious speaking in this part, page 10 and the following pages. He says that the book of the law was as it were lost, partly through contempt, partly through corruption, and partly through burning; that a bad Latin version of the Bible was preferred to the Hebrew and Greek; that the Bible is doubtful, has no certain meaning that can be had from it, and is called the book of heretics, the mother of all heresies, a dead letter, a waxen nose, a Lesbian rule; that the Pope is said to have greater authority than the Sacred Writings; that the decrees of the Pontiffs are preferred to Scripture in many ways; that in sermons Saint Thomas and others were cited more frequently than Scripture, and that Scripture was rarely explained; that Paul's Epistles were held to be fables; and that power to act contrary to them is asserted for the Pontiff. Balthasar Meisner of Wittenberg calls the festival of their jubilees the festival of the Bibles' discovery. Wolfgang Franz, in his sermon, approves Luther's hyperbolical calumny, in which Luther writes to Johann Sylvius that there was no preacher of his time who could expound even a single chapter of Scripture, and he asserted this under oath. The same Meisner, in his sermon for the second day, says that Scripture is called by us the black Gospel, ink theology, and the express word of the devil unless it is understood according to the meaning of the Church.

Indeed, Pareus formerly imposed the same things upon us in the prologue to Hosea 3, question 1, page 13, and now repeats them in his thesis. Erhard Lauterbach does the same in his preparatory sermon and in the second sermon, in which he says that there had been no public preaching, but only preaching in the hearts of the pious. But Catholics judge most rightly in this matter, sectarians most badly. I explain the matter in the following propositions.

First proposition. It is not enough to acknowledge the authority of Scripture; it is also necessary to possess a certain and known exemplar which is authentic. Otherwise it will have no authority among the ignorant. For no one doubts that the word of God is of the highest truth and the highest authority, but one must know that this very thing is the word of God--a true and authentic exemplar. This is beyond controversy.

Proposition 2. The authentic exemplar of the divine law was deposited in the ark; from it various exemplars were copied. Then, as the number of sacred books increased, the prophets' autograph exemplars were without doubt preserved publicly, and many copies were made; these, however, I do not think were placed in the ark.

Proposition 3. Some think that the Bible wholly perished in the war of Nebuchadnezzar; Bellarmine, book 2, chapter 1 of *On the Word of God*, and Serarius, prolegomena, chapter 12, question 1, refute them well. Ezra therefore established the order and perhaps, admonished by the Spirit of God, added certain small portions on account of chronology, such as those concerning the death of Joshua and of Samuel. Nor do we dispute concerning this controversy. This alone must be noted: Ezra changed the ancient characters of the Jews into Chaldean ones, for ancient shekels exhibit different characters.

Proposition 4. The Old Testament, if one excepts a few things in Chaldean, was written in Hebrew, and certain things in Greek; the New Testament was written in Greek, although others contend that Matthew's Gospel and certain other

things were written in Hebrew. But however that matter may stand, the Hebrew editions now in circulation do not possess authority.

Proposition 5. The ancient Hebrew text was not wholly corrupted by the malice or negligence of the Jews--neither before Christ's advent nor afterward. Not before it, because there was no cause, and they were not accused of that matter by Christ or the apostles. Next, since they were variously dispersed, they could not agree upon one error. Third, Christ himself refers the Jews to the Scriptures, cites them, and explains them: John 5:39; Luke 4:17; Matthew 2:47.

Saint Jerome indeed says in his letter to Augustine that he translated the Bible in order that he might bring forth those testimonies which had been omitted or corrupted by the Jews. But he means the Jewish translators who translated it into Greek: Aquila and Symmachus.

Proposition 6. Nothing has been maliciously changed by the Jews during the last one thousand one hundred years; for the Masoretes counted all the verses, words, and letters, so that none could be removed. Rabbi Saadia counted them thus:

Aleph 42,377 Beth 38,218 Gimel is found 29,537 Daleth 32,530 He 47,554 Vau 76,922 Zain 22,867 Chet 23,447 Tet 11,052 Iod 66,420 Caph 48,253

[Printed page 354]

Lamed 41,517 Mem 77,778 Nun is found 41,696 Samec 13,580 Ain 20,175 Phe 22,725 Tsade 21,822 Koph 22,972 Resch 22,148 Schin 32,148 Tau 59,343 Total 8,211,081.

Proposition 6. In Jerome's time the Hebrew text had not been maliciously corrupted. Thus he says on Isaiah 6: "If some say that after the advent of the Lord and Savior and the preaching of the apostles the Hebrew books were falsified, I shall not be able to restrain my laughter: as though the Savior and the apostles had brought forth testimonies in such a way as the Jews were afterward going to falsify them."

Proposition 7. Nevertheless, afterward they changed certain things in those exemplars in which they were able to do so. Examples are found in Bellarmine, book 2, chapter 2 of *On the Word of God*, and in Serarius, chapter 12, question 2. Broughton on Daniel 9, page 45; Hunnius against Bellarmine, book 2, chapter 2; and Junius on Psalm 22, chapter 2, book 2, confess the same. Nothing is more tasteless than this reading which the Jews now defend, **οὐδὲν ὑγιές**, nothing sound; scarcely a word is complete, nor is there sense. Let Serarius be read in the place cited.

Proposition 8. Therefore, as Serarius rightly teaches in question 12, chapter 2, proposition 7, the Hebrew text which is commonly seen in present-day exemplars, if it is considered mathematically or physically, must be said to be corrupted absolutely; morally, however, it must be said to be corrupted not wholly but in a certain respect: namely, with respect not to all exemplars but to certain ones, or with respect only to certain passages. The former part is evident because, both from the human weakness of either carelessness or someone's lack of skill, it contains certain errors, and from the wickedness of the Jews it contains some corruptions, as was shown. Now, when the integrity and due perfection of any whole is in question, that is certainly said to be absent both mathematically and physically if even one part is missing or is distorted and corrupted. The latter part is proved because, morally, that author or text does not seem to be wholly corrupted and lost which either is sincere and complete in certain exemplars, or whose true and genuine reading is noted in other books and preserved by the memory and judgment of the learned.

From this, therefore, it is apparent that the source which they boast to be most pure is not so--not only because through the negligence of scribes and human weakness it happened that errors occurred, but because malice revealed itself here and there.

Proposition 9. Bibles as they are now generally published, with vowel points, are not authentic exemplars, for since the points themselves did not exist at the beginning but were added afterward, they are not part of sacred Scripture. Most authors teach this, and Nicholas Serarius does so most learnedly in the prolegomena to the Bible, chapter 3,

question 5. Münster says that they were invented at Tiberias, the one in Paphlagonia. But Serarius reports more correctly that it was done at Tiberias in Palestine, about the five-hundredth year of the Lord; even the innovators agree with him. Zwingli, in his preface to the *Explanation upon Isaiah*, says: "The letters of the Hebrews lacked vowel signs, which their Rabbis, with little civility, both devised and foisted in. This is gathered not only from the fact that Saint Jerome made no mention at all of them, but also from the fact that their most ancient codices, although they now possess those signs, nevertheless did not once possess them, as is detected both from the difference of the ink and from their position." And a little afterward: "Therefore the reading of this kind was established by usage." His disciple Pellican says: "Great men think that the Hebrews formerly lacked the signs of vowels and diphthongs; and one may even now find authentic books of the Jews, of venerable antiquity, written with the characters of consonants alone, not of vowels." The Wittenberg and Tübingen defenders of Lutheran theology, in their book against Scherer, say: "At the beginning the Bible did not possess vowel points." And a little afterward: "If at the time when the Latin translation which we use was made the Bible had possessed points, the Latin translator could not have changed anything among the vowels. And therefore the points ought not to occasion any difficulty for anyone when true knowledge is sought in the books of the Old Testament."

The innovators, therefore, cannot appeal to pointed Bibles as authentic, since the points are the work of treacherous Jews. From these things I conclude thus: since the Hebrew text has been corrupted in certain things by human weakness, negligence, and wickedness; since half of it as it is read today does not pertain to the text but is an addition--namely, all the vowel points--one ought not to appeal to it as the purest and most inviolate source, nor to correct all other versions from it.

Proposition 10. Our Latin version is sincere and learned, partly from Saint Jerome as translator and partly from him as corrector. For all confess that he was most learned in the Hebrew, Greek, and Latin languages; Luther alone, in *Table Talk*, chapter 69, denies what the world concedes: *Wer Hieronymum für einen Hebreer schildt / der thut ihm gewalt und unrecht.* "He who calls Jerome a Hebraist does him an injustice." But Luther is not a competent witness in so great a matter, since in the same table conversations he admits himself ignorant of the Hebrew and Greek language: *Ich kan weder Griechisch noch Hebräisch*; and then: *Ich bin kein Hebreer nach der Grammatica, dan ich lass mich nicht anbinden / sondern ich gehe frey hindurch.* "I know neither Greek nor Hebrew," and so forth. "I am not a Hebraist according to grammar, for I do not allow myself to be bound, but pass through freely." Cochlaeus much more correctly reports concerning Rabbi Elijah: "While I was staying at Rome and employed Elijah the German as my teacher in such rudiments of Hebrew as I possessed, he told me that if someone were to give him payment for his labor, he wished, with my assistance--for he himself was ignorant of the Latin language--to defend Jerome's interpretation--which, as I read, I compared with his German interpretation from the Hebrew--against all its assailants, whether they were Jews or Christians, from the Hebrew in such a way that it could seem to be justly attacked by no one."

To the highest skill he added a diligence more than human, concerning which he himself testifies and appeals to all persons skilled in the Hebrew language: the letter to Sophronius; book 2, letter 6 of the earlier *Apology*; Letter 65 to Pammachius; Letter 4 to Rusticus. Erasmus, in the preface to volume 4, describes him thus:

"In the best kind of theology," he says, "Saint Jerome holds the first place--I speak of the Latins--and so holds the first place that he leaves all others far behind him. Indeed, we possess no one whom we could in any way compare with him, so that even learned Greece itself, among so innumerable theologians, scarcely possesses anyone who may equal our Jerome, if only you weigh not merely some one excellence but all his endowments together. In one man you will find so great a knowledge of secular letters, as they call them, so great a knowledge of all antiquity, so complete a knowledge of so many languages, so admirable an acquaintance with all places and histories, so uncommon an erudition in the mystical volumes, so great an inimitable eloquence, so exact a

[Printed page 355]

judgment indeed, so sacred an ardor of a divinely inspired breast, so well-arranged and ready a memory of such diverse matters, so felicitous and rich a mixture, and finally a severity seasoned with so great a charm, that, just as men eloquent in themselves, if compared with Cicero, immediately seem to become mute, so all the Doctors whom we admire without comparison, when compared with Jerome, scarcely seem to know, scarcely to speak, scarcely to live." And David Chytraeus in the *Onomasticon*: "Jerome, pleasing in Hebrew, Greek, and Latin eloquence alike, an exemplar of morals and teacher of the world."

Proposition 11. It received authority from the time of Saint Gregory the Great, until thereafter, by the approval of the Doctors alone, it began to be in use. Hugh of Saint Victor, question 9: "The Church of Christ throughout the whole Latin world established that this version alone was to be read and held in authority." But this was not in use immediately from the time of Gregory.

Proposition 12. The Council of Trent approved this version, but wished its edition to be as emended as possible. And rightly so, for it is most ancient, is from the best author, is praised by many, and was approved by the Churches even of old.

Proposition 13. That at last I may repel so many calumnies in one word, I freely affirm that our Latin version is approved in such a way that nevertheless their own authority remains to the Greek and Hebrew sources. Reader, accept the opinion of Nicholas Serarius, my teacher, which is in the prolegomena, chapter 9, questions 11 and 12, and is worthy of being read in more than one codex.

How Great an Authority Was Attributed by the Council of Trent to Our Vulgate Version

The quantity or greatness of the authority which is attributed by the Synod of Trent to our Vulgate edition can be considered in two ways: 1. Absolutely. 2. Comparatively. For that phrase in the preamble of the decree, "from all the Latin editions," signifies a comparison. And because the innovators press and demand this very strongly, it will be treated in the following little questions; for now, only the authority acquired for our edition without comparison will be treated.

§ 2. The authority which in that decree is attributed to our edition is contained within the class of version alone. To understand this, it must first be noted that a writing can be authentic and its version not authentic. Second, a version can be authentic and the writing not authentic. Third, both the writing and the version can be authentic. An example of the first class is found in so many heretical versions of the Bible. For the Bible is authentic; those men's versions are not. An example of the second class would exist if someone faithfully translated a false letter, or a pseudepigraphical and mendacious book--for example, Origen's books **περὶ ἀρχῶν**, *On First Principles*; or some papers and doctrines of Calvin or Luther, so that they might be examined in a Council. An example of the third class is found in the Bible and in our version of it. I say, however, that although both the Bible and our version of it are authentic, nevertheless in this decree the authority only of the version itself is sanctioned. First, because both the aim and the words of the decree show this. Second, because the authority of all the biblical books and parts had already been sanctioned by the earlier decree concerning the canonical Scriptures.

§ 3. How this authority of our version is to be understood is customarily explained in two ways. First, without limit and without any restriction. Second, definitely and restrictively. In the former manner the heretics of whom question 10 treats appear to understand and assail this decree; certain Catholics also sometimes appear to intimate this, such as Suárez in part 3, volume 1, question 7, disputation 21, and the declarations concerning session 4 of the Council of Trent recently printed at Frankfurt in this very year 1603. Many Catholics understand it in the latter manner.

For first, Driedo, book 2, chapter 1, frequently--as on folios 33 and 35, but especially in conclusion 3, folio 24--says that this edition is declared authentic not in every manner, but only in this: that, diligently collated, examined, and tested against the Scriptures in their source, it contains nothing deceitfully added or altered.

Second, Cano, book 2, chapter 13, conclusion 1, says that this edition must be retained in all those matters which concern faith and morals.

Third, Andrés de Vega, book 15, chapter 9, says that this version is authentic in such a way that the faithful may know certainly that no pernicious error can be derived from it, and that it can be read safely and without danger. And afterward: "The Synod wished it to be held authentic to this extent: that it should be certain to all that it is defiled by no error from which any pernicious dogma in faith and morals could be gathered."

Fourth, Andradius, book 4, follows Driedo on folios 254--256 and Vega on folio 257.

Fifth, Sixtus of Siena, at the end of book 8, although conceding that errors and slight defects are found in the Vulgate edition, nevertheless wishes it to be authentic, "because it is certain," he says, "that neither in the old nor in the new edition has anything ever been found which departed from the truth of the Christian faith; was false and mendacious or contrary to orthodox dogmas and rules; was added beyond the truth, changed contrary to the truth, or omitted to the prejudice of the truth; was so corrupted that it furnished occasion for pernicious error; supplied matter and fuel for heresies and depraved dogmas; or was translated so obscurely and ambiguously that it concealed the mysteries of our faith or failed to explain them sufficiently and as much as is enough for salvation." And again a little afterward he says that those slight defects are indeed in the edition, but without any detriment to faith and morals.

Sixth, Bellarmine, book 2, chapter 11: "The Church wished to make us certain that, especially in matters which pertain to faith and morals, there are no errors of translators in this version."

Seventh, Bellarmine's own opponent, book 2, chapter 0, page 537, explains the authority of this edition in such a way that it everywhere attains the meaning of the Holy Spirit so far as doctrine and morals are concerned. There is a similar restriction on page 542: "so far as the dogmas of faith and morals are concerned"; and on page 565: "Did Saint Jerome err in those things which the Church approved as authentic and which pertain to dogmas of faith and morals?"

Eighth, Father John Sacrobosco, cited by the same author on page 541: "When we say that we possess Scripture authentic in the Latin language, we wish to say nothing other than that our translation is the true word of God, complete and incorrupt, from which Christ's flock may be taught and questions concerning faith and morals may be defined without fear."

Ninth, Alfonso Salmerón, prolegomenon 3, in question 2 concerning the Vulgate edition: "The Council of Trent leaves liberty to all who meditate more profoundly upon the Scriptures," and so forth, "yet not so that they may condemn it as falsely interpreted, especially in matters concerning faith or good morals, or as containing an intolerable error."

Two propositions.

I. The authority attributed by the Council of Trent to the Vulgate version must not be understood without limit, but definitely, with certain qualifications. This is evident:

1. Because the aim of the council and the cause of the decree are best preserved with qualifications of this kind.

2. Because so many and such competent authors think thus.

3. Because through just qualifications of this kind, as though by a certain bridle and bit, the unbridled and immoderate insolence and abusive speech of the heretics against this decree are restrained.

4. Because the grave and trustworthy theologian Andrés de Vega, cited in the place indicated, solemnly affirms that he frequently heard from the president of the council himself, the Cardinal of the Holy Cross,

[Printed page 356]

that the council's intention was that qualifications of this kind should be understood. He wrote this while that cardinal was still living and could be questioned about the whole matter. Indeed, this is the very man who afterward, in the year 1555, between sessions 16 and 17 of Trent, was called to be Supreme Pontiff Marcellus II.

5. Andradius recalls the same matter in book 4, folio 257: "That most learned man, Brother Andrés de Vega," he says, "who participated with the greatest praise in the Council of Trent under Paul III," is confirmed by many.

6. Vega proves the same matter not by authority alone but also by reason. He says that this was the mind of the Synod and that it wished to establish nothing further; you can gather this from the words themselves and from other customary approvals of the council.

7. The heretics cannot deny that it is just for sound qualifications to be employed in explaining this authority, because they either do the same regarding the authority of their own versions, or, whether they wish it or not, ought to do it. For:

1. Whitaker, controversy 1, question 2, chapter 8, says: "Although some of our interpretations differ in certain passages, nevertheless they do so neither in many nor dangerously." Behold a qualification and limitation in these last words.

2. They confess that they do not yet possess versions which are perfect and in which nothing ought to be changed. For this reason, first, they frequently alter and correct the versions they possess, as was stated in chapter 18, question 1, and as is apparent in Beza's version of the New Testament, in Letter 80, page 348, and in the Genevan correction and edition of the Bible in 1588. Second, for this reason the Dutch are still considering and preparing new versions, as John Drusius testifies in the preface to the book *On the Tetragrammaton, the Name of God*; and the English likewise do so, as Hugh Broughton often related to me. He had been invited and almost drawn to that work by the studies and letters of many persons and even by royal rewards, so that he had already applied his hand to both Testaments, but especially to the New, and had interpolated very many things, as I myself saw in the English Bible of the London edition of the Old Testament in 1578. And Robert Gentilis, in the year 1605, says in a prefatory little letter to John Howson, in his father's previously cited little book *On the Latinity of the Old Version of the Bible Wrongly Accused*: "You are now engaged with others, by the king's command, in preparing the English version"--in the year 1605.

Indeed, the pastors and professors of the Church of Geneva, as they call themselves, write in the preface to the previously mentioned Genevan correction: "Versions are perfected little by little, so that at last one may be possessed"--therefore one is not yet possessed among them--"which, if it is not altogether perfect, a thing rather to be wished than hoped for"--behold, they despair of a perfect translation--"may nevertheless be at least so pure that those who are not endowed with that knowledge by which they can hear the Lord speaking with his own mouth--that is, in the Hebrew and Greek language--in the prophets and apostles may be able to rest upon that version, or to establish and confirm themselves in it. Thus whatever should still appear to be lacking would be noted with great care by diligent pastors as they teach their flocks."

There is added the fact that, as was stated in chapter 11, question 2, these innovators do not think that the word of God is authentically contained in the versions themselves. It is therefore necessary, for the sake of all their own people, that they variously qualify and restrict the authority of the versions which they either read or set before the people to be read. Thus they cannot blame us when we attach sound explanations and qualifications to our version.

II. The qualifications with which the authority of our version must be understood are principally four. Of these, the first pertains to the subject of this assertion, "The Latin version is authentic"; the remaining three pertain to the predicate.

1. That this version be emended, or rather most emended.

2. That it contain nothing opposed to truth, faith, and good morals.

3. Likewise, that it contain nothing which may furnish anyone a just occasion for any harmful or useless opinion whatsoever.

4. That it be good within the very class of version--that is, that it translate the original text and render its meaning.

The several points are proved.

I. From the preceding question 10. But I have now added "or rather most emended," because the superlative by which the Synod of Trent commands this edition to be printed--the adverb "most emendedly"--shows that it speaks of the edition itself insofar as it is most emended, namely by paronymy and by an argument from conjugates. Therefore Andradius, book 4, folio 257, after exposing the cunning and malice of Chemnitz, who enumerates many errors which he contends were imposed upon us as divine oracles by the Fathers of Trent, adds: "For he could not have failed to read that part of the decree in which the sacred Synod established that henceforth sacred Scripture, especially this very old and Vulgate edition, should be printed as emendedly as possible, in order to demonstrate that it approved only that Vulgate edition which had been purged from all errors with the greatest diligence." And on folio 257: "When we have received from the Apostolic See the old Vulgate Latin edition as emended as possible, we shall be free from all concern and doubt."

2. From the concordant explanation of the many theologians who have been cited, almost all of whom indeed fight against the heretics; and, as was said, from the very aim and words of the decree.

3. From the same source.

4. From the nature of the very matter treated here. For to approve any version is nothing other than to judge that it renders well what had been written in another language. Thus it can happen, and indeed frequently does happen, that a book or letter written in some language is authentic while its translation is not; and conversely that a book or letter is not authentic while its version is. Gregory of Valencia, book 8 of the *Analysis*, chapter 5, says: "That any version is authentic means nothing other in this place than that it conforms altogether in meaning to the original writing."

Now it is evident that this explanation must be joined to the preceding ones, because otherwise the Synod would scarcely attribute anything more to our Vulgate version than a sound and accurate censure customarily attributes to the books of those whom Catholics judge. From this explanation, moreover, just as from Gregory of Valencia in the passage cited, it follows that the Council here declares the authority of our version to be divine, for the reason, namely, which was explained in chapter 11, question 2. But I always say "well" and "good" in the positive degree, because comparison will be treated in the following questions, as I said at the end of the preceding question.

Besides the things objected in the preceding little question, one thing occurs which can be objected. Declarations of the Council of Trent were recently published at Frankfurt in this year 1608. At their beginning, concerning session 4, it is read thus: "Vega, book 15, chapter 9 of *On Justification*, who spoke so boldly concerning this, must be sharply reproved--"

But I answer: while revering, as is proper, the authority of declarations of this kind--whether they are judgments of judges, opinions of doctors, responses of wise men, or some other thing of this kind--it can be doubted whether they were published without corruption and error. For neither is the grammar sufficiently sound in the words immediately preceding, nor does Vega appear in that passage to affirm anything opposed to them. Next, the typesetters, the other workmen, and the master of these declarations were heretics. And in his own preface to the reader he intimates that something somewhere is corrupt, which he nevertheless ascribes to the intricate hand of the exemplar itself.

[Printed page 357]

I myself have seen the same declarations in manuscript, in which none of these things existed.

2. That declaration pertains to the words which precede the decree that we are treating, "with all their parts," and declares that the complete books of the Bible with all their parts are to be held sacred and canonical. For it adds: "Even

if it were only one period, one clause, one word, syllable, or iota which conflicted with the Vulgate Latin edition." But not only we, but Vega himself, willingly confesses this whole matter concerning the emended or most emended version.

§ 4. I brought forward the grave accusations above. Sharp rubs anew the old falsehoods in controversy 6.

Eck is cited as though he said that Scripture is not authentic except by the authority of the Church. Next, a certain Hermann is produced by Pareus, Sharp, and others as though he said that the Scriptures are of no greater force than Aesop's fables if the authority of the Church is absent. But Eck speaks of the Bible with respect to our knowledge; that Hermann is nowhere and never existed except in the brain of those who fashioned an enemy for themselves so that they might conquer him. And nevertheless a great part of the Jubilarians have covered their own inventions with this fable as though with snow. But so that they may perceive in this part also the true and stable faith of Catholics, I shall explain the matter in a few words.

First proposition. The authority of sacred Scripture is supreme: efficiently from God, and formally in itself on account of truth, which is the conformity of the utterance and the things, or of the sign and the things signified. In this matter the more cautious do not dissent from us, except that Calvin and certain others impute some false things and petty lies to it, as I taught a little above.

Second proposition. In order that any truth may be known and approved, it is not enough for it to be in itself **ἀξιόπιστον**, to possess firmness from itself and to be worthy of belief; it is also necessary that it be taught through competent witnesses and instruction. There are three persons in the Godhead; the world was created in six days; man fell; the world was overwhelmed by the flood. These things are certain, but in order that they may be believed, it is not enough for them to be certain in themselves; it is necessary that their certainty be explained to the ignorant and the doubtful.

These things must also be applied to the Bible itself. For just as I believe that Moses led the people out of Egypt and promulgated the law on Mount Sinai, so too I believe that he wrote those books which are called the books of Moses. For with the same faith I embrace the truth of the books and of the history. Yet this is not established sufficiently from the Bible itself, because history is not known from the nature of the matter, nor is a thing heard believed unless there is some reason which persuades us of its truth. Robert Rollock, Calvin, Pareus, and the fervor of the Jubilarians therefore err when they deny that there is need of anything else by which we may discern the Scriptures, just as we know the sun, discern darkness from light, white from black, and sweet flavors from bitter.

For if someone relates Mosaic history to an ignorant person or reads it to him, will he not still doubt the truth of the history and consequently the credibility of the book in which it is contained? The Calvinists rejected the Apocalypse; now they approve it. Were the former men therefore blind, or did they not distinguish the sun from darkness? And if in a matter **αὐτοπίστῳ**, by its own nature most known and most clear and the cause of that light which is in the Church and in the hearts of human beings, they erred, why do they still retain authority among those who err?

Third proposition. With respect to human beings, God first gave the authority of Scripture to the person to whom he revealed it, so that he might know certainly that he possessed those things from God. Next he made them known to the people and confirmed them by miracles. Hence the Church which then existed received them and handed them down to posterity--the Church, that is, the assembly governed by the Spirit of God. Hence comes that saying of Augustine, book *Against the Fundamental Epistle*, chapter 5: "Indeed, I would not believe the Gospel unless the authority of the Catholic Church moved me."

Fourth proposition. The authority of Scripture and of the Church is believed by us under this formal reason: because God revealed it. Besides that revelation there are motives of credibility which induce us so that it may be evident that the matter can prudently be believed. They are not, however, the reason of believing itself, but only motives, which can be proposed to someone concerning Scripture in such a way that he believes its authority although he does not

expressly think about the authority of the Church; nevertheless, the authority of the Church is implicitly believed even in this act.

Fifth proposition. The Church is not only a known object, or an object of faith believed, as it is in the Creed, "I believe the holy Catholic Church," but also one of the motives. It is indeed older and better known than Scripture, and therefore its authority possesses very great weight in believing the Scriptures. Yet it would not be necessary if there were other arguments by which the authority of the Bible could be proved perspicuously and without suspicion of falsehood. But this cannot be done. For how can not only the West Indians, ignorant of reading, but also the Japanese and Chinese immediately read through all the books of the Bible and know their authority? Indeed, how can those who cannot pronounce Hebrew and Greek learn those languages?

Sixth proposition. The authority of Scripture in itself is absolutely greater than that of the Church, because the whole of it and all its apices are from the Holy Spirit. But in the definitions of the Church only the judgment which is defined is believed to be from the Holy Spirit; the preceding disputations and arguments are not of faith, and even the words can be unnecessary and superfluous. Next, Scripture was handed down by holy and most wise prophets; without the labor of meditating, studying, or disputing, they wrote entirely by heavenly instruction and confirmed their writings by miracles. Finally, all and each of the things in the Scriptures are most certain, whether they treat generally of faith and morals or of individual things, past or future. But only those definitions of the Church are believed by faith which have been sufficiently proposed, are general, and concern faith or morals.

Seventh proposition. When, therefore, the authority of councils, the Supreme Pontiff, or, in one word, the Church is equated by some with Scripture, this is to be understood only of the truth of their decrees. Thus the words of Saint Gregory, book 1, Letter 24, must be understood: "As I venerate and confess that I receive the four books of the holy Gospel, so I venerate and receive the four Councils." Here the particle "as" is one of similarity, not equality, as Bellarmine and Serarius teach in the prolegomena, chapter 7, question 12. Nor ought anyone to be offended by this proposition, for Saint Athanasius rightly says in his letter to the African bishops: "The word of God, through the ecumenical Synod of Nicaea, remains forever." For the Holy Spirit assists his Church and governs it forever. Nor ought it to seem wonderful to any human being that the authority of the Church is constantly true and never fallacious, when we see that those who spurn it attribute wholly to their own authority

[Printed page 358]

what they took away from the Church. For they profess themselves to be certain by private impulse. If any unlearned person possesses such great certainty in his own judgment, why do they deny it to the Church, since God himself testifies that the word of the Church is the word of God and that those who contemn it reject God himself? Matthew 16:18 and 18:17; Luke 22:32.

Eighth proposition. In some respect, with regard to certain human beings, the authority of the Church is greater than that of Scripture. No one who has observed something similar in every sect will wonder at this. First, the Church proposes Scripture as something to be believed, expounds it, and proves its authority in whatever manner it can to catechumens. They believe the Church which proposes it, and its authority is more evident than that of Scripture, many parts of which they do not know. The Lutherans value their own church more highly--the church which rejects the Epistles to the Hebrews and of James. Indeed, this is altogether necessary for them, as is established from the things said before. For since most do not possess Hebrew and Greek exemplars, scarcely anyone has examined all things according to the original languages, and no one at all has read the **αὐτόγραφα**, the autographs, they believe their churches. The Lutherans say that their own Bible is rightly translated and condemn the Zurich Bible; the Calvinists, conversely, condemn the Lutheran Bible and believe their own. Thus each person so claims the sacred law for himself that he denies it to others.

CHAPTER XXV

Sectarians Cannot Possess the True Law of God

§ 1. Certain persons cause harm by loving too much; hypocrites do so much more by an excessive pretense of love. For our ministers, by daily shouting "the pure word of God" and "the pure sources of the Hebrew, Chaldean, and Greek language," have now come to this point: if the things which they say against us are true, they must be altogether without the Bible. My reasoning is this.

Whoever until now have read or heard no authentic Bible in their churches have not, according to their own judgment, possessed the word of God. For it belongs to the rationale or essence of the divine word to be **τὸ αὐθεντικὸν**; indeed, in order also to profit souls, it must be known and loved as authentic and as the word of most immutable truth. But until now no one in the evangelical churches has possessed an authentic Bible which, according to their doctrine, they could believe as authentic. Therefore they have not possessed the Bible; indeed, while their opinion remains, they cannot possess it.

The major proposition is granted by consensus; I prove the minor.

First, they possess neither the Hebrew, the Greek, the Latin, nor any version in another language; therefore they have never possessed any Scripture which they can acknowledge as authentic. They do not possess the Hebrew, because they have not seen the first original exemplar published by Moses and the other writers; they have received only copies transmitted to us through a long succession. They cannot know certainly that these were copied by a faithful hand and an unerring pen. For they cannot establish this certainly from Scripture itself, since this is **τὸ κρινόμενον**, the very thing judged and drawn into controversy: whether Scripture, which calls itself divine, is truly such, and whether this exemplar was written correctly. Accordingly, they must do the same with the law of God as is done with a prince's diploma.

Zwingli and others, to be sure, denied that the Apocalypse was divine. Those who repudiated the Apocalypse judged those words with which the prophecy begins--"The Apocalypse of Jesus Christ, which God gave him"--false and imposturous. Now they admit it, not because those words are placed at the head of the book, for they did not move the Calvinists and Luther, but for other causes--namely, so that they may speak evil of the Roman pontiff. But I am now speaking of the trustworthiness of notaries and copyists, and I ask by what argument they were led to persuade themselves that it was correctly copied. Not from Scripture, for nowhere does it testify that through two or three thousand years, amid the deceits and boastings of so many heresies, it came down to us unharmed and uncontaminated.

§ 2. Nor can this be known from a private impulse of the Spirit for the edification of the Church. The reason is manifest: although God can illuminate the mind and reveal his mysteries, nevertheless certainty concerning another person's mind is not sealed by a hidden impulse. For why should I believe those who thrust their enthusiasms and impulses upon me? I seek the word of God.

Nor does the attestation of the primitive Church pertain to the matter, because it is human and fallacious testimony, as they maintain, and it could not judge concerning the copyists who followed.

But if they have cut off from themselves every path by which they could reach certainty concerning the original Scripture, much less are they certain about any version; and indeed they themselves confess this. Above I cited Luther's words: *Ich kan weder Griechisch noch Hebräisch.* "I know neither Greek nor Hebrew." If he speaks truly, he taught without the word of God, for his disciples and the Calvinists say that only the Hebrew Scripture and the Greek are authentic. Thus Sharp in controversy 2 concerning Scripture, and Cameron in his little book against James Suárez,

page 12, professes that he is unwilling to stand by any version of the Bible, but only by the native languages--Hebrew for the Old Testament and Greek for the New. Rightly, however, do they trust no version, for there is none which they do not possess in a most defective form. Thus the king of England at the Hampton Court Conference declared "that some uniform translation of the Bible must altogether be published, because he had hitherto seen no good English one and judged the Genevan the worst of all; and he considered its notes added in the margin partial, false, seditious, and too strongly redolent of the contrivances of a dangerous and most perverse mind. It was to be published in such a way that, after the labor of the two universities and after the review of the bishops and the more learned clerics, it should be offered to the Privy Council, finally receive authority from the king, and the whole English Church be compelled to embrace that one version."

§ 3. Since, therefore, they can stand by no version as authentic, mutually object to one another that their versions are erroneous, and cannot all have recourse to the source, they are destitute of every aid. For how few are so skilled in Hebrew that they draw from the pure source with certain knowledge? The remaining crowd is given drink from muddy streams poisoned by various heresies.

I do not grant this to those who confess that they have translated the Bible from the Hebrew, a thing which Beza in the preface to the New Testament denies to be the work of one man. For although they seem learned to themselves, since they are not Hebrews by birth and use glosses, lexicons, and the interpretations of the Rabbis, unless they think that they cannot err in memory and judgment they are the vainest of all human beings. After nearly twenty years Luther confessed that Sanctes, Münster, and he himself had frequently erred because they had trusted too much in the glosses of the Rabbis. Münster says that very many verses were omitted in Sanctes, just as in

[Printed page 359]

Luther's revision. Luther revised his version several times; the Zurich theologians received it with mockery; and in the Mansfeld Confession the Osiandrians say that passages of Scripture were interpreted by Luther with great falsehood and deceit.

They are not certain concerning their own version--that it is a version of Scripture--unless with the most insane arrogance they resolve their faith ultimately into their most exact knowledge of four languages: Hebrew, Chaldean, Greek, and Latin.

Second, we can validly turn and retort upon the heretics the arguments which are invalid against the old edition. Let us therefore suppose someone from any religion who is in great part ignorant of the languages I have named, but desirous of salvation and zealous for truth. Let us offer him a German Bible so that he may learn truth from the word of God. If it is Luther's or the Zurich theologians', Sharp will say, in controversy 2 concerning sacred Scripture, calumny 7: "If this version is authentic, it is so either because of the translator Luther, because of the Church's approval, or because it agrees with the Hebrew text. Not for the first reason, because not even Luther thought it authentic. Nor because of the Church's approval, because approval cannot make a noncanonical thing canonical. Much less because it agrees with the Greek or Hebrew, because that man cannot judge this but must believe some Lutheran minister who perhaps is himself neither a Hebrew nor a Greek." But what if he believes Matthesius, who disciplines Luther's version with rods in a departing sermon and says, "Learn better"?

§ 4. Consequently, until now we have possessed no Bible except the Hebrew and Greek alone. Therefore, according to the sectarians, there has been no Lutheran or Zwinglian church. For let them show me one person who understood the Hebrew and Greek Bible and belonged to their religion. What, then, will you do with this man? Will you send him away to the grammar schools of the Greeks, Latins, and Hebrews? This would certainly be in vain. Nevertheless, there is no authentic Scripture if the Greek version of the Seventy and the Latin version are rejected, for the Hebrew was understood by almost no Christians except a very few. But our adversaries judge that Scripture alone--the Hebrew alone for the Old Testament and the Greek for the New--is to be used. Although it is authentic, this nevertheless cannot be established for those who have never seen Hebrew codices. "It is false," says Sharp. "The Greek Church possessed

the Old Testament authentically in the Greek language." Next he says: "The true Church ought to possess, and still possesses, men who understand these languages, although perhaps the Roman Church has none or few." I shall see to the Roman Church elsewhere; now I examine those words.

§ 5. Ought the true Church to possess persons skilled in the Greek and Hebrew language? If it does not possess them, will it be a true Church? If you affirm that it will not, what will become of so many of your churches over which square preachers, tailors, and others whom the Arminians so often name in Belgium preside? If you concede that there will be a Church without preachers skilled in Greek and Hebrew, you must also establish that it will exist without Scripture. Since Scripture alone is the word of God, it will be a Church of God without the word of God, which is most absurd. But let it possess the German or British word. This does nothing for your imaginations. No German or British Scripture is authentic; every word of God is authentic; therefore no German or British Scripture is the word of God.

They therefore necessarily take away all faith from the unlearned, who are compelled to believe so many things of which they cannot be certain: first, that the books were written by prophets; 2. that they were copied correctly; 3. that they were translated well; 4. that these things are taught clearly from Scripture; 5. that they possess such an impulse as does not deceive. Each of these contains very many things: namely, that the translators were most learned in languages and most diligent, that their copyists were most faithful, and that, although many erred, their own men nevertheless did not err in their version. By translating the Bible, therefore, they overturn it, and bring it about that nothing is believed sincerely and that curiosity and contention exist in place of faith.

Beza noted this on Acts 10, in the digression: "For the matter has now come to such a point that not only do those who devise something from their own talent recoil from the customary and familiar words of Scripture as though they were obscure, tasteless, and obsolete, but now those who translate Scripture from Greek into Latin or some other language think that anything whatsoever is permitted to them in interpreting. If you reprove them, you immediately hear that the office of a translator is discharged not by one who translates word for word but by one who expresses the meaning. Thus it happens that, while each person prefers freely to follow his own judgment rather than religiously to act as translator of the Holy Spirit, he does not so much translate as pervert very many things. Unless this lust and audacity are opposed, assuredly either I am greatly mistaken or within a few years we shall gradually be driven even from possession of the things themselves."

That lust is not opposed; rather, it is inflamed by glory, rewards, and infidelity. Therefore they have now been driven from possession of the things themselves.

From these things it is most manifest both that we possess a Church constituted by divine law and that they do not possess one.

Next, our state is most excellently constituted, since in it the supreme legislator is adored, his law is preserved, expounded, understood, and observed. These things concern the written law of God, from which comes the soundness and sanctity of all laws in the state.

§ 6. I have shown in various ways that the sectarians cannot defend the authority of the written divine law; now let us see what they wrote repeatedly in the year 1617. Sharp, column 6, enumerates four offices of the Church concerning Scripture. 1. It is a witness, guardian, and like a notary. 2. It is an avenger, because it discerns false writings from true, as a goldsmith discerns gold from copper, since it possesses the Spirit of God for this purpose. 3. It is a herald of Scripture. 4. It is an interpreter, but so that it interprets Scripture from Scripture, mixing in nothing of its own.

§ 7. He likewise gives four means of knowing Scripture. The first is the testimony of Scripture itself, or of God speaking in Scripture. The second is private impulse. The third is the substance of the doctrine, its quality, the form of teaching, events, miracles, Satan's fury against it, and the punishment of enemies. The fourth is the testimony of the Church. He says that this pertains to those who are outside the Church, but the former testimonies by no means do; the

faithful know the authority of Scripture more certainly from the former testimonies, but principally from the testimony of the Holy Spirit.

I settle the matter concerning the offices with one syllogism. According to Sharp, the Church is a fallacious guardian, witness, avenger, and herald; therefore it does not possess the Spirit of God for judging genuine and authentic books from false and supposititious ones, just as the first Calvinist church did not judge rightly concerning the Apocalypse when it denied that it was the voice of Christ the bridegroom. Those offices, therefore, have not been established rightly. Consequently, the Church affords nothing certain from these things.

The means which are proposed utterly overturn belief in the Scriptures among them. He says that the first is the testimony of Scripture itself--that is, of God speaking in the Scriptures--through which the first motions are excited in hearts. This testimony is not distinct from the second,

[Printed page 360]

that is, the testimony of the Spirit; or if it is distinct, it effects nothing.

For if it excites a motion of believing, it must necessarily effect this by testifying. I shall speak afterward concerning this testimony; because it contains more, I shall defer it to the last place. There is nothing certain in the third means. For first, "the substance of the doctrine," Sharp says, "contained in the Scriptures surpasses every earthly capacity," 1 Corinthians 2:14. Therefore the authority of Scripture cannot be proved from the substance, because it is not yet understood by catechumens; next, many parts of it are not understood by the very learned; third, certain things are unknown even to the most learned. Therefore the authority of Scripture cannot be known certainly from the things contained in Scripture unless all the things in it are understood accurately. For although certain truths are perspicuous, many hidden ones nevertheless remain which cannot prove it while they are unknown.

That manner, therefore, is most difficult, requires the longest time, and, as I certainly judge, is **τὸ ἀδύνατον**, impossible, at this time. For how will anyone so resolve the whole of Scripture--that is, all its **ἐναντιοφανῆ**, apparent contradictions--amid so many thousands of conflicting interpreters that he remains stuck in no matter? Yet this must be done if the authority of Scripture depends upon the things contained in it. For if someone says concerning the book of Heraclitus or of other **σκοτεινῶν**, obscure writers, "The things which I have understood are excellent; I think that those which I have not understood are excellent also," I readily permit it. But those who gather the authority of sacred Scripture from their perfect understanding of it cannot speak thus concerning sacred Scripture.

§ 8. Sharp adds a proof "from purity, because it contains nothing defective." I believe most truly that it contains nothing defective; but in order that I may establish its authority from this, it is necessary that I possess not only a most thorough understanding of all its parts and members but also compare all things with the Hebrew, Chaldean, and Greek exemplars--and indeed with diverse exemplars. For, to say nothing of this major premise, "Every book which contains nothing defective is divine," no one will persuade himself of this minor premise without immense knowledge: "This book contains nothing defective." For it must be proved by induction: neither this part nor that part contains defect. It must be proved from the things contained in it, but in this manner no one will be able to prove it except one who labors over it with supreme talent, the longest life, the most tranquil leisure, and adamantine labor.

I demonstrate this by the example which Sharp supplies to me. The Church proves and judges the Scriptures as a goldsmith does gold. But if a goldsmith must explore and test one hundred thousand gold coins contained in one vessel, from the very things contained in the vessel, without employing another's testimony, he must surely rub each one upon a Lydian stone. For he will not know that no gold coin is adulterated until he has perceived the **δοκίμια**, assays, of each.

This, I say, is necessary if it must be known from the things contained in the vessel that no gold coin is defective. Accordingly, those who preach these things lead even the most learned human beings to despair; they themselves believe nothing in the Scriptures and permit others to believe nothing. I am not ignorant that, from the fact that nothing

defective is shown in Scripture, it becomes credible that it is divine. But most persons, led by the testimony of the Church, judge that "nothing of this kind is shown" to be so; they do not place the foundation of faith in experience.

But Scripture carries one into admiration. So it does; but certain other things also carry one away when they are spoken gravely, simply, well, and truly.

He also affirms that the consonance of the things which are in the Scriptures is a means, but no one knows that consonance from his own experience unless he compares all things with all. Miracles, punishments, and the wrath of enemies against Scripture make it credible; they cannot make the sectarians most certain, because many Scriptures lack miracles and were not sanctioned by punishments of enemies.

But, these things at last being omitted, in which not even they place much protection, let us attack the citadel of all heresies and their hiding place. It is each person's private impulse, which brings it about that each knows which Scripture is canonical and which is not, just as if you received or annulled the law of a prince by your own spirit.

But when this is established as the chief point of the matter, despair is cast into miserable souls and Scripture is overturned. For first, how does an unlearned person learn by his own impulse that this Scripture was well translated from Hebrew into French, when he has never seen Hebrew? Next, if that impulse suffices, what need is there of other criteria and arguments? Third, those who employ those impulses cannot even teach, for that impulse lies hidden in the inmost breast and does not come to the knowledge of others. Fourth, it differs: Castellio rejects the Song of Songs, others reject other books, each according as enthusiasm has granted. Fifth, impulse contains a circle: "Why do you believe Scripture? Because the Spirit testifies that it is true. How do you know that this is a true testimony? Because Scripture asserts it thus." Sixth, it is blasphemy to prove the authority of the divine word from one's own impulse in such a way that one ultimately resolves all things into one's own judgment. For this reasoning supplied an opportunity and pretext to all heresies. Sharp also acknowledges that not all churches which possess the Spirit of God agree concerning Scripture.

Finally, by disputing they at last unwillingly slip down into our opinion and understand under the name of Scripture even unwritten doctrine. For Sharp, lest he be compelled to acknowledge that the Church is older than Scripture, since it is manifestly established that the first Church was content with tradition alone, writes thus in column 63: "In the prosyllogism there is a deception of homonymy in the name 'Scripture.' For the name 'Scripture' is sometimes taken for the substance of Scripture and the thing written--that is, the word of God--and then it is nothing other than **doctrina ἄγραφος**, unwritten doctrine; at another time it is taken for the accident of this doctrine, namely its writing and inscription in books. In the first sense Scripture is older than the Church, and thus the proposition is false. For Scripture, or the word of God, is the foundation of the Church, Ephesians 2:20. But a foundation is older than the building. Thus Scripture is the seed of the Church, Matthew 13:1; 1 Peter 1:23. But seed is older than that offspring of which it is the seed. Finally, this same word which is now written was then unwritten."

Here he openly calls the unwritten word of God "Scripture." When it was afterward written, it was not at once written in its entirety; nevertheless, it could have been retained unwritten by many. But there will be mention of this matter when traditions are treated.

CHAPTER XXVI

The Written Divine Law Is Truly Difficult

§ 1. The sectarians are accustomed to teach that Scripture is most clear. Jacob Gualterius, in the *Chronographic Tables*,

[Printed page 361]

century 1, chapter 4, reports that John Faye, minister of Aubenas, said in a sermon: “There is no craftsman who, provided that he knows how to read, does not understand the Gospel.” Jacob Martini, in the jubilee theses, thesis 91: “Refrain, therefore, you pontificians, and especially you Jesuits, from your most foul cuckooing, by which you not only cry out that the sacred Scriptures are obscure, difficult, and intricate, but also calumniate them as so ambiguous and tortuous that, flexible like a waxen nose, they furnish no certain, constant, and unmoved meaning; indeed, you blaspheme them as the hiding place of many errors, and those most grave.”

And thesis 92: “Admit the laity also to the reading of the sacred writings. Why do I say ‘admit’? Since they have not only been admitted by the Lord himself, but also invited to it and bound by certain commands, so that they cannot be kept from it except with the greatest sacrilege.”

It would be superfluous to enumerate the others. Of those who composed or assisted the jubilees in this year, Pareus and Sharp alone thought otherwise. In this year Pareus published his final work of abuse on the Apocalypse, for he called it his supreme sacred **χαριστήριον**, thank-offering. In it he acknowledges that the Apocalypse is difficult, first in the admonition: “That he leaves it to his sons as their private possession, especially because he perceived that he had not yet attained the height of its mysteries, and that he would not satisfy others when they had not satisfied him in many things; that he had sought out the judgments of interpreters more exactly.” He also asks pardon for things not investigated. He follows Clémanges, a man of suspect faith, falsely represented by the most suspect Luther. He treats obscurity in chapter 3 of the prolegomena. “Writing concerning the obscurity of the Apocalypse, Augustine says: ‘In this book, whose name is Apocalypse, many obscure things are said so that the reader’s mind may be exercised; and there are a few things in it from whose manifestation the rest may be investigated with labor, especially because it repeats the same things in many ways so as to appear to say different things, although upon investigation it is found to say these same things in different manners.’”

And Jerome: “In the Apocalypse a book sealed with seven seals is shown. If you give it to a man who knows letters so that he may read it, he will answer you: ‘I cannot; it is sealed.’” And afterward: “The Apocalypse of John has as many mysteries as words. I have said too little for the merit of the volume; all praise is inferior. Multiple meanings lie hidden in the individual words.”

It is certainly so. For both in all the rest of sacred Scripture and particularly in this one, the acuteness of the human mind, unless illuminated by the rays of the divine Spirit, is more blind in understanding it sufficiently than the eyes of owls are blind before the midday light. The causes of this obscurity, however, are not obscure.

First, the whole book is prophetic concerning future things. “Write,” says the angel, “the things which you have seen, the things which are, and the things which are to come.” Future things as future, because they do not yet exist in any sense, are either altogether unknown or, if foreknown, are conceived not so much by understanding as by hope.

Add that these future things are not announced in open words, nor defined by indications of times, places, and persons, but are revealed to Saint John to be written in direct enigmas of visions. There are indeed in the Scriptures many open visions presented to the eyes of the mind or body: how King Belshazzar saw a hand writing on the wall; Elisha saw fiery chariots around him; Moses saw the burning bush before him; Peter saw a sheet containing four-footed animals

let down to the earth; Paul saw the Lord standing above him at night, and so forth. These lacked great difficulty. But there are other visions more direct, when images signifying some mystery are read to have been presented to the minds of sleeping or waking persons. Unless their mysteries were revealed, they would possess an obscurity incapable of being investigated by human inquiry. Of this kind were the dreams presented to Pharaoh and Nebuchadnezzar, and likewise the visions of Ezekiel, Daniel, and Zechariah, to which we rightly refer the apocalyptic visions. God, by a singular benefit, not only revealed the mysteries of those dreams to the dreamers but also willed them to be written for the understanding of all. But although he also disclosed the mysteries of the visions to his servants the prophets, he nevertheless left them hidden from all others--evidently so that profane human beings would always disdain matters so obscure, while the pious would be excited all the more by the very obscurity to investigate the divine mysteries.

And on page 18: "Although we can penetrate the understanding of all the mysteries of this book only with difficulty and scarcely at all, the difficulty ought not nevertheless to deter us from investigation."

§ 2. Next, in chapter 4, when he treats of interpreters, he concludes that the Apocalypse has been understood by no one. His words on page 21 are: "Among our own men in the century just elapsed, no fewer theologians illustrious in learning applied their hand to this book. Yet in my judgment Henry Bullinger, the ecclesiastic of Zurich, surpassed them all; nearly following him were others: David Chytraeus, Alfonso Conrado of Mantua, Francis Lambert, Sebastian Meyer, Nicholas Collado, John Foxe, Benedict Aretius, Matthias Flacius Illyricus, Augustine Marlorat, Peter Artopoeus, Francis Junius, and Daniel Tossanus. And recently, in the new century: John Napier the Scot, Thomas Brightman the Englishman, Raphael Eglinus of Zürich, Conrad Graser the Frank, John Piscator, Matthias Hoë, Matthew Cottière the Frenchman, and others unknown to me.

"But to what end, you ask, so many of these? Evidently so that I may show what I undertook to show: that nothing of the authority of this book is diminished because it was objected that certain more distinguished theologians abstained from interpreting it.

"It would be too long to explain the manner of interpretation which each of them followed, and whether so many accomplished what they wished and ought to have accomplished; it would also be foreign to the present undertaking. Perhaps someone could affirm this one thing without injury to them all: that what Mark the Evangelist wrote concerning the woman in the Gospel subject to a flow of blood happened to this book--she suffered many things from physicians and was helped not at all but rather became worse; perhaps not so much through the physicians' lack of skill as through the obstinacy of an incurable evil, whose cure indeed was reserved for the illustration of Christ's glory.

"For while so many, each following the power and rationale of his own talent, brought forward such various things concerning these enigmatic visions--pious conjectures indeed, as I judge, but generally agreeing little with one another or corresponding little to the aim and mind of the Spirit--it happened that accumulated commentaries upon this book are extant, not one of which fails to promise a new light. Its obscurity, however, not only has been little diminished but in some places has been enveloped in denser darkness. For some accommodate the enigmas of Revelation to the history of the ancient people; others apply them in different ways to the continuous course of the new Church; others, searching in each particular as though for gold beneath every stone, as the saying is, fashioned mystical senses for themselves; others converted everything into tropologies and moral allegories; others, as though from the cave of Apollo, attempted by divinatory investigation to draw from it foreknowledge of future things even beyond what it is lawful for human beings to know. In so great a number you will scarcely see two or three agree--a thing commonly said of chronologists. This confusion surely indicates that the difficulty of the book has not yet been exhausted by so great a variety of interpreters, but rather increased and entangled--not so much through the culpable ignorance of the interpreters as through the unsearchable

[Printed page 362]

wisdom of the prophecy, whose full revelation has without doubt been reserved for the manifestation of Christ himself, the heavenly judge."

These things are said by the man who otherwise, in earlier writings, vauntingly proclaimed the facility and perspicuity of Scripture. Sharp also brought forward eight causes of difficulty in controversy 7, column 72: "We concede, however, that many things in Scripture are obscure with respect to us, because God wished this to occur for the following causes. First, so that he might excite us to diligent reading, meditation, searching, and comparison of Scripture, and lest we be sluggish in searching the mysteries of our salvation. 2. So that we may be assiduous in prayers, seeking God's aid and the light of the Holy Spirit for understanding them. 3. So that he might remove weariness from us, because we more frequently weary of easy things. 4. So that truth may be held by us at a greater price, since **τὰ καλὰ χαλεπά**, noble things are difficult. 5. So that he might tame our arrogance and convict our ignorance, since we sometimes glory and triumph greatly concerning our knowledge and our very selves. 6. So that the holy mysteries might be so many gems for the holy and not be prostituted indiscriminately to swine. 7. So that he might accustom us to a certain inward holiness of thoughts; for those who bring impure minds to the reading of Scripture lose their oil and labor."

§ 3. If the opinion of these **προμάχων**, champions among the Jubilarians, is upheld, the vote of the others, as though they merely went on foot, will be contemned, and their grandiloquence and trappings will fall before the people. For Sharp at last returns to the question whether Scripture is so perspicuous that the people can read it usefully and controversies can be decided from it. The same Sharp confesses that the things necessary for salvation are clear and that very many things not necessary are obscure. The same man in column 71 says: "The cause why certain things appear obscure to us is that we are not content with the things proposed in the Scriptures, but investigate certain things more curiously than is proper." But I shall also explain this part in a few words.

First proposition. Sacred Scripture is most clear in many things and does not need exposition if it is considered absolutely and cursorily; in others it is most obscure, in whatever manner it is weighed. Its perspicuity is plain, as when it is said: "You will conceive in the womb and bear a son." If you consider it cursorily, the meaning is clear; if you begin to dispute, you will entangle yourself in great difficulties. Concerning this difficulty of easy passages Luther says in *Table Talk*, chapter 1, folio 2: "In the Scriptures we scarcely know the A, B, C, and not yet rightly." Folio 3: "The word of God is unsearchable; to search even a single word of sacred Scripture and draw it forth from the depth is altogether **ἀδύνατον**, impossible. I deny that the learned and theologians can do it, even if they wish it most greatly. For because they are words of the Holy Spirit, Christians newly born in Christ possess only first fruits, not tithes. I have sometimes wished to meditate upon the Decalogue, and when I considered those first words, 'I am the Lord your God,' I began to hesitate over that first pronoun, 'I'; and I cannot yet rightly understand this 'I.'"

But concerning Scripture universally, on 16 February 1546, as Aurifaber reports, he wrote those things which stop the mouths of all preachers:

1. "No one can understand Virgil in the *Eclogues* unless he has been a shepherd for five years.

2. "No one can understand Virgil in the *Georgics* unless he has been a farmer for five years.

3. "No one understands Cicero completely in the *Letters*--so I declare--unless he has been engaged for twenty years in some distinguished state.

4. "Let no one suppose that he has sufficiently tasted the sacred Scriptures unless for a hundred years he has governed churches with the prophets, such as Elijah and Elisha, John the Baptist, and the apostles.

> Attempt not this divine Aeneid;
>
> But bowed down, adore its footprints."

Scripture is therefore difficult.

Second proposition. Scripture, even in those things which are necessary for salvation, both needs interpretation and is obscure in many things. I do not speak of obscurity which exists by nature, but of that which pertains to us, for something is said to be obscure to someone not absolutely but comparatively. There is no need of proof. The whole world, even that part of the world which glories in the perspicuity and understanding of Scripture, experiences it as difficult. Therefore all draw it into such various senses, and from it so many heresies are forged--not through a defect of Scripture, but through the ignorance and malice of human beings. For, with a very few exceptions, all heresiarchs have been accustomed to cloak their errors in the words of Scripture. Those who glory in their understanding of its clarity strike against the articles of faith, against the foundation, and overturn Scripture. Accordingly, the wretched people are ensnared in endless polemics when no certain form of exposition is handed down, and when there are such contrary senses concerning the meaning of Scripture, whose words all sound forth: senses concerning the person of Christ, concerning God, justice, the sacraments, and election, all of which are necessary for salvation.

Next, in the Church there is the gift of interpretation and the office of teaching in schools and the church, not only for expounding abstruse questions which are not necessary for salvation, but especially for those which are required for salvation. Thus Sibrandus, book 4 of *On the Principles of Christian Dogmas*; the disputants at Regensburg and others acknowledge that these offices are necessary.

Third, a thing concerning which there are the greatest and most pernicious controversies, even among learned human beings, is not by its nature most clear in its own light. But concerning the meaning of Scripture, which contains dogmas of faith necessary for salvation, there are almost as many controversies as heads. Therefore that meaning is not by nature most clear. Indeed, this one matter weakens the authority of the sacred writings among most people, for when they seek not the words but the true and genuine meaning of the sacred writings, they fall into conflicting opinions and can obtain the authentic meaning by no reasoning. For all sectarians, without exception, flee to this: they say that they are certain concerning the meaning from private impulse. If that impulse were one and concordant in all, perhaps they would persuade; but now, since it is most diverse, it cannot happen that all except one do not err and deceive.

They object: “The word is neither hidden nor remote from us, but is in our mouth and heart,” Romans 10:8. “It is a lamp to the feet,” Psalm 118, and so forth; “a shining lamp,” 2 Peter 1:19. It is clear, not hidden, 2 Corinthians 4:2. We are commanded to search it, John 5:39 and elsewhere. The Fathers use the Scriptures; the primitive Church understood them without commentaries. If the Holy Spirit wrote obscurely, he wrote in vain.

Indeed, the faithful understand all things necessary for salvation, John 10:17. These things are scattered through the jubilees, and Sharp gathered them into one in column 74. But the error common to all sectarians is that they understand Scripture simply and without the sense of the Church and the interpretation of the Doctors. The word of God is not hidden because certain parts of it need no exposition, while others are explained to us by the Church, so that if one wishes to learn, it is not hidden. It is a lamp, but

[Printed page 363]

when it is lit--that is, when it diffuses the rays of the true meaning. We are commanded to search the Scriptures because their profundity is not everywhere obvious. The Fathers use the Scriptures to establish sacred dogmas, and they expound them or set them forth as explained by more ancient persons. Did the primitive Church understand the Scriptures without exposition? Indeed, not even the apostles, already faithful and familiar with Christ, did so; for Christ expounded them to them. So far were they from understanding that they did not know that Christ had to suffer and so enter into his glory, Luke 24:25.

Next, when the apostles expounded the Scriptures and refuted the Jews, did they not expound the faith and those things which were necessary for salvation? And Apollos, Acts 18:24, was mighty in the Scriptures, but was taught the way of the Lord more diligently by Aquila and Priscilla. Nor did he understand all things by himself, but learned from others that there was another baptism besides John’s baptism, which was given in water alone. But if the primitive Church

understood the Scriptures without an interpreter, and the Church which followed afterward did so as well, there was no need of so many interpreters--indeed, there would not be even now--although the whole world today groans beneath the commentaries of the innovators. Concerning the single article of justification there are twenty conflicting opinions, and Sharp resolves this by nothing other than a manifest lie when he says: “Among the Reformed there is great agreement concerning this article, as concerning the others.”

From these things I conclude that the true meaning of Scripture must be sought from Scripture and from the true interpretation of the Church. Certainly it was thus formerly in the Israelite Church. For since the ancient Hebrews wrote without vowel points, they learned from their teachers with great labor the method of reading and of understanding the things which depended upon it. A perpetual tradition therefore accompanied Scripture, in which pronunciation and the substitution of vowels were contained. Accordingly, just as no point was to be supplied unless it agreed with the mind of the Holy Spirit, so now no interpretation is to be admitted unless it is from him.

§ 4. Finally, no end of controversies and no concord can ever be hoped for when interpretation is relegated to each person’s private spirit. For how will enemies be convinced or the doubtful instructed if nothing other is cried out from the chairs than certainty concerning the meaning of Scripture from a private impulse of the Holy Spirit?

CHAPTER XXVII

Reading the Divine Law Is Not Prohibited by Us

§ 1. Nearly all who make mention of the Bible in their jubilees have this one complaint. One of the cruder stentors relates that Luther was accustomed to read the Bible but was prohibited by the brothers and sent to clean bedrooms and upper chambers with brooms. Chemnitz long ago preceded all the others in his *Examination of the Council of Trent*, session 4, when he said that we persecute vernacular editions with iron and flame. Several sermons dwell most odiously upon this one matter. But I ask that the reader, setting accusations aside for a little while, deign to give ears and mind to the truth.

First proposition. It is not commanded to all persons that they privately read the sacred Scriptures translated into the German or another language. The reason is manifest, because such a law is found nowhere in sacred Scripture, canon law, or civil law. Next, among all nations the greatest part of the faithful has hitherto not known how to read; and although many in the more cultivated towns now learn letters, the crowd in the country, which is the greatest, is for the most part ignorant of reading and writing. Therefore there is no law which commands reading, since there is none which commands the knowledge of letters. And certainly, if there were one which commanded that knowledge to the people generally, I would judge that it should immediately be abolished. For there is now so great an abundance of scurrilous, frivolous, abusive, lustful, and magical books that it is preferable not to know letters than to fall upon writings so pestilential.

Third, it was not the custom of the Church for the Scriptures to be read in the vernacular language; therefore no law concerning that matter was divinely enacted. For although from Moses to the Babylonian captivity, while the Hebrew language remained intact, the Bible could be read by all the Jews, nevertheless a most particular instruction and tradition was necessary on account of the vowel points. From this it is apparent that reading was customary among few and that great practice was necessary even for those to whom the Bible was vernacular. After the captivity the Jews had passed into the language of the Chaldeans just as into their dominion. The remnants which afterward returned to their homeland mixed this language with Syrian, and it could in no way be brought about that ancient Hebrew was vernacular.

Nevertheless, a certain translation into the Chaldean language was made by Onkelos, whom some think to be Aquila, who likewise translated into Greek; Serarius treats of him in the prolegomena, chapter 14, question 4. If he was Aquila, he therefore lived in the time of Hadrian. If he was more ancient, the Church nevertheless could not use his version, since he acted as a paraphrast, omitted many things, and perverted many things, so that this paraphrase can in no manner be called the word of God. All the monuments of the ancients show that Aquila was a heretic, but I cannot be induced to believe that Onkelos and Aquila were the same person, for in the more obscure passages of Scripture those two versions differ exceedingly. The Targum of Onkelos and the fragments of the Greek version cited from Aquila do not appear to have been the work of a cautious man who would bring forward most diverse interpretations when, with less labor, he could have prepared authority for himself by agreeing with himself. The former wrote the Pentateuch. About the birth of our Lord Jonathan translated the Former and Latter Prophets. Afterward, in the year of the Lord 400, Joseph the Blind translated the Hagiographa. That there was nothing sincere in these is taught both from the fact that the latter two were unbelievers--and perhaps Onkelos also--and especially because there is no chapter in which they do not depart from the original and mix in dreams and trifles. Accordingly, from the Babylonian captivity until Christ, the Church possessed no vernacular Scripture; nor was Ezra, Nehemiah, Malachi, Zechariah, Haggai, Onias, the Maccabees, and other most holy men concerned to translate it. Therefore they possessed no command.

§ 2. Nor in the times of the apostolic Church and those which followed did any churches except a few--that is, the Greek and Latin--possess versions in their native languages; neither the apostles nor their successors translated the

Bible into various languages. There were multiple Greek versions. The first was before the monarchy of the Greeks. The second, at the beginning of that monarchy. The third, that of the Seventy interpreters. The fourth, the Herodian. The fifth, Aquila's. The sixth, Symmachus's. The seventh, Theodotion's. The eighth, the Jericho version. The ninth, the Nicopolitan. The Origenian,

[Printed page 364]

Lucianic, and Hesychian are also named, but they received their names from the correction of errors which had crept into the version of the Seventy interpreters and ought not to be called new versions. The tenth, therefore, is derived from Jerome's, for the Greeks translated the Bible from Saint Jerome's Latin version into their own language.

But the peoples to whom the Gospel was preached were of various languages. Acts 2:7 and following: "All were astonished and wondered, saying: 'Behold, are not all these who speak Galileans? And how have we each heard our own language in which we were born? Parthians and Medes and Elamites and those who inhabit Mesopotamia, Judaea and Cappadocia, Pontus and Asia, Phrygia and Pamphylia, Egypt and the parts of Libya which are around Cyrene, and Roman visitors, Jews also and proselytes, Cretans and Arabs--we have heard them speaking in our languages the great things of God.' But all were astonished and wondered, saying to one another, 'What does this mean?' But others, mocking, said: 'These men are full of new wine.'" If anyone says that all those peoples knew Greek or Latin, he does nothing other than become insane with reason.

§ 3. Second proposition. Hence it is also established that neither a version nor that reading was necessary. For why would the Church of the Jews for so many centuries and afterward that of the apostles neglect a matter so necessary? Why would they not do what all the innovators have done and translate the Scriptures into all languages, a thing most easy at that time, since all the apostles and many others spoke in various languages? Therefore, when they reprove us for the omission of vernacular versions and odiously exaggerate the fact that not all read the Bible, do they not under our name speak evil of the apostles, who neglected a translation of the Bible so easy to make and which they could have made authentic in each language by placing their own names before it? But the apostles judged that sufficient provision had been made for the churches if they instructed each nation and left teachers and bishops who would explain the faith and Scripture to them.

§ 4. Third proposition. To translate the Bible into the vernacular language for a good end, and to read it, is at times good and is absolutely prohibited by no law. For no law of this kind exists, and it was permitted in the Church to use versions and by reading them to incite minds to piety.

Whitaker teaches that this is the opinion of Catholics, controversy 1, question, chapter 13: "The first opinion," he says, "is that of those who deny altogether that the Scriptures ought to be translated into vernacular languages. The second and contrary opinion is that of those who establish that sacred Scripture must altogether be translated into all the common languages of peoples. The third is that of those who neither condemn vernacular versions of Scripture absolutely nor permit them absolutely, but in this matter wish a certain exception and account of times, places, and persons to be maintained."

The last opinion is the position of the papists and the decree of Trent. Next, the Council of Oxford established against Wycliffe that the editions of Wycliffe or others should not be read unless approved by the diocesan bishop; therefore there was no question then concerning approved editions. Next, many read them usefully, as formerly among the Hebrews when they were vernacular. Third, the Fathers frequently exhort persons to read the Scriptures, as my teacher Serarius shows in the prolegomena, chapter 20, question 3.

§ 5. Fourth proposition. Although, therefore, the translation and reading of the Bible are not absolutely forbidden, it can nevertheless happen that they are useless or even harmful.

First, on account of versions which are not good, or certainly are not of tested goodness. Thus I showed above that the most serene James, king of Great Britain, approves no edition; that the Genevan Bible is the worst; and that its notes

are false, seditious, and too strongly redolent of the dangerous and most perverse contrivances of a mind. But since it is better not to read the Bible than, under the name of the Bible and of the word of God, to read the word of the devil, who does not see that a reading which does not edify but destroys is harmful? And certainly there are now many versions: Italian, Spanish, French, the Genevan and another by Castellio, the Zurich, Belgian, English, and Lutheran; most are various, as their editions are various. There are also Bibles published at Hamburg in various languages, even in Saxon and Slavonic. There are Bibles of Eber, Neander, Caspar Carolus, and a Hungarian Bible. The Calvinists condemn all Bibles made by Lutherans and receive them with mockery, as is established from Stoltz in his defense of Luther. The Osiandrians and Bucer judge the same. The Lutherans establish the same concerning the Calvinist versions, and the most serene king of Great Britain concerning all. Therefore they do not read the true word of God, or certainly cannot be certain that they read it. For how, I address you, rustic Lutheran, were you certain by faith that Luther's Bible is authentic when all Catholics, Calvinists, Anabaptists, and Osiandrians protested, when Matthesius chastised it, and Luther himself acknowledged errors?

Second, reading the Bible is harmful to very many who at this time are not Catholics, because when they judge it most easy they immediately undertake to interpret it, lest they become objects of ridicule if they deny that they understand a most evident matter. Luther said in his book *On the Bondage of the Will* that there is no difficulty in the sacred writings and that no passage can be brought forward to him which he himself cannot easily interpret. Therefore they judge that they can understand what they suppose to be open and clear, and consequently they interpret it. But an ignorant person who supposes a difficult matter easy falls into paradoxes and ridiculous opinions.

Third, reading the Bible also inflicts injury upon many when it raises them into pride and causes them to disdain being taught, on which occasion they necessarily fall into heresies. Luther himself experienced this, for he says that the Anabaptists and Sacramentarians, if they have read even one book, think that they know all things, *Table Talk* 1, folio 5. And next: "Luther once said that the nobility, citizens, peasants, and almost persons of every highest and lowest condition knew the Gospel better than Doctor Luther himself knew it, or even Saint Paul himself, as at least they appeared to themselves; for they considered themselves to be wise and more learned than all parish priests." He adds that they contemned not the parish priests but the Lord. Such also were the Hussites, as Cochlaeus recalls in books 1 and 4 of the history; such were the Wycliffites, as Waldensis states in book 2, chapters 70 and 73; such were the people of Orlamünde in Luther's time. This appears to be the reason why Luther, in the history which occurred at Staßfurt in 1536, calls the Bible "the book of heretics."

Fourth, from these things it is established that very many heresies arise and that many things are perverted by the unlearned. Indeed, nearly every person now possesses preconceived judgments and draws Scripture toward them. Calvin certainly sufficiently indicates in book 4 of the *Institutes*, chapter 8, §11, that the interpretation of Scripture is promised to individuals.

§ 6. Fifth proposition. In the Catholic, Apostolic, Roman Church, versions and readings

[Printed page 365]

of the Bible are not forbidden but permitted under a fixed law, and this rightly and deservedly. The foundation of the adversaries is therefore calumnious and their disparagement wholly malevolent.

§ 7. Here, above all, it admonishes that reading not be permitted without discrimination, and adds the cause: because through the temerity of human beings more detriment than utility arises from it. The Lutherans and Calvinists judge this to be so, since every day they are divided into more sects. Hence they too prohibit books of diverse sects. For the books of Zwingli, while he was still living, were forbidden in Saxony and Hesse, as Zwingli states in the *Exegesis of the Eucharistic Matter*; thereafter they always did this, as Lavater, Micronius, Utenhovius, Danaeus, and others testify. Yet the Calvinists do not cease to do the same concerning the Lutherans to the present day. Thus Schlusselburg, book 3 of *Calvinistic Theology*, article 4: "From this it appears that the Sacramentarians apply themselves especially to this: that their blasphemous books alone be read by all, while our writings are utterly rooted out from the nature of things as

unworthy of public circulation and reading." Nor did they do only this, but also what Luther writes in volume 7, Letter 2 to Linck, folio 272: "The peasants of Orlamünde wipe their buttocks with my little book." Calvin, Letter 1, says "that magistrates who not only permit bad books to be published but approve all the worst ones by their vote provide most badly for the state by their immoderate facility."

And Schlusselburg says in book 3 of *Calvinistic Theology*, article 4: "We do not deny that our magistrates in certain places forbid booksellers indiscriminately to sell to anyone the books of heretics, pontificians, Anabaptists, Calvinists, and fanatical human beings of that kind. But, account being taken of the persons who buy, let them take care not to communicate poisonous and erroneous writings to the unlearned and inexperienced, who, not yet confirmed in the foundations of Christian doctrine, could easily be seduced by reading them without any judgment."

Among the sectarians, therefore, there are a great many catalogues of prohibited books, among which are also versions of the Bible.

But you will say: "We prohibit not sacred Scripture but bad books." Nor do I say this; rather, I admonish that, since there are many very bad versions of the Bible--as all testify, even the adversaries--and since there is none which is approved by the most serene king of Britain, it is rightly prohibited that they be permitted indiscriminately to the unlearned and inexperienced.

For if this is done, how easily among so many versions will the rustic fall upon an Anabaptist, Socinian, or Arian version? For it cannot happen that he judges which version agrees with the Hebrew or Greek. Therefore a choice ought not to be permitted to one who cannot distinguish between a salutary medicine and poison. He will incline the law toward his own vices.

But if the version is approved by the bishop, account of times, places, and persons must be maintained in granting permission. For if someone is eager for novelties, puffed up, lustful, restless, and an admirer of himself, if you give him the Bible he will do the things of which Luther complains concerning his own people. Tell me, Lutherans: did not reading the Bible make the Calvinists sevenfold worse than the papists? Luther said that they were such and Jacob Andreae confirmed it in the Herzberg Colloquy.

If anyone with a good mind and a desire to advance wishes to read the Bible, he will never perceive it to be denied him; it is necessary only that he approach his pastor concerning the matter. But when Bibles are permitted to be published, sold, and bought publicly, it is judged that a general faculty of reading has been granted, which certain persons without doubt abuse. Yet all scandals cannot be guarded against. Accordingly, a thing to whose permission a condition is added is not prohibited. Thus, when a prince forbids arms to be carried without his permission, he does not absolutely wish no one to be armed, but wishes to strip the furious, turbulent, and irascible of instruments of malice and to have the strong and just armed with defenses of the state.

So too, if a bishop sees an atheistic man, lacking the Spirit of God, walking along the whitewashed ways of the age, and seeking fuel for his vices from the polygamy of Abraham and David, he will rightly keep him from reading the Bible, which is understood only by the Spirit of God that this man lacks; he will instruct him himself and command him to hear pastors. For Calvin himself is witness that a certain instruction truly ought to precede. For in the preface to the *Institutes* in 1559 he thrusts the reading of his own *Institutes* upon readers as a certain **εἰσαγωγὴν**, introduction to reading the divine books: "This was proposed to me in this labor: so to prepare and instruct candidates of sacred theology for the reading of the divine word that they may both possess an easy approach to it and be able to proceed in it with an unoffending step."

If, therefore, Calvin judges that candidates of theology must be prepared for reading the divine word, why should a Catholic bishop not first prepare an unlearned person before handing him the Bible? Certainly, candidates of theology are more apt than the unlearned. If Calvin instructs them through such long *Institutes*, why does an unlearned person have less need of instruction? If without Calvin's *Institutes* candidates of theology do not possess an easy approach to

reading the divine word, why is it charged as a crime against Pius IV that he grants access through bishops, parish priests, and confessors, yet only if they have been so instructed that they can obtain from that reading not injury but an increase of piety and faith? If Calvin's *Institutes* carry a light before candidates of theology so that they can proceed with an unoffending step in the reading of Scripture, why should a Catholic bishop not also fortify his subjects beforehand so that they do not stumble? And if candidates of theology need those *Institutes* lest they stumble, therefore without them they could stumble; therefore someone can also stumble in the Catholic Church; therefore reading the Bible is rightly denied to him until he is so instructed that he can proceed in that reading with an unoffending step.

I end this part concerning Scripture and protest before God and human beings that we are assailed with the greatest and unheard-of calumnies. Formerly calumny placed its summit in the Arians against Athanasius; now our Jubilarians have surpassed all the calumnies of the ancients. And certainly, if they learned anything from the ancients, they imbibed the art of calumniating so exactly that nothing is now safe. They can accomplish nothing by truth; they trust in shouting and falsehood.

We permit the law of God to be read, but prohibit harmful reading and an interpretation which corrupts the law--the thing which we said the magistrate does in civil laws.

CHAPTER XXVIII

The Law Handed Down by Tradition Is Joined to the Written Law

§ 1. No one of all the Jubilarians, so far as I know, omitted this part. Therefore there is no need to name them all. The Heidelberg Evangelical Academic does so in theses 19 and 20. But in this matter scarcely anyone lies more bitterly than Erhard Lauterbach, who endeavors to show that the papists act

[Printed page 366]

contrary to the word of God and follow their own traditions. And in sermon 1, part 1, he concludes: *alles wider die H. Schrifft, also dass es der Teuffel auss der Hellen nicht wol köndte ärger machen*--"all things are contrary to Holy Scripture, so that the devil from hell could scarcely do worse." Polycarp Leyser does so in sermon 1. Baldwin Frederick, on page 7 of his preparatory sermon, defames all Catholic states because they make much of human laws after abandoning the word of God, and because in their churches they do nothing but kill souls: *Es werde mit falscher Lehr vnd verbottenen Gottesdienst nur eitel Seelmordt begangen*--"through false doctrine and forbidden worship, nothing but murder of souls is committed by Catholics in their churches." Paul Laurentius, in his second sermon, page 24, affirms that the cause of all evils is that human traditions have prevailed against the divine word: *Dass auss dess verfluchten Bapsts Gebott und Tyranney alles in Abgötterey sey verwandelt worden, da man an statt dess reinen Wort Gottes dess Bapsts Lügen und Menschen Satzungen wil getrieben haben*--"Through the command and tyranny of the accursed pope all things have been transformed into idolatry, because the pope's lies and human ordinances have taken the place of the pure word of God."

Nor only in churches before the people do they fill ears with lies; poets also do so in the assemblies of ministers. It is pleasing to hear one of these, because his malevolence is clearer in it. It is Albert Otto Bilgenius, court tutor of Solms:

> How great once was the darkness of the former age,
>
> How great its deceptions, how great the deceit in the world;
>
> Into how great a darkness of errors, and how great a Charybdis,
>
> The ancient ages of our fathers fell--
>
> Not even if I had tasted all the waters of Aganippe
>
> Could I signify it in my verses.
>
> The light of the Gospel in the age of our ancestors was more obscure
>
> And feebler than winter light.

>

The voice of the Gospel, immersed in dense darkness,

>

Once lay buried in Cimmerian night.

>

The Bible, oppressed by the trifles and filth of the pontiffs,

>

Lost, resounded in no places.

>

No one was seen to unroll the books of the prophets;

>

No one dared to turn the apostolic books.

>

For if any read the sacred Bible with impartial minds,

>

They believed themselves struck by the pontiff's thunderbolt.

>

Hence they taught that sacred Scripture--a great impiety--

>

Was imperfect, flexible, mutilated;

>

And that very many things were required for a salutary life

>

Which you would see to be foreign to the holy book;

>

Indeed, that one who sought the matter of salvation from it profited nothing,

>

And that it was by no means a good norm in religion.

>

Sleep securely, Dorbellus; and come with me,

>

Durandus, Biel and Holkot, and Ockham, Brikot.

>

> Peter Lombard, Scotus, Thomas Aquinas
>
> Gave laws to the churches and gave laws to the schools.
>
> What aid, I ask, could bubble forth for the wretched
>
> From the writings of these men? Tell me, I ask, O man.

These are his words. We shall explain the whole matter briefly in these propositions.

§ 2. First proposition. The Church has always used the unwritten word of God--that is, tradition. For before Moses, and indeed before the flood, there was a Church of God, yet there was no written word of God. Sharp acknowledges this in controversy 6, response to the first objection: "In the prosyllogism there is a deception of homonymy in the name 'Scripture,' for the substance of Scripture and the thing written--that is, the word of God. And then it is nothing other than **doctrina ἄγραφος**, unwritten doctrine. At another time it is taken for the accident of this doctrine, namely its writing and inscription in books. In the first sense Scripture is older than the Church, and thus the proposition is false. For Scripture, or the word of God, is the foundation of the Church, Ephesians 2:20. But a foundation is older than the building. Thus Scripture is the seed of the Church, Matthew 13:1; 1 Peter 1:23. But seed is older than that offspring of which it is the seed. Finally, this same word which is now written was then unwritten."

But if the matter is dealt with sincerely between us, and "Scripture" signifies a written thing or a doctrine **θεόπνευστον**, divinely inspired, we now possess agreement. For when we say that certain unwritten things must be believed, we do not affirm that any doctrine not **θεόπνευστον**--that is, not revealed by God--is to be received as though it were revealed by God.

Next, after the coming of Moses it was written, but not all the heads of things necessary to be believed were immediately explained. There were therefore other things comprehended in the unwritten word, for it was not Moses' purpose to write a catechism.

Third, this very word which Moses wrote could neither be read nor understood without tradition, as I showed above, on account of the omission of the points. Fourth, nowhere does God profess that he bound his doctrine only to ink and parchments. Therefore the laws of God are twofold, **ἄγραφοι καὶ ἔγγραφοι**, unwritten and written.

Fifth, there are many things which the adversaries are even now compelled to believe from the unwritten word: namely, that the word of God which was written has come down to us inviolate, and that the Apocalypse is the word of God. Indeed, the adversaries acknowledge, as Sharp does in column 123, that from Adam to Moses there was Scripture, but not the written word; for writing was not necessary except upon a hypothesis. Finally, many nations possessed no Scriptures for a long time.

§ 3. Second proposition. Sacred Scripture as it is now possessed is not sufficient to decide all controversies, nor was it formerly sufficient. For at the beginning they possessed only the Pentateuch, but it is not sufficient for all dogmas to be declared most openly from it. Likewise, even now the entire body of the canon does not suffice, for nowhere in it is it said that this whole body, and no other book outside it, is canonical; and yet we believe this. Accordingly, those who reject every tradition also cut down the canon of Scripture. This is so true that Sharp this year cast shame upon everyone. For in controversy 9, column 143, he proposed to himself objection 5: "It is not enough to know that Scripture is divine, but it is necessary to know which Scripture it is. But this cannot be known from the Scriptures. Therefore. The assumption is proved: how do we gather from Scripture that the Gospels of Luke and Mark are true, but those of Thomas and Bartholomew false, when reason dictates that a book bearing the title of an apostle ought to

be believed more than one bearing the title of one who is not an apostle? And whence shall I gather that the Epistle to the Romans is truly Paul's, but the Epistle to the Laodiceans is not Paul's, when in Colossians 4 he says that he wrote to the Laodiceans, but nowhere says that he wrote to the Romans? Therefore."

He answers himself in this manner: "The proposition is distinguished. It is indeed necessary to know this, but not absolutely necessary for salvation and in the same manner for all, because formerly many doubted concerning various canonical books, at least for a time, whom for that reason we shall not exclude from salvation. Next, those who possess the Holy Spirit, through whom we recognize the canonical books, do not possess him in the same measure. The same must be established concerning the other operations of the Spirit."

If, therefore, it is not necessary for salvation to

[Printed page 367]

believe that these are divine books, then, according to the opinion of the Jubilarians, neither is it necessary to believe that what is contained in them is divine. For this alone must be believed which is in divine books. Just as, if someone says that he must do only what is commanded by a royal diploma, if he is not bound to believe that the diploma offered is royal, he is excused from executing those things. A little afterward Sharp likewise answers: "It is not necessary to know that this or that book was written by this or that author, provided that I admit the writing itself as divine." But he is bound more tightly by this. For if I do not know the author--if, for example, the author of the Apocalypse is unknown--whence shall we know, that is, from what Scripture shall we know, that it is divine? This is not established from Scripture; they have nothing else whence they may know it.

§ 4. A dreadful confusion followed contempt for the unwritten word of God in the Church--but in the church of the malignant. For first, when they said that they relied upon Scripture alone and all scattered into contrary parties, they published the Augsburg Confession as though it were a symbol of concord. After that had been changed and deserted, they composed the Book of Concord; but from it the greatest discord deprived all Lutheranism of life.

And certainly in this part also they overthrow all faith in Scripture and altogether deny Scripture. Libavius has these things in his book against Gretser:

I. The written word of God is not that description by characters.

II. Sacred Scripture and the written word are not that word of God concerning which Catholics and Lutherans dispute, but some other thing. For the written word can be changed and indeed burned. But the word of God remains forever, Isaiah 40.

III. If writing, or sacred Scripture, were the word of God, then it would be the word of God not only with respect to human beings but also with respect to angels. But sacred Scripture is not the word of God with respect to angels. Therefore neither is it the word of God with respect to human beings.

IV. If Scripture truly were the word of God, then it would be the power of God unto salvation for everyone who believes. But it is not the power of God unto salvation for everyone who believes. Therefore this Scripture is not truly the word of God.

V. If sacred Scripture truly were the word, it would be the wisdom and truth of God. But it is not the wisdom and truth of God. Therefore sacred Scripture is not truly the word of God.

VI. If the written word truly were the word of God, then it would be a light shining in darkness. But it is not a light shining in darkness. Therefore the written word is not truly the word of God.

VII. "Finally," he says, "when I had come to this point, that from the word of God I had learned that the word of the Lord is living, that it is eternal, that it does not perish when the world perishes, that it will judge on the last day, that it is truth--which possesses such kinship with Christ that hence the Son of God is also called the Word and the Truth, and

so also the Holy Spirit is Truth, just as the word of Christ is Spirit, John 6--I immediately saw that the written word, or Scripture comprehended in the volumes of the Bible, is not the word of God but something else. For Scripture, insofar as it is Scripture, does not live, is not life, is not truth, and does not remain forever."

§ 5. If, therefore, Scripture is not the word of God, or it is not necessary to believe that it is the word of God, and yet it is the principle of faith, it follows that faith is uncertain. For that whose principles are uncertain is itself also uncertain; neither is a conclusion more certain, nor assent to that which follows from a principle firmer, than the principle itself upon which alone it depends. But knowledge of Scripture is not certain, because it is neither certain by faith nor certain by natural light. Therefore it is certain in no manner.

But so that the reader may see how great an injury they inflict upon us, and what they themselves say among themselves when they are alone, I shall append the propositions which Adolphus Venator Tectander promises in his *Apology against the Dordrecht Men*, pages 174, 175, and 176, that he will prove concerning the Counter-Remonstrants:

1. The right, best, safest, and perfect rule, square, and Lydian stone, not only of doctrine in the Reformed Church among the Belgians, but also of the whole Christian faith, is the Belgic Confession and the Heidelberg Catechism.

2. In the Confession and Catechism it is commanded that sects must be reviled and those who differ from us in even a little word in the confession must be condemned.

3. Without insults, sects and errors cannot be refuted.

4. The office of preachers is to indulge in abuse and insults.

5. If anyone does not understand that Scripture is imperfect and that, besides it, human traditions and formulas are necessary, he makes diversity of religion of little account.

6. Purity of doctrine cannot be preserved, sects cannot be averted, nor heresies refuted, without human constitutions and formulas.

7. The word of God by itself suffices neither for salvation nor for the good condition of the Church.

8. Scripture alone, without the statutes and decrees of the Church, is the chaos of all religions, the refuge of all heresies, and the way--if you insist upon it alone--to introduce every liberty into the Christian state.

9. Scripture is obscure and can be understood in various ways, and therefore it has need of the decrees and doctrines of the Church.

10. The Confession and Catechism alone are manifest, but Scripture is not; and these formulas cannot be explained in two or diverse ways.

11. The authors of the Confession and Catechism were wiser and more prudent, indeed more faithful to the Church and truth, and left better and more perfect writings to the Church, than the Evangelists and apostles themselves.

12. Pure doctrine cannot be known certainly from the word of God, but only from the Confession and Catechism.

13. The prophets and apostles left behind imperfect and doubtful writings, which cannot benefit even themselves, as writings from which we cannot recognize the way of truth certainly unless they are strengthened and illuminated by the additions and decrees of a particular church.

14. Scripture by no means comprehends all that must be believed absolutely for someone to be saved or to be a member of the Church.

15. Scripture has twofold meanings and is uncertain and imperfect.

16. Human traditions, decrees of councils, words, and explanations of matters of faith invented long after the times of the apostles must necessarily be believed for attaining salvation.

17. The word of God is not so necessary and useful to Christians as the Confession and Catechism are.

18. We can lack the word of God, provided that we preserve the Confession and Catechism.

19. It is not necessary to convince heretics and erring persons by Scripture or the word of God, or to refute their errors, but only by the Confession and Catechism.

[Printed page 368]

20. It is not necessary to prove the Confession and Catechism by the word of God.

21. The authority of the Church surpasses the authority of Scripture.

22. Certainty of pure doctrine must not be sought from the word of God, but from the traditions and formulas of those human beings who followed long after the times of the apostles.

23. Scripture is not a suitable judge of controversies concerning religion.

24. No one possesses the right faith, nor is a Christian or a member of the Church, who does not receive the Confession and Catechism.

25. One must adhere to the Confession and Catechism further than insofar as they accord with the word of God.

26. The Confession and Catechism ought to be the norm of the meaning of Scripture, and human formulas ought to set the measure for explaining the word of God. But the word of God ought not to establish limits for understanding the writings of human beings.

27. No Christian is free to bind himself to the word of God alone, and one who presumes to do this shows that he departs from the true Christian religion.

28. Although the apostles themselves had made a creed or faith, nevertheless it would not be Scripture.

29. The Christian religion does not consist in a pious life but in much knowledge--not in how far each person lives, but in how far each person understands.

30. The doctrine concerning love of God and neighbor pertains to the law alone, not to the Gospel, and Jesus was a teacher of the law.

31. Those who are gathered to hear divine and spiritual things and who profess God and Christ are not the Church, likewise if they wish to adhere to the words of Christ and the apostles alone and not also to receive the decrees of councils and traditions of human beings.

32. Although some follow Scripture absolutely in all things, they are nevertheless heretics and cannot be the Church of God.

33. Papists and heretics are not Christians.

34. What the first planters of the Reformation confessed, and the martyrs of this land also sealed with their blood--namely, that in matters of faith Scripture alone must be adhered to and human institutions must not be received--is an invention for recalling all heresies from the abyss of hell.

35. One who understands that the word of God alone must be insisted upon proposes a means through which no peace can be possessed with God.

40. Neither Moses and the prophets nor the Evangelists and apostles of the New Testament can be understood in any manner, or be the foundation of doctrine or the square of the doctrine of the Old Testament.

63. Jeremiah, Paul, the Evangelists, and the angel Gabriel are Socinians and heretics.

65. To confess or say something which heretics also say is heretical and erroneous; and thus the prophets and apostles are all heretics.

68. The Evangelist and the angel Gabriel think nothing better concerning Christ than the Turks do.

The same Venator has the following on page 74:

“The Dordrecht brothers are not content with Scripture, but dare to speak of it so contemptuously that they say: ‘If Scripture alone had to be adhered to, everyone in Christianity would dare to say and do whatever he wished; and the Bible would become the manifest hiding place of all heresies, Libertines, and all others.’”

Add to these also the things which our Maximilian Sandaeus most truly reports concerning the preaching synagogue in his secular theme, and Heidelberg theme 11: “It teaches that sacred Scripture, which, insofar as it is the word of God, is the norm, rule, square, and gnomon of believing and living well, is not truly the word of God: 1. because it is not the power of God unto salvation for everyone who believes; 2. because it is not the wisdom and truth of God; 3. because it is not a light shining in darkness; 4. because it does not remain forever. 12. It asserts that knowledge for distinguishing divine Scripture from nondivine is not necessary for salvation. 13. It denies that it must necessarily be believed with saving faith that the Scriptures which we possess are divine, or that the Gospel of Matthew which is read in the Church is divine and belongs to Matthew the apostle. 14. It contends that sacred Scripture is not certain of itself, nor free from error or falsehood. 15. It affirms that the writers of the New Testament sometimes knowingly and deliberately wrote contrary to the truth of history. 16. At times they conceded something from charity to a received and common error. 17. On account of public opinion they departed from the truth of history.”

CHAPTER XXIX

The Study of Law Commended to Princes and Private Persons

§ 1. Jurisprudence is knowledge of divine and human affairs, the science of the just and the unjust. Thus the emperor defines it in book 1 of the *Institutes*, title 1, law 1. And not undeservedly, for law is twofold, divine and human, and both must be known by one skilled in law. Therefore the definition has not been taken too broadly; for that science is in truth most broad and truly public. Moreover, in the affairs in which prudence is engaged, jurisprudence consists much more fully.

§ 2. It befits princes, chief men, and nobles to devote effort to jurisprudence; indeed, it is necessary.

The primary reason is valid. Just as there can be no state without laws, so there can be none without the soul of the laws--that is, their true meaning and true use, which is rather the indicator and guardian of justice and equity than the words of the legislator are. But princes and chief men themselves ought to possess the meaning. **Πᾶσα πόλις ἄπολις ἂν γένοιτο**, says Plato in book 6 of the *Laws*, **ἐν ᾗ δικαστήρια μὴ καθεστῶτα εἴη κατὰ τρόπον**. "Every state ceases to be a state in which tribunals have not been constituted in right order." But they cannot be constituted rightly if princes are ignorant of their manner. The primary office of a prince is to pronounce law. How will one ignorant of law pronounce law justly, consistently, and certainly?

Jurisprudence is therefore rightly called **ἐπιστήμη βασιλικὴ καὶ τῶν βασιλέων**, "royal science and the science of kings," for it is both worthy of kings and necessary for kings. For this reason, in certain universities, as in the most celebrated University of Würzburg, we see that in solemn acts the professors and doctors use purple insignia, which is the royal color.

It is established that kings formerly pronounced law. Romulus and the other kings sanctioned laws and ended controversies. The consuls followed the kings and devoted effort to conducting trials. In Varro an attendant cries thus: "All Quirites involved in lawsuits, come here to the judges." Augustus was wholly occupied in pronouncing law. Severus was intent upon civil business above other affairs. Vespasian heard cases to the point of wonder; reclining, he heard embassies, which were generally those of the oppressed, and when his bowels were loosened, while he strained and rose, he died amid the hands of those supporting him. Trajan approached a dangerous popularity; Pliny describes it, unless perhaps he granted something to his ears: "Freedom

[Printed page 369]

is available, when the prince goes through public places, to stop, meet him, accompany him, and pass him. You walk among us as though you could be touched, and you make access to yourself available, not so that you may charge it against us. Whoever approaches remains at your side, and each person's own modesty, not your pride, makes an end of his conversation."

Lampridius writes thus concerning Alexander: "He commanded that business and cases first be treated and put in order by the chiefs of the bureaus and by the most learned jurists faithful to himself, of whom Ulpian was then the first, and thus be reported to him. He sanctioned moderate and innumerable laws concerning the right of the people and of the fisc; and he consecrated no constitution without twenty jurists and most learned and wise men, and finally no fewer than fifty most eloquent men, so that there might be no fewer opinions in his council than would constitute a decree of the senate. And this was done in such a way that the opinions of individuals were taken and what each had said was written down, yet with time given for investigating and thinking before they spoke, lest they be compelled to speak without thought concerning immense matters. Moreover, it was his custom that, if he treated of law or business, he summoned only learned and eloquent men; but if of a military matter, veteran soldiers who were sound, deserving, and

skilled in places, wars, and camps, and all men of letters, especially those who knew history. He inquired what, in recorded cases like those under deliberation, the ancient emperors, either Roman or of foreign nations, had done."

Since, therefore, it is necessary for them to judge, necessity compels them to be skilled in justice. The greatest care of judging lies even upon the most just and equitable judge, because frequently, although he has done all things according to the laws, he nevertheless condemns and kills an innocent person. How much more is this so if he himself is ignorant of laws and rights? The conduct of trials is wretched medicine, but nevertheless necessary for a state. Augustine, book 19, chapter 6 of *The City of God*: "What of the judgments of human beings concerning human beings, which cannot be absent even from cities remaining in however great a peace? What do we judge them to be--how wretched, how lamentable--since those judge who cannot discern the consciences of those concerning whom they judge? Hence they are often compelled to seek the truth by torturing innocent witnesses in a matter pertaining to another person's case.

"What when someone is tortured in his own case, and when it is sought whether he is guilty, he is tormented, and the innocent man suffers most certain punishments for an uncertain crime--not because he is discovered to have committed it, but because he is not known not to have committed it? And thus the ignorance of the judge is very often the calamity of the innocent. And what is more intolerable and more to be lamented, and, if it could be done, watered with fountains of tears: when the judge tortures the accused for this reason, lest he unknowingly kill an innocent person, it happens through the wretchedness of ignorance that he kills a tortured and innocent person whom he had tortured lest he kill him innocent.

"For if, according to the wisdom of these men, he chooses to flee from this life rather than endure those torments longer, he says that he committed what he did not commit. After he has been condemned and killed, the judge still does not know whether he killed a guilty or an innocent person--the one whom he tortured lest he unknowingly kill him innocent. And thus he tortured an innocent person in order that he might know, and while he did not know, killed him. Amid this darkness of social life, will that wise judge sit, or will he not sit? He will certainly sit. For human society binds him and draws him to this office, which he judges it wicked to desert.

"For he does not judge this wicked: that innocent witnesses are tortured in the cases of others; that those who are accused, generally overcome by the force of pain and falsely confessing concerning themselves, are punished while innocent, when they had already been tortured while innocent; that even if they are not punished with death, they very often die in the tortures themselves or from them. What of the fact that sometimes even the accusers themselves, desiring perhaps to benefit human society lest crimes remain unpunished, are condemned by an ignorant judge when the witnesses lie and the accused himself withstands the tortures savagely and does not confess, and they are unable to prove the things which they charge, although they charged true things? He does not reckon these so many and so great evils to be sins, for the wise judge does not do these things by a will to harm but by the necessity of not knowing; and yet, because human society compels him, also by the necessity of judging.

"This, therefore, is what we call certainly the wretchedness of a human being, even if it is not the malice of the wise man. Or does he torture the innocent and punish the innocent from the necessity of not knowing and judging, and is it too little for him that he is not guilty unless he is also blessed? How much more considerately and worthily of a human being does he acknowledge wretchedness in that necessity, accept it in himself, and, if he is wise, cry to God: 'Deliver me from my necessities.'"

§ 3. These matters are entrusted unsafely and dangerously to the counsellors of princes and others unless the prince attends diligently and zealously. For very many things are transacted through favor, money, and hatred, and the prince's ignorance falls to the profit of rapacious human beings. The *agentes in rebus* know how to seize, not to receive, says Julius Capitolinus. And Cyprian, Letter 2: "Although laws have been engraved upon the Twelve Tables and prescribed rights have been affixed upon public bronze, transgression is committed amid the very laws and sin amid the rights; innocence is not preserved even there where it is defended. The fury of those at discord rages mutually, and, peace having been broken among the togas, the forum roars with mad lawsuits. For them the spear,

sword, and executioner are ready, the claw which digs out, the rack which stretches, the fire which burns; for the body of a human being, more punishments live than there are limbs. Who among these things will bring aid to truth? An advocate? But he prevaricates and deceives. A judge? But he sells his sentence. He who sits to avenge crimes commits them, and so that an innocent defendant may perish, the judge becomes guilty."

These things are committed especially if the prince is farther away or casts all care of justice upon those whom he trusts. Since afterward they are generally dismissed either with ill favor or even punished capitally, it is sufficiently apparent to what purpose they turned the excessively simple credulity of their prince. Nor can the prince be secure when others sin through his negligence. But a prudent and learned prince is the greatest bridle upon unjust judges. The prince's inexperience makes the judges themselves negligent through security; learning and study make them cautious and diligent.

Ignorance of law and laws--that is, of the state over which he presides--also greatly diminishes authority. Many will deceive one whom they can deceive, but they contemn him. Next, although at times such rulers can judge truly, they cannot judge consistently; wherefore it is necessary that judgments frequently destroy judgments. This is not only ignominious but also dangerous for the prince, when in a similar case some prevail and others are defeated. Crafty and cunning architects of lawsuits will raise their horns and toss justice about. And the name "virtue" will be given to abominable crime.

§ 4. Finally, the laws assist those who are awake, not those who sleep. Therefore let the guardian of law keep watch, for on both sides the matter is conducted with the greatest industry--indeed, with fraud, falsehood, and perjury--so that each may make the judge his own. Those skilled in law also approach, who always leave an occasion for litigation, as inept craftsmen do for correction. Nevertheless, the prince must not yield, but must venture against it. The evil is continuous, always arising anew, and continuous medicine must be applied to it. Seneca speaks excellently in a similar case, book 2 of *On Anger*, chapter 11: "Surely the man whose ship takes in much water because its joints have loosened on every side is not angry with the sailors and the ship itself. Rather, he meets the danger, excludes one wave and bails out another, closes the manifest holes,

[Printed page 370]

and by continual labor resists those which lie hidden and draw bilge-water secretly. Nor does he therefore desist because as much arises as has been exhausted. A slow remedy is needed against continuous and fertile evils--not so that they cease, but so that they do not conquer."

Perseverance is needed here. I affirm boldly that there is need of a hundred eyes, or, if it could be done, that the prince be an Argus--that is, wholly made of eyes--with which he may discern frauds and punish those discerned.

Therefore let the prince be skilled in law and equity, and after the prince the counts, barons, and nobles. He will easily attain this if he appoints no judge or governor unless he is well skilled. This was certainly the intention of Justinian in the proem of the *Institutes*, §7: "Therefore receive these laws of ours with the greatest effort and eager study, and show yourselves so instructed that the most beautiful hope may foster us that, when the whole work of law has been completed, our state can also be governed by you in the parts to be entrusted to you."

But because he himself was ignorant of letters and law, it came about that, by altering the laws so often, great but avaricious jurists fixed and refixed them according to their own advantages. Poor men, forgive me: I speak in a public cause and speak concerning what is accustomed to happen frequently; I would not wish poor men to devote effort to law and plead cases. For amid an excessive occasion of sin, poverty and squalor are the worst counsellor and impeller. One whose condition is cheap sells justice cheaply; one who, by studying in want, sought through long patience an occasion of profit sells judgments dearly. I am not ignorant that among the poor there are good, just, and holy persons and that God chose the poor. But I now speak of those poor persons who studied law for the sake of riches and honors,

and bring a long hunger and dry throats to suck out the marrow of the litigating parties. They wish to become rich, and to become rich quickly.

Meanwhile they magnify the dignity of their station and dress splendidly, lest they appear to have been poor; and when law does not supply enough, riches are sought through injustice. When the crowd of these has prevailed, they turn all things upside down and hold their own prince for sale. Base avarice can indeed rage in high birth; but generally, when such persons take account of their family and dignity and are opulent, with a loftier spirit they do not pursue such abject spoils. Nevertheless, let the prince apply care to these also.

The condition of our law has never been so happy that its very sanctuaries did not beget injustices. Consider Justinian the legislator himself: how the forensic harpies surrounded him with their arts. Evagrius writes thus: “But in Justinian there was so insatiable a desire for money, and so shameful and indeed absurd an appetite for the property of others, that for love of gold he sold all the goods of his subjects to those who administered magistracies, those who collected tribute, and those who wished to lay snares for human beings without any cause. But very many--indeed, innumerable--persons who possessed many good things he deprived of all their fortunes after a false and fictitious charge had been fashioned. And if any prostitute, casting the eyes of cupidity upon someone’s goods, feigned that she had possessed some familiarity or union with him, immediately all rights and laws lay turned away for her sake, provided that she made Justinian a partner in shameful profit; and the possessions of the man who was falsely charged were transferred into her house.”

§ 5. Law cannot stand unless there is one skilled in it through whom it can be preserved; otherwise it will waste away like a corpse. There must be an interpreter of the laws even when the words appear clear, for at times one must depart from them. Charondas, while holding to the words too impiously, killed himself.

True jurisprudence can never be praised sufficiently; the jurisprudence which sows lawsuits can never be punished sufficiently. Jurisconsults hear evil things on account of petty lawyers and, as Besold says in book 2 of the *Politics*, chapter 2, because most are now occupied with lawsuits and procedures and neither wish nor know how to benefit the state by any other matter, their art, or their knowledge. Hence it is said among the Italians: “A mere legist is a pure and utter ass.” He adds: “Procedures are generally nothing other than the refuge and hiding place of guilty and criminal human beings, but the weariness and affliction of the innocent.” Thus he affirms that methods of shortening lawsuits must be sought diligently.

I set his following words before the prince to be weighed: “The form of judgments and the judicial order which we use in certain places appears to be neither order nor procedure, but rather confusion and a labyrinth. We do not proceed; we wander. The altercation over ceremonies and writings, outside every cognition of the case, is calumnious. Hence formulists, who handle the secrets of procedure, and masters of cautions are held in greater value than artificers of equity. Indeed, the peremptory terms of instances have now been abolished by a most evil custom. Certainly there is now everywhere so great a multitude of laws and rights, and such confusion born from it, that there has been no age from the beginning of the world, nor is there even today any other kingdom or state, in which under the appearance of law error is committed more dangerously, justice is more oppressed, and execution of adjudged matters is more impeded than is now accustomed to happen after we imagine that law has been reborn and, as it were, fallen down to us from heaven--than is accustomed to happen in those places where the rationale and science of law are proclaimed to be more flourishing and more vigorous.”

The same Besold also complains concerning Roman law in book 1, dissertation 14: that it abounds in subtleties and fictions which, after so many years, emperors--or rather the ill-employed interpreters of law--invented.

ADAM CONTZEN

TEN BOOKS OF POLITICS

BOOK SIX

On Ecclesiastical Magistracy

CONTENTS

Chapter I. Magistrates Must Be Instructed without Flattery 5

Chapter II. That a Magistrate Is Necessary for the State 8

Chapter III. Magistracy Is Twofold: Ecclesiastical and Civil 14

Chapter IV. The Christian Sacrifice and Its Rationale 22

Chapter V. On the Primary Office of the Christian Priesthood and the Truth of the Most Holy Eucharist 32

Chapter VI. That the Office of Psalm-Singing in the Church Was Entrusted to Clerics and Must Be Cultivated Holily 40

Chapter VII. That the Canonical Hours and Vigils Were, and Are, Customary in the Church 50

Chapter VIII. That Ecclesiastics Can Be Judges of Civil Matters and Controversies 53

Chapter IX. Against the Sectarians, the Civil Jurisdiction of Prelates Is Defended 60

Chapter X. The Praiseworthy Life of Ecclesiastics Is Commended 67

Chapter XI. That the Reformation of the Clergy According to the Apostolic Standard Must Be Earnestly Urged 79

Chapter XII. The Easiest Method of Reformation Is the Selection of Those to Be Ordained 81

Chapter XIII. The Learning and Other Endowments of Those to Be Ordained 102

Chapter XIV. Visitations Ought to Be Frequent 110

Chapter XV. The Method of Visitation Prescribed in the Fourth Council of Milan 113

Chapter XVI. The Offenses of Clerics Are to Be Punished More Severely Than Those of Laymen 115

Chapter XVII. Common Life Contributes Very Greatly to the Good Morals of Ecclesiastics 120

Chapter XVIII. Chapters Were Instituted for the Sake of Discipline, and Their Constitution 126

Chapter XIX. The Various Orders of Ecclesiastics 133

Chapter XX. On the Roman Pontiff 134

Chapter XXI. Many Unjustly Secede from the Ancient Church out of Hatred for the Roman Pontiff 139

Chapter XXII. The Other Causes for Which They Have Departed from Us Are Unjust 146

Chapter XXIII. The Angel of Revelation 14:6 Is Not Luther, nor Should Luther Be Heard against the Pontiff 147

Chapter XXIV. The Roman Pontiff Is Not Described by the Words of Daniel 7:21 and 8:23 152

Chapter XXV. The Pope Does Not Think That He Can Change Times and Laws 162

Chapter XXVI. “They Will Be Delivered into His Hands for a Time, Times, and Half a Time” Does Not Pertain to the Pontiff 165

Chapter XXVII. Daniel Does Not Prophesy Concerning the Pontiff in Chapter 8, Verse 23 170

Chapter XXVIII. What Is Said in Daniel 11:31 and the Following Verses Does Not Pertain to the Pontiff 174

Chapter XXIX. The Pontiff Is Not Rightly Accused from the Statement That Antichrist Will Be among the Desires of Women 181

Chapter XXX. The God Maozim Is Not the Sacrifice of the Mass 183

Chapter XXXI. The Kings of the South Will Not Fight against the Pope 185

Chapter XXXII. The Pontiff Will Not Set Up His Tent between Two Seas and Capture Egypt 188

Chapter XXXIII. The Apocalyptic Beasts of Chapter 13 Do Not Pertain to the Pontiff 189

Chapter XXXIV. Concerning the Same Beasts, from Revelation 13, Beginning with Verse 11 192

Chapter XXXV. Cardinals Are Joined to the Pontiff for Counsels and Government 195

Chapter XXXVI. The Dignity of the Patriarchs Is Next to the Pontifical Dignity, Followed by That of Primates and Archbishops 202

Chapter XXXVII. Concerning the Opinion of the Sectarians Who Either Admit or Reject the Hierarchical Order 208

Chapter XXXVIII. The Offices of Metropolitans, Archbishops, Bishops, and Chorepiscopi Are Necessary and Useful for Morals and the State 214

Chapter XXXIX. The Office of Bishops Is Supremely Necessary and Varied; Their Dignity, and So Forth 218

Chapter XL. The Duties of Provosts, Deans, Primicerii, and Others 222

Chapter XLI. Praiseworthy Institutes of Canons in the Church, and Salutary Laws Concerning Them 227

Chapter XLII. Great Wealth of the Churches Is Useful to Religion and the State 241

Chapter XLIII. Against the Objections Commonly Raised against the Wealth of Churches 250

Chapter XLIV. That the Multitude of the Clergy Is to Be Approved 253

Chapter XLV. Parishes Are to Be Increased and Adorned 257

Chapter XLVI. That the Various Institutes of Monks Are Useful to the State; Their Measure and Method 266

Chapter XLVII. Communities of Sacred Virgins, Their Laws and Government 274

Chapter XLVIII. Epilogue and Exhortation to the Clergy to Pursue the Perfect Observance of the Gospel's Precepts 298

CHAPTER I

Magistrates Must Be Instructed without Flattery

§ 1. Laws were treated in the preceding book, and their necessity, utility, and force were explained; but without an eminent magistrate the support furnished by laws is weak. Laws are inanimate instruments of peace and happiness; magistrates are living instruments, which administer the state by the use and application of the laws, protect the good, and correct the bad. But those who cannot be corrected, in whom there is nothing capable of good hope, they remove from the midst of mortals--persons who would do worse things than those which occur--so that, in the one way in which they can, they may cease to be bad. Without a magistrate, therefore, laws have no efficacy and inspire no fear; good laws prudently administered by a good magistrate make a state most happy.

For this reason I undertake to set forth the magistrate's dignity, authority, and office. Here I see the rock upon which many political writers have struck--namely, the desire to flatter. For they have wished either to please some king or to commend themselves to the leading men, and they have written things which are accustomed to delight kings and princes more than to instruct and improve them. "In their malice they gladden the king, and in their lies the princes." Many exalt the magistrate's power beyond truth and beyond measure; others even praise vices extravagantly. The slanderer says that good is evil; the lover delights in the vices themselves. Both evils are in the flatterer, whose error is therefore most difficult to cure because it is akin to truth: for since flatterers are the worst of enemies, they seem to be the most benevolent of friends; certainly they are the most agreeable. Flattery not only imitates friendship but conquers and surpasses it: it is received by open and favorably disposed ears and descends into the deepest recesses of the heart, pleasing by the very thing by which it harms.

§ 2. At the outset, therefore, I have resolved to walk upon the straightest road and to offer nothing to the ears of kings and princes except what is true and salutary, altogether unconcerned about how each thing is received. For to put anything into the ears of powerful men profits neither those who are led astray by deceptive praise nor him who, a fawning enemy in place of a friend, makes human beings--weak in judgment by nature--still more foolish.

§ 3. Nothing is more hostile to pontiffs, kings, and powerful men than flattery. For as rust is the peculiar defect of iron, the woodworm of wood, sourness of wine, and mold of bread, so flattery is the peculiar vice of courts. Hence even its name has been taken, so that *adulatores* are called, as it were, *adaulatores*--court-attendants--who overthrow the resources of kings more by sycophancy than enemies do by the sword. This poison is powerful and effective because it is admitted most eagerly into the heart and feeds upon its innermost parts. It also inflates minds and distends them with windy swelling, so that they commonly depart from themselves. Hence the most shameful of human beings wished themselves to be believed gods, as did Alexander the Great and the Roman emperors. Flattery made others savage, as Constantius, whom sycophants made cruel. It makes others foolish in great fortune, as Valens, when they repeatedly called his rustic expressions "Ciceronian flowerets." Finally, it makes everyone inhuman, morose, irascible, and eager for vengeance.

Rome flattered Caligula servilely. By blandishments they wished to please a stupid and cruel prince, but the result was that he learned to despise flatteries and, when he interpreted them otherwise, punished them with death. Dio relates in his *Caligula*: "But when at one time the people shouted, 'Young Augustus,' he thought an injury had been inflicted upon him and ordered very many to be killed. Some of them he ordered to be dragged away from the spectacles and others to be seized as they left the theater, for he was often accustomed to do this." The prince's ears had thus grown accustomed to the most pleasing things, so that pleasing words were received as harsh ones. By the same plague they destroyed Vitellius. "The most intimate of Vitellius's friends," says Tacitus, "kept away those who would have given good counsel, the prince's ears having been so formed that he received harsh things that were useful, and nothing except what was pleasing and would harm him."

§ 4. Nor do flatterers obtain lasting fruit from sycophancy, because, since no one is content with one flatterer, his favor must flourish for only a short time. New men entice minds to themselves by more exquisite blandishment, and swift disgust follows things which have greatly delighted them. Then the nature of dissimulation is **ἐφήμερος**, "for a day"; but flattery is the most destructive of dissimulations. Nor has anyone thus far been a flatterer of such talent that it did not readily become apparent that he was mocking powerful men. For if they commend things that are not praiseworthy or magnify middling things, they cannot remain hidden for long from the prince unless he is a beast. And although human beings readily allow themselves to be deceived by these men, nevertheless, once flattery has been discovered, they hate it. Elagabalus moved the whole empire to laughter when he smothered parasites with roses or bound them to a waterwheel, so that through pleasures he might kill those who assailed the lives of princes through luxuries.

But if a prince is nevertheless so dull and so much a lover of himself that he cannot recognize those **συγκατανευσιφάγους**, "fellow-feeders by assent," and **ψωμοκόλακας**, "bread-flatterers," who for their belly's sake assent to everything, their colleagues and fellow-parasites will nevertheless easily expose them. For nowhere is flattery more recognized and ridiculed than in courts, where witty men also complain that people sin against an eleventh commandment of the Decalogue: "Thou shalt not flatter."

[Printed page 372]

Although that vice is most shameful in every class of human beings, it is truly monstrous in priests, whom the sacred canons teach that it is much better to suffer punishment for truth than to receive a benefice for flattery: cause 11, question 3, *Nemo peritorum*. St. Gregory attacks flatterers most gravely in book 18 of the *Moralia*, part 4, chapter 3: "There are some" (distinction 46) "who, while they extol the misdeeds of human beings with praises, increase the things which they ought to have rebuked. Hence it is said through the Prophet: 'Woe to those who sew little cushions under every elbow of the hand and make pillows under the head of every age.' A little cushion is placed for this purpose, that one may rest more softly. Therefore, whoever flatters those who act badly places a cushion under the head or elbow of one who lies down, so that he who ought to have been rebuked for his fault may, supported by praises in that very fault, rest softly. Hence it is written again: 'He was building the wall, but they were coating it.' By the name of a wall the hardness of sin is designated. To build a wall, therefore, is for someone to construct against himself the obstacles of sin. But those who flatter the perpetrators of sins coat the wall, so that the thing which the former, by acting perversely, build, the latter, by flattering, may render as it were shining. But the holy man, just as he does not think evil concerning the good, so refuses to judge good concerning the evil, saying, 'Far be it from me that I should judge you righteous; until I fail, I shall not depart from my innocence.'"

The Fourth Council of Carthage, canon 56, joins flattering clerics with traitors: "A cleric who is discovered to devote himself to flatteries and betrayals shall be degraded from office."

§ 5. Remedies must always be ready at hand for magistrates, and defenses against the flattering doctrines of political writers. For unless they perceive this danger, they will turn away even the counsels of good men; for good counsels are not easily given to a foolish prince or one ensnared by flatteries. The first remedy, therefore, is to be unwilling to be praised. Pescennius Niger said, not altogether imprudently, that while alive he wished to please, but when dead to be praised. The second is this: if this vice has not yet been shaken from the mind, the prince should nevertheless strive to advance so that he willingly hears truths and indicates that he understands and detests mocking encomia. He will recognize clearly that he is being ridiculed if they praise evil things, if they disguise vices under the name of virtues, and if they admire the prince's error. Was he drunk? They raise his affability to heaven. Did he grow angry? They proclaim his magnanimity and his clemency because he did not rage. Did he deceive someone? They cry out that it was prudence. Believe that the man who is a zealous praiser of your offenses will dare great crimes together with you.

Who would not marvel at the folly of Dionysius of Syracuse, a most cunning man, from whom flatterers were called **κόλακες**? When the flatterers saw that he was growing blind, they too pretended to be blind: they struck against doorposts and walls and eagerly wished to be led by the hand by him to their couches. Wretched were those upon

whom tyranny imposed the necessity of such foul flattery; most wretched was the man himself who wished to be mocked in this way.

Next, he will recognize mockery in praises if they pursue true goods with an encomium greater than they deserve; if they make a god from a human being. Such was that flatterer who said:

> All night it rains; the spectacles return in the morning:
>
> Caesar holds an empire divided with Jupiter.

Third, if they offer an occasion for sinning. Alexander the Great lived in such a way that he was held most shameful by all. Yet Eudaemonicus, his sycophant, in order to show him **ἀναμάρτητον**, free from sin and altogether immune from every fault, was accustomed to admonish him that at last he should commit some evil. Behold how monstrous is the desire to flatter. The flattery of Anaxarchus belongs here, when he said that whatever the king did was right and lawful. Laertius, book 9, chapter 10. The man who advises these things is a traitor; the man who instills in a prince confidence in evils wishes to harm him.

Fourth, when they praise and ask; for that is accustomed to be the aim of court dogs, who flatter with the tail while you throw out a morsel, but when you have given it they go away; if you ask it back, they snarl. You will never give when flattery precedes, for he will think that you have given to your pride, not to him, since you had to be made senseless before you gave. But if he speaks more humanely about you because of his own art, he will give thanks to his art, not to your munificence.

§ 6. Another remedy is that you show openly that these men are hateful to you. And so they must be assailed with words, as Alexander Severus wished them to be cast aside and received with a guffaw. More high-spiritedly, Ladislaus, king of Poland, caressed them with slaps, with the excellent saying, “I strike back those who strike me.” Vitellius also furnished a remarkable example. After Galba had been killed, Vitellius later found more than one hundred and twenty petitions from men demanding rewards for some notable service on that day. Behold flattery offering itself for sale to the new prince. But what did Vitellius do? He ordered all of them to be sought out and killed--not from regard for Galba, but according to the traditional custom of princes: protection for the present, vengeance for the future. Therefore, O prince, I wish a great and constant hatred of these men to be impressed upon you, and I desire your palace to be purged of them as of mice.

Never believe that those will be faithful to you who either praise your sin or are ready to sin for your sake, who accommodate philosophy, politics, jurisprudence, and theology to your will. Accustom yourself, O prince, to hearing truths, and store these things, such as they are, in your mind. He who willingly hears truths offers great hope of right deeds. For **τὸ κατόρθωμα ἐστὶν ἀληθείας ἔγγονον**. Every duty arises from truth.

CHAPTER II

That a Magistrate Is Necessary for the State

§ 1. No state can exist without an order of commanding and obeying, just as a human being will not exist unless the members are joined to one another in their natural order, are fitted to one another, and sustain one another by reciprocal assistance and influence. Therefore, without a magistrate the law is, as I have said, inanimate; but that man spoke truly:

> **Ἰσχυρὸς ὁ νόμος, ἢν ἄρχοντ᾽ ἔχῃ.**
>
> The law is strong if it has a ruler.

For the whole mass of laws, without this bond and, as it were, cement, is nothing but a ruin. Domestic examples show us this. If the master's stern countenance is absent from the school, if the little servants know that the father of the household has departed from the house, if neither a censor nor a steward acts as his deputy, everything is changed; the insolence of one man, suppressed by reverence, immediately puts itself forth. What, then, happens in a kingdom, where not merely many but very often most, and sometimes all, are bad? Therefore Aristotle truly says in book 6 of the *Politics*, chapter 8, **ἄνευ τῶν ἀναγκαίων ἀρχῶν ἀδύνατον οἰκεῖσθαι πόλεις**--without the necessary offices, it is impossible for cities to be inhabited--and Cicero in book 3 of *On the Laws* says that there is need of magistrates, because without them a city cannot be rightly constituted. This is so true that those who wage war upon the magistracy can in no way do so without another magistracy. The plebeian Romans refuse the authority of the consuls and nobility and withdraw to the Aventine Hill, but they can do nothing without a new magistracy

[Printed page 373]

against the old one: they create tribunes and impose laws upon the Fathers. So necessary, indeed, is a magistrate in the state that it is better for there to be a bad one than none.

§ 2. Although this is so, there are nevertheless not lacking in our age--into which all accursed things have flowed--those who have attempted to oppose so evident a light of nature and experience, and to overthrow the entire order of things by a criminal opinion. In former times the Donatists, although they had previously appealed from the Church to the emperors, afterwards rejected every authority of the magistrate. Now the Libertines and Anabaptists introduce all the confusion of anarchy. The Libertines do so because they deny every law and every sin, for they assert that everything is done by God. The Anabaptists invent the claim that the magistracy is opposed to Christian liberty.

But Holy Scripture refutes them, for it commands every soul to be subject to the higher powers, which it would not command unless it willed powers to exist. It calls them **διακόνους**, ministers of God, and **λειτουργοὺς θεοῦ**, servants of God, Romans 13:4, 6--indeed, gods. Then, in Matthew 22:21, Christ the Lord commands obedience to Caesar's laws, although Caesar was impious; Paul at Titus 3:1 and Peter in his First Epistle, chapter 2, verse 13, proclaimed what they had received from the Lord's mouth. Hence magistrates and kings are called the Church's nursing fathers and defenders. God sends them as his servants and ministers: Moses, Joshua, Jephthah, Samson, Samuel, David, Solomon, Asa, Jehoshaphat, Hezekiah, and the Maccabees. For Psalms 2:11, Isaiah 60:3, Proverbs 8:15, Isaiah 10:5, Jeremiah 27:6, and Daniel 2:34 bear witness to these things for us. He also commands us to pray for them, 1 Timothy 2:2. Many theologians and jurisconsults have disputed against the Libertines, and the whole world opposes them. Yet those who deny that laws bind the consciences of subjects secretly defend them, as I taught in the book on laws.

§ 3. This is also consonant with natural reason; for unless there is a magistrate, no one will have care of the whole state at once, but its parts here and there will be administered only piecemeal for the advantage of a few. But because haters of magistrates--and therefore of all order and good--disturbers of peace and patrons of robberies, creep up upon the

simple and attempt to overthrow the state by sophistries, their frauds must be laid open. For even today there are not lacking those who urge country people, agitated by some commotion, to turn their weapons against their lords. Nor would they act more timidly than Müntzer if only a hope of success appeared. But what can be brought forward for so remarkable a paradox?

§ 4. First, they assail kings in this manner: Christ alone is king in the New Testament; therefore it is unworthy that a human being be joined to God as a colleague. **Οὐκ ἀγαθὸν πολυκοιρανίη· εἷς κοίρανος ἔστω.** "The rule of many is not good; let there be one lord." **Εἷς βασιλεύς**, "one king."

But if the power of kings must be eliminated by that argument, nothing prevents children from also fleeing the honor owed to parents and servants the services owed to masters. For one God is said to be Father and Lord. Christ is king, but a king **μέγας, κράτιστος**, great and most powerful, the King of kings and Lord of those who exercise lordship; all pious kings obey him, and by him all impious kings will be condemned. He is the priest, and yet he did not remove the offices of other priests who serve him. This argument has been taken from the foul cesspools of the Calvinists, who reason thus: Christ is the one pontiff, the sole mediator; therefore there is no other pontiff or mediator. For it is transferred from those claims to these others on an exactly equal basis of reasoning. But if they distinguished between him who is king by nature, the supreme pontiff in office and dignity, and the mediator who has perfectly reconciled us and paid the price, and those who, inferior in infinitely many ways, are called pontiffs and mediators, there would long ago have been no dispute.

§ 5. They say that in Genesis 49:10 political kingship was to endure until Christ, and therefore was taken away at his coming. For Christ fled when a kingdom was offered to him, John 6; and when he was asked to judge between brothers, he rejected the jurisdiction, Luke 12:14. Indeed, he expressly denied that his kingdom was of this world, and, not without just rebuke, denied secular power to the disciples when they ambitiously sought it.

These things too were fashioned from the same mud. For sayings originally uttered by the leading sectarians against the power of ecclesiastics were twisted by their disciples against secular power. Both groups acted impiously and seditiously. For all the deeds of Christ have not necessarily been proposed for all to imitate. Christ lived a celibate and poor life, yet neither the Libertines nor the Anabaptists judged that by Christ's example a law of poverty or celibacy had been imposed upon them.

§ 6. They also deny that any pious man can undertake or govern a state, for in Judges 9 the olive tree refused to leave its fatness and the vine its sweet wine in order to be promoted among the trees, but the bramble accepted the kingdom. Hence Satan is the prince of the world, John 12:3 and 16:11.

This is a great injury to pious kings: to impose upon all magistrates the things which were said concerning a rebellious and impious people and a most cruel tyrant, a killer of his brothers. Nor is Satan king of any kingdom; rather, he is king over all the children of pride, king of the world--that is, of the body of the impious. No right over anyone and no power has been given to the devil; instead, by persuading to evil and dissuading from good he usurps a right for himself. This fruit too has sprouted from the bastard shoot of the new heresy. Luther said many things against princes. Aretius the Calvinist pronounced that the ornaments of empire were affixed by the devil. He said that persecution extends as widely as the Roman Empire.

§ 7. Finally, they put forward liberty. The human being was created free by God; why, therefore, is he oppressed by servitude to a king? First Corinthians 7:23: "Do not become servants of human beings." And Romans 13:8: "Owe nothing to anyone." A magistrate was imposed upon the imperfect Jews because they were children needing a pedagogue, but an anointing teaches Christians all things. Therefore the magistrate must not be obeyed. All these arguments tend toward this: that each person may live by his own choice and that there may be neither coercion of the harmful nor vengeance for injuries--as though the highest liberty were not to obey a lawful magistrate, that is, the divine ordinance.

And these were the beginnings of Europe's disturbance by civil wars and discords. For we have seen men learned in letters, who boasted that they were advocates of piety and justice, teach in public writings--a thing belonging to savage nations--that hands could be laid upon magistrates. How much more prudently, and how much more agreeably to peace, reason, and the laws of God, Aristotle judged that the man who cursed a magistrate should be heavily fined, because he was held to have offended not so much against the magistrate as against the state. Right must therefore be heard, and it must be held as certain that the magistrate is sacrosanct and must be obeyed, and that every injury inflicted upon him is graver. For the laws rightly call every injury inflicted upon a magistrate atrocious. **Π**, book 47, title 10, law 7, *Atrocem autem iniuriam*: "Labeo says that an injury becomes atrocious either because of the person, the time, or the thing itself. Because of the person, an injury becomes more atrocious when it is done to a magistrate, a parent, or a patron. Because of time, if an injury was done at the games and in public view, or in solitude.

[Printed page 374]

He says that it makes a great difference because one done in public view is more atrocious. Because of the thing, Labeo says an injury is held atrocious, for example, if a wound was inflicted or someone's face was struck."

The reason is taken from natural law, because all owe singular honor to a magistrate; then, because he is the minister of justice and must therefore undergo the hostility of many, for which reason the state has armed him with a bodyguard; finally, because when his authority is violated the public safety is endangered.

I do not see, therefore, how anyone can rise against magistrates--unless he seeks his own safety from confusion--when he sees that in the Old Testament priest succeeded priest and king succeeded king, and that now each has been transferred into another priesthood and kingship. Among other nations the right of magistrates has rested upon that common law which they call the law of nations. Yet God sometimes establishes a presiding magistrate immediately by himself, and sometimes through an assembly and the public meetings of princes or peoples. Irenaeus speaks truly in book 5, chapter 24: "By the command of him by whose command human beings are born, kings also are established who are suited to those who are governed by them at that time."

And these things are against the despisers of magistrates and of the divine ordinance. No less must the flatterers of magistrates be restrained: they grant kings some things which are owed to them, but other things that are **ὑπέρογκα**, over-swollen and too exalted. True reverence is owed to them, as is a testimony of love and honorable opinion. For the king's reputation and honor are necessary for protecting the state. Yet the misdeeds of an impious king must not be approved. For Samuel honored Saul before the people only when induced by great entreaties. The king's dignity and power demand this, and therefore an attack by a curse upon the prince's majesty is avenged by death. Next, kings must be obeyed unless they command crimes. Assistance also is owed to the king, not only when he needs money and a soldier but also when he is in danger. Indeed, one's life must be laid down for the person of the prince if that person is endangered to the public harm. It belongs here that they should not inflict loss upon him and should not aid his enemies, either in deed or counsel. These things, and matters connected with them, are truly owed to the prince.

Flattery has invented other things: that whatever the king commands is right and lawful; that all things belong to the king; that the government of one--namely, monarchy--is the sole form arising from nature, whereas in all the others human beings have deviated from the straight path of nature; and that those who introduced the rule of aristocrats or of the people in human affairs erred no less than those who introduced presbyterianism in divine affairs. Thus says that new-fledged petty parasite William Barrett in book 1 of *The Right of the King*, chapter 1. Although this error may appear speculative, if it is accepted it will disturb every kingdom; for wherever there is another form of government, the state is accused of having departed from natural law.

§ 8. But he surpassed the talents of all sycophants when he permitted an unrestricted tyranny to kings, whom alone he allows to be rulers by natural law. For he judges that the right of the king which Samuel sets forth in 1 Kings, chapter 8, is a true right. Thus in book 1, chapter 1: "The right of the king is set down expressly and deliberately by Samuel in 1 Kings, chapter 8, where kingship itself is instituted and inaugurated. Nor does the man of God instruct a tyrant or an

unjust king, as Becanus rashly holds with Calvin; for in the following chapter he intimates to Saul himself that the very things which he recounts fully and explicitly in that same chapter as to be exacted by the king and endured by the people can be arrogated and appropriated to himself by the king through princely right: 'And to whom will all the best things of Israel belong? Will they not belong to you?' and so forth. Yet to say or think that the Prophet wished or endeavored to entice him toward tyranny is sacrilege. Nor does Becanus appear to have paid sufficient attention to the king's right or dignity when he denies to the king the things granted by the Prophet, especially since it is not doubtful, by almost the common consent of theologians as well as jurisconsults, that all these things belong to the prince, and, among them, the best things mentioned by the Prophet, provided that what is just and equitable is observed; nor do they savor of tyranny unless the burden is immoderate.

"For who denies to the king horsemen, tribunes, centurions, and servants of different kinds, noble as well as plebeian, and that they should be maintained at the expense of the subjects, at least in a new principate? Likewise, that he can impose tributes and taxes under the name of tithes, by which his dignity is sustained and public expenditures are discharged? But when Samuel predicts that the Jews will earnestly pray to be freed from these things, this is the meaning: when you perceive that the royal pomp will be burdensome to you because of the aforesaid charges--as is fitting to its rank--whereas I administered the governorship without ostentation--as befits a priest--and without expense, and did not inconvenience you even in the smallest matter, then you will cry to God, but he will not hear you. The reason is that you asked for a king, who must be supported in keeping with his dignity.

"But let us examine briefly, if you please, the things here called royal rights, and compare them with those which in empires and kingdoms of the Christian faith are imposed and exacted from the nobility without the calumny of tyranny. First, that the king should have a royal retinue: nothing is more becoming or more honorable to the attendants themselves. Hence arises the origin of secular dignities, their subordination, and the distinction of their names.

"Second--which is especially exposed to calumny--'he will give your fields,' and so forth, 'to his servants.' That the king's servants should be maintained and supported is just and equitable. But where nothing is masterless and a kingdom must be founded by a new right, a despotic right must necessarily yield to the royal right, unless the subjects themselves voluntarily confer what is just. Third, 'he will tithe your crops.' In place of this, landed dues are paid under the name of tribute; and in another form, according to the differing condition of the kingdom, princes who were not avaricious have decreed not a tenth but an eighth: the law *Praestatione*, Code, *On Taxes*. In some places, even in our own times, a tenth itself is imposed, namely upon things sold and exchanged and also upon provisions; elsewhere another tax, but one no smaller, is imposed according to the variety of kingdoms, as are customs duties, tolls, and other things of this kind, while the right of the fisc remains unimpaired.

"Fourth, 'he will put your servants and asses to his work,' and so forth, 'and you will be his servants.' The kinds of these are the burdens which we call public services, and in accordance with the divine concession they are threefold: real, personal, and mixed. Real services are those rendered to the prince by means of the subjects' property, as by draught animals, wagons, and so forth. Personal services are those furnished by the persons themselves, as to serve at court or elsewhere at certain times. Mixed services consist of both, as when someone serves or accompanies the prince at his own expense upon a journey or to war, and so forth.

"Tyranny can therefore be avoided and equity observed in these things--and it will always be observed--if these four things are not wanting in royal impositions: if there is a just cause for imposing them; if the burden is proportionate to the tax; if the payment is adjusted to each person's means, so that the poor are not compelled to contribute by lot more than those who are richer; and if it is not prolonged beyond necessity. Nor do the theologians dissent. Although all these things, therefore, have been decreed by human law, they are nevertheless owed by divine right, because by the same right the power is ordained. Hence the divine writings say: 'Give the census to Caesar'; 'Render tribute to whom tribute is owed, and taxes to whom taxes are owed.'"

But many things teach, and many persons--not only Becanus and Calvin--maintain, that this supposed right of the king is not equitable and not granted, but usurped. Let us draw back for a little while that royal dog, that new Aristippus creeping into courts.

§ 9. First, the words themselves show that it is not a lawful right but a depraved one, for they are of such a kind as to display tyrannical rapacity. For although our translator has rendered it most excellently "the right of the king," and **τὸ δικαίωμα**,

[Printed page 375]

nevertheless the Prophet did not judge it true right and equity but that which the king would employ. For **משפט** signifies not only right, judgment, power, and norm, but also custom, state, condition, manner, example, crime, and punishment. But let us hear the words, verse 11: **המלך משפט יהיה וזה**.

> And he said: This will be the right, state, and condition of the king who will rule over you. He will take your sons and place them in his chariots, and he will make horsemen for himself and forerunners of his four-horse chariots. He will appoint for himself tribunes and centurions, plowmen of his fields, reapers of his crops, and makers of his weapons and chariots. He will also make your daughters his perfumers, cooks, and bakers. He will likewise take your fields, vineyards, and best olive groves and give them to his servants. He will also tithe your crops and the revenues of your vineyards, to give them to his eunuchs and servants. He will also take away your servants, handmaids, best young men, and asses and put them to his work. He will likewise tithe your flocks, and you will be his servants. And on that day you will cry out from before your king, whom you chose for yourselves; and the Lord will not hear you on that day, because you asked for a king for yourselves.

God clearly taught us that this is not a lawful right, for he prescribed a different one in Deuteronomy 17:

> When you have entered the land which the Lord your God will give you, and possess it and dwell in it, and say, "I shall set a king over me, as all the nations round about have," you shall set up the man whom the Lord your God chooses from among your brothers. You shall not be able to make a man of another nation king, one who is not your brother. And when he has been appointed, he shall not multiply horses for himself, nor lead the people back into Egypt, supported by the number of his cavalry, especially since the Lord commanded you never again to return by the same road. He shall not have very many wives who entice his mind, nor immense weights of silver and gold. But after he has sat upon the throne of his kingdom, he shall copy out for himself the Deuteronomy of this law in a volume, receiving the exemplar from the priests of the Levitical tribe; and he shall have it with him and read it all the days of his life, so that he may learn to fear the Lord his God and to guard his words and ceremonies which have been commanded in the law. Nor shall his heart be raised in pride above his brothers, nor shall he turn aside to the right or left, so that he himself and his son may reign for a long time over Israel.

He shall not multiply horses for himself, for that pomp must greatly burden the people, just as happens also when kings indulge the treasury too greatly. Then he is not to multiply numerous wives, for the multitude and intolerable luxury of queens is burdensome to subjects. Finally, he shall read and observe the book of the law; but thrift and brotherly charity are prescribed in it, and acts of plunder are forbidden, however just and specious the names for plundering which they receive.

Certain words indicate open tyranny, verse 17: "And you will be his servants. And on that day you will cry out from before your king, whom you chose for yourselves; and the Lord will not hear you on that day." The cry of oppressed subjects--oppressed not by war but by the king's rapacity--signifies not a just and paternal prince who, with a good affection, takes counsel for subjects as for children, but a harsh exactor who makes slaves from free persons and rules with the tears of many of his people. Servitude is the ultimate evil; but your kings will use you as servants, while you, voluntarily, though you are free, bring a master upon yourselves. When necessity was throwing Pompey into the power of the boy-king and the hand of the half-man, he did not forget himself, but complained that the very meeting was a compact of servitude. Whoever enters a tyrant's palace is his servant, even if he came free. No one doubts that

this is tyrannical. Nor does he speak according to the common usage by which some eastern peoples called themselves servants, but concerning that harsh servitude which they bore unwillingly.

Yet the flatterer excuses that right: horsemen, tribunes, centurions, and attendants must be maintained. We do not deny that this is so. But these things were also necessary in an aristocracy and in popular government if war had to be waged, and in peace, so that they might be prepared for wars. Here, however, the Prophet speaks about pomp which is superfluous and burdensome to peoples. Moderate pomp is not condemned--pomp suited to majesty and protection which cannot burden the people, for what suffices for moderation can generally be collected from many light tolls.

He offers no excuse concerning the daughters, although to take freeborn virgins as servants of royal luxuries is contrary to right. Let the king use the service of freeborn women if any wish, for pay or in hope of favor, to expend their labor. Therefore, he is speaking about injury; otherwise it is not tyranny, nor even harshness, that persons who voluntarily offer themselves for service at courts and seek rewards should be employed there. Experience teaches that very many aspire to such service even today. Here, however, freeborn women are taken like slaves as perfumers, cooks, and bakers, and with such bitterness that they and their parents cry out from before the king.

He says it is equitable that the king's servants be supported; but where nothing is masterless and a kingdom must be founded by a new right, a despotic right must necessarily yield to the royal right.

Right reason, and indeed justice, counsels that the royal household be supported. But let the household be moderate, not excessively large, not clothed too expensively, and not nourished delicately. Let no fields, olive groves, or best vineyards be given to it, but an honorable wage; or, in turn, let its members guard the king without pay.

But if subjects are unwilling to contribute for the protection and dignity of the king, he will nevertheless not be able to seize the fields or vineyards of private persons. Then, if so great a door is opened to the supreme power, there will be no end to plundering. Who doubts that Ahab was punished because he took Naboth's vineyard against its owner's will? But we are disputing about the meaning of Scripture. The Prophet Samuel by no means threatens that, if the subjects refuse to give what is just, the king will procure it for himself. For when the Jews sought a king according to the custom of neighboring nations, they did not deny him his just ornaments. Rather, this is the punishment--so that the flatterers, informers, calumniators, and inventors of pleasures belonging to the king may know that they are to be enriched from the resources of the provincials.

Fourth, he also asserts that tithes are lawful, indeed that certain princes took eighths, and that this is a right of the kingdom. But the right of tithes is another dispute. It is not a sin, but altogether just and according to nature, that people contribute tithes and other aids. Here, however, the tithes are given to the most wicked of human beings, eunuchs--and tithes from so fertile a kingdom! Malevolent and avaricious eunuchs, when they attained favor with princes, were a certain plague of the state; among so many myriads scarcely ten were good. Castrated men were prohibited in Judaea, and so the foreigners who were fattened by tithes were eunuchs.

Nor is it relevant that he proposes four things in these matters for avoiding tyranny: (1) that there be a just cause for imposing; (2) that the burden be proportionate to the tax; (3) that payment be adjusted to means; and (4) that it not be prolonged beyond necessity. Those things are most true, but the Holy Spirit speaks of the things on account of which they will cry to God and will be servants. Yet no one will cry out if tributes are to be given justly, proportionately, according to means, and for a necessary cause. For this is the safety of a well-constituted state. Nor could anyone have been burdened if Judaea had sustained a moderate court for the king,

[Printed page 376]

since it had previously supported very many kings. Moreover, the things which had to be done in time of war ought no less to have been exacted by the commanders and judges. Justice and equity demonstrate how narrowly the power of kings has in truth been confined.

CHAPTER III

Magistracy Is Twofold: Ecclesiastical and Civil

§ 1. Just as the nature of the human being consists of soul and body, so too there are two principles by which, according to nature, he is directed and led to his proper ends. The first is political power, which God willed to exist for the safety of bodies, peace, and the natural honorable conduct of life; the second is spiritual power, which raises the soul toward divine and supernatural things.

§ 2. The rivalry between priesthood and kingship is ancient. Many, admiring or flattering royal majesty, place the scepter before the miter; wiser and more eminent men, remote from every suspicion of flattery, prefer the priesthood. The rights of kings are great. In the king is the fountain of dignities and the image of the highest glory. Cyril says in *On the Right Faith in Christ*: "To them it is said, 'You are gods, and all of you sons of the Most High.'" They sit upon God's throne, are avengers, and bear the sword; they are the Lord's anointed, lights of the Church, sacrosanct, together with the very many other things which eternal Majesty has sanctioned for the stability of human majesty.

Nevertheless, the priesthood is greater than kingship, for to it it was said: "Whatever you loose upon earth will be loosed also in heaven, and whatever you bind upon earth will be bound also in heaven." The priest, therefore, will loose or bind the king, and the priest's judgment will be ratified in heaven before God. Ambrose, bishop of Milan, who was praised for the lot of a priest and for the judgment of a good king, testifies that kings are not exempt from that jurisdiction. Nor do those deny it who transferred the dignity of the old priesthood to the curia and royal diadem, for they have arrogated this power to themselves and to their churches, as they call them. I shall treat that matter when I discuss political magistracy; now I shall set forth the difference between the two powers and the eminence of the spiritual power.

§ 3. The first difference between sacred and civil power is seen in the end of each. The end of the ecclesiastical magistrate is to lead subjects to piety, religion, and supernatural happiness, and that by virtue of his office and a singular obligation. The political magistrate looks to peace, public tranquillity, and moral virtue. Yet because he is sometimes a Christian, he must refer all those things to God's glory and eternal salvation. Therefore these powers must be joined with the greatest zeal, so that by mutual assistance they may make good citizens. Hence the ecclesiastical magistrate will make provision in every way for public quiet, and the prince will remove from the midst those things which obstruct religion, such as blasphemies, the frenzies of the circus, and the obscenities of the theater.

Next, they also have a different efficient cause. For although both kingship and priesthood are from God, there is nevertheless generally a difference in the manner of conferral. The people, or the whole state, confers civil jurisdiction; although that right resides in a few, the few nevertheless received it from the whole state. The right of the priesthood is greater and more divine than to be conferred by the people or a prince. The right of civil power arises from nature and is assigned by the state to one or more persons; but among sacred prelates the person is designated by human beings and the power is conferred by God.

§ 4. They differ in the manner of governing and in the means tending toward their different ends. The pontiff, by teaching, exhorting, and proposing eternal rewards, calls people away from vices and leads them to virtue. The emperor also employs these means, but uses command more than admonition. The reason for the difference is that civil power in itself regards external acts only; ecclesiastical power presses upon minds and inward piety. Hence civil punishments are generally external, such as infamy, exile, and death; ecclesiastical punishments are mostly internal, such as excommunication and irregularity, which pertain to souls, although it employs external punishments too.

§ 5. If civil and spiritual power are compared with one another, civil power has a prerogative in certain things; spiritual power is more excellent absolutely. If contention is absent from either side, this readily becomes clear.

Civil power has certain things which are not fitting for sacred power. The first of these is the insignia and display of majesty and the multitude of guards. For a bishop is not to be approved if he proceeds with royal or princely splendor, unless he is also a prince.

The second is that civil authority has a right over bodies--to cut them down and kill them. Spiritual authority, however, cannot exceed paternal correction in punishments of the body. Of itself it has no power to kill, mutilate, torture, cut to pieces with whips, punish by exile, or consign someone to a severe and perpetual prison. For these are works of the corporeal sword. Thus Gregory writes to John, bishop of Constantinople, in book 2, epistle 52: "Your Fraternity knows well what the canons say concerning bishops who wish to be feared through blows. For we have been made shepherds, not strikers; and the eminent preacher says, 'Reprove, entreat, rebuke, in all patience and doctrine.' But this preaching which exacts faith by blows is new and unheard of."

Moderate correction is nevertheless permitted; persons are rightly chastised with blows, prisons, and exiles according to the prescription of the canons when their deserts so require. But when this power exercises graver punishments, it has been received from the secular power and employs the secular hand.

The third is that kings have power even over priests themselves unless they are exempt, as they now are in fact and by law. I shall speak about this later, when I treat exemption.

§ 6. Spiritual power is absolutely more worthy and more excellent than civil power. For it is architectonic, and civil power is subordinated to it, since the end of sacred power is far more excellent. Therefore Christ, the king of the daughter of Sion, the meek king, always exercised the former power, but scarcely ever the political power.

§ 7. The prerogative of sacred power is manifold.

The first dignity is certainly attributed to the priesthood by the judgments of all nations; its cause is that the priest is placed as an intermediary between God and the people. Hence too the priest is protected more by divine power than by his own power. Thus an otherwise atheistic writer and denier of divine providence judges concerning this matter; looking upon the effect, he did not know the cause. Machiavelli says in chapter 11 of his *Prince*: "Now there remains for us only to discuss the pontifical and sacred principate. All difficulties surround it before it is possessed. For it is sought either through the favor of virtue or of fortune; yet it is preserved by the effort of neither. It is maintained by institutions which have now grown old by antiquity in religion itself, and the force and nature of all these is so great that they preserve their princes in authority, however they conduct themselves or order their life. These alone among all persons possess dominion,

[Printed page 377]

"yet do not defend it. They also possess peoples subjected to them, but no care of governing those peoples touches them. Although their provinces are undefended, there is no one who takes them away. Likewise, although the peoples under their administration perceive themselves neglected, they give it no consideration. So far are they from thinking that they should withdraw or free themselves from these princes that they are not even able to do so. These alone among all persons, therefore, possess secure and happy dominions."

Yet amid his calumnies and impiety these words shine forth: that they are ruled by a heavenly divinity and that God bears them on high.

Indeed, not only the true and Christian priesthood possesses this praise and power, but also that of the Jews, which was held in great honor because it was a type and image of that supercelestial light which Christ--the true priest according to the order of Melchizedek and the true king of the Church--introduced through himself and through his legates and vicars, the pontiffs. The authority of the typological priesthood is fortified by the most holy law of God, Deuteronomy 17:

> If you perceive that a difficult and ambiguous judgment exists among you between blood and blood, cause and cause, leprosy and non-leprosy, and you see the words of the judges within your gates vary, arise and ascend to the place which the Lord your God will choose. You shall come to the priests of Levitical stock and to the judge who shall be at that time; and you shall inquire of them, and they will indicate to you the truth of the judgment. You shall do whatever those who preside over the place which the Lord has chosen say and teach you according to his law; you shall follow their sentence and shall turn aside neither to the right nor to the left.

Hence superstition also transferred power to the impious and idolatrous priests of the nations. "In ancient times," says Strabo in book 17 of his *Geography*, "at Meroë, which is the metropolis of the Ethiopian kingdom, the highest power was in the hands of the priests, and their authority was so great that sometimes they commanded the king to die by sending a messenger and substituted another in his place."

They possessed the same power in neighboring Egypt, according to Aelian in book 14, chapter 34, of the *Varia Historia*; for among the Egyptians the judges were the same persons as the priests. In former times the Magi, who were both wise men and sacrificers, ruled in Persia. "But now," says Agathias, "the Persians honor the Magi of this time and venerate them exceedingly, so that by their counsel and predictions all public matters are administered. Presiding and judging separately, they determine what reward each person merits for a thing well done and what punishment one who has committed a crime merits; nor indeed will anything seem either lawful or equitable to the Persians which has not been confirmed by the sentence of the Magi." Thus he writes in book 2 of his *Histories*. The cause of so honored a superstition was that they regarded the divinity itself as venerable and therefore thought that its worshipers also ought to be revered.

And so the Romans likewise conferred many matters upon the jurisdiction of the priesthood: they sought from the priests the reckoning of treaties, wars, and peace.

§ 8. A second prerogative lies in exemption from laws and civil burdens, and it is a liberty greater than all others. This has been granted partly by divine and partly by human law. By divine law they possess the immunity which is necessary for the office of sacrificing, teaching, binding, and absolving.

For when Christ sent his Apostles into all the earth, no power in the entire world could impede, delay, or in any way restrain them. And so, against the edicts of the Jews, Roman governors, and barbarian kings, and against persecutions, prisons, torments, and crosses, they announced the name of the Lord without fear. They can be impeded in their office neither by express decrees nor through indirect measures and cunning craft. They cannot be so occupied with curial offices that they cannot be free for studies, prayers, and exhortation. This reason applies to all civil burdens which prohibit spiritual exercises. For if God established Apostles, Doctors, Evangelists, and Bishops, and if he willed them to perform their office, then that which opposes the divine hierarchy is tyranny and impious dominion. Nor is their mission a just one if there is another power in the Christian world which can lawfully overthrow and impede it. For example, it is the Bishop's office to feed the sheep, preserve them whole, bind up the broken, strengthen the weak, be present to all through admonition, exhortation, counsel, and aid, and profit them through consolation and rebuke. Therefore, the emperor cannot occupy him in court business, embassies, warfare, or provincial administration in such a manner that he is compelled to desist from his function, for it is altogether necessary that provision be made for that function through the Bishops themselves or other suitable and diligent laborers lawfully substituted for them. This immunity, therefore, belongs to divine right. For St. Paul or Peter was not compelled to answer Nero when he called their names or to go campaign against barbarians; nor were Bishops and presbyters such as Timothy, Titus, and others, upon abandoning the word of God, bound by imperial commands, nor could they have been bound.

Another exemption belongs to human law and was granted by the munificence and authority of pious princes. All the legal defenses are full of such things, as is the law of Gratian, Valentinian, and Theodosius, Augustuses, title 2 of book 1 of the Code:

> It pleases us, after the tenor of reasonable counsel has been weighed, to prescribe with strict moderation the particular necessities of the individual cities from which churches shall be immune. For first the injury of that usurpation must be driven away, lest estates dedicated to the uses of heavenly mysteries be harassed by the dregs of sordid public services. From this time forward let nothing extraordinary or superindicted be demanded; let no anxiety about transport be invented; finally, let nothing be ascribed to their functions beyond the canonical contribution which the sudden burden of an unforeseen necessity has demanded. If anyone contravenes this, after the sharpness of the vengeance which must rightly be exacted against sacrilegious persons, let him be subjected to perpetual deportation into exile.

And there is the constitution of Emperor Frederick II:

> We command it to be proclaimed throughout Italy that all statutes and customs introduced against the liberty of the Church and her persons, contrary to canonical and imperial sanctions, are null and void; a new constitution commands that they be utterly abolished from the capitularies, and decrees that similar attempts shall henceforth be null by the law itself. If anything contrary is done, the appointed penalties will threaten. But if any despisers of this new constitution are found within a year, their goods throughout our entire empire may be occupied by everyone with impunity.

And that of Constantine:

> Let the injustice of every undue summons and the wickedness of unjust exaction be repelled from clerics, and let there be no summons against them for sordid public services. And when merchants are called to some suitable contribution, let every disturbance of this kind cease with respect to clerics. For if they have amassed anything either by thrift, foresight, or commerce--yet commerce conscious of honor--it ought to be administered for the use of the poor and needy. Let them consider that whatever could have been sought and collected in their workshops or shops has been collected as the profit of religion. Moreover, the statutes of the deified prince my father provided by manifold observance even for their people who engage in commerce, so that these clerics might abound in more privileges. Therefore, let the necessity of extraordinary services and every molestation cease with respect to the aforesaid.

[Printed page 378]

> Let them not be called to any compulsory transport service, nor their resources and property. Let a prerogative of this kind come to the aid of all clerics, so that the wives of clerics and their children too, and their servants, males as well as females, and their sons and daughters, may remain forever immune from public services of this kind.

The whole third title of the first book, *On Bishops, Clerics, and Orphanages*, pursues these matters.

This exemption of property and persons is consonant with divine law, but was granted by human laws. It could scarcely have been denied, because it was becoming and nearly necessary that God's ministers should be endowed with that immunity. But that all those things be preserved for the sacred order is required by the covenants and agreements and by the sanctity and good faith of those who granted them.

§ 9. The third prerogative is that the emperor or prince has no right in ecclesiastical matters. Thus King Uzziah too, says Cyprian in his book *On the Unity of the Church*, "when, carrying the censer and violently assuming for himself a sacrifice contrary to God's law, he was unwilling to obey and believe Azariah the priest when he resisted him, was confounded by divine indignation and marked on his forehead by the variegation of leprosy. When the Lord was offended, he was marked in that part of the body where those who merit the Lord are marked. And the sons of Aaron, who placed upon the altar strange fire which the Lord had not commanded, were immediately extinguished in the sight of the avenging Lord."

Therefore, in the Third Roman Synod under Symmachus it was decreed that kings should not involve themselves in sacred affairs, distinction 96, chapter 1, *Bene*. Thus also at the Council of Chalcedon Marcian wished to be present not as judge but to protect the decrees: "We wished to be present," he says, "to confirm the faith, not to display power,

according to the example of the most religious prince Constantine." Finally, in chapter 5 he denies that he judges divine matters. No less did Theodosius, when he sent Candidianus, count of the household troops, to the Council of Ephesus, forbid him to involve himself in ecclesiastical discussions. Hence Constantine the Great, when the Donatists appealed to him, referred them back to Melchiades. Valentinian too, when Hypatianus, bishop of Heraclea, consulted him about the location of a council, replied: "It is not lawful for me to involve myself in ecclesiastical business; let them assemble wherever they please." Socrates, book 4, chapter 3. The same emperor fined a Bishop who appealed from a synod to a secular tribunal and prohibited such appeals. Emperor Gratian referred the causes of Bishops from the secular tribunal to the Metropolitans.

Therefore, the constancy of Ambrose is deservedly praised. In the presence of the younger Emperor Valentinian and secular judges, he refused to dispute against Auxentius, the Bishop of the Arian party, and yielded nothing of his liberty either to threats or to reverence for the August power. This reverence for pontiffs came upon even impious emperors and kings. Theodoric, the Arian king of the Goths, wished the judges in the accusation of Symmachus to be Bishops, to whom he remitted the inquiry. His grandson Athalaric imitated him and refused to allow clerics to be judged by secular men.

But more will be said about these matters elsewhere. For now these things had to be said concerning the difference between empire and priesthood, a difference which Ambrose in chapter 2 of *On the Dignity of the Priesthood* reports to be so great that, if you compare priesthood to kingship, priesthood will be what gold is among metals. Gregory Nazianzen says: "We too exercise authority--and one more excellent, unless indeed it is equitable to subject the spirit to the fasces of the flesh." Chrysostom says the same in homilies 4 and 5 on Isaiah.

Gelasius therefore truly distinguished these two powers when he wrote to Emperor Anastasius: "There are two things, Emperor Augustus" (distinction 96, chapter 10), "by which this world is principally governed: the sacred authority of the Pontiffs and the royal power. Of these, the burden of the priests is so much the weightier because they will have to render an account at the divine judgment even for the kings of human beings." Gregory VII adduces these words in confirmation of the truth.

§ 10. The civil magistrate is the priests' advocate and defender. "Most Christian prince," says Boniface to Honorius, "Mother Church would be afflicted with many more things if her causes were not secure before you and if, in the suppression of idols and the correction of heretics, she had not prevailed by your faith, divine worship always flourishing together with the empire." Hence the emperor is also bound to the pontiff by oath. His oath in the constitution of Otto is this:

> To you, Lord Pope John, I, King Otto, make promise and oath through the Father and the Son, through this wood of the life-giving cross, and through these relics of the saints: that, if by the Lord's permission I come to Rome, I will exalt the holy Roman Church and you, her ruler, according to my power; and never by my will, counsel, consent, or exhortation shall you lose the life, limbs, and honor which you possess. In the city of Rome I shall make no assembly or ordinance concerning anything which pertains to you or to the Romans without your counsel; and whatever of the land of St. Peter comes into our power I shall restore to you. Whoever I entrust with the Italian kingdom, I shall cause him to swear that he will be your helper in defending the land of St. Peter according to his power. So help me God and these holy Gospels of God.

And so kings and princes have been accustomed to call themselves sons of the Church; tyrants call themselves her masters. Gregory VII speaks excellently: "Who doubts that the priests of Christ are accounted fathers and teachers of kings, princes, and all the faithful? Is it not recognized as wretched madness if a son endeavors to subject his father to himself, or a disciple his teacher, and to submit him by unjust obligations to his own power--the man by whom he believes that he can be bound and loosed not only on earth but also in heaven?" A judge of kings, at least in the manner in which he judges kings, is greater than kings.

> Over kings, fearful among their own flocks,

The priest has authority even over the kings themselves.

§ 11. The civil power honors the priesthood exceedingly. Thus Marcellus writes to Maxentius: "It belongs to a good and religious prince to restore churches that have been crushed and torn apart, to build new ones, and to honor and protect the priests of God. Hence we read that the holy Apostles and their successors established under divine attestation that persecutions ought not to be made, disturbances ought not to be inflicted, those laboring in the Lord's field ought not to be envied, and the dispensers of the eternal king ought not to be expelled."

Nor is excess in that honor easy, since God is honored in his minister.

§ 12. In sacred matters the royal will is subject to the priest. Thus distinction 10, chapter 3: "It is certain that this is salutary for your affairs: when the causes of God are treated, in accordance with his constitution, you should endeavor to subject the royal will to Christ's priests, not to prefer it; you should learn the sacrosanct things from their prelates rather than teach them; you should follow the ecclesiastical form, not prescribe by human agency rights which it must follow; and you should not wish to rule over the sanctions of him to whose clemency God willed the neck of your pious devotion to be submitted, lest, while the measure of the heavenly ordering is exceeded, an insult be made against the one who orders."

The reason is set forth by Clement I in epistle 3, *On the Office of Priests*:

[Printed page 379]

> For because you perform the Lord's embassy, it is yours to teach the peoples; it is theirs to obey you as God. But if all presbyters, deacons, subdeacons, and the remaining clerics, and all princes of both higher and lower rank, and the remaining peoples, tribes, and tongues do not obey you Bishops, they will be not only infamous but exiles from the kingdom of God and the fellowship of the faithful, and strangers to the thresholds of God's holy Church. For it is yours to instruct them; it is theirs to obey you as God, whose embassy you perform, since the Lord says, "He who hears you hears me, and he who despises you despises me. He who receives you receives me, and he who receives me receives him who sent me." For nothing is more unjust or dishonorable than for sons to exist rebellious against fathers, or clerics or laymen disobedient to their teachers, or disciples disobedient or insolent toward their masters.

§ 13. Hence we read the very free rebukes of many priests directed to the highest princes. Gelasius, epistle 13 to Emperor Anastasius: "Supported, therefore, by such institutions and authorities" (distinction 96, chapter 10), "many Pontiffs have excommunicated some Kings and other Emperors. For if some particular example concerning the persons of princes is required, blessed Pope Innocent excommunicated Emperor Arcadius because he consented that St. John Chrysostom be driven from his see. Blessed Ambrose, although holy but not Bishop of the universal Church, excluded from the Church the great Emperor Theodosius, excommunicating him for a fault which did not appear so grave to other priests. He also shows in his writings that gold is not so much more precious than lead as sacerdotal dignity is higher than royal power, writing in this manner near the beginning of his *Pastoral*: 'The episcopal honor and sublimity, brothers, can be equaled by no comparisons. If you compare it with the brilliance of kings and the diadem of princes, it will be much farther beneath it than if you compare the metal lead with the splendor of gold, since you see the necks of kings and princes submitted to the knees of priests and, after kissing their right hands, believe themselves fortified by their prayers.'"

§ 14. Kings can be excommunicated by Bishops. See distinction 96, chapter 10, *Duo sunt*. For since the offenses of princes can deserve this and the princes are subject to priests, it follows that priests have the power to punish them. But the primary spiritual punishment is excommunication. This power existed also among the Jews and was exercised first against the impious, then against the faithful. For they made those men "without the synagogues" who were impious or whom they regarded as such. This censure flourished among the Essenes as the gravest of all. As Josephus reports in book 2, chapter 7, of *The Jewish War*: "Those discovered in sins they expel from their congregation; and the man condemned in this manner is generally consumed by a pitiable death. For, bound by their oaths and customs, he cannot receive food offered by others, but, plucking grasses in the manner of beasts and wasted by hunger, he decays in his

limbs. For this reason they often took pity upon many and received them when they were breathing their last, judging that they had paid a punishment sufficient for their sins, which had brought them as far as death."

In exactly the same manner excommunicated men wandered among the Gentiles, as did Thyestes and others, by whose fellowship people believed themselves contaminated. Such were those consecrated to Dis, who could be killed by anyone with impunity, as Dionysius reports in book 2. And Caesar in book 6 of *The Gallic War* says that among the Gauls those who did not obey the Druids were held in the place of criminals, everyone fled their approach and conversation, judgment was not rendered for them, and no honor was accorded them.

§ 15. The Christian priesthood is royal. First Peter 2. For Christ was both king and priest. He answered Pilate: "You say it, because I am a king." And Nathanael truly says in John 1: "You are the Son of God; you are the King of Israel." Nor did the whole people, knowing the Messiah's dignity, fail to acclaim him when he came, John 12: "Hosanna! Blessed is he who comes in the name of the Lord, the King of Israel." For the Prophet had foretold that the meek king of the daughter of Sion would come. Therefore, when he transferred the priesthood, he also added kingship.

Christ did not abolish political dominion, but nevertheless willed it to be subject to spiritual power. In this respect, indeed, the latter can be called more than royal. Ignatius says truly in epistle 10: "For if the man who rises against a King will rightly be judged worthy of punishment, as one who violates the good constitutions of the laws, how much graver a penalty do you think the man will undergo who wishes to act without the Bishop, breaking concord and confounding the proper order? For the priesthood is the summit of all the goods which exist among human beings."

Although these things sometimes provoke the indignation of political writers, the matter itself nevertheless remains clear by natural, divine, ecclesiastical, and civil law. For the dignity of the priesthood cannot be moved from its place without shaking religion.

§ 16. Many others have defended the Church's sacred right, but Gregory of Toulouse did so eminently in book 15, chapter 1, of *On the State*. These are his words, §11:

"Zacharias, supreme Pontiff of God's Church, transferred the Gallic kingdom from Louis to Pepin. [Diodorus Siculus, book 4 of the *Library*, chapter 1.] And Stephen II, supreme pontiff, transferred the empire from the Greeks to the Germans and to Charlemagne, the son of Pepin. [Canalius, cause 16, question 5.] Gregory V, the Saxon supreme pontiff, about the year 995, confirmed for the Germans by a greater privilege the power of electing. [Chapter *Venerabilem*--perhaps 'the Venerable Bede'--*On Election*, book 1, title 6, of the Decretals; Blondus, book 3, decade 2; Platina, *Gregory V*; Krantz, book 4, chapter 25.]

"And St. Ignatius commands: 'Let the presbyters,' he says, 'and all the clergy, together with all the people, with the soldiers and princes, and even the Caesars, obey the Bishop; the Bishop, Christ.' [St. Ignatius, epistle 9.] No one doubts that St. Ambrose exercised this power against Theodosius I, Caesar, for he interdicted the sacred rites to the Emperor and removed him from the barriers of the Church until he repented of the crime that, in Thessaly, on account of an insurrection and the killing of a single tribune, he had killed seven thousand. [Ambrose, book 5 of the *Epistles*, epistle 28; Rufinus, book 2, chapter 18; Eutropius, book 12.] Innocent I approved the same thing against Arcadius Caesar. [Chapter *Nos si incompetenter*, §1, cause 2, question 7.] Liberius, the supreme pontiff, also resisted the gatherings convoked by Caesar against Athanasius. [Ammianus Marcellinus, book 15, and Athanasius.] Tertullian calls the Supreme Pontiff the king of the age. [Tertullian, book *To His Wife*.]

"Peter had two swords, bearing a symbol of each jurisdiction, which the Lord God Jesus Christ said were enough; nevertheless, he prohibited him from the exercise of the material and corporeal sword and ordered him to keep it in its sheath. [St. Matthew, chapter 26.] Nor did he wish his Church indiscriminately to inflict temporal death. [Chapter *In archiepiscopatu*, *On Abduction*; chapter *Sententiam sanguinis*, *Lest Clerics or Monks*, and so forth; *Occidit*; and canon *Legitur*, cause 2, final question; chapter *Nos si incompetenter*, § *Iis ita*, cause 2, question 7.] Although, in the old law--which foreshadowed our Church--the priests employed that sword: Samuel against King Agag [1 Kings 14 and

15]; Elijah against the prophets of Baal [3 Kings 18] and against the captains of fifty belonging to Ahaziah [4 Kings 1]; Elisha against the mocking boys [4 Kings 2]; Jehoiada against Athaliah [4 Kings 11; 2 Chronicles 22]; Eliakim against Holofernes [Judith 4]; and St. Peter himself against Ananias and Sapphira [Acts 5]."

Thus the Church's right remains: the right which she received from God, which she held by the will and covenant of kings, and which she rendered ratified and certain by long possession.

CHAPTER IV

The Christian Sacrifice and Its Rationale

§ 1. The duties of ecclesiastics relate either to God, to their neighbor, or to themselves. The first and holiest duty is to sacrifice to God, to pray, to sing psalms to the Lord, and to devote oneself to divine reading. The second is to teach, admonish, and judge, whether concerning ecclesiastical or secular matters. The third is to exhibit integrity of life in all these things toward God, oneself, and one's neighbor. These duties must therefore be treated in order. First, concerning sacrifice.

[Printed page 380]

§ 2. A sacrifice has been offered to the divine majesty in every age. Concerning Christian times also, the Prophets said that a sacrifice was to be offered in every place, and indeed a clean oblation, Malachi 1:10--11. Justin in the *Dialogue with Trypho*, Irenaeus in book 4, chapter 31, Cyprian in book 1 *Against the Jews*, Jerome, Augustine, and the others interpret this as referring to the true Eucharistic sacrifice. Dionysius the Areopagite himself, a disciple of the Apostles, calls it **θεοτάτην καὶ ἱερὰν τελετήν**, a most divine and sacred sacrifice.

With the same meaning Blessed Andrew calls it **ἄρτον θεόσωμον** and says:

> **Κύριος ὢν τῶν ὅλων, ὁ ποιητὴς Θεός, τὸ πάσχα ἐκείνοις ὑφ' ὧν θνήσκειν ἔμελλες, αὐτὸς ὢν, σεαυτὸν προέθηκας, "φάγετε" βοῶν, "τοῦτό ἐστι τὸ σῶμά μου," καὶ πίστει θεμελιοῦσθε. Συνήθης γὰρ αὐτοῖς ἀρχὴν τῆς ὑπουργίας, εὐλογήσας τὸν θεόσωμον ἄρτον καὶ καινὸν καθαγιάσας ποτήριον, τὸ δεσποτικὸν αἷμα, μετέδωκεν αὐτοῖς ἀχράντων καὶ ἀθανάτων τοῦ Χριστοῦ μυστηρίων.**

Existing as Lord of all and God the Creator, you proposed yourself as the pasch to those who had delivered you to death, crying, "Eat; this is my body," and "Be established in faith," says Andrew. But in the ministry customary among them, when he had blessed the bread changed into the body of God and had consecrated a new chalice of the Lord's blood, he made them participants in the undefiled and immortal mysteries of Christ.

§ 3. It must be earnestly ensured that the sacrifice is offered to God rightly and with the worship that is owed.

For if the divine majesty required purity of soul and integrity of body in the ministers who slew victims of bulls and sheep, what innocence and sanctity are required in those who offer to God the Holy of Holies, the Son of God, the eternal splendor, born of the Virgin? Certainly the blood of God's Son demands hands purer than the blood of animals. John Chrysostom speaks truly in his commentary on John:

> **Τὸ "ἔνοχος τοῦ σώματος καὶ αἵματος" τοῦτο δηλοῖ, ὅτι καθάπερ παρέδωκε μὲν αὐτὸν ὁ Ἰούδας, παρῴνησαν δὲ εἰς αὐτὸν Ἰουδαῖοι, οὕτω ἀτιμάζουσιν αὐτὸν οἱ τὸ πανάγιον αὐτοῦ σῶμα χερσὶν ἀκαθάρτοις δεχόμενοι· ὡς Ἰουδαῖοι κρατήσαντες, οὕτω καὶ οἱ ἀναξίως προσφέροντες στόματι. Διὰ τί δὲ τὸ εἰπεῖν πολλάκις τὸ σῶμα καὶ τὸ αἷμα τοῦ Κυρίου δηλοῖ; Ὅτι οὐχ ἁπλὸς ἄνθρωπος, ψιλὸς ὁ θυόμενος, ἀλλ' αὐτὸς ὁ Κύριος, ὁ ποιήσας τὰ ὅλα, ὡς δῆθεν διὰ τούτων ἐκφοβῶν αὐτούς· καὶ "τοῦ αἵματος τοῦ Κυρίου," ὡς αὐτὸς ὁ ἐκχέας αὐτό· οἱ γὰρ ἐφόνευσαν αὐτόν, ὁ δὲ τῇ ἀναξιότητι φονεύειν δοκεῖ.**

The words, "he will be guilty of the body and blood," signify this: just as Judas betrayed him and the Jews mocked him, so those who receive his most holy body with impure hands are injurious to him, just as were the Jews when they held him; such are those who bring it to a polluted mouth. But the fact that he repeatedly uses the words "the body and blood of the Lord" shows that the one who is sacrificed is not a mere human being, but the Lord himself, the creator of this universe. By this he terrifies us: "He will be guilty of the body of the Lord," as one who has shed his blood. For the Jews killed him, but this man who eats unworthily appears to kill him.

§ 4. God killed the sons of Eli together with their father and on one day delivered the camp of Israel and the ark into the hands of the enemies because they had kicked away the victim of the Lord, 1 Kings 2:29 and following. "Why," he says, "have you kicked away my victim and my offerings which I commanded to be offered in the temple?" In Hebrew: **בזבחי תבעטו למה**, "Why have you kicked at my victim?" For it is a great contempt to trample something under one's feet, and a greater one to strike it with the back part of the feet. The Septuagint rendered the sense: **Καὶ ἵνα τί ἐπέβλεψας ἐπὶ τὸ θυμίαμά μου, καὶ ἐπὶ τὴν θυσίαν μου ἀναιδεῖ ὀφθαλμῷ;** "Why did you look contemptuously upon my incense and my victim with a shameless eye?" How much more gravely, therefore, do those sin who look with a shameless eye upon the highest and most divine mystery?

I think that this shamelessness caused the exiles and deaths of so many priests, the devastation of temples, and the demolition of altars, while in the place of reconciliation, in the sanctuary of holiness, the Son of God is crucified again by impious priests and the blood of the covenant is held up to mockery. One ark was captured, two priests fell, and Eli, falling, broke his neck because the typological sacrifices, shadows of the true ones, had been despised, because the blood of bulls and calves had not been offered according to rite. The Christian world mourns that so many temples have been burned, changed into profane workshops, and converted into Turkish mosques and schools of heresies; and it fears for the others, because the evil life of priests had already dishonored them beforehand. Let us blame the errors and frenzies of manifold heresies in such a way that we nevertheless know that they arose from the vice of priests. The impious life of the sacrificing priest drove the people of God away from God's temple, and drives them away today. Yet together with bad priests the people is punished, as is the parent who dissembles crimes and thrusts badly reared sons upon the Church.

§ 5. Therefore the Supreme Pontiff, Metropolitans, Archbishops, Bishops, Provosts, Deans, official Vicars, and the rest bind themselves by mortal sin when they are negligent in this class of matters. For they permit God to be afflicted with insult, turn the people away from the temple, and furnish enemies an occasion for cursing and insulting. For what was less fitting than that those whose eyes are full of adultery and of unceasing sin should offer the blood of the Lamb and feed upon it? Why do they permit the bellies and crimes of impious human beings to be fattened from Christ's patrimony? Why do they not prevent them from eating and drinking judgment for themselves every day? Formerly, if anyone unworthy approached the table of the Lord, he was frequently punished with sickness and death. "Therefore," says the Apostle, "among you many are weak and feeble, and many sleep," 1 Corinthians 11, because God pursues an insult inflicted upon his body with swift punishment.

St. Cyprian, in *On the Lapsed*, testifies that this was customary in his own time:

> Still almost belching forth the death-bearing food of idols, their jaws even now breathing out their crime and reeking of deadly contagion, they invade the Lord's body, although the divine Scripture meets them, cries out, and says: "Everyone who is clean shall eat the flesh, and whatever soul eats of the flesh of the saving sacrifice, which belongs to the Lord, while his uncleanness is upon him, that soul shall perish from his people." The Apostle likewise testifies and says: "You cannot drink the chalice of the Lord and the chalice of demons; you cannot share the Lord's table and the table of demons." He likewise threatens and denounces the obstinate and stubborn, saying: "Whoever eats the bread or drinks the chalice of the Lord unworthily will be guilty of the body and blood of the Lord." All these things having been spurned and despised, violence is inflicted upon his body and blood; and now they sin against the Lord more with their hands and mouth than when they denied the Lord. Before their offenses have been expiated and confession of the crime made, before their conscience has been cleansed,
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> *[Printed page 381]*
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> by the sacrifice and hand of the priest, before the offense of the indignant and threatening Lord has been appeased, they think there is peace--the peace which certain men sell with deceptive words. That is not peace but war; nor is the man joined to the Church who is separated from the Gospel.

If these things are said concerning all Christians, why are they not said still more concerning priests, who both confect the Lord's body, receive it, and distribute it to others? With defiled hands and a polluted mouth they invade the Lord's body; to others, who detest them, they hand it with scandal. They ought not to give it to the unworthy, but they themselves handle it most unworthily.

St. Cyprian admonished this long ago:

> Behold what punishments we discern among those who denied! What mournful ends of theirs do we lament! Nor can they be here without punishment, although the day of punishment has not yet come. Certain persons are punished meanwhile so that others may be corrected. The examples belong to all; the torments, to a few. One of those who voluntarily ascended the Capitol to make a denial, after he denied Christ, became mute. The punishment began from the place where the crime also began, so that he who did not have words with which to entreat mercy could no longer entreat. Another woman, stationed in the baths--for this was lacking to her crime and evils, that she who had lost the grace of the life-giving washing should proceed at once to the baths--was seized there by an unclean spirit, unclean as she was, and fell. With her teeth she tore the tongue which had either fed or spoken impiously. After the criminal food was consumed, the madness of her mouth was armed for her own destruction. She became her own executioner and could not survive long thereafter; tortured by pains of the belly and entrails, she died.
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> Receive what happened with me myself present and as witness. Parents, perhaps fleeing, while in their fear they took too little counsel for themselves, left their little daughter under a nurse's care. The nurse took the abandoned child to the magistrates. At the idol where the people were assembling, because on account of her age she could not yet eat flesh, they handed her bread mixed with wine, which nevertheless was itself left over from the sacrifice of those who were perishing. Afterwards the mother received her daughter. But the girl was as unable to speak and disclose the crime committed as she had been unable to understand or prevent it. It therefore happened through ignorance that the mother brought her with herself when we were sacrificing. But the girl, mingled with the holy ones, unable to bear our prayer and supplication, now began to be shaken with weeping, now to be tossed about, wavering in an agitation of mind; and, as if under the compulsion of a torturer, by such indications as she could give, her untaught soul in its still innocent years confessed consciousness of the deed.
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> But when the solemn rites had been completed and the deacons began to offer the chalice to those present, and, after the others received it, her place came, the little girl, by an instinct of the divine majesty, turned her face away, pressed her mouth closed with resisting lips, and refused the chalice. The deacon nevertheless persisted and, although she struggled against him, poured into her from the sacrament of the chalice. Then there followed sobbing and vomiting. The Eucharist could not remain in a violated body and mouth. The drink sanctified in the Lord's blood erupted from the polluted entrails. So great is the Lord's power, so great his majesty. The secrets of darkness were detected beneath his light; not even hidden crimes deceived the priest of God.
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> This occurred concerning an infant who did not yet have the age to speak of another's crime concerning her. But a woman of mature age and advanced years, who crept in secretly among us while we were sacrificing, took for herself not food but a sword, and, as if admitting certain deadly poisons between her jaws and breast, then began to be strangled and shut in by a soul boiling over. Having suffered the pressure not of persecution but of her own offense, she fell down trembling and palpitating. The crime of a dissembled conscience did not long remain unpunished or hidden. She who had deceived a human being perceived God as her avenger.
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> And when a certain woman attempted with unworthy hands to open her chest in which the Lord's holy thing had been, she was frightened away by fire rising from it, so that she did not dare to touch it. And another man, who was himself defiled, after the sacrifice had been celebrated by the priest, dared secretly to receive his portion with the others. He could not eat and handle the Lord's holy thing; when he opened his hands, he found himself carrying ashes. By the example of one it was shown that the Lord withdraws when he is denied, and that what is received does not profit the undeserving unto salvation when, while the sanctity shines forth, saving grace is changed into ash.

> How many every day, not performing penance nor confessing their consciousness of their offense, are filled with unclean spirits? How many, mindless even to insanity of mind, are shaken by the fury of madness? Nor is it necessary to go through the ends of individuals, since throughout the manifold ruins of the world the punishment of offenses is as varied as the number of offenders is numerous. Let each person consider not what another has suffered, but what he himself deserves to suffer. Let him not believe that he has escaped if meanwhile his punishment has been deferred, since the man whom the sentence of God the judge has reserved ought to fear all the more.

§ 6. Thus Christ the Lord, by the terror of the few whom the tower crushed and whose blood Pilate mingled with sacrifices, reveals the punishments of all who sin: "Unless you do penance, you will all perish in like manner."

St. Dionysius testifies in his *Hierarchy* that this occurred not only in the time of Cyprian but also in the most ancient times--namely, that many persons were vexed by demons on account of receiving the Eucharist unworthily. After Cyprian, Chrysostom says in homily 3 on 1 Timothy: "Very many things of this kind occur even now. For because the priests do not know those persons who, being liable to sins, receive the venerable mysteries unworthily, God frequently acts and hands those same persons over to Satan. Finally, how often illnesses, how often losses, how often griefs and calamities occur; they occur on account of this matter. Paul also expressed this pointedly: 'Therefore among you,' he says, 'many are weak,'" and so forth.

Indeed, wicked priests are now frequently punished with diseases, death, and in other ways, but more frequently through the despoliation of temples and loss of all revenues, so that they may be corrected by poverty. Many have fallen into heresies because they rejected conscience. Nor must the end of the punishments be awaited.

§ 7. The canons which bar impious and concubinary priests from the altars must not only be praised, but recalled into use and vigor. For if matters come to such a point that laws are overcome by vices, they are consumed by sedition, war, famine, and pestilence.

There are various canons, and I shall set down some of them, so that prelates may have a norm according to which they may reform their clergy; for unless they do so, either the heretic or the Turk will do it, or some barbarian fouler than the Turk.

Canon 24 of the Apostles:

> **Ἐπίσκοπος, ἢ πρεσβύτερος, ἢ διάκονος, ἐπὶ πορνείᾳ, ἢ ἐπιορκίᾳ, ἢ κλοπῇ ἁλούς, καθαιρείσθω, καὶ μὴ ἀφοριζέσθω· λέγει γὰρ ἡ γραφή· οὐκ ἐκδικήσεις δὶς ἐπὶ τὸ αὐτό. ὁμοίως καὶ οἱ λοιποὶ κληρικοὶ τῇ αὐτῇ αἱρέσει ὑποκείσθωσαν.**

A bishop, presbyter, or deacon who has been caught in fornication, perjury, or theft is to be deposed; nevertheless, he is not to be deprived of communion. For Scripture says: "The Lord will not avenge twice for the same thing." Likewise, let the remaining clerics be subject to the same penalty.

Although only deposition is commanded by that canon, excommunication is nevertheless often added because of the nature of the offense, or its circumstances, or certainly the neglect of amendment, as the most learned Severinus Binius shows in his most exact notes on the Councils.

There are other canons which deny clerics the use of a wife; how much more do they detest fornication? Thus Distinction 32, chapters 1, 2, 3, 4, 7, 8, 10, 11, and 17, and Distinction 81, chapter 3 and following.

[Printed page 382]

Much more severely, however, they forbid not only consorting with harlots but even cohabitation with women. The Council of Nicaea, canon 3, Distinction 22, chapter 16: "In every respect the holy Synod has forbidden a bishop, presbyter, deacon, or anyone at all who is in the clergy to be permitted to keep a woman introduced into his household, unless perhaps a mother, sister, or paternal aunt, or also those suitable persons who escape suspicion."

To this I also refer Distinction 33, chapter 2. There orders are denied to a bigamist; how much more to adulterers, if they commit adultery while in those very orders? And Distinction 34, chapter 7. There also a man who, before he was named Bishop, is said to have had a concubine is commanded to withdraw from office if the report was true; thus Gregory to Andrew of Tarentum:

> When the truth was disclosed, we learned that you had had a concubine, concerning whom suspicion against you has also arisen among certain persons. But because there ought not to be an absolute judgment in doubtful matters, we choose to entrust this to your conscience. Therefore, if you remember that, while constituted in sacred order, you were stained by union with her, lay aside the honor of the priesthood and presume in no way to approach to minister; knowing that you minister at the peril of your soul and will without doubt render an account of yourself to our God, if, conscious of this crime, you wish to remain in the order in which you are by concealing the truth.

But let us hear those who wished sacrifice to be offered by good and chaste priests. The canon of the Roman Synod of 113 Bishops reads thus: “Let no one hear the Mass of a presbyter whom he knows without doubt to have a concubine or a woman introduced into his household.” Hence the holy Synod itself also established this chapter under pain of excommunication, saying: “Whoever among the priests or deacons,” and so forth. Who will restore to us, if not the practice, at least the fear of the ancient discipline?

Yet this is not forbidden as though the sacrifices were not true sacrifices and the sacraments true sacraments, but in order that impious priests may be corrected; thus Augustine, tractate 5 on John, 1, question 1, chapter 30:

> If the minister is just, I reckon him with Paul, who does not seek his own glory, saying, “I planted, Apollo watered, but God gave the increase.” But if the minister is proud, he is reckoned with the devil; yet the gift of Christ is not defiled, because through him the pure river passes and comes to fertile soil. I know that a stone cannot bear fruit from water; and if water passes through stone channels to the garden-plots, nothing is generated in the stone channel, but nevertheless the garden bears very abundant fruit. For the spiritual virtue of the sacrament is received as pure light by those who are to be illuminated; but in passing through the unclean it is not polluted.

Since, therefore, the cause of the law still persists, there is no doubt that the obligation of the law also remains. For why, if citizens, nobles, and farmers have a concubinary parish priest, should they not rather betake themselves to those by whom the sacrifices are performed without scandal? For in the sacrifice itself it occurs to the hearer that God is being offended by the sacrificer with mortal crime--with manifold crime.

What, then, is to be done with those clerics who cast the sacrifice away with their heel? The Third Synod of Orléans, chapter 7, defined this long ago, as it stands in Distinction 81, chapter 10: “If any cleric shall have confessed or been convicted of having committed adultery, let him be deposed from office, be granted communion, and be thrust into a monastery for the whole time of his life.” Deservedly is he thrust back into hiding who, placed upon the lampstand, did not shine but poured the darkness of offenses over the Church.

And in the same Distinction, chapters 11, 13, 14, 16, and 17, they are commanded to be deposed. Indeed, Gregory VII forbids them to enter the church, Distinction 81, chapter 15:

> If there are any presbyters, deacons, or subdeacons who lie in the crime of fornication, on behalf of almighty God and by the authority of St. Peter we forbid them entrance into the church until they repent and amend. But if any prefer to persevere in their sin, let none of you presume to hear their office, because their blessing is turned into a curse and their prayer into sin, as the Lord testifies through the Prophet: “I shall curse,” he says, “your blessings.” But whoever refuses to obey this most salutary precept incurs the sin of idolatry, as Samuel testifies and Blessed Gregory confirms: “Not to obey is the sin of divination, and not to acquiesce is like the crime of idolatry.” Therefore, whoever, while asserting that he is a Christian, disdains to obey the Apostolic See incurs the sin of paganism.

Even conversation and suspicion are forbidden in Distinction 81, chapters 26 and 27. The same judgment of the Church remained also in the times of our forefathers; for in the Lateran Council under Leo X it was established as follows, chapter 1, in the *Septimum*, book 5, title 1, constitution 16:

> We establish that every cleric, of whatsoever condition, status, religious order, or dignity, even if he be of pontifical or some other preeminence, who, after obtaining knowledge of the present decrees--which he is presumed to have obtained after two months following the publication of these same present decrees in the cathedral churches, which the diocesan bishops themselves are absolutely bound to effect after the present decrees have come to their knowledge--is a public concubinary, shall by the very fact be suspended for the space of three months from the receipt of the fruits of all his benefices; his superior shall convert these fruits to the fabric, or to another evident utility, of the churches from which those fruits are received. Moreover, as soon as his superior knows him to be such a public concubinary, he shall at once be bound to admonish him to dismiss his concubine within the shortest term; and if he does not dismiss her, or publicly takes back the woman dismissed or another, we command that the superior deprive him altogether of all his benefices.
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> And nevertheless, until their superiors have dispensed with these public concubinaries after the dismissal of the concubines and the manifest amendment of their lives, they shall be ineligible to receive any honors, dignities, benefices, or offices whatsoever. If, after dispensation, they return like the dog to its vomit, to public concubinage of this kind, they shall be altogether ineligible for the aforesaid things, without hope of any dispensation. And if those to whom the correction of such persons belongs neglect to punish them as aforesaid, their own superiors shall in every way punish with a worthy penalty both them for their neglect and those others for concubinage. In provincial and synodal councils as well, action shall be taken against those who neglect to punish such persons, or who are accused of this crime, even by suspension from the conferral of benefices or by another fitting penalty. And if those whose removal belongs to us and the aforesaid See are found by provincial Councils or superiors to be worthy of deprivation because of public concubinage, they shall immediately be brought before us together with the inquisitorial proceedings. The same diligence and inquiry shall be observed regarding them in all general and provincial chapters, while the other penalties established by law against the aforesaid and other public concubinaries remain in their force.
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> Those, however, are to be understood as public concubinaries not only whose concubinage is notorious through a sentence, a confession made at law, or evidence of the fact which can be concealed by no evasion, but also those who keep a woman suspected and accused of incontinence and, having been admonished by their superior, do not effectually dismiss her. But because, in certain regions, some persons possessing ecclesiastical jurisdiction

[Printed page 383]

> are not ashamed to receive monetary gain from concubinaries, allowing them to wallow in such foulness, under penalty of eternal malediction we command that henceforth they neither tolerate nor dissemble such things in any way under an agreement, composition, or hope of other gain. Otherwise, in addition to the aforesaid penalty for negligence, they shall be bound and compelled to restore twice what they received on that account and to convert it entirely to pious uses. But the prelates shall take care by every means to keep the concubines themselves, or suspect women, entirely away from their subjects, invoking the help and arm of the secular power if necessary; and they shall not permit sons begotten from such concubinage to live with their fathers. We command in addition that the aforesaid things be published in the aforementioned Synods and chapters, and we diligently enjoin them to admonish each of their subjects to dismiss these concubines.
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> Furthermore, we command all secular men, even if they shine with royal dignity, not to bring any impediment whatsoever, under any color sought, against prelates who by reason of their office proceed against their subjects for concubinage of this kind and in other cases permitted them by law. And since every crime of fornication is prohibited by divine law and must necessarily be avoided under penalty of mortal sin, we admonish all laymen, married as well as unmarried, similarly to abstain from concubinage. For he is exceedingly blameworthy who has a wife and approaches another wife or woman; but he who is unmarried, if he is unwilling to remain continent,

should take a wife according to the Apostle's counsel. For the observance of this divine precept, those to whom it belongs shall labor with every zeal, both by such salutary admonitions and by other canonical remedies. Rome, on the fourteenth day before the Kalends of January, 1516.

§ 8. Likewise the Council of Trent, session 25, chapter 4, *On Reformation*:

> How shameful and unworthy of the name of clerics, who have devoted themselves to divine worship, it is to live amid the filth of immodesty and unclean concubinage, the thing itself sufficiently attests, to the common offense of all the faithful and the supreme disgrace of the clerical soldiery. Therefore, so that the ministers of the Church may be recalled to that continence and integrity of life which befits them, and so that the people may thereby learn to reverence them the more, the more honorable they have recognized them to be in life, the holy Synod forbids all clerics whatsoever to dare to keep concubines or other women concerning whom suspicion can be entertained, either in or outside the house, or to have any association with them; otherwise, let them be punished by the penalties imposed by the sacred canons or the statutes of the Churches.
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> But if, after being admonished by their superiors, they have not abstained from them, by the very fact let them be deprived of a third part of the fruits, emoluments, and revenues of all their benefices whatsoever, and of their pensions; this part is to be applied to the fabric of the church or to another pious place at the discretion of the Bishop. But if, persisting in the same offense with the same or another woman, they have still not obeyed a second admonition, not only shall they by that very fact lose all the fruits and revenues of their benefices and their pensions--which shall be applied to the aforesaid places--but they shall also be suspended from the administration of the benefices themselves for as long as the Ordinary, acting also as delegate of the Apostolic See, shall judge proper. And if, thus suspended, they nevertheless do not expel the women or continue to associate with them, then let them be deprived in perpetuity of their benefices, portions, offices, and all ecclesiastical pensions, and be rendered ineligible and unworthy of all honors, dignities, benefices, and offices in future, until, after manifest amendment of life, their superiors shall for cause judge it proper to dispense with them.
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> But if, after they have once dismissed the women, they dare to renew the discontinued association or attach to themselves other scandalous women of this kind, in addition to the aforesaid penalties let them be struck with the sword of excommunication. Nor shall any appeal or exemption whatever impede or suspend the aforesaid execution. Cognizance of all the aforesaid matters shall belong not to Archdeacons, Deans, or other inferiors, but to the Bishops themselves, who may proceed without the clamor and formality of a trial, considering the truth of the fact alone. But clerics who possess no ecclesiastical benefices or pensions shall, according to the nature of their offense and their persistence in contumacy, be punished by the Bishop with imprisonment, suspension from order, ineligibility to obtain benefices, or in other ways according to the sacred canons. Bishops also--God forbid--if they have not abstained from a crime of this kind and, after being admonished by the provincial synod, have not amended themselves, shall by the very fact be suspended; and if they persist, they shall also be reported by that same Synod to the most holy Roman Pontiff, who shall punish them according to the nature of the fault, even by deprivation if necessary.

Nor is it strange or novel that superiors pay the penalties for the faults of their subjects, for in truth these faults are imputed to them, Distinction 86, chapter 1: "The faults of the lower orders are to be referred to none more than to sluggish and negligent rulers, who often nourish a great pestilence while they dissemble from applying a harsher medicine." If a physician betrays his duty when, through cruel mercy, he allows a contagious plague to increase unto the destruction of the sick man, how great is the sin of a prelate who idly watches the destructions of souls?

All these things tend to this end: that sacrifices may be offered purely, chastely, and uprightly by holy priests, and that because of contempt for it the Church and the state may not come into danger.

§ 9. Nor ought it to be a matter of little care to us that the external majesty of ceremonies, churches, and sacred furnishings should be such as, turning minds away from earthly thoughts, may lead them by the hand, as it were, to the

contemplation of heavenly things, and as is fitting for the divine majesty. It is therefore fitting that these things be done in a well-ordered state.

There ought to be daily sacrifices, lest the Christian Church be less pleasing to Christ than the Hebrew Church had been. For in the latter, besides the morning and evening sacrifices, the altars glowed with perpetual fire.

It has furthermore been provided by law--and indeed by a most ancient law--that the mysteries be celebrated and received by those who are fasting, although Christ himself gave them to men who had eaten supper. For it was established thus from Apostolic times, after some were approaching the table of the Lord hungry and others drunk.

Let him who celebrates the mysteries have an assistant and minister. The canons profess that they establish this because of the various contingencies which arise.

Let the chalices and the other instruments and vestments be becoming, and indicative of the mysteries; and let there be that ornament which displays a modest magnificence. For it is not fitting that the furnishings of the church be squalid, since they are accustomed to shine upon tables.

But if cemeteries must be fenced lest the places in which Christians rest be disturbed by the incursion of animals--see volume 4 of the Councils, part 2, folio 437, and the Fourth Council of Milan, section *On the Ornament, Beauty, and Cleanliness of Sacred Places*--if, I say, such great cleanliness and ornament are required, how much more the purity of souls, without which the splendor of walls cannot be pleasing to God?

Concerning external ornament it was established thus in the Fourth Council of Milan: “Let no animals, larger fish, or members of them be hung in churches, except those which the Bishop shall judge should be permitted for the sake of a vow or pious signification.”

[Printed page 384]

> Let the consecrated tables of the altars, even if in some part they are made of brick, be entirely covered with waxed cloth in such a way that the cloth cannot easily be removed from the table.
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> When the doors of the Church are open, let each altar be clothed with three clean cloths--one long one which reaches to its lowest part, and the other two shorter--in such a way that even the wooden step placed behind upon the altar is not bare of covering, but is entirely spread with a clean cloth. Let each altar likewise always be fittingly adorned with a frontal of the color proper, insofar as this can be done, to the feast-day or feria, and covered with a green cloth so that the cloths may not be soiled by dust or other filth; and let it furthermore be furnished and adorned with a cross placed in the middle and two candlesticks, one placed on the right and the other on the left. Let this be done daily in churches which are frequented, but in other churches at least on feast-days.
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> Let there likewise be a tablet of the secrets upon each altar, but on this condition: that when Mass is completed it is not to remain upright, but is to be laid down and concealed beneath the covering or cloth.
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> In those Churches in which, on the Thursday of Holy Week, a sepulcher is adorned or erected where the body of Christ the Lord is reserved, since Isaiah foretold that it would be glorious, just as it must be decorated with precious ornament, so care must be taken in them that the arrangement of the ornaments not be profane and little becoming. Therefore, let no coverlets, curtains, canopies, or tents employed for profane use in bedchambers be used to clothe and adorn it, unless they have been offered to the Church, have already become its property, and have been dedicated to sacred use.
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> The same is established concerning the garments and ornaments with which the sacred images of male and female saints are clothed.
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> Let neither Churches nor oratories become filthy with mold, dust, or other squalor.
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> Where, moreover, a place of no great space, however small, which does not contain the choir, is given or left between the high altar and the wall which is behind it, let that place also be kept pure and clean from every mold,

squalor, and filth.

Let no box, small vessel, table, or any other thing of that kind be placed, even extraordinarily, in a Church, before its doors, in oratories, or in another sacred place for the sake of collecting alms--not even in the name of that Church, its fabric, or its rector--or, if already placed, be permitted in future, except by the Bishop's permission expressed in writing. Then let two keys, fashioned with different workmanship, be fitted to that box or other object prepared for this purpose; one of them shall be kept by the person whom the Bishop has named, and the other by those in whose name the alms are collected. If it is done otherwise, let the penalty be at the Bishop's discretion; likewise, let the alms collected be assigned to pious places at his discretion.

If, by the Bishop's permission, any chests are placed in the Church, into which--as happens in very many places through the devotion of the faithful--grain, pulses, or anything else is cast as alms, let them not be placed inside the rails or iron lattice of the chapel or altar to which the faithful who offer things of this sort resort, so that it would be necessary for the faithful who are to contribute alms to enter the rails.

In order both that provision may be made for the cleanliness of Churches and that the disturbances and quarrels which often arise from the placing in Churches of women's seats, which they call *bradellae*, may be forestalled, and at the same time that more space may be given to the throng of the people in those Churches which especially are very narrow, let all those seats be removed wherever they have been placed, and let none ever be placed in future. But with the Bishop's permission it shall be lawful to place and set up certain common seats, low and fashioned with simple workmanship, in the measure and form prescribed in the book of our instructions. These common seats may be made at the expense either of the confraternities established in the Churches or of money contributed by the people, or in any other way which shall seem preferable to the Bishop.

Likewise let the altars, sacred panels and images, and the walls themselves perpetually shine; then let the windows be not somewhat dark but translucent; and let the pavement be carefully swept at least every eighth day. Let it be the care of the rector of each Church that all these things are performed.

Let diligence likewise be applied, and action taken with grave punishment and fine, so that the walls of the Church, oratory, and cemetery may be kept clean from urine or any other kind of filth.

Let trees, stocks, and other shrubs of that kind be removed from all Churches and oratories, lest their spreading roots damage the walls or their extended branches cover the roofs, whence damage may arise to those roofs themselves. But if any branches of this kind already damage the roofs, let them be cut away completely.

Furthermore, let vines, ivy, and other plants of this kind which, as they grow, cling to the exterior walls of churches or oratories be entirely pulled up.

Moreover, let those same walls be kept clean of brambles, thorns, and other things of that kind which are accustomed to grow up outside them, and free also from heaps of rubble and stones.

From cemeteries, moreover, let vines, fruit-bearing trees, and also other trees of every unfruitful kind, or shrubs and stocks, be entirely pulled up and cut down.

And let nothing be planted or sown in these sacred places in future.

Nor let hay be cut from them, nor likewise let the green grass which may serve as fodder be given to beasts.

Nor let anything with a heavy or foul odor be cast within their boundaries, nor let anything else be done there dishonorably toward those sacred places.

Let stables of cattle and animals of every kind also be far from them.

In these same places, let no stack of wood be made; let no beams be heaped up; let there be no pile of rubble or stones; finally, let there be nothing opposed to the beauty, cleanliness, religious character, and sanctity of that place.

On Removing Profane Use from Sacred Places

Let no notices or writings concerning houses, fields, and other things of this kind which are commonly offered or publicly advertised for lease or sale, nor indeed concerning any profane thing whatever, be affixed in future to any doors, leaves, or walls of churches, oratories, or cemeteries, or in any sacred place.

Likewise, let no goods for sale be hung upon the walls of churches, oratories, or cemeteries, nor within the space which is sprinkled with holy water when a Church is consecrated, or within the limits of the drip from the eaves, or within another greater interval of ground to be prescribed by the Bishop's judgment.

Likewise, let no workshops or shops, made from material of any kind, even boards or planks, either adhering to the walls themselves or situated in cemeteries or sacred places--or indeed anywhere within the limits of that space or interval--be erected or placed in any way. But let those which have already been built or placed be removed entirely from there as soon as possible.

Let the roofs of a Church, chapel, or even an oratory in which the sacrifice of the Mass is sometimes performed not be burdened with heaps of straw or any stack of wood; and let them not have above them any upper room, bedchamber, or indeed any place in which people sleep or dwell or anything profane is done. But let places which are already of this kind be removed altogether.

Let it be lawful for no person whatsoever to store or preserve in a Church, even one not consecrated, or in an oratory or cemetery, wheat, millet, barley, or any kind of grain,

[Printed page 385]

or pulse; likewise fruit, implements prepared for the use of rural estates, or household furnishings of any profane kind--as was established by Pope Innocent III in the Lateran Council--or finally anything foreign to the house of God. Furthermore, unless the Bishop shall at times judge that it should be done otherwise, let it be forbidden for the key of that Church or oratory, whether diocesan or rural, to be entrusted to, kept by, or preserved by lay persons, but especially by tenants or lessees of the houses or estates of that Church. Let no bells be cast in them, nor anything soldered; and let no smith's work or anything else of this kind be done there, except those things for the use or ornament of that same church or oratory which cannot be done elsewhere.

Let no grain be winnowed in a cemetery as if on a threshing-floor; let no threshing be done; let no straw, grain, or produce be spread out; nor indeed let linen cloths or fabrics, soaked with lye or water, be exposed there to the sun. Let neither women nor men spin anything there with the distaff, sew, or do any other work foreign to the character of those sacred places. Let the entrances of Churches and likewise cemeteries not be used either by the rector or by others who, carrying profane things or burdens, pass this way and that through the Church and sacred places as if along a public road; and in order that this may be entirely prevented, let the Bishop employ every precaution.

Let neither the rudiments of grammar and humane letters, which are often handed down in the empty fables of the gentiles, nor indeed any other letters besides sacred ones be opened and explained to boys in a church as in a literary school; but only the rudiments of Christian doctrine and the other things customarily handed down to boys in those schools.

If, however, in any place, for reasons approved by this council, it has been permitted to the parish priest to teach other things, we do not forbid it; if the narrowness of the parish house necessarily demands it, this office may be performed by him in the Church on weekdays with the permission of the same Bishop.

Let this faculty of permission be given in writing; then, moreover, let a definite place, as far removed as possible from every altar and especially the high altar, be selected for that duty. Let the boys not wander outside the bounds of that place, nor indeed remain in the Church on that account unless the parish priest who has taken them under his discipline is present.

It seemed good to set down these things as an example, on account of the memory of the most holy Bishop Charles Borromeo, so that the other Bishops may have something to imitate.

CHAPTER V

On the Primary Office of the Christian Priesthood and the Truth of the Most Holy Eucharist

§ 1. I cannot pass over in silence, even in this place, that which is assailed by the mockeries of pseudo-politicians and the execrations of sectarians, and which is a laughingstock and scandal to the profane, but to us who believe is a saving mystery: the sacrament of the Most Holy Eucharist. I have treated of it elsewhere also, but now both the dignity of priests and the multitude of those who err demand it again.

No one fails to acknowledge that this dissension is most unhappy and that it especially incites peoples to mutual derisions and hatreds. In the year 1603 Pareus composed five books on this matter, by which he shows the most wretched condition of Europe, even if that controversy alone is considered. Indeed, in the preface he himself adds an admonition to all, which will be read with great profit because it graphically depicts for us from experience the condition and dispositions of the sectarians. It reads thus:

> How long at last, O brothers, will human envy and contention vex you? How long will you continue, with the peace of Christ despised, to wage a most irreligious war of religion? To what end will the audacity of certain Stentors vaunt itself--men who, without conscience and fear of the divine power, disturb your Churches? Among you one hears, “I am of Luther”; “You are of Calvin”; but to say, “I am of Christ,” is nothing among you. O times! O morals! Was Luther crucified for you? Was any one of you baptized in the name of Calvin? Is Christ, who was crucified for all of you, nothing? And who was Luther? Who Calvin? Ministers, certainly, through whom you believed, and this as the Lord gave to each. Are you not therefore carnal, and do you not walk according to man?
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> What will you answer to the God of peace, you who lay waste his Church with contentions? What to Christ the Lord, whose commandment concerning charity you despise? Whose sons, therefore, will you be, if you are not sons of God? But how are you sons of God if you are not peacemakers? How do you profess Christ as master if no one recognizes you as his disciples? But who will recognize you as disciples of Christ if you do not love one another? Does pity not at last seize you for so many brothers for whom Christ died, whom by your altercations you destroy, so far as lies in you? Indeed, let pity at last seize you for yourselves, for whom salvation has been prepared in peace and certain destruction in contention. For if with one heart and mouth you invoke God the Father on earth, surely the one inheritance of sons will be set before you in heaven. But if you continue to bite and devour one another, what remains but that you be consumed by one another?
>
> Do you not see what Satan has long been contriving against Christ? What the Roman Antichrist is attempting? How he conspires with tyrants? How through his Sinons he leads away captive the consciences of men? How at the same time he lays snares for you and prepares your destruction? Do you think that he will be more merciful to the one party than to the other if his contrivances should at some time succeed? And why should they not at last succeed, with the divine power angry at you and every one of you attending, not to the things which belong to God and to peace, but only to those which are your own and which splendid bile dictates, and rushing in hostility into opposing factions? What destroyed the East? Was it not internal dissensions? Was it not the schism of the West?
>
> Why, therefore, do you not, after omitting these things and bidding them a distant farewell, at last return to yourselves? And, bearing with one another through charity, if you cannot yet establish peace by perfect agreement in all things--which in this infirmity has rarely been granted to the Church--nevertheless, in those things in which you truly hold the same, and by the grace of God you hold the same in very many things, establish peace and fraternity after the example of the Polish brothers, so that with united strength and arms you may fight against so many columns of common enemies. In the principal heads of doctrine, the three confessions of faith--the Augustan, Bohemian, and Helvetic, which is also the Palatine--agree according to the sacred Scriptures: concerning Holy Scripture, the true God, the person of the Son of God, the God-man (**θεανθρώπου**), the providence of God, Sin, Free Will, the Law, the Gospel, Justification through CHRIST, Faith, regeneration and good works, the

CATHOLIC Church and its sole and supreme head CHRIST, the Sacraments and their number, end, and use, the condition of souls after death, the resurrection, and eternal life.

In the single article concerning the Holy Supper it has not yet been granted to you to think one thing; and yet the disagreement does not concern the whole. For you think one thing concerning the spiritual presence and eating of the body of Christ, which is the thing signified and the kernel of the Sacrament; and just as it alone is necessary for salvation, so it alone suffices. The disagreement concerns the bodily and oral eating common to the pious and the impious; yet you agree that this is not necessary for salvation, that without the spiritual eating it profits nothing, but is pernicious to many. Why, then, do you not at last agree even upon the Formula of Sandomierz or some similar formula and, passing over the impious or unbelieving, embrace in common only what the faithful receive in the Eucharist?

[Printed page 386]

"We cannot," you say, "for what has light to do with darkness?" Nothing indeed. But we are not darkness; and would that you all were light. "But what part has the faithful with the unbeliever?" None. But how are we unbelievers, we who love Christ the Lord and invoke him with sincere faith? "We fight for the glory and majesty of Christ." Would that it were not for your own. "Our conscience does not admit peace with you." Rather, your passions do not admit it. "You err more horribly than the Papists themselves." Truly, you who commonly inculcate these things know or weigh too little what the Papists err in, or rather blaspheme. But why do you not bring those who err back to the way with all meekness and teaching? The Apostle admonishes that a heretical man is to be avoided after one and a second admonition. Produce, then, your admonitions! What do you do but thunder anathemas? Produce also our heresies!

"You defend grave errors," you say, "concerning universal grace and redemption, predestination, the promises of the Gospel, and Baptism." But we do not acknowledge as our own the errors concerning these matters which you cast against us; rather, we say that they are just so many calumnies of certain Stentors. Our Apologies and declarations are extant; why do you not receive them? Indeed, why do you not permit them either to be read or to be sold? And, I ask, how do your own men agree concerning redemption? How concerning the cause of predestination? But we teach from the Gospel that all those controversies recently stirred up are to be decided by the condition of faith. For all and only believers are participants in Christ's redemption; those who pass their life without faith remain empty of it. We acknowledge all and only believers as predestined to life, and this not on account of foreseen faith or works, nor because they were foreknown as persons who would believe and work well--for this was the heresy of the Pelagians--but by the mere **εὐδοκία**, good pleasure, of God, who wills to have mercy upon them rather than upon others and to give them grace so that they might believe and be saved.

We have learned that the promises of the Gospel and salvation properly belong to all and only believers, and in no way belong to unbelievers so long as they remain such, from that saying of Christ: "He who believes in the Son of God has eternal life; he who does not believe, upon him the wrath of God remains." In Baptism all and only believers put on Christ and are regenerated by the Holy Spirit; unbelievers and hypocrites have no part in this word, even if they are externally dipped a thousand times: taught by the apostolic voice, we firmly establish this. Behold, then, our heresies.

Behold the dissension, behold the hatreds, behold among them the lies concerning concord. Unity cannot persevere amid these mutual combats and anathematizings, and therefore neither can the Church nor the state. Let us therefore seek peace and hold the true meaning concerning the sacrifice.

§ 2. We hold the literal exposition, **τὸ ῥητόν**, the express wording: what the Lord Jesus said to be his body and blood, this we say is his body and blood. In this matter we agree with the Lutherans, and he himself admits it in book 2, chapter 1, of the controversy concerning the Eucharist.

If you consider Luther and the Lutherans, their doctrine differs very greatly. Indeed, Pareus boldly and truly asserts in book 2, chapter 1, that Luther and the Lutherans differ so greatly that among the Lutherans, beyond the name and that

common assertion, you will scarcely find anything Lutheran. The errors of the Lutherans and of others, however, are these:

1. “This is my body”--“This bread is my body.” *On the Babylonian Captivity*, in the year 1520.

This cannot be understood in any other way than by admitting transubstantiation; for “is” is understood by Luther substantively, not as “signifies,” and “my body” as Christ’s natural body. But this bread cannot truly be called Christ’s body unless transubstantiation occurs, although not even thus is it correctly expressed. Therefore neither the ancient Church nor Catholics ought to be blamed for believing transubstantiation, which Luther could not deny, which he at first approved, then regarded as an indifferent matter, and finally rejected with the greatest dishonesty.

2. “The bread is my body”--“My body is in the bread.”

3. In the *Greater Confession*, page 530, he concedes that Christ’s body is worn away and crushed by the teeth.

4. “This” signifies the bread and the body of Christ together.

5. Others understand “This is my body” adjectivally; Hunnius, page 393.

6. “This is my body,” that is, “Behold my body.” Flacius in the gloss.

7. It is permissible to use signs other than bread and wine; thus, after others, Sharpe this year, column 1293. And indeed he adds: “things which we commonly use for food and drink.” Therefore we shall employ vegetables, tree-fruits, roots, cheeses, milk, and meats, and we shall say that this agrees with the intention of the institutor; for he himself professes this.

8. Some say that the breaking of bread belongs to the essence, and deny that all others have a true supper. Others will have it to be commanded but not essential to the Sacrament; others, entirely indifferent.

9. The Calvinists condemn both our hosts and those of the Lutherans, and indeed Beza, volume 3, folio 220, prescribes household bread. Neum, page 18, calls it not bread but the foam of bread. Yet this is altogether false, for that bread of ours is made from the purest flour and from dough kneaded together, and nothing belonging to the nature of bread is lacking in it. Moreover, Christ prescribed neither large nor small loaves, much less a definite shape. “But Christ,” they say, “used a larger loaf, which he broke.” Certainly; he also used unleavened bread, and yet the Calvinists do not do this. Not everything that he did must necessarily be imitated, for he gave his body in the evening and after supper, whereas now most prefer the morning time.

Bucanus, page 710, argues even more ineptly: “All must partake of one loaf; therefore a large loaf is needed.” For if that is necessary, a loaf in the likeness of a mountain will have to be baked so that it may suffice for all, or for a single most numerous Church. Moreover, concerning those hosts of ours, Epiphanius may be seen in the *Ancoratus*.

10. Eating takes place only by the worthy--although many both eat and drink judgment for themselves, not discerning the body of the Lord, as the truth teaches.

11. Zwingli, writing to Matthew Alber, interprets “Eat” as “Believe.” But if this is true, when the Lord said, “Take, and eat, and drink,” they ought not to have brought it to the mouth but merely to have believed--which they could do even if they put it away in a cloth. If “Drink of this, all of you” is metaphorical and signifies “Believe,” then also “And they all drank of it” means “They all believed,” and thus, with the significations of words changed, we shall have nothing certain in Scripture. These things could not be borne if they raved only to themselves; but now they strive to propagate those corruptions and accuse of heresy those who understand Christ’s words in the way in which the Apostles understood them. Why do we now dispute concerning the meaning? The Lord said, “Eat, drink”; the Apostles judged that one must eat and drink. And lest we suspect that they did not understand

the intention of the Lord, Paul explains it to us in the same way in 1 Corinthians 11:20.

12. The Synusiasts dream of impanation; for Luther calls the bread *artocreas* and **ἀρτόσωμα**, "bread-body," in the *Greater Confession*, page 540. Hence those expressions: flesh-bread, *Fleischbrot*; blood-wine, *Blutswein*; vessel-wine, *Weinfass*; wood-wine, *Weinholtz*.

13. Carlstadt understands Christ's words, "This is my body," thus: "Here sits my body." Zwingli deservedly refutes him, as do Beza and others.

14. In their very errors they disagree. Zwingli to Matthew Alber, folio 156, Polanus, page 257, Danaeus, and Beza place the trope in the verb, or the copula "is." On the contrary, Keckermann argues thus in the *Theological System*, page 445: "Others will have the trope to be in the copula, which itself also cannot be proved. For if they take the copula for the copulative word and verb, there cannot be a trope in it, since a trope has a place in categorematic words, that is, such as signify a definite thing by themselves, but not in consignificative words, such as that verb which is put in the place of the copula. Indeed, if the trope is in the copula, there cannot be a predication of one disparate thing concerning another disparate thing."

But a trope cannot be in the copula; for if it signifies the body of Christ, it is therefore not **κοινωνία**, that is, a participation in the body of Christ. Meanwhile, unwittingly, Zwingli pleads the cause of truth in his *Brief Instruction*, folio 575, when he says: "If the verb 'is' is understood substantively, it cannot happen otherwise than that the substance of the bread is converted into the substance of the flesh itself." By this single utterance he asserts the Catholic truth. Namely, if the copula "is" is understood properly, there is true transubstantiation in the Eucharist.

15. Others interpret "body" as "the sign of the body." But the Apostle resists them, for "body" is understood in the same way by Christ and Christ's Apostle; but when the Apostle says that the bread is a communion of the Lord's body, he understands the true body, not a sign.

16. Jerome Zanchi, in his *Confession*, page 171, interprets the words "Which is delivered for you" as "insofar as"; Piscator likewise in question 3 on the Supper. But the interpretation is novel and forced; next, it contradicts the text, for it reads thus:

Τοῦτό ἐστι τὸ σῶμά μου, τὸ ὑπὲρ ὑμῶν διδόμενον· τοῦτό ἐστι τὸ αἷμά μου, τὸ ὑπὲρ ὑμῶν ἐκχυνόμενον.

"This is my body, which is delivered for you; this is my blood, which is poured out for you." Or: "This is my body delivered for you," and so forth. For the relative article is not **ὃ**, "which," or **ὅτι**, "that" or "because," but **τὸ**, "the." Next, what meaning is this: "This is my body insofar as it is delivered for you"?

17. Many of the Lutherans teach that the Eucharist exists only in its use, and this manifestly against Luther, Pomeranus, and others.

18. Musculus, page 863, and Ant. Sadeel, volume 3, page 143, condemn private use of the Eucharist and do not wish it to be carried to the sick. Yet Christ by no means condemned it, and the primitive Church always used it. Beza, nevertheless, does not dare to condemn it. But he is impious even in this, because he doubts; for why is there not a little Church in the houses of the sick, since in 1 Corinthians 16 there is a domestic Church? If Christ is present where two or three are gathered in his name, why is there not a communion of Christ? What does the circumstance of place or multitude contribute to the matter, so that the consolations which we read were employed from all antiquity should be denied to the sick?

19. The Calvinists who deny the truth of the Sacrament of the Eucharist deny that it is to be adored; much more absurdly, certain Lutherans, although they acknowledge Christ God as present, deny that he is to be adored. Certainly Luther judged that he was to be adored, and Calvin reproaches him with this in letter 72 to Bucer: "His ravings also brought idolatry with them. For to what end is that 'adorable Sacrament' of Luther, unless an idol is to be erected in the temple of God?"

20. They teach that both species must necessarily be supplied to all and always, because Christ did this, although they themselves omit so many things which Christ did. Indeed, they remove Christ himself from the Eucharist and substitute a sign for the truth. Do you insist upon the chalice and wine? But at your own discretion you change the entire matter. Beza, letter 25: "If wine is lacking," he says, "simple water can be substituted, or another kind of drink not unusual in that place." He himself teaches that this was Calvin's opinion and that those who depended upon wine, so that under the compulsion of necessity they were unwilling to use an **ἀνάλογον**, an analogous symbol, were regarded as superstitious. And in letter 2: "Where bread or wine is either not used at all or at a definite time is not available, will no Supper of the Lord be celebrated? Rather, it will be celebrated rightly if that which takes the place of bread or wine, either by common use or according to the condition of the time, is employed in the place of bread or wine. For this was the intention of Christ when he chose bread and wine for these mysteries: that, by setting before us the signs of those things by which our body is nourished, he might represent true spiritual nourishment as if before our eyes. Therefore, he departs in no respect from Christ's intention who, with no zeal whatever for innovation, substitutes for bread and wine those things which, although they do not possess an equal analogy of nourishment, nevertheless possess a similar one."

He asserts that this is Christ's intention, but with no witness, unless it is that he imitates the abominable heresies concerning the matter of the Eucharist--namely those of the Gnostics, Montanists, Artotyrites, Aquarians, and Manichaeans.

§ 3. We say that the whole Christ is under one species; we deny that both species were commanded, for that law cannot be fulfilled among those who abstain from wine, and in many places a scarcity of wine would impede communion. Nor is the end of communion denied, which is that we receive Christ, whether under one species or under both. He who eats Christ likewise also drinks, since blood is also present in a living body. There are other causes, such as the danger of spilling and the horror felt by some who are unwilling to drink from the same cup with many persons. Indeed, in Christ's time one species alone was frequently employed. And yet at this point the sectarians are most especially mad and utter calumnies.

21. At last they proceed so far as to deny that one body can be in several places. Thus Sharpe, *On the Eucharist*, controversy 3, question 1. This seemed ridiculous and impious to all Lutherans and to the more prudent of the Calvinists. For why can God not establish in India the one and same body which he placed in Germany? Can a body which is in Germany restrain God's power so that it may not be in India?

But what contradictions does he collect? First, it would be in India and not in India; it would at the same time be lower and higher than itself. In one place it will be cold, in another it will be hot. It will be outside itself. Angels cannot be in different places. It will be in a place and not in a place. It cannot exist at the same time in different times, and therefore neither in different places. Amid jubilation he serves up anew these childish things, refuted a thousand times. For why would that body be in India and not in India? It would certainly be in India, while the assertion that it was not in India would be false; but it would be true that it was also outside India, or had another presence besides that which

[Printed page 388]

is in India. The matter is clear: the whole soul is in the head, and the whole is in the feet, yet we do not deny that it is in the head because the same essence is in the feet; rather, we say that there are several presences of one essence. Thus the soul is, without contradiction, lower and higher, because these things are not said according to the same presence; but for a contradiction it is necessary that the things said be said in the same respect. And so those bodies will be able to experience contrary things, if it shall seem good to God, but in different places.

He nevertheless continues: "A body in two places will be outside itself." If he means alien to its own nature, this is false; but if he means that it will be in different places and, insofar as it is in one, will be distant from itself as it is in the other, this is readily admitted. For the indivisible soul, as it is in the feet, is distant from itself as it is in the head. But by his omnipotence God can preserve the head living and animated, and likewise the feet, while the intervening

body dies; by that fact the soul will be altogether distant from itself by reason of place. By the same reasoning we also assert that Angels can be in different places.

What next from Sharpe? “It will be in a place and not in a place. In a place, from the hypothesis; not in a place, because that which is in a place is so circumscribed that it is not in another place.”

An acumen worthy of dull Sharpe. For it is not merely in a place, but in several places. Thus the assertion that it is not in a place is false. But what he adds--that what is in a place is so contained by the place that it is not in another place--is true if you regard the order of nature, but false if you regard the power of him who created nature operating above nature. For the question concerning that power is whether it can place some whole thing in one place in such a way that the same thing is nevertheless also in another place.

Finally, the most acute Sharpe, the Alpha of the jubilators, fights with a Chrysippean subtlety: “The same thing cannot at the same time exist in different times, past and future; therefore neither in different places.” You have touched the matter with a winnowing-fan, not a needle. Set before me two times, past and future, existing simultaneously, and I shall simultaneously dispute with you in the past and future--and I have disputed. Two places, Germany and India, exist simultaneously; two times cannot exist simultaneously, because the past has been and the future does not yet exist.

§ 4. If they were to rise against the unbloody sacrifice as truly as they do furiously, they would long ago have possessed the whole people. There is no part of the sacrifice, no ceremony, which they do not receive with thoroughly buffoonish sneers and shameful taunts. Matthias Hoe, in Saxony, speaks thus in his second Jubilee sermon:

> The Papists object in addition that it is novel that we do not celebrate the Mass, which nevertheless was celebrated for many centuries without interruption.

He replies:

> Neither Christ Jesus himself nor the holy Apostles celebrated it; and, what is more, the Holy Spirit long ago described the Mass, or the idol Maozim, as a horrible abomination, Daniel 12. Therefore we deservedly ought to flee and avoid it as a most shameful corruption of our Lord’s testament, Galatians 3, because Christ was offered only once upon the cross, and that oblation was sufficient to expiate our offenses, Hebrews 9 and 10.

It is no wonder that many rise against the sacrifice of the new law, and do so most furiously, since Satan himself, present, has assumed this role for himself and persuaded Luther that that sacrifice is idolatry. Luther himself writes the history in volume 7, Wittenberg 1558, folio 228, and it has often been related by many Catholics. But let us examine the imposture of Matthias Hoe. *Missa* is either a Latin or a Hebrew name; among the Greeks it is customarily called **λειτουργία**, “liturgy.” In Deuteronomy 16:10, *missa* is called an oblation. From this either the Latins borrowed the name or they employed their own, to signify a sacrifice and prayers sent to God. Greek writers, as I said, call it **λειτουργίαν**, a liturgy. Sometimes they call it **προσφοράν, θυσίαν, ἱερόν, θυσίαν ἀναίμακτον, μυστήριον, μυσταγωγίαν, τελετήν, τελετὴν τελετῶν**--an offering, sacrifice, sacred rite, unbloody sacrifice, mystery, mystagogy, rite, and rite of rites. All these terms contain within themselves the rationale of sacrifice.

But the Evangelists and Paul teach us that Christ offered this sacrifice. “This is my body, which is given for you,” Luke 22:19; and then he says concerning the chalice, **τὸ ἐκχυνόμενον**, “that which is poured out”; and Paul in 1 Corinthians 11:24 calls it **τὸ σῶμα τὸ ὑπὲρ ὑμῶν κλώμενον**, “the body which is broken for you.” Therefore, in Christ’s supper itself his blood was being poured out for us and his body was being broken for us, that is, it was being immolated and sacrificed. For he was truly handing over the body and blood, the bread and wine having been changed. Next, not even the Lutherans can deny this, since they say that the body handed over is under the bread and in the bread. But that which is thus poured out and broken for others, and by that change or transubstantiation comes to exist in a new and ineffable mode, is rightly said to be sacrificed.

§ 5. "The Apostles," he says, "did not sacrifice." But the Liturgies of the Apostles cry out against him. The first is Peter's, concerning which the ancients speak, especially St. Isidore of Seville in book 2 of the *Offices*, and Paschasius of Corbie in *On the Body and Blood of the Lord*. The second is that of James, as Clement of Rome testifies. The third is that of James the Less, who is called the brother of the Lord. The fourth is that of Matthew the Apostle, which the Ethiopians generally use; they call the sacrifice *Corbon*. In this they speak as follows, according to the Apostle's institution:

> You are the bread of life descending from heaven, who, before you came, were present in the figure of the immaculate lamb for the redemption of the world. Now, O lover of human beings, we humbly implore your goodness that you show your face upon this bread and chalice on this portable altar. Bless, sanctify, cleanse, and change this bread into your immaculate flesh and this wine into your precious blood. Let it become a burning and acceptable sacrifice, a remedy and salvation for our soul and body, and so forth.

The fifth is St. Mark's. All these agree with one another as to substance, but differ in ceremonies and rites. St. Andrew himself thunders these words against the tyrant and all sectarians: "I sacrifice daily to almighty God an immaculate lamb which, although it has truly been sacrificed and its flesh truly eaten by the people, remains whole and one." Thus the presbyters of Achaia. But if for this reason the innovators drown out the truth with a discordant sound, the cause is common to the ancient Church: we say that Christ offered an unbloody sacrifice before his Passion, and we assert that the Apostles and their successors did the same. We cannot lose a cause which has such great patrons. Dionysius, *Ecclesiastical Hierarchy*, chapter 3: **ὦ θεοτάτη καὶ ἱερὰ τελετή**, "O most divine and sacred sacrifice"; likewise Martial, letter to the people of Bordeaux, chapter 3. Clement of Rome, *Apostolic Constitutions*:

> **Ἀντὶ θυσίας τῆς δι' αἵματος, λογικὴν, καὶ ἀναίμακτον καὶ τὴν μυστικὴν, ἥ τις εἰς τὸν θάνατον τὸν τοῦ κυρίου συμβόλων χάριν ἐπιτελεῖται τοῦ σώματος αὐτοῦ καὶ αἵματος.**

He says that Christ gave us, in place of a bloody sacrifice, a rational, unbloody, and mystical one, which is of his body and blood and is celebrated as a symbol toward the death of the Lord.

With the same meaning Alexander I, in the letter to all the Orthodox, says: "In the oblations of the Sacraments which are offered at the solemn rites of Masses, the Passion of the Lord must be mingled," and so forth.

[Printed page 389]

And Justin Martyr, in the *Dialogue with Trypho*: "Therefore, concerning all who offer sacrifices in his name which Jesus Christ handed down--that is, those of the bread and chalice in the Eucharist, which are made by Christians in every place on earth--God, anticipating them, testifies that they are pleasing to him." Sixtus I inserted into his Decrees the requirement that, when the priest begins the action of the Masses, the people should sing a hymn. Telesphorus, in the letter to all, and Hyginus establish the same; all basilicas must be consecrated with Mass. One may see the testimonies of Pius I, Soter, Irenaeus, and others. Hence I argue thus:

We say that Christ and the Apostles truly sacrificed; all the Fathers whose writings make mention of the Christian sacrifice constantly profess the same, with none excepted. There was no Bishop in the past who did not offer sacrifices. No orthodox person condemned those who sacrificed. Therefore the swarms of mutually battling sects ought not to condemn the ancient Martyrs, nor to rejoice against us because, at the Devil's persuasion, they have exterminated the sacrifice from their territories.

But what they say--that the Mass is *Moghozim* or *Mahuzim*--is plainly ridiculous; for there is a great difference between *Missa* and *Maghuzim*, and they agree only in the single letter *mem*. It is just as if we were to pretend that Cerdo and Calvin are the same because the initial letter of each heresiarch's name is the same.

"But Christ was offered once upon the cross and made satisfaction once." We too teach this, and it is found in the writings of all the Fathers. And we hear the Apostle saying that we have been perfected by one oblation. We confess this and give thanks to the kindness of the Redeemer, who offered for us a price of infinite valuation, a price most

sufficient. Nevertheless, the consensus of the Catholic Church has always taught that this price is applied to us through the Sacraments, through faith, and through the unbloody sacrifice. Otherwise Abraham or Moses would not have offered holocausts and victims without crime, for they too were saved by the sacrifice of the cross which was to come. But they were also made participants in it through those sacrifices which they offered either voluntarily or at God's command.

Indeed, prayer would be not only superfluous but also blasphemous, for Christ prayed for us and was heard because of his reverence. Does he therefore not now intercede for us? Can we not pray if he obtained by his prayer the things which must be sought? Does our prayer not render Christ's prayer void--indeed, his sacrifice void? For if the unbloody sacrifice renders void and destroys the fruit and honor of the bloody sacrifice, why does the prayer of a sinful human being, asking anew for what Christ obtained both by sacrifice and by prayer, not issue in the ignominy of the sacrifice and prayer of Jesus Christ, to which it appears to be added as though Christ's were insufficient?

And this is the exposition of sacred Scripture which speaks of a unique sacrifice. The whole Church, from the Apostles onward, has held this exposition not only in writings and sermons, but in oratories, chalices, altars, basilicas, and the perpetual use of the sacrifice itself. No petty reasonings of so many sectarians have destroyed it. Those, therefore, who have made a secession in this cause have withdrawn not from Monks or Jesuits, as they boast, but from the whole ancient Church, and they interpret Scripture in a novel manner.

CHAPTER VI

That the Office of Psalm-Singing in the Church Was Entrusted to Clerics and Must Be Cultivated Holily

§ 1. That the custom of celebrating the divine praises with song was most ancient can be doubted by no one who has read Exodus 15: that the children of Israel, after Pharaoh was drowned, when they had crossed the Red Sea, divided into choirs and sang thanks together to God, not with the voice alone but also with drums and musical instruments.

§ 2. The Israelites imitated them thereafter, especially after David and Solomon prescribed the orders and turns of the singers. When their devotion had vanished, the Essenes succeeded them, concerning whom Philo, in *On the Contemplative Life*, relates in these words:

> When all have risen, two choirs are formed in the middle of the dining-hall, one of men and the other of women; over each is placed its own leader, eminent in honor and skill in singing. Then they sing hymns composed for praise in various kinds of meters and songs, now with one voice, now in alternation, not without becoming and religious gestures and accents, at one time standing, at another moving their step forward and backward, just as the matter demands. Then, after each choir has completed its part separately, delighted by these pleasures as if drunk with divine love, they form one mixed choir, in imitation of the one established long ago when the sea, at God's command, brought salvation to the one party and destruction to the other, with Moses leading the men and Miriam the prophetess the women.

§ 3. The same custom of singing was transferred into the Church immediately with the very beginning of the faith. For thus Paul, Colossians 3: "Let the word of Christ dwell abundantly in you, in all wisdom, teaching and admonishing one another in psalms, hymns, and spiritual canticles, singing in grace in your hearts to God." He also admonishes the same things in Ephesians, chapter 5. We have as a witness of the Christians' songs Lucian the apostate, in the *Philopatris*, for night and day they persevered in that kind of piety; and also the persecutor Pliny, book 10, letter 97, who testifies to Trajan that he found no offense among the Christians except that they celebrated assemblies before dawn and sang praises to Christ. Justin Martyr, in his oration to Antoninus, and Clement of Alexandria, in the address to the gentiles, are witnesses to the same custom.

§ 4. Indeed, Basil, against the heretics, letter 69, teaches that there were despisers of sacred song even long ago:

> But concerning that for which we are accused on account of the psalmodies, by which especially those who traduce us terrify the simpler people, I have this to say: namely, that the rites which have now prevailed agree and harmonize with all the Churches of God. For by night the people rise and, before dawn, seek the house of prayer; and there, after confession to God has been made with toil and tribulation and unfailing tears, at last, rising at the signal, they are set to psalmody. And now, divided into two parts, they sing antiphonally, taking up the song by turns; and by this they at the same time strengthen their exercise and meditation in the utterances of God and supply to their hearts a more attentive firmness, having cast away the vain thoughts of the mind. Then, when to one of them has been given this office, that he should first begin what is to be sung, the rest take it up; and thus, amid variation in the psalmody and prayers interposed from time to time, they pass the night. When day is already dawning, all together, as if with one mouth and one heart, offer to the Lord a psalm of confession, and each professes repentance in his own words. If on their account you flee from us, you will at the same time flee from the Egyptians; you will flee from both Libyas, the Thebans, the Palestinians,
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> *[Printed page 390]*
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> the Arabs, Phoenicians, Syrians, those who dwell by the Euphrates, and--to say it once--all among whom vigils, prayers, and common psalmodies are held in esteem.

Thus far Basil. Innumerable testimonies of the holy Fathers would have to be adduced to this effect, but for the sake of brevity we restrain ourselves. Hence, what is read in the life of Damasus--"He established that Psalms should be sung day and night through all the Churches," and "he commanded this to presbyters, Bishops, and monasteries"--must be understood not of the first institution, but of a general precept by which the churches which had not yet begun to do it were also to be instituted. For under the Emperors Valentinian and Valens, after the persecution of Constantius and then of Julian, the Churches flourished again, so that singing could be done publicly.

§ 5. The ancient psalmody and hymnody were more convenient for the people and the clergy; certainly the people responded to the priest, as Ausonius shows:

> And celebrating the harmonious songs of tuneful David,
>
> He strikes the air with voices that will answer, "Amen."

At Rome also "Amen" re-echoes in the likeness of heavenly thunder, as Jerome is witness in book 2 of the commentary on the letter to the Galatians. As the multitude of the faithful increased, when the Churches often resounded with discordant voices and unformed howling--a thing which impeded devotion, stirred laughter, and offended unbelievers--the Bishops applied themselves with great labor to this end: that the chant should be perfected with religious gravity and measures suited to piety. This was so not only in the Church, but also in the *agapae*, that is, the feasts of charity; thus Clement of Alexandria, *Paedagogus*, book 2, chapter 4, and Tertullian, *Apology*, chapter 39. Therefore, in order that it might be corrected and recalled to modesty, the arrangement was that this province should be entrusted to definite and skilled persons.

In the Council held under Pope Martin it is established that no one may sing psalms in the pulpit who has not been ordained a reader by the Bishop. And in Distinction 92, chapter 2, the order of the singers is established:

> In the holy Roman Church a very reprehensible custom arose long ago, that certain persons should be chosen as singers for the ministry of the sacred altar and, constituted in the order of the diaconate, should be devoted to the modulation of the voice, although it was fitting that they should have leisure for the office of preaching and the pursuit of almsgiving. From this it generally happens that, while a pleasing voice is sought for the sacred ministry, the search for a fitting life is neglected, and the minister who is a singer provokes God by his morals while delighting the people with his voice. Concerning this matter, therefore, by the present decree I establish that in this See the ministers of the sacred altar ought not to sing, but should perform only what belongs to the office of the Gospel reading among the solemn rites of the Masses. But the psalms and the remaining readings I judge should be performed by subdeacons or, if necessity demands, by the minor orders. If anyone attempts to act against this decree of mine, let him be anathema.

§ 6. The song of the Church is corrupted in three ways. First, when one sings with the voice, not with the mind; when God is celebrated with the lips by those whose heart is far from God. Attention, moreover, is necessary either to the words, the meaning, or God who is entreated; if it is directed to all, however, it is best. Yet, because of the weakness and wandering of the human mind, it is not easily actual at all times; it is sufficient that it be virtual, as the Theologians teach by consensus: St. Thomas with his interpreters, II--II, question 83, article 13; Suárez, treatise 4 *On Religion*, and books 3, 4, and 5; Lessius, *On Justice and Right*, book 2, chapter 34, doubt 11; Valentia, II--II, disputation 6, question 2, point 10; Reginaldus, book 18 of the *Penitential Forum*, chapter 12, section 1; and likewise others; Navarrus, in the *Enchiridion*, chapter 25, number 105. For the voice is empty if the mind is distracted elsewhere and God is honored by the lip alone.

Second, when the modulation is broken lightly, loosely, and indecorously. Jerome on Ephesians, chapter 5:

> Let the young men hear these things; let those hear whose office it is to sing psalms in the Church. One must sing to God not with the voice but with the heart; nor must the throat and jaws be smeared with a sweet medicament after the manner of tragedians, so that theatrical melodies and songs may be heard in the Church, but one must sing in

> fear and deed, in the knowledge of the Scriptures. Although someone may be--as they are accustomed to call it--**κακόφωνος**, "ill-voiced," if he has good works he is a sweet singer before God. Let the servant of Christ sing in such a way that not the voice of the singer but the words which are read may please; so that the evil spirit which was in Saul may be cast out from those who are similarly possessed by him, and not be introduced into those who have made the house of God a stage for the peoples.

Third, when things are sung whose recitation is contrary to good morals. Such were the songs devised by the Donatists themselves; thus Augustine, letter 119:

> Concerning this thing, so useful for moving the mind piously and kindling the affection of divine love, there is a varied custom, and very many members of the Church in Africa are sluggish, so that the Donatists do not reproach us for soberly singing in the Church the divine canticles of the Prophets, while they themselves inflame their drunken revels to the song of Psalms composed by human ingenuity, as if to trumpets of exhortation.

In this matter, indeed, our own sluggishness must also be lamented with tears, because although the Anabaptists, Lutherans, Calvinists, and Arians proclaim with such great vehemence their hymns opposed to morals and the faith, we respond in many Churches with negligent and languid singing. And yet ecclesiastical song, as Justin teaches, arouses the mind by a certain pleasure and makes it burn with desire for that which is celebrated in song; it quiets the affections and concupiscences of the flesh; removes evil thoughts arising at the suggestion of enemies whom one cannot see; waters the mind for the fructification of divine goods; makes those who contend for piety noble and brave through constancy in adverse circumstances; and brings to the pious a remedy for all things which occur in life that are sad and mournful.

Corruptions of songs of this sort existed long ago among the Arians, composed by the Heresiarch himself in Sotadic measures, concerning which St. Athanasius speaks in oration 2 against the Arians. The Meletians imitated these men, singing hymns with profane clapping of hands and a kind of dancing. Paul of Samosata also had taught women to sing praises to him in the Church in place of Psalms. Thus the Synod of Antioch to Dionysius of Rome. Apollinaris of Laodicea afterwards attempted similar things by composing impious psalms--as Epiphanius relates, heresy 67--and the Synod of Laodicea reports this in chapter 59. The sects of our time vigorously imitate them; for there is scarcely one which does not sing its own orgies and propagate impiety by sweetness of voices, as though by Enthusiasm. Hence they have introduced all the allurements of singing into their assemblies, so that they may exterminate the hymns and psalmody of the ancient Church.

§ 7. All musical instruments are rightly and lawfully employed in ecclesiastical song. For the Psalms frequently admonish us to sing with lyres, with well-sounding cymbals, with strings and organ, upon the ten-stringed psaltery. Nevertheless, the Church did not make great use of them at the beginning of the Gospel, both because that little flock generally met in private houses and because the obscenities of the gentiles as well as idolatry had polluted all those kinds of organs and stringed instruments--so much so that song seemed scarcely honorable if instruments were added, whose use at that time was almost wholly in wantonness.

The provincial Council of Siena commands that the holy use of organs be maintained: "The Church received the use of organs

[Printed page 391]

> from the Fathers for divine worship and service. Therefore we do not will that an immodest or lascivious melody be played upon instrumental organs in the Church, but an altogether sweet sound which represents nothing besides divine hymns and spiritual canticles."

§ 8. The utility of singing is manifold; Chrysostom expounded it in homily 41 on the Psalms:

> Nothing equally raises the soul and in some measure makes it lofty, frees it from the earth, releases it from the bonds of the body, affects it with the love of wisdom, and brings it to despise all things pertaining to this life, as

> does measured verse, a divine song composed in rhythm. Certainly our nature is delighted with songs and poems to such a degree, and has so great an affinity and congruity with them, that even infants hanging at the breasts, if they weep and are distressed, are soothed in that way. Indeed, nurses who carry them in their arms, often going away and returning and singing certain childish songs to them, thus lull their eyes to sleep.
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> For this reason travelers driving yoked animals at midday also often do this, singing and consoling the weariness of the journey with those songs. And not only travelers, but also farmers treading grapes in the winepress, those gathering the vintage and tending vines, and those performing any other work, often sing. Sailors driving the oars do this as well. Indeed, women too, while weaving and separating tangled threads with the shuttle, very often sing, sometimes individually and sometimes all together in concord, one particular melody. Women, travelers, farmers, and sailors do this because they wish to console with song the labor received from performing the work, since the soul, if it hears poems and a song, will bear troublesome and difficult things more easily.
>
> Therefore, because this kind of delight is very closely related and familiar to our soul, lest demons, by introducing wanton and meretricious songs, overturn all things, God constructed the Psalms so that pleasure and utility might be received from them at the same time.

And after many things concerning the utility of singing psalms, he adds these:

> I say these things not so that you alone may praise, but so that you may teach your sons and wives to sing such canticles, not only while weaving or performing another work, but especially at the table. For when the Devil most commonly lies in wait with insults, using the aid of drunkenness, gluttony, profuse laughter, and a relaxed mind, then especially, both before the table and at the table, one ought to fortify oneself with the protection of the Psalms and, rising from the banquet together with wife and children, to sing sacred hymns to God.

Would that sacred songs succeeded in the place of light, foolish, and filthy ditties among all people. Would that at least upon the feast-day the piety of those singing psalms were heard.

§ 9. Nevertheless, the Church does not reject the sacred hymns of the holy Bishops or Doctors. In the time of Pope Honorius I there were some who rejected them. The Fourth Council of Toledo, chapter 2, approves and receives them:

> Concerning the singing of hymns, we also have the example of both the Savior and the Apostles. For the Lord himself is reported to have recited a hymn, as Matthew the Evangelist testifies: “And when the hymn had been said, they went out to the Mount of Olives.” And the Apostle Paul wrote to the Ephesians, saying: “Be filled with the Spirit, speaking to yourselves in psalms and hymns and spiritual canticles.” And because certain hymns are known to have been composed by human study in praise of God and of the triumphs of the Apostles and martyrs--such as those which the most blessed Doctors Hilary and Ambrose published, which nevertheless certain persons particularly reject because they do not exist from the Scriptures of the sacred Canons or Apostolic tradition--let them therefore also reject that hymn composed by human beings which we recite daily in the public and private office at the end of all the Psalms: “Glory and honor to the Father and the Son and the Holy Spirit, for ages of ages. Amen.”
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> For ecclesiastical Doctors composed the remaining words which follow there even in that hymn which the Angels sang when Christ was born in the flesh: “Glory to God in the highest, and on earth peace to human beings of good will.” Therefore, are those words themselves not to be sung in the Churches because they are not found in the books of sacred Scripture? Masses are composed--whether prayers, orations, commendations, or impositions of hands--and if none of these is sung in the Church, all ecclesiastical offices are empty. The Apostle admonishes that these things be done and exhorts Timothy, saying: “I beseech, therefore, first of all, that supplications, prayers, petitions, and thanksgivings be made for all human beings, for kings, and for all who are in high station.” Therefore, just as prayers, so let none of us hereafter disapprove hymns composed in praise of God; rather, let them celebrate them in like manner in Galicia and Spain. Those who have dared to reject hymns are to be struck with excommunication.

§ 10. Therefore, it was most rightly established by the Church long ago that we should employ a definite form of singing psalms in the Church. Thus the Fourth Council of Toledo, chapter 2, commands that one manner of praying and singing psalms be retained. Thus the Council of Braga, chapter 10, which was celebrated during the reign of Ariamir; the Council of Vannes under Leo I, chapter 15; that of Gerona under Hormisdas, chapter 1; and that of Épaone under Gelasius I, chapter 4. Finally, the Council of Trent commanded that all things be reduced to the best order. The Council of Siena, chapter 17, also speaks excellently:

> And since psalmody is commanded to be sung in the Churches of God so that the devotion of the faithful may be aroused, for this purpose let the night and day office and the solemn rites of Masses be sung continually by the clergy and people with a measured tenor and distinct gradation, so that they may take pleasure in that same distinctness and be delighted by the measuredness. Therefore we command that in the churches the musical chants be distinct and discrete, moving the heart to devotion and compunction. Furthermore, under the pretext of musical song, public and lascivious ditties are not to be heard in the Churches. For, as Jerome says, the throat and jaws must not be softened with a medicament after the manner of tragedies, lest, while a pleasing voice is sought, a fitting life be neglected.

§ 11. The Fifth Council of Milan contains distinguished instructions concerning ecclesiastical song, which flowed from the most holy soul of Charles Borromeo. It admonishes, first, that every Canon or other minister whatsoever who is bound to the offices of the choir should train himself in the discipline of the choir with a certain zeal for inward piety, whose splendor should also shine outwardly.

Before he assembles there, however, let him reflect attentively with himself for a little while upon the sanctity of that place, the cause of assembling, and the offices of divine praise--which are the duty of Angels and ought to be celebrated most chastely by all.

Firmly adhering to this very thought, he will not even conceive in his mind and soul anything alien to the religious character of that place, much less do anything which would offend the eyes of God.

Therefore let him prepare himself again and again, diligently, by holy meditation in the inward soul and by religious prayer, so that he may perform the outward worship of the divine offices salutarily.

While he puts on the surplice, which is a garment made from white linen cloth, let him consider what person he sustains--namely, one pure from filth and stain, such as that vestment indicates.

When a Canon places upon his shoulders or arms, according to custom, the fur almuce, which is the insignia of Canons, let him take up this thought: that the affections and desires for worldly things ought to be extinguished and altogether dead in himself, as is signified by that skin of a dead animal which he puts on according to custom.

[Printed page 392]

But if, as is the institution or custom in very many Churches, he puts on a cope which covers his shoulders and as it were binds his arms, let him understand from this garment that he ought to keep his appetites restrained, as though bound, and accommodate his whole self to the will of God.

Therefore, when, clothed in the vestments of the choir, he covers the other clothing which he uses outside and thus bears another person in his apparel, let him beware lest, even in the sacristy, he do or admit anything which does not rightly agree with the action on account of which he put on that apparel.

Indeed, let him not occupy himself with conversations alien to that action, unless he presides over a duty which necessarily requires it.

Let him always abstain--but especially while clothed in the vestments of the choir, wherever he may be, whether in the sacristy or another place--from jokes, ridiculous or witty sayings, loud laughter, and futile and empty words which are poured out rashly and imprudently.

Let him not approach the choir hastening as though incited by gain from the distributions, but with a grave step.

And while he proceeds to the choir, although another companion is joined to him, let him approach as though alone, fixed in this meditation: let him reflect within himself that he is approaching the choir--that is, the holy of holies, as an ancient canon provided--and the sacrifice of public prayer.

When he is in the choir, let him withdraw his soul and mind, insofar as it can be done, from all cares, disturbances, and thoughts alien to the sanctity of the matter being performed, and gather his whole self into the worship of God.

Let him also consider for what reason he has betaken himself there; then let him establish for himself that he is in the sight of almighty God and in the company of innumerable Angels and Saints.

In this thought let him see and continually consider that he stands in that place in order to offer most holy worship and veneration to God and to entreat from him every good thing both for himself and for others.

But let him consider God himself as a most loving father and redeemer, most good, most wise, and most merciful, who beholds all things and is everywhere and always.

Then let him suppliantly seek from God purity of heart and the gift and grace of praying well, and let him direct the sacrifice of his prayer, together with the merits of Jesus Christ and of the saints--especially of the saint whose memory the Church celebrates on that day--to the glory of the holy and undivided Trinity and to the utility of himself and his neighbors.

When one must sing psalms, first let him conceive in his mind and soul the subject of the psalm.

Let him observe, moreover, who speaks in the psalm: whether God, the Church, a penitent, or one aspiring to perfection.

Let him likewise attend to the salutary affection to which the psalm especially refers.

When he has thus prepared himself religiously, let him accommodate himself with great attention of soul to the words and sentiments of the psalm, so that he praises, groans, and trembles with fear, just as the expressions of the psalms indicate; and, finally, let him first conceive in his soul what he brings forth with his mouth.

Then let him note the individual words and diligently attain their interpretation, whence his mind and soul may be kindled toward some salutary affection.

Let him also join to the words in his soul a thought either of love, reverence, or humility. And let him indeed arouse some affection in this way: if he brings forth the words of a psalm concerning virtue, let him be kindled with a desire to imitate it; if they concern sins, let him grieve inwardly that he himself, or certainly his neighbor, has been in that condition. And so likewise concerning the other things which are signified by the Psalm.

Moreover, let him endeavor to renew and arouse that attention at the beginning of each psalm, prayer, and other part of the divine office, and then of each canonical hour, especially while he pronounces those words which have power to kindle the spirit of holy prayer: “O God, come to my assistance,” and so forth.

Let him do the same when he notices that he is distracted elsewhere by his thoughts.

At the end of each psalm also, let him arouse himself by those words, “Glory be to the Father,” and so forth.

Likewise, at the conclusion of the prayers, when it is said, “Through our Lord Jesus Christ,” let him strengthen himself with holy hope toward him who is the author of our redemption.

And because attention is very greatly aroused if each person rightly understands what he utters, for this reason let him be continually engaged above all in an exposition of the psalms which is not varied, but is wholly occupied in arousing and exercising holy affections.

But since a great part of the fruit of singing psalms consists in the affections of the psalms, whether one prays in the choir or privately, with a subdued or a loud voice, for this reason let him define for himself certain topics of the Psalms in which this whole method is comprehended.

Let the chief topics beyond the rest be these, from which salutary affections arise: the praise of God, the memory of our good things, the commemoration of our misery, and the rebuke of those who act wickedly.

When the goodness of God is proclaimed in the words of the Psalms, let him kindle himself with his whole soul toward love of him and thanksgiving for the benefits which proceed from divine benignity. When his infinite wisdom and power are commemorated, let him be affected with admiration; then let him inwardly rejoice when something well accomplished by God's aid is related.

When the memory and recollection of good things is aroused by the words of the Psalms, let him conceive a certain desire to obtain them for himself and for others; then let him seek those same things from God, and then take up hope in God in his soul that by his divine aid he will not only obtain those things which are good and salutary, but avoid those which are evil and bring destruction.

Sometimes also let him rejoice inwardly in the Lord that, with God's help, he has obtained good things and avoided evils.

From the commemoration of miseries let him conceive fear, grief, and humility when he recognizes his infirmities.

From the rebuke of those who do evil, let him recognize zeal for divine vengeance and indignation against wickedness. And thus indeed from these salutary affections he will obtain the richest fruit of singing psalms.

When the Psalms have been prayed through and the office of the canonical hours completed, let him remain silent for a little while and, with knees bent, entreat pardon for negligence, distraction, or any other fault which he committed in that office of prayer. Then let him pray that, through the merits of Christ and the whole Church, the homage and ministry of his prayer may be pleasing and acceptable.

In that office of singing psalms, just as attention of mind and salutary affection are required, so is a becoming disposition of the body.

Therefore, in addition to the things established in the first Council concerning bending the knees, inclining the head, standing, sitting, and the other parts, we also forbid certain things in the choir which, as being less becoming and alien to the worship of that place, ought to be avoided. These things are described upon a tablet which will be published by our care and shall be permanently affixed in each sacristy of the Churches, cathedral, collegiate, and parochial.

Moreover, let these very admonitions, described upon another tablet, likewise be kept in each sacristy.

Not only in sacristies and upon tablets, however, but upon the fleshly tablets of the heart; for to what end is all the ornament of churches and apparatus of ceremonies,

[Printed page 393]

unless God is served with upright souls? But if it shall seem good to prelates to hang these admonitions also in the choir, they will bring incitements to the pious and instill shame into the negligent and those disdainful of sacred things. At the same time, they will easily restrain those who most shrewdly hunt after free benefices and fruits without a burden.

§ 12. For this reason the first Council gravely admonishes the person who presides over the choir concerning his office:

> In cathedral and collegiate Churches, let him who presides over the choir watch diligently lest anything be omitted in the institution or progress of the divine office, or in the remaining things which pertain to the approved manner

> of the Choir, or in the other things which are prescribed by common or particular constitutions in the performance of the divine offices. And let nothing be done absurdly, indecorously, or in an inverted order. If any do not satisfy their office, let him rebuke them gravely and lovingly; if they do not come to their senses, let him command the attendance-marker to record them in the book and report them to the Bishop, to whom they shall pay worthy penalties. But if he himself has been negligent in the performance of his duty, let him be punished by the Bishop or by another who presides over the Church.

But if any Church does not have a person specifically placed over this duty, or if it has such a person but he is not present in the choir, let the person who then sits in the first place in the choir among those who possess dignities or Canonries in that Church discharge the office of presiding.

§ 13. The Council of Basel instructed all no less carefully in session 21:

> If someone who is about to petition a secular prince endeavors to compose himself in word, with honorable apparel, becoming gesture, utterance not hasty but distinct, and an attentive mind, how much more diligently ought one who is about to pray to almighty God in a sacred place take care to do all these things? The holy Synod therefore establishes that in all cathedral and collegiate Churches, at the due hours, after the signals have first been rung with a suitable peal, the praises of the divine majesty shall be reverently discharged by all at each hour, not rapidly and hastily, but slowly and deliberately, and with a becoming pause, especially in the middle of each little verse of the Psalms, making the due difference between the solemn and ferial office.
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> Let those who are to recite the canonical hours enter the Churches wearing an ankle-length tunic and clean surplices extending below the middle of the shins, or copes, according to the diversity of times and regions; wearing not hoods upon their heads, but almuces or birettas. When they are in the choir, let them preserve the gravity which both the place and office demand, not conversing or speaking there at the same time with others, or reading letters or other writings. And since they assemble there for the sake of singing psalms, they ought not to keep their lips joined and closed, but let all--especially those who discharge the greater honor--cheerfully sing Psalms, hymns, and canticles to God.
>
> When “Glory be to the Father and to the Son and to the Holy Spirit” is said, let all rise. When that glorious name Jesus, at which every knee of those in heaven, on earth, and under the earth is bent, is named, let all incline the head. Let no one there, while the hours are publicly sung, read or say the office privately. For he not only withdraws the service which he owes to the choir, but disturbs the others singing psalms. Let the Dean, or the person upon whom the burden rests, watch diligently over the due observance of these things and of the other things pertaining to the performance of the divine office and the discipline of the choir, looking about on every side lest anything be done in disorder. Transgressors of these things shall be punished by loss of the distribution for that hour in which they offended concerning the aforesaid things, or by another greater penalty, as the gravity of the transgression demands.

If prelates seriously take care of these things as they ought, at peril of eternal salvation, we shall in a short time behold another form of the Church.

§ 14. In the same session it also taught concerning attendance in the choir those things whose neglect has ruined the clergy and invited new heresies:

> Whoever at Matins has not been present at the divine office before the end of the Psalm “Come, let us exult,” at the other Hours before the end of the first Psalm, and at Mass before the last *Kyrie eleison*, and has not remained until the end--unless perhaps, when necessity compels, he must depart after requesting and obtaining permission from the President of the choir--shall be considered absent for that hour, without prejudice to the customs of Churches, if any happen to be stricter concerning this. Let the same be observed regarding those who have not remained in processions from the beginning all the way to the end. For the execution of this, let someone be deputed who has the burden of noting the individual persons who do not assemble at the established time; being bound by oath, he is to act faithfully and spare no one.

> This holy Synod also commands that in Churches in which definite distributions are not established for the individual hours, they shall nevertheless be assigned even from the gross fruits, if necessary, so that each person may receive more or less emolument according to the measure of his labor. It thereby removes entirely that abuse by which one who is present at only one hour appropriates the distributions of the whole day, and that abuse by which Provosts, Deans, or other officials receive the daily distributions solely because they are officials, although they are not actually absent for the utility of the Church.

From this we certainly infer:

First, that those persons offend gravely who, although they live--and often live sumptuously--from the Church, regard the duties of singing and celebrating the praises of God in the Church as beneath their dignity and delegate them to poorer Priests, vicars, students, and hired singers. David, singing to God by nights and days, did not act thus; nor Charlemagne, who himself handed down the modes of singing; nor the greatest and holiest Pontiffs, who together with kings and emperors endowed the Churches most munificently so that the divine majesty might be worshiped publicly by the most learned and illustrious men.

Second, that the custom and opinion of those who possess ecclesiastical benefices but judge that the church is to be approached only rarely, or boast that mere presence suffices for receiving revenues, is damnable. For since a benefice is given on account of an office, one cannot make its fruits his own by idleness alone, much less by business which is worse than idleness. For who would believe either that it was the intention of the founders or that God has any care for the most corrupt custom of those who are intent upon empty tales in the portico or the Church itself while others sing the divine offices? Do you not have houses, covered walks, and gardens for walking and talking, that you despise the Church of God? The Church of God, from which it is provided for you that you can talk idly? With what countenance, moreover, do you see your fellow citizens, who maintain the Churches by tithes and contributions, praying and singing psalms in that church which resounds with your tales?

A Priest, Canon, or Deacon, laughing and chattering in the sight of the Angels, amid the Psalms and the tremendous mysteries, in the middle of the church and in the presence of the Holy Eucharist--although their office is to give examples of modesty, devotion, and reverence toward the Church to all--is present to the great scandal of everyone and perhaps treats of trifling secular business. If he sometimes speaks of piety, nevertheless, because it takes place in a place not granted for it, it is not free from blame, because he makes the house of prayer and sanctuary of the Lord's body a house of business, recreation, wandering discourse, and trifles.

Third, that the cause of so many evils has arisen from this, because the house of God is despised by its own ministers. In Haggai 1:2 God says that neglect of sacred things is the cause of evils:

> This people says: "The time for the house of the Lord to be built has not yet come." And the word of the Lord came by the hand of Haggai the Prophet, saying: "Is it time for you to dwell in paneled houses while this house is desolate?" And now the Lord of hosts says these things: "Set your hearts upon your ways. You have sown much and brought in little; you have eaten and have not been satisfied; you have drunk and have not become drunk; you have clothed yourselves and have not become warm; and he who gathered wages put them into a bag full of holes." The Lord of hosts says these things: "Set your hearts upon your ways. Ascend the mountain, carry timber, and build the house, and it will be acceptable to me and I shall be glorified," says the Lord. "You looked for more, and behold, it became less; and you brought it into the house, and I blew it away. For what reason?" says the Lord of hosts. "Because my house is desolate, and each of you has hastened to his own house. On account of this the heavens above you were forbidden to give dew, and the earth was forbidden to give its produce; and I called drought upon the earth and upon the mountains, upon the wheat and the wine and the oil, upon whatever the ground brings forth, upon human beings and beasts of burden, and upon every labor of the hands."

[Printed page 394]

But now the house of God is not only not built; rather, one already built is turned to profane uses. Therefore, where evil morals have grown so strong that they cannot be corrected by ordinary power, the clergy which despises its own church will be rooted out--a thing which has already happened in many places.

Fourth, reformation is easy if those who ought to will it are willing. For who, if he sees that a thing from which there is no emolument displeases his superiors, would dare shamelessly to offend in it? Next, just as an absent man is deprived of distributions, so let those wanderers be punished with a double fine, so that they both lack their distributions and pay an expenditure for the fabric of the Church. For the religious magnificence of our forefathers erected such great churches not for license, but for devotion. But our discourse will return again to this error, because that which is often committed must often be reproved.

CHAPTER VII

That the Canonical Hours and Vigils Were, and Are, Customary in the Church

§ 1. The Canonical Hours were instituted in the Church so that the divine praises might be sung or recited in a definite order by God's ministers. For after sustenance was appointed for Christian Priests, definite tasks of divine praises and prayers were also defined. In ancient times, although they were not contained within a definite number of Psalms, prayers, or readings, they were greater than in ours.

Thus the singing and recitation of the Canonical Hours in the Church is a most ancient thing. Indeed, their beginnings are in the Church of the Jews. Tertullian, *Against the Psychics*, chapter 10:

> Moreover, since in the same commentary on Luke both the third hour is shown as an hour of prayer--at which those initiated by the Holy Spirit were regarded as drunk--and the sixth, at which Peter ascended to the upper part of the house, and the ninth, at which they entered the temple, why should we not understand, while plainly preserving the indifference that one must pray always and everywhere and at every time, that these three hours nevertheless, as the more distinguished in human affairs--which distribute the day, distinguish business, and sound publicly--were thus also the more solemn in divine prayers? Daniel's example, too, praying three times a day, also recommends this, certainly by the selection of certain hours, and of none other than the third, sixth, and ninth, which thereafter became the more distinguished Apostolic hours.

Tertullian therefore recognizes three hours customary among Christians and the more distinguished or solemn hours of prayer. Cyprian proves the same in the same way in his book *On the Lord's Prayer*. I intend to adduce the words of the most holy martyr and prelate, so that the Christian Clergy may recognize with what zeal it ought to perform the sacred offices commended to us by such venerable antiquity, and so that heretics who mock our prayers may understand that they fight against antiquity and all the saints. Cyprian therefore speaks thus in the book cited:

> In the celebration of prayers we find that Daniel and the three youths--strong in faith and victorious in captivity--observed the third, sixth, and ninth hour, evidently in the sacrament of the Trinity which was to be manifested in the last times. For the first hour, advancing to the third, shows the consummated number of the Trinity. Likewise the fourth, proceeding to the sixth, declares another Trinity. And when the ninth is completed from the seventh, the perfect Trinity is numbered through three hours at a time. Long ago, the worshipers of God, spiritually determining these spaces of hours, served at established and lawful times for prayer; and afterwards it was manifested that these had formerly been sacraments, because just persons had previously prayed thus.
>
> For at the third hour the Holy Spirit descended upon the disciples and fulfilled the grace of the Lord's promise. Likewise Peter, ascending to the housetop at the sixth hour, was instructed by both a sign and the admonishing voice of God to admit all to the grace of salvation, although he had previously doubted concerning the cleansing of the gentiles. And the Lord, crucified at the sixth hour, washed away our sins with his blood at the ninth and, so that he might redeem and give us life, then perfected his victory by his Passion.
>
> But for us, dearest brothers, in addition to the hours observed from antiquity, both the periods and the sacraments of prayer have increased. For one must pray also in the morning, so that the Lord's resurrection may be celebrated by morning prayer, which the Holy Spirit formerly signified in the Psalms, saying: "My King and my God, because to you I shall pray, O Lord; in the morning you will hear my voice; in the morning I shall stand before you and contemplate you." And again the Lord speaks through the Prophet: "At dawn they will keep watch for me, saying: Let us go and return to the Lord our God."
>
> Likewise, when the sun withdraws and the day ceases, it is necessary to pray again. For because Christ is the true Sun and the true day, when the sun and day of the world withdraw and we pray and ask that light may come upon us anew, we entreat the advent of Christ, who will furnish the grace of eternal light. But the Holy Spirit declares in

> the Psalms that Christ is called the day: "The stone," he says, "which the builders rejected, this has been made the head of the corner. This was done by the Lord and is wonderful in our eyes. This is the day which the Lord has made; let us walk and rejoice in it." Likewise the Prophet Malachi testifies that he is called the Sun, saying: "But for you who fear the name of the Lord, the Sun of justice will arise, and healing is in his wings."
>
> Therefore, if in the holy Scriptures Christ is the true Sun and the true day, no hour is excepted by Christians from the requirement that God should be worshiped frequently and always; so that we who are in Christ--that is, in the true Sun and day--may persist in prayers throughout the whole day and pray. And when, by the law of the world, night revolves and follows in alternating succession, no harm can come from nocturnal darkness to those who pray, because for the sons of light it is day even in the nights. For when is he without light who has light in his heart? Or when is the Sun and day absent from him to whom Christ is Sun and day? Therefore, we who are always in Christ--that is, in the light--must not cease from prayer even during the nights.

Cyprian therefore adds the morning, evening, and nocturnal hours to the Tertullian hours.

[Printed page 395]

Jerome, in his letters to Demetrias and Laeta, also shows that this was the custom of his own time. Therefore this institution is not Damasus's, Jerome's, or Ambrose's, except insofar as all things were reduced more fully to order by their counsel and command. Sigebert in the *Chronicles* and Radulf of Tongeren must be understood in this way when they name these fathers as institutors of the hours.

Athanasius, *On Virginity*, teaches that the system of the hours was more ancient:

> Let the rising Sun see the book in your hands. After the third hour you will perform the Synaxes, because at that hour the wood of the cross was affixed. At the sixth hour you will complete supplications with Psalms, weeping, and entreaties, because at this hour the Son of God hung upon the cross. At the ninth hour you will again be engaged in hymns and glorifications; with tears and confession of your sins you will supplicate God, because at this hour the Lord, hanging upon the cross, gave up his spirit. And after the Synaxis of the ninth hour eat your bread.

And after several things:

> If you enter the temple at the twelfth hour, you will perform a greater and longer Synaxis with virgins in agreement with you; but if you have no one in agreement, you will complete the Synaxis alone, with God present and hearing. It is good, however, to pour out tears before the Lord and to be mindful of the twelfth hour, because at that hour the Lord descended to those below.

Farther down he adds these things:

> At midnight you will arise and celebrate the Lord your God with hymns, for at that hour the Lord your God rose from the dead and celebrated his Father with hymns; and for this reason he enjoined us to sing hymns to God at the same hour. As soon as you arise, recite this verse: "At midnight I arose to confess to you, on account of the judgments of your justice"; and pray, and begin to recite Psalm 50 until you complete it.

The author of *The Shorter Rules*, question 37, Jerome to Eustochium, on Daniel chapter 7, and letters 7 and 37 also treat of these matters.

§ 2. Moreover, the holy Councils teach with what spirit they acted even in our own age, including the Council celebrated at Trier under the most reverend and illustrious John in the year 1549:

> Let all who are deputed to discharge the Canonical Hours take care that, with their minds recollected insofar as can be done, they complete the task due, and let them not conduct themselves in such a way that, while they sing psalms with their voice, they seem in their mind to think of anything rather than God. Let them always beware lest they hear that prophetic saying: "Indeed, they honor me with their lips, but their heart is far from me." But what is it to sing psalms with the voice while in the mind going around the house or marketplace, except to deceive human

> beings and mock God? Very grave is what Scripture says: “Cursed is he who performs the work of God negligently.”
>
> We therefore establish that the divine praises shall be discharged at each hour, not rapidly and hastily, but deliberately, with becoming intervals observed and account taken of distinguishing feast-days from intervening ferial days, reverently and cheerfully, with the voice in no way raised to a shout, lest they seem rather to be insane or to be capering from wantonness of soul than to exult through fervor of spirit, always turning over in the mind the verse so often sung.

§ 3. Clerics initiated into the major orders, professed religious who have a choir, and beneficed clergy are bound to the Hours. Thus the canon *A Presbyter*, concerning the celebration of Masses, and the canon *If Any Presbyter*, Distinction 92; likewise *Grieving*, concerning the celebration of Masses.

§ 4. A great injury is inflicted upon the divine name and the Church by omission of the Canonical Hours. This can be amended as follows:

1. If most benefices are converted into daily distributions for those present and singing.

2. If benefices are not so easily conferred upon boys; or certainly, while they devote themselves to letters, if they are taught to read and read accurately. For now experience teaches that those who are burdened with benefices as youths become either the best or the worst. For if day by day they discharge their task of prayers with attention and devotion, they make great progress in piety and letters. But if they enjoy the revenues of priestly offices and neglect prayers, since they bind themselves every day by grave sin, it is no wonder that, abandoned by divine grace, they become the worst. For they are, as it were, embezzlers of the ecclesiastical treasury, living as though from plunder of ecclesiastical goods, while they entirely evade the office on account of which those goods are given.

But concerning the Hours the Canonists have written more, as has my colleague Father Gisbertus Sceuickhavius in his most useful book *On the Ecclesiastical State*. Those who occupy the places and functions of the holy Fathers ought deservedly to hear him speaking with the mouth of the holy Fathers.

CHAPTER VIII

That Ecclesiastics Can Be Judges of Civil Matters and Controversies

§ 1. This is a great privilege of the Church: the power to erect its own tribunal in the midst of the Roman Empire and of other kingdoms. Yet Paul, the Doctor of the Gentiles, taught us that this is lawful. 1 Corinthians 6:1 and following:

> Does any one of you, having a matter against another, dare to be judged before the unjust and not before the saints? Or do you not know that the saints will judge concerning this world? And if the world will be judged by you, are you unworthy to judge concerning the smallest matters? Do you not know that we will judge Angels? How much more secular matters? If, therefore, you have secular judgments, appoint those who are held in contempt in the Church to judge. I speak to your shame. Thus is there no wise man among you who can judge between his brother and his brother? But brother contends with brother in judgment, and this before unbelievers. Now there is indeed altogether a fault among you, because you have judgments among yourselves. Why do you not rather receive injury? Why do you not rather suffer fraud? But you inflict injury and commit fraud, and this against brothers.

The Apostle indeed desires Christians to be so disposed that they prefer to suffer injury rather than to inflict it. Yet because, in a great multitude, there were not lacking those who were accustomed obstinately to defend their own possessions and greedily to seek those of others, there was need of a judge. But lest the suit be conducted among the Gentiles, he judged that judges were to be chosen in the Church. This, therefore, is the royal priesthood before which the laws of Gentile Caesars had to yield. If, therefore, the Apostles could erect tribunals in cities and appoint judges, who would doubt that they also judged, and much more that they could judge? For to give the power of judging is more than to judge; it belongs to architectonic power.

§ 2. The judges of ecclesiastics are ecclesiastics alone. Thus Cause 11, Question 1, canon 15:

> By the present authority we command Your Experience that, in causes in which any person holding ecclesiastical office stands in the place of plaintiff and is about to bring an action against any layman, he shall not fail to present his actions before the judge of his province. But in those matters in which a person holding ecclesiastical office is proceeded against, with every obstacle to the accusation removed, he shall resort without distinction to the examination of the bishop, or of the presbyters appointed in the place where the question is at issue.

And canon 2:

> Let no judge, on his own authority and without the Pontiff's permission, constrain or presume to condemn any presbyter, deacon, cleric, or junior servant of the Church.

[Printed page 396]

> But if he does so, let him be separated from the Church upon which he is known to have inflicted injury until he acknowledges and amends his deed.

And canon 5:

> By a continuous law we decree that no bishop, nor any of those who serve the necessities of the Church, shall be dragged before the courts of either ordinary or extraordinary judges. They have their own judges, and they have nothing in common with public laws.

Likewise the Emperor Constantine, presiding in the holy Synod that had assembled at Nicaea, when he saw that a complaint made by certain persons had been brought before him, said:

> You can be judged by no one, because you are reserved for the judgment of God alone.

But this matter belongs to the privilege of exemption, which will be treated in its own place.

§ 3. Those held in contempt are ordered to be appointed as judges in the Church--not so that just anyone may be a judge, for that is not Paul's meaning. For he requires a wise man who can judge between brother and brother. But he calls him one held in contempt because he speaks to their shame, since it is acknowledged that the least of the saints, though he may appear insignificant, is wiser than the wise men of the Gentiles to whom they brought their lawsuits. And so those of a lower condition can be judges, just as if someone were to say that judges can be appointed from the lower-ranking members of an Academy in towns and villages.

§ 4. In former times Christians tried their cases before clerics. Clement, *Constitutions*, book 2, chapter 49:

> Let your judgments take place on the second day of the week, so that if any controversy arises from your sentence, you may have free opportunity until the Sabbath to settle that controversy and reconcile peace between those who litigate. Let deacons and presbyters, who will judge with integrity, be present at the judgment as men of God, with justice. When each party has come, as the law commands, let both who litigate be stationed in the middle of the tribunal; and, after hearing them, pronounce judgment in holiness, striving to reconcile them before the bishop's sentence, lest judgment against the sinner go forth over the earth.

Chrysostom explains this excellently, interpreting it as referring to Priests:

> Ὃ γὰρ λέγει τοῦτόν ἐστιν· ἴσως ἐρεῖ τις ὅτι οὐδεὶς ἐν ὑμῖν σοφός, οὐδὲ ἱκανὸς διακρῖναι, εὐτελεῖς προήχθησαν πάντες· καὶ τί τοῦτο; κἂν γὰρ μηδεὶς ᾖ σοφός, φησί, τοῖς ἐλαχίστοις ἐπιτρέπετε. Τοῦτο δὲ πρὸς ἐντροπὴν ὑμῶν λέγω· ἐλέγχοντος δὲ τὴν τούτων ἀντίθεσιν, ὡς σκῆψιν οὖσαν περιττήν. Διὸ δὲ ἐπήγαγεν· Οὕτως οὐκ ἔνι σοφὸς ἐν ὑμῖν οὐδὲ εἷς; Τοσαύτη, φησίν, ἀπορία; τοσαύτη σπάνις ἀνδρῶν συνετῶν παρ' ὑμῖν; Καὶ ἡ ἐπαγωγὴ δὲ μείζονα τὴν πληγὴν ἔχει. Εἰπὼν γάρ, Οὕτως οὐκ ἔνι σοφὸς ἐν ὑμῖν οὐδὲ εἷς; ἐπήγαγεν, ὃς δυνήσεται διακρῖναι μεταξὺ τοῦ ἀδελφοῦ αὐτοῦ. Ὅταν γὰρ ἀδελφὸς δικάζηται μετὰ τοῦ ἀδελφοῦ, οὐδὲ προσδεῖται τῆς συνέσεως, καὶ τῆς δεινότητος τῷ μεσιτεύοντι τὴν δίκην, τῆς διαθέσεως καὶ τῆς εὐπειθείας πολλὰ συμπραττούσης πρὸς τὴν λύσιν τῆς τοιαύτης φιλονεικίας.

Perhaps someone will say that there is no wise man among you, nor anyone fit to discern and adjudicate. And what then? For even if there is no wise man, he says, entrust the matter to the least among you. "I speak to your shame." This is the language of one refuting their objection as an unnecessary excuse and pretext. And therefore he added: "Thus is there no wise man among you?" Is there, he says, so great a lack, so great a scarcity of intelligent men among you? But what he added inflicts a greater blow. For when he had said, "Thus is there no wise man among you?" he added, "Who can judge between his brother and his brother?" For when brother contends in judgment with brother, intelligence and dexterity are not needed for the arbitration of the suit, since affection and kinship bring great assistance toward resolving a contention of this kind.

Augustine's opinion is the same in Letter 47 to Proculeianus and in *On the Work of Monks*, chapter 29:

> I call as witness upon my soul that I would prefer, during fixed hours on every single day--as has been established in well-regulated monasteries--to do some work with my hands and to have fixed hours for reading and praying, rather than to endure the most tumultuous perplexities of other people's causes in secular business, either by deciding them in judgment or by intervening to bring them to an end. The same Apostle afflicted us with these troubles--not according to his own decision, assuredly, but according to the decision of him who spoke in him. Yet we do not read that he himself endured them, for the course of his Apostleship was differently constituted. Nor did he say: "If, therefore, you have secular judgments, bring them to us," or, "Appoint us to judge"; but: "Those who are held in contempt in the Church," he says, "appoint these. I speak to your shame. Thus is there no wise man among you who can judge between his brother and his brother? But brother is judged with brother, and this before unbelievers." He therefore wished wise, faithful, and holy men who remained in their own places--not those who traveled here and there on account of the Gospel--to be examiners of such matters. Hence it is never written of him that he ever had leisure for such matters, from which we cannot excuse ourselves, even if we are held in contempt, because he wished even such men to be appointed.

§ 5. The examples of the most holy and most laborious bishops show us their judicial power. Gregory of Nyssa, in his oration on the virtues of Gregory Thaumaturgus, Bishop of Neocaesarea:

> They judged that no other adjudication even of secular and temporal controversies was more valid and firm for them, or of greater authority; but every question and dispute, and every intricate and difficult entanglement of affairs, was resolved and decided by his counsels and admonitions. Hence, through his beneficence, there was both for everyone collectively and for each person individually not only equity and an upright settlement of law, but also peace.

Moreover, by a miracle God showed that the distinction he won in calming disputes was pleasing to him. Yet he was not on that account negligent in prayer, reading, works of mercy, or teaching. He found seventeen Christians when he received the episcopate; when he died, he left seventeen Gentiles.

Ambrose was so occupied in deciding lawsuits that Augustine says he could not breathe, book 3 of the *Confessions*, chapter 3:

> For I could not ask of him what I wished, in the manner I wished, because crowds of busy people, whose infirmities he served, shut me off from his ear and mouth. When he was not with them--which was for only a very small portion of time--he either refreshed his body with necessary sustenance or his mind with reading.

And a little later:

> And we conjectured that during that little time which he obtained for restoring his mind, when he was free from the clamor of other people's causes, he did not wish to be called away to anything else. Perhaps he was taking care that, if an attentive and intent listener were present and the author he was reading had set down something rather obscurely, it should not also become necessary to explain it or to discuss certain more difficult questions, and that, with time spent on this work, he would turn through fewer volumes than he wished.

Yet Ambrose did, said, and wrote so many things that, to one who examines his works, he might seem to have lived in the greatest leisure.

Nor did he voluntarily bind himself to so laborious and so hateful a charge; rather, in Letter 49 to Marcellus, he writes that he was clothed with that necessity by the authority of blessed Paul. Augustine, Ambrose's disciple, says in the place cited above:

> Malicious people clamor for it, or certainly they oppress the weak, so as to compel them to bring their causes before us. We do not dare say to them, "Man, who appointed me judge or divider over you?" For the Apostle appointed ecclesiastics as examiners of such causes.

[Printed page 397]

He frequently complains of the multitude of business; yet he acknowledges that he is not worn away by the faithful through their litigation, but that rather, by obeying him, they console him.

There survives a complaint of Synesius, who was compelled to accept the episcopate, in Letter 57:

> He who exercises the priesthood together with Philosophy has need of leisure. I do not condemn Bishops who are engaged in the business of affairs, but rather I admire those who can do both; it is not within my ability to serve two masters. But if there are others who are not harmed by condescension, they will certainly be able both to exercise the priesthood and to be Prefects of cities. For if a ray of the Sun comes into contact with dung, it remains pure and is not defiled; but when I do this same thing, I have need of fountains and of the sea.

Synesius was denied the release he requested, and he excommunicated the governors Andronicus and, afterwards, Tonans. He could not have done this unless he had first investigated and judged the case. See Letter 58.

§ 6. Beza is therefore injurious to the most holy men in his notes on chapter 6 of First Corinthians:

> Ministers, whose office is widely different, must by no means be employed to hear disputes of this sort, but rather any others among those who were afterwards called Laymen, who are least occupied of all with other more useful affairs. For thus I interpret those called *τοὺς ἐξουθενημένους*--"those held in contempt"--hyperbolically, not as those who are most unlearned or who are most base. This, therefore, is that Apostolic doctrine, confirmed in very many places by both the command and example of CHRIST himself: so far was he from granting both swords either to Peter or to any other pastors descended from Peter. But if this had been attentively considered, as it ought to have been, by those ancient Bishops--who were, I acknowledge, far removed from the ambition which presently followed them, yet nevertheless departed from the Apostolic rule--neither would they have wearied themselves with so many labors, of which Augustine complains in some places, nor would they have opened to posterity an entrance for seizing the authority of Magistrates, certainly followed at length by the destruction of the human race.

But those most holy Bishops undertook that laborious and hateful business for the sake of piety and judged that it had been laid upon them by the Apostle.

Yet nothing here is more true than that Calvinist ministers must not be employed to adjudicate controversies. The Apostle nevertheless bound Bishops in this way, not contrary to the precept of Christ or of Peter. They did not judge contrary to the Apostolic rule, much less did they seize a tyranny; rather, they aided the oppressed against the violence of the more powerful. The fact that Silvanus, a most holy man and Bishop of Troas, took the power of judging away from his clerics is proof that they possessed that power. Since they were abusing it, and since suitable clerics were lacking, he appointed trustworthy laymen. For Nicephorus says that they had set up a market; Socrates says that they made profit from the controversies of litigants. Nor is this surprising: that part of Asia was troubled by various heresies, and the Clergy's integrity and constancy in both faith and morals had been weakened. Nevertheless jurisdiction is not for that reason not owed to the order, merely because one Bishop of a little Church transferred judgments to Laymen because the clerics judged badly. Indeed, I judge that clerical judges must be diligently investigated every year, and, if they depart from justice, punished with the greatest severity.

§ 7. Finally, the Council of Trent (session 13, chapter 1, *On Reform*) variously constrains those accused of crimes who were striving to escape episcopal judgments. Accordingly, it denies that deference must be shown to a frivolous appeal:

> Since, therefore, those accused of crimes very often feign complaints and grievances in order to avoid punishments and evade the judgments of Bishops, and impede the judge's proceeding by recourse to appeal, lest they abuse, for the defense of iniquity, a remedy instituted for the protection of innocence, and in order that their cunning and evasion of this kind may be forestalled, it has thus established and decreed: in causes of visitation and correction, whether of fitness and unfitness, and also in criminal causes, no appeal shall be made from the Bishop, or from his Vicar General in spiritual matters, before a definitive sentence, from an interlocutory sentence or from any other grievance whatsoever; nor shall the Bishop or Vicar be bound to defer to an appeal of this sort as frivolous.

§ 8. The reasons why this was useful to the state were certainly many, and they remain so today.

1. Causes are handled more sincerely by the Lord's priests and ministers than by profane judges. For they preserve more closely the clearer rule of justice and equity. This is also the reason why the people themselves appealed to the episcopal audience. For just as civil laws ought to be accommodated to ecclesiastical laws, so it is also fitting that secular judges should listen to bishops and priests. The constitutions of emperors possess the force of law, but the canons of the Apostles possess a firmer force. Hence it came about that Innocent said, nearly in these words, that the Church is not constrained by worldly laws; and Jerome in the *Epitaph of Fabiola* and Letter 30 to Oceanus: "The laws of the Caesars are one thing, the laws of Christ another; Papinian commands one thing, Paul another." Hence it came about that Constantine decreed that the sentences of governors could be rescinded by Bishops. Ambrose himself is witness, in book 2 of *On Duties*, chapter 25, that this was done by him.

2. Litigation before Bishops was conducted at less expense. For those judges were both distinguished in piety and knowledge and, for the most part, rich and liberal toward the poor; thus it seemed in no way probable that they would conduct themselves so that their possessions increased from lawsuits. Even now they live from the Church and have no heirs for whose sake they might violate justice and sell their sentence.

3. The civil power of the Church seems necessary, amid so great a degree of human malice, arrogance, subtlety, and obstinacy, for suppressing errors, and therefore it was deservedly granted to bishops. Before Constantine more heresies arose because they were restrained by no force; and under blasphemous emperors there was the greatest liberty for heretical blasphemies, so that the Church was rent more grievously by domestic dissensions than by persecution.

§ 9. But if civil dominion is rightly granted to the pastors of the Church, as I have proved in *The Conclusion of the Jubilees*, the judicial power inhering in and connected with it must also be granted. But this dominion was formerly given and accepted by many, and is retained even today--not only by those whose virtue could be called into doubt, but by absolutely all who have obtained those churches. John of Palomar, Archdeacon of Barcelona, treated of them with the greatest learning at the Council of Basel. These are his words; for thus he says:

> I shall begin with the Church of Mainz. Behold Saint Boniface, who possessed such authority that in his time it was said that the times of the Apostles had returned; he illuminated many provinces by his preaching. In the same Church was Saint Lullus the Confessor. Likewise Rabanus, a great Doctor, is cited daily. Likewise in the same Church of Mainz was Archbishop Bardo; in the same was Willigisus. In the Church of Trier, which Helena, the mother of Constantine, who was born at Trier, endowed with many relics and temporal goods in addition to its first endowment, there were ninety-nine Archbishops down to the Lord Otto, the last to die; of these, twenty-five are Saints, as is contained in the Calendar of Archbishop Baldwin, which is preserved in that Church.
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> *[Printed page 398]*
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> In the Church of Cologne was blessed Severinus, who was and is renowned for many miracles; likewise Saint Remedius; likewise Saint Cunibert; likewise Saint Haymo; Aglolfus the martyr; likewise Evergissus the martyr; likewise Heribert: all these were holy Archbishops of Cologne. In the Church of Liège, which is most opulent in temporal goods, were Saint Maternus, Saint Hubert, Saint Theodard, Saint Servatius, Saint Lambert the martyr, and Saint Geregisilus, all Bishops. Likewise in the Church of Lorch was Saint Maximianus, consecrated Bishop by Saint Sixtus around the year of the Lord 223; he conferred upon the said Church the patrimony which is now called Enns, with all the neighboring towns and secular jurisdictions, which remains to the present in Austria and is possessed by that Church of Passau. Likewise Saint Adalbert happily governed for many years the magnificently endowed Church of Prague. Likewise Saint Procopius had a most opulent Monastery in Bohemia; those who disturbed its possessions have sometimes experienced divine vengeance upon themselves. Likewise Saint Wolfgang at Regensburg. Likewise Saint Corbinian, Bishop of Freising, acquired estates for that same Church which are known today. Likewise Saint Ulrich of Augsburg governed a Church opulent in estates and civil dominions. Likewise Saint Conrad, Bishop of Constance. Likewise Saint Virgil endowed the Church of Salzburg with dominions. There was also a Saint Virgil, Bishop of the Church of Trent, which was opulent in civil dominion. Nor must Saint Stanislaus, Bishop of Krakow, be passed over: when he suffered a controversy concerning a village of the Church, he raised from the grave a man who had died three years before and led him to the judgment as a witness. Without falsehood, if I had searched well, I could have found many more holy Bishops and Abbots who presided over churches and monasteries possessing temporal goods and civil dominions. Pious ears surely recoil from hearing it called into doubt whether that is lawful which, by so great a multitude of saints through so many courses of time, was held, practiced, and observed as lawful.

And these examples are more recent and transalpine, yet they rest upon the deeds of the most ancient and most holy men. For the same Archdeacon continues thus:

> I shall begin with blessed Sylvester, to whose holiness and learning the exaltation of the Catholic faith after the chief men of the Jews had been defeated bears testimony. Under him was the first holy and venerable Council of

Nicaea, and it was after the endowment of the Church; from this Constantine's deed is sufficiently authorized, because, if it had been unlawful, so celebrated a Council would have condemned it. But I also have the testimony of blessed Ambrose, who, speaking on the death of the Emperor Theodosius, says that Constantine was of great merit before God because he was the first of the Emperors to believe and left after him to princes an inheritance of faith and devotion. And our Spaniard Isidore testifies to the same thing in his *Chronicles*. And the Greeks, who were then Catholics, number Constantine himself in the Catalogue of Saints and celebrate his feast with solemnity on 21 May. Next I shall speak of Saint Mark, under whom the holy Synod of Nicaea was celebrated; and in his time and afterwards Saint Athanasius, Eusebius, Nicholas, Hilary, and John Chrysostom were illustrious. Likewise Saint Leo the Pope, who was the forty-third after Saint Peter. Likewise Felix II, who was crowned with martyrdom. Likewise Damasus I, under whom was the Synod of Constantinople of 150 Fathers; to him Jerome wrote that letter: "Because the ancient East, dashed against itself in fury, tears the Lord's seamless tunic into tiny pieces." He was also asking that his confession of faith be approved by him, and wrote many other letters. Likewise Cyriacus, who was crowned with martyrdom at Cologne with eleven thousand virgins. Likewise Saint Symmachus the Pope, concerning whose life and miracles see Vincent in book 23 of the *Historical Mirror*, chapters 1 and 2. Likewise Saint John the Pope, concerning whom see the same Vincent in the same book, chapter 33. Likewise Saint Agapitus, in the same book, chapter 61. Likewise Saint Gregory, one of the four Doctors of the Church, whose holiness and learning are known. Likewise Saint Martin, concerning whom see Vincent, the same book 23, chapter 84. Likewise Saint Stephen the Pope, concerning whom see the same Vincent, the same book, chapter 167. Likewise Pope Honorius was of wondrous piety; a certain demoniac put on his tunic and was delivered. Likewise Saint Severinus, a kind lover of the clergy and the poor, enlarged the possessions of the Churches. Likewise John IV, after selling the treasures of the Church, redeemed many thousands of people throughout Istria and Dalmatia. Likewise Saint Martin of Todi, whose feast is celebrated on the day after that of Saint Martin of Tours. Eugenius I was kind and lovable to all and of the greatest holiness. When Agatho kissed a certain leper, the man was cleansed. John, a Greek by nation, was crowned with martyrdom. Paul, a most mild and merciful man, used to go by night with a few intimates to visit the poor and sick and minister to them. Leo IV, a man of great patience and great humility, performed wonderful deeds in his life; his feast is celebrated on the seventeenth day before the Kalends of August. Nicholas after him was a most holy man, scarcely equaled in the Roman See by anyone after Gregory the Great. All the aforesaid were holy men, of approved sanctity, in the Roman See after the endowment of the Church. There were also many others illustrious in virtue and knowledge, such as Innocent III, who is so reverently cited in the treatise *On the Mass* and in other works; Peter of Tarentaise, called Innocent V, a most illustrious Doctor; and many others whom it would be lengthy to name. I wished to name only the aforesaid, who are entitled saints, while omitting many others. But I do not wish to omit this one thing, because it is highly pertinent to the proposal: what Vincent relates in book 25 of the *Historical Mirror*, chapter 25, concerning Gregory VI. He expended great efforts and labors to recover the Church's temporal goods occupied by tyrants; and when he could not accomplish this either by exhortations or by censures, he did it by force of arms. Hence, as he lay under the illness from which he died, the Cardinals, calling him a bloodthirsty man, said that he ought not to be buried in the Church of Saint Peter with the other Pontiffs. When he learned this, he summoned the Cardinals and, after holding a conference with them, at last said: "Because both our thoughts and yours can be mistaken, let us commit everything to divine examination. Set my body, prepared according to the custom of my predecessors, before the doors of the Church, and let the doors be secured with locks and bars. If God wills that I enter, applaud the miracle; but if not, do with my corpse as you please." Thus it was done. And as soon as his body had been placed before the doors of the Church, which had been closed with locks, a mighty whirlwind sent by God shattered the obstacles of the bars and drove the doors themselves, thrown open with violent force, against the wall with a great crash.

For this reason Bernard says in book 4 of *On Consideration*, to his disciple Eugenius: "In these things you have succeeded not Peter, but Constantine"; and in book 2: "Grant that you claim these things for yourself by any other title, but not by Apostolic right." That they are possessed by good right is taught both by these things and by the consensus of the Christian world, by which they were defended. When the Romans, with an untimely desire for their former liberty and majesty, strove to bring all the kingdoms once under their dominion back into their power, they also

attempted to reduce the Pontiff to order and take away all his royal rights; but the Frankish and German Emperors punished them, as they also punished the Lombards. They saw that the dignity of the scepter and principate was appropriate for the Pontiff who would govern the Church. Barretus, book 2, chapter 1, teaches that the Pontiff possesses his own goods by good right, although he is otherwise a flatterer of kings. Indeed, he adds that the rights are more ancient and more equitable--which must always be regarded. Then he accuses Constantine's successors rather of having withheld them than he derogates from the Pontiff's right. Constantine gave wealth and honor. Charles restored them; other things were added:

[Printed page 399]

the Cottian Alps, the Exarchate, the dominion of Benevento, Sicily, Tuscany, Liguria, Apulia, Ferrara, and other dominions.

§ 10. Finally, I conclude that it is to the singular advantage of the state that great power of judging and governing be permitted to Bishops and Priests. The fruit ought to be that those who are capable of amendment may more readily hear the word of God, obey it once heard, and correct their morals, and that the obstinate may be terrified, if the mysteries are administered and doctrine is explained not by a powerless and contemptible Priest but by a regal Pontiff. Constantine himself adduces this cause for his donation: that the Pontifical summit should not be held in contempt, but should be adorned with glory and power more than the dignity of an earthly empire.

Yet that honor is not the primary end, but the safety of the state. For whence can judges more skilled, more equitable, less in need of money, and less desirous of gifts be obtained than from the most honorable assembly of Bishops, from the multitude of the Church's Prelates? This now obtains in the principal parts of Europe--in Germany, France, and Spain; indeed also in Britain itself, which employs Bishops in the administration of civil affairs.

CHAPTER IX

Against the Sectarians, the Civil Jurisdiction of Prelates Is Defended

§ 1. I have shown that the power of ecclesiastics to govern and pronounce law is legitimate, just, customary, and useful to the state. Now, because heretics rise up vehemently against it, let us answer them as well from divine law, human law, and approved custom.

Their first axiom is that the Pope, all Bishops, and Prelates can possess no civil administration. Most of them vehemently cry this out; Sharpe treats it in a long disputation in question 6, *On Antichrist*. For after he had objected to himself that ecclesiastics possess jurisdiction by the gift of Princes, he replies:

> Although the antecedent is controversial, as was said above, nevertheless the conclusion does not follow, because both the Pope's acceptance and the Princes' donation were contrary to Divine law and even contrary to Pontifical law. For in the Decrees, canon *Dicenti*, 25, question 11, Pope Pelagius says that rescripts which are obtained by deception or false petitions confer no right; and in the gloss, that Clerics who use them must be stripped of offices and benefices, while Laymen must be excommunicated. But the Princes' rescripts by which the Pope obtained jurisdictions were deceptive, if not by reason of their drafting and issuance, at least by reason of the cause alleged in them, which was that Christian piety demanded that Bishops be adorned with those gifts and privileges--expressly contrary to the word of God.

And a little later he says that the Pope acquired temporal power in no other way than through robberies. Then he continues:

> Pope Alexander III by a rescript in chapter *Vigilanti*, and Pope Innocent III in chapter *Si diligenti*, and the Lateran Council in chapter *Quoniam*, and the Canonists in canon *Placuit*, 16, question 3, say that, just as time does not remove the obligation from a possessor in bad faith, neither does it acquire any right. And the Bishops did not obtain those Principalities in good faith, who acted contrary to Christ's institution, as above. Bellarmine therefore rightly compares the Pope's right with a kingdom acquired through robberies.

Finally, he accuses the Princes who donated goods to the Church:

> Princes who donated to the Church that from which Pastors can support themselves are to be praised. But those who handed over those immense riches, from which they live sumptuously and idly, acted badly, because they thus corrupted the Church; and therefore that saying is right: "Religion gave birth to riches, but the daughter devoured her mother." The Princes indeed had zeal, but not according to knowledge. But those who conferred temporal jurisdictions acted impiously, because they violated Christ's institution. Nor did the Popes follow the example of Christ, who fled when the Jews wished to appoint him King: John 6:15. See Bernard in the books *On Consideration*.

§ 2. Hence it is easily apparent that, if the matter is decided by the opinion of the preachers, all temporal jurisdiction must be taken away from Bishops and Prelates; for they judge it to have been impiously donated and accepted, to have been acquired through robberies, and now to be held unjustly by possessors in bad faith and robbers, with no right of prescription. Therefore, when an opportunity is given, it can altogether be seized from them by secular Princes.

Nor can any treaties, compacts, or laws of the Empire stand in the way, because he says that it is contrary to divine law. Hence it is clear that, so long as that heresy holds dominion, peace cannot be established, since one party judges the other--although it alleges rights of donation, purchase, and prescription--to possess unjustly and defend itself by robbery. Hence, by necessary consequence, they strive to extinguish all force of laws and judgments. For whatever the judges of the Imperial Chamber decree in favor of any ecclesiastic, those impostors affirm to have been decreed

contrary to right and equity in favor of a robber. If a secular Prince invades and occupies the wealth and dominion of some Bishop, they declare that possessions have rightly been seized from robbers.

This opinion produces the greatest dissension among the Estates and an *ἄσπονδον*--implacable--war, which, although it is not always waged, is nevertheless always feared and prepared. Nor can any Bishop be secure if secular Princes should at some time believe their own ministers, whom the ministers' madness continually endeavors, by hope of ecclesiastical wealth, to drive into the slaughter and destruction of their fatherland. But after bishoprics have been subdued and plundered, and Bishops and Pastors have been driven out or slain, they trust that their Doctors will be able freely to vaunt and spread their heresy. But they err, and God has already long since shown their error to the world.

§ 3. It is certain that by natural law the priesthood and kingship, or civil jurisdiction, do not conflict. For under the law of nature the same persons were both Kings and Priests. In Genesis 14, Melchizedek; Moses in Exodus 18 is judge and Pontiff; and Eli in 1 Kings 1. The Maccabees were Princes and Pontiffs. Sharpe replies that these things were lawful then, but by no means now, and, secondly, that those instances were extraordinary.

The first point is altogether sufficient for us: namely, that the firstborn were at once Princes and Priests, and that Patriarchs, Prophets, and others exercised those two offices. The second point is false. For under the law of nature the same persons were ordinarily both Princes and Priests. Furthermore, the Maccabees were ordinary Pontiffs and Princes.

§ 4. Next, no law has provided in the New Testament that the same person may not be both Prince and Bishop, or possess both civil and ecclesiastical jurisdiction. For the laws which they allege in favor of this opinion do nothing for it, and their arguments are frivolous. Yet it will have been worth the effort to weigh them, if only so that the ignorance and intellectual weakness of the seditious may appear.

Argument 1.

Those things which God has separated and distinguished must not be confounded by human beings, Matthew 19:6. But God distinguished civil and ecclesiastical offices, both under the Old Testament and under the New,

[Printed page 400]

in the persons administering them, their causes, laws, punishments, and so forth--except extraordinarily and at certain times--as in 2 Chronicles 19 and Matthew 18:15. Therefore these cannot exist together in one person.

I reply: In Matthew 19:6 it is written, "What God has joined, let man not separate"; but it treats of marriage. Next, in 2 Chronicles 19 Jehoshaphat distinguished the offices of the temple from the civil offices. But it is not consonant with reason that, although they have sometimes been separated, they can never be joined. For they are of such a kind that they change according to the conditions of the times. In Moses, Eli, Samuel, and the Maccabees both powers were joined. Indeed, Eleazar the son of Aaron and Joshua the son of Nun divide the land among the sons of Israel, Joshua 14:1; but to give land, as is written there, pertains to secular jurisdiction. But what appearance of an argument is this: God did not wish those joined in marriage to be separated; therefore a Bishop cannot be a judge in a civil cause or administer a part of the state, not even a village?

Argument 2.

That which Christ himself denies pertains to him and refuses cannot pertain to his successors and ministers, because no one's authority can be greater than Christ's, Matthew 10:24. But Christ denies that civil jurisdiction pertains to him, Luke 12:14, John 6:15 and 8:11. Chrysostom therefore rightly says in Homily 42 on John that he did this to admonish us to despise human dignities and to show that he needed no secular things. Therefore--

I reply: In Luke 12:14 Christ avoided the office of judging: “Man, who appointed me judge or divider over you?” In John 6:15 he fled when they wished to make him King. In John 8:11 he asks the adulteress, “Has no one condemned you?” and, when she answers, “No one,” he says, “Neither will I condemn you.”

But these things establish nothing against the temporal jurisdiction of Bishops. For Christ rejected that division not because he could not judge, but because he did not wish to do so for a legitimate reason. First, those men had their own magistracy. Next, from that division an opportunity could have been given to the Pharisees to calumniate and to the magistracy to rage against him. Finally, he had not come to divide small fields. But if this deed is understood so that all jurisdiction and civil office are taken away from a Bishop, Gospel Ministers will not be able either to divide fields, to be arbitrators, or to be witnesses concerning political affairs. For who appointed them dividers? Christ fled kingship because he taught by his example that honors are to be fled. Many holy and prudent men have fled kingdoms and Bishoprics; others, however, accepted the same without fraud or fault. If the example given imposes an obligation, therefore it excludes everyone from kingship. For that which Christ fled must be fled. Indeed, the Donatists, Libertines, and Anabaptists use these words against the Magistracy; for they say that the office of ruling is evil in itself. And would that the ministers lived according to Christ’s example rather than according to their own morals. For Christ had nowhere to lay his head; Christ did not take a wife, yet thus far he has found no imitator among the ministers. Let those who say Christ fled them therefore flee possessions and a wife.

Argument 3.

If Christ’s kingdom is not of this world or concerned with the affairs of this world, then the office of Ministers ought not to be concerned with political affairs and civil principalities. But the former is true, John 18:36, 1 Corinthians 4:1, 2 Corinthians 10:4. Therefore Ambrose rightly says: “It does not befit one man to possess a double possession”; and Lyra on John 6: “Christ did not accept the honor, giving an example of fleeing honors.” Therefore--

I reply: Christ’s kingdom was not of this world in the sense that it was supported by worldly power and wealth; for he had come in order not only not to employ a kingdom but not even to possess property. Yet he did not forbid Christians to possess kingdoms, even if they are Bishops, just as he did not forbid them to possess property. They can be occupied with civil business, and indeed sometimes ought to be, if the safety of the state and the cause of religion so demand. Certainly, if a noble, a baron, a count, a Prince, or a King wished to devote himself to the ecclesiastical ministry, and if he were ordained by the imposition of hands, they could not by right deprive him of his jurisdiction and kingdom. For why would they judge him worthy of so great a penalty that, by undertaking the office of preacher, he should strip himself and his sons of them? A Calvinist or Lutheran Superintendent can therefore retain both jurisdictions; why, then, could a Catholic not do so?

Argument 4.

That which was forbidden to the Apostles, who were the primary Ministers of the Church after Christ, is not lawful for others. But the exercise of principality was forbidden to the Apostles without qualification, Matthew 20:25, Mark 10:43, Luke 22:25. Tertullian therefore rightly says in *On Idolatry*, chapter 18, “Christ judged the glory of the age foreign to himself and his own”; and Bernard in book 2 of *On Consideration*, chapter 4: “Lordship is forbidden to the Apostles; therefore dare to usurp it yourself. Either the Lord exercises the Apostleship, or the Apostle exercises lordship: you are plainly forbidden from both”; and Cyril in book 3 on John, chapter 20: “The honor and glory of the world must be fled by those who wish to attain the glory of God.” Therefore--

I reply: The passage Matthew 20:25 is a support, but a ruinous one, of the caviling heresy. “You know,” says the Lord, “that the Princes of the Gentiles lord it over them, and those who are greater exercise power over them. It shall not be so among you,” and so forth. But this has nothing to do with the present matter. For by those words harsh and imperious lordship, such as belongs to people seeking their own advantages, is forbidden. For this is *κατακυριεύειν*: to oppress by violent domination; this is *κατεξουσιάζειν*: to exercise power over subjects with arrogance. Thus it is not rule, but the abuse of rule, violence, and pride that are censured by those words.

The Anabaptists object with the same passage against the magistracy. Sharpe replies to them: “For Christ distinguishes the ministry from civil dominion, even legitimate dominion, because he does not wish ministers to exercise lordship in the Church as kings do in a kingdom.” One must add, “as the kings of the Gentiles do in a kingdom,” such as Herod, Tiberius, and others at that time.

Argument 5.

Christ does not send Pastors to exercise any office other than that to which he was sent by the Father, John 20:21. But Christ was not sent to exercise political principality, as Bellarmine concedes above, chapter 4. Chrysostom therefore rightly says in Homily 11 on the Epistle to the Ephesians: “The teaching of the word has been entrusted to us, not the authority of power.”

I reply: Pastors are sent by Christ to exercise a spiritual office, and civil command is not given by that mission, for these are distinct commands and offices. Yet Pastors are not forbidden to undertake even civil care for the safety of the Church and the state. Certainly, teachers are appointed over pupils in order to examine their abilities and form their morals; yet they are not forbidden also to plead their causes and to make provision for their health, food, and lodging. Indeed, this is often necessary.

Although, therefore, their mission does not bind them to civil offices and solicitude, that care is nevertheless frequently useful and sometimes necessary; it is not, however, forbidden. Unless perhaps someone should censure Ambrose when he undertakes dangerous embassies for the sake of peace, or condemn other Bishops keeping watch over the safety of their people. Moreover, what will the Lutherans do about the Lutheran Bishops of Germany, or the Calvinists about the Calvinist Bishops in England, who not only rule widely,

[Printed page 401]

but also administer royal offices at court?

Argument 6.

If necessary offices, even natural ones, must be omitted so that ministers may discharge the ecclesiastical office, then much more ought a minister to abstain from political office and principality. But the former is true, Luke 9:60. Therefore the Council of Chalcedon, canon 7, rightly forbids a Bishop under penalty of excommunication to accept secular honors; and canon 3 forbids any Cleric to undertake the guardianship and care of an Orphan.

I reply: Christ did not forbid natural offices. He was calling the disciple; the man asks leave to bury his father; Christ denies it to him. “Allow,” he says, “the dead to bury their own dead. But you, go and proclaim the kingdom of God.” He was asking for a delay and respite, and indeed one of uncertain duration, until the death of his father. For what if the father prolonged his life not merely for a long time but even beyond the years of the son? Christ cuts off these slow endeavors. For the father was not dead, just as those dead men who were going to commit the dead to the tomb were not dead, but dead perhaps because they had lost the life of grace. Beza indeed interprets it thus: “Namely, those devoid of true life and obstinately resisting the doctrine of eternal life.” But if this opinion of Christ the Lord commands the ministers of the Church to abstain from every natural office, so that they cannot even be present at the funeral of their parents, who will attempt to excuse preachers who bury their parents, enter upon an inheritance, and often divide it with others by litigation and law? Indeed, they contract marriages and arrange them for others; they give their daughters in marriage and bring wives home for their sons. Are these not secular things?

Argument 7.

He adduces the example of soldiers who do not entangle themselves in secular business. Does he not know that these things are harmful only insofar as they impede spiritual things, but are otherwise useful and divine? Civil business can be conducted spiritually by a spiritual man to the glory of God. Certainly Augustine not only judged causes but indicates that this was customary, Letter 147:

> And indeed, when people desire to finish their secular causes before us and have need of us for them, they call us saints and servants of God in order to transact the business of their earth. At some time let us also conduct the business of our salvation and theirs--not concerning gold, not concerning silver, not concerning estates and livestock, on account of which things we are greeted daily with bowed head so that we may bring people's dissensions to an end; but concerning our Head himself there is so shameful and destructive a dissension among us.

But these matters are to be handled as secondary, and in such a way that they do not impede spiritual matters. No one fails to understand that hearing and bringing to an end the causes and controversies of the state is a holy and most useful work, unless he is so contentious that he delights in discords and lawsuits.

Argument 8.

He who ought to be wholly engaged in reading and preaching, in season and out of season, so that he may render an account of souls, ought not to exercise a civil office in addition to his ecclesiastical office. But the Minister of God ought to be such, Romans 12:17, 1 Timothy 4:15, 2 Timothy 4:2. Therefore the Fourth Council of Carthage rightly commands a Bishop to attend only to preaching, reading, and prayer; and the Canons of the Apostles command that a Bishop who entangles himself in secular affairs be excommunicated.

I reply: The Apostle says, "Meditate upon these things; be in these things"; and, "Preach the word," and so forth. These things were said to all Bishops, but in such a way that they omit neither hospitality nor other duties. They can perform those things without omitting these. Could not David meditate on the law of the Lord by day and night and nevertheless wage wars, administer a kingdom, and subdue neighboring nations? Did not many holy Kings do this, although they ruled many and very great kingdoms? Why, therefore, could some Bishop not administer a small territory and at the same time keep watch over the salvation of souls? The King of Great Britain administers three kingdoms reduced into one body and is nevertheless the head of the Church; why could the Bishop of Cambridge not take care of a few towns? Nor can ministers complain about these things when, entangled in domestic and public affairs, they assign the smallest part of their time to meditation upon divine things.

Argument 9.

If the Apostles, who were not inferior to the many ministers of the Church in gifts, could not exercise two ecclesiastical offices, between which there is a greater affinity than between political and ecclesiastical office, then much less can other ministers administer civil and ecclesiastical principality. But the former is true, Acts 6:2 and 4. Therefore--

I reply: The Apostles, living among the magistrates of the Jews and Gentiles, received no jurisdiction from them. Yet they could judge. Indeed, the Apostle Paul did what is more than judging: he erected a new tribunal, 1 Corinthians 6:4: "If, therefore, you have secular judgments, appoint those who are held in contempt in the Church to judge." Behold, without Caesar's knowledge, he himself appoints judges of secular matters in the midst of the Church. If he did this without jurisdiction, why did he do it? If with jurisdiction, then he possessed the power to command it. Therefore those two offices can be exercised by one person. Why, then, could one Pastor of the smallest village not govern the same village with both civil and spiritual jurisdiction, when one King administers so many kingdoms?

Arguments 10 and 11 have already been answered. The spiritual care of Pastors exercises only spiritual offices; their civil care exercises civil offices as well.

Argument 12. If no one is fit to exercise the spiritual office alone, then he who is called to it ought not to exercise another, civil office. But the former is true, 2 Corinthians 2:16. Therefore--

I reply: Plainly no one administers civil command unless called. For all Bishops who handle the secular business of their dioceses are called to it by legitimate election.

Argument 13. If it is lawful for the ministry to exercise political principality, then it is lawful for a political Magistrate to discharge ecclesiastical office, because the reason for each is equal. But the consequent is absurd, as is evident from Scripture, for those who arrogated this to themselves were gravely punished by God, as may be seen in the example of King Uzziah and others. Therefore--

I reply: The reason is widely different, because sacred power is much more eminent than civil power. Next, this can be conceded in a legitimate sense. Just as a Bishop can govern a city politically if this government is offered to him, so a Prince, if he is initiated into sacred things, can retain secular jurisdiction. For the Christian Priesthood is not restricted to definite families as the Levitical priesthood was. Thus the example of King Uzziah does nothing for this matter.

Argument 14 has been answered. For Bishops are not, by vocation and office, judges of secular affairs or rulers of the state, but they are so by the donation and summons of Princes--although the Church, by command of the Bishops, possesses a certain freedom of its own in appointing judges, as I have taught from Saint Paul. In the primitive Church, however, Princes were not the supporters or patrons but the executioners of Bishops; nor were the Bishops eminent in dignity, but lay hidden in caverns and caves of the earth.

He advances these things not only against Catholics but also against Lutherans and Calvinists, who in various places employ the episcopal title and power, both secular and spiritual, but more secular than spiritual. Others object that many abuse the wealth of the Church. It is true, but abuse pertains to the vices of human beings, not to the confusion of the order.

[Printed page 402]

Many of the rich are wanton in their luxuries, yet they do not therefore cease to be lords of their own possessions. Thus Sharpe himself, *On the Magistracy*, question 1, objection 7, proposes an Anabaptist argument: “Many Princes abuse their power, and few have been good.” He replies: “It is a fallacy of Accident, because the vices of the person do not vitiate the office. It is similar to saying: Judas was evil; therefore the Apostolic office must be rejected.” The inference is denied. Next, more Kings were good.

Let those who desire the things themselves to be abolished because of abuse suppose that precisely the same answer has been given to them.

§ 5. The second axiom of the Sectarians is that civil laws, or the laws of magistrates, do not bind in conscience. Thus Sharpe, *On the Magistracy*, question 2.

From this it follows, first, that according to the opinion of our adversaries all force of laws and all authority of the magistracy are weakened and cast away. For if civil laws do not bind the conscience, neither, therefore, does the command of the magistracy. For Sharpe defines law thus in question 1: “A law is nothing other than a king’s command.” If, therefore, his principal command, which consists in the enactment of laws, does not bind the consciences of subjects, much less do other commands, which are promulgated with less effort, solemnity, and care. Secondly, from this we see the origin of the peace disturbed in Germany. For after people whom the laws had scarcely governed before heard that they could transgress civil laws without sin, they deemed lawful whatever they could contrive against the laws. Hence Imperial edicts are despised, the judgment of the Chamber is eluded, and all laws and judicial sentences are harassed. For if the legislator does not bind the conscience and no fear of vengeance hangs over them, why should those to whom it is harmful obey the laws? To this opinion, therefore, we owe the discords and disasters of the tribunals; hence arose so many lawsuits and the contentious immortality of causes pending and to be reviewed.

Many considerations teach us how perniciously and gravely they err. For it is the common character of law that it binds not only to punishment but also to guilt, unless this is specifically excepted. Sharpe does not weaken this reasoning when he says that no one possesses right over the conscience except God alone. For this right over the conscience flows from the law of God. If the magistrate is God’s vicar, then he commands in the place of God; he must

therefore be obeyed as one sent by God, and consequently those who resist him sin. Next, Sharpe says in question 2 that it is lawful for a father of a household to govern his children and servants by discipline, punish them, and affect them with rewards; therefore it is lawful also for the magistrate, who is the father of the state. Draw the conclusion farther: therefore subjects must obey just as children do. For failure to obey one's parents is reckoned among the grave sins of children. Hence the same Sharpe says in question 1: "Magistrates are called Gods, because, having been instituted by God, they hold God's place," Joshua 10, verse 35; and concerning those who reject the magistracy, 1 Samuel 6:7. Therefore--"An office for which God prescribes laws is from God; but the magistracy prescribes laws," Deuteronomy 17 and elsewhere; therefore--

> Those who are given and sent by God as servants of God, also for the good of the Church, possess an office that is good and to be tolerated among Christians. But Magistrates are such. Therefore--See Proverbs 8:15, Isaiah 10:5 and 45:1, Jeremiah 27:6, Ezekiel 29:20, Daniel 2:24, and elsewhere.

And thereafter it is commanded in the New Testament that we subject ourselves to the magistrate, even a Gentile one, Matthew 22:21, Romans 13:1 and following, Titus 3, 1 Peter 1:13. Therefore it is much more lawful to be subject to a Christian magistrate. And if it is lawful to be subject rather than to preside, then to be subject is more contrary to Christian liberty than to preside. But what God commands is good and to be tolerated among Christians. Therefore--

But since a law is the command of a magistrate, it altogether binds, even if it concerns a matter otherwise indifferent. Let the English law be an example: that the inhabitants shall not eat meat on Wednesday. If the King cannot bind consciences to this, then, in secret, it is as free for everyone to eat meat as it was before the law, and the King possesses no right whatsoever over their minds.

Satan's design in overthrowing order and discipline must not be passed over in silence. At the beginning of the disturbances, by their disputations they tore down the authority, power, and laws of the Church's Prelates. They professed that they were defending the political Magistracy; indeed, of their own accord they even lavished much right over the Church upon it. But after they oppressed ecclesiastical laws by force, artifice, and vices, they assail political laws and dissolve their sinews. For they attribute less to them than to ecclesiastical laws. Thus Sharpe says in question 2: "If ecclesiastical laws do not bind the conscience outside a case of scandal and contempt, then much less do civil laws." Behold: they place civil laws below ecclesiastical laws. What else remains but that, just as Luther reduced the Canons to ashes, so they should burn the Pandects, the Code, all the Novels, all the laws of Germany, the entire Chamber, and indeed justice itself?

The third axiom is that it is lawful to kill the magistrates themselves. I treated that error in the book *On Syncretism*, but I have learned that certain things have been scattered abroad by some anonymous man; concerning these the reader must be briefly instructed elsewhere.

CHAPTER X

The Praiseworthy Life of Ecclesiastics Is Commended

§ 1. Every age has taught that the morals of Priests contribute to the safety or overthrow of the state. For the examples of the powerful flow down among the common people; the examples of priests break through every barrier. As the priest is, so is the people; indeed, the common people judge God to be such as they have seen his ministers to be. Antiquity fashioned gods who were adulterers, murderers, thieves, and perjurers, so that it might excuse its crimes by the example of heavenly beings. Hence they were worshiped with obscenity in the theater, with frenzies in the circus, with cruelty in the amphitheater, and everywhere with crimes. The followers and ministers of demons most closely expressed in their own morals the character of their gods. Priests owe sacred examples to the whole world, but all things to God--and the more earnestly, the more closely they are joined to him.

Our laws teach us this, Cause 2, Question 7, canon 41:

> If we have done anything suitably but have not preserved for our subjects the path of a just law, we wish everything to be amended by your judgment and that of your envoys; because if we, who ought to correct the sins of others, commit worse ones, assuredly we shall not be disciples of truth but--what we say with grief--teachers of error before all others. Hence we earnestly implore the clemency of Your Greatness to send into these regions such Envoys to investigate the things we have mentioned as fear God in all things and will diligently investigate everything, just as if your imperial glory had been present. And we ask not only that they examine to the utmost exactness these things alone which we have said above, but that, whether lesser or even greater matters concerning us have been reported to them, all of them be brought to an end by their lawful examination, so that henceforth nothing among them may remain undiscussed or undetermined.

§ 2. Although, therefore, all the reasons why one must live well apply to Clerics, that reason which pertains to example is nevertheless most especially their own.

[Printed page 403]

For since they are in a high place, since they live under a stricter discipline, and since they adhere more closely to the immovable First Mover, their faults are more conspicuous, deflect others more greatly, and throw all things into confusion more effectively. Yet they ought not so to fear reputation as to trust that they can also avoid reproaches and calumnies. The canons rightly instruct us concerning this matter, Cause 11, Question 3, canon 55:

> Amid the words of those who praise or blame us, we must always return to the mind. If the good that is said of us is not found in it, this ought to engender great sorrow; and conversely, if the evil that people say of us is not found in it, we ought to leap into great joy. For what if people praise us and our conscience accuses us? Or what sorrow ought there to be if everyone accuses us and conscience alone shows us to be free? We have Paul saying, “Our glory is this: the testimony of our conscience.” Job also says, “Behold, my witness is in heaven.” Therefore, if we have a witness in heaven and a witness in the heart, let us allow fools outside to say what they wish. What else do detractors do but blow into the dust and stir up earth into their own eyes, so that the more detraction they blow out, the more they see nothing of the truth? Yet they themselves must also be summoned and calmly admonished, and satisfaction ought to be given to them in every way, knowing what the Truth says concerning the Jews: “Lest perhaps we scandalize them.” But if they are unwilling to be satisfied by the truth, you have the consolation which you may perceive in the holy Gospel. For when it had been said to the Lord, “Do you know that the Pharisees, upon hearing this word, were scandalized?” he answered: “Let them alone; they are blind and leaders of the blind.” Paul the Apostle also admonishes us, saying: “If it is possible, insofar as it depends upon you, have peace with human beings.” Since he was about to say, “Have peace with all human beings,” because he foresaw that this was difficult, he premised, “If it is possible.” Yet he added what could be done when he said, “Insofar as it depends upon you.”

> For if we desire to preserve love in our mind toward those who hate us, then, even if they do not have peace with us, we nevertheless undoubtedly have it with them.

§ 3. The Apostle Paul describes the Christian Clergy for us, and it is necessary that the Church not depart even a nail's breadth from his law. 1 Timothy 3:1:

> If anyone desires the episcopate, he desires a good work. Therefore a Bishop ought to be irreproachable, the husband of one wife, sober, prudent, decorous, chaste, hospitable, a teacher, not given to wine, not a striker, but moderate; not contentious, not covetous, but one who presides well over his own household, having children subject with all chastity.

And verse 12:

> Let Deacons be husbands of one wife, who preside well over their children and their households. For those who have ministered well will acquire for themselves a good degree and great confidence in the faith which is in Christ Jesus.

And 2 Timothy 2:1: "Fit to teach others"; "a good soldier of Christ"; and verse 15: "Be solicitous to present yourself approved to God, a workman who need not be ashamed, rightly handling the word of truth." And Titus 1:5:

> For this reason I left you in Crete, that you might correct the things that are lacking and appoint presbyters in the cities, as I also directed you. If anyone is without crime, the husband of one wife, having faithful children, not accused of riotous living or insubordinate.

Let this be the Christian Clergy, this the Lord's portion. Let us examine the particulars separately. And although we have treated abundantly above of the virtues to be pursued and the vices to be fled, nevertheless this passage cannot be passed over without the life of clerics being described in a brief compendium. These, therefore, are Paul's decrees.

§ 4. "He who desires the episcopate desires a good work."

> Εἴ τις ἐπισκοπῆς ὀρέγεται, καλοῦ ἔργου ἐπιθυμεῖ.

If anyone desires it, let him not do so from ambition for honor, for this ought to be a holy desire for labor. Formerly it could more readily be pure, when in a poor flock the first leader was sought for the slaughterhouse, when they were honored by the shouts of the Gentile people and sought a Bishop to be thrown to a lion. Now, amid such great honor and wealth, desire for dignities is more readily found than desire for hardships.

§ 5. A Bishop ought to be irreproachable. What he requires here in a Bishop, he demands likewise of a presbyter in the Epistle to Titus. For in a Bishop it is not sufficient that he not be evil; rather, not to be as excellent as possible causes very great harm both to those who are better than he and those who are worse. Mud does not offend upon a workman's leather apron; a faded color is despised upon purple. It is therefore necessary that he be *ἀνεπίληπτον*, "irreproachable." How will he correct another when he himself refutes his own censure? Titus 1:5 calls him *ἀνέγκλητον*, so that he cannot lawfully be accused.

§ 6. The husband of one wife. He does not require marriage of Bishops as a necessary thing, as Calvin rightly teaches against certain men of his own party. Yet Junius the Calvinist contends that a Bishop is bound always to have a wife on account of the signification of the mystery; by this opinion he casts Paul out of the episcopate. Indeed, he contradicts Paul when the latter exhorts to continence in 1 Corinthians 7. Finally, in chapter 20, number 7, he wishes marriage to be free for Bishops. But the meaning is that a Bishop can have neither several wives simultaneously nor successively, and that anyone who has had several ought not to be ordained. Thus Tertullian, *To His Wife*; Epiphanius, Heresy 59; Chrysostom, Theophylact, and Oecumenius on this passage; Ambrose, Letter 8 and book 1 of *On Duties*, final chapter; the book *On the Dignity of the Priesthood*, chapter 4; Augustine, *On the Good of Marriage*, chapter 18, and book 22 *Against Faustus*, chapter 47; Jerome, Letter to Oceanus; Pope Cyriacus, Letter 1, chapter 11; Leo, Letter 58; Gelasius, Letter 1, chapter 5; Innocent, Letter 27. Their reason is that this practice of the law has always prevailed

in the Church, and custom is the best interpreter of law. Nor at any time was polygamy, by which several wives were held simultaneously, customary among Christians. Chastity of priests is certainly useful for the sanctity and tranquility of the divine offices and for the study of the Scriptures. It also serves this end: lest care for an expensive wife and desire and solicitude for educating and enriching children claim for themselves the hours owed to doctrine and prayer; lest hospitality be neglected; and lest the alms of the pious be diverted to domestic luxury. The vices of the times show that the dangers of this matter are great. For many, after fattening nephews and kinsmen from the Church's goods, consign them to hell. What would they do if they had sons--that is, their most intimate objects of affection?

§ 7. He wishes the Bishop and presbyter to be sober--*νηφάλιον*--for sobriety is necessary to great care and vigilance, just as generally the luxury and drunkenness of Clerics arise from idleness. Sobriety and vigilance are inseparable companions. The Aaronic priests were forbidden to drink wine when they performed sacred rites; our sacred rites too are *νηφάλια*, "sober." A drunken priest is a monstrous thing. How greatly drunkenness harms the state I have taught in its own place. Now Clerics must be discussed. Among them drunkenness is not punished in Germany, which is so lawless in this respect that it often imposes upon laymen the necessity of drinking. Yet the law of God promulgated by the Apostolic mouth remains firm and unshaken amid our vices, 1 Corinthians 5: "If anyone who is called a brother is a fornicator, or covetous, or a drunkard, do not even take food with such a one."

> Ὢ Θεός--φησὶ Χρυσόστομος--πόση ἡ ἀκρίβεια· ἡμεῖς δὲ οὐ μόνον οὐ φεύγομεν τοὺς μεθύοντας, ἀλλὰ καὶ περιερχόμεθα πρὸς αὐτοὺς μεθέξοντες τῶν παρ' αὐτῶν.

How astonishing, what exactness! But we not only do not flee drunkards; we even approach them, intending to partake together of what comes from them.

[Printed page 404]

It by no means befits him to be weighed down by surfeiting and drunkenness whose mind ought always to be occupied in prayer. Accordingly, a drunkard ought not even to be ordained, much less left without punishment. For, first, Canons 42 and 43 of the Apostles depose such persons:

> Εἴ τις ἐπίσκοπος, ἢ πρεσβύτερος, ἢ διάκονος, κύβοις σχολάζων, ἢ μέθαις, ἢ παυσάσθω, ἢ καθαιρείσθω.

A Bishop, presbyter, or deacon who gives himself to gaming or drunkenness shall either desist or be condemned--that is, deposed. And canon 43:

> Ὑποδιάκονος, ἢ ψάλτης, ἢ ἀναγνώστης τὰ ὅμοια ποιῶν, ἢ παυσάσθω, ἢ ἀφοριζέσθω· ὡσαύτως καὶ οἱ λαϊκοί.

A subdeacon, psalmist, or reader who does similar things shall either desist or be deprived of communion; likewise laymen. Now the tables of Clerics and Laymen are full of vomit and filth. If discipline does not wipe these away, the *δίαιτα*, manner of life, and abstinence of the Turks will overthrow them. Moreover, it is shameful and harmful. Jerome, Letter 83 to Oceanus, Distinction 35, chapter 4:

> The prophetic discourse describes the princes of the Church who abound in pleasures and believe that they preserve chastity amid feasts and wantonness: they are to be cast out of spacious houses and sumptuous banquets and meals acquired with much labor, and cast out because of their evil thoughts and works. And if you wish to know where they are to be cast, read the Gospel: into the outer darkness, namely, where there will be weeping and gnashing of teeth. Is it not confusion and disgrace to preach Jesus crucified, the teacher of the poor and one who hungered, with well-fed bodies? And to set forth the doctrine of fasts with red cheeks and swollen faces? If we are in the place of the Apostles, let us imitate not only their discourse but also embrace their manner of life and abstinence.

But if the Apostle condemns not merely a Priest given to wine, but even the old law, Numbers 6 and Leviticus 10, forbids the one serving at the altar to drink strong drink because it overturns the condition of the mind, how much more does it befit the Priests of the New Testament to hate drunkenness? If it is a crime to move about drunk amid the fumes of beef and mutton, amid the blood of goats and calves, amid fires and frying pans, will it not be a crime to

mingle, amid drunken belches, the blood of the Son of God, the blood of the Testament, with one's mind? To consume God and the Lord amid the next day's burnings from wine? Excellently, therefore, the Council of Agde, chapter 4:

> Before all things, drunkenness must be avoided by Clerics, for it is the tinder and nurse of all vices. Accordingly, when it has been established that someone was drunk, as his order permits, we decree either that he be removed from communion for the space of thirty days or that he be subjected to corporal punishment.

I would wish these canons to be recalled into use. For if the ancient discipline is not only relaxed but even dissolved, what at last is to be hoped concerning morals? How great must the temperance of Christians formerly have been, when Pope Eutychianus decreed:

> We command Christians in every way to guard against the great evil of drunkenness, from which all vices spring. But we decree that anyone who refuses to avoid it is to be excommunicated until suitable amendment.

And certainly great men did not lack the endeavor. Otto, Cardinal and Bishop of Augsburg, celebrated a Synod in the year 1548 in which it is thus established:

> Likewise those who are perpetually given and attached to drunkenness, surfeiting, and feasting--and especially those who spend feast-days or nights in taverns--must, after sacred confession, be forbidden the reception of this venerable Sacrament for thirty days, so that they may amend themselves of these vices. But if they refuse to do so, according to the decrees of the Canons they must even be punished with death.

That censure is not excessively severe. For in Deuteronomy 21:18 God judged thus:

> If a man fathers a stubborn and insolent son who does not listen to the command of his father or mother and, when chastised, scorns obedience, they shall seize him and lead him to the elders of that city and to the gate of judgment, and they shall say to them: "This son of ours is insolent and stubborn; he scorns to hear our admonitions and devotes himself to feasting, luxury, and banquets." The people of the city shall overwhelm him with stones, and he shall die, so that you may remove the evil from your midst and all Israel, hearing it, may fear.

§ 8. Prudent: the Greek calls him *φρόνιμον*, which some interpret as temperate. Both temperance and prudence are required. Here I understand prudence, for mention is made more frequently of the parts of temperance. Holy simplicity certainly does not suffice for rightly administering an Episcopate; rather, great circumspection is necessary amid so many evil men. The man to be ordained ought to be prudent. This must be noted against those who excuse the stupidity of Priests under the name of simplicity. Distinction 39: "The lips of Priests shall guard knowledge, and they shall seek the law from his mouth." But it is evident that this passage treats of prudence in governing, which is sometimes lacking even in otherwise excellent and holy Doctors. Therefore he also ought to be experienced in secular business, for the handling of such matters is often useful and sometimes necessary to piety. Thus Gregory, Letter 40 of book 8, to the Clergy and nobles of Naples. Peter the Deacon, Distinction 39, chapter 1:

> The man whom you assert was elected by you is altogether--as is said--simple; and you know that at such a time there ought to be appointed to the summit of government one who knows how to be solicitous not only for the salvation of souls but also for the outward advantage and protection of his subjects.

§ 9. Decorous: *κόσμιον*. Others translate it "well ordered," or "of well-ordered bearing." I understand one who displays becoming modesty in food, habitation, and clothing and uses words with moderation. Plato in book 1 of the *Politics* calls *κοσμίους* those who are tractable, and *εὐκόλους* those who are affable and companionable. For a physician of many must accommodate himself to everyone and benefit everyone. Under this *κοσμιότης*, or decorous modesty, I understand the commands of so many canons in Distinction 41, chapter 5:

> We do not condemn thrift together with humble clothing--as in the final chapter of the Council of Granada--just as we also praise ornament because care of the body is not superfluous and is *ἀπερίεργον*, unstudied; but we do not accept dissolute men and broken manners of walking in their clothing.

And the rule of the Fourth Council of Carthage is golden: “Let a Cleric prove his profession by both his bearing and his gait, and therefore let him seek adornment neither in clothing nor in shoes.” For it had not entered the Council’s mind to condemn beforehand the posthumous vanities of anklets. A disordered body indicates inequality of mind. He is changeable and afflicted in conscience whose gait is now rapid, now slow.

§ 10. Hospitable. He must therefore be rich, or receive from the people that from which he can exercise hospitality--*φιλοξενίαν*--perseveringly. But a Priest ought to be hospitable, Distinction 42, lest he be numbered among those to whom it will be said in the judgment: “I was a stranger, and you did not receive me.” For how will one who follows the Apostle and ought to invite others to hospitality be able to exhort hospitality if he closes his own house to guests? For if a Priest ought first to require of himself and of his domestic Church what he later commands the people, and if, first imitating Christ, he himself ought to do the things which he later teaches the people, he must receive the poor as guests,

[Printed page 405]

so that by his own example he may more readily draw his subjects to hospitality.

The canons admonish us that zeal must be shown for guests, because hospitality is preserved inviolate even among barbarians: Cause 32, Question 7, *Offerebat*; indeed Cause 16, Question 1, *Quoniam*. It wishes the goods of Clerics to be common, especially for receiving guests. Yet this virtue especially befits prelates, because, since they possess the means by which they can be liberal, they ought also to will it: Distinction 89, *Volumus*, and Cause 12, Question 1, *Quia*. Formerly this matter was certainly considered so important that Gregory denies confirmation in the episcopate to the Archdeacon of Florence if he is so close-fisted that no friend enters his house: Distinction 85, *Archidiaconum*. It therefore befits those who are obliged by office to exhort others to hospitality to be hospitable. Would that there were now in the Clergy that *φιλοξενία*, hospitality, which formerly existed among laymen. Charles, King of the Swedes, ordered the house of one who had denied lodging three times to be burned: Johannes Magnus, book 4, chapter 2. Nor do I doubt that many houses of prelates and many monasteries which stood open to flatterers rather than guests have gone into the flames.

§ 11. A teacher, so that he may be able to exhort in sound doctrine and refute those who contradict. Thus indeed is explained what we read in Greek, *διδακτικόν*; our translator reads *διδασκαλικόν* in the same sense, for it is necessary that one who truly acts as teacher be fit to teach. Formerly the Latin had “teachable,” which Jerome deservedly censures. The greatest and holiest function of Bishops is to teach. They ought to perform it themselves; if not from the pulpit, they are bound to appoint suitable men in their place, since they themselves will pay the penalty for those men’s errors.

§ 12. Not given to wine. Chrysostom interprets the Greek text *πάροινον* as one who, inflamed by wine, is carried away and revels; the Syriac has “a pursuer of wine”; Beza, “winy,” as though one sitting beside wine; and the Apostle in verse 8 interprets it, “not given to much wine.” But *παροινεῖν* is to inflict reproaches and injuries through wine and wantonness. Hence it appears that *πάροινοι* are worse than drunkards, since they add insults against others to drunkenness.

§ 13. Not a striker. *Πλήκτην*, says Chrysostom: Paul’s saying is to be understood of one who reviles and abuses, but not of injuries by blows. Yet in Distinction 86, canon *Non liceat*, one is forbidden to strike with one’s own hands even those over whom one possesses the power of correction. And in Distinction 45, chapter 7, a Bishop, presbyter, or deacon who strikes offending faithful persons or unbelievers acting unjustly is ordered to be deposed. For thus they do not correct vices, but burden themselves with hatred and their subjects with fear. Therefore those Clerics who pursue soldiering, who infest the streets of cities by night and beat those they meet, must be deposed. You would call them domestic and urban robbers rather than Clerics. For if a Cleric in sacred orders cannot be a notary in a criminal cause, as is stated in book 3 of the Decretals, title *That Clerics*, and so forth, chapter 8, *Sicut te*; if Clerics ought neither to dictate nor pronounce a sentence of blood, nor exercise anything through which a sentence of blood is approached, as

they teach in this place; if a Cleric carrying arms loses the Clerical privilege after a threefold admonition, *On the Sentence of Excommunication*, chapter *In audientia*--what do those men deserve who strike others unlawfully?

§ 14. But moderate: *ἐπιεικῆ*, equitable, readily yielding his own right. For nothing is more grievous than the exaction of strict right if it is found in a prince. From this contention and hatred arise. Therefore the Lord also commands that a brother be forgiven as many as seventy times seven times.

§ 15. Not contentious: *ἄμαχον*, one foreign to contentions and fights. Against such men, Distinction 46, chapter 1:

> Behold why contentious men are prohibited from being ordained as bishops. There is also another cause for this prohibition. For contentious men either reconcile the minds of princes to themselves by flatteries, or inflict the mark of infamy by detracting from their brothers, or never cease to create sedition by sowing discord among brothers. All these things are proved condemnable in prelates.

Finally, Distinction 90: "A Priest ought to call litigants to concord; therefore he ought not himself to litigate."

§ 16. Not covetous. Not pursuing shameful gain: *αἰσχροκερδῆ*, not a seeker of shameful gain, as Jerome speaks to Heliodorus. Desire makes Clerics greedy for secular business, in which some, to our sorrow, are more practiced than secular men themselves. The Synod of Mainz under Charlemagne, chapter 14, and under Bishop Rabanus, chapter 13, embraced all these things. It is recited in book 3 of the Decretals, title 50:

> There are many secular businesses, of which we shall touch briefly upon a few, to which all carnal concupiscence pertains. Whatever a person seeks beyond what is just is shameful gain: to accept, or even to give, unjust gifts; to hire someone for pay for the sake of some secular profit; to love contentions, lawsuits, or quarrels; to dispute in secular courts, except in defense of orphans or widows; to be lessees or procurators of secular affairs; to be a jester in shameful word or deed, or to love secular jesting; to love games of chance; to seek ornament unsuitable to one's profession; to wish to live in pleasures; to follow gluttony and drunkenness; to possess unjust weights or measures; to conduct unjust business. Yet just business must not be forbidden on account of various necessities, because we read that the holy Apostles conducted business, and in the Rule of blessed Benedict it is commanded that provision be made for those through whose hands the business of the monastery is administered. To pursue dogs and birds for hunting, and to participate in any superfluous causes whatsoever--behold, we altogether forbid such things and things like them to ministers of the Lord's altar and also to monks. Concerning them the Apostle says: "No one serving as a soldier for God entangles himself in secular business."

And in the Lateran Council he is forbidden to be a prince's general procurator or justiciar. In the Council of London, commerce for the sake of profit is prohibited.

§ 17. Presiding well over his own household. In order to preside well over his household, he must neither dissipate his property nor increase it by evil arts, and then he must keep his household members in duty and discipline. How will one who is not master of a single household administer an entire diocese? How will he command so many prudent and noble men--to which I add cunning and malicious ones--if he needs a guardian at home? If he does not know how to preside over his own household, this proceeds either from signal negligence or from imprudence, each of which is harmful to the state.

§ 18. Having children subject with all chastity. "If anyone has faithful children, not accused of riotous living or insubordinate." Our translator understood chastity by *σεμνότητι*, because he removes the accusation of riotous living. But if he neglects his children--that is, his own blood--how will he have care of the Church?

§ 19. Not a neophyte. He does not forbid the election of a young man, but of a neophyte--one recently converted and imbued with religion--lest, lifted up into pride, he fall into judgment and condemnation, because the devil was condemned who fell from heaven on account of pride. Gratian speaks altogether excellently in Distinction 48:

[Printed page 406]

> Neophytes also are forbidden to be ordained as bishops, so that one who yesterday was a catechumen may not today become a Bishop; one who yesterday was in the theater may not today sit in the Church; one who in the evening was in the circus may not today minister at the altar; one who a short time ago was a supporter of actors may not today be a consecrator of virgins. The cause of this prohibition, according to the Apostle, is lest, lifted up into pride as though the Christian religion greatly needed him, he fall into the ruin of the devil. For an instantaneous Priest does not know how to possess humility, observe distinctions among persons, or despise himself. He has not fasted, has not wept, has not corrected himself, and has not distributed to the poor. Those fall into arrogance--which is the ruin of the devil--who in the space of an hour, while not yet disciples, become teachers.

That is the canon of the Council of Nicaea:

> Because many things, either through necessity or from some other cause, have occurred contrary to the rule--so that people recently come from Gentile life, and only lately catechized or instructed, came immediately to spiritual baptism and, as soon as they had been baptized, were advanced at once to the episcopate or presbyterate--it has therefore rightly seemed that henceforth nothing of this kind ought to be done. For there is need both of time for him to be a catechumen and, after baptism, of much probation. For the Apostolic command is evident, saying: "Not a neophyte, lest perhaps, being lifted up, he fall into judgment and the snare of the devil." But if, as time proceeds, he commits some sin and is convicted by two or three witnesses, let one of this kind cease from the clergy. But if anyone acts contrary to these things, as one who conducts himself contrary to the statutes of the Holy Council, he himself will also imperil his clerical status.

§ 20. But he must also possess a good testimony from those who are outside, lest he fall into reproach and the snare of the devil. Jerome speaks excellently to Oceanus: "As the beginning is, so is the conclusion. He who is irreproachable is praised with concordant voice not only by his own household but also by strangers." So great formerly was the esteem of Bishops that Gentiles themselves frequently brought their causes before them.

§ 21. Likewise let a Deacon be grave: *σεμνούς*. Chaste in mind and then in body, Cause 32, Question 5, *Itane*. For chastity is not in the body unless purity has been implanted in the spirit. Nor is one of chaste spirit immodest in tongue or eye. *Σεμνότης*, gravity, is moreover a beautiful virtue, a companion of chastity: a becoming modesty and gravity in words and gestures, altogether such as a strict father loves and approves in a daughter and son honorably and chastely educated. Aristotle, *Rhetoric*, book 2: *Σεμνότης ἐστὶ μαλακή τις καὶ εὔσχημος βαρύτης*--gravity not harsh or proud, but well-mannered.

§ 22. Not double-tongued: *μὴ διλόγους*. God detests a double tongue. Proverbs 8:13: "The fear of the Lord hates evil; arrogance and pride and the wicked way and a double mouth I detest." And 18:8: "The words of the double-tongued are as though simple, and they themselves reach to the inward parts of the belly." And Ecclesiasticus 5:17: "For upon a thief there is confusion and repentance, but the worst mark is upon the double-tongued." And 6:1: "Do not become an enemy instead of a friend to your neighbor; for the evil man will inherit reproach and abuse, and every envious and double-tongued sinner." And 28:15: "The whisperer and the double-tongued is accursed, for he will disturb many who possess peace."

It is therefore no wonder that the Apostle requires Deacons not to be double-tongued, since divine sincerity detests double-tongued people of every kind.

§ 23. But in Deacons there is a peculiar reason. A Deacon is the minister of Priests, Distinction 99, *Dominus*, yet more honored than the common people. He must not speak in one way to the common people and another way to the Priest, lest he make a schism. He is the wandering and all-surveying eye of the Bishop, Distinction 93. Therefore great caution is needed lest he either observe incautiously or report carelessly or perversely, becoming an informer instead of an admonisher. He assists the Bishop while he preaches, lest the Bishop be harassed by rivals, Distinction 93, *Diaconi qui*. He presides over the goods of the Church. Therefore Deacons have often raised themselves above Priests and Bishops after courting popular favor. This especially makes them double-tongued, while on one side a Deacon

insinuates himself ambitiously with the people and on the other with the Bishop by deceitful flattery. Certain Deacons long ago equated themselves with presbyters: Council of Nicaea, chapter 14; Fourth Council of Toledo, chapter 38; and Jerome to Evagrius, Letter 85. Sincerity is therefore required in a Deacon, so that he may honor God, the Bishop, and the presbyters from his heart, minister to them, and in no way strive to become greater himself by detracting from his superiors.

What, then, is a double mouth? The Hebrew calls it *תהפכות*, which among the Seventy is rendered *διεστραμμένας ὁδοὺς κακῶν*, "perverse ways of the wicked"; others, "a mouth of perversities," "a mouth of cunning"; Theodotion, *στόμα στρεβλόν*, "a twisted mouth." Our translator is the most accurate of all: "a double mouth." For *הפך* is to turn, overturn, or change into another form. Therefore the Seventy are accustomed to translate it *στρέφω, διαστρέφω, μεταστρέφω, μεταβάλλω, κυλίω*. And that which is placed here, *תהפכות*, is *σκόλια* in Proverbs 23:33. And in Proverbs 17:21 *איש תהפכות* is called *εὐμετάβολος*: a changeable man, a versatile man, a man of changes; properly, a man of contrarieties. For *הפך*, or *הפכי*, is a contrary or contrariety, Ezekiel 16:34. It therefore signifies perversities when one turns contrary things over in the heart and speaks variously, which is properly to be *δίλογον*, or *δίγλωσσον*. That serpent's tongue is forked, an instiller of poison; that tongue is called *ἀγκύλη* by the Greeks. It either deceives in such a way that the speech uttered disagrees with what is within, or among different people it is one thing and another. In Ecclesiasticus 28:16 it is called *γλῶσσα τρίτη*, "a third tongue," because, situated as though midway between two, it sows disagreements on each side. See the most learned Delrio in the *Sacred Adages*. Tongues of perversities are those which invert the truth, promise vainly, blame things worthy of praise, extol wicked things, flatter those present, gnaw at the absent, and speak contrary things to please their hearers.

§ 24. Holding the mystery of the faith in a pure conscience. He does not admonish them not to disclose the things done at home, for this is not to hold the mystery in a pure conscience. Rather, he altogether wishes the sacred mysteries to be believed by them, since Deacons, after receiving authority, can teach; and then, because, when conscience has been abandoned or suppressed, shipwreck of the faith is imminent. For nothing has ever yet made an apostate except a conscience of crimes committed or a hoped-for license to commit them.

§ 25. But let these first be proved: *δοκιμαζέσθωσαν πρῶτον*. Now this is neglected; and, what must be lamented, even where discipline flourishes, those to be ordained are not sufficiently proved. Hence is the origin of all evils, while the unworthy are admitted to sacred orders--if not by money, at least by favor, ignorance, or omission of probation. In certain Churches nobility is sought with the greatest scrupulousness, while virtue is neglected. As long as this is not corrected, reformation is not to be hoped for, because a Cleric is cast out more shamefully than he is refused admission. Nor can any appearance of excuse be adduced for this negligence, since there are so many canons which require probations and testimonies. This matter has given all heresies material for speaking against us; indeed, it has created heresies, while people see admitted into the Lord's sanctuary those who lived in the world under an unfavorable reputation.

[Printed page 407]

The invectives of them all proclaim what the heretics object. I shall give a specimen from Erasmus, their forerunner, on the third chapter of Timothy:

> Indeed, this is more astonishing: although Paul requires so many excellent gifts in a Bishop, all the others are passed over and account is taken of one wife alone. An incestuous man is admitted, a murderer is admitted, a pirate is admitted, a sodomite, a sacrilegious man, a parricide--in short, who is not admitted? Only a twice-married man is excluded from this honor, who alone has committed nothing. But it is astonishing that we press certain things and hold them with more than tenacious teeth while utterly closing our eyes to others. If anyone weighs the condition of these times--what portion of humanity the flocks of monks occupy, what portion the colleges of priests and clerics--and then weighs how few from so great a number truly preserve chastity of life, into how many kinds of lust innumerable men decline, and with how great a disgrace many are openly incestuous and unchaste, perhaps he will judge it more expedient that those who are altogether incontinent be granted the right of public marriage, which

> they may cultivate purely and holily without evil reputation, rather than that they exercise lust unhappily and shamefully. Now the world has very many celibates, very few chaste persons; although not even he is chaste who does not touch Venus because it is not permitted. But again and again I fear that ecclesiastical revenues geld clerics today more truly than piety does, while we fear that what we possess may be taken away or that certainly nothing may be added.

He exaggerates the vices hyperbolically. He himself was an apostate and deserter who could not speak well of those whom he wickedly deserted without accusing his own flight. Yet this is true: among the Lord's Priests there have been Ophnis and Phinehases, Jasons and Caiaphases; nor is it more astonishing that this has sometimes happened through the course of ages than that it happened in the Lord's time, when Judas betrayed and the disciples denied. Yet the remedy is the probation instituted before orders are given. When it is neglected, Bishops and prelates are the cause of the evils; and although they themselves preserve the mystery in a pure conscience, nevertheless, if they quickly impose hands upon men who have not been proved, they share in the sins of others and are to be condemned for those sins as though for their own, because by their own negligence and cooperation they caused them. But I shall treat of them at another time. For that which is public and notorious must not be concealed.

§ 26. Having no crime. "If anyone is without crime." He calls them *ἀνεγκλήτους*, men whose integrity, and also reputation for integrity, is such that a crime cannot be laid upon them and they cannot be called into judgment. For an *ἔγκλημα*, a criminal charge, is an atrocious injury on account of which the praetor is accustomed to grant an action. If a Cleric labors under infamy but cannot be convicted, he purges himself by oath: Cause 15, Question 5, *Omnes*; Cause 4, Question 1, *Diffinimus*. How can a Cleric be infamous, when the infamy of Clerics especially demands purgation on account of the scandals of others? Cause 2, Question 2, *Presbyter*.

§ 27. God's steward. For he is God's *οἰκονόμος*, the steward of the greatest goods--that is, heavenly goods. His care for accounts and advantages must therefore be secondary. Concerning the Bishop's office in dispensing external goods, the Council of Antioch established, Cause 12, Question 1, chapter 23:

> Let the Bishop have authority over ecclesiastical property for distribution to all who are in need, with the greatest reverence and fear of God. Let him himself also partake of those things which he needs--if indeed he needs them--for necessary uses beneficial both to himself and to the brothers whom he receives, so that under no circumstance are they defrauded in anything, according to the holy Apostle, who speaks thus: "Having food and covering, with these we are content." But if he is by no means content with these things and converts the Church's property to his own domestic uses and does not handle its profits or the fruits of its fields with the knowledge of the presbyters and deacons, but entrusts authority over them to members of his household, kinsmen, brothers, or sons, so that through persons of this sort the Church's property is secretly injured, let him pay the penalties imposed by the provincial synod. But if the Bishop, or the presbyters who are with him, are accused in another way--that they usurp for themselves what pertains to the Church, whether from fields or from any other ecclesiastical resource, so that the poor are afflicted by this and both the discourse of preaching and those who dispense the goods are thus exposed to accusation and blasphemies--they too must be corrected, with the holy synod approving what is fitting.

§ 28. Not proud. They call *αὐθάδεις* those who are obstinate and rely excessively upon their own judgment. For this vice belongs to *τῶν ἐρημιτῶν*, solitary men, not *κοινωνικῶν*, sociable men; for those who are content with themselves and do not live in the fellowship of others more readily become obstinate. Humility is therefore commended to a Priest: lest he fashion new opinions from Scripture, Distinction 30, *Haec autem*; and lest he correct his subjects austerely rather than gently, Distinction 45, *Licet nonnumquam*.

§ 29. Not irascible: *ὀργίλον*. The source of anger is pride, for anger is an opinion that one has been despised. It is a great vice, because an angry man thinks everything he does just. Concerning this see Cause 11, Question 3, *Ira*; Cause 5, Question 1, *Velut*; and Cause 5, Question 2. For angry men, while striving to correct the sins of others, commit graver ones.

§ 30. Benevolent: *φιλάγαθον*. They refer it to things and persons. More correctly it refers to persons, for benevolence toward good men is a distinguished ornament of a Bishop; toward the wicked, frivolous, and covetous, austerity is approved. For no one judges a person devoted to such men to be upright. A suspect Cleric or layman brings infamy upon an episcopal household; a Jew makes it detestable. An excellent statute was enacted concerning a Bishop's household, Cause 2, Question 7, canon 58:

> Since the life of a pastor ought always to be an example to his disciples, Clerics very often do not know what their Pontiff's life is like in private, although, as has been said, secular servants know it. Concerning this matter I establish by the present decree that certain persons chosen from the Clerics, or even from monks, shall attend to the ministry of the Pontifical chamber, so that he who is in the place of government may have such witnesses as see his life in private association and, from diligent observation, take an example for their own advancement.

§ 31. Just. He must practice justice not only in life but in judgment. For since he judges as though in God's place and is frequently chosen as arbiter by the parties, let him strive accurately to understand and observe every requirement of justice.

§ 32. Holy: *ὅσιον*. There is a twofold holiness in a Priest: the first sacramental, the other innocence of life. Cause 1, Question 1, *Dominus*. The judgment of Distinction 40, chapter 3, is noble:

> We who preside ought to become known not from the dignity of our places or birth, but from nobility of morals; not from the distinction of cities, but from purity of faith.

And chapter 2:

> It is not easy to stand in the place of Paul and hold the rank of Peter, who now reign with Christ. Hence it is said: those who hold the places of the saints are not the sons of saints, but those who perform their works.

And chapter 12:

> Many Priests and few Priests: many in name, few in work. See, therefore, how you sit upon the chair, because the chair does not make the Priest, but the Priest the chair; the place does not sanctify the man, but the man the place; not every Priest is holy, but every holy man is a Priest. He who sits well upon the chair receives honor from it; he who sits badly does injury to the chair. Therefore an evil Priest

[Printed page 408]

> acquires from the priesthood a charge against himself, not dignity. For, sitting in judgment, if you live well and teach well, you are the judge of all; but if you teach well and live badly, you will be the condemner of yourself alone. For by living well and teaching, you instruct the people how they ought to live; but by teaching well and living badly, you instruct God how he ought to condemn you.

In vain do those congratulate themselves upon their orders who defame them by their vices. Augustine to Valerius, Letter 148, Distinction 40, canon 7:

> Before all things I ask that your religious prudence consider that nothing in this life--and especially at this time--is easier, more joyful, and more acceptable to human beings than the office of Bishop, presbyter, or deacon if affairs are conducted perfunctorily and flatteringly; but before God nothing is more wretched, sorrowful, and damnable.

§ 33. Continent: *ἐγκρατῆ*. Concerning the continence of Clerics, many statutes were enacted by the Fathers in councils, as at Nicaea, canon 3; Distinction 32, *Interdicit*; Nantes, chapter 3; Trent, session 28, *On Reform*, chapter 14. Nicholas V, chapter 2, *On the Life and Honesty of Clerics*, established thus:

> If we diligently attend to the individual vices which, in the sight of the people, cause clerical honor to become vile, and how hateful incest is in the Clergy, we are not undeservedly compelled to restrain a crime of incest of this kind--which very many, on account of its impunity, flatter themselves is scarcely shameful, indeed as though it were not a sin--and especially the more readily in our Curia, inasmuch as it appears more scandalous there and is

> more dangerously drawn into example by others. Hence it is that, by the edict of the present constitution, we more strictly prohibit each and every official of the Apostolic See, and also those exercising any offices of the Roman Curia--even if by reason of offices of this kind they are not considered officials of the See itself--and any other Clerics following the same Curia, that none of them keep a concubine publicly in his house or elsewhere in order to make freer use of her shameful commerce, nor keep any woman for the shameful use of others in this manner. Whoever presently keeps any woman whatsoever must, after the publication of these presents upon the doors of the Basilica of the Prince of the Apostles in the City and in our chancery--which publication we also wish to possess the force of a peremptory warning--within nine days desist really and effectively from an excess of this kind and dismiss the concubine or woman herself utterly and altogether. Whoever hereafter presumes to keep a concubine or such a woman shall by the deed itself be deprived of all his ecclesiastical benefices and also of the offices which he possesses or exercises in the said Curia; and from that time these may freely be sought by any other persons. The same deprived persons, and any others who presume to keep concubines and women of this kind contrary to the present prohibition, shall be judged incapable of obtaining benefices and exercising offices of this kind in the said Curia, nor shall they be made capable of them unless they first obtain, by letters of the said See, the abolition of their incapacity; and meanwhile the things transacted by them in the aforesaid offices shall be regarded as not having been done.

§ 34. Embracing the faithful word which is according to doctrine. Rightly handling the word of truth. The latter expression is taken from sacrificers: *ὀρθοτομοῦντα τὸν λόγον τῆς ἀληθείας*, rightly cutting the word of truth, just as all parts are rightly cut in sacrificial victims. That is, he must read the word of God and interpret it rightly, not devising a meaning of his own, but drawing it from the context, the Fathers, the Councils, and the Church. Proverbs 11: *δικαιοσύνη ἀμώμους ὀρθοτομεῖ ὁδούς*: "the justice of the blameless rightly cuts paths." That very fact shows that great study is required, because he says *ἀντεχόμενον*: holding fast against those who strive to snatch it away, guarding and defending it.

§ 35. A good soldier of Christ. There is a twofold warfare, spiritual and secular. All wage the spiritual warfare except those who, having been conquered, are captives of the enemies; but Clerics are the leaders and standard-bearers of that warfare. If they show themselves lions, they readily preserve the whole army. How will they fight? Our arms are prayers and tears. Cause 23, Question 8, chapter 19:

> It is established to be highly reprehensible that you added that the greater part of all the Bishops keep watch by day and night with your other faithful against maritime pirates, and that for this reason the Bishops are prevented from coming; since it belongs to the soldiers of Christ to serve Christ, but to the soldiers of the age to serve the age, according to what is written: "No one serving as a soldier for God entangles himself in secular business." But if the soldiers of the age devote themselves to secular warfare, what remains for Bishops and soldiers of Christ except that they devote themselves to prayers?

§ 36. Let them solicitously take care to present themselves approved to God. For in truth the priesthood does not remove the inclination to sin, but restrains it. With an increase of honor, the care of solicitude also ought to increase, Distinction 100, *Rationis*. Let their care be to prove themselves to God and to gain others for God.

§ 37. A workman who need not be ashamed: *ἀνεπαίσχυντον*, one who does not blush. Saint Ambrose calls him shameless in the good sense. This is in the manner in which Paul glories when he says: "I am not ashamed of the Gospel." This is not a great thing when Christ's prelates are honored among Christians, but it is so when Christ's reproach must be borne among Gentiles, heretics, or impious Catholics. First, he is one who need not be ashamed when, overcoming empty shame, he omits no part of his office. Next, he is one who is hindered from the work by no insults, mockery, or derision. Formerly there was a great danger of shame concerning the Gospel, and now there is amid heresies, because religion requires humility, which is despised. Nor without reason does Paul say in Romans 1:16, "I am not ashamed of the Gospel." Why does he not rather glory in the Gospel? Because it was a scandal to the Jews and a laughingstock to the Gentiles.

These things, when neglected, bring infamy upon the sacred order. Long ago Nazianzen, in his work on the praises of Saint Basil, complained that, on account of the morals of those who are ordained, the holiest order was imperiled and made exceedingly ridiculous. “We make one-day saints,” he says, “and command those in whom there is no wisdom to be wise.” Ambrose makes the same complaint in *On the Dignity of the Priesthood*, chapter 5.

CHAPTER XI

That the Reformation of the Clergy According to the Apostolic Standard Must Be Earnestly Urged

§ 1. Whatever things have become deformed through negligence, wickedness, the lapse of time, and antiquity itself must be reformed. All, from the first head of the Church down to the lowest Chaplain, and from Caesar Augustus down to the praetor of the smallest little village, ought according to their office and powers to will, attempt, and accomplish this. To impious men who disdain sacred things and seek fattening from the patrimony of the Crucified, the name of reformation is hateful and the thing itself abominable, because the belly has no ears, nor do the things beneath the belly possess understanding. Nevertheless reformation must be urged and altogether accomplished.

§ 2. The primary cause is and ought to be the obligation by which the Supreme Pontiff, Bishops, and Prelates are most strictly bound; concerning this I shall speak elsewhere. Another cause is that it is known from experience and the whole history of antiquity that provinces and kingdoms have been publicly punished,

[Printed page 409]

overthrown, and deformed by devastation and slaughter when vices grew so strong that the authority of the laws yielded to them and the magistracy did not labor to eliminate them. Thus the first-created world perished in the Flood; thus Sodom sank into flames; thus the Canaanites were extirpated when their iniquities had been carried to the highest point. For this is the vicissitude of affairs, this the circuit of calamities, which do not spread by chance but exact deserved punishments by divine judgment. The Babylonians overthrew the Assyrians, the Medes and Persians the Babylonians, the Macedonians the Medes and Persians, the Romans the Macedonians, and every form of barbarism the Romans--and this at the time when each nation was most vicious. Consult Augustine concerning Africa's struggle against the Vandals, and Prosper concerning Gaul and Spain. Consider present events and those nearest to them: has not a great part of Hungary received the Turkish bridle, and does it not harass its neighbors with either a cruel or a faithless peace? This has place especially in the people of God, whom the providence of the divine power, raging mercifully with swift punishment against those ungrateful for its beneficence, has been accustomed to recall. Let the books of Judges and Kings be read: fortune always followed morals. It will be so also in the Christian world, which will be preserved so long as vices are punished and virtue is pursued; if the vices burst forth more unbridledly, it will be overthrown either by mutual slaughter or by a more powerful enemy. But vices will be extirpated by the reformation undertaken by rulers.

§ 3. The ambitious sloth of certain Prelates is damnable and will be punished with eternal fires. With soft words they enervate minds and grant room to vices growing of their own accord. They say that the times are now different; that things which can scarcely be amended must be dissembled; that the rigor of the canons must be relaxed; that reformations bring disadvantages; and that heresy impedes discipline. These words are destructive and impious. For laws were established not for times but for minds; nor do the common vices of the times excuse the deeds of individuals. No times have been so vicious as not to be bound by laws. Those who can be changed can also be amended. Those who despair of correction are injurious to the grace of the Redeemer. Will not God preserve his Church even to the end of the ages and purify for himself an acceptable Church? How, therefore, can the sins of its members not be at least diminished, if not altogether removed? How many things did one Ezra, one Maccabee, correct? When the entire nation was hastening headlong into the morals and vices of the Gentiles, he brought back the greatest part to piety. The hand of the Lord has not been shortened so that it cannot save; rather, the will of human beings has been cut off so that they do not labor to be saved. Since one century, so many thousands of barbarous nations, after acknowledging Christ and renouncing usury, slaughters, polygamy, and cannibalism, have handed themselves over to be formed in Christian morals--the two Indies and the regions of the Ethiopians scorched by the suns. Why, then, do we deny that the Christian people and Clergy can return to that place to which that barbarism has

preceded them, coming from East and West and reclining with Abraham, Isaac, and Jacob, while marveling at the sons of the kingdom departing into the outer darkness? They cannot be ignorant that the most holy canons according to which I demand reformation can be observed not only by the best but even by those of middling quality, and that those who made them seriously commanded their observance. Within a few years there have been many provincial synods; the voice of them all is one: the Canons must be recalled into use. If one intends to count them, we shall find scarcely fewer canons of Councils by which we are ordered to observe the ancient canons than there are ancient canons whose observance is at issue.

But if one wishes to inspect our world more closely, many things have already been thoroughly amended, so that the rest appear easier. A hundred years ago great ignorance possessed the world; now there is almost an excess of arts, talents, and disputants. Now some single university city possesses more learned men than all Germany formerly did. Great progress has therefore been made. And so, as soon as the heresy snapped its fingers, almost half the Clergy and religious looked back and entered the broad and whitewashed roads of the age. Now, although apostates are precious in the camp of the sectarians, they are nevertheless rare.

There has been less, yet some, progress in morals. For the ancient religious families have recovered their former integrity and rigor and flourish more and more each day, with great hope of better times, since they show to a darkened world hearts so holy, brave, and entirely consecrated to God, despise the pomp of the age, and interpose themselves for us before God. And a select multitude of new religious, displaying the first fruits of the spirit, strive to bring aid to the aging world. This matter must therefore be urged, and care taken that the things which are lacking be added. In some places very many things are lacking, in others very few, according as the Bishops' diligence or negligence has prevailed.

CHAPTER XII

The Easiest Method of Reformation Is the Selection of Those to Be Ordained

§ 1. Since in ecclesiastical benefices those things which bear the appearance of hereditary succession are odious to the sacred constitutions and contrary to the decrees of the Fathers, as is stated in the Council of Trent, session 25, chapter 7, it follows that no Cleric is born evil. Therefore, if anyone lives contrary to the canons, it is either because an evil man was chosen or because after being ordained he departed from virtue. Bishops will prevent both by sagacious caution. For scarcely anyone is evil for long without the fact becoming known to someone; wickedness always betrays itself by some indication.

§ 2. The reason Clerics generally turn out evil is their parents, teachers, guardians, and kinsmen, because they are educated either negligently or vainly. Therefore the complaints of secular people concerning the vices of Clerics are dishonest. Do you marvel that your son is vain, proud, and drunken? He takes after his father; he drew your vices from paternal authority. Or tell me, what has he done which he did not learn in your house or among the intimates to whom you committed him? Yet if he did not learn from you to be evil, see whether it was not brought about by your indulgence, peevishness, or imprudence that he did not remain good.

§ 3. Those who are not suitable must in no way be admitted. Thus the law and the Councils. A golden canon is that of the Fourth Council of Milan:

> By the authority handed down to him by the law of the canons and by the Council of Trent, the Bishop, if he does not find suitable those presented even by any patrons whatsoever, shall neither approve, admit, nor institute them, nor provide for them under any title whatsoever, but shall reject them outright. Moreover, he shall not judge suitable those whom, after the test of an examination has been diligently made by questions, he does not see to be endowed with learning, skill in chant, and the other qualities necessary for rightly and duly performing the duties incumbent upon or connected with the benefice to which the person is presented.

Furthermore, by canonical law the ordainer of an unworthy person is deposed: Distinction 50, chapter 55, *Ex paenitentibus*; and Distinction 59, chapter 1:

> He who has not been imbued with ecclesiastical disciplines in due order and trained for divine service by the approval of time shall by no means presume to aspire to the supreme priesthood of the Church. Ambition shall be regarded as effective not only in him but also in his ordainer, so that they may lack the order which they believed should be presumed without order

[Printed page 410]

> contrary to the commands of the Fathers.

This canon must be recalled if priestly piety and sincerity are to be restored.

The mode and method of establishing who are suitable are also gathered from Distinction 77 and other sources.

§ 4. The greater the dignity of the order to which someone is assumed, the greater the care that must be taken concerning the abilities and virtues of the one to be ordained. The first care must be expended in choosing Bishops. For the Church cannot be healthy in its members if it suffers in its head. Therefore the electors of Bishops sin most gravely when they take no account of their duty.

§ 5. Account is indeed taken of years in the orders, but not according to the ancient custom. The Sixth Synod, canon 15; Distinction 77, chapter 4:

> Let a subdeacon be ordained at no less than twenty years. But if anyone has been ordained in any priestly order before the established times, let him be deposed.

And the Third Council of Carthage, canon 4:

> It has pleased us that neither Deacons be ordained nor virgins consecrated before twenty-five years of age, and that readers not salute the people.

The Council of Agde establishes the same in chapters 16 and 17:

> Let a Bishop in no way confer the blessing of the diaconate upon those younger than twenty-five years. Certainly, if married young men consent to be ordained, the will of their wives must also be required in such a way that, after separation of their dwelling and bedchamber has been made and religious life promised, they may be ordained after they have afterwards been converted in like manner. But let none of the metropolitans presume to ordain a Presbyter or Bishop before thirty years--that is, before he reaches the age of a perfect man--or Deacons before twenty-five, lest through their age, as sometimes happens, they be blamed for some error.

They require thirty years in a Priest, Distinction 78, chapter 4:

> Let a Presbyter not be ordained before thirty years of age, although his life is approved; rather, let him wait until the appointed time. For our Lord Jesus Christ was baptized in his thirtieth year and then preached.

The same things are in the Novels, in the Authentic *On the Most Holy Bishops*, 9, *Clericos*, and in Leo, Letter 83, chapter 1, to the African Bishops. Yet Pope Zachary, in a case of necessity, permitted ordination to the priesthood at twenty-five years.

I judge that in so many cases of younger Priests it is expedient for a greater age to be established, especially when necessity is absent and the diaconate or subdiaconate is sought not from necessity but from desire for greater revenues. For that age which is now priestly through dispensation and the necessity of the Church permitting it is not such by free judgment. Next, I do not think that one must labor greatly concerning the minor orders, because they do not bind to perpetual chastity. Yet haste is harmful for another reason, since readers, exorcists, and acolytes are appointed who can neither read nor even conjecture what those orders mean. Such was not the standard of Peter and the ancients. The laws require twelve years in these orders, but presume that they have been suitably instructed. Thus Distinction 28, chapter 5:

> Concerning those whom the will of their parents has bound to clerical office from the first years of infancy, we establish that the following be observed: immediately after being tonsured or handed over to the ministry of readers, they ought to be educated by an appointed master in the house of the Church under episcopal supervision. But when they have completed the eighteenth year of their age, let their will concerning the seeking of marriage be investigated by the Bishop in the sight of all the people. If, with God inspiring, the grace of chastity is pleasing to them and they promise that they will preserve their chastity without the necessity of marriage, let them, as seekers of the very narrow way, be subjected to the most gentle yoke of the Lord; and, after probation of their profession has been held, let them first undertake the ministry of the subdiaconate from their twentieth year. But if they pass the twenty-fourth year of their age blamelessly and without offense, they ought to be promoted to the office of the diaconate, if the Bishop finds that they are able knowingly to fulfill it. Yet they must beware lest at any time, forgetful of their promise, they return again to earthly marriages or secret concubinage. But if perhaps they do so, let them be regarded as guilty of sacrilege and strangers to the Church. Yet from those whose own will at the time of questioning has persuaded them to desire marriage, we cannot take away the license granted by the Apostle; but when, placed in marriage and advanced in age, they promise by equal consent that they will renounce works of the flesh, let them aspire to sacred orders.

I altogether require maturity and constancy, especially since they will live in the world and contend amid daily dangers and shipwrecks of chastity.

§ 6. Let no one be admitted to the Clergy without a lawful examination. Distinction 24, chapter 2: “Let no Cleric be ordained unless he has been proved either by the examination of Bishops or by the testimony of the people.” I ask: in certain places, who is ordained in this way? Where is so great an account taken of morals and learning? Distinction 24, chapter 4:

> Let Bishops be advanced to ecclesiastical dignity by the judgment of the metropolitans and of the Bishops who are round about--those, namely, who are proved over a very long time both in the word of faith and by the example of an upright manner of life.

For in truth a teacher of virtue must also be a leader. If the salt becomes insipid, with what shall it be salted?

The method of examination is in the same place, chapter 5:

> When the Bishop proposes to conduct ordinations, all who wish to approach the sacred ministry must be summoned to the city on the fourth weekday before the ordination itself, together with the archpresbyters who ought to present them. Then the Bishop shall choose from his side Priests and other prudent men, knowledgeable in divine law and practiced in ecclesiastical statutes. Before all things, these shall diligently investigate the life, lineage, homeland, age, education, and place where the candidates were educated; whether they are well instructed in letters; whether they are instructed in the law of the Lord; whether they firmly hold the Catholic faith and can assert it in simple words. But those to whom this care is entrusted ought to beware lest, either for the sake of favor or enticed by desire for any gift, they depart from the truth and apply an unworthy and less suitable person to the Bishop’s hands for the reception of sacred grades. If they do this, both the man who approached unworthily will be removed from the altar, and those who attempted to sell the gift of the Holy Spirit, already condemned before God, will lack ecclesiastical dignity. Therefore let them be diligently examined for three continuous days; and thus on the Sabbath let those found approved be presented to the Bishop.

Yet they are not examined if a Bishop has given testimony to a Cleric or an Abbot to a monk--unless perhaps the Abbot himself is judged unlearned, for in that case his testimony refutes itself: Cause 16, Question 1, *Si quis*. The method of a true examination is described in the Fifth Council of Milan:

> As regards the collation of benefices: when someone is examined for an ecclesiastical benefice for which provision must be made, let a trial of him be made by examination not only in knowledge of letters but also in skill in chant, for duly and rightly performing the statutes of that benefice, and, furthermore, in the practice and knowledge which he possesses in reciting the hourly prayers of the divine office. When either a theological or penitentiary prebend becomes vacant, even if the right of conferring it pertains to someone other than the Bishop--apart from the Apostolic See--let the customary notice be posted, by which all who wish to undergo an examination for the sake of that office, or to nominate others to undergo it, are called to the competition. After the appointed period has elapsed, let a trial or test of each of those who have assembled under that title be made in letters and doctrines by every, or the most diligent, method of inquiry and questioning. The Bishop, after associating with himself at his discretion other skilled and upright men, shall also inquire accurately into their life, morals, age, degree, order, and the other conditions necessary for such an office.

[Printed page 411]

> Only then, after all these matters have been accurately weighed, let the Bishop himself deliberate maturely in the Lord and freely choose the man whom, according to the religion of his conscience, he judges more worthy and suitable, to whom an office of such weight may rightly be committed. In this consideration and deliberation, especially as regards the Penitentiary, let him see that, in addition to the necessary skill, he weighs above all innocence of life, gravity of morals, zeal for spiritual exercises, more experienced prudence from longer practice in hearing confessions, and the other virtues of religious piety.

You, great God, give us such a Charles in Germany--not one who merely establishes these things, but one who executes them. For now prebends of Doctors and populous parishes are frequently possessed by boys, nobles, scribes, and idiots, to their own most certain damnation and the destruction of others.

§ 7. Because questions are frequently raised concerning what each person ought to know, and many frauds lie hidden under this pretext and devices are sought for evading the examination, it seemed good to me to present the method of examination which the Fifth Council held at Milan composed at length. It reads as follows.

In the administration of the Church the office of examination concerning skill in letters and discipline is as necessary as it is manifold. At one time it is employed by the Bishop both for those who are to be initiated by the sacrament of Order and also for the approval of preachers and confessors; furthermore, for investigating and observing the condition and progress of the Clergy in literary studies; and it likewise assists and serves the Bishop in many other matters. At another time it is instituted and completed not only concerning those who are placed over parochial churches and other benefices having the care of souls, but also concerning those upon whom ecclesiastical benefices of any kind are conferred either by the authority of Apostolic letters customarily drawn up in the form *DIGNUM*, or by another right, or who are instituted to them by presentation, nomination, or election. Therefore, so that this method of examining, undertaken for any cause whatsoever, may be completed by the examiners as rightly as possible, in addition to certain things more fully explained and decreed especially in the Fourth Provincial Council, we have judged that these instructions also should be drawn up. Some pertain to this whole method of examination, while others are proper to particular examinations.

And each Bishop, according to his own piety and prudence, may add other instructions to all these or remit something from them, according as he sees that it serves the conditions and practice of his own diocese.

Let it be the care of the same Bishop and of the Vicar who presides over the examination that these instructions be introduced into custom and use.

Moreover, first of all, when the examiners appointed in the diocesan synod enter upon the examination of those who are to be placed over parochial Churches, let them remember the oath by which they publicly bound themselves in the synod when they were first chosen. Let them see that, after laying aside every human affection, they rightly care for and administer the office they have undertaken, lest they violate what they holily and religiously promised and thereby become perjurers.

On account or by occasion of the examination, let them accept absolutely nothing, not even the least thing, either before or afterwards. Otherwise let those who give know that, under the Tridentine statute, they have incurred the crime of simony; moreover, neither they nor even those who give may be absolved unless they resign whatever ecclesiastical benefices they possess. Let them likewise know that they have been rendered incapable of having these or other benefices conferred upon them in the future.

For every fault committed in the office they have undertaken, let them also render an account in the provincial Synod and there be gravely punished by the authority of the Council of Trent.

Likewise, those who at the Bishop’s free discretion are associated as examiners for examining others under any title or for any cause must never accept anything by occasion of the examination, not even food or drink. Whoever acts contrary to this shall both henceforth be judged unworthy to discharge that office and be affected with another punishment at the Bishop’s discretion.

Let all examiners, whoever they may be, know that an office so grave is entrusted to them that, if they conduct themselves negligently or badly in any manner, they will have to render to God before all an exact account of the fault committed in that office.

Therefore let them exercise the care of the office committed to them, led neither by hope, fear, reward, regard for persons, nor any affection.

With the fear of God set before them first, let them not approve anyone whom they know to be unworthy; conversely, let them not reject one whom, after a trial or test has been made, they find suitable and worthy. Therefore let them deliberate gravely, maturely, prudently, and rightly both concerning approval and concerning rejection.

When they have assembled in the place where it is customary for the trial of Clerics to be made, before they begin, let them commence with the appointed prayer prescribed for the use of assemblies, which the one presiding over the examination shall pronounce from the book. Let them devoutly and inwardly pray especially that by God's help they may accomplish it rightly, prudently, and in conformity with the divine will.

Let no examiner recommend in any way to his other colleagues anyone concerning whom an examination or trial is being made.

Let no one take part in anyone's examination or possess the right to vote unless he has been summoned to it by command of the Bishop or Vicar.

If anyone has privately taught a person who is to undergo the examination, let that teacher not even be present when the person undergoes it, much less be employed in the examination; but let another be summoned in his place at that time by command of the Bishop or Vicar.

Let diligent precaution be taken lest anyone experience the examination or undergo the trial in another person's name, which has sometimes been found to have occurred.

Let diligent inquiry also be made concerning those who have approached to undergo the examination: whether at other times they have made a trial or test of themselves by questions instituted according to custom for examining, and whether anything exists which has been discovered or determined concerning them.

Let no examination begin unless the Bishop or Vicar is present and also at least three examiners according to the prescription of the Council of Trent, when an examination is instituted for conferring a benefice with cure by any right. Let this also have place thereafter when an examination is completed either concerning one to be initiated into major orders or concerning the approval of a preacher or confessor.

When anyone comes to the examination, let his face, bodily bearing, clothing, gait, gestures, and speech be diligently inspected.

If anyone approaches either clothed in clerical dress deformed and foreign to the decorum or discipline of the ecclesiastical order, or without a tonsure suitable to the bearing of his own status and order, let him not be admitted to any method of examination or trial unless, clothed in becoming dress and with the prescribed tonsure, he returns to it.

Concerning anyone to be initiated--unless the Bishop has at some time judged otherwise--let no examination or trial be held before he has brought or presented written attestations of age, birth, or a granted dispensation, and of an ecclesiastical benefice, pension, or patrimony, which have been inspected by the Episcopal Vicar and signed and approved by his subscription, unless at some time the Bishop has ordered that they be produced or inspected after the examination.

Nor likewise shall an examination be held unless he has given the other attestations prescribed by provincial decrees or an Episcopal edict.

Nor, moreover, shall this be done unless the examiners have heard and learned from the Episcopal Chancellor whatever investigations concerning him, made at the Bishop's command and prescribed by office, have been signified, denounced, or reported in the letters of others.

[Printed page 412]

Let all attestations presented either by the one to be initiated or by anyone else on occasion of the examination be restored or handed over to the Episcopal Chancellor.

It shall belong to him to enter a summary of these attestations in a definite register prepared for that purpose and finally to preserve it in the Episcopal Archive. But let the same Chancellor preserve the attestations of age and birth and, if the matter concerns one to be initiated into major orders, of patrimony or ecclesiastical benefice; and in the public letters which he shall draw up concerning the person who has received the order, let him make attestation concerning these according to the method prescribed to him.

Therefore, when an examination is instituted of one to whom the care of a particular parochial Church is to be entrusted, let the examiners first consider who and of what kind, and how numerous, is the people whose parochial care he will undertake.

After this matter has been diligently investigated, let them propose to themselves in the examination they enter upon that they will ascertain accurately whether he is altogether suitable for undertaking and discharging that care.

After all these things have thus been prescribed, let the examiners proceed in order to interrogations or questions. In the examination let the following method be entered upon: let that examiner propose the interrogations or questions whom, by a system of alternation and according to the kind of learning or discipline, the Bishop or Vicar presiding over the examination has ordered to question--now this man, now that man--in that same examination, so that one may not interrupt another competitively by a varied and manifold method of questioning.

Moreover, let the examiners maintain this method in their interrogations and questions: after these have been distributed among them, full satisfaction shall be given, as is fitting, to the purposes of the examination instituted. Let each one inquire or question concerning the category which he has undertaken to investigate in such a way that, as is proper, the questions or interrogations of that category have been sufficiently explained.

While the examination is being held, let them keep silence and hold no conversation or discussion among themselves. Likewise let them not propose mutual questions or explanations of doubts to one another; rather, attentive to the answers of the person whose learning is investigated by questions, let them apply their mind to him with studious attention so that he may rightly explain the questions proposed to him. Nor let another disturb the examiner questioning in his own place; rather, let each await the time when it falls to him in order to question according to the category or method of the question.

In proposing questions or interrogations, let them show themselves severe or vehement neither by words, appearance, nor in any manner, lest those who undergo examination, frightened by severity, lose courage and their memory grow languid and falter, not without some disgrace. Rather, let them hear them disputing or answering with signs of a benevolent and gracious mind, and let them not interrupt them with little questions or in any other way.

But if they observe them to err in disputing, reading, pronouncing, or answering, let them not then teach, rebuke, or even admonish them, unless something pertains to rightly instituting or completing the examination. Rather, after the examination has been completed, let them briefly admonish or teach them if they judge that it is then necessary for them to be admonished or taught concerning anything.

In all and each interrogation of the examination, regard shall be given not only to the knowledge of each person examined but also to his practice, judgment, intellectual power, and dexterity.

Let this method therefore be instituted for all examinations:

First, inquiry shall be made concerning the vow, state of life, lineage, homeland, or domicile of the person undergoing examination.

Whether he has any impediment by which, being entangled, he cannot be initiated, receive and exercise the ecclesiastical benefice in whose name the trial is made, the office of preaching, or the hearing of confessions. If anyone is bound even secretly by such an impediment, let him disclose it at least to the Bishop, lest anyone be unlawfully initiated, obtain a benefice, or undertake and discharge another office.

Whether he is practiced in the study and use of holy prayer.

With what meditations he has been instructed silently to pray to God.

What is the method of prayer.

What are its fruits or benefits.

Of how many and what parts it consists.

How many are the rules of preparation for prayer, and many other things of the same kind, according as a prudent and pious examiner sees need for them by reason either of the person concerning whom inquiry is made or of the cause for which the examination occurs.

After these things have been investigated, let the examiners descend to a trial of knowledge or learning. But so that they may set before themselves a fixed form by which they may test both the literary learning, the discipline of clerical life, and the experience of ecclesiastical affairs of those who are examined, in every method of trial or examination let them employ the sacred Bible, the Roman Catechism, especially the Council of Trent, the decrees of the sacred canons, other Pontifical constitutions, and both provincial and diocesan synods. From these let them draw their interrogations, by which, according to the capacity of the candidates' intelligence, they may investigate their knowledge and their acquaintance with and practice of ecclesiastical affairs.

But let care be taken that, if anyone while being questioned shows himself so untrained and ignorant that he possesses no knowledge or practice of easy and very small matters, time is not consumed by questions concerning other, difficult matters.

Conversely, when it has been ascertained that someone is skilled in learning and literary practice to whatever degree, there is no reason to deal with him longer by further questions.

Now, therefore, we shall prescribe generally below the things which pertain to the method of each examination of those who either are initiated by the Sacrament of Order, undertake the care of parochial Churches or the office of another benefice, assume the office of hearing sacred confession, or are sent to preach the word of God. But in particular, far more or indeed fewer matters are left to the judgment of the prudent examiners--and especially of the Bishop or the one presiding over the examination--according to the capacity of those who approach the examination, the order into which one is to be initiated, the character of the places to which they are sent, and the kind of doctrine which they profess.

Those, however, who show themselves less instructed in the matters contained in this instruction and indicated by definite questions, let the Bishop admonish to apply themselves diligently to learning in the future and strive especially to acquire experience and knowledge of these very matters, so that when the duty of visitation or another review of their studies and progress in letters is employed, they may be found rightly and skillfully instructed in every such category of learning.

First, therefore, let the examiners command the person concerning whom an examination must be made to read, until by trial they see whether he reads rightly and distinctly.

Then, if a trial is made on account of an order, a benefice, or the review of some Cleric's progress in literary study, let them propose the construction of words according to the custom of grammarians. In this category, if he errs or slips so

that he does not possess their practice or skill even according to the method of grammar, let them not on that account disturb, interrupt, or impede him from returning to the proposed method of grammatical instruction.

Then let them ask him for the sense of the words which he has read and construed. So that he may rightly elicit and express it, let the passage which they propose to him for reading be of such a kind that a whole and perfect meaning is concluded within it and that it contains nothing which falls under an understanding of history or whose explanation depends upon another preceding or following chapter; and then to

§ 7 (continued). other more serious tests of his learning or discipline let the examiners proceed.

From each and every one of those who are to receive the first tonsure or minor or major orders and who approach for a trial or examination, let it further be asked, both generally and individually, whether they are held entangled in the impediments which were enumerated in the decree of the Fourth Provincial Council concerning those to be initiated; namely, whether they are:

Advanced in age.

Untrained and ignorant.

Criminals.

Solemn penitents.

Neophytes.

Given to drunkenness and gluttony.

Unchaste.

Fallen after receiving an order.

Perjurers.

Manifest usurers.

Infamous.

Bound by accounts to be rendered.

Slaves.

Defective in body.

Remarkably deformed.

Illegitimate by birth.

Foreigners and unknown persons.

Bigamists.

Irregular in any other way.

In this category let care be taken that, among other things, the following be sought from him particularly:

Whether he has served for military pay, from which killings of men have resulted.

Whether he has discharged the office of a criminal judge in a secular court.

Whether he has pronounced a sentence of death.

Whether he has dictated or written the proceedings, sentence, and testimonies concerning a crime in whose name someone was condemned to death.

Whether in such a matter he administered the office of procurator or fiscal advocate and exercised other functions from which he contracted the stain of irregularity.

Whether they are suspended.

Whether interdicted.

Whether excommunicated.

Whether insane.

Whether suffering from the falling sickness.

Whether possessed.

Or whether they have not been examined and approved.

Let it likewise be investigated whether he has received an order secretly or by leaping over a grade.

Furthermore, when anyone who is to receive an order comes to the examination, let it be investigated how long it has been since he received another order, so that ascent to a higher grade may lie open to no one unless he has remained for a suitable space of time in each of the other grades of inferior order, according to the prescription of the Tridentine decree.

Whether he knows the force and nature and the mysteries of the order which he is to receive.

Likewise, whether he knows the rites and ceremonies which are employed from the Pontifical when they are initiated.

Likewise, whether he knows their more sacred significations.

Likewise, whether he knows the mysteries and things signified by the sacred vestments with which they are clothed.

Whether he has knowledge of the functions of the order into which each is to be initiated.

Whether he rightly possesses their use and exercise, both in reading and also in chant; in this trial let those skilled in chant be employed.

Let these matters be investigated generally in all and each. Now, in addition, there follow those matters proper to each order which, prescribed in their own place, are to be sought individually--yet in such a way that the examiners, according to the method of their prudence, may sometimes seek even from those who are initiated into a higher order the matters required in the examination or trial of an inferior order.

Concerning those who are to be initiated by the first tonsure, let it first be asked and investigated for what reason they wish to become Clerics.

Whether they seek to be initiated for the purpose of avoiding secular judgment.

Whether they are entangled in contentious lawsuits.

Whether they engage in quarrelling and enmity.

Likewise, what craft they possess, or in what art or manner of life they have hitherto been occupied.

Whether they are such as give hope that they will become useful ministers of the Church.

By what priest, a master of a more holy life, they have been instructed in the manner of clerical life.

Whether they know how to read, pronounce, and write; and let a trial of them be made in both categories.

Whether they know the precepts and institutions of Christian doctrine.

Whether they possess an understanding of the Epacts.

Furthermore, whether they have received the sacrament of Confirmation.

But concerning those who wish to be enrolled in minor orders, let it be asked and learned by trial:

Whether they understand at least the beginnings of grammar and the Latin language.

Whether their promise of learning shows them to be such as are worthy sometime to ascend to major orders.

But since those who are to be initiated into sacred orders--namely the subdiaconate, diaconate, and priesthood--ought to be adorned and cultivated with those virtues which are required in Clerics of inferior orders, just as they ascend to a higher grade of order, so they ought to manifest, as it were, an ascent in virtues, probity, and learning.

For this reason let the examiners see before all whether those who are initiated by the sacrament of Order have made greater progress through each of its grades and in the discipline of spiritual life.

Whether they possess the Breviary and sacred Bible, likewise the volumes of the holy Fathers, the Council of Trent and also the provincial councils, the synods of the diocesan Bishop, the Roman Catechism, the *Rationale of Divine Offices*, and some books written concerning the methods of spiritual life and adapted to the use of their office.

From subdeacons especially let inquiry be made concerning the difference between minor and major orders.

Whether he has been approved in minor orders.

Likewise concerning the vow of continence which is joined to the order of the subdiaconate.

Also concerning the doctrine of the sacraments, at least generally. Then let a trial or test of them be made in the method of reciting the divine office.

Let an examination or test of deacons furthermore be made somewhat more diligently concerning the doctrine of the sacraments.

Likewise let some trial be made in delivering sermons, according to the method prescribed below for the examination of preachers.

From those who wish to be initiated into the priesthood, let these matters be sought individually with care:

Whether they have conducted themselves piously and faithfully in the ministries previously performed.

Whether they are of proven piety and chaste morals.

Whether a distinguished example of good works and evidences of life may be expected from him.

Let these matters also be asked:

What the sacrifice of the Mass is.

What the effects of that sacrifice are.

What its parts are.

What mysteries are present in it.

What the significations of the sacred vestments are.

What is required in offering that office.

Where and when it is not lawful to do so.

What doubts can sometimes arise.

What matters require explanation in order that it may be performed rightly.

Then let a trial of them be made according to the rules prescribed below.

[Printed page 414]

Whether they possess some skill in sacred confession.

Whether they are suitable for rightly and duly administering the other sacraments likewise.

Whether they have a more explicit knowledge of them, according to the prescribed interrogations, as below concerning the Parish Priest.

Whether they likewise possess the learning by which they may treat the word of God rightly or deliver a sermon.

And whether concerning sacred matters, the duties of Christian virtues, and everything necessary for salvation they can suitably instruct or teach the people.

But whereas inquiry is to be made of all the others, as prescribed a little before, who are enrolled in the clerical soldiery concerning the institutions and exercises of a spiritual and more holy life, it is to be made especially of those who either are initiated into the priesthood, undertake a parochial cure, assume the office of hearing sacred confession, or wish to be occupied in treating the word of God and in sacred sermons.

When all and each of these come to the examination, in addition to the other things which pertain to the practice of a holy spiritual life, let those matters especially be investigated which have been handed down concerning the method of praying and concerning every exercise of holy meditations or heavenly contemplations by others who have exercised themselves religiously in that category.

But concerning those priests who are to undertake the cure of parochial Churches, let it further be asked and first learned by trial:

Whether they are capable of perceiving senses, not only those which are taken for grammatical understanding, but also those more interior and more sacred senses which pertain both to the mysteries of Christ and the Church and to the manner of spiritual life.

Whether they know how to compose or deliver discourses.

If they have delivered any, whence they took them or what method they employed in composing or writing them; and indeed, if they then have any written out in their possession, let them show and hand them over.

Whether they can do something extemporaneously in that category; then let a trial be made, by an extemporaneous and brief discourse, of how much power they possess in preaching.

And if the character of the parochial Church which is to be committed requires a parish priest more experienced in the practice of treating the word of God, let an examination be entered upon in some part which seems preferable in the judgment of the examiners, according to the norm of interrogations established below for the examination of preachers.

Let it further be asked whether they have ever at another time discharged the care of souls; but if they affirm it, let them then also be asked both where they discharged it and why they departed thence.

Whether they understand how great a thing it is to undertake and, in turn, discharge the care of souls, and what those duties and virtues are with which a good and vigilant curator of souls must be endowed.

Likewise, whether they know all the impediments on whose account it is forbidden that anyone administer a sacrament and that anyone receive one.

Whether they understand the force and nature of the sacraments, but especially of those of which he is the minister; and concerning these let the following matters first be asked individually:

What is the matter of each of the sacraments, and likewise what is the form.

What is their principal efficient cause.

What is the instrumental efficient cause.

What is the final cause.

What is their difference.

What are the effects, or what are the fruits.

What are their rites, or what are their ceremonies.

Whether above all they possess skill in hearing sacred confession.

What books of this kind, and indeed what *Summas*, they possess.

Then let a trial be made of how experienced by practice they are in cases of conscience and how skillfully they are versed both in these and in other matters of that kind, and especially in ecclesiastical constitutions which pertain to the right practice of life and to the morals and virtues of the Christian people.

Whether they know the cases reserved by law and by man to the most holy Pope and likewise to the Bishop.

And indeed, more diligently, according as there shall be need, let them be asked concerning each of the matters which will be prescribed below for the method of examining priest-confessors.

Furthermore, let the examiners see whether they possess some knowledge of the sacred canons and, especially as regards the Tridentine and provincial councils and diocesan synods, whether they know the following:

Namely, whether they know the doctrine concerning the principal articles of the Christian Religion which that ecumenical Synod of Trent defined against the heretics.

Likewise, what it prescribed concerning residence.

Also what it established concerning parish priests and parochial Churches, the worship of the divine offices, and other matters of the same kind.

What it further decreed concerning the honorable conduct of Clerics.

Finally, the other things which it established concerning the discipline of the Clergy or the people or the reformation of other matters, which it is in the interest of parish priests to know and understand well.

From the provincial councils let them ask individually:

What has been established concerning the honorable conduct of clerical life and the duties of parish priests.

Likewise, what concerning the right administration of the sacraments, what concerning the sacrifice of the Mass, and what furthermore concerning the divine offices.

Also what concerning sacramentals; what concerning the veneration of feast days; what concerning the worship of Churches; what concerning schools of Christian doctrine; what concerning the instruction and moral discipline of the Christian people; and what concerning other matters especially pertaining to the office of parochial life has been decreed.

From diocesan synods let them enter upon that same method of examination, divided into definite heads, according to the kind of decrees which the Bishop has composed in them.

Concerning one who approaches the examination on account of a benefice of any kind, provided it does not have cure, let these matters be investigated:

Whether he knows how to recite the office of the canonical hours according to the institution and rubrics of the Breviary.

Whether he is instructed in all the learning and discipline which the order into which he ought to be initiated demands, according to the character of the benefice, office, or dignity on whose account the examination is instituted.

Likewise, whether he possesses skill in the functions which the character of that benefice, dignity, or office requires.

Whether he possesses those things which it is necessary to know for rightly and duly performing those functions or the benefice, including those which pertain to the method or system of singing rightly.

And these indeed are the matters which pertain to the instruction for the examination of those who either are to be initiated by the sacrament of Order, are to be placed over parochial Churches, or are to have benefices conferred upon them.

But now there follows the method of examination for confessors, concerning whom, in addition to the other matters which are joined to the office or duty of a priest and parish priest, let these also be sought individually and by a more searching method:

Concerning the necessity of the Sacrament of Penance.

Why this sacrament was instituted, and by whom it was instituted.

What is the matter of this sacrament.

What is its form.

What is its effect.

Who is its minister.

What conditions are required in it.

What are the rules for discerning and distinguishing mortal sin from venial.

What are the parts of penance.

What is the character of those parts.

What Contrition is.

What things are necessary for true contrition.

What are the fruit and utility of contrition.

§ 7 (continued). By what method anyone may exercise himself toward contrition.

What are the signs of true contrition.

Let it likewise be sought what is the nature and substance of confession, which is the second part of penance.

Whether he knows how diligently to inquire into the circumstances of the sinner and likewise of the sin.

Which circumstances change the species of the sin and which must be explained in confession.

Which matters demand restitution and what are the roots or causes of restitution.

Whether they know doubtful or suspect contracts, or at least know how to institute or enter upon doubts and questions concerning them.

To which crimes censures are annexed.

Likewise, whether they possess skill in and knowledge of their force.

Whether they know the cases in which the stain of irregularity is contracted.

Whether at least in all these and in the other matters which pertain to a true and perfect minister of this sacrament of Penance they know how to doubt and know how to consult the skilled concerning how that matter about which they are brought into doubt is to be handled.

Likewise, what are the rites and sacred ceremonies of confession.

What conditions are necessary for the confession of one who is truly penitent.

What is the order of confessing; when anyone ought to confess immediately; likewise when he ought to repeat a confession.

Concerning satisfaction, which is the third part of penance, let it be asked:

What are the parts of satisfaction.

What is the end of satisfaction.

What are the fruits or utilities of satisfaction.

What things are required in satisfaction.

Of what kind and how great a penance ought to be imposed upon the penitent.

Whether they know how to enjoin salutary and suitable satisfactions according to the gravity of the crimes and the capacity of the penitents.

Likewise, whether, according to the prescription of Innocent III, after the manner of a skilled physician they know how to pour wine and oil into the wounds of the injured person, and what remedy or counsel they ought to provide.

Furthermore, whether they rightly possess the penitential canons.

What is the difference among satisfactions, penances, and so forth.

Concerning absolution let it be investigated:

What formula of words is required.

What prayers or orations are further employed.

What order must be observed in absolving both from sins and from excommunication or suspension.

Likewise, let several questions be asked concerning the seal of confession, and especially what is the force, and how great the force, of the seal.

What things fall under it.

From ecclesiastical decrees--the Council of Trent and both provincial and also diocesan synods--let it be investigated what things established in them pertain to the sacrament of Penance, and what things have been established concerning the discipline and morals of the Clergy and the people, as was demonstrated a little before in the examination of parish priests.

But thus far concerning the method of interrogations which are employed in examining priest-confessors.

Now is the place for the examination of preachers and interpreters of sacred Scripture, from whom let these things be asked:

First, concerning the articles of doctrine or dogmas explained by the Council of Trent, namely concerning the canon of Scripture, original sin, justification, the sacraments, and generally the sacrifice of the Mass, purgatory, the invocation and veneration of the Saints, sacred relics, images of the Saints, indulgences, the power and authority of the Pope, fasts and feast days, and many remaining matters.

Whether he furthermore possesses the remaining known and treated topics of Theology.

What author he has made familiar to himself especially among the Scholastics.

Whether he has very frequently and studiously gone through the volumes of the sacred Bible with a gloss or another commentary, and whether he has been so diligently versed in them that he can readily and suitably bring forth passages from them for every kind of sacred treatment.

Whether he is learnedly versed in the practice of holy interpretations.

Whether he knows how to elicit the true sense of Scripture from what precedes and follows; and likewise whether he knows how to compare these things in the Evangelists when they treat the same kind of narrative.

Whether, conversely, he rashly and according to his own pleasure twists sacred Scripture away from its true sense.

Whether he devises tropological or moral senses that cohere with the literal sense.

Whether in explaining parables he regards the right and principal sense of the matters, passing over explanations which contribute nothing to the purpose.

Whether he has knowledge of Apostolic and ecclesiastical traditions.

Whether he is skillfully versed in the writings and discourses of the holy Fathers.

Likewise, which of the Fathers he especially follows and imitates in preaching.

Whether he knows the mysteries of the sacred seasons, or possesses the significations of sacred rites.

Whether he possesses knowledge of affairs transacted in the holy Church, and especially of the universal Councils.

Whether he knows the lives of the Saints and true history.

Whether he possesses a suitable knowledge of the canons.

Whether he knows the laws and institutions of the Supreme Pontiffs.

Whether he has at hand the decrees of councils, especially provincial and diocesan ones, as was prescribed in the examination of parish priests.

Whether he is instructed in the learning of cases of conscience.

Whether he knows well the precepts and exercises of that mystical Theology which is wholly occupied with handing down the institutions of spiritual life and with purifying the affections and interior reformation.

Finally, whether he has practice in holy meditations and mental prayer.

Whether he possesses the topics of moral teaching and Christian discipline, not only collected in order, but rightly known.

What topics he possesses by which the minds of his hearers are stirred either to love of God, desire for the heavenly fatherland, zeal for the virtues, detestation of crimes, mercy, or, furthermore, definite affections which, when raised toward heaven, produce Christian virtues.

Finally, whether they are capable and suitable for conceiving and explaining the treatment of topics of Theology not only in itself, but by similitudes which are drawn from agriculture, a vineyard, sowing, and other matters which fall under sense and the understanding, especially the understanding of even the untrained to whom the sermon is delivered.

Whether he employs a right method at the beginning of a sermon and avoids those faults which very many admit in this category.

Whether he rightly and orderly disposes the whole sermon.

Whether he relates matters clearly and distinctly.

Whether he pronounces well.

Whether his words have weight and also force, so that they not only touch the ears of the hearers but penetrate their minds inwardly.

Whether throughout the whole sermon, according to the character of each matter which he treats, he acts rightly, suitably, becomingly, and congruently.

[Printed page 416]

In investigating this whole category and making trial of it, and in more diligently examining other matters, the examiners, as occasion permits, shall employ as diligently as possible the instructions concerning preachers which were issued by our command, by the authority of the Provincial Council, for the use of the whole province.

When an examination of someone is instituted not on account of a definite cure or another benefice, office, or duty, but only on account of reviewing his learning or progress in literary studies, by that diligent and principal inquiry and by the interrogations variously described above, according to the condition of each person, let his learning and his skill and practice in ecclesiastical ministries be investigated.

But at least four classes of these, or even more, may be established, to which they may be assigned according to the measure of their skill as demonstrated by trial.

Let there be assigned to the first class those who show themselves so capable both in perfect skill in preaching and in the explanation of cases of conscience that they can benefit and preside over many others, and who accordingly are suitable not only for the office of parish priest, but also for the office of provost, rural Vicar, or visitor, or for discharging the office or attaining the dignity in a cathedral Church of a penitentiary prebend, a doctoral prebend, or a theological prebend, and other matters of that kind.

To the second class are to be assigned those who, if they cannot preach perfectly like the former, nevertheless can do so moderately, even from the pulpit, and who have been studiously versed in the *Summas* of cases of conscience and indeed diligently possess the doctrine of the Roman Catechism.

Of the third class will be those who attain only enough understanding that, if not by an accurate and learned sermon, they can at least deliver a discourse from the altar and relate and explain the Gospel as occasion occurs; and who are so experienced in the practice of administering the Sacraments and cases of conscience that, with some study employed, they can suitably unravel and explain those which customarily occur more frequently.

Of the fourth class are those who, if not by great literary study, are nevertheless by some practice fitted for some brief explanation of the Gospel, and who have some knowledge of the things necessary for salvation that pertain to teaching the people, administering the Sacraments, and explaining cases of conscience, so that on account of a scarcity of priests and a necessary cause some spiritual cure may sometimes be entrusted to them, according to the character of the place and especially for a time.

In an inferior class let the rest be enrolled, of whom no account at all ought to be taken in entrusting the cure of souls, in granting the faculty of administering a sacrament, or in delivering discourses to the people.

In this whole method of examining, let the Chancellor perform the following things by virtue of the duty of his office.

Let him possess a definite book of provisions to parochial Churches and other benefices which, after an examination has been employed, are to be conferred, including by Apostolic letters.

In this book let the following be noted by him rightly and in order:

The proceedings of the examination which occur on each day, as occasion for examining arises.

The day on which a definite benefice became vacant, and likewise the manner of its vacancy, and other matters of that kind.

Also the day of promulgation or prolongation of the edict which is customarily proposed concerning the competition, when the character of the benefice's vacancy requires it, and the remaining matters which pertain to the promulgation.

Likewise, the names of the examiners whom the Bishop has chosen by name to conduct the examination on account of that definite vacant benefice.

Also the names of those who are proposed for examination on that account.

Furthermore, the day on which each underwent the examination.

Also the names of the examiners who were present.

The approval or rejection which, by their judgment, each received.

Likewise, the name and surname of the one whom the Bishop chose as more suitable and more qualified, to whom the benefice is conferred by him or by the one to whom it pertains.

To this book let him further add other things which the Bishop has judged proper.

Let him prepare another book in which he enters all and each whom the Bishop, after employing an examination, either approves or disapproves for the purpose of preaching, hearing confession, or interpreting a sacred reading.

In this same book let him also note both the names of the examiners and the day on which they conducted the examination, and likewise the causes of rejection, if anyone received one.

Let him observe the same concerning the definite day, examination, approval, or rejection of those whose trial is made on account of sacred ordination.

Let him possess a third book in which he enters the examinations which are generally instituted and indeed conducted to investigate and examine the progress of the Clergy in literary studies.

See also the Council of Cologne in the year 1549. And this is the intention of the Council of Trent, Session 7, chapter 13: "Those presented, elected, or nominated by any ecclesiastical persons whatsoever, even Nuncios of the Apostolic See, to any ecclesiastical benefices whatsoever, shall not be instituted, confirmed, or admitted--even under pretext of any privilege or custom, even one prescribed from time immemorial--unless they have first been examined by the Ordinaries of the places and found suitable. And no one may protect himself by the remedy of appeal so as not to be bound to undergo examination. Those presented, elected, or nominated by universities or general institutions of learning are nevertheless excepted."

§ 8. A simoniac is not to be ordained. The first cause is wholly occupied with this matter, and the Church always fights against this vice, while the world bears arms in its defense. The judgment of Saint Gregory, Epistle 110, Book 7, is approved by me: "Whoever is ordained through money" (Cause 1, question 1, canon 5). "Those things which were

established by the holy Fathers concerning simoniacs we too confirm both by the judgment of the Holy Spirit and by Apostolic authority. Therefore, whatever has been acquired either in sacred orders or in ecclesiastical affairs by money given or promised, we judge to be void and never to possess any force."

And canon 6: "Those who are found to have purchased sacred dignity at a price, although unworthy by their merits, ought, when convicted, to be restrained, for they perpetrate such a deed not without peril, because the condemnation of Simon, to which sacred reading bears witness, enfolds both giver and receiver alike."

§ 9. Let neither an unwilling nor an ambitious man be ordained. Cause 1, question 6, *Sicut*. For orders cannot be given to one unwilling; they ought not be given to one ambitious.

§ 10. Homicides cannot be ordained, distinction 50, canon 4, *Miror*. Indeed, neither can soldiers and others, distinction 5, canon 1: "We have learned that certain men from among those who, after receiving the grace of baptism, were occupied in forensic practice and assumed obstinacy in winning their cases were summoned to the priesthood, among whose number Rufinus and Gregory are said to be; certain men from the military, who, when they obeyed the authorities, necessarily executed savage commands; certain men from among the curials, who, while obeying the authorities, did the things commanded them; and certain men who celebrated pleasures and public shows for the people have attained the honor of the highest priesthood. None of all these ought to have attained even to fellowship in the order of Clerics. If we command each of these things to be investigated, by our zeal for correction we shall introduce no small disturbances or scandals into the provinces of Spain, which we desire to heal;

[Printed page 417]

therefore we think that these things should rather be remitted. But lest similar things be committed hereafter, the maturity of your charity will have to provide that at least now a necessary end be placed upon so great a usurpation, with this provision, namely, that whoever shall have been ordained in such circumstances be deposed together with those who ordained them."

And canon 2: "The classes of laymen from which men cannot attain to the Clergy have been designated; that is, if any of the faithful has served as a soldier; if any of the faithful has pleaded causes, that is, has acted as an advocate; if any of the faithful has administered office. Concerning curials, however, it is manifest, since even if men of this kind are found who ought to be made Clerics, nevertheless, because they must rather frequently be reclaimed by the curia, one must beware of these because of the tribulation which frequently comes upon the Church from them."

§ 11. Nor is a Cleric to be ordained from among penitents, distinction 50, canon 15: "Although he may be good, let no Cleric be ordained from among penitents. If it shall have been done through the Bishop's ignorance, let him be deposed from the Clergy, because at the time of ordination he did not disclose that he had been a penitent. But if the Bishop knowingly ordained such a man, let even he himself be deprived solely of the power of ordaining in his Bishopric. A Bishop shall be subject to a similar sentence if he knowingly ordained as a Cleric one who had a widow, a divorced woman, or a second woman as wife."

And canons 57 and 58: the same Nicene Canons exclude penitents even from the lowest offices of Clerics. These things, however, are understood concerning public penitents, by whose crimes the Church has been struck with terror; Augustine, Epistle 54, calls this the humblest penance, and the Council of Agde describes it in canon 15. This decree was mitigated at the First Council of Toledo, distinction 50, canon 68: "It has pleased us that penitents not be admitted to the Clergy unless only necessity or utility demands it, and then let them be assigned among the doorkeepers or among the readers, yet in such a way that they do not read the Gospel or the Epistle. But if any were ordained deacons before, let them be regarded as subdeacons, in such a way that they do not impose a hand or touch the sacred things. But we call him a penitent who, after baptism, either for homicide or for diverse crimes and very grave sins, performing public penance under sackcloth, has been reconciled to the divine altar."

The cause which moved the Fathers to exclude solemn penitents was that they did not wish those who must teach and administer the sacraments in the Church to be publicly known for very grave sins, on account of which penance is imposed, and to be in some manner infamous. So much the more must vigilance now be exercised lest not only penitents but even impenitent men should hold an honored place in the Church after very grave sins.

§ 12. Usurers are not to be admitted, distinction 47, canons 1, 2, and 4. Not only are they not to be admitted; they are not to be retained either, but are rightly judged to be cast down from their rank. That avarice is unjust and is a subtler but more wicked invasion of another's property than theft or robbery. Even now, when all things are going to ruin, when Christians organize and encourage the usuries of Jews so that this is the business of many cities, and the senate itself in many places of Germany seems to have entered into partnership with Jewish usurers and to use those wretched men as ministers--from here, I say, the Jews penetrate even into some houses of Clerics, although some men generate gold from gold even without Jews. If these men are Clerics, the canons judge that they must be deposed; if laymen, that they must not be admitted to orders. The civil laws also hold them infamous, nor is it lawful to choose any moneylender as a senator; but it is much more unworthy for the senate itself to fill its treasury with usuries, that is, with subtler and more harmful thefts. Senators of that sort, once the case has been heard, ought to be cast down from their dignity and offices. But another place is mine for speaking about usury. Now let each person consider how shameful that is in a servant of God which the laws punish in the princes of the world.

§ 13. Apostates also are not admitted to the Clergy. For if they have made void their first pledge to God, how can the Church honor them as faithful ministers of God and entrust herself to them? Thus from the Council of Arles, distinction 50, canon 69: "Those who apostatize after a holy profession of religion and return to secular conduct, and afterwards do not seek the remedies of penance, shall receive no communion at all without penance. We also command that they not be admitted to the office of the Clergy. And whoever he may be, let him not presume to assume secular dress after penance. But if he shall have presumed to do so, let him be regarded as alien from the Church." Much less are those who so rashly cast away their own soul and destroyed it by their example for others to be employed in the care of souls.

Therefore praiseworthy is the statute of the Theological Faculty in the Academy of Mainz, that apostates not be admitted to Theological degrees or into the senate, although after penance they may have crept into some Church.

§ 14. Slaves and curials are excluded. For a slave is made free by ordination, and injury is therefore done to his master. Thus Leo, First Epistle to the Bishops of Campania, distinction 54, canons 1 and 2: "If a slave has secretly crept into the priesthood, he must be punished by the loss of his peculium and remains subject to servitude," canons 9 and 10. Indeed, he cannot even be admitted to religious life. If he is ordained while his master is present and does not contradict it, the dignity of the order and consequently freedom remain to him; nevertheless, neither the one who presented him nor the Bishop who ordained him will go unpunished, for they are bound to make double restitution. But the slave is made free, distinction 54, *Si servus*. Indeed, the master is seen to consent unless he shall have brought forward a just cause for his silence.

He must therefore be presented with freedom, for a freedman can become a Cleric. Formerly, when there was a multitude of slaves, the Church had very many slaves and freedmen, from whom she frequently chose the suitable for the Clergy. Concerning the making and defense of freedmen, and so forth, see Binius's volumes of the Councils: tome 2, part 2, folios 372 and 535, column 1; folio 566; folio 357, columns a--b; folio 38, column 2; folio 32, columns e--f; folio 499, column 1d; tome 2, part 1, folio 555, column 1c; folio 267, column 2c; folio 356f; folio 280d; folio 516f; tome 1, part 1, folio 197f; tome 1, part 1, folio 767, column 2c; and tome 3, part 2, folio 650, column 2d.

Thus much concerning slaves; concerning bigamists it has already been said above.

§ 15. The illegitimate are excluded from orders, distinction 56 and many subsequent precepts. At the Council of Poitiers under Paschal: "The sons of priests and others born in fornication shall not be promoted to orders unless they

either become monks or live regularly in a canonical congregation; nevertheless, they are commanded to be altogether incapable of prelacies."

§ 16. Nor is ordination performed without a title approved. Thus the Council of Chalcedon, canon 6, distinction 70, canon 1: "Let no one be ordained absolutely as a priest or deacon or as anyone constituted in ecclesiastical ordination, unless the one ordained plainly deserves the designation of an ordination publicly declared in the church of a city or estate, or in a martyrium, or in a monastery. But concerning those who are ordained absolutely, the holy Synod decreed that the imposition of hands be void and that no such act have any force, to the reproach of the one who ordained him."

In the Latin, "and that no such act have any force" is obscure; in the Greek it is clear, **μηδαμοῦ δύνασθαι ἐνεργεῖν**, "that he cannot exercise it anywhere," for it is not lawful to use an order received in this manner. A title, therefore, is necessary, so that either he may have a title and maintenance in a Church, or certainly be maintained by the Bishop, or possess such resources that he can live sufficiently from his own patrimony--lest he wander about as a vagrant and, pressed by poverty, turn to unlawful things.

[Printed page 418]

§ 17. The sons of ravishers of virgins are not admitted to the Church, Council of Meaux, canon 64, "unless perhaps either the greatest necessity or utility of the Church demands them, or an evident prerogative of merits commends them."

§ 18. Eunuchs are not admitted to orders unless it was done because of disease or by the violence of another. The first canon of the Council of Nicaea reads as follows:

> **Εἴ τις ἐν νόσῳ ὑπὸ ἰατρῶν ἐχειρουργήθη, ἢ ὑπὸ βαρβάρων ἐξετμήθη, οὗτος μενέτω ἐν τῷ κλήρῳ· εἰ δὲ ὑγιαίνων ἑαυτὸν ἐξέτεμε, τοῦτον καὶ ἐν τῷ κλήρῳ ἐξεταζόμενον συμφέρει παύσασθαι· καὶ ἐκ τοῦ δεῦρο μηδένα τῶν τοιούτων χρὴ προάγεσθαι. ὥσπερ δὲ τοῦτο πρόδηλον, ὅτι περὶ τῶν ἐπιτηδευόντων τὸ πρᾶγμα καὶ τολμώντων ἑαυτοὺς ἐκτέμνειν εἴρηται· οὕτως εἴ τινες ὑπὸ βαρβάρων δεσποτῶν τε εὐνουχίσθησαν, εὑρίσκοιντο δὲ ἄλλως ἄξιοι, τοὺς τοιούτους εἰς κλῆρον προσιέναι ὁ κανών.**

If anyone has been cut by physicians because of sickness, or castrated by barbarians, let him remain in the Clergy. But if anyone, being healthy, has cut himself, it is fitting that he, even though constituted in the Clergy, abstain, and that henceforth none of such men ought to be promoted. But just as this is clear--that it has been said concerning those who affect this deed and dare to cut themselves--so the rule admits to the Clergy those whom either barbarians or masters have castrated, if they are found otherwise most worthy.

Leontius supplied the cause of the canon. Having been commanded to cease from association with a suspect young woman, he gave himself over to be castrated so that he might not be separated from her and yet might escape suspicion. Nevertheless, he was deposed and, overcome by indignation, defected to the camp of the Arians as if in revenge. The Apostolic Canon which the Council of Nicaea cites is 22. But it is better to hear the words of the Apostles.

Canon 21:

> **Εὐνοῦχος εἰ μὲν ἐξ ἐπηρείας ἀνθρώπων ἐγένετό τις, ἢ ἐν διωγμῷ ἀφῃρέθη τὰ ἀνδρεῖα, ἢ οὕτως ἔφυ, καὶ ἔστιν ἄξιος, γινέσθω.**

If a eunuch was made so through the malice of men, or if his male members were amputated in persecution, or if he was born so, and he is worthy, let him be made a Bishop.

Canon 22:

> **Ὁ ἀκρωτηριάσας ἑαυτὸν μὴ γινέσθω κληρικός· φονεὺς γάρ ἐστιν ἑαυτοῦ, καὶ τῆς τοῦ Θεοῦ δημιουργίας ἐχθρός.**

If anyone has cut himself--that is, if anyone has amputated his male members--let him not become a Cleric, because he is his own murderer and an enemy of God's creation.

Canon 23:

Εἴ τις κληρικὸς ὢν ἑαυτὸν ἀκρωτηριάσει, καθαιρείσθω· φονεὺς γάρ ἐστιν ἑαυτοῦ.

If anyone, being a Cleric, mutilates himself, let him be deposed, for he is his own murderer.

A layman who cuts himself shall be deprived of communion for three years, because he has proved an assailant of his own life.

Canon 24:

Λαϊκὸς ἑαυτὸν ἀκρωτηριάσας, ἀφοριζέσθω ἔτη τρία· ἐπίβουλος γάρ ἐστιν τῆς ἑαυτοῦ ζωῆς.

A layman who cuts himself shall be deprived of communion for three years, because he is an assailant of his own life.

Nor does the command in Deuteronomy 23 differ from this Apostolic command: "A eunuch whose testicles have been crushed or amputated shall not enter into the Church of the Lord." I think that in that Church, even if the defect of nature or the injury of men had produced it, it was nevertheless prescribed in the Law that they not discharge the priesthood; but in the New Church voluntary cutting is in question, such as Origen wished to undergo, who for that cause was deposed by Demetrius, Bishop of Alexandria. Eusebius, Book 6, chapters 7 and 17.

There are several reasons why the canons detest that deed so greatly. First, because that mutilation is accomplished at great peril to life, and therefore such men are regarded as **αὐτόχειρες**, murderers of themselves. Next, because even the vigor of the mind perishes and a certain malignity and pusillanimity enter in; the bodies themselves become worse. This is also perceived in beasts. Third, not even thus is temptation avoided, nor is the will toward pleasures cut out. Fourth, it was also forbidden by the civil laws; Epiphanius, *Heresy* 64. Justin, in his oration to Antoninus, relates that a young man, in order that he might be free from every irrational movement of the flesh, presented a petition to Felix the Augustal Prefect that a physician might be permitted to do it. The same sin was committed by two Egyptian monks whom Theophilus of Alexandria cast out; Epiphanius admonished and corrected them while they wandered about, cast out from everywhere. Fifth, it was insulting to so many virgins and continent persons if it were believed that chastity must be sought by iron by Christians, rather than from the grace of the Lord. Sixth, the ministers of Cybele and others removed their members with sharp flint, as he says, and served the demon by cruel and foolish superstition; others feigned a brief continence by the coldness of lead and hemlock. Therefore the Church did not wish her own to be or appear similar to them, mindful that continence is a gift of God which, with the integrity of God's work preserved, would consecrate us to its Author.

CHAPTER XIII

The Learning and Other Endowments of Those to Be Ordained

§ 1. I therefore demand the most accurate selection in this sacred soldiery, contrary to what is now done in many places. It shall be instituted according to those things which I have said, so that crimes and canonical defects may be absent and those virtues which the Apostle requires may be present. But if boys or adolescents are assigned to the ecclesiastical order, let them be of such disposition, intelligence, and morals that they are judged to be as capable as possible of virtue and learning.

§ 2. Let Clerics possess distinguished learning; but let Bishops, and all who are in a Cathedral Church as their assessors and colleagues--the Prelates and Canons--and those who preach in those Churches and teach in Academies, excel in the Church in as much true wisdom and knowledge as is necessary for those who institute and govern learned Clerics. I shall address all these by the name of Doctors, for their principal office is to teach. For the proper office of Bishops is to teach; that of cathedral Canons, to teach and admonish on behalf of their Bishop; that of preachers and Academics, to instruct secular persons and Clerics and to explain the Scriptures. All these are duties of Bishops, as the learned works of those who have discharged the Episcopate show. For very many Doctors of the ancient Church were Bishops, nor was this changed until, after occupation in governing and adjudicating disputes had grown, the function of teaching was transferred to others as auxiliaries. Thus the laws of the ancients, distinction 36, canon 2: “Let him who has not been imbued in order with ecclesiastical disciplines and instructed for divine service by the approbation of time by no means presume to aspire to the highest priesthood of the Church; and let ambition not only be held ineffectual in his case, but let those who ordained him also be deprived of the order which they had believed should be presumptuously conferred without order, contrary to the precepts of the Fathers.” Therefore unworthy men creep into the Clergy who luxuriate here and there upon benefices in Academies until, infected with foreign vices, they bring back to their Churches attestations of two years’ idleness.

[Printed page 419]

The Fourth Council of Toledo, canon 24, distinction 38, canon 1, teaches us that ignorance must especially be avoided in priests: “Ignorance, the mother of all errors, must especially be avoided in the priests of God, who have undertaken the office of teaching among the peoples. For Paul admonishes priests frequently to read the holy Scriptures, saying to Timothy, ‘Attend to reading, exhortation, and doctrine, and always remain in these things.’ Therefore let priests know the holy Scriptures and the canons, so that their whole work may consist in preaching and doctrine, and let them edify all both by knowledge of the faith and by discipline of works.” The Prophets rebuke nothing more gravely in priests than ignorance.

The Seventh Council commands Bishops to know the whole Bible, canon 2, distinction 38, canon 6: “All of us, while singing psalms, promise God: ‘I shall meditate upon thy justifications; I shall not forget thy words.’ It is most salutary indeed that all Christians observe this, but especially those who have attained hierarchical dignity. Hence we define that everyone who is to be advanced to the grade of the Episcopate know the Psalter in every respect, so that from this all the Clergy who shall be under him may likewise be admonished and imbued. But let it be diligently investigated by the Metropolitan whether he has readily at hand the ability to read searchingly and not cursorily the sacred canons and the holy Gospel, as well as the book of the divine Apostle and all divine Scripture, and to conduct himself according to God’s commands and teach the people committed to him. For the substance of our high priesthood is the sayings divinely handed down--that is, true knowledge of the divine Scriptures--as the great Dionysius declares. But if he shall have hesitated and by no means promised that he would willingly do and teach thus, let him in no way be consecrated. For God says prophetically: ‘Thou hast rejected knowledge, and I shall reject thee, that thou mayest not discharge the priesthood for me.’”

§ 3. Some mediocrity of Theological knowledge is not sufficient for the Church; rather, care must be taken that, so far as it can be done, there are as many excellently learned men as possible. Therefore Bishops must apply themselves to this matter. The reason is manifest: just as mediocrity can suffice for one man or for a part, so the excellence of some is necessary for the whole body. In political government the highest power of one or of a few is required; in war the highest training and industry of certain men. For if difficulties arise which surpass middling powers, all are stupefied. Next, if no one surpasses mediocrity, there will be no hope of more excellent men, for rarely is the disciple above the master. Hence middling intellects are not aroused, while distinguished ones grow torpid or are exalted too greatly; for a great part of excellent intellects flee from labors and possess changeable affections. Finally, it is impossible to resist heresies unless there are many so learned that they both understand Theology and can solidly refute the arguments of the adversaries. Just as in new and dangerous diseases there is need of the most sagacious, most learned, and most experienced physician, so much more in the most poisonous sewage of so many errors is there need of distinguished Theologians who skillfully dispense antidotes and saving medicines.

§ 4. Hence the Council of Trent exhorts that the Canons of distinguished colleges be holders of degrees, Session 24, chapter 12 *On Reformation*: "The holy Synod also exhorts that, in provinces where this can conveniently be done, all dignities and at least half of the canonries in cathedral and distinguished collegiate Churches be conferred only upon Masters or Doctors, or even Licentiates, in Theology or canon law. Furthermore, it shall not be lawful for those possessing dignities, canonries, prebends, or portions in the same cathedral or collegiate Churches, by force of any statute or custom, to be absent from those same Churches for more than three months in any year, saving nevertheless the constitutions of those Churches which require a longer time of service. Otherwise, in the first year let each be deprived of half the fruits which he made his own by reason also of the prebend and residence. But if he shall again have employed the same negligence, let him be deprived of all the fruits which he shall have gained in that same year. But if contumacy increases, let proceedings be taken against them according to the constitutions of the sacred canons."

The levity and perfidy of certain Academies oppose this precept: after receiving money they adorn any persons whatever with the insignia of honors, through which it has come about that it is easier to obtain titles of doctorate or mastership in universities than to be admitted into the guild of tailors or shoemakers. Hence counts, barons, and nobles, even if they possess learning, nevertheless spurn titles as doubtful attestations of learning.

§ 5. But the method by which studies may flourish is that there be rewards for labors and diligence--not the empty titles of Academies, but much more the conferment of prebends. Honor and utility arouse study. Provision was made for this matter by the Council of Basel, Session 31, in the year of the Lord 1438, *On the Qualifications and Order of Conferring a Benefice*: "First, since it is holily ordained by statutes of the General Council that every metropolitan Church is bound and ought to have one Theologian who brings the fruit of salvation by his doctrine and preaching, this holy Synod ordains that an ordinance of this kind be extended also to cathedral Churches, in such manner, namely, that every collator of their prebends be bound and ought to confer a canonry and prebend, as soon as the opportunity shall offer itself and one can be found, upon a Master, Licentiate, or formed Bachelor in Theology who has studied for ten years in a privileged University, who is willing to undertake the burden of residence, lecturing, and preaching, and who must lecture twice or at least once in every week, in the absence of a lawful impediment; and as often as it should happen that he fails in a lecture of this kind, he may, at the discretion of the chapter, be punished by subtraction of the distributions of the whole week. And if he abandons residence, let provision be made with another. Nevertheless, so that he may attend more freely to study, let him lose nothing when absent from the divine offices. Furthermore, in every cathedral or collegiate Church, beyond the aforesaid prebend to be assigned to a Theologian as premised, let a third part of the prebends be conferred upon other suitable graduates in the manner and form written below, so that the first one to become vacant be conferred upon a graduate of this kind, and then, after two others, the next be so conferred, and so thereafter: namely, upon Masters, Licentiates, or formed Bachelors in Theology who have studied for ten years in some privileged University; upon Doctors or Licentiates in either law or in medicine who have studied for seven years in their faculty at a University as above; upon Masters or Licentiates in arts, with the rigor of an

examination, who have studied for five years in some University in arts from and including logic onward, or in another higher faculty; and also upon Bachelors in Theology who have studied for six years, or in both laws or either law who have studied for three years if noble on both parents' sides and of ancient lineage, but otherwise for five years, in like manner in some privileged University at least. They shall be bound to establish proof before the collator concerning the aforesaid degrees, time, and nobility by lawful documents.

[Printed page 420]

"Nevertheless, we exhort the Ordinary collators that in conferring benefices of this kind, especially as regards dignities, they have particular regard for Masters and also Licentiates and formed Bachelors in Theology. But in non-elective dignities, personates, administrations, and offices of the said Churches, the same order, method, and form shall be observed in all things. But if any one of the said qualified men, at the time when a prebend or dignity of this kind becomes vacant, already possesses two other prebends, or dignities and prebends, or another benefice or benefices which, by residing in one of them and attending the divine hours, would be worth up to the sum or valuation of two hundred florins of the Camera, likewise if anyone possesses two cathedral prebends, let him by no means be judged to be included or comprehended in that third part. But in parochial Churches which exist in cities or walled towns, let persons qualified as above be instituted, or at least those who have studied for three years in Theology or in either law, or Masters in arts who have studied in some privileged University and attained a degree of this kind, if such persons can be found who are willing to serve benefices of this kind. And so that they may be found more easily, this holy Synod establishes that every year, during the season of Lent, all and each qualified in this manner from the diocese itself, and others who wish, shall have their names submitted, by themselves or by a procurator, to those to whom the collation or presentation of benefices having cure pertains, or to their Vicars. But if they have not done so, a collation, presentation, or disposition made otherwise than as premised shall not on this account be judged void. And likewise in the collation of the third part of prebends mentioned above, it is to be understood thus: if so many graduates or qualified men in the aforesaid manner can be found, those graduates and qualified men shall be bound, as premised, to submit their names at the aforesaid time, by themselves or by a procurator, to those to whom disposition of the benefices pertains, or to their Vicars. But if they have not done so, a collation, presentation, or disposition made otherwise than as premised shall not on this account be judged void. But if those to whom any disposition of benefices pertains have conferred any benefice contrary to the designation and order of the aforesaid qualifications, or presented someone to it, or disposed of it in any manner whatsoever, let it be void and empty *ipso facto*, as was premised above. And nevertheless, when they have failed in these matters or have made provision in any manner for unsuitable persons, let them be corrected and duly punished by the provincial Councils, according to the tenor of the constitution of the General Council concerning prebends which begins *Grave*. But let those to whom the collation or disposition of regular benefices pertains, passing over the unworthy, confer and assign them to suitable religious according to the same rule. But if they have acted otherwise, let them be corrected and duly punished by their superiors and provincial chapters."

Thus, when the Council of Aquileia had introduced the decree of Trent, it extended the same to monasteries: "In monasteries of Monks also, even Carthusians, where it can conveniently be done, a lecture on sacred Scripture shall likewise be held; in this matter, if Abbots shall have been negligent, the Bishops of the places, as delegates of the Apostolic See in this respect, shall compel them to it by suitable remedies, as is providently established by decree of the Council. But in convents of other regulars in which studies can conveniently flourish, a lecture on sacred Scripture must similarly be held by the prescription of the Council of Trent; this lecture shall be assigned by general or provincial Chapters to the worthier ministers. In public Schools also, if a lecture on sacred Scripture has not hitherto been instituted, it must, for the preservation, propagation, and defense of the Catholic faith, be instituted as soon as possible, and if it had been instituted and was neglected, it must altogether be restored by the decree of the Council of Trent; lest, if the principles and teachings of the arts and sciences are studiously handed down everywhere so that nothing be lacking for perfect knowledge, the studies of sacred Scripture, the food of the Gospel word, the majesty of

the divine sayings, and the magnitude of the heavenly promises--which is the sole support of the present life and proof of the age to come--lie neglected."

§ 6. A second method is that schools and seminaries of Clerics be instituted. Concerning this matter there is extant a canon on schools in the Synod of Trier celebrated in the year 1549 under Archbishop John. Thus Cause 12, question 1, canon 3: "For necessity itself demands that cloisters be established next to the Church, in which Clerics may devote themselves to ecclesiastical disciplines. Therefore let there be one refectory and dormitory for all, or the other workrooms necessary for the uses of Clerics."

In the Council of Paris the Fathers petitioned Louis, chapter 12, that public schools be established by his authority in at least three of the most populous places of the Frankish Empire. But I have spoken about Schools in Book 4.

§ 7. Since a scarcity of books retards the studies of many Clerics, provision must also be made for this matter. I have likewise treated the Library above; but so that Bishops and colleges of Canons may possess a form for establishing a Library and a method for increasing it, I shall set forth in this place the decree of the Fourth Council of Milan concerning the Library: "Just as the industry of our forefathers was diligent and accurate in copiously and sumptuously procuring sacred books, volumes of the Saints, and other ecclesiastical codices of every kind, so in preserving them the study of those who succeeded must not be negligent, nor indeed their care less; for from manuscripts and rightly copied volumes, amid so great a corruption of books introduced especially in these times by heretics, very great assistance is brought to public ecclesiastical affairs, both for defending the truth of Catholic doctrine and for refuting the rashness of those who viciously corrupt those books.

"Therefore, where no definite place has been established for the library of a Church in which the ecclesiastical volumes and other codices are kept, let one be established, by the Bishop's care, in the Episcopal or canonical buildings of the Church.

"In that place let several bookcases be constructed and divided into compartments, in which whatever codices and volumes exist there may be disposed not in heaps but in order.

"Furthermore, let a catalogue be made in which each volume is noted according to the category of disciplines or according to alphabetical order.

"And let this catalogue be preserved perpetually in a definite place, with other books whatsoever which shall in future come to the same library in any manner being thereafter also noted in order.

"Therefore, since most private persons lack suitable means for furnishing a library, this ought to be a public office, so that an abundance of means for learning may not be lacking to all who possess the will and intelligence."

§ 8. The first means by which studies are stimulated is honor and utility. Therefore, in provinces in which prebends and priesthoods are given by competition to approved learning, there is an immense abundance of most learned men. But where a place is given only to lineage or favor, wisdom lacks assistance and therefore proceeds at a slow pace or migrates elsewhere. For by what

[Printed page 421]

argument shall we persuade a young man of honorable birth, intelligence, and studiousness to apply himself seriously to Theological studies unless, besides the heavenly reward, he will also possess a worthy place in the Church? This is especially so since young men have little capacity for higher philosophy, and their parents also very often desire it less. Does not the objection, which cannot readily be solved, force itself upon the eyes? In the richest Churches the stupid offspring of the wealthy, the scribes of magnates, the flatterers of Prelates, and the little relatives of Canons are fattened. If Jerome himself, Augustine, Gregory, Aquinas, and Suárez were present, they would have to yield to favor. For what benefices are conferred upon the learned because they are learned? This, therefore, must be reformed; sloth must be shaken off; and the excellent beginning made by many colleges, which admit none unless distinguished by

some degree, must be continued. But because many Academies deceive, another examination would further be necessary. Therefore, where these things either are not in use or are handled languidly and perfidiously, they must be sustained by other aids. This is done in Germany by the institution of seminaries of Clerics; experience has indeed taught that in this manner both letters and religion have flourished again. Even the sectaries imitate this, for they have their own *phrontisteries* and pens, in which seduced youth is corrupted and sharpened for the infamous ministry of lying and attacking the Church. Concerning seminaries the Council of Trent, Session 23, chapter 18, establishes as follows:

"Since the age of youth, unless it is rightly instructed, is prone to follow the pleasures of the world, and unless it is formed toward piety and religion from tender years, before the habit of vices possesses the whole men, it never perfectly perseveres in ecclesiastical discipline without the greatest and almost singular assistance of Almighty God, the holy Synod establishes that individual cathedral, Metropolitan, and greater Churches be bound, according to the measure of their resources and the extent of the diocese, to maintain, religiously educate, and instruct in ecclesiastical disciplines a definite number of boys from that city and diocese--or from its province, if they are not found there--in a college for this purpose near those Churches or in another suitable place to be chosen by the Bishop. Into this college let those be received who are at least twelve years old, born of lawful marriage, know competently how to read and write, and whose disposition and will offer hope that they will serve perpetually in ecclesiastical ministries. It wishes that the sons of the poor especially be chosen, yet it does not exclude those of the wealthier, provided that they are maintained at their own expense and manifest zeal for serving God and the Church. The Bishop shall divide these boys into as many classes as shall seem good to him, according to their number, age, and progress in ecclesiastical discipline; in part, when it shall seem opportune to him, he shall assign them to the ministry of the Churches; in part he shall retain them to be instructed in the college, and shall substitute others in the place of those led out, so that this college may be a perpetual seminary of God's ministers. But so that they may be instructed more conveniently in that same ecclesiastical discipline, they shall immediately receive the Tonsure and always use clerical dress; they shall learn grammar, chant, ecclesiastical computation, and the discipline of the other liberal arts; they shall learn sacred Scripture, ecclesiastical books, the homilies of the Saints, the method of administering the Sacraments--especially those things which shall seem suitable for hearing confessions--and the forms of rites and ceremonies. Let the Bishop see that every day they are present at the sacrifice of the Mass, confess their sins at least every month, and, according to the judgment of the confessor, receive the body of our Lord Jesus Christ; and let them serve the cathedral and the other Churches of the place on feast days. Each Bishop, with the counsel of two older and graver Canons whom they themselves shall choose, shall establish all these and other things suitable and necessary for this matter, according as the Holy Spirit shall suggest, and by visiting frequently they shall take pains that these things be always observed. They shall punish sharply the unruly, incorrigible, and sowers of evil morals, even by expelling them if there shall be need; and, removing all impediments, they shall diligently care for whatever things shall seem to pertain to preserving and increasing so pious and holy an institution.

"And because definite revenues will be necessary for undertaking the construction of the college, paying wages to teachers and ministers, maintaining the youth, and other expenses, beyond those things which in some Churches and places are destined for instructing or maintaining boys--which by that very fact are judged to be applied to this seminary under the same Bishop's care--the same Bishops, with the counsel of two from the Chapter, one of whom is chosen by the Bishop and the other by the Chapter itself, and likewise two from the Clergy of the city, the election of one of whom shall similarly pertain to the Bishop and the other to the Clergy, shall deduct some part or portion from the entire fruits of the Episcopal mensa and the Chapter and of all dignities, personates, offices, prebends, portions, Abbeys, and Priories, of whatever Order, even Regular, or of whatever quality or condition they may be; and of hospitals which are given in title or administration according to the constitution of the Council of Vienne which begins *Quia contingit*; and of any benefices whatsoever, even Regular ones, even if they are of any right of patronage whatsoever, even if exempt, even if of no diocese, or annexed to other Churches, monasteries, hospitals, and any other pious places, even exempt; and from the fabrics of Churches and other places; even from any ecclesiastical revenues or

proceeds whatsoever, including those of other colleges in which, however, there are not actually seminaries of learners or teachers for promoting the common good of the Church--for it wished these to be exempt, except as regards revenues which would be superfluous beyond the suitable maintenance of those seminaries; and from bodies or confraternities which in some places are called schools; and from all monasteries, but not those of mendicants; even from tithes pertaining in any manner to laymen from whom ecclesiastical subsidies are customarily paid, and to soldiers of any soldiery or Order, the brethren of Saint John of Jerusalem alone excepted. And that portion so deducted, and also certain simple benefices of whatever quality and dignity they may be, or even what are called *praestimonia* or *praestimonial* portions, even before vacancy, without prejudice to divine worship and those who possess them, they shall apply and incorporate into this college. This shall have place even if the benefices are reserved or affected; nor may the unions and applications be suspended or impeded in any manner by resignation of those benefices, but they shall altogether take effect upon any vacancy, even if they attain their effect in the Curia, notwithstanding any constitution whatsoever.

"But the possessors of benefices, dignities, personates, and all and each of the things commemorated above shall be compelled by the Bishop of the place, through ecclesiastical censures and other remedies of law, to pay this portion, not only for themselves but also for the pensions which they might pay to others from the said fruits, nevertheless retaining proportionately whatever must be paid by them for those pensions; the aid of the secular arm may even be invoked for this if it shall seem good, notwithstanding, with regard to all and each of the foregoing, any privileges, exemptions--even those which would require a special derogation--any custom, even immemorial, or any

[Printed page 422]

appeal or allegation which may impede execution. But if the case should arise in which, through unions taking effect or otherwise, the seminary itself is found to be endowed in whole or in part, then the portion deducted from each benefice and incorporated as above shall be remitted in whole or in part by the Bishop as the matter itself requires. But if the Prelates of cathedral and other greater Churches shall have been negligent in this erection of the seminary and its preservation and refused to pay their portion, the Archbishop ought sharply to rebuke the Bishop, and the provincial Synod the Archbishop and superiors, and compel them to all the foregoing; and it shall studiously take care that this holy and pious work be promoted as soon as possible wherever it can be done. But every year the Bishop shall receive the accounts of the revenues of this seminary in the presence of two appointed by the Chapter and as many by the Clergy of the city.

"Next, so that provision may be made for instituting schools of this kind with less expense, the holy Synod establishes that Bishops, Archbishops, Primates, and other Ordinaries of places shall constrain and compel, even by subtraction of fruits, those possessing scholasteries and others to whom the office of lecturing or teaching is annexed to teach in those schools, either by themselves if they are suitable, or otherwise through suitable substitutes to be chosen by those scholastics and approved by the Ordinaries. But if in the Bishop's judgment they are not worthy, let them name another who is worthy, with every appeal removed. But if they neglect this, let the Bishop himself appoint one. The aforesaid shall teach those things which shall seem expedient to the Bishop. Moreover, henceforth those offices or dignities which are called scholasteries shall be conferred only upon Doctors, Masters, or Licentiates in sacred Scripture or canon law and other suitable persons who can discharge that office by themselves; and provision made otherwise shall be null and invalid, notwithstanding any privileges and customs, even immemorial.

"But if in any province the Churches labor under such poverty that a college cannot be erected in some of them, the provincial Synod, or the Metropolitan with the two most senior Suffragans, shall take care that one or more colleges, as it judges opportune, be erected from the fruits of two or more Churches in each of which a college cannot conveniently be instituted, in the Metropolitan Church or another more suitable Church of the province, where the boys of those Churches may be educated. But in Churches possessing extensive dioceses, the Bishop may have one or more seminaries in the diocese, according as shall seem opportune to him; nevertheless, in all things these shall depend upon that one which shall have been erected and established in the city. Finally, if any difficulty should happen to

arise, either on account of unions, the assessment of proportions, assignment and incorporation, or for any other reason, by which the institution or preservation of this seminary might be impeded or disturbed, the Bishop with those appointed above, or the provincial Synod according to the custom of the region and the quality of the Churches and benefices, may have power to decree and provide all and each of the things which shall seem necessary and opportune for the happy advancement of this seminary, even by moderating or increasing the things written above if there shall be need."

§ 9. That institution brought the greatest benefits to Germany, and by that means Gregory XIII restored many Churches of Germany. But now seminaries have advanced in such a manner that, whereas at the beginning twelve-year-old boys were admitted, as is permitted by the Council, it has finally come to this, that even students of philosophy and Theology are received, in whom the utility is as much greater as they are more quickly admitted into the harvest of the Lord.

In the territory of Milan they devoted to this the tithes of all benefices, even of Episcopal mensas; but in most places so many benefices are held by idle men that the expense could easily be met.

In the same territory the Bishop visits the seminary every month. By decree 26 of the Second Council of Milan and by the Fifth Council, he is commanded to choose two Canons whose counsel he may employ in the administration.

The Council of Aquileia celebrated in the year 1596 considers that the Church can scarcely subsist in this age without a seminary of Clerics. It says: "We have heard in the cities of the province of Aquileia, and have seen with incredible delight, that the institution, preservation, and advancement of seminaries in the Church of God--by which the order and progress of the clerical soldiery are propagated--is supremely fruitful and so necessary that ecclesiastical discipline can scarcely stand without their aid and support. But we grieved that our Metropolitan Church has hitherto lacked a seminary because of the greatest difficulties; yet we now rejoice that it lacks one in such a manner that it can almost be said to possess one."

And thus much concerning the selection and institution of Clerics, upon which all things depend; integrity will be capable of being preserved if only the Bishops obey the Councils and canons. Many religious orders, such as the Carthusian, preserve their institute inviolate for so many years; they remit nothing of its rigor; while public prayers remain, private prayers increase daily; and yet there is no lack among them of a multitude of distinguished young men and men who daily seek the narrow gates to heaven in that Hermitage. What prevents that which is done in the Charterhouse from being done in the Church of Christ, of which the Charterhouse is indeed a noble but nevertheless small portion? Whence comes to them this so long-lasting and persevering good? First, from the accurate observance and institution of their Rule. For where God beholds an easy and happy journey to eternal joys, thither he calls his elect; and therefore there grace and uprightness of life flourish. Next, all who are held by desire for their own salvation flock to that place where a more expeditious method of it is perceived. This ought to be done in the Church: let there be that guardianship of discipline, that vigor of sacred laws, which may easily lead Bishops, Canons, and all constituted in any order whatsoever to virtue and convey them to heaven. Let the appearance, modesty, institution, and care of Colleges of Canons be such that it is easier for a Canon to be saved than for a secular man. So long as this is not done, there will never be that fruit which the Church regarded. For as affairs now stand, how few are those who seek a canonry so that they may possess an easier way of salvation rather than so that they may live more quietly? But if men are admitted to the Clergy with great selection, if those admitted are instructed toward piety with the greatest care, and if the incorrigible or pernicious are rejected so that ecclesiastical ceremonies, religious charity, and devotion may flourish, they will come to the Church for the sake of salvation, not from desire for wealth; and the Clergy will be holy and pious, surpassing even the holiness of the best monasteries. For the status of Clerics is more worthy in the Church than that of monks and is also more holy by sacrament. Would that it might be recalled to its beginnings so that it might also be more spiritual. Now--alas!--in the midst of the Church, in the very sanctuary of Christ, in the midst of the priests of the Lord, is the world; and, what I say with grief, the world reigning with greater peril than in the world.

For many so enjoy the riches of the Church that they seem not to have fled the world, but to have sought the world in the house of the heavenly Father, in the patrimony of the Crucified, in the

[Printed page 423]

blood of him who conquered the world. Hence they rejoice both to be and to be called secular priests--deservedly, since they daily turn the house of the Lord into a worldly palace. But let us leave these things, which must daily be lamented by the pious and corrected by the Prelates. Let them keep watch lest, through those by whom justice is taught, the disease of sin creep in and death pass over to the people. This now, alas, we daily see with grief, and with all the greater grief because the remedies are ineffectual in some places, nonexistent in others, and victorious in few.

CHAPTER XIV

Visitations Ought to Be Frequent

§ 1. Such indeed is the majesty of Christian sacred things that they readily lead men dedicated to God to virtue and integrity, and neither art nor punishment would be needed for governing the priests of Christ. Nevertheless, because nature is fragile and it is of great importance that the leaders of piety be pious, no remedies are to be spurned by which religion is both introduced and fostered and vices are restrained. Of these I judge the first to be frequent and serious visitations by Bishops or by those chosen by them.

§ 2. Almost all the monuments of the Christian religion teach us that visitations of Churches have certainly been customary and that they pertain to Bishops. Acts 9:32: "Peter passed through all." Paul himself had as much care to visit and confirm the converted as to convert the nations. A canon of the holy Council of Nicaea also entrusts visitation to Bishops. Athanasius visits the monks of Egypt in the year 382. In the same manner Chrysostom visits his Churches; Augustine, at Zosimus's command, visits the interior regions of Africa and corrects many things in the year 418; Cyriacus visits Gaul and Spain in the year 599; Boniface promised Gregory that he would visit the Churches and refer the greater difficulties to the Pontiff in the year 740. Louis sent Archbishops with a count to conduct visitation in the year 819; Charles did so in the year 853. For abuses readily creep in, which inspection, instruction, and punishments correct.

From ancient practice, therefore, comes that law, Cause 10, question 1, canon 4: "The complaint of the peoples was related before the holy Synod that there are certain Bishops unwilling to travel through their parishes during the year for preaching or confirming, who nevertheless demand that those who ought to prepare the lodgings which they should have used on the journey redeem them for a price. This double infamy of negligence and avarice was a great horror to the holy Synod. They therefore established that no one should further exercise that contrivance of avarice and that Bishops should be solicitous in visiting their flocks."

§ 3. The visitation ought to be annual. Cause 10, question 1, canon 10: "We have decreed that the order of ancient custom be observed, that the dioceses be visited annually by the Bishop, and that, if any basilica should happen to be found destitute, its ordainer be commanded to repair it, because we know it to have been established by ancient tradition that a third part of all things be received by the Bishops."

But if he himself, detained by disease or occupied in another manner, cannot perform the office of visitor, it must be entrusted to another, Cause 10, question 1, canon 11: "The Bishop ought to go through all his dioceses and parishes every year, so that he may inquire what each basilica needs for its repair. But if he himself, detained by illness or entangled in other occupations, shall be unable to discharge this, let him send approved priests or deacons to inquire into the revenues and repairs of the basilicas and the life of those who minister."

The Council of Aquileia urged the same severely.

§ 4. Visitation was judged so necessary that the canons wish no one to be excepted and have cut off all exemptions, evasions, and appeals. Thus the Council of Trent, Session 24, chapter 8 and the following chapters. That right is extended to all monasteries, provided that they are not visited by their own Prelates. Thus also the old law, Cause 18, question 2, canon 28. Nor is prescription admitted, as in the Second Council of Ravenna under Clement V, rubric 8: "Likewise we establish and, by the authority of the same Council, prohibit that any religious or secular persons of the aforesaid province of Ravenna, under pretext or by occasion of lapse of time, desuetude, or prescription, dare or presume to resist or contradict their Ordinaries and Prelates when they visit or wish to visit. Otherwise, beyond the punishments established by law, by authority of the present Council we pronounce sentences of excommunication

against the persons who contradict and those who knowingly favor them, but sentences of interdict against the Churches."

Deservedly so; for every soul ought to be subject to the authorities, nor has anything shattered the morals of the Church more than exemptions. But by common law after the Council of Trent, all Bishops are Pontifical Legates as regards visitation. Therefore all statutes, agreements, and ordinances contrary to this right of visiting, correcting, and punishing are unlawful in whatever manner; they can neither admit nor exact them, and if they have been made they must be remitted by both sides, because they are bonds of impiety by which unpunished license is sought. Consult also the Council of Trent, Session 14, chapter 2. Indeed, the Synod ought to rouse a negligent Bishop.

§ 5. The disadvantages of visitation are excessive rigor and the expense of those who are visited. As regards each, the Council of Trent requires rigor tempered by mercy and moderation of expenses.

Session 24, chapter 3: "But let the principal object of all these visitations be to introduce sound and orthodox doctrine after heresies have been expelled; to protect good morals and correct wicked ones; to incite the people by exhortations and admonitions toward religion, peace, and innocence; and to establish other things, according as place, time, and occasion permit, by the prudence of those visiting, for the benefit of the faithful. So that these things may succeed more readily and happily, all and each of the aforesaid to whom visitation pertains are admonished to embrace all with paternal charity and Christian zeal; and therefore, content with a modest retinue of horses and servants, let them strive to complete the visitation itself as quickly as possible, yet with due diligence. Meanwhile, let them take care not to be troublesome or burdensome to anyone by useless expenses; and let neither they nor anyone of theirs accept, by reason of procuration for a visitation, including the visitation of testaments for pious uses, anything beyond that which is owed by law from pious legacies, or under any other name whatsoever--neither money nor any gift, whatever it may be, even however it may be offered--notwithstanding any custom, even immemorial; only provisions are excepted, which shall be supplied frugally and moderately to themselves and their people merely for the necessity of the time, and no further."

Concerning expense, provision has also been made by many canons. The Council of Valencia under Leo IV, chapter 17: "Let the visitation itself of the peoples and parochial priests be made so moderately, and so far as can be done according to canonical institution, that it may be manifest that, whether by us or by our men, only gains of souls are sought there and that no one is burdened and saddened by importunity and excess,

[Printed page 424]

lest the word of the Lord and doctrine be blasphemed." It has pleased us; it is confirmed. But this was expressed particularly against expenses in the Lateran Council under Alexander III, chapter 4: "Since the Apostle decreed that he and his men were to be maintained by their own hands, so that he might remove an opportunity for preaching from false apostles and might not be burdensome to those to whom he preached, it is recognized as exceedingly grave and worthy of correction that certain of our brethren and fellow Bishops are so burdensome to their subjects in procurations that on occasion of this kind the subjects are sometimes compelled to expose ecclesiastical ornaments for sale, and the sustenance of a long time is consumed in a brief hour. Therefore we establish that Archbishops visiting parishes, according to the diversity of provinces and the resources of the Churches, shall not exceed a number of forty or fifty mounts; Cardinals shall not exceed twenty-five; Bishops shall by no means exceed twenty or thirty; Archdeacons, five or seven; and Deans constituted under them shall be content with two horses. Nor shall they travel with hunting dogs and birds; rather, let them proceed in such a way that they may be seen to seek not their own things but those of Jesus Christ. Nor let them seek sumptuous feasts, but with thanksgiving let them receive what shall have been honorably and suitably supplied to them. We also prohibit Bishops from presuming to burden their subjects with levies and exactions."

What was said concerning feasts is also the subject of an admonition by Alexander to the Bishop of Vigevano. Nevertheless, in the appendix to the Lateran Council, necessary things are permitted: "Since the Roman Church, over

which, though unworthy, we preside, is the mother and mistress of all Churches, we are compelled by the duty of the honor and government undertaken, according as the Lord shall have granted us, to respond to the consultations of each, so that doubtful questions may be unraveled by the providence of the Apostolic See. But you have asked, brother Bishop, that a response be written to your fraternity as to whether, for the consecration of Churches, you ought to have anything beyond a moderate procuration. Since the Apostle says, 'No one is compelled to serve as a soldier at his own expense,' you may exact it from that same Church." Sumptuary laws were also made for the monasteries themselves in the Council of Salzburg under Archbishop Frederick, in the time of Martin IV. It says thus: "Likewise, lest monasteries be gravely burdened by the immoderate expenses of visitors, we establish that any Abbot who for the time is a visitor or attends a general Chapter shall not exceed the number of eight mounts; but let inferior Abbots be content with fewer."

For how will they preach fasting and penance if they burden monasteries belonging to others with splendor and delicacies? For piety must not be compelled but persuaded. Nor is it to be hoped that amid the splendid banquets of Abbots the love of strict poverty and fasts will remain among the brethren when it has been shaken by the domestic example of the Prelates. The whole matter has been defined by the Tridentine Fathers, Session 24, chapter 3, to which I refer the reader.

Concerning gifts, the Council of Lyons under Gregory X had already made provision in chapter 24, and concerning revenues and procurations. But the Fifth Council of Milan and the Council of Aquileia restricted all these matters more greatly.

§ 6. Let the visitor himself be a pattern of Christian life; next let him first visit his own household and set it in order. Golden are the admonitions of the Council of Aquileia: "When a Bishop has resolved to set out upon a visitation, let him recollect himself for a little while and meditate upon the cause of his journey. For if he shall perceive in his reflection that he is undertaking to examine the life, morals, and actions of others in order to correct, amend, and restore them, he will certainly understand sufficiently that the visitation must be instituted from his own house and household, by whose example, even when silent, he will preach Christian virtues to the rest. Thus, if through negligence he shall present to others for inspection a house and household not well ordered, flowing away in idleness and levity, he will have lost the fruit of the whole visitation." Although this may seem to be proposed in a certain simple train of discourse, it nevertheless pertains to two things which are the greatest in this category.

The first is that the Bishop present himself as such a pattern of life, of service, and of the modesty of his household as the people may be able to have set before them in place of an exemplar for imitation.

The second pertains to the visitation itself. For what if the Bishop declares, preaches, and inculcates chastity, modesty, piety, and all Christian virtues, while vices, wantonness, lasciviousness, and temerity flourish in his house? But if he has corrected and well ordered his own people, he will have them all as helpers in the work of God.

Therefore the malice of certain visitors is to be detested, who, themselves avaricious and drunken, correct nothing among the people and Clergy, judging it sufficient if they scrape together money. But if the salt has lost its savor, wherewith shall it be salted?

CHAPTER XV

The Method of Visitation Prescribed in the Fourth Council of Milan

§ 1. That profit or feasting should be sought in visitation is shameful and plainly perverse; therefore the salvation of souls unto the divine glory is the object of visitation. It is astonishing that these vices have broken into the Church. There is a notable specimen from the Fourth Council of Toledo, or from the Council of Tribur, Cause 10, question 1, canon 9.

But it is too little that the vices of those conducting visitation be absent unless the morals of the Clergy and the people are corrected. For, in order that a physician be judged good, it is not enough that he himself be healthy; there is need in addition that he heal the sick person. Visitation is described in many ways by the Fourth Council of Milan, which was held by Saint Charles the Archbishop in the time of Gregory XIII, in the year 1573. I have judged it worthwhile to reproduce this so that Prelates may adapt it to their own dioceses according to that model, with certain things removed, added, or changed according to the diversity of times, places, and affairs. This is the order of visitation.

§ 2. Let the Bishops of our province so solicitously discharge that necessary and plainly obligatory office of visitation which must be performed under the Tridentine decree that each of them personally complete the visitation of his city and diocese every year, or, if they cannot do so because of the extent of the diocese, within two years at most. But if, impeded by a lawful occupation or cause, they are sometimes unable to discharge that office personally, let them employ Vicars General or other visitors experienced and suitable in the practice of this matter, who may diligently perform the office of visitation at the prescribed time, as is fitting.

But when they personally discharge the office of visitation, let them employ with them in that care of visiting either one or two Canons or any other ecclesiastical men whom they shall judge will be useful and an aid to them, according as they prefer.

Henceforth let them lead with them in visitation no more than ten men and seven beasts of burden at most, with the person of the Bishop and of that ecclesiastical man whom each Bishop shall sometimes send ahead under the decree of this Council also counted in that number. Nevertheless, it shall be lawful for them to hire more at their own expense. But those who are of a rank inferior to Bishops shall employ far fewer men and beasts of burden in visitation.

And by this decree let derogation be made from the other decree issued in the First Provincial Council.

Let all avoid the lodging of laymen, and much more their banquets, as far as they

[Printed page 425]

possibly can. But if it should at some time be necessary to turn aside to them, while they observe the other rules, let them take care above all that nothing whatever be prepared or set before them by their hosts beyond the measure of the Episcopal and clerical table and the rules prescribed for visitation.

Let neither the notary nor the Chancellor exact anything for the visitation from those who are visited under any name whatsoever, nor accept any kind of gift, even a small one offered in any manner. Nor likewise shall he exact anything for the execution or writing of decrees or ordinances composed in the visitation, or for a copy of them issued at the visitor’s command even to individual Churches, Clerics, or others who are visited. But for the work or labor which he shall expend in writing copies of them at another subsequent time at the request of another person whose interest it is, it is lawful for him to receive payment according to the rate fixed or to be fixed in the Episcopal court.

Bishops, who ought to go before others by every example of acting well and holily, before they enter upon the visitation of the Clergy and the people, will usefully make the beginning of visitation from themselves and their own

household, so that all the rest, incited by the conduct and execution of that domestic visitation, may execute more readily and studiously the pastoral commands which the Bishops themselves shall prescribe in the course of visitation.

But let them employ every diligence in visitation, not only in preserving or increasing the worship and ornament of the Churches, but especially in restoring the ancient Christian discipline of both the Clergy and the people in every respect, and likewise in learning the morals of each and correcting them when corrupted. And in that visitation or correction of morals, acting also as delegates of the Apostolic See by authority of the Council of Trent, let them establish, regulate, punish, and execute according to the prescription of the sacred canons whatever shall seem necessary to them in their prudence for the correction of their subjects and the utility of their diocese. Nor let any inhibition, appeal, or anything else impede or delay the execution of those things which they themselves shall have commanded, judged, or decreed.

CHAPTER XVI

The Offenses of Clerics Are to Be Punished More Severely Than Those of Laymen

§ 1. Visitation has two purposes: namely, to correct sins committed and to forestall those which will follow. We must now speak concerning correction or punishment, which ought to be more severe in the sins of Clerics.

Nor does canon 77 of the Council of Nicaea oppose this; in it a Bishop discovered in adultery is deposed forever, yet is not deprived of communion, which is also established in canon 25 of the Apostles. The reason assigned is that the consideration of the sin of a priest and of a layman is not the same. For the sin of a priest is not said to be lighter, but a different consideration is regarded if you consider the punishment. For a Bishop to be deprived forever of office and dignity is a great punishment; therefore the canons were content with it, as Saint Basil teaches. The excommunication of laymen requires penance, upon whose completion they are restored to their order in the fellowship of the Church. But if Clerics are discovered in adultery, they cannot be restored, distinction 50, *Si quis*. For a Cleric convicted of adultery is shut up in a monastery for the whole period of his life, distinction 51, *Si quis Clericus*. Therefore, if we consider the matter, the punishment of the Cleric is more severe because it is perpetual, while that of the layman is temporary. So too in the First Roman Council held by Cornelius in the cause of the Lapsed. For it was established that priests, after penance and satisfaction, should be received into the Church, but altogether abstain from priestly functions.

Cyprian, Epistle 67 and Epistle 52: “For concerning Trophimus also, about whom you desired information, the matter is not as rumor and the falsehood of the malicious reported it to you. For, as our predecessors frequently did, our dearest brother Cornelius yielded to necessity for the gathering of our brethren; and since the greatest part of the people had departed with Trophimus, when Trophimus now returned to the Church, made satisfaction, confessed his former error with penitent entreaty, and recalled with full humility and satisfaction the brotherhood which he had recently drawn away, his prayers were heard; and not so much Trophimus as the very great number of brethren who had been with Trophimus was admitted into the Church of the Lord. None of these would have returned to the Church unless they had come with Trophimus accompanying them. Therefore, after deliberation was held there with very many colleagues, Trophimus was received, for whom the return of the brethren and the restored salvation of many made satisfaction. Trophimus was nevertheless admitted in such a way that he communicates as a layman, not according to what the letters of the malicious reported to you, as though he usurped the place of a priest.”

The same, Epistle 68: “In vain do such men attempt to usurp the Episcopate for themselves, since it is manifest that men of this sort can neither preside over the Church of Christ nor ought to offer sacrifices to God. Especially since long ago, together with us and with all the Bishops constituted throughout the whole world, Cornelius also--our colleague, a peaceful and just priest and honored by the Lord’s condescension even with martyrdom--decreed that men of this kind can indeed be admitted to perform penance, but must be prohibited from ordination into the Clergy and from priestly honor.”

And Stephen, in Eusebius, concerning the Bishops who ordained Novatian, says that he received one into lay communion. In the same manner the Council of Sardica, canon 1, the Council of Agde, canon 33, and the First Council of Toledo, canon 4: “After abstaining for two years, let the subdeacon afterwards communicate among the laymen, reconciled through penance.” Therefore they performed a penance more severe than laymen and thereafter forever lacked the fruit and honor of orders. They were not excommunicated, lest the punishment be threefold more severe.

§ 2. A Cleric who sins ought never to go unpunished, nor should dissimulation be employed, which frequently has place among laymen. For the wicked are to be tolerated in the Church because they exercise the good, and through the wicked the good are aroused toward better things. But the sins of Clerics seduce the good and harden the wicked, and

therefore must never be tolerated. The sins of a multitude or of a depraved custom are to be rebuked neither harshly, severely, nor imperiously, because whatever is sinned by many is great. But Clerics are few in comparison with the rest of the multitude; therefore they can be punished very readily, provided that gentleness and the good of the Church, not a display of power, prevail in punishment.

The laws also dissemble many sins of laymen which they punish sharply in Clerics. Concerning wicked laymen it is rightly said that they are to be tolerated and associated with so long as correction of them is not despaired of, Cause 23, question 4, canon 1: "The wicked indeed are to be tolerated for the sake of peace, nor should there be a bodily departure from them; but to go out spiritually is to do what pertains to the correction of the wicked, so far as is lawful according to each person's rank. To be displeased while peace is preserved is not to touch. For the Prophets who said these things did not abandon their people, but dwelt among those whom they rebuked; they entered one temple with them and celebrated the same sacraments. This is to go out: not to spare with the mouth. This is not to touch the unclean thing: not to consent with the will."

[Printed page 426]

But this has no place in a Cleric, because he ought to correct others by word and example.

§ 3. The sins of priests deserve a more severe punishment because they offend more persons. Therefore they are to be punished more severely. For superiors are truly bound to give examples to inferiors. Cause 8, question 1, *Qualis*; Cause 12, question 1, *Nolo*. The threat is severe but nevertheless true, Cause 11, question 3, canon 3: "Above all, avoid communion with your concubine Gualdrada, long since repudiated by you; for she is excommunicated and separated from every fellowship of Christians until our presence. Therefore care must be taken lest you be struck together with her by the equal edge of the sentence and, bound and fettered by passion for one little woman, be drawn to perpetual destruction. For Prelates sin worse in the eyes of God and thereby are themselves punished more cruelly than others, as Blessed Gregory says. For Prelates ought to know that if they ever perpetrate perverse things, they are worthy of as many deaths as the examples of perdition which they transmit to their subjects. Hence it is necessary that they guard themselves from fault so much the more cautiously inasmuch as, through the wicked things which they do, they do not die alone. Moreover, take care lest at some time, according to the Lord's command, we employ two or three witnesses against you--indeed, lest we tell it to the holy Church, and, what we do not wish, henceforth you become to all as a heathen and a publican." The laws inculcate the same in Cause 2, question 7, *Paulus*, and distinction 93.

§ 4. Because they have professed a better life and are honored as magnates, they therefore forcibly extend their fault into an example, distinction 83: "For no one harms the Church more than one who, while acting perversely, possesses the name or order of holiness. For no one presumes to rebuke such an offender, and his fault is vehemently extended into an example when, out of reverence for his order, the sinner is honored." Therefore a Bishop who does not correct the crimes of such men should be called an impudent dog rather than a Bishop.

What wonder is it, therefore, if he is punished more severely, when his sin is more severe? Thus Cause 17, question 1: "Those who perform good things, if they resolve to perform better ones and after resolving do not perform them, although they persevere in their former good things, have nevertheless fallen in the sight of God by their resolve." Likewise a little above: "There are those who resolve to abandon all things, submit themselves to God's service, and restrain themselves by the bridle of chastity; but when they perceive that others have fallen after adopting chastity, by drawing themselves back they lose their merit."

§ 5. Because knowledge, instruction, and grace are greater in them. Cause 6, question 1, canon 21: "I ask, therefore, who sins more gravely: one who unknowingly has fallen into heresy, or one who knowingly has not withdrawn from avarice, that is, idolatry? According indeed to that rule by which the sins of those who know are placed before the sins of the ignorant, the avaricious man lives knowingly in crime. But lest perhaps this be so, the magnitude of the crime itself produces in heresy what the admission of knowledge produces in avarice, so that the heretic who does not know is equated with the avaricious man who knows." Likewise canon 20 of the same book: "But whether we ought to

prefer a Catholic of the worst morals to some heretic in whose life men find nothing to rebuke apart from the fact that he is a heretic, I do not dare to precipitate a judgment." Thus Augustine.

But from him to whom more has been given, more will be required.

§ 6. The canons ordinarily punish the sins of priests more severely. For in most cases he is deposed from office, distinction 50, canon 7: "If a Bishop, priest, or deacon has committed a capital crime, falsified a document, or uttered false testimony, let him, deposed from the honor of office, be thrust into a monastery and there, for as long as he lives, receive only lay communion."

Nevertheless, by authority of several canons in distinction 50, those who are truly penitent are restored to their former rank. Those do not reconcile these canons sufficiently who judge that the truly penitent can be restored, while those who feign falsely cannot be restored. For the canons speak concerning the truly penitent. It must therefore be said: first, that this is the law--that they ought not be restored, and however much the Church sees their long-lasting and most humble penance, she is nevertheless not bound to restore them to their former honors. And this is for the reason that they not feign penance in hope of restoration. Second, that in public and detestable sins which produce vehement infamy, while the infamy remains they are not to be restored. Such are heresy, apostasy, homicide, and adultery. Thus canon 34, distinction 50: "But it has seemed good to us that something be written concerning those who, possessing sacred orders, confess that before or after ordination they were contaminated by capital crimes. In these, as it seems to me, this distinction ought to exist: those who have been detected or publicly caught in perjury, theft, fornication, and other crimes of this kind, according to the institutions of the sacred canons, should fall from their own rank, because it is a scandal to the people of God to have placed above them persons who are known to be vicious beyond measure. For men are thereby drawn away from the sacrifice of God--as they are read formerly to have done when the sons of Eli sinned--and, becoming rebellious and contrary on that account, they grow daily worse through their depraved examples. But those who, by secret confession before the eyes of God and also in the presence of the priest who will enjoin penance upon them, confess the aforesaid deeds secretly committed by themselves and lament that they themselves have sinned gravely, if they shall strive to purify themselves by fasts, alms, vigils, and sacred prayers, to these, with their rank also preserved, the hope of pardon from God's mercy must be promised." Nevertheless, I do not doubt that, in the case of those crimes upon which the punishment of deposition is imposed with an annexed clause against restoration, the punishment must be observed and not removed without a lawful cause. A heretic is deposed; one teaching another faith is deposed. Concerning these there are many canons, and they are received again with the greatest difficulty. Not so others who were educated in error and, by great misfortune, lacked true teachers. One who swears is deposed if he swears by the hairs of God, thus in the decrees of Pius, canon 7, *Si quis per capillos*.

A perjurer is also deposed. See the appendix of the Lateran Council concerning the keeping of oaths.

A homicide, distinction 50, canon 5: even if he killed a pagan while defending himself, he is advised not to discharge the priestly office. The law commands a Bishop to perform penance for fifteen years, a priest for twelve--three of these on bread and water--and a deacon for ten, on bread and water, distinction 50, canon 41: "If anyone has committed homicide, if he is a Bishop, let him perform penance for fifteen years and be deposed; let him also end all the days of his life in pilgrimage. Let a priest perform penance for twelve years, three of these on bread and water, and let him be deposed by the sentence above. Let a deacon perform penance for ten years, three on bread and water, and let him not presume to attain the rank of any priest."

A forger is deprived of his benefice. Thus in the appendix to the Lateran Council, canon 113: "One who has forged the letters of the Pontiff must be thrust into a monastery of strict religion, despoiled of benefice and office." Thus distinction 50, *Si Episcopus*.

And distinction 19, canon 3, *In memoriam*: "If indeed--which is unbecoming--anyone, whether a priest or a deacon, by contriving some disturbance and plotting against our ministry, is convicted of having brought a false letter from the Apostolic See or something else which did not come from there, with faith preserved and humility toward the

Apostolic one intact, let the Bishop possess the power to thrust him into prison or another confinement until, by a letter or suitable legates of his party, he appeals to the Apostolic Sublimity, so that especially

[Printed page 427]

by its holy legation it may deign to decree what the Roman law determines should be defined concerning such men in just order, so that he may both be corrected and a limit imposed upon the rest."

A keeper of a concubine is deposed; their concubines are driven from the cities. See Binius's edition, tome 2, part 1, folio 36, column 2c. They themselves are condemned, tome 3, part 2, folio 293, column 1c and following. See also tome 4, part 2, folio 555, column 1d--e and following, and folio 234, column 1d.

A usurer is degraded, distinction 47, canons 5 and 1, whether he does it in his own name or another's. In these and similar matters punishment is not lacking for secular persons, but nevertheless no punishment is equal to that of Clerics, who are generally deposed. Deposition is indeed grave, since, being ignominious, it also takes away the means of life.

§ 7. Even lighter faults which the laws do not punish in citizens are nevertheless customarily punished gravely in Clerics, because nothing can be light in that state which is the beginning of immense evils.

Namely:

1. It is lawful for a regular advocate to accept nothing; for a secular one, many things. Cause 15, question 3, *Observandum*.

2. A Bishop is said to plunder when he gives nothing, Part 1, Cause 2, *Si quis propter*.

3. A Cleric is convicted of plundering another's goods when he is proved to retain for himself more than necessities. But laymen increase their patrimonies without reproach.

4. If a priest belongs to a college and in adversity withdraws himself from the aid of the Church, he is judged more a schismatic than a priest, Cause 3, question 1, *Nulli*. But flight through fear is not imputed as a fault to laymen.

5. Those who grow their hair, if they are unwilling to lay it aside, are to be shorn against their will by the Archdeacon. Who judges the hair of laymen worthy of censure?

6. It is not lawful for a Cleric to enter taverns, distinction 43, canon 3: "It is lawful for no Cleric to keep a tavern or workhouse. For if he is prohibited from entering a tavern of this kind, how much more from serving others in it? But if anyone has done some such thing, let him either cease or be deposed."

Yet secular persons are not even accused in this matter.

7. Distinction 44, canon 1 and following, *Non liceat*: if feasts are condemnable in laymen, how much more in Clerics.

8. Curiosity in reading philosophers and poets is punished, distinction 37, *Sacerdotes*.

9. It is ignominious for Clerics to abound in delicacies and preach Christ poor, distinction 35, *Ecclesiae*.

10. Prelates and Clerics who, after admonition, frequent the houses of women are deposed and degraded, distinction 81, *Clericus*. The laws punish so gravely even the cause of suspicion.

11. Gamblers, drunkards, and those given to dishonorable games are deposed, distinction 35, *Episcopus*.

12. A dilapidator of ecclesiastical property is deposed, Cause 10, question 2, and Cause 12, question 2, *Diaconi*; nor ought one deposed to live in a secular manner, but he ought to perform penance. This indeed is grave, but if the law treats one who squanders his own fruits, it decrees concerning such an offense as the civil law rarely punishes.

13. Irreverence is punished by deposition, Cause 11, question 3, *Si quis*.

14. A Bishop, priest, or deacon who devotes himself to gaming is to be deposed unless he ceases, distinction 35, *Episcopus*, and distinction 64, *Clericum*.

15. A Cleric who is a merchant must be shunned as a pest, distinction 83, *Negotiatorem*. But we readily allow others to engage in trade.

16. Hunting is prohibited to Clerics and a punishment is imposed, Decretals, Book 5, title 24, canon 1: "It is not lawful for a Bishop, priest, or deacon to possess dogs, hawks, or things of this kind for hunting. But if any person of this kind has been detained rather frequently in this pleasure, if he is a Bishop, let him be excluded from communion for three months; if a priest, for two; if a deacon, let him be suspended from every office."

And canon 2: "We forbid all servants of God hunts and woodland wanderings with dogs, and hawks or falcons."

Therefore, since either the small offenses of Clerics or those smaller than the greatest offenses are punished more gravely than those of laymen, this part of discipline must not be neglected. But where it is despised, integrity of morals cannot stand. It is not charity but weakness where wicked morals are not corrected, Cause 23, question 5, *Non putes*. I shall add that it is frequently ambition; for many Prelates do not correct because they fear offense, lest votes for a greater dignity be denied them because of the severity of their discipline. Indeed, many conduct themselves as though they were approvers of the vices committed by their subjects, lest they be feared as censors if they are raised to the Episcopate. In this matter a Prelate acquires certain damnation for an uncertain hope of dignity, and ordinarily God punishes so wicked a presumption with infamy and rejection.

Next, he destroys his subjects. For not to correct the wicked, but to foster them, is to kill them, Cause 23, question 5, *Qui vitiis*; distinction 45, *Sed illud*. Many also fail in their office because of reproaches. For through a false and dangerous mercy they indulge the wicked when the correction of offenders is postponed because of the harshness or flatteries of the tongue, distinction 50, *Si diaconus*. But a true Prelate ought not to love the praises of the wicked, because they are reproaches, nor to fear their reproaches, because they are praises. Let him hear the canons to which he swore. They say: "A Bishop who does not correct crimes is called not a Bishop but an impudent dog," distinction 73, *Nemo*. For it is not cruelty to punish crimes for God, but piety.

CHAPTER XVII

Common Life Contributes Very Greatly to the Good Morals of Ecclesiastics

§ 1. In the morals and discipline of the Church, antiquity must especially be regarded; for all things were more sincere the nearer they were to their beginning. The earliest Church of Christ, freshly empurpled with the blood of her Redeemer, approved common life among the Apostles, and afterwards among the faithful following the Lord's Ascension. Thus the Epistle of Clement: "To the most beloved brethren and fellow disciples dwelling at Jerusalem with our dearest brother and fellow Bishop James, Clement the Bishop: A common life, brethren, is necessary for all, and especially for those who desire to serve God blamelessly and wish to imitate the life of the Apostles and their disciples. For the common use of all things which are in this world ought to have belonged to all men; but through iniquity one said that this was his own and another that that was his, and thus division was made among mortals.

"Finally, a certain most wise man among the Greeks, knowing that these things are so, says that all things ought to be common among friends. And just as the air and the splendor of the sun cannot be divided, so, he says, the other things which were given in common in this world for all to possess ought not to be divided, but ought to be possessed in common. Hence the Lord also speaks through the Prophet, saying: 'Behold how good and how pleasant it is for brethren to dwell together in unity.' Retaining the custom of this practice, the Apostles and their disciples also, as was said above, led a common life together with us and with you. Hence, as you well

[Printed page 428]

know, the multitude of them had one heart and one soul; nor did any of them or of us say that anything among the things which he possessed was his own, but all things were common to them and to us, nor was anyone in need among us. But all who possessed houses or fields sold them and brought their prices and the remaining things which they possessed, laying them before the feet of the Apostles, as some of your number learned and saw together with us; and they were distributed to individuals according as each had need. But Ananias, a harsh man, and Sapphira his wife, who lied to the Apostles concerning the price of their fields which they had sold, were, in our presence and in the sight of all who stood around, both carried out dead from the sight of the Apostles because of their sin and the falsehood which they committed. And the other things which we learned and saw concerning such persons are worthy neither of recollection nor demonstration. Therefore we command you to beware of these things and order you to obey the doctrines and examples of the Apostles, because those who put aside their commands become not only guilty but banished. These things must not only be guarded against by you but also preached to all."

That the Epistle is authentic we are taught by Eusebius, *History*, Book 3, chapter 32; Jerome, in the *Catalogue* and in his commentary on Isaiah 55, chapter 10; and Epiphanius, *Heresy* 30. And that custom long existed at Jerusalem.

§ 2. Urban I afterwards testifies that the possessions of the faithful were conveyed to the Church so that they might live from the estates themselves. Thus the Epistle: "Therefore the chief priests and the others, and the Levites and the rest of the faithful, seeing that they could confer more utility if they handed over the inheritances and fields which they used to sell to the Churches over which Bishops presided, because from their revenues many more and finer things could be supplied, both in present and future times, to the faithful who led a common life of faith than from their price, began to hand over to the mother Churches the estates and fields which they used to sell and to live from their revenues. But these properties were, and remain even until now, under the jurisdiction of the Bishops of the individual parishes, who hold the place of the Apostles, and they ought always to remain so in future times. From these the Bishops and their faithful stewards ought to supply all necessities, as best they can, to all who wish to live a common life, so that no one among them may be found in need. For these properties are called the offerings of the faithful because they are offered to the Lord. Therefore they ought not to be converted to uses other than ecclesiastical ones

and those of the aforesaid Christian brethren or the needy, because they are the vows of the faithful, the prices of sins, and the patrimonies of the poor, and were handed over to the Lord for fulfilling the aforesaid work."

§ 3. Hence Jerome admonishes that Clerics possess nothing of their own, in the Epistle to Nepotian, Cause 12, question 1, canon 5: "Let the Cleric who serves the Church of Christ first interpret his own designation, and, after the definition of the name has been set forth, let him strive to be what he is called. For if **κλῆρος** is called *lot* in Latin, Clerics are therefore so called either because they are of the lot of the Lord or because the Lord is the lot, that is, the portion, of Clerics. But he who either is himself the Lord's portion or has the Lord as his portion ought to show himself such that he himself possesses the Lord and is possessed by the Lord.

"He who possesses the Lord and says with the Prophet, 'The Lord is my portion,' can possess nothing outside the Lord. But if he possesses anything else besides the Lord, the Lord will not be his portion--for example, if gold, silver, estates, or varied furnishings; together with these portions, the Lord does not deign to become his portion. But if I am the Lord's portion and the cord of his inheritance, I do not receive a portion among the other tribes; rather, like a Levite and priest, I live from the tithes and, serving the altar, am sustained by the altar's offering. Having food and clothing, I shall be content with these, and naked I shall follow the naked Cross."

And Gregory, to Augustine, Bishop of the English, responses 1 and 2: "Your Fraternity, instructed in the rules of a monastery, ought not to be separated from your Clerics in the Church of the English, which has recently been brought to the faith by God's authorship. You ought to institute that manner of life which existed among our Fathers at the beginning of the nascent Church, among whom none said that anything among the things which he possessed was his own, but all things there were common."

§ 4. Saint Augustine and Ambrose attempted to restore the common manner of life of Clerics, as is clear in their lives and books. Augustine shows the great utility of that matter in his book *On the Common Life of Clerics*. Mark instituted all the Christians of Alexandria in this manner, as Jerome testifies in *On Ecclesiastical Writers*, under Mark. Nevertheless, that same Augustine permitted his Clerics to live from their own property. "Because," he says, "I preferred to have them blind and lame rather than dead." For he who is a hypocrite is dead, and there was great danger from hypocrisy for those who lived a social life with Augustine unwillingly. Therefore he removed from them the necessity of pretending.

§ 5. Since, therefore, Clerics are permitted to possess property of their own and to dwell privately in their own houses or in the common fellowship of several persons, I judge this second manner more useful to the Church and to morals. Therefore labor must be expended so that, as far as it can be done, Ecclesiastics dwell together. That which the holiest men in the Church always both desired and did must also be done now. Therefore statutes which impede the common habitation of Clerics are contrary to common law and thus void by the law itself. Nor can any be compelled to dwell alone in their own house, to maintain a hearth, and to be administrators of their own household; rather, they can dwell near their Church with any honorable ecclesiastical man, with colleagues, or with Prelates, unless the necessity of separation is evidently shown. Concerning boys and adolescents it was established in the Council of Aachen, chapter 135. But the causes have force at every age; thus the Council judged: "The rulers of Churches ought vigilantly to keep watch that boys and adolescents who are maintained or instructed in the congregation committed to them be so corrected by continual ecclesiastical disciplines that their wanton age, very prone to sinning, can find no place in which it may rush into the commission of sin. Therefore, for guarding and spiritually instructing those of this kind, the Prelates must appoint a brother of approved life who may exercise care of them with the greatest industry and restrain them very strictly, in such manner that, imbued with ecclesiastical doctrines and clothed in spiritual arms, they may both serve the utilities of the Church and sometime be worthily promoted to ecclesiastical grades. Furthermore, for suitable edification and instruction in the matter which is treated, it has pleased us to insert into this work a certain judgment of the holy Fathers, which reads as follows: Every age from adolescence onward is prone to evil. Nothing is more uncertain than the life of adolescents. On this account it was necessary to establish that, if anyone in the Clergy is a boy, or if there are adolescents, they all dwell in one chamber of the court, so that they may pass the years of slippery

age not in luxury but in ecclesiastical disciplines, assigned to a most approved elder whom they may have both as master of doctrine and witness of life, and so forth. With these things thus premised, boys ought to be assigned to a most approved elder for custody, although they may be instructed by another. But if the brother to whom this care is entrusted esteems their care lightly, teaches something other than what he ought, or

[Printed page 429]

inflicts upon them in any respect the stain of any injury whatsoever, let him, most severely rebuked, be removed from office, and let it be entrusted to another brother who may both form them by examples of innocent life and incite them to accomplish good work."

§ 6. And so that I may touch the matter more closely, I shall speak about Canons and their Vicars, although formerly there were no Vicars in the manner in which they now exist. It would be expedient, and altogether to the greater glory of God, for Canons, with whatever splendor of birth or dignities they may shine, to perform all the divine offices and worship God with their whole heart and inward humility, whom God deigns to preserve and maintain so splendidly in his Church. Nevertheless, I should wish either all or several of them to dwell together, take food together, read, and converse. For this was their original institution. Read chapter 117 of the Council of Aachen under Stephen V, in the time of Louis the Pious: "It is the duty of Provosts continually to fortify the minds of their subjects with readings from the holy Scriptures, lest the invisible wolf find an entrance by which he may enter the Lord's sheepfold and be able to carry off one of the sheep. And although this ought to be done by them spiritually with the greatest urgency, it is nevertheless necessary that they surround on every side with firm defenses the cloisters in which the Clergy committed to them must live canonically, so that there may be no entrance at all for anyone to enter or depart except through the gate. Let there also be within dormitories, refectories, storerooms, and the other dwellings necessary for the uses of brethren living in one fellowship. But he who refuses to do these permitted things according as ability suffices is to be held unequal and insufficiently suitable for performing the other ecclesiastical offices. And although he is worthy of divine vengeance, he must nevertheless be struck by a synodal sentence."

Behold, the Council confirms not only the union of the Canons but the fortification of the cloisters; and lest you suspect that they are monks, in chapter 115 and chapter 125 it distinguishes them from monks.

For they were not monks, since they are expressly prohibited from putting on monastic clothing unless they also wish to assume the profession of monks. Therefore I am not writing a new counsel, but pointing my finger toward ancient and more approved things.

§ 7. The mutual cohabitation of Canons is most useful for the study of letters and divine matters. For they can both possess a Library in the same place, and then consult one another, inquire, dispute, and employ all the exercises of the disciplines in most pleasant fellowship. The progress of some incites others, charity advances them, and learning perfects them. For we have hitherto seen no persons whom solitary studies have brought to the height of learning. Learning requires varied agitation, the judgments of many, and disputation; therefore it is a public affair, and the more it is in public, the more it flourishes and thrives.

What I say concerning the more liberal studies or those of philosophy and other sciences, I affirm likewise concerning wisdom, prudence, and affability in conduct; for the principal fruit of this exists in fellowship with many. For just as metals become bright by mutual friction, so the human mind, while it is solitary or lives with only one or another person, grows sluggish in some manner and contracts rust; while it is exercised in the fellowship of many, sees many things, and hears more, it is wonderfully polished toward prudence and familiarity and affability in living. This will be most useful if the younger are given into companionship with the mature and the aged, as I should wish. Seneca truly says in Epistle 11: "Among all fellowships none is more excellent, none more firm, than when good men, similar in morals, are joined by familiarity."

§ 8. This one advantage alone outweighs all the disadvantages which can be imagined in fellowship: suspicions arising from hazardous cohabitation, true dangers and occasions of sinning, and sins themselves are avoided.

The Church laments the falls of very many; good men are ashamed of the relatives of very many; and heresy is strengthened and increased by the scandals of very many, for no other cause than that companionship, lodging, and association offered an occasion of sinning together with hope of concealment. Occasion possesses great power, which suddenly casts down well-ordered minds and entangles them before the danger is perceived. Formerly certain Provosts gathered several Canons, seeking empty glory from men so that they might appear to possess a numerous congregation of Clergy, for whom they cared to provide neither consolations of body nor of soul, as the Council of Aachen complains. What followed from this? It is explained in the same Council, chapter 118: "For those gathered in this manner, when they do not receive necessary stipends from their Prelates, neither preserve the canonical order nor apply themselves to the divine offices; abandoning the cloisters and the fellowship of the rest, they become wandering and lascivious, given to gluttony, drunkenness, and their other pleasures, and make lawful whatever has pleased them." The cause of such great evils was that they abandoned the cloisters and fellowship. What, then, is now to be hoped concerning Clerics who do not preserve the canonical order, do not apply themselves to the divine offices, live outside the fellowship of the good with wicked or suspect persons, and receive immense revenues from the Church, which some most vainly believe they merit by one little walk? The ruin of many bears witness to how great incitements to crimes solitude, riches, and idleness provide them. They would remove all these occasions if they procured food and habitation for themselves with some one of the Prelates or more mature fellow brethren. For I urge this: if many do not yet consent to assemble into one or another house, let at least some do so--three or four Canons and as many Vicars; let their zeal be commended and let the Prelates approve it. Let every Cleric have a Cleric as witness of his life.

§ 9. I have spoken of the danger in the promiscuous habitation of Clerics and laymen, because they have no witnesses of their life except at the time when they assemble in the Church. Saint Charles Borromeo and the First Council of Milan agreed with me in this, and from that judgment he gave good laws concerning clerical houses: "Since it is necessary not only to avoid evil but also to flee every suspicion of evil, lest we fall into offense for anyone, we prohibit any women whatsoever, even those joined by any bond of blood relationship or affinity, from dwelling in houses built for the residence and use of Canons or other Clerics, or in other houses in which they dwell, unless the Bishop shall have declared in some case of urgent necessity that it must be done otherwise; we burden his conscience greatly in this matter.

"Let neither parish priests nor Clerics generally, even those endowed with any dignity, in any manner lease to a layman the houses of a Church--even a commended one--or parts of them situated in a city or towns, in which they themselves are accustomed or bound to dwell, unless the Church is pressed by great poverty and that house can conveniently be divided in the Bishop's judgment.

"But if the houses are situated in the country outside the city and towns, let them possess the faculty of leasing them, provided that their division can be made rightly and conveniently in the judgment of the same Bishop.

"Let the Bishop also take care that houses of this kind, either in the city or outside it, or other houses separated from the Church, even if they are patrimonial and privately owned, not be leased to those whose faith, life, or morals he has judged to be suspect."

[Printed page 430]

§ 10. There is no one who does not understand how honorable it is for a younger Canon to live with his Prelates and the most distinguished men of his Church and to have present one whom he reveres. Indeed, we value highly certain men whose virtue is unknown to us for this reason, that they associate with the good. Indeed, if they have contracted some stain, it is worn away and washed out by companionship and familiarity with grave men. Nothing recalls dishonorable minds inclined toward wickedness to what is right more than intercourse with good men. For to be frequently seen and frequently heard descends gradually into the breasts and obtains the force of a precept. For when

among them there are pious, honorable, and learned conversations, ingenuous recreations, and even games and relaxations of minds that are cheerfully conducted with maturity and liberal jests, not dissolute, the mind drinks in these things in such a manner that it passes wholly into honorable conduct. It has a witness of its life, retains modesty, and soon becomes itself worthy of reverence to others.

It is indeed becoming both to the dignity of Prelates and to the venerable gray hair of the aged to draw a company of younger men or even brethren of their own age; to live publicly and have witnesses of all their acts, words, and indeed proceedings; and to possess such a reputation that every most honorable man desires his intercourse and familiarity. It is not unworthy of a Prelate to have Clerics of the Church, whom he has been accustomed to call fellow brethren, as his companions at table. For he opens his house not from desire for gain but from love of discipline, as a refuge for those who would otherwise be in danger and a school for studies and virtues for those who would otherwise make less progress. The First Council of Milan, section *On the Bishop's Household*: "But we vehemently exhort him to have as many Clerics as possible in his household, who use only clerical dress, and among them, if it can conveniently be done, namely two initiated into sacred orders and of good reputation, who may more studiously attend the Bishop while he keeps vigil, prays, applies himself to works of mercy, and searches the mysteries of divine letters, and may be, as it were, witnesses and imitators of his actions and holy conduct. Let him then possess an ecclesiastical person, proven and approved, who is placed over the morals of the household and solicitous for the salvation of all, who may sustain spiritual life and take care that it is instructed in good and pious arts, and especially sacred letters, according to the sense and intelligence of each."

If a multitude of Clerics is an honor of a Bishop, why is it not so in Germany for Prelates or distinguished Canons?

§ 11. But all colleagues ought to favor this matter, for both a good name is thereby acquired for the Church and there will be greater attendance at the divine offices. For if ten others dwell with some Canon, while present they will observe the diligence of others and will not readily remain at home or take themselves elsewhere. For modesty causes them to offend rarely; rare offending introduces the practice of virtue, because a rare evil exists only together with a dense good. Never will all ten remain away at once, both because we suppose them to be good and because they will never all conspire in culpable negligence. Indeed, the father of a household of so honorable a fellowship will not bear with equanimity the sloth of those whom he has as members of his household. Those evils and dangers which wholly call men away from the divine offices will also be absent.

§ 12. How much will be subtracted from expenses will be felt especially by those who are willing to give themselves to a common life. One fire will burn in place of ten; there will be no need to maintain furnishings, repairs of roofs, or services of attendants that are either perilous to chastity or unfaithful to patrimonies; no expenses of banquets or contracts. Yet there will be no need to abandon hospitality, for it will be common, and individuals will be able to contribute more to guests than all do now.

But lest this matter be called into doubt, I assert that by the theft and malice of their household the wealthier Canons now lose more than they would expend upon a year's sustenance if several wished to dwell together. But what, you will say, will become of that priestly opulence? I reply that riches must be restored to Christ. It is a good deed to live sparingly so that you may feed the poor liberally. He who denies that this pertains to his dignity considers it equitable that, while Christ hungers, he himself should live sumptuously.

§ 13. Finally, necessity itself counsels this union of several persons, so that when sick and dying they may furnish consolations to one another. For harsh indeed is the condition of those who when sick scarcely have faithful aids and whose property is seized amid their very funerals. It is certain that this has sometimes happened not only to Canons but to Bishops and Cardinals.

Therefore it would be prudent to assist by expense, privilege, and favor those who wish either to admit their fellow brethren in collegiate Churches to their table at a fair price or to be companions at the table of others.

And more spacious houses and gardens could be granted for this end.

But where it can be done, this must be effected: either that most dwell together or certainly that no one dwell among secular persons.

Nor does anything prevent the establishment of a rule that all who are not members of Chapters and are not occupied in studies should not freely and at their own discretion choose lodgings for themselves, but by a capitular statute should be commanded to dwell with some grave man of their own or another Church and to bring an attestation of their life when they are to be admitted to the Chapter.

But by judgment of the Chapter or Bishop prudent and grave men of good example could be designated. For when their studies have been completed or broken off, younger Canons readily go astray in the highest liberty.

And I judge that this must gradually be introduced not only among the younger but even among those more advanced in age, although they have been admitted to the senate or Chapter. The reins must be placed upon license by a salutary decree. For what burden would there be if such a statute were made? “Since, alas, the falls of many have taught us that in promiscuous habitation with secular persons there are great dangers and that many young men and men of good purpose have been drawn from piety by evil association, the Chapter, wishing by virtue of its office to provide for the salvation of all and each, establishes that the following be inviolably observed.

“First, younger Canons who devote themselves to studies, whether they do so in the city of their residence or in distant Academies, shall take lodging only with the consent and approval of the Scholasticus and shall change it if it shall seem good to him, knowing for certain that throughout the whole time the fruits will be denied to those who have not obeyed, as though they were suspended. But the Scholasticus shall establish that they lodge only with parents or guardians, in seminaries, or with an Ecclesiastic of exemplary life and a modest household, who shall also be bound to render an account to the Chapter concerning their domestic conduct. But if they wish to dwell with honorable and pious citizens, this shall not be permitted without the consent of the Chapter. The same is established concerning those who do not devote themselves to studies and yet are not in the Chapter, whom we altogether

[Printed page 431]

wish to dwell near the church with their fellow brethren. Finally, we have judged the same concerning all who are under twenty years old, whom it is fitting to make progress in piety by the example of the aged and not to be occupied by the care of domestic affairs.”

If these or similar things, whether stricter or more lenient, are introduced gradually, reformation will follow of its own accord without labor.

I shall speak concerning parish priests in a particular place.

CHAPTER XVIII

Chapters Were Instituted for the Sake of Discipline, and Their Constitution

§ 1. I call a Chapter a select senate of the Church congregated by law and in order. It is of two kinds: the Cathedral Chapter and that of private Churches, for we are not now treating the Chapters of religious.

§ 2. The name of Chapter flowed from the Chapters of religious. For since there were religious in most Churches where Clerics or Canons now dwell, it thereby came about that, after they were changed into Canons, they retained certain names and ceremonies of religious. Nevertheless, the institution is most ancient; for formerly Bishops deliberated upon difficult affairs with their brethren, that is, with the council of priests, and executed them by their counsel. Thus we possess the Apostolic norm. For the Apostles were in the place of Bishops, while the presbyters were in the place of priests. There were then presbyters or elders who sit in council with the Apostles in Acts 5: "The Apostles and elders assembled to consider this word." Likewise, not only the Apostles but also the elders write to the Antiochenes. Jerome also relates that the Churches were governed by the common counsel of the presbyters; nevertheless, after schisms arose, the presbyters were only assessors of the Bishops. Yet the Bishops were judges of the presbyters. Thus 1 Timothy 5: "Do not receive an accusation against a presbyter except under two or three witnesses." A presbyter could therefore be accused before the Bishop; the Bishop was therefore the judge of the presbyter. Chapters, then, reproduce for us this council of presbyters, although not all their members are priests. In this matter practice has indeed prevailed contrary to the ancient canons, so that even subdeacons and deacons are equated with priests as regards government, and Archdeacons also frequently exercise power over priests.

§ 3. The authority of Chapters, especially Cathedral Chapters, is now great in the Church, and it is useful and preservative of Churches. For Chapters keep watch over discipline when the absence, negligence, occupation, or health of Bishops cannot care for it. The Second Council of Cologne, celebrated in the year 1536, admonishes in chapter 14, part 3: "Let the Chapters of discipline, as they call them, be observed with much greater diligence than hitherto. This shall be done if not so much profane as sacred matters are treated in them; if inquiry is made concerning morals; if the life of each is examined; and if, as the holy Fathers are known formerly to have done, the brethren are sometimes admonished by an occasional address. And above all, let them be incited to undertake sacred letters and to place their best hours in them; let them be stirred by the fact that here is found the gushing fountain of life, from which he who drinks will not thirst forever; here is hidden the Gospel treasure for whose sake one ought to sell all things, from which that prudent father of a household brings forth new things and old."

Concerning the Chapters of monks, the Council of Augsburg, celebrated in the year 1548, chapter 12, speaks in the same manner: "We command that monasteries of every Order be reformed according to the Rules which they have professed; that the monks themselves be contained in obedience and the religion of their Order; that the Chapter of discipline be held frequently; that vices daily springing up there be corrected severely; that divine worship be observed reverently and duly; that keepers of concubines, adulterers, drunkards, criminals, infamous persons, and those suspected of heresy or other crimes be chastised with due punishments; that the habit and tonsure be diligently preserved; and that buildings and libraries be studiously cared for and estates, revenues, and rights preserved. We shall chastise by severe coercion and due means those who resist or are impatient of reformation."

But since it is easy to assemble when rights, revenues, and other affairs are treated, while in certain places assemblies concerning discipline were held rarely, some Churches wisely and piously established that greater regard for piety should be had in Chapters. Thus the Second Council of Milan, decree 13: "Every week let the Canons of each Church hold a Chapter in which, besides inquiry whether the decrees of the former Council concerning the divine offices are observed, and likewise whether any errors have been committed in the rite of sacred ceremonies, some portion shall then be read of those matters prescribed in our constitutions concerning the life and honorable conduct of Clerics, or of

those expressed in the Roman Catechism or other books which pertain to the doctrine of Christian piety and the discipline and method of ecclesiastical life. Then let them also be occupied in other exercises of spiritual life, and all this according as shall seem good to the Bishop or the Superior of the Chapter. In this Chapter let nothing else which pertains to the care and administration of temporal affairs be treated or transacted before regard is had for that treatment which is wholly placed in spiritual affairs."

Let all Churches imitate this. For the extent of a Church, the multitude of ornaments, its rights, wealth, and nobility--all are directed to this: that piety may flourish and that the worship of the divine office may be performed with devotion and purity of minds.

§ 4. It is altogether expedient that the Bishop possess great power over the Chapter, and the Chapter in turn over the Bishop. That power is not contrary to itself, but salutary to the public good and necessary to ecclesiastical discipline. First I shall speak concerning the power of a Cathedral Chapter.

The first is that heretics can be excommunicated by it while the see is vacant. Thus the Decretals, Book 5, title 7, chapter 9: "All who do not fear to think or teach otherwise concerning the sacrament of the body and blood of our Lord Jesus Christ, or concerning baptism, the confession of sins, matrimony, or the remaining ecclesiastical sacraments, than the sacrosanct Roman Church preaches and observes--and generally all whom that same Roman Church, or individual Bishops throughout their dioceses with the counsel, if need be, of neighboring Bishops, shall have judged heretics--we bind with the bond of perpetual anathema."

The second is that they may restrain individual colleagues from sacred functions and deprive them of their fruits. Thus in all places. And beautiful is the constitution of the Synod of Cologne in the year 1549: "If the Dean perceives any to be rebellious; negligent in divine worship and their office; quarrelsome; litigious; strikers; gamblers; harborers of prostitutes; or entangled in other public crimes, and if these refuse to hear fraternal correction, let him do in these Chapters what Paul commands: 'Rebuke those who sin before all.' Then, if they are unwilling to recover their senses, let him restrain them from sacred functions and prohibit them from sharing in the fruits until they return to a better fruit of life, yet in such a way that this Apostolic rule is observed: 'Rebuke the restless, console the fainthearted, be patient

[Printed page 432]

toward all,' and let neither anger, hatred, nor rancor claim any part for itself. For that solicitude of superiors is useful and that caution praiseworthy in which reason does everything and fury claims nothing for itself. For anger frequently brings even the innocent into crime. For while we grow angry beyond what is just and wish to restrain the sins of others, we commit graver sins.

"Nevertheless, by these things we prejudice neither our privileges and those of the Churches of our province nor their lawful customs, and especially not the practice and custom which exists in some Churches--namely, that cases of discipline are adjudicated by the deacons--provided nevertheless that the deacons, at the Dean's demand, apply themselves gravely and vigorously to their office and fulfill it. But if the Dean and Chapter shall have been negligent or entangled in the same crimes, it will be necessary to return to the disposition of common law."

The third is that they may bind members of the Chapter by oaths to pronounce judgment faithfully and to perform other things, and especially to obey the Dean. This too is in use; but sometimes excessively many oaths are exacted, which deservedly displeased the Synod of Cologne, chapter 20: "And since Christ prohibited the faculty of swearing with such seriousness that we ought not to swear at all unless we are compelled by necessity concerning truth or something else in danger, that immoderate exaction of oaths in Chapters must be restrained. Through it, it is necessary that many fall into perilous perjuries, of which not only those who forswear themselves are guilty, but also those who provide the cause of perjury by rashly exacting it. For the word of Christ is: 'Let your word be, Yes, yes; no, no; what

is more than this is from evil.' And in Ecclesiasticus we read: 'A man who swears much will be filled with iniquity, and the plague will not depart from his house.' If we judged ourselves, we would certainly not be judged."

The fourth, by which the authority of Cathedral Chapters has grown very greatly, is the power of electing Bishops and Archbishops. For since cunning men frequently crept into the Pontiff's favor, since the election of the people was tumultuous, and since Emperors sold prelacies, that power devolved upon the Chapters, which conducted elections more faithfully, sincerely, and constantly. And as the aristocrats of the Church they are accustomed to elect the high priest. I do not deny that the errors of certain Chapters were shameful when they elected a Bishop advantageous to themselves or their vices but useless or pernicious to the Church. Nor have examples of these disgraceful things been lacking in our times; yet they have been far fewer and less harmful than the ancient ones.

For all the members of a Chapter, since many good, learned, and prudent men live among them, will not readily conspire in favor of one wicked man.

Moreover, election belongs to Chapters under these laws:

1. Let the Canons elect the Prelate unless that right belongs to another.

2. Let boys and any who are not subdeacons not elect.

3. Nor let the excommunicated, suspended, heretics, or absent elect, unless there is a lawful cause of absence.

4. If they do not elect at the prescribed time and in the prescribed manner, the right of electing devolves upon the next superior.

5. If knowingly they elect an unworthy man, such as a keeper of a concubine, they lose the right of electing and it is transferred to the Pontiff.

6. Those who elect an unworthy man are incapable for three years of a passive voice, for those who elected a wicked or unworthy man ought not themselves to be elected.

7. But the one elected must possess confirmation from the Pontiff.

8. Before all things they give their vote under oath and, according to their custom in most places, after receiving the sacrament of the Eucharist.

9. Let them bind the man elected or to be elected by no promise contrary to the canons.

The fifth: they can also abolish certain prelacies, but they require confirmation of the act. Thus the Canons of Toul abolished the office of Primicerius, with the revenues distributed among the Canons. In our time they also divided certain provostships in poor Churches because they denied that they had need of a Provost.

The sixth: the Canons can establish a definite number of Canons in the Chapter, but they cannot divide or suppress prebends. When resources have increased, they can admit more Canons. But just as they cannot suppress prebends, so neither can they add new burdens, whether corporeal or pecuniary, unless they are common ones, so that the benefices of all are burdened in equal proportion; otherwise the condition of the younger members would daily be rendered worse. Concerning this matter many things are established everywhere in law, against which private law or capitular statutes effect nothing. For things established by a few to the prejudice of common law are void by the law itself.

The seventh: no one unless a subdeacon shall possess a voice or the right of voting. Thus the Council of Trent, Session 22: "Whoever, in a Cathedral or collegiate Church, secular or regular, is devoted to divine offices and is not constituted at least in the order of the subdiaconate shall not possess a voice in the Chapter in Churches of this kind, even if this has been freely granted to him by others. But those who possess, or in future will possess, dignities, personates, offices, prebends, portions, and any other benefices in the said Churches to which various burdens are annexed--namely, that some say or sing Masses, some the Gospel, and some the Epistles--with whatever privilege,

exemption, prerogative, or nobility of lineage they may be distinguished, shall be bound, in the absence of a just impediment, to receive the required orders within a year. Otherwise they shall incur the penalties according to the constitution of the Council of Vienne which begins *Ut ii, qui*, which it renews by the present decree. And let the Bishops compel them on appointed days personally to exercise the said orders or all the other offices which they ought to perform in divine worship, under the same and other, even graver, penalties to be imposed at their discretion. Nor henceforth shall provision be made for others except those who are known already to possess the age and the other qualifications completely; otherwise let the provision be void."

Thus the statutes of all the Churches which I indeed remember, common laws, and custom confirm it.

The eighth: they can restrain depraved junior Canons from the Chapter, nor can the Bishop compel them to receive such men. The Council of Mainz, celebrated under Sebastian in the year 1549, establishes as follows:

"We perceive, not without the ruin of the Churches, that hitherto sufficiently negligent watch has been kept in Cathedral and collegiate Churches--at least in that part in which our Forefathers, not without great reason, wished younger Canons, whom they call *Domicellares*, not to be admitted to Chapters immediately upon receiving benefices, but to be detained for a time under the yoke of the Prelates--while those upon whom this care falls, paying little attention to the studies and morals of the *Domicellares*, admitted any persons whatsoever into the Chapters without further selection, provided only that the *Domicellares* had passed a definite time in possession of the benefice or paid the money established for emancipation, even those whom they knew to be neither sufficiently suitable by honorable conduct of life or learning nor likely to be useful to the Churches. Hence it comes about that Churches, sometimes burdened by a less useful crowd of Canons, are administered with due services neither in spiritual nor temporal matters.

"Wishing to provide for their indemnity, we have judged that the consciences of Prelates, Chapters, and others whose interest it is must be burdened,

[Printed page 433]

and by strict command we enjoin upon them that hereafter, not according to the alleged custom--which in this respect, as pernicious to the Churches, must be judged irrational or rather a corruption--but according to conscience, they admit only suitable and worthy persons into the Chapters, especially Metropolitan and Cathedral ones. But let them restrain those given to depraved morals and the slothful from capitular dignity and emolument until they seem by amendment of life to deserve this place; or if, stubborn against every amendment, they persevere in showing themselves incorrigible, let them altogether compel them, as incapable, insufficient, and less suitable, to resign their benefices by remedies of law. By this our constitution, we judge that occasion is afforded both to the Prelates and Chapters to keep diligent watch over their office, and to ecclesiastical youth to undertake the cultivation of life and intelligence with more accurate study."

The ninth: alienation by a Bishop without the consent of the Chapter is void. Thus the Council at Valencia and the Decretals, Book 3, title 10, chapter 1: "A donation, sale, or exchange of ecclesiastical property by Bishops shall be void without the approval and subscription of the Clerics."

The reason is lawful and arises from equity. For since ecclesiastical properties are of such a kind that by them ministers and Churches are supported, the poor and justice are defended, and the roofs of churches are restored, they ought not to be alienated without the knowledge of those whose interest it is. But the vices of many Prelates produced those laws, for they were accustomed to give the goods of the Churches to kinsmen, ministers, and flatterers or sell them for a trifling price; a Chapter cannot readily be brought to approve those matters.

The tenth: indeed, for the same reason a Prelate ought not to treat the public affairs of the Church without the counsel of the Chapter.

Alexander III established this law, Decretals, Book 3, title 10, chapter 4: “The prudence of your discretion knows how you and your brethren are one body, such that you are proved to be the head and they the members. Hence it does not become you, after omitting the members, to employ the counsel of others in the affairs of your Church, since there is no doubt that this is contrary both to your honorable character and to the institutions of the holy Fathers. For it has become known to our ears that without the counsel of your brethren you institute and remove Abbots, Abbesses, and other ecclesiastical persons”; and below: “Therefore we prohibit it by Apostolic authority”; and below: “For we decree that such institutions and removals lack the strength of firmness.”

And chapter 5: “We command your Fraternity that in concessions, confirmations, and the other affairs of your Church you seek your brethren and, with their counsel or that of the senior part, accomplish and treat them; that you establish the things which must be established, correct errors, and scatter and uproot the things which must be uprooted. Nor shall you allow the names of absent brethren to be entered, because such instruments are void and false, and on that account you can deservedly fear a charge of falsity.”

The eleventh: nor can he give other Churches to others without the consent of the Chapter. In the same place, chapter 8: “You also added the question whether it is lawful for a Bishop or Elect, together with the Archdeacon alone and apart from the assent of the greater Church--since the Bishop is elected from it and the Archdeacon is assumed from it--to confer perpetually vacant baptismal Churches upon monasteries or conventual Churches to which the right of patronage belongs”; and below: “The solution of the other question is also gathered evidently from the Epistle of Pope Leo, in which it is read: ‘Let no Bishop dare to give, exchange, or sell anything from the goods of the Church, unless perhaps he does one of these things in order to provide for better things, and, with the deliberation and consent of the whole Clergy, chooses that which is undoubtedly profitable to the Church. For a donation, sale, and exchange of ecclesiastical property by Bishops shall be void without the agreement and subscription of the Clerics.’ By this you will know that the question proposed in the second place is solved, since there is no doubt that perpetual concessions of Churches pertain to alienations.”

The twelfth: nevertheless, the Bishop’s concession is valid if the Chapter afterwards ratifies it. In the same place, chapter 3: “It is certain, by rigor of law, that the concession which it is established was made by your predecessor while the Chapter protested is not valid, unless it afterwards ratified it.”

Formerly the silence of the Chapter produced ratification, in the same place, chapter 2. Now they deservedly require from the statutes a consent that is open and consigned in writing. For good laws have arisen from evil morals.

The thirteenth: it is a privilege of Cathedral Chapters that they be admitted to provincial Synods. Thus the Decretals, Book 3, chapter 10, *Provinciae Senones*: “The Chapters of the Cathedral Churches have sent a complaint to us that the Archbishop of Sens and his Suffragans were unwilling to admit their procurators, recently summoned to the provincial Council, to its deliberation”; and below: “It has seemed good to us and our brethren that the Chapters themselves ought to be invited to Councils of this kind and their envoys admitted to the deliberation, especially concerning those matters which are known to affect the Chapters themselves.”

Hence, therefore, it appears that the Church is best ordered when the Bishop possesses very great power for edification, so that the whole discipline is in his hand and no one can appeal from it; but the least power for destruction--in selling, giving, or alienating rights and goods under any title, and in admitting Canons without lawful examination.

The fourteenth: in the Chapter the greater and sounder part prevails unless the lesser part contradicts it with reason. Thus the Decretals, Book 3, title 11, chapter 1: “Since in all Churches that which has seemed good to the more numerous and sounder brethren ought to be observed without hesitation, it is exceedingly grave and most worthy of rebuke that in certain Churches a few sometimes do not permit an ecclesiastical ordinance to proceed so much from reason as from their own will. Therefore by the present decree we establish that, unless something has been reasonably objected and shown by the fewer and inferior members, with appeal removed, that which has been established by the

greater and sounder part of the Chapter shall always prevail and attain its effect. Nor let our constitution be impeded if perhaps someone says that he is bound by oath to preserve the custom of his Church. For those things which come against the utility of the Church and the institutions of the holy Fathers are to be called not oaths but rather perjuries. But if anyone has presumed to swear to customs of this kind, which are neither supported by reason nor congruent with sacred institutions, let him be excluded from reception of the Lord's body until he has performed worthy penance."

Therefore, if the greater part of a Chapter were to elect as Bishop an unlearned or avaricious man, a keeper of a concubine, or one infamous through another vice, the lesser part will contradict it with reason and the authority of the canons and will render the election void.

But as regards his saying that oaths are perjuries, this is the sense: to swear to that which is contrary to the canons or justice is as much a sin as perjury and must no more be observed than perjury. Therefore it would be prudent for the oaths of all Chapters to be proposed and examined in a provincial Synod and for a determination to be made concerning confirming or abolishing them,

[Printed page 434]

and that new ones not be imposed upon those who come without public authority. Next, mutual connivance has introduced many abuses, as concerning the distribution of revenues, which in some Churches are given in great amount to absentees, as the Council of Mainz under Sebastian complains in chapter 70: "It is a pernicious abuse, joined with shameful disgrace to the Clergy, peril to souls, and grave detriment to Churches, that in certain Cathedral and collegiate Churches the largest portion of the revenues is distributed to Canons even when they do not reside at the Churches and perform no useful or necessary ministry, while to the Vicars, who by labor by day and night sustain all the functions of the Church, there is left scarcely a meager income, which barely suffices to sustain life wretchedly. Hence we exhort the Chapters and Canons of Churches in the Lord that, mindful of equity and of the account someday to be rendered to God, from the fruits of the Churches they assign sufficient and honorable sustenance for the functions necessary to their Churches to those who perform them, lest they provide cause for necessarily disposing otherwise of the revenues of the Churches."

And indeed the Council of Trent recently, and God from eternity, disposed otherwise. This is his command: "He who does not labor, let him not eat." For this reason the treasury, the soldier, and the robber seize so many things: because sufficient labor is not yet performed for that which remains, and the smallest portion is distributed to the one who labors--not by the law of the canons, but by a depraved abuse contrary to the canons.

§ 5. The Bishop also possesses great and ordinary power over the Chapter and all members of the Chapter, and this power is Apostolic. Thus the Council of Trent, Session 6, chapter 3: "Let the Prelates of Churches prudently and diligently attend to correcting the excesses of their subjects; and let no secular Cleric, of any personate, or regular Cleric dwelling outside a monastery, be judged protected by pretext even of the privilege of his Order from being capable, if he has offended, of being visited, punished, and corrected by the Ordinary of the place, acting as a delegate of the Apostolic See in this matter, according to the canonical decrees."

And chapter 4: "The Chapters of Cathedral and other greater Churches, and their persons, shall not be able to protect themselves by any exemptions, customs, judgments, oaths, or agreements which bind only their authors and not their successors, so as to prevent them from being capable of being visited, corrected, and amended by their Bishops and other greater Prelates, either by themselves alone or with those associated whom it shall seem good to them to employ, according to the canonical decrees, as often as there shall be need, even by Apostolic authority."

Therefore no exemption can protect any member of a Chapter from correction by the Bishop; and all statutes made toward that end are void because they are contrary to law--I add, contrary to justice. For the Bishop is the Bishop of the members of the Chapter just as of the rest of the Clergy and laymen; therefore it falls upon him to employ his power over them, otherwise they would be without a spiritual head. But if perhaps they allege that they are immediately

under the Pontiff alone, as many are, they are nevertheless not thus exempt from the Bishop's jurisdiction; for he is the Pontiff's Legate, against whom every exception and exemption is invalid. Therefore the Bishop is the censor of morals even in an exempt Chapter. Hence it was most rightly established in the Third Council of Milan: "So that the Bishop may more readily increase divine worship in the Church committed to him, preserve the concord and mutual charity of the Canons, and protect canonical discipline, let him strive to be present at the canonical Chapter every month, or at least frequently during the year, either in the place where it is customarily held or in another place to which he prefers to summon it to himself. But let him summon it on account of any matter for which he shall have judged it expedient. In this Chapter let him sometimes see whether those things prescribed concerning the worship of the divine offices are performed rightly, duly, in order, and with dignity."

Nor does it exempt an exempt Chapter, for it adds: "But if the Chapter is exempt, the Bishop may, under the decree of the Council of Trent, summon it at his discretion in that case alone when he himself wishes to propose something to the Canons in a matter which does not pertain to his own advantage or that of his people, and then only in the place in which the Chapter was previously accustomed to assemble."

Therefore he can be present at an exempt Chapter, order morals, correct the wicked, and establish things pertaining to divine service. For this is not to act concerning his own advantage or that of his people, but the common advantage, since ecclesiastical discipline generally depends upon exempt Chapters.

§ 6. Nor can recourse be had to capitulations and agreements, for the Bishop is the ordinary judge and superior of his Clergy. Next, a Cleric exempt in whatever manner is subjected by the precept of a General Council to the Bishop as regards visitation and correction; therefore they cannot exempt themselves by any agreements or constitutions.

But if before the election of a Bishop all exact the oath, "If I shall be elected, I swear that I will admonish, summon, or judge no member of the Chapter, and that I will permit them every liberty," this oath is one of iniquity, because he swears that he will not discharge the office of a good man, much less of a good Bishop. And all who exact or take such an oath can be deprived of the right of election. But more concerning these things when Bishops must be treated. For from this abuse it follows that certain Canons scarcely recognize any superior. The Pontiff is far away; they are protected from Apostolic Nuncios; they do not care for the Bishop. Therefore some of those who ought to furnish an example of obedience to all live altogether at their own discretion and think lawful whatever pleases them. But this is contrary to the law of nature.

CHAPTER XIX

The Various Orders of Ecclesiastics

§ 1. Ecclesiastics are customarily divided in two ways. The first division is, as it were, essential, according to order, taken from the sacrament itself, as of priests, deacons, subdeacons, and so forth. Others are distinguished according to offices, the institution of life, and proximate end; thus there are the Pontiff, Patriarchs, Metropolitans, Archbishops, Bishops, Archpriests, Archdeacons, Canons, Monks, Chaplains, and Vicars. Something must be said briefly concerning each, insofar as it pertains to the body of the Church and the state; for Theological disputations demand another place, just as they also possess another object.

§ 2. Seven sacred orders are numbered in the Church: the priesthood, diaconate, and subdiaconate; then the minor orders of Readers, Acolytes, Exorcists, and Doorkeepers. Authors teach that all these are one sacrament in genus but diverse in species; concerning the minor orders some have doubted. But I leave these matters to be considered by Theologians and those who treat controversies. I must treat them practically, as they are suitable for constituting the Ecclesiastical State. Therefore let us treat the hierarchical order, principally that by which the Church is governed in what they call the external forum. In it the Bishop holds the first place. The power of order of Bishops is one, but their power in government is varied, and some preside over others: Archbishops over Bishops, Patriarchs over them, and the Pontiff over all,

[Printed page 435]

in that manner and order, and with that utility to the state, that the world has never beheld anything more wonderful, nor anything more suitable to the morals and tranquility of the state. Therefore let us speak concerning this order.

CHAPTER XX

On the Roman Pontiff

§ 1. No Catholic can speak of the Roman Pontiff without provoking the indignation of heretics; nor is this new. In him Christian unity is bound together and faith is founded--not as in its principal cause, but as in the vicar of the supreme shepherd. Nevertheless, it ought not to seem wonderful that to every sectary the name of the Pontiff is hateful, his very person abominable, and his office Antichristianism; for long ago no one contradicted the truth who was not also an enemy of the Pontiff. To us, indeed, it is exceedingly marvelous that among so many centuries of heresies there has been none which did not set itself against the Roman Pope. This monstrous dissension arose at the Lord's table, at which Peter, the more fervent lover of the Lord, inquired concerning the betrayer of the Savior; and in the garden he cut off the ear of the enemies' attendant; finally, he himself condemned Simon. A hereditary hatred belonging to all the enemies of Christ has been joined to the supreme priesthood. Indeed, I have long been seeking one out of so many heresiarchs--from them all, I say, from the Capharnaites themselves down to the newest disciples of the Vorstians--who was not exceedingly hostile to the Pontiff and his power. What wonder is it? Between the chair of truth and the benches of errors there can never be concord. No contumacious defendant has loved his judge. It is therefore no new thing that our Pontiffs endure the hatred of all sects, since all their predecessors, the martyrs and confessors, were assailed by the calumnies, snares, and weapons of the heretics of their time.

§ 2. The end of pontifical power is that the whole Church may be governed under one visible head, the vicar of Christ, and the occasion of schism may be removed. For that reason schism in the election of a Pontiff is altogether abominable. For the head upon which the mind and sense of the Church converge is not divided without great destruction. Hence provision has been made by so many laws lest two heads appear to be elected and it be doubtful which must be obeyed. All schisms are hateful to God and destructive to mortals. The gaping earth swallowed Korah, Dathan, and Abiram (Numbers 16). It was not lawful for the high priest to rend his garment (Leviticus 10). Not even the soldier divided the Lord's seamless tunic. The first schism occurred when three Bishops secretly elected and ordained Novatian as Roman Pontiff. Thus in Epistles 48 and 52 of Cyprian, and that of Cornelius to Fabius or Flavian of Antioch; afterward one schism followed another. That schism was vast and long-lasting in which different men were elected through the faction of nations: when in the year 1376 the Italians, as Blondus records in Decade 2, book 10, elected Urban VI, a Neapolitan of their own nation, as Pontiff, while the French elected Clement VII. That schism was removed after thirty-nine years at the Council of Constance. But if there is no single head and no teacher of religion, all things are confounded by dissensions; for all heresies have waged wars in their cradles, as I taught in the book *On the Synod of the Evangelicals and the Peace of Germany*, and also in the *Jubilee of Jubilees*.

§ 3. The election of the Supreme Pontiff, upon whom the safety of the Church depends, has always been a matter of great care to prelates, and indeed also to princes. The people do not possess by divine right the power of electing Pontiffs and Bishops. For Christ himself chose the Apostles; he himself appointed the seventy disciples; the Apostles appointed Bishops and presbyters throughout different places. The office of the people is to hear and to be fed, not to ordain rulers. The Council of Nicaea likewise established that it should not be permitted to crowds to make the election of those who are to be advanced to the priesthood. Thus canon 13 of Nicaea. But concerning this matter there are the propositions of Bellarmine, book 1, chapter 7 and the following chapters, *On Clerics*, approved by Catholics and taken from the ancient Councils.

Fifth Proposition. The right of electing the Supreme Pontiff and the other pastors and ministers of the Church does not belong to the people by divine right; but if at any time the people have possessed some power in this matter, they possessed all of it from the sufferance or concession of the Pontiffs.

Sixth Proposition. The election of Bishops does not belong by divine right to the Clergy, but to the Supreme Pontiff, so that he may either elect them himself or prescribe the manner of electing.

Seventh Proposition. The manner of electing the Supreme Pontiff by the Cardinals alone is the best of all and is deservedly to be preserved, although absolutely speaking the Pontiff could change it if he wished.

Eighth Proposition. If no pontifical constitution concerning the election of the Supreme Pontiff existed, or if by some accident all the electors designated by law--that is, all the Cardinals--perished together, the right of election would belong to the neighboring Bishops and the Roman Clergy, yet with some dependence upon a general Council of Bishops.

But concerning this matter the disputations of many authors exist, and it is not now my purpose to treat the law, but to explain that which conduces to the peace of the Church.

§ 4. Hence it is evident that electors can be constituted by the Church, and for that reason the practice in election has often been varied. Concerning this Gregory of Toulouse writes most learnedly (*Syntagma of Law*, book 15, chapter 3, from §19): "By whom the Supreme Pontiff is elected admits of a distinction according to times. The sacrosanct Roman and Apostolic Church obtained the primacy, not first from the Apostles, but from our Lord and Savior himself; for he said to the blessed Apostle Peter, 'You are Peter, and upon this rock I will build my Church,' and so forth.

"Thereafter, although Clement did not immediately succeed Saint Peter in the see, and although Linus and Cletus, or Anacletus I, held it before him while Peter himself so willed, this was because, while Saint Peter was still living, Linus and Cletus were taken as assistants in the administration of external goods, an office such as the deacons then possessed and the Pope's chamberlains now possess. Thus Clement was second according to election, but fourth in administration, as Supreme Pontiff. Thereafter, because it appeared to be a pernicious precedent for anyone to choose a Bishop as his own successor, and for the things of God to be given by men, another form of electing the Supreme Pontiff was approved, and he was chosen by ecclesiastics alone.

"After the Church obtained peace, the people participated, and the approval or authorization of the Emperors followed. The Emperor's approval was omitted in the election of Pelagius and Gregory I. Benedict II, Supreme Pontiff, established that thereafter the Supreme Pontiffs should be elected by the Clergy and the Roman people without the consent of the Emperor. Thereafter laymen were prohibited, both by Adrian, Supreme Pontiff, and in the Eighth Synod, from involving themselves in the election of Pontiffs; provision was also made that the Emperor's consent should not be employed and that an election made by Emperors should not be valid, although at one time it was pleasing that the people should also be present at the election. Under Agatho, the Sicilian Supreme Pontiff, a definite sum of money was given to the Emperor for the ordination of a Pontiff, and therefore his authority was required, about the year of the Lord 680. A decree of Pope Stephen also exists that the Supreme Pontiff should be ordained in the presence of the Emperor's legates, evidently so that they might restrain the scandals which customarily intervene in an election.

[Printed page 436]

"Adrian I, who obtained the Apostolic See in the year of the Lord 772, after Charlemagne had come at his request to defend the affairs of the Church, held a Synod with 153 Fathers and granted to Charles the election of the Supreme Pontiff, Archbishops, and Bishops, together with all investitures and the dignity of the patriciate. Louis I, son of Charlemagne, ceded this right of election in perpetuity to Paschal I, Supreme Pontiff, who occupied the see in the year 817 and who himself had previously been elected by the Roman people without the Emperor's consent. For this reason the legates of Emperor Louis II were not employed in the election of Adrian II, although they were then in the city, in the year of the Lord 869, even if a certain usurped custom had previously prevailed. Emperor Henry V dared to contend with Paschal II concerning the primacy and the investitures of Bishops; he was excommunicated and finally compelled to beg pardon for his fault, as Godfrey of Viterbo, an author of that time, committed to writing in book 17

of the history entitled *Pantheon*, under Henry V. Adrian III, who occupied the pontificate in the year of the Lord 886, was the first to refer the matter to the people, so that the Emperor's consent should not be awaited in creating a Pontiff.

"Nevertheless Leo VIII, Supreme Pontiff, who occupied the see about the year of the Lord 968, renewed and confirmed for Emperor Otto II the power of electing the Pontiff, issuing definite letters for this purpose, so that he could oppose the enemies of the Empire more securely. Otto, however, had previously sworn fidelity to John XII, his predecessor, and that by his counsel, consent, or exhortation he would destroy nothing, and that without his counsel he would hold no assembly concerning those matters which belonged to him or to the land of Saint Peter.

"From these various concessions, remissions, and decrees the Church finally received nothing except frequent seditions and schisms, until Nicholas II, the Savoyard, who occupied the see about the year 1065, established by a decree of the Council held at Mantua that the Supreme Pontiff was to be elected by the Cardinals alone, after previous deliberation. Alexander III of Siena, again, about the year 1165, added the provision that, if the Cardinals disagreed among themselves in the election, the election of the one whom two parts out of three of the Cardinals elected should be valid--except in a case of necessity, in which two parts of the Cardinals are not awaited, and indeed sometimes the electors can renounce even this solemnity."

§ 5. In the year 1059, in the Roman Council of 113 Bishops under Nicholas II, it was established as follows:

"First, with God as witness, it was established that the election of the Roman Pontiff should be in the power of the Cardinal Bishops, so that if anyone is enthroned in the Apostolic See without their preceding concordant and canonical election, and thereafter without the consent of the following orders of religious, Clerics, and laymen, he shall be regarded not as Pope or Apostolic, but as apostate.

"When the Roman Pontiff, or the Bishop of any city, dies, let no one presume to invade his goods, but let them be preserved intact for his successors."

The robberies of many men have erased this law: they plundered the wealth of the dying, although it belongs to the Church and to the poor. Therefore even the canonical electors cannot now divert it to their own uses.

The entire order of election and of conclaves is described in the Synod of Lyons under Gregory X; for by adding those provisions to the constitutions of the First Lateran Council and of Alexander III, the procedure was perfected. Moreover, in Session 23 of the Council of Basel many most useful provisions concerning election were established, and the consent and profession of the Pontiff-elect are required. There are also further provisions in the same Council, Session 37, and likewise Session 38, concerning the electors and the confirmation of the Pope. The Council acknowledges that there have been various modes of election according as the necessity and utility of the Church required; now, however, he is customarily elected from the Cardinals.

§ 6. The morals of the Pontiff ought to be of the best kind, so that all those qualities which have been spoken of concerning Bishops and priests may be more excellent in the Pontiff by as much as he is greater than all Bishops. Thus, while true and solid virtues are required in the others, the summit of all the virtues is demanded in the Pontiff.

The Cardinals bind themselves by a great crime when they raise to the supreme dignity a man not sufficiently approved. When this has happened, the Church has been shaken by a great commotion and the morals of the Clergy have been turned toward the worse.

His power is the same as that of the other Bishops, but it is greater inasmuch as it extends over the Bishops themselves, and no ecumenical Synod can be convoked without him. His care is universal, and his obligation is for all souls, but it is greatest for his household and his court. All Pontiffs are bound to constitute it in such a manner that modesty, chastity, and justice befitting the household of a priest may exist in it. For if he does not take care of his household, judges, and officials, he denies the faith by his deeds, and the shepherd of all the faithful is worse than an infidel. For since his jurisdiction on earth is supreme, from which no appeal is granted; since his judgment can be retracted by no

one; since all men from every place appeal to him; since the cases of Bishops, princes, and kings are referred to him; since he judges concerning all judgments and is himself judged by no one--in order that he may judge justly, it is necessary that he have just and diligent assessors, examiners, and subordinate judges.

But since Emperors venerate the Pontiff for the sake of piety and religion, as is stated in the epistle of Nicholas to the Emperor of Constantinople, the Pontiff must be guilty of an exceedingly grave crime when he begins to fail in his office and to disappoint the Christian world. Indeed, unless he exhibits greater zeal for the honor of God than the other Christians, he is a prevaricator.

How great, indeed, ought to be the innocence of the man who purges himself of charges not from necessity but of his own will?

§ 7. To this great power the Christian Church has added honor. For he is encircled with a diadem and is honored by the services of kings, humility proceeding even to kisses of his feet. The sectaries blame this; and if it were done from pride and not on account of office, it would deserve blame. Saint Thomas, II-II, question 102, shows that this honor is not inordinate. For the observance with which we attend those who excel in dignity, if they discharge a public office, pertains not to their honor but to that of God and the state. The honor offered to the Pontiff is exhibited not to him but to Christ, whose vicar he is; for this reason he also bears the cross, so that he may testify that the honor is given to the Crucified, not to himself. And since he is also the head of the whole Christian State, honor is deservedly offered to the Church herself in her head. Henry Kalteisen formerly defended that ceremony at the Council of Basel, and now it offends no one except a heretic. He is called Most Holy because his office is most holy. He himself is sometimes impious and is condemned eternally.

He is called Blessed and Most Blessed from the same excellence of power. The same Henry Kalteisen, *On the Liberty of Evangelical Preaching*, in volume 4 of the Councils, page 339, explains it thus: “The venerable Thomas of Walden, book 2, chapter 36, says that general Councils also are called holy

[Printed page 437]

and most holy, not because of the holiness of the persons existing there, but because of the fullness of the office of sanctifying and the infallible assistance of the Holy Spirit. Thus the Catholic Church also is called holy, not because of the holiness of all those existing in her, since there are many sinners, but because of her most holy offices and because of the holiness of the sacraments existing in her; for such things are not called holy from the work of the one working, but from the work wrought. Therefore Saint Cyril, in the synodical epistle directed to Nestorius which begins, ‘To the religious and God-loving,’ calls the Pope most holy and most venerable, and likewise the sacred general Council. Similarly Saint Jerome calls the Pope most holy, magnifying the glory of His Holiness in the book entitled *On the Deeds of the Roman Pontiffs*, writing at its beginning to Pope Damasus.

“Third, the Pope by reason of his office is often most suitably called Blessed or Most Blessed, not as if, outside the state of the wayfarer, he had been established eternally blessed, but because of the admirable excellence of his power, which reaches near to Christ. For whatever power, whatever sacramental grace, whatever heavenly dispensation has been entrusted by Christ, the head of the Church, the Church herself dispenses; and, provided that the Pope does not err in faith, the whole has been entrusted to his dispensation. Hence blessed Hilary also, on account of imperial authority, called Emperor Constantius most blessed in his epistle to him concerning the faith. And blessed Ambrose, writing to certain evil Bishops and priests whom he reproves for simony and many transgressions, calls them most blessed and most holy fathers in his pastoral book which he entitles *On Their Observances*.

“Fourth, therefore, I say that if the Pope commands something to be done which is not expressly contrary to the law of God or to any statutes of the holy Fathers, even if it is not truly founded according to the letter in the law of God, he must be obeyed.”

§ 8. Since the care of all rests upon the Pontiff, nevertheless there is one way of caring for all things: if he frees his court from vices; if he has around him men experienced in affairs, justice, and government, truly pious, and haters of avarice and gifts. Otherwise he will neither understand a case nor judge rightly. Therefore he will strive to preserve his court, and to reform it if there is need. Nor can he offer any excuse. For if he admonishes, corrects, and punishes Bishops, princes, and kings, will he be unable either to dismiss his own ministers or to compel them to honorable conduct? This matter was treated at the Lateran Council, and the bulls of Leo X exist. It befits not only his own court but also the courts of the pontifical Legates--who possess episcopal and sometimes cardinal dignity--not merely to have upright morals, but also to have a modest household; otherwise the disgraces rebound upon them and upon the Apostolic See.

§ 9. Beza, on Matthew 18:17, commands the government of the Church to be either aristocratic or democratic. Meisner follows him in *On the Government of the Church*, as does Parker in *On Ecclesiastical Polity*, book 3, chapter 13. They constitute kings members of the Church, though noble ones. Hugo Grotius assigns judgment concerning the Church to the political magistrate in *The Piety of the States of Holland*. Thus Pareus in the preface on Hosea to the Landgrave of Hesse. But Chemnitz in the *Commonplaces*, chapter 4, *On the Church*, says that the magistrate is guilty of sacrilege when, after excluding the ministers and the rest of the Church, he claims for himself alone the power of constituting the Church. Leyser, in his disputation *On Concord*, and Herbrand, *On Adiaphora*, say nearly the same. Besold says that such a magistrate would be the Political Antichrist. See what he disputes in chapter 3, *On the Ecclesiastical Right of Majesty*, against Rittershausen, Richard Hooker, Grotius, and James, King of England. His argument in §4 is weighty: if religion depended upon the judgment and power of the king, it would be mutable. Indeed, he says that controversies have arisen from the fact that they wish to preserve the state. He denies that Christ wished his spiritual kingdom to be strengthened by the aid of kings.

CHAPTER XXI

Many Unjustly Secede from the Ancient Church out of Hatred for the Roman Pontiff

§ 1. That which pertains to every age--namely, that men should acknowledge the lawful magistracy in the Church--I directed, in my concluding work, against those who were declaiming their jubilees when I wrote these things, so that I might vindicate from false calumnies the true shepherd of all Christians, even of kings. This office also pertains to the political order, since our state is within the Church, and the Church within it.

I set this forth generally because the greatest part of their sermons is spent in invectives against the Pontiff, to such an extent that, if those curses were taken away, from many volumes there would result one small book. The subject of very many sermons is drawn from Daniel 11:31 and the following verses, and Revelation 12, 13, 14, and 17, so that they may impute to the Pontiff absolutely everything that Scripture has ever said against Antiochus and Antichrist. Thus Matthias Hoë in his third jubilee sermon, Baldwin Frederick, Wolfgang Franz, Erhard Lauterbach, Michael Müling, Vincent Schmuck, Paul Laurentius in two sermons, and John Pandocheus; there are also theses and declamations of others.

In these writings I have observed that all of them do three things. First, whatever has ever been wickedly done by any Pontiff they impute to the whole order, and exaggerate it, just as if someone attributed the crimes of Ahab or Manasseh to all kings and therefore took away the force of scepters, because many kings have obeyed their own passions more often than the laws. Second, whatever has ever been invented against Pontiffs by their enemies they set forth with an increment as though it were an oracle; but things spoken rather fervently in favor of the Pontiff they drag into calumny. Thus, when it is said that power has been given to the Pontiff on earth to absolve sins as God absolves them in heaven, and that the judgment of the Pontiff is also that of God, they immediately cry out that the Pontiff is equated with God, God is cast down from his throne and the Pontiff exalted, and that the Pontiff is established by us as God--although the particle **ὡς**, or "just as," is a mark of similitude no less than of equality, since we teach nothing other than that the things which the Pontiff absolves or binds on earth by the use of lawful power are absolved or bound in heaven, and that Christ regards as ratified the sentence of his servant and Vicar.

Third, they attack the doctrine of the Pontiff. In this conflict I have observed three stratagems. The first is to impute by calumny to the Pontiff and Catholics those dogmas which we condemn and anathematize most expressly. The second is to traduce as new inventions of the Pontiff, monks, and Jesuits those things which the most ancient Church taught, for example concerning purgatory. Thus they say that purgatory is an invention of monks. But Zanchi, book 4, chapter 4, question 5, *On the Nature of God*, speaks as follows: "In truth, however, I have not yet been able to discover anything certain concerning the first point. Nevertheless, it is an ancient custom and doctrine. For Tertullian made mention of those prayers for the dead in his book *On the Soldier's Crown*, page 449; but he plainly numbers it among those things which flowed from custom alone and were by no means drawn from the Scriptures. He writes concerning the same matter in the book *On Monogamy*, page 578. He likewise makes mention of offerings for the dead in the book *Exhortation to Chastity*, page 564. But he never teaches or intimates that those prayers or offerings were from the word of God or even from Apostolic tradition."

[Printed page 438]

Dionysius who is called the Areopagite, in the final chapter of the book *Ecclesiastical Hierarchy* and elsewhere; Cyprian, book 1, Epistle 3 and book 4, Epistle 5, and often elsewhere; Ambrose, volume 3, in the funeral oration on the death of Theodosius, likewise the other on the death of Valentinian, and in the oration on the death of his brother Satyrus; Chrysostom in the Liturgy and elsewhere; Augustine, volume 1, *Confessions*, book 9, chapters 12 and 13, asks God to forgive the sins of his deceased mother. Likewise, in *On the Care to Be Taken for the Dead*, chapter 4, he

says that supplications for the spirits of the departed must not be omitted; likewise volume 4, in the eight questions to Dulcitius, question 2, and elsewhere.

I wished to present an example of cunning and at the same time unskilled malice. Zanchi and others who have sometimes read the ancients acknowledge that already in the time of Dionysius the Areopagite and Tertullian there was such a custom, and they cite Cyprian, Augustine, and other Fathers. Therefore, since these things would have had little force for stirring up hatred against the Pontiff, they omit them cunningly, yet at the same time foolishly and unskillfully. For even though they impose upon their own people and appear to be orators, they ought nevertheless to fear the conscience of the Christian world. Their third stratagem is to render Catholic dogmas hateful and to polish their own more horrible ones with gentle words.

§ 2. They render our doctrine hateful by a perverse interpretation. Many began doing this long ago, especially the anonymous buffoon who wrote against the *Privileges of the Calvinists* published by Father Martin Becanus. He was followed by the anonymous writer against Ungersdorf, and now by the jubilators, especially Zeaemann and the others who are accustomed to read nothing except the infamous little books of their own men. They read the words of the buffoon from Oppenheim, who falsely calls himself William of the Meadows, in his epistle: "That Pope can dispense against natural and Apostolic law. For Gratian's Glossator writes this expressly at cause 15, question 6, chapter *Auctoritatem*; distinction 32, chapter *Presbyter*; distinction 34, chapter *Lector*."

But this is a great calumny, for the Pontiff pronounces anathema upon all who teach that the Pontiff can dispense against natural law. Therefore it would be the fault of the Glossator, not of the Pontiff; moreover, that gloss is not present in the current canon law. Nor has any of these men seen the gloss: they hand on to others a lie received from one another. Nevertheless, there are certain things which canonists and jurists call matters of natural law because they accord with the law of nature, although they can be changed because they do not bind at every time and place. For example, it belongs to natural law to return another's property; civil law transfers ownership by prescription. It is Apostolic law that a Bishop should not be a neophyte, should be the husband of one wife, that every man should pray and prophesy with his head uncovered, and a woman with hers covered. Yet we see that all sects, not Catholics alone, sometimes dispense in these matters. Some Glossator could have spoken with this meaning, and Pareus teaches, on 1 Corinthians 11 and 14, that dispensation can be made in these matters.

Next, the title of the canon repels the calumny; it is: "Apostolic authority renders wholly void unlawful oaths." But to render unlawful oaths void is not contrary to natural law. Then there is the canon itself, which belongs not only to Pope Nicholas but also to the ancients: "Following the authority of our venerable predecessors"--at cause 15, question 6--"and expressly of the most blessed Pope and martyr Alexander, the fifth from blessed Peter, we absolve from all oaths and obligations of whatever kind by which they had bound themselves under compulsion through the violence of the impious; and we prohibited both the aforementioned Archbishop of Trier and his Provost, and all who at that time, having been taken captive, bound themselves to them in any manner, from observing those things. Nor, by the authority of God, the holy Apostles, and our predecessors, do we permit them consequently ever to suffer any infamy, calumny, or separation from their goods; as the Lord says through the Prophet: 'Loose the bonds of impiety.' Moreover, we give these commands to our aforementioned brother and to the sons and defenders of the Church of Trier: that with both the spiritual and the material sword they pursue those wicked men and their supporters until the possessions, or whatever ecclesiastical properties have been alienated or seized by this deed or by any agreement, are recalled intact."

§ 3. Nor is the calumny more tolerable when they say that Panormitanus, in the final chapter *On Divorces*, says that the Pope can dispense against the New Testament. So says this buffoon; and the calumny possesses an appearance of truth because the words of Panormitanus are: "Second, note that the Pope, for a most weighty cause, could dispense against the New Testament." But how these harsh-sounding words must be understood is to be learned from the additions, by which the reader is referred in the same place to chapters 13 and 14, *Who Are Legitimate Sons*. There he speaks as follows: "Nor does it stand in the way if it is said that the Pope can for a cause dispense in degrees prohibited by divine

law, as certain men note in chapter *Litteras*, *On the Restitution of the Despoiled*; because that is true according to him by dispensing and legitimating the marriage from the present time, but not from the past, so that the children previously begotten are deemed legitimated."

This dispensation is not in something which has simply been commanded in the New Testament, but it disposes concerning something which is not contrary to the New Testament. For the matter concerns things not altogether necessary, such as the fact that Ambrose, a neophyte, came to the episcopate contrary to the New Testament. Next, the matter is clear from the canon itself. Panormitanus explained that chapter in which Innocent III permits men recently converted to the faith, who had contracted marriage with the widow of a brother according to the law of Moses, on account of their weakness to continue using that marriage after baptism. Nevertheless, it would not be lawful for baptized men to contract such a marriage. He then adds: "Second, note that the Pope, for a most weighty cause, could dispense against the New Testament." This is not to dispense concerning something written in the New Testament as something to be observed, but concerning some law of the Church which is observed in the New Testament; for there is not one iota in the New Testament by which a man is prohibited from marrying the widow of a deceased brother, and in the Old Testament there was even a law which commanded that marriage. He therefore dispensed not against the written New Testament, but against a law of the Church of the New Testament. Nor does it stand in the way that in Matthew 14:3 John says to Herod, "It is not lawful for you to have your brother's wife"; for the matter there concerns the wife of a living brother, as Jerome, Bede, and others attest. Philip died in the twentieth year of Tiberius. But the mind of Panormitanus in the same place--namely, the final chapter *On Divorces*, book 4 of the Decretals, title 19--is clear, for he teaches that the Pope cannot dispense against divine laws.

The same buffoon, and from him the Innovators, also fight against the authority of the Pontiff with naked lies. "Bertachinus says the same," he declares, "in his *Repertory* under the word 'Pope.'" The jubilators allege the same thing. But in that repertory the precise contrary is found: "The Pope cannot dispense in things prohibited by the Old and New Testaments"; Antonius de Butrio and John Andrew in chapter *Super*, *On Usury*, Antonius de Prato in the said counsel 11, column--nor against the Gospel, nor divine law, distinction 20, and then 14, as also the gloss in chapter *Litteras*, *On the Restitution of the Despoiled*.

Thus Bertachinus accuses them of falsehood and cites authorities for the matter. There are countless other things: that we make the Pope a true God, and similar claims which, once uttered without shame by one man, are thereafter repeated by all.

[Printed page 439]

Therefore in these matters we protest before God and men that injury is done to us; for they **ἐν πλεονεξίᾳ πλαστοῖς λόγοις ὑμᾶς ἐμπορεύονται**: in avarice they make merchandise of souls with fabricated speeches. Their life is a meditation upon deceit and a threshing-floor of falsehood.

Ψευδῶν ἄνακτες, μηχανορράφοι κακῶν ἑλικτά.

Kings of lies, builders of devices, wallowing-places of evils.

They reason with themselves thus:

Τὸ κέρδος ἡδὺ κἂν ἀπὸ ψευδῶν ἴῃ.

Gain is sweet, even if it comes from lies.

§ 4. Since, therefore, they fall away from ancient truth through great error, the things which they set forth must be considered. Now, because we are treating the matter generally, we protest only this: there will be no excuse for those who secede for these reasons, any more than there was for the ten tribes because they seceded from the temple at Jerusalem. For in no age have any defected from the Roman Pontiff except those who were heretics, whom our

adversaries also condemn. Next, those who departed from us differ more among themselves than most of them differ from us: some have been carried to the east, others to the west.

But nothing is more astonishing among their errors than the fact that, already convicted, they have arrived at the point of counting the ancient martyrs among the Antichristians. Frederick Braubom did this most shamelessly in the *Flaminian Flowers*, and I refuted it in the book *On the Increase of Heresies*; but Wolfgang Franz discussed it most extensively in thesis 300 and the following theses:

301. The beginnings were indeed slight under Linus, Cletus, and Clement; and yet Linus, from the sacred ordinations which he held in the city, created eighteen presbyters and eleven Bishops, whom he would undoubtedly place in authority elsewhere; Cletus, at Peter's command, as he said, reduced twenty-five presbyters to order; Clement wrote an epistle to other Churches which was not approved by all, as these things are read in Platina.

302. Anacletus, who followed, established that Clerics should not grow a beard or long hair; Evaristus, that an accusation by the people against a Bishop should not be received; and he created Bishops for different places. Alexander commanded that holy water mixed with salt, with sacred prayers interposed, should be kept both in temples and in chambers for putting demons to flight. He also wished water to be mixed with wine in the consecration of Christ's blood; and commanded that the oblation should be made from unleavened and not, as previously, from leavened bread.

303. Sixtus I established that Bishops summoned to the Apostolic See--BEHOLD AND NOTE, READER: the Roman Bishops soon dared to command foreign teachers of other cities--should not be received by their own people when they returned unless they carried with them letters greeting the people--BEHOLD AND NOTE again, reader: thus the Roman Bishops, even amid persecutions, relying on the protection of other rulers, nevertheless insinuated themselves not only into foreign Bishops but also into Churches as their heads--and see the example in the life of Sixtus.

304. Telesphorus established that the fast should be observed for seven weeks before Easter. Pope Hyginus established that churches should not be dedicated, enlarged, or diminished without the judgment of the Metropolitan or Bishop. Pius I dedicated the baths of Novatus in the Vicus Patricius in honor of his sister, Saint Pudentiana. Anicetus established that a Bishop should not refer an accusation against his Metropolitan to any see other than the Apostolic See; likewise, that not all Bishops should be called Patriarchs. Soter established that no nun should touch the pall or place incense in the censer while the sacrifices were being performed.

305. Eleutherius, at the very beginning of his pontificate, immediately received a letter from Lucius, King of Britain, in which he was asked to receive him and his subjects into the number of the Christians. He therefore sent Fugatius and Damianus there to baptize the king and the people. Victor I, who followed him, excommunicated the Bishops of the East who refused to celebrate Easter on the appointed Sundays. Zephyrinus I established that a Bishop summoned to judgment by his Patriarch, Primate, or Metropolitan should not be condemned without Apostolic authority. Callistus I established that four fasts should be held in the four seasons of the year; he is said to have built a basilica in honor of the Blessed Virgin in the Transtiberine region. But we are unwilling to proceed further, because--to the extent that credit is to be given to the pontifical historians--from these claws it is easy to estimate the lion and to understand what is meant when it is said that in those times the mystery of iniquity was already at work.

§ 5. Behold, reader: Linus, Cletus, Clement, Anacletus, Evaristus, Alexander, Sixtus, Telesphorus, Hyginus, Pius I, Anicetus, Soter, Eleutherius, Victor I, Zephyrinus I, and Callistus I were already working the mystery of iniquity, because they did the things which the heretical man relates. And although they poured out their life for the glory of Christ, nevertheless to him they are Antichrists because they worked the mystery of iniquity; nor are they innocent because they were unable to ascend higher, but must be deemed Antichrists because they sought the seat of Antichrist--if we believe the heretic. But far be it from us to condemn as Antichristian the martyrs of the primitive Church, contemporaries of the Apostolic times. Let us rather rejoice that they lived in the same faith as ourselves, as the most ancient canon of the Mass has concerning Linus; Irenaeus, book 3, chapter 3; Jerome in the *Catalogue*;

Eusebius, book 3 of the *History*, chapter 12; Epiphanius, heresy 27. Concerning Clement, those same authors testify. In Epistle 3 he prohibits the celebration of Masses without the Bishops' permission. So many thousands of martyrs of the first century were in communion with him, whom the Innovators now call Antichristians. The epistles of Anacletus which are contained in the first volume of the Councils will show that he was of our faith. This Pontiff ought to be the most Antichristian of all, for in Epistle 3 he asserts the primacy from the institution of the Roman Church. "These things are true," he says, and so forth.

Irenaeus, book 3, chapter 3; Epiphanius, heresy 27; Optatus, book 2 against Parmenian; and Augustine, Epistle 165, acknowledge Evaristus as a martyr of Christ, not as Antichrist.

Alexander, in the *Epistle to the Orthodox* in volume 1 of the Councils, and in *On Consecration*, distinction 2, canon *In Sacramentorum*, teaches that the body and blood are confected in the Eucharist.

Sixtus, among other things, teaches in volume 1 of the Councils that appeals from Bishops summoned to the Apostolic See are to be received.

Telesphorus, in the *Epistle to All* in volume 1 of the Councils and in *On Consecration*, distinction 1, canon *Nocte sancta*, commands that Masses be celebrated and the body of the Lord confected. He likewise says that the Lenten fast is to be observed for seven weeks before Easter and that one must abstain from meat, in the *Epistle to All the Churches*, distinction 4, canon *Statuimus*.

Hyginus says: "All basilicas ought to be dedicated with a Mass," in volume 1 of the Councils and *On Consecration*, distinction 1, canon *Omnes Basilicae*.

Pius celebrates Masses in the house of his sister Euprepia and confects the blood of the Lord, as is evident from the epistle to Justus, Bishop of Vienne, and *On Consecration*, distinction 1, canon *Si per neglegentiam*. He likewise speaks concerning a consecrated cross in volume 1 of the Councils, and in cause 22, question 5, canon *Romanam Ecclesiam*, he says that the Roman Church is the head of all Churches.

The epistles and decrees of Anicetus which are contained in volume 1 of the Councils show that he was of the same faith as ourselves.

[Printed page 440]

Soter established that if one priest, impeded by illness, does not complete the Mass, another should complete it, in volume 1 of the Councils.

Eleutherius says that final judgments concerning Bishops are reserved to the Roman Pontiff; his other decrees are Catholic. Saint Irenaeus came to him as a legate from the martyrs of Lyons. Victor says that judgment concerning Bishops is reserved to himself; he acted against the Quartodecimans.

Several decretal epistles of Zephyrinus are read in volume 1 of the Councils, by which he establishes our faith. He was an illustrious martyr in the year 203; Eusebius, book 5, chapter 27, and Optatus, book 2. Callistus was crowned with martyrdom in the year 226. He wrote concerning the fast of the four seasons, for previously it had been maintained by Apostolic tradition. But, as it appears, it had formerly been performed three times in the year, because they did not number that fast which fell during Lent as a fast of the four seasons.

Now I appeal to the conscience of all: those martyrs taught the same things on account of which we are condemned as Antichristians. Why, therefore, is their condition better than ours? For it is right that we should believe them rather, since they were both near to the Apostolic times and consecrated their faith with their own blood, and since no one either in that Church or in the following age accused them of errors. Why, therefore, do you depart from them? Why do you canonize the persecutors--Neros, Domitians, Trajans, Nervas, Hadrians, and Antonines--as though they were the judges of Antichristian Pontiffs and their avengers by lawful right?

§ 6. That condemnation of the martyrs suffices for our religion. We are unwilling to be separated from them; with them it is pleasing to go into prison and death, and indeed into your hatreds and insulting jubilees. If these things in them were venial and did not deprive them of the heavenly vision, why in us are they evils as great as you pretend them to be? O Christians, do not listen to the posthumous calumniators of Christian martyrs.

§ 7. But it is too little for them to be harsh toward the Martyrs: they spare neither the Apostles nor John the Baptist. It is horrible to hear what Wolfgang Franz dared to defend amid the exultant madness of the jubilees at the University of Wittenberg. In order to deny works of supererogation and to remove the treasury of indulgences from their midst, he accuses John the Baptist.

Thesis 191. "Furthermore, the following things are believed to augment works of supererogation: 1. the exceedingly austere life of John the Baptist, concerning which, among other things, it is said that we cannot show in the Scriptures where God commanded that austerity; 2. his repentance and newness of life, which he, who was never alienated from God, never needed."

192. "As regards the history of the austerity of John the Baptist's life, the question there is not about the fact, for we grant it because it is recounted by sacred Scripture, but about the right: whether John acted rightly in pursuing such austerity."

193. "That John did not act rightly is evident from this: 1. because the ceremonial law of Moses had not yet been abrogated. That law admitted more foods than those alone which John ate. Hence Christ, sending the disciples to the Jews, says to them in Luke 10:7, 'Eat whatever is set before you'--that is, whatever was not prohibited by the law of Moses. 2. Because Christ himself censures that Essene and likewise Pharisaic rigor in Matthew 9:16--17, Mark 2:21--22, and Luke 5:36--39, where he calls the Pharisaic doctrine, and also John's doctrine concerning excessive fasts, an old garment and old wineskins. Before others, let Jacob Faber Stapulensis be read, who explains this passage most correctly in the introductory commentaries upon the four Gospels."

194. "John the Baptist contracted that depraved custom, contrary to the law of God and then condemned by Christ, among the Essenes, since it is evident from historians that such were the customs of the Essenes: namely, they rejoiced in being remote from company, cultivators of retreats and solitude, in having a diet of herbs and fruits of trees, and in avoiding animal foods, just as the Pythagoreans had previously done."

What wonder is it that they are enemies of martyrs and Pontiffs, when they so petulantly assail the forerunner of the Lord, than whom there is none greater among those born of women, praised so many times by Christ, who was a burning and shining lamp?

He concedes that the history is true, contrary to the exceedingly empty interpretations of other Lutherans; for some interpreted **ἀκρίδας**, "locusts," as tender shoots of herbs or as crabs, a wilderness as a suburban villa, and a garment of camel's hair as a Damascene toga. Thus, since they were unwilling to be like John, they made him like themselves; for they preferred to present John as relaxed amid luxuries rather than to disturb their own delights by his austerity.

But let us examine the arguments. The law of Moses admitted more foods than John ate; therefore John acted wrongly. In order that there may be the appearance of an argument, let the major premise be added: "Whoever does not eat all the foods which the law permits acts against the law." Where, I ask, have those who argue thus left their mind? They are ignorant of the distinction between the command and the permission of a law. The Christian law permits to all men mullets, oysters, heathcocks, and whatever other foods there are; yet those who abstain from most of them do not sin. Is it not a virtue to have abstained from agreeable goods? In the royal array of tables is it not lawful for one, content with one or two kinds, to appease his hunger with a few things? But Christ said to the disciples in Luke 10:7, "Eat whatever is set before you." Be it so: they used this power. John imposed upon himself a stricter law of abstinence. He did not therefore sin by renouncing his own right because the disciples acted rightly by using theirs. It was lawful for the Apostle Paul to live from the Gospel, just as it was for the other Apostles; but he preferred to set forth the Gospel

without expense. He could live from the altar, nor was the mouth of him who threshed to be muzzled any more than those of the brethren of the Lord and Cephas; nevertheless, he preferred to die rather than have his glory made void.

But his statement that John's fasting was censured by Christ is a calumny. In Matthew 9:16--17, Mark 2:21--22, and Luke 5:36--38, he does not call John's fasts excessive, nor does he call them old wineskins or an old garment. Rather, he calls his own disciples recruits and weak, not yet hardened to endure new and weighty things. He therefore excuses his own; he does not accuse John. This is evident from the passage, for he says that it is not fitting for the sons of the wedding or bride-chamber to fast for as long as the bridegroom is with them; the time would come when they would fast, and their histories and epistles teach that they performed this. But if John's fasts are called old wineskins and an old garment, what then is the new wineskin and the new garment? Next, if John's fast was vicious, it was through **ἐθελοθρησκείᾳ**, self-imposed religion, badly chosen by himself; John was therefore not a true Teacher--especially according to the heretics, who compare **ἐθελοθρησκείαν**, self-imposed religion, to idolatry. Third, Christ himself praised John's fasting. For after he had praised John in Matthew 11, from verse 7 through verse 18, he adds: "John came neither eating nor drinking, and they say, 'He has a demon.'" He therefore says that generation was like children who say: "We piped for you and you did not dance; we lamented and you did not mourn." Therefore, by so great an austerity of repentance, by which

[Printed page 441]

eternal life was shown and not merely taught, they ought to have been roused to virtue; and because they were converted neither by John's severity nor by the Lord's kindness, he reproaches them for their contumacy.

But if that austerity of clothing and diet had been contrary to the law of Moses, the Jews would deservedly have said, "He has a demon," as of one who violated the law of God. Yet both Lutherans and Calvinists acknowledge that the Jews most shamelessly and calumniously reproached both John and Christ. The academic of Wittenberg now succeeds them; in order to overthrow the Pope, he sets John the Baptist against Christ.

Finally he calls John an Essene, imbued with their customs and their disciple. The histories praise the Essenes exceedingly. The book of the Hebrews which they call *Juchasin* calls the Essenes Nazarenes, whom the Seventy customarily name **ἡγιασμένους**, "sanctified." Their origin was from the Rechabites; some of them were **Κοινόβιοι**, living in community, others **μονάζοντες**, living alone, according to Josephus and others. Abraham Zacuto says that they possessed the best morals, hated gain, and avoided fornication; and Josephus says they were **καταφρονητὰς τοῦ πλούτου**, despisers of wealth. In book 18, chapter 2, he calls them **βελτίστους δ' ἄλλως ἄνδρας τὸν τρόπον**: endowed with the best morals, celibate, farmers, and without luxuries such as anointing and ornament. As regards fate, which they believed in, it can possess a good meaning. If the Essenes were good and holy men, they did not teach John customs contrary to the law of God; if they were heretics, as the Innovators generally think, they must also make John their disciple and imitator a heretic, since his whole life would have been contrary to the divine law and condemned by Christ. Yet concerning him it was said: "And you, child, shall be called the Prophet of the Most High; for you shall go before the face of the Lord to prepare his ways, to give knowledge to the people unto the remission of their sins."

I wished to give this general admonition lest anyone be moved by so many calumnies, which they convey by wagonloads full of lies, when he sees not only Pontiffs and the Clergy, but--what is impious--the ancient martyrs and their Churches accused of Antichristianism, and indeed Saint John the Baptist accused of impiety and error. We ask this of God: that we may never be praised by the mouth by which men so imprudently accuse such saints, nor by those who have departed no more from us than from the Baptist.

Nevertheless, not all feel equally bitterly concerning the Pontiff. In a speech in the public assembly on 9 November 1605, the King of Britain acknowledges many men of excellent virtue among Catholics. George Cassander, century 1, Epistle 21, concedes the Pope the primacy and the prerogative of oversight. Brocard concedes that there are pious and impious men in the papacy.

CHAPTER XXII

The Other Causes for Which They Have Departed from Us Are Unjust

§ 1. I have shown that the cause for which they are carried with such hatred against the Pontiff and Catholics lies not in us but in the malice of apostates, for in the same manner they attack the ancient martyrs and John the Baptist. Now it is pleasing to examine the particular causes. They allege as many causes as there are articles differing from ours which they defend; but I shall explain them individually hereafter. Let us now examine the things which they censure particularly in the Pontiff. They can be referred to three heads: 1. pride, because he equates himself with God, commands Kings, and usurps a twofold power; 2. lust, because he approves fornication and lives impurely; 3. avarice, because, circumventing all men by frauds, he gathers riches. These are the subjects of all their sermons. Even one Pandocheus can be read--not because he is more learned than the others, but because, wandering as though in a public inn, he has crowded lies together in a sermon--or Vincent Schmuck in his theses. Or, indeed, if variety is pleasing, Simon Stenius the poet, who dispersed throughout the University of Heidelberg a ridiculous, mendacious, wretched poem. At least he gives thanks to the reader, and indeed in the poem with which he concluded his most wretched little verses:

> For what remains, my Muse declares herself grateful
>
> For so great an honor from the crown of hearers,
>
> Because it wished, by its presence, to adorn an aged man.

But because all attack the Pontiff from Daniel and Revelation and attempt to establish heresies by the corruption of the Scriptures, I too have undertaken to explain those passages, so that it may be evident to all how far they wander from the truth. In this matter I again, both deservedly and earnestly, protest that they cannot establish their faith from Revelation, since the foremost Lutherans and Calvinists rejected that book, and their successors cannot be more certain than they were. Second, they wrest against the Pontiff, and against all Catholics, the exceedingly obscure prophecies of Daniel and Revelation, understood variously by interpreters; and from the lightest conjectures they condemn them and decree the most atrocious punishments. Pareus--who in the year 1618, as the culmination of all the jubilees, published commentaries on Revelation--confesses: “Many Theologians of greater renown in our age--Luther, Melanchthon, Bucer, Martyr, Calvin, Beza, and others--abstained from the interpretation of Revelation. But this can neither diminish the authority of the book nor prejudice other interpreters. For who knows whether they were deterred by its obscurity, impeded by the mass of their labors, or hindered by lack of time, since they doubted very little concerning the authority of the book?”

Finally he confesses that they produced inventions which possessed little coherence or correspondence with the mind of the Holy Spirit. “From this it has come about that accumulated commentaries upon this book indeed exist, of which none fails to promise new light, while its obscurity has not only not been diminished but has in certain places been enveloped in denser darkness.” Pareus has never said anything truer in these matters; and if he continues thus, he will deserve some pardon for so many lies. It is therefore not just that we should be condemned from things so obscure. But let us examine the matter itself so that we may establish the Ecclesiastical magistracy, without which neither concord nor discipline can stand.

CHAPTER XXIII

The Angel of Revelation 14:6 Is Not Luther, nor Should Luther Be Heard against the Pontiff

§ 1. Revelation 14:6 reads as follows: "And I saw an angel flying through the midst of heaven, having the eternal Gospel, to evangelize those who sit upon the earth and every nation and tribe and tongue and people, saying with a loud voice: Fear the Lord and give him honor, because the hour of his judgment has come; and adore him who made heaven and earth, the sea and all things which are in them, and the fountains of waters. And another angel followed, saying: Fallen, fallen is that great Babylon, which made all nations drink from the wine of the wrath of her fornication. And a third angel followed them, saying with a loud voice: If anyone shall adore the beast and its image, and shall receive its mark upon his forehead or upon his hand, he shall drink from the wine of the wrath of God, which has been mixed

[Printed page 442]

with pure wine in the cup of his wrath, and he shall be tormented with fire and sulfur in the sight of the holy angels and before the sight of the Lamb."

For the jubilators this angel is Luther; he is not Luther for the older Lutherans or for the Calvinists. Many have used these words as the theme of sermons, especially Matthias Hoë, the Saxon Archpreacher, in five sermons *On Luther the Wonder-Man and Triumphant*, to whom I see the others fawning as a man to be venerated on account of his power at court. But it is marvelous that in so many sermons they do not prove by even one argument that Luther is the angel; they only affirm it and, as if it were certain, draw consequences from it and proclaim exclamations. Yet he is so foolish as to suppose that he preserves the Augsburg Confession intact or teaches the Gospel from Luther's opinions. For this reason in the first sermon he inveighs angrily against the Calvinists. Very many others occupied with this argument have interpreted this angel as Luther. Their reasoning is this: The angel who, flying through the midst of heaven, bears the book of the eternal Gospel must be heard. But that angel is Luther; therefore Luther must be heard; therefore the Pontiff is Antichrist.

Everyone sees that the whole difficulty consists in the minor premise. For if this is so, all of us must depart from the ancient faith; the Calvinists also must set sail back toward the Lutherans, from whom most of them departed.

Therefore it must first be considered diligently and in the fear of God whether this article is contained in the word of God: "Luther is the angel who possesses the book of the eternal Gospel." And if it is not in sacred Scripture, does it follow from it by an evident consequence? Our jubilators act ridiculously when, by praising Luther hyperbolically, contrary to truth and beyond faith, they suppose that they have finished the matter if they have invented some similarities between the two. The little pigs of Epicurus once praised Epicurus in his gardens with greater probability, believing him to have fallen, as it were, from heaven, than the worshipers of Luther transfer these oracles to Luther.

The reasons why I think thus are many.

The first. Because no one except a few Lutherans has interpreted the prophecy in this manner. Moreover, they agree in no manner. For Hutter, in the book *On the Sacrifice*, judges Luther to be the first angel; others judge the first angel to be Luther, but determinately insofar as he preached against indulgences; the other angel to be the same Luther when he reveals and condemns Antichrist; and the third angel to be Luther and the Lutherans who opposed the Interim and all compromises with the Pope. Third, the Calvinists have supposed that John Wycliffe, the Angelic Doctor, was this book-bearing angel. Thus Pareus on this passage:

"This angel is the English Doctor John Wycliffe, public Professor at the University of Oxford, a man most renowned throughout the whole world. When the whole West, marveling, followed the Roman beast, in the year 1371 he began

in England to thunder against Antichrist in sermons and writings, teaching from the Gospel that there ought not to be any supreme Bishop in the Church of Christ; that the Pope is not the vicar of Christ but Antichrist; that his privileges, bulls, dispensations, and indulgences are empty, useless, and impious; that political dominion should not be given to spiritual men," and so forth.

Thus there is scarcely room for doubt that the Anabaptists will call their own men by the same name, the Socinians will call Ostorod, others Schwenckfeld; certainly no one among the others will deem Luther worthy of so great an honor. Therefore it is not fitting to rely upon this foundation to establish the faith, since the matter has not yet been proved.

The second reason. The nature of an angel differs exceedingly from the morals of Luther. I am unwilling to repeat the best-known things from his table-talk and his obscene language, which the whole world of Germany casts against him, and which posterity here and there, from shame at such great **αἰσχρολογίας**, erased. I ask only this: let *Luther the Angelic* be read. No other speech will be needed.

The third reason. He does not fly through the midst of heaven, **ἐν μεσουρανήματι**--that is, in a conspicuous place throughout the whole world--but in one part alone, which nevertheless was soon cut into fragments; and now even the name of the Lutheran Gospel is nearly extinguished, for the matter has long since gone away into nothing. For how small is the part of Germany in which the name of Lutheranism remains intact! And in those very corners it trembles most wretchedly under alien heresies; indeed, it is so despised that nothing is more abject than the ministers who worship Luther. As a prompt witness take the aged Paul Laurentius, preacher at Meissen, jubilee sermon 2, page 47: "Now churches are attended neither so diligently nor so piously, and sermons are heard less; everywhere men believe that they can learn these things by themselves. Not only do those eager to hear new things so disdain the office of preaching that many utterly refuse to allow their sons to enter the number of Preachers, but many sons of preachers also, after they have been raised to other degrees of honors and offices, are ashamed that they were begotten while their father was a preacher." Thus not even the adherents of Lutheranism regard their own preachers as angels of this kind, but hold them in contempt and derision as actors and patchers of lies.

The fourth reason. Luther's Gospel is not eternal; for no one knew it before Luther, and Luther survived it. If anyone denies this, he must name even one man before Luther, with Luther, or after Luther who agreed with Luther. Indeed, it must be shown that Luther remained consistent with himself--a thing which not even the Lutherans believe. The words of Pareus, book 4, chapter 13, *On the Lord's Supper*, are:

"Nor do I assume for myself judgment concerning so great a man and God's singular instrument against the papacy. At least, as regards this question, I shall say what I have answered more than once when asked and what his writings and the histories confirm: Luther must be distinguished from Luther. For he was a man who in controversy was often more fervent--as customarily happens to great intellects--than circumspect or observant of truth and right.

"Embrace him as an Augustinian until the year 24.

"Do not hold him as a Synecdochist until the year 29.

"Accept his Concord until the year 43.

"But flee him confessing little until the year 44.

"Again endure him confessing until the year 46."

Therefore that Gospel is not eternal which belongs now to an Augustinian, now to a Synecdochist, now to a man agreeing with Zwingli, then to one confessing little and perversely, and finally to one confessing his error, yet not without another error even when confessing an error.

Nevertheless, they object to us that Luther is therefore the angel because his flight was free from the Pope's jurisdiction. But this argument is of no weight. For all the heresies which formerly, and all those which

[Printed page 443]

now have emerged from hell, have usurped that liberty and license, although otherwise they are slaves of sin. Nor is it praiseworthy to despise the judgment of the Church and antiquity and to strive for glory under one's own auspices by an unaccustomed way. On this account, however, his flight was Icarian, and he fell into the Saxon papacy, as the Calvinist Clebitius writes; and Melanchthon complains that an iron yoke was imposed in place of a wooden one. But if the Ministers could see the truth, they would certainly perceive, more clearly than the sun, that there was and is greater liberty of teaching among us than among those who, bound by so many chains, imagine that they are apocalyptic Daedaluses. Do they not receive laws for teaching from kings and courts? I entreat them to examine the acts of Marburg from the year 1606, *Antwort auff den Historischen Bericht der Marpurgischen Kirchhändel*, pages 49 and 50. The most illustrious Landgrave of Hesse explains to the Lutherans who refused to yield their Churches and ministry his own right. The exiles themselves relate the matter in these words:

> **Dass wir aber vns beschweren/ vnsere Diensten selbsten Ihr. Furstl. Gn. auffzutragen/ vnd zu resignieren/ käme Ihr das wunderbarlich für/ da sie uns noch nie nicht angenommen/ sondern es weren solche Aempter allbereits loss gestorben mit dem Herrn/ dem wir zuuor gedienet/ vnd ipso facto vns resigniert.**

"That we are aggrieved at ourselves delivering and resigning our ministries to His Princely Highness appeared astonishing to him, since he had not yet accepted us; rather, all those offices had become vacant and expired with the death of the former lord whom we had served, and by that very fact had been resigned to His Highness." Behold the liberty of angels flying through the midst of heaven. Secular princes can not only dismiss, receive, and issue commands concerning preaching; rather, with their death, just as the palatine offices of scribes and grooms cease, so also do the ministries of preachers, and they are not valid except by the will and acceptance of the new lord.

The sixth reason. The speech of this angel and that of Luther do not agree. The angel's words are: "Fear the Lord and give him honor, because the hour of his judgment has come; and adore him who made heaven and earth and the sea and all things which are in it and the fountains of waters."

Luther's word is that the fear of God is pernicious and makes men greater sinners. He prohibits Christ from being considered as judge and avenger.

Then he teaches a confidence which excludes all fear. The angel commands that the Lord be feared because the hour of his judgment has come. But both Lutherans and Calvinists judge that to fear the judgment of God and the punishments decreed by his judgment is a murmuring against God and leads to despair. Yet this angel by no means exhorts men to crimes and blasphemies.

Nor is that angel Wycliffe, as Pareus supposes. For this angel does not teach heresies, but Wycliffe brought forth many heresies which even Pareus cannot deny are heresies. In Sessions 8 and 45 of the Council of Constance, forty-five articles which the Council condemned are numbered, and Pareus also ought to condemn some of these:

The fourth article: If a Bishop or Priest is in mortal sin, he does not ordain, consecrate, confect, or baptize.

The sixth: God ought to obey the Devil.

The tenth: It is contrary to sacred Scripture that ecclesiastical men should possess property.

The eleventh: No Prelate ought to excommunicate anyone unless he first knows that he has been excommunicated by God; and he who excommunicates in this manner thereby becomes a heretic and excommunicate.

The fifteenth: No one is a civil Lord, no one a Prelate, and no one a Bishop while he is in mortal sin.

The seventeenth: Common people can correct offending Lords according to their own judgment.

The twenty-seventh: All things happen from absolute necessity.

The twenty-ninth: Universities, schools, Colleges, degrees, and Masterships in them are empty things introduced by paganism and profit the Church as much as the Devil does.

The forty-third: Oaths made to confirm human contracts and civil commerce are unlawful.

The forty-fifth: All religious orders without distinction were introduced by the Devil.

Others have collected other teachings: that marriage between brothers and sisters is lawful by divine law and prohibited only by human ordinance, thus book 4 of the *Trialogue*, chapter 20. And this, which is altogether blasphemous: that any creature whatsoever can be and be called God, because its perfection is in God as in its cause, and indeed in an ideal and exemplary manner.

But what of the fact that he acknowledges true Pontiffs down to Urban, while Calvin thinks Gregory was the last, and others begin the Antichristians with Linus and Cletus? His words are in error 9: "After Urban VI no other Pontiff is to be received." But he had communion with Urban. Therefore, if Wycliffe is a true angel, all the Preachers are condemned because they possess property--not as much as they would wish, but as much as the court permits.

He retained many Catholic teachings which the Calvinists detest. In book 2, chapter 4, and book 3, chapter 2, he acknowledges merit.

He places faith in the intellect and distinguishes it from hope, book 3, chapter 2, which is contrary to the Calvinists.

He says in the same place that faith possesses merit.

He distinguishes faith and hope in three ways, book 3, chapter 3: 1. hope concerns only eternal reward; faith concerns every other truth. 2. Hope rests in a certain act midway between doubt and belief. 3. Hope concerns only a possible good; faith also concerns evil. These things are contrary to Calvin.

In chapter 3, book 3, he says that God approves and necessitates sin, and thus necessitates a peccable creature to sin. Many Calvinists deny this, and rightly.

In chapter 5 he says that grace is extinguished by some sin. In this part, therefore, he is rigorous.

In chapter 6 he says that many of the foreknown--that is, the reprobate--are presently in grace.

In book 4, chapter 1, he acknowledges seven Sacraments.

In book 4, chapter 20, he calls Matrimony a venerable Sacrament.

In book 4, chapter 22, he acknowledges purgatory.

In book 4, chapter 24, he calls contrition sorrow sufficient for the erasure of sin, and says that to repent is to lament sins and not to commit things which must be lamented.

He teaches these and other things alien to present-day Calvinism, so that Pareus appeared more ridiculous to me when he canonized Wycliffe and made him an angel than when he said that Calvinists and Lutherans disagree in only one article, and not in that whole article. But a most black demon cannot be made into an angel without enormous lies.

Nevertheless Pareus excuses himself: "Brichmann's conjecture does not displease me: that by this flight is signified the imperfection of the doctrine first brought forth by those Doctors. For although they saw and reproved the grosser errors of the Pope, nevertheless something of the earthly dregs still adhered to them in many things, so that they could not raise themselves upon full wings into the highest heaven. For just as a man who has long lain hidden in darkness, suddenly coming forth into the light, sees all things with dimmed eyes, so those who had been detained in the darkness of so many centuries of papacy could not immediately behold the light of the Gospel except with dimmed eyes."

[Printed page 444]

But first, this is absurd: that an angel should be so ignorant, so blasphemous, and should be sent as a Teacher to all who sit upon the earth, over every tribe and nation and tongue and people; that an angel, I say--a universal Teacher of the world, holding the eternal Gospel and sent so solemnly by God--should carry about so many errors under the name of the eternal Gospel. If, therefore, the angels err in so many matters, there is no reason why we should believe them. For Wycliffe agreed with us in more matters than with the Calvinists.

Moreover, since that angel comes at the time when the second beast makes men adore the image of the first beast; since, according to the adversaries, the first beast is the Empire or Emperor and the other is the Pope or papacy; and since the Pope has not yet commanded the image of the Emperor or Empire to be adored or his mark to be borne, that angel has not yet come either. Therefore he was not Wycliffe. Accordingly, those three angels will be three principal Teachers in the time of Antichrist, who will oppose the beast and promulgate true doctrine.

CHAPTER XXIV

The Roman Pontiff Is Not Described by the Words of Daniel 7:21 and 8:23

§ 1. The words of Daniel 7:21 are: “I was looking, and behold, that horn was making war against the saints and prevailing over them, until the Ancient of Days came and gave judgment to the saints of the Most High; and the time came, and the saints obtained the kingdom.” And thus he says: “The fourth beast will be the fourth kingdom upon the earth, which will be greater than all kingdoms, and it will devour the whole earth and trample and crush it. Moreover, the ten horns of that kingdom will be ten kings; and another will arise after them, and he will be mightier than those before him, and he will humble three kings. And he will speak words against the Most High and wear down the saints of the Most High; and he will think that he can change times and laws, and they will be delivered into his hand until a time and times and half a time.”

The words of Daniel the Prophet in chapter 8 are: “And after their reign, when iniquities have increased, a king shameless of face and understanding propositions will arise; and his strength will be made strong, but not by his own powers; and beyond what can be believed he will lay waste all things, and he will prosper and act. And he will kill the mighty and the people of the saints according to his will; and deceit will be directed in his hand, and he will magnify his heart, and amid an abundance of all things he will kill very many; and he will rise against the Prince of princes, and without a hand he will be crushed. And the vision of evening and morning which was spoken is true. You, therefore, seal the vision, because it will be after many days.”

And chapter 11:36: “And the king will act according to his will, and he will be raised up and magnified against every god; and against the God of gods he will speak great things, and he will prosper until the wrath is completed, for the determination has been accomplished. And he will have no regard for the God of his fathers, and he will be among the lusts of women, nor will he care for any of the gods, because he will rise against all things. But he will venerate the god Maozim in his place, and a god whom his fathers did not know he will worship with gold and silver and precious stone and precious things; and he will act so as to fortify Maozim with the foreign god whom he has known, and he will multiply glory and give them power over many, and he will divide the land freely. And at the appointed time the king of the South will fight against him, and like a tempest the king of the North will come against him in chariots and horsemen and a great fleet; and he will enter the lands and crush and pass through, and he will enter the glorious land, and many will fall.” They say that the Pontiff does all these things. I shall report them from Paul Laurentius, for many write the same things.

First, he says in sermon 1 that the Pope’s legate Tetzel taught that the red cross bearing the Pope’s insignia had the same power as the cross of Christ.

Second, that indulgences are justifying grace.

Third, that through indulgences sins are forgiven without repentance.

Fourth, that he even remits future sins. These concern doctrine.

Fifth, that the Pope is called **המלך**, “that king”--the certain king who corresponds to Antiochus in malice and crimes.

Sixth, that Boniface VIII denied confirmation to Albert, saying that he himself was both king and Pontiff; that he also went about in royal attire and said, “Behold the two swords here.”

Seventh, that he wrote to Philip, King of France: “We wish you to know that in both spiritual and temporal matters you are subject to us.”

Eighth, that he is above the law and wishes to be judged by no one.

Ninth, that he will do whatever he wishes.

Tenth, that he will exalt himself against God.

Eleventh, that he says he can do all things which God can do.

Twelfth, that he makes himself God, distinction 96, canon 7, *Satis*, and sermon 2.

Thirteenth, that he calls himself the vicar of Christ.

Fourteenth, that he equates an *Agnus Dei* with the blood of Christ. Thus Urban V sent one to a certain Emperor of Greece and wrote: "It breaks sin as does the blood of Christ, and constrains it."

Fifteenth, that he abolishes marriage and permits the other lusts.

Sixteenth, that he worships Mauzim and becomes an idolater.

Seventeenth, that Pius IV ordered eighty Evangelicals to be killed, and that others instituted many persecutions.

Matthias Hoë, in the preface to *Luther the Wonder-Man*, says that under Julius II one million were killed.

§ 2. But these things have been related partly with the greatest falsehood and partly with the greatest malice. Let us interpret Scripture, though it is best to begin with chapter 7, verse 24:

"Moreover, the ten horns of that kingdom will be ten kings, and another will arise after them, and he will be mightier than those before him, and he will humble three kings."

In the Chaldean it is **מִלְכְוָתָא מִנַּה**, *minnah malkhuta*, "from the kingdom," for they will arise from the kingdom. But that other one is said to be mightier than they--or, as the Chaldean has it, **יְשַׁנֵּא**, "differing," surpassing the others, or differing beyond the others. The Roman Greek edition interprets this not simply of power, but of impiety: **ὃς ὑπερίσει κακοῖς πάντας τοὺς ἔμπροσθεν**, "who will surpass in evils all those before him"; other editions, however, have omitted the expression **τοῖς κακοῖς**, "in evils." Porphyry formerly said that the little horn was Antiochus, who was called Noble, or Epiphanes. So also Bruchthon, Junius, and Tremellius, who enumerate these ten horns as follows:

1. Seleucus Nicanor. 2. Antiochus Soter. 3. Antiochus **Θεός**, Theos. 4. Seleucus Callinicus.

[Printed page 445]

5. Ptolemy Euergetes. 6. Seleucus Ceraunus. 7. Antiochus the Great, or Hierax. 8. Ptolemy Philopator. 9. Seleucus Philopator. 10. Antiochus Epiphanes.

Three kings humbled by Epiphanes:

Ptolemy Philopator.

Seleucus, brother of Epiphanes.

Demetrius.

§ 3. This opinion is easily refuted by all those arguments by which it is proved that the little horn belongs to the fourth beast, which is the Roman Empire. Nevertheless, that error of the Calvinists is advantageous to us, because from it it is evident that the conjecture concerning the Pontiff is uncertain, since the leading men among them do not at all extend this prophecy to Christian times. But because we rely upon truth, not upon another's error, let us refute this opinion also.

First, that opinion contains an **ἀνισορίαν**, an inconsistency in its reckoning. For either, when they make him the tenth, they enumerate only the Seleucid kings of Syria--and in that manner Epiphanes would be the eighth--or, if they add the two Ptolemies Euergetes and Philopator, then by the same reasoning Ptolemy son of Lagus must be joined to them,

who, as Josephus attests in book 13 of the *Antiquities*, occupied Syria and the city; and also Ptolemy's son, who was called Philadelphus, under whom the translation by the seventy-two interpreters was made.

Second, they do not agree concerning the three humbled kings. Porphyry judges them to have been Philometor and Euergetes, the Egyptians, and Artaxias the Armenian. The Calvinists appoint this Demetrius. But he did not greatly humble the Egyptians, for he was forced to depart with his purpose unaccomplished. Nor was Epiphanes mightier than the others, but was wretched and needy after the treasury had been exhausted, as the history of the Maccabees testifies. Certainly Seleucus Nicanor, after defeating Lysimachus, ruled more widely, as did Antiochus the Great himself and others.

The other opinion is that the little horn is the Turk; so Annius, Pintus, Vatablus, Luther himself, and Strigel. But among them there is nevertheless no agreement concerning the three kings whom the Turk humbled. Some name the Arabian, Egyptian, and Asiatic kingdoms. In place of the Arabian kingdom Luther put the Greek kingdom. And he adds that the Turk will cast down no more before the final day of judgment. But if that is true, neither Germans nor Italians can be held in fear of that tyrant; even Pannonia itself will not dread his proximity. Daniel refutes this opinion when he says that they are kings, not kingdoms, and that kings are to be cast down. When Luther boldly pronounces that the Roman Monarchy was divided into ten kingdoms--namely Syria, Egypt, Asia, Greece, Italy, Gaul, Spain, Africa, Germany, and England--he speaks in his own manner, more freely than considerately. For what shall we say of Illyricum, the regions of Istria, and even Mesopotamia? Then the Turk holds several kingdoms: Syria, Egypt, Asia, Greece, and Africa. To say nothing of the Spains possessed by the Saracens for eight hundred years, five or six horns, therefore, have been cast down.

§ 4. Impious and blasphemous is the opinion of the Jews that the little horn is Christ the Lord, who began from small beginnings--the son of a carpenter and companion of robbers upon the cross--and whose Apostles were fishermen. Second, he spoke immense things: that he was the Son of God. Third, he changed times and laws. Fourth, he reigned for a time and times and half a time, for from his baptism to the cross are three and a half years. Fifth, this horn was crushed by the people of the saints, by the Synagogue. But Christians and Turks receive them with hisses, particularly because after this horn was crushed the kingdom was not given to the people of God, that is, to the Jews; rather, destruction befell them and captivity lasting so many centuries. Then, if the little horn is the kingdom of the Christians, how does it obtain only three kingdoms in the Roman Empire? Which are those three, and which the remaining seven? Then it was not Christians who destroyed Judaea, but enemies of the Christians--Vespasian, Hadrian, and others. That the remaining details do not agree will be said in the explanations that follow.

The sectarians of our time imitate these men, and what they do not dare direct against Christ they vomit forth against his vicars.

§ 5. The true opinion, therefore, is that of very many Fathers: that the little horn is Antichrist. "Therefore let us say," Jerome says upon this passage, "what all ecclesiastical writers have handed down: that at the consummation of the world, when the kingdom of the Romans is to be destroyed, there will be ten kings who will divide the Roman world among themselves; then an eleventh, little king will arise, who will separate three kings from those seven, that is, the kings of Egypt, Africa, and Ethiopia; and after these have been killed, the other seven kings also will submit their necks to the victor."

Antichrist, therefore, is one king who will subject three kings reigning at the same time, as Theodoret rightly says. "But if," he says, "they did not rule at the same time, but singly succeeded those before them, different men succeeding others, how will he humble these three predecessors at the same time?" Graser, in *The Plague* on Revelation 13, says that that chapter of John leads us into the citadel of Antichrist and agrees with Daniel 7. But I prove in explicit words that these things have no relation to the Pontiff.

§ 6. First, the Pontiff did not humble three kings. For either we speak of his temporal dominion, and this is contained within no great part of Latium, or of his spiritual power, and that was always over all Christian kings and kingdoms,

not merely over three. Germany, Gaul, Italy, Spain, Poland, and other kingdoms still acknowledge it. Accordingly, nothing in this part coheres, and an invincible argument for the Catholic faith arises: the Roman Pontiff did not arise after the ten kings who held the Roman world divided, nor did he humble three of those kings; therefore the Pontiff is not this little horn.

From here I proceed to the other matters. In the judgment of very many, the Pontiff is not this little horn, nor can he be; therefore he is also not that king treated in chapter 8, nor the apocalyptic beast. For the sectarians affirm that this horn, that king, and the apocalyptic beast are one kingdom or monarchy. If, therefore, this horn has no relation to the Pope's kingdom, neither do those beasts. For things which do not agree with something also do not agree with that which is identical with that something.

Then verse 25: "And he will speak words against the Most High," and so forth.

The Chaldean text which Daniel used says **עָלָא֣ לַצַּד֣ מִלִּין**, which properly means: "He will speak words toward the side, or on the part, of the Most High." The Septuagint translates: **λόγους πρὸς τὸν ὕψιστον λαλήσει**--"He will speak words toward the Most High." Symmachus, according to Jerome's testimony, translates: "He will speak words as God," so that he who assumes the power of God also claims for himself words of divine majesty. Second Thessalonians 2: "He will show himself as though he were God." The Pontiff does not do this; therefore he is not that horn of which the Prophet Daniel speaks. The minor premise is certain among all legitimate judges. For the Pontiff professes himself to be a man, a sinner, a servant of God, the servant of the servants of God. Every day he confesses his sins to God, and often also to priests; he prostrates himself upon his face before God. All these things belong to a man, and to a man who knows God and groans over his own weakness, not to one who aspires to divinity.

[Printed page 446]

§ 7. Here they all rise up. First: he who wishes to be judged by no one makes himself God; but the Pope wishes to be judged by no one; therefore he aspires to divinity. For if the Pope drags innumerable souls with him to hell, such is his pride that he does not wish anyone to say to him, "Why do you act thus?" I shall transcribe for you the complete passage from the epistle of the most holy Archbishop of Mainz and martyr Boniface, for part of it is found in distinction 40, canon 6, *Si Papa*. Boniface's words are as follows:

"The holy Roman Church, made by divine and human privilege of special authority the head of all churches after Christ Jesus, affects the members of the whole of Christendom according to the character and health of its Bishop or ruler, so that they answer to its soundness with their own soundness and rejoice with it; and, no less, accord with its illnesses by their own illness. And just as, according to the Apostle, they are glorified together with its glory, so are they cast down by its abasement, so that in it especially that prophetic saying is found to be fulfilled: 'Every head is diseased and every heart grieving; from the sole of the foot even to the crown there is no soundness in it.' And, in truth, all men look up to the summit of the aforesaid Apostolic See with such reverence that some seek the discipline of the holy canons and the ancient institution of the Christian religion more from the mouth of its prelate than from the sacred pages and paternal traditions. They so investigate his willing and his refusing that, according to his judgment, they themselves relax or intensify their conduct.

"But if--as is supremely expedient for himself and all--consumed without interruption by zeal for the house of God, existing as a faithful and prudent steward, he shall have striven to preserve himself irreproachable before God and men in deed and speech, then, to speak almost truly, he makes nearly the whole world, astonished and solicitous, run with him after God; he leads in ranks peoples of each sex and of diverse profession, condition, and age, to be set by their Lord over all his goods. But if he is found negligent of his own and his brethren's salvation, useless and remiss in his works, and moreover silent concerning the good--which harms himself and all men more--he nevertheless leads innumerable peoples in ranks with himself, as the first slave of Gehenna, to be scourged with him by many blows for eternity. No mortal presumes to reprove his faults here, because, although he is to judge all, he is to be judged by no one, unless perhaps he is found to have strayed from the faith. For his perpetual condition the whole body of the

faithful prays the more earnestly, the more keenly they perceive their salvation after God to depend upon his soundness.

"For, with the mystery of divine omnipotence preserved as is fitting, in the place second after him that saying of blessed Job can not unfittingly be applied to the holy Roman Church: 'If he destroys, there is no one who may build; and if he shuts a man in, there is none who may open to him; if he withholds the waters, all things will be dried up; and if he sends them forth, they will overthrow the earth.' Nor is this without reason, since she especially retains in Peter the reins of heaven and earth. Since she is the spiritual mother of all the faithful in Christ, no one ought to refuse to be struck by her discipline or corrected by her censure, according to those Proverbs of Solomon: 'Do not forsake the law of your mother; bind it continually upon your heart. For he who casts away discipline is unhappy, and a foolish man despises his mother'; and again: 'He is accursed by God who provokes his mother, and the curse of a mother uproots foundations.' Those things, indeed, which arrogantly are divided from her see--to which it was said, 'You are Peter, and upon this rock I shall build my Church'--are proved to have been placed upon the sand of carnal desire or human presumption. The course of a stream can by no means prosper if it is divided from its source."

§ 8. This is the passage which fills everyone's books, as though we attributed such great right to the Pope. Here come exclamations and stamps of the feet. Yet it is right that we too be heard. First, the words are those of Boniface, a holy man. Second, the words can have a true sense. For the sense of the whole canon is what its title presents: "An Apostolic Pontiff who is negligent of his own and his brethren's salvation is condemned." For there are two antithetical statements. The first is: "A Pope who is a faithful steward makes the world run after God." The other is: "But if he is negligent, he nevertheless leads many peoples with himself who are to be scourged in Gehenna." For because of either his examples or his negligence many perish. Condemnation, therefore, hangs over him if he is negligent.

But this gives offense: that no one reproves his faults. Yet the sense of this too is not that no one is permitted to admonish the Pontiff; for many grave men admonished many Pontiffs, and Paul gave an example when he resisted Peter to his face. Certainly a confessor can reprove and rebuke him, and no less can Cardinals, Bishops, and those whose concern it is. What, then, does Boniface mean when he denies that the Pontiff can be reproved? What he adds: "Because, although he is to judge all, he is to be judged by no one." It is because there is no tribunal before which he can be summoned as a subject. For no subject can judge anyone by authority.

And this is what is said in cause 17, question 4, canon 30, *Nemini*; cause 9, question 3, canon 17, *Cuncta*; and other places. For judicial reproof is excluded. Nor ought this to appear astonishing to our sectarians, who so exempt kings from every judgment that they say kings are nearest to God and that above them there is only almighty God. See William Barrett's books *On Royal Right*, in which he places truth and flatteries side by side, yet is overcome by the desire to flatter. If, therefore, kings are not compelled to stand as defendants before the tribunals of their subjects, why should the Pontiff be compelled, since he too is not the subject of other Bishops and kings?

§ 9. They object, second, that Antichrist wears down the saints of the Most High; the Pontiff does this; therefore he is that horn, he is Antichrist.

But it will be easier for me to interpret those words so as to show the Pontiff's innocence and to turn them back against our adversaries. The words themselves indicate a great persecution: **יְבַלֶּא עֶלְיוֹנִין לְקַדִּישֵׁי** *leqaddishe ʿelyonin yeballe'*, "he will wear down the saints of the Most High," or "of the high ones." For it uses that **עֶלְיוֹנִין** "high ones," just as the Hebrews use **אֱלֹהִים** *Elohim*, in the plural number. Accordingly, some do not translate correctly, "the highest or supreme saints"; since they did not attend to the government of the word, they ought not to have preferred themselves to the Septuagint interpreters, who translated **τοὺς ἁγίους τοῦ ὑψίστου**, "the saints of the Most High." "He will wear down." The Roman edition of the Septuagint has **παλαιώσει**, "he will make old," or "consume with age"; the Genevan, however, **πλανήσει**, "he will deceive"; Justin, **καταφθείρει**, "he will overthrow"; others, **ταπεινώσει**, "he will humble." The question is whether the Pontiff has done these things. They bring forward various matters, but

examples from their own people. For what the Lutherans think of the Calvinist martyrs, and conversely what the latter think of the former, I have said in the *Jubilee* and in the instruction *On Chronology*.

§ 10. Before all others Sigismund Evenius objects to this in the *Secular Lutheran-Evangelical Palm*, page 27:

"After the descent from these kings to their subjects had been made--just as immediately at the beginning of the Reformation the Papists, and in the year 1524 the Archbishop of Mainz, raged against the Evangelicals even here in our Halle--they sowed one persecution after another and multiplied martyrdoms without end, so much so that from the year 1550

[Printed page 447]

to 1580, within the span of thirty years, nine hundred thousand men were slain and butchered by Antichrist. Nor were all of them commoners, but 39 Princes, 148 Counts, 235 Barons, 147,511 Nobles, and the rest from the common people. The histories establish how much Christian blood the Parisian nuptials poured out in the year '72: more than 30,000 miserably perished in that slaughter. When the Duke of Alba was about to bid farewell to the Low Countries, he boasted that within a span of six years he had killed 18,000 on account of religion. And while Charles V was still alive, as many as fifty thousand Christians were butchered in the same Low Countries; likewise, from the year '76 until the Pacification of Ghent, 30,000 had perished under Spanish tyranny.

"Nor did they rage only against the living, but corpses were not spared. Hence the bodies of Bucer and Fagius were dug up and burned in 1556 at Cambridge in England, under the pious pretext that not only had both of them spread pernicious and erroneous doctrine, but both had also led a family among the sectarians; that not only had they themselves strayed from the Catholic Church, but by defecting from it had also given others an example; and that it was contrary to the sacred decrees and discipline for even the bodies of such persons to be given ecclesiastical burial.

"To these were added fires and poisons, by which certain agents might destroy and butcher those freed from these snares. Various fires were heard of throughout Saxony around the year '41; finally, several of the arsonists were detected and captured in different places. When put to the question, most testified even to their last breath that, after receiving money from the officials and household of Henry of Brunswick--against whose calumnies Luther had written in the same year in invective writings, because he had proclaimed the Duke of Saxony a heretic, seditious, a Cain, a monster, an Aesop endowed with no virtue either of body or soul--they had been hired and sent to do this.

"Indeed, concerning the Roman Pontiff, Antichrist and instrument of Satan, it was spread abroad by trustworthy persons in the year '46, when the war of the Protestants was raging--a war of which the Pope himself was the principal author--that not only had he afflicted Saxony grievously by fire through hired arsonists during several preceding years, but that at that time he had also purchased poisoners to corrupt wells and standing waters, so that these men might destroy by poison whatever survived the sword and weapons. Therefore the Protestants admonished all men generally, and especially those under their dominion, to take care that those commissioners be apprehended and, when the crime was established under torture, pay the penalty. For John William, son of the Elector, adds that not long before, not far from Weimar, a certain man suspected of being an Italian had been apprehended, who confessed that money had been given at Rome to him and certain others in the name of the Pontiff, so that throughout Germany they might do as much damage as they possibly could by fires and poison.

"Nor does Satan cease to be like himself. For in the most recent year 1610, on the eleventh day of June, a monk who had disfigured by fire two villages belonging to the Emperor's Master of the Horse was brought as a prisoner to Prague and handed over to the Archbishop, together with a list found upon him of other Bohemian nobles whose estates he was to set on fire.

"I pass over exiles. How great a tyranny occurred in them is evident from this alone: as Maurice, Duke of Saxony, wrote to the Estates in the year '52, they everywhere cast preachers and ministers of the Church beyond the boundaries of the Empire, and await the decree not only of no legitimate council, but not even of a papist one, and they regulate

the matter immediately from the execution itself. I pass over prisons and the other kinds of punishments inflicted under and by the Roman Antichrist."

§ 11. Thus he speaks. If he considers that Lutherans were driven into exile by Lutherans and by Calvinists, he will marvel not at all that Catholics also did this at some time. But the matter itself teaches that this accusation is unjust, for the Pope neither ordered all those men to be killed, nor were there so many. But that they were not saints of the Most High, since most were Calvinists, and that these were not martyrs, the *Secular Palm* itself teaches. On page 55 it has this:

"The martyrdoms appeared both too weak as **ὀρθοδοξίας τεκμήρια**, proofs of orthodoxy--since they not rarely embrace heretics and ruined scoundrels--and inflicted for the Lutheran profession and the abnegation of papal tyranny, not for Zwinglian novelty and blasphemies. The very slight straws or splinters of opinions which they vaunt are instead the thickest beams of errors and of most impious blasphemies against God's omnipotence, holiness, and mercy and Christ's merit. Finally, the deception in their confessions and reformations is more manifest than to require adjudication, since practice has not rarely uncovered it until now."

Then he believes the Calvinists concerning the number of martyrs, which he ought not to have done, since on the same fifty-fifth page of the *Palm* he says: "Among the reckoning of these falsehoods--of which a very fertile crop is to be found among the Sacramentarian nation, so that blessed Luther not undeservedly judged that the Zwinglians should no longer be called liars, but falsehood itself--that claim is almost chief," and so forth.

Third, this same man of ours acknowledges that those accused men who were slain had committed offenses. Second, that they were Sacramentarians. Third, that they were punished by the sectarians themselves. Fourth, that those men procured those dangers for themselves. Fifth, that they acted impetuously and were punished by the Lutheran populace. Sixth, that the Calvinists themselves act cruelly where they hold power. On folio 94 he describes all these things:

It is known how in the year '29 the Sacramentarian spirit began the Reformation at Basel with iconoclasm. For when a certain man tore down with his spear the statue of one of the saints so that it fell to the earth and was broken, on that occasion hands were then laid upon several more, and three hundred armed men were sent to the church to demolish everywhere in the churches the idols, or statues. And when certain men from the Senate came running to quiet the disturbance, the iconoclasts answered: "What you have already been deliberating for a whole three years--whether it ought to be done--we shall complete in one hour, so that henceforth there may be no dissension among us on account of idols." On the third day nine piles were assembled before the principal church and, when set on fire, were burned.

The Waldensians followed this example in the year '61; they similarly cast images and altars to the ground and broke them. Something similar happened in Dauphiné in the year '62, where it was decreed that destroyers of statues should by no means be called seditious, since, having undertaken the defense of truth, they said it was their duty to remove from men's sight so detestable a spectacle, hateful to all the pious.

Especially in the year '66, such great violence of iconoclasts gained strength throughout the whole of the Low Countries that within the span of a few days it overran Antwerp and very many neighboring places with the greatest tumult and great speed. They thrust a sword into the side of one statue; they cut off the head of another with an axe; with ropes they pulled down from on high an image of Christ hanging from the cross; after pulling it down, they crushed it into pieces; they overturned altars, cast down and plundered reliquaries, ornaments,

[Printed page 448]

and the other apparatus of sacred things; and finally they perpetrated things which no sane or prudent man ever approved. At The Hague the people had been so inflamed against statues and idols that they professed that they would not be quiet until not only those which remained in the churches, but also all the statues which some men kept hidden in their own houses, were brought into the public square and crushed into little pieces, putting an end to their fury.

But this rashness and sedition did not lack its own reward. For the confederate nobles and other patrons of the churches, unwilling to be called by the hateful name of iconoclasts, not only severely disapproved the deed of the statues cast down in this manner, but, after collecting an irregular soldiery for these operations, seized very many everywhere and put them upon the cross in various places.

This the Prince of Orange also accomplished at Antwerp, when he apprehended the principal seditious men and on 18 October put them upon the cross in the public square, so that they might be a terror to others. But if the same thing had been done in the Palatinate, Anhalt, Hesse, and other places, the riotous Sacramentarians, constrained by their own great evil, would certainly have experienced less danger and fewer disturbances.

Certainly, in 1605, when in the Marburg Reformation, in the second of three articles proposed for changing doctrine and ceremonies, it was determined that statues and images were to be cast out of the churches, and on the sixth day of August the same thing was inculcated in a sermon, such disturbances and tumults followed from this single violent principle that the Calvinist theologians were almost punished with death by blows and beatings from the maddened populace, says Artus in volume 10 of the continuation of Sleidan, book 4, page 50. Such catastrophes must, to be sure, follow methods of reforming alien to the word of God.

> **Da man alles schnell Purdi/ Purdi anfengt/ mit Fäusten hinein treibet/ vnnd so unvorsichtig hinein plumpet/ vnnd noch den Ruhm dauon haben wil/ als sey man besser/ denn ein ander.**

These things follow when action is suddenly taken with weapons, when men rush in without foresight, and nevertheless seek from it a reputation for excellence above others. Thus Luther wrote in the year ’22 concerning the similar Carlstadt Reformation, adding the wise **ἐπικρίσει**, judgment:

> **Da hastu weit gefehlet/ du wilt Gott damit dienen/ vnd weist nit/ dass dit eben des Teuffels Vorlauffer bist/ der hat dich auff das Kleinen Narrenwerck geführet/ das Sacrament anzugreiffen/ vnd sihet mich gleich an/ als hetten die ienigen/ so dieses Spiel angefangen haben/ ihren Ruhm gesuchet/ so hat auch ihnen der Teuffel ihren Lohn gegeben.**

“You have strayed far. You wished to perform service for God, and you do not know that you are precisely the Devil’s forerunner, who reduced you to such folly that you violated the Sacraments. It is entirely evident to me that those who began the business sought their own glory. Therefore the Devil gave them their reward.” Thus Luther.

Add the prisons by which they rage against those who contradict their error, as Crell did in the year ’91. He had prepared a prison in the castle of Hohnstein for Doctor Martin Mirus, the Saxon court preacher; but by the just judgment of God, after the death of Christian I, he himself was accused of having advised Duke Christian to change the religion in Saxony and introduce Calvinism, and of having resolved to remove from their midst all who opposed this purpose of his, and so forth. Ordered to mount the cart, he was fastened into it before the eyes of a very great multitude of men.

All these and many other things are so great, so insidious, and so atrocious that to guard against them, preserve life and fortunes safely, and keep doctrine itself undefiled by them plainly lies **ὑπὲρ ἀνθρώπους**, beyond human powers. But it is by God’s grace that we have not been entirely consumed. For although he sometimes, as it were, closed his eyes and fell asleep, and loosened the reins for Sacramentarian lust, yet at last, as a father, he undertook the defense of his cause, routed and confounded the enemies by himself alone, and furnished to his people and Church a most ardently desired liberation, so that mighty Ilium fell, great Troy perished in one moment, and the fable of the Sacramentarians passed out into a fable and ended in a joyful **καταστροφήν**, catastrophe, which they had resolved in their own mind to close with a **τραγικωτάτῳ**, most tragic, ending.

§ 12. Finally, why does a Lutheran object to us the punishments of the Calvinists as though they were innocent men, when he knows that they dared monstrous things in France and the Low Countries, such as historians describe, since they cannot believe those men when they boast of their innocence?

For first, on folio 55: “Among the reckoning of these falsehoods--of which a very fertile crop is to be found among the Sacramentarian nation, so that blessed Luther not undeservedly judged that the Zwinglians should no longer be called liars, but falsehood itself--that claim is almost chief by which, throughout nearly this whole century, they have not feared to proclaim blessed Luther the first author of the Sacramentarian conflict.”

If they are falsehood itself--falsehood itself, I say--why do you believe falsehood itself when it asserts its innocence against the Kings of France and Spain and other Princes? First examine the proceedings of the judgments and the archives; and do not so hate the Pontiff that you prefer to believe not merely liars, but falsehood itself, rather than refrain from defaming him and the Most Christian and Catholic Kings.

But I meet you in your own house; you will fight among your own defenses. The Calvinists say that those afflicted with martyrdom by the Pontiff are martyrs--that is, innocent men killed for the true faith. If you believe this, admit testimony against your own men also. For why are martyrs worthy of trust against us, but, if their words act against your men, incapable of giving testimony? You order the Calvinist Scultetus on page 59 to swallow back, together with the rest, the calumny which he breathed out. Then you proceed: “If there were a mind to discuss these calumnies individually, the day would fail me sooner than speech.”

We shall show a compendium of the calumnies. They called the teachers of our churches: men most stupid; fanatics; self-lovers; petty theologians; vain talkers; most wicked sophists; sycophants; theosophists; corporalists; morose; ambitious; papal proscribers; men keeping the minds of Princes in ignorance through their calumnies; progenitors of Pandora; men driven by madness; forgetful of all moderation and shame; proud; fierce; most infamous tyrants over faith; Nestorians; Eutychians; patrons of Mohammedanism; obstinate; introducers of paradoxes and scandals; inhuman; bewitched by hatred and ambition; men offering vinegar mixed with gall to those hanging upon the cross; fathers of ubiquity; new dogmatists; dinner-table sophists; word-artificers; men contentious and obstinate beyond every measure; recent Capernaïtes; malicious old deceivers; infamously and impiously fickle; Ubiquitarians; sworn enemies of truth; most shameless cavillers; revivers of the Acephali and the Eutychian heresy; phantasmatics who mock the true incarnation of Christ; a conspiratorial faction of schismatics; restorers of bread-worship; delirious Sacramentarians; assertors of sincere doctrine concerning the Lord’s Supper who, like pirates sailing through the Church upon ambition and opinions, plunder truth together with peace;

[Printed page 449]

men blinded by hatred and envy; most wicked sophists; new masters of the faith; deceivers; enemies of truth and peace; conspirators for the oppression of truth; most shameless cavillers; men infamously ignorant of the matters; manifest enemies and deniers of God’s omnipotence; pseudo-Lutherans and a Flacian faction; **ἀνθρωποφάγους, κρεωφάγους, σαρκοφάγους**--carnivores.

But they called the doctrine of our churches, contained in the symbols of the Augsburg Confession and the Formula of Concord: a most infamous error; an unhappy offspring; a Pandora; a phantom and specter; a theatrical mask; a most absurd impiety; a most putrid and sophistical vanity; a heresy mixed from the Eutychian and Nestorian; phantastical imaginations; a most insane opinion; an execrable blasphemy; a ludicrous fiction; a sacrilegious impanation; an idol and fiction of bodily presence; doctrine worthy of impostors, not theologians; a trifling fiction; an execrable theology; Nestorianism; Antichristian worship; an idolatrous dogma; and six hundred other epithets of this kind--the judgments of these men’s brotherly affection toward us.

If, as is right, we bear all these things with perfect indifference, behold the snares prepared for the life and persons of orthodox Doctors! Doctor Mylius says in the *Synopsis of the Meissen Comedy*: you would see spies appointed after the death of Elector Augustus to observe the sayings and deeds of the more sincere theologians; men hired to bring unjust suits against them and, when they could not prevail by the cases themselves, at least to overcome their spirits merely by the proceeding; prayers and supplications, dangerous admonitions, seditious defenses, and accusations all beginning to be regarded and named capital offenses. For the space of several months the crossroads of the public

ways in both directions not far from the city were beset. These men opened and searched the baggage of all messengers traveling either to the city or even back from it, seeking all letters written either by the Wittenberg theologians to others or by others to them, so that from those unsealed letters they might draw out something from which they could create dangers for the theologians' heads.

Indeed, there was something more atrocious. Fictitious letters were written to the theologians, in which great **συμπάθεια**, compassion, toward the miserable face of religion was signified; consolation concerning aid that would follow was communicated; assistance was promised to those who would be exiled; and, moreover, splendid gifts were sent together with these fictitious letters, so that, if they held anything most deeply hidden in their breast by whose disclosure danger could be created for them, their interrogators might extract it by this device. In this business that John Major, the Wittenberg poet, was industrious; by this art he stripped and despoiled the excellent man and distinguished theologian Doctor John Matthaeus both of his academic station and of this mortal life.

The altered Augsburg Confession--a buskin suited to either foot--perfidy, and similar impostures served this scheme; by them Peucer and his associates formerly circumvented, mocked, and deceived their supreme Magistrate. Ambiguous writings and defamatory little books came together, accepted almost as though by some right of their own by men of this kind, and indeed most recently defended publicly. In them the reputation of good men is marked and traduced without shame and without source, so that a nearer step might be laid toward the unjust condemnation both of teachers and of doctrine. Edicts and decrees served it, concerning the Sacramentarians' not being named or condemned, and concerning their blasphemies in sermons to the people, with threats added of banishment or exile and other more horrible penalties--those bloody scourges finally not resting until fulfilled in the deed itself. Indeed, fulfilled through so many exiles and similar penalties, in which men scarcely more merciful than Antichrist himself appeared.

The words of that courtier in the time of Christian I, Duke of Saxony, are known: "If those **βλακικοὶ**--fools--continue to be troublesome to you, at least cast them out on this ground, because they attempt to canonize Ubiquity." And another saying of the same man: "Affairs will never proceed rightly unless the veterans, and those who possess a memory of earlier times, are first rolled away from the midst." I shall say nothing of personal contentions and appeals to a Synod.

How can an unjust death be inferred from such things, or how can you, who judge them to be such men, make the severity of Christian Princes an object of hatred because by just vengeance they exercised the force of the laws against them? If you truly judge them martyrs, acknowledge those deeds of your men. You proclaim them scarcely more merciful toward your men than Antichrist himself, bestow upon your men the encomium of martyrs, and afterward canonize Ubiquity. Would you do these things if hatred and envy had left you any remnant of prudence? Read their deeds. A single year or two saw more Catholics slaughtered by Calvinist furies in France and the Low Countries alone than papal tribunals removed as guilty men in the whole of six hundred years.

But if we truly consider the times, we shall find among the Calvinists' saints the Berengarians, Wycliffites, Hussites, and even Copronymus, the Isaurian Leos, the Henries, and others whom they canonize through hatred of the Pontiff. Accordingly, from Scripture I argue against the Lutherans in this manner:

The little horn, or Antichrist, will wear down the saints of the Most High and stir up a persecution as great as none has been from the time when men began to exist; but the Pontiff has not instituted so great a persecution against the Lutherans, for they afflicted far more Catholics with death, exile, and prisons than they themselves suffered from us. For how many Lutherans perished on account of faith? What Ubiquitarian gave his blood? For they can complain only concerning pure Lutherans and Lutherans of one nation; as for the others, they acknowledge that other scoundrels mingled with them. But we deny the claim concerning the whole of Lutheranism. Did they not rule nearly the whole of Germany and accomplish such slaughters that even now the mournful altars lie squalid in ruined churches?

CHAPTER XXV

The Pope Does Not Think That He Can Change Times and Laws

§ 1. The Chaldean text of Daniel says: "He will think to change times." The Greek has **ὑπονοήσει**, "he will suppose," for he will not be able to do it. Thus the Greek scholiast: **προσδοκήσει, οὐ μὴν ὅλως ἰσχύσει**, "he will expect to do it, but will by no means succeed at all." What **ἀλλοιῶσαι τοὺς καιρούς**, "to alter the times," means is understood from what is joined to it, because it says **καὶ νόμον**, "and the law." Saint Jerome: "He will be raised to such pride that he will attempt to change the laws of God and the ceremonies, and will be lifted above everything that is called God, subjecting all religion to his own power." Theodorus: "He will suppose that he can overthrow from its foundations the piety which will then flourish." They therefore understood "times" to mean an alteration of the Church. Those who interpreted the passage concerning Antiochus understand by the name "times" the solemnities of the Jews: Sabbaths, Passovers, Pentecost, the Feast of Tabernacles, days of expiation, new moons, sabbatical years, Jubilee years, and similar observances.

But because we are speaking of Antichrist, he will change times and laws; he will take care that feast days are instituted in his honor. Mohammed has already given some indications, then the Lutherans, but more effectively the Calvinists, so that it appears that the mystery is already beginning in its forerunners. And this is the sense of Scripture.

[Printed page 450]

They borrowed their calumnies from Powell and others: because the Pontiff is said to be released from the laws, to transfer empires, and so forth.

§ 2. I answer that by these matters no more is conceded to the Pontiff than, in a certain proportion, they themselves permit to their Bishops and kings. First, indeed, we deny that the Pontiff can change any divine laws. Anathema if anyone asserts that the Pontiff is released from the divine laws. The canonists who are said to assert it are cited partly falsely, as I proved above, and partly in a sense foreign to them. This is certainly established for me: if anyone says that the Pope can remove one iota from the law of God, he will first be struck by a spiritual thunderbolt from the Pope.

He is bound to ecclesiastical and civil laws, where the Pope also holds temporal government, in the manner that a prince is bound to his own laws--a prince whom some wholly, others partly, exempt from the laws. It is sometimes useful for those laws to be changed, and therefore they can be abolished and exchanged for better ones. Those who deny that a prince is subject to the laws as regards coercive power also deny that he can be judged by another; for he who has another as judge must receive and undergo the judge's sentence. From this I make an invincible argument for the Pontiff:

The Roman Pontiff denies that he can change the law of God; he teaches that death must be met a thousand times rather than that he should call himself exempt from God's law; by his own sentence he condemns all who affirm it. Therefore the Pope is not Antichrist. This is the opinion of all of us who acknowledge the Pope as shepherd of the Church: that the Pope is subject to the divine laws; that if he violates them, he sins most gravely; and that unless he repents of his sin, he will perish eternally. The universality of Catholics, and indeed the Roman Curia itself, subscribes to this opinion of mine. But what the Pontiff thinks concerning the laws of God is expounded in distinction 8, canon 2:

"Crimes which are contrary to human customs must be avoided according to the diversity of customs, so that what has been confirmed by the custom or law of a city or nation as a compact among themselves may be violated by no citizen's or foreigner's lust. For every part which does not agree with its whole is base. But when God commands something contrary to the custom or compact of any people, even if it was never done there, it must be done; and if it was omitted, it must be restored; and if it was not instituted, it must be instituted. For if a king is permitted in the city over which he reigns to command something which neither anyone before him nor he himself ever commanded, and

obedience to it is not contrary to the fellowship of his city--indeed, disobedience to it is contrary to that fellowship, for it is a general compact of human fellowship to obey its kings--how much more must God, the ruler of his whole creation, be served without doubt in those things which he has commanded? For just as in the powers of human society the greater power is set above the lesser so as to be obeyed, so God is set above all."

And in distinction 9, canon 2, it commands princes to obey their own laws. These are the words of the canon:

"It is just that a prince obey his own laws. For then let him think that his laws must be observed by all, when he himself also shows reverence to them. It is fitting that princes be bound by their own laws, nor can they condemn in themselves the laws which they establish for their subjects. For the authority of their utterance is just if they do not allow themselves to do what they prohibit to the peoples."

§ 3. By equal reasoning the Roman Church teaches that especially the constitutions of general Synods must be observed, cause 25, question 1, canon 1:

"We trust that no one who is truly a Christian now fails to know that the decree of each Synod which the consent of the universal Church has approved ought to be executed by no see before the others more than by the first see, which confirms each synod by its authority and guards it by continued moderation."

With this mind Gregory writes to Bishop Felix, book 12, epistle 31, found in cause 25, canon 4:

"If I destroyed the things which our predecessors established, I should justly be proved not a builder but an overthrower, as the voice of Truth testifies when it says: 'Every kingdom divided against itself will not stand'; and every science and law divided against itself will be destroyed."

§ 4. But the manner in which the Pontiff is permitted to establish new laws is expounded by Pope Urban in cause 25, canon 6:

"There are some who say that the Roman Pontiff has always been permitted to establish new laws. This we not only do not deny, but even affirm strongly. Yet it must be known above all that he can establish new laws in matters concerning which the Evangelists and Prophets have said nothing at all. But where the Lord, or his Apostles, and the holy Fathers following him have openly defined something by a sentence, there the Roman Pontiff ought not to give a new law, but rather to confirm what has been preached even to the surrender of soul and blood. For if he strove--which God forbid--to destroy what the Apostles and Prophets taught, he would be proved not to give a sentence but rather to err. But let this be far from those who have always guarded the Lord's Church most excellently against the snares of wolves."

That nothing can be established against the divine laws is taught in cause 25, canon 8:

"The Catholic Church defends everything that is irreprehensible." And below: "An unjust judgment and an unjust definition arranged by judges through royal fear or command has no force. Nor will anything stand which has been done against the ordinance of evangelical, prophetic, or apostolic doctrine, or against the ordinance of their successors or of the holy Fathers; and what has been done by unbelievers or heretics will be made wholly void."

From this, therefore, it is clear that what is said concerning changed times and laws does not fit the Pontiff. For some things are changed in the Church only when necessity and utility demand it. He therefore spoke very well: "The authority even of this see cannot establish or change anything against the statutes of the Fathers; for among us antiquity lives with unshaken roots, and the decrees of the Fathers have ordained reverence for it."

But if you seek true abrogators of the divine laws who change times and morals, you will find them without difficulty in the opposing camp. For he who thinks that he is bound to observe the law only by a law of gratitude, and who thinks the law impossible to observe--with what mouth and what face does he accuse the Pontiff as though he were a violator

of the law? What is harsher than those words of Luther: “He who apprehends Christ as legislator and avenger apprehends the Devil in place of Christ”?

I cannot pass over one matter which is preeminent in this place, for it is the clearest testimony of preachers’ ignorance and shamelessness. The most obtuse of the Lutheran ministers accused the Pontiff of changing the times because he had brought the astronomical calculations of the erring year back to the true rule. Thus the little bachelor Powell did in theses printed at the University of Oxford. I marvel at it the more because troublesome prophets came out of England for Scaliger, men who were able to write books on the correction of the Calendar; it is like a portent that no one came forth from the University to admonish Powell concerning such rustic ignorance. For who would not marvel that a disputation was held on that matter in that University, a pretender to learning, when men proclaiming themselves pagans in Germany grieved, not without the mockery of their own people, that they had stumbled over it? But more astonishing is that a great

[Printed page 451]

part of Germany, Gaul, Spain, and England acknowledged the error of the preceding calculation and admitted the new correction.

CHAPTER XXVI

"They Will Be Delivered into His Hands for a Time, Times, and Half a Time" Does Not Pertain to the Pontiff

§ 1. The Chaldean text has **ויתיהבון**, "they will be delivered," because divine providence permits it. A kingdom and power are delivered to him, which he then abuses against the saints. Junius and Tremellius translate thus: "For a time and times and a small part of a time"; but they say that this small part of a time is ten days. That is, they say, for three years and ten days. They prove it because this was accomplished on the fifteenth day of the month Kislev in the one hundred forty-fifth year of the kingdom of the Seleucids, 1 Maccabees 1:57; but afterward, on the fifth day of the month Kislev in the one hundred forty-eighth year, the lawful worship of God was restored, 1 Maccabees 4:52. For this reason the first word, "time," signifies an incomplete year, or one consisting of parts of two different years; "times," a full two years; and the small part of a time, ten days.

The foundation of this interpretation is that they think the passage treats of the profanation of the temple committed by Antiochus, and the Chaldean text does not contradict it, for **פלג** means "division of a time" and "a part." For although it more frequently signifies a half, Joshua 10 and Judges 9, and is customary as the Syriac **פלגא** in the titles of the Gospels, it nevertheless does not reject this signification. Pagninus also translates "a part of a time."

All the Doctors refute this opinion by silence, and no one among the moderns follows it. For even Münster, Luther, Pellican, and Castellio--heretics--follow the ancient Greek version, which has **ἥμισυ**, "half." Indeed Bruchthon, who elsewhere is accustomed to follow the common Calvinist version, here translates, "and half a time." "And 'time,'" he says, "here signifies a year, just as **χρόνος**; 'a time and times and half,' that is, half a week--forty-two months--as Josephus testifies."

Finally, the following fact stands against this opinion: in chapter 12:7 the words "a time, times, and half a time" are accepted in the same manner, and yet in the Hebrew there is not **פלג**, "division," but **חצי**, "half," just as in Revelation there is **ἥμισυ**, "half." Accordingly, these words are most correctly spoken of Antichrist: "half a time," where "time" signifies a year.

§ 2. From this passage Bellarmine, book 3, chapter 8, *On the Pontiff*, argues as follows. Antichrist will reign for three and a half years--that is, a time, times, and half a time; but the Pope's reign is much longer; therefore the Pope is not Antichrist. The minor premise is beyond controversy; the major is proved because "a time, times, and half a time" are three and a half years. For so the ancients from Papias himself onward interpreted them, as Pareus's jubilee commentary on Revelation acknowledges at chapter 11, verse 2.

Then it is proved from Revelation 11:2, where Antichrist treads the temple and city for forty-two months. But forty-two months are three and a half years. Pareus himself acknowledges that the same time is being treated in chapter 12, verse 14:

"But how long will the woman be an exile in the wilderness? A TIME, TIMES, AND HALF A TIME. This threefold designation of time is taken from Daniel 7:25 and 12:7, where Antiochus, bearing the type of Antichrist, is said to be about to trample the saints for a time, times, and half a time. What it means here is evident from verse 6: 'They will feed her there for 1,260 days.' These days were mentioned in chapter 11:2. There it was the time of the prophecy of the two witnesses. Here it is the time of the woman's exile in the wilderness. The same time of forty-two months was there the trampling of the holy city; and it will be, in chapter 13:5, the beast's raging against the saints. At the same time, therefore, the Church will be exiled in the wilderness, the holy city will be trampled by the Gentiles, the two witnesses will prophesy, and the beast will pursue the saints by war. These events will therefore proceed with equal steps, and

this observation will illuminate the prophecy greatly. For from one thing better known, the others less known will become clear."

§ 3. That old man made Bellarmine's argument invincible against himself and all the Pope's calumniators. For Antiochus afflicted the Church for a time, times, and half a time, as he himself teaches; and the same is the time of Antichrist's raging. Therefore Antichrist will not reign longer. How, then, does Pareus make Antichrist's reign much longer? I answer: because he does not know what he is saying and does not remember what he has said; the many errors of many men, but most of all his own, have reduced him to madness. These are his words on chapter 11, verse 2:

"(For forty-two months.) Here is wisdom. That the time of the Antichristian persecution is designated is manifest by the consent of nearly all interpreters. But what kind of time and how much it is, where the beginning and where the end must be fixed, is obscure to me and to other interpreters, and perhaps hidden from human investigation. For as far as the times are concerned, the Spirit wished us to investigate certain things rather than to know them, which the Lord also intimated when he said to the disciples who wished to know the hidden time: 'It is not for you to know the times and opportunities which the Father has placed in his own authority,' Acts 1:7."

He can therefore determine nothing concerning this matter, because he cannot know the times and moments. The ancients, such as Hippolytus, Irenaeus, Jerome, Augustine, and the others whom Bellarmine cites, are of our opinion. Junius, Tremellius, and Bruchthon, Calvinists, agree with them, as does Münster, a man of his own judgment and not bound to Luther.

§ 4. Then no one answers in such a manner that he does not collide with very many falsehoods and **ἀσύστατα**, inconsistent assertions. Chytraeus, cited by Bellarmine, says that the time is uncertain; Pareus proves the same and concludes: "Concerning the forty-two months I have nothing to determine." But since Daniel and John determine it in so many ways, we ought not to assert that it is uncertain, since all the ancients have expounded it to us as certain.

§ 5. Third, however we interpret these things, they cannot fail to show that the Pope is innocent. For Pareus prophesies that there are 1,260 years, that they began in the year of Christ 606, when Boniface III presided over the Church, that it has thus far been trampled for 1,003 years, and that it must still be trampled for 257 years, until the year of Christ 1866. Yet he admits that this boundary is uncertain to him and will be shortened by God on account of the elect. But other considerations refute him, and especially the fact that Christ calls the time of that persecution very brief. It is not very brief if it is 1,260 years, which is longer than the period for which Satan is bound; for his malice is constrained for a thousand years, and afterward he rages, knowing that he has a short time, Revelation 12. After he has been bound for a thousand years, he must be released for a short time. Certainly a time of release is not short if it is longer than the time for which Satan is bound.

For although a thousand years are like one day before God, before men they are nevertheless a long time, and here it is in no manner brief, because

[Printed page 452]

it is called a short time in comparison with a thousand years.

§ 6. Fourth, those who describe this time most precisely stray in the foulest manner. Conrad Graser, on Revelation 12, page 73: "It signifies definite periods of years: one time from the Babylonian captivity to Christ; two times to the sixteenth century; half a time from the beginning of the sixteenth century, when the papacy began to collapse." These monsters never entered Luther's mind; for even amid the swiftest contagion of errors, spread abroad in a few years, he did not think that so long a life and reign of the Pope would endure. And rightly so, for this opinion contradicts all interpreters--Jews, Greeks, Latins, and the sectarians themselves.

Second, nowhere in sacred or profane writings, in no calculation, does "a time" signify five hundred years and "times" a thousand years.

Third, these things have no relation to the Babylonian captivity. For this horn is upon the fourth beast, but in the time of the captivity Chaldaea reigned, and the Persian beast--namely Cyrus--ended the captivity. Accordingly, the Leopard then held power. But the little horn is not upon the head of the Leopard, but of the fourth beast. But if he imagines the fourth beast to be the kingdoms of the Seleucids and Lagids, not even thus will he be able to weave together his fable without betraying himself by its incoherence. For how does that horn, crushed by the Romans, finally come to life again in the year of Christ 500?

Graser proceeds: "John understands three **πεντακοσιάδας**, periods of five hundred years, after Christ's birth, by 'a time and times,' and from the year 1500 reckons 250 years." But he contradicts himself, because he had asserted that Daniel and John speak of the same matter; now he assigns different material to each, since he begins Daniel's "time" from the Babylonian captivity but John's from the birth of Christ. Then the months and days can in no manner be accommodated to this matter, much less to the apocalyptic beasts, which must be treated afterward.

§ 7. Behold, in a most grave matter by which the whole Christian world already existing from Christ's birth is condemned--for I showed above that the first Pontiffs are called Antichristian by many--there is dissension among them all. No one can fit his opinion to the text. From a most obscure matter an article of faith is forged, namely this: "The Pope is Antichrist."

Nor does this calumny assail only the Pontiffs, but all martyrs, confessors, Doctors, and churches which communicated with the Pontiffs. But it is no marvel if such things concerning the Pontiff are vaunted by men for whom that great angel, John the Baptist, is a heretic.

§ 8. Yet they object--for a pretext is never wanting to garrulous wickedness--"The three and a half years are a dream of the monks," say Chytraeus and Powell, and after them the jubilators.

I answer: first, this is the opinion of the most ancient and most learned Doctors of the Church, as Pareus acknowledges. Second, what they say is blasphemous against sacred Scripture. Daniel and John say that there are a time and times and half a time, forty-two months, and 1,260 days, during which the witnesses prophesy and the woman is fed in the wilderness. These things, spoken so distinctly, we accept in the manner in which they were spoken. For forty-two months are three and a half years; 1,260 days are three and a half years and several days, during which the Church will flourish after Antichrist has been killed. Who, therefore, is so tyrannically imperious that he calls me a dreamer when I say the same things which the Prophets and Apostles say, while by his own monstrous dream and uncertain opinion he condemns the Pontiff to every punishment?

§ 9. Pareus objects: "The things which are said of Antichrist cannot be accomplished in so short a space; therefore the space is not so short." Let us hear the words of Pareus:

"It does not agree with itself, because the things which they imagine their Antichrist must accomplish can no more possibly be completed by him within the space of three and a half years than a snail can crawl over the entire globe of the earth in the space of three days. He must be acknowledged as Messiah by the Jewish nation dispersed throughout the whole world. He must sit in the temple at Jerusalem, which has lain in ashes for so many centuries. He must butcher three kings of Egypt, Libya, and Ethiopia; subjugate seven other kings; restore Rome after it has been burned by those ten kings; cast out the Pontiff and sit there as Monarch. He must persecute the Christian religion throughout the whole world, destroy the Church, and finally bring the empire of the whole world under his power, and so forth. Who, I ask, would dream in a fever that these things will happen in less than four years? What Mercuries, therefore, will Antichrist send to announce suddenly to the Jews dispersed throughout the whole world the coming of their Messiah and persuade them of it? He will evidently rebuild in three days the temple which Solomon, with all the materials prepared, completed in seven years, and which Zerubbabel could scarcely restore in forty-six years. This four-year-old Antichrist will, of course, in a moment expel the Turk from Syria, the Persian from the East, the Khan from the North, and Prester John from the whole South. What could be more trifling? Will all the Christian Emperors and Kings snore so deeply that all of them together are suddenly oppressed by one man? Will the Roman Pope and his

Cardinals so keep watch that Rome becomes pagan from Catholic, and all Christians rashly give their hands to the coming Antichrist? O theatrical trifles! This fiction, therefore, in no way agrees with itself."

I answer: the sectarians fight against phantoms. No one has said that all those things must be done by Antichrist within the space of three years and six months. No one ascribes so many deeds to less than four years. First, he will be the little horn; when he has subjected three kings, won the Jews to himself, built the temple, and cast down the empire, then, exalted by so many victories, his heart will speak great things. Alexander did not wish to be God until he had been inflated by many victories. Then that persecution will rage, when he appears to have established his power; for at the beginning and during his progress he has need of a reputation for clemency.

Antiochus himself acted less tyrannically in the first six years, for although he treated Jerusalem cruelly in the sixth year of his reign, he had nevertheless not yet climbed to the summit of malice. For he both wept on account of the murder of Onias, remembering the dead man's sobriety and faithfulness, and avenged his death. But in the eighth year he seriously enacted the type of Antichrist and violated all things. Accordingly, that desolation must be begun from the eighth year of Antiochus, not from the beginning of his reign. In the same manner, the times of Antichrist growing and of Antichrist established at the summit must be distinguished.

Accordingly, in this matter Pareus shows himself a boy, and so does that entire **νεκυία**, necromantic farce, of the sectarians. For Antichrist will gradually conquer different men one after another, and he will use victory so that he proceeds from one to others until he oppresses them all. Meanwhile, these things are the most certain proof that the prophecy does not treat of the Pontiff. For he is not accepted by the Jews as Messiah, does not sit in the temple at Jerusalem, did not butcher three kings, and did not do the remaining things; therefore he is not Antichrist.

§ 10. Pareus proceeds: "It also variously contradicts the sacred Scriptures. These teach that Antichrist will come only through a universal apostasy from the faith, 2 Thessalonians 2:3 and 1 Timothy 4:1, while at least the elect marked upon the forehead are preserved. But who would say that all Christians, even the Bishops together with their Pontiff, can be led away from the faith within four years?"

[Printed page 453]

I answer: they were not led away from the faith within four years; rather, many have already suffered shipwreck of the faith. Many heresies have gone before so as to bring about the general apostasy; Antichrist himself will complete it. Thus also the abomination which existed in the time of Antiochus had preparations and causes. First Maccabees 1:11:

"There came out of them a sinful root, Antiochus the Illustrious, son of Antiochus the king, who had been a hostage at Rome; and he reigned in the one hundred thirty-seventh year of the kingdom of the Greeks. In those days there came out of Israel sons of iniquity, and they persuaded many, saying: 'Let us go and establish a covenant with the nations which are around us, because since we departed from them many evils have found us.' And the speech appeared good in their eyes. And some of the people determined to do it and went to the king; and he gave them power to enact the justice of the nations. And they built a gymnasium in Jerusalem according to the laws of the nations, and they made foreskins for themselves, and they departed from the holy covenant, and were joined to the Nations, and were sold to do evil."

§ 11. So also now, if we behold the multitude and foulness of the heresies, we shall easily find that all things are prepared for apostasy. For if we consult Pareus, how small a part of men acknowledges and follows the rigid Calvinism into which he himself was initiated; and within that very Calvinism how great are the dissensions! And among those who appear more sincere, scarcely one in ten, in Calvin's judgment, is not a hypocrite.

At last he concludes thus against Daniel and John:

"Scripture testifies that the day, month, and year of the Lord's final advent are hidden from all creatures and known to God alone; but that the Lord will come suddenly like a thief in the night, when the world says, 'Peace, and all things are safe.' Yet according to the opinion proposed, the day, month, and year of judgment would by no means be hidden.

For from the rise of Antichrist to his death three and a half years would remain, and from his death forty-five days until judgment. For Bellarmine writes explicitly that after Antichrist's death there will be only forty-five days until the end of the world. Since, therefore, a falsehood follows from the opinion proposed, the opinion itself must necessarily be false."

I answer. Bellarmine says that it is established because, according to a probable interpretation of Daniel, certain men reason in this manner: Daniel 12:12 reads, "Blessed is he who waits and arrives at one thousand three hundred thirty-five days," as though the recompense of the good will then occur. But that interpretation is not certain and will be unknown to most men. Then, if they substitute years for days, the matter too will then be certain, and that day will be foreknown. For Pareus also prophesies that the Church must be trampled until the year of the Lord 1866; and since he thus disputes concerning a time and times and forty-two months, there can be no doubt that with an equal degree of certainty he conjectures concerning half a time. Braubomus certainly proposed all the years to us in the *Flaminian Flowers* and boasted that he had known them, although the soul of Christ did not know them.

Third, he who survives to that time can be called blessed, because then, after Antichrist's death has been very swiftly announced in the principal parts of the world, the persecution will cease, and the agents who believed dead the man whom they had believed immortal will waste away with horror.

Let us therefore rather hear Jerome speaking in this manner:

"A time signifies a year; 'times,' according to the peculiarity of the Hebrew language--for the Hebrews themselves also have a dual number--prefigure two years; but half a time, six months, during which the saints are to be permitted to the power of Antichrist, so that the Jews may be condemned who, not believing the truth, received a lie."

It must be noted, I say, that what he says concerning the dual is the case neither here nor in chapter 12, for in both places the number is plural; and the Jews generally use the dual only in things naturally paired--unless this is a convention by which, when they utter "a time, times, and half" without qualification, they understand "times" as a dual. Jerome does not say this because the form either here or in Daniel 12 is dual, for the Hebrews generally use that only in things naturally paired. But because that age lacked vowel points, he could read מֹוֲעַדַיִם, *moʿadayim*, in the dual, just as readily as מֹוֲעָדִים, *moʿadim*, in the plural; for there is no difference in the letters, but only in the points.

CHAPTER XXVII

Daniel Does Not Prophesy Concerning the Pontiff in Chapter 8, Verse 23

§ 1. These are the Prophet's words:

> And after their kingdom, when iniquities have increased, there will arise a king shameless in face and understanding propositions; and his strength will be made strong, but not by his own powers. And beyond what can be believed he will lay waste all things, and amid an abundance of all things he will kill very many, and he will rise against the Prince of princes, and without a hand he will be crushed.

First, he says, "after their kingdom," namely, that of the kings of Syria, who were nineteen in number. Antiochus, who was called Epiphanes and, from his character, **Ἐπιμανής**, "the Mad," was not among the last of them, but the eighth. He therefore began to reign after the reign of certain kings of Syria. Yet because our interpreter translates generally, "after their kingdom," while the Hebrew text has **באחרית**, *beʾaḥarît*, "at the end," and the Septuagint has **ἐπ' ἐσχάτων τῆς βασιλείας αὐτῶν**, "near the ends of their kingdom," the phrase of the Holy Spirit must be considered more accurately. For in truth the final days of the kingdom of the Greeks were already at hand. When Antiochus began to reign, Greece and even Macedonia were already in the power of the Romans, and a great part of the kingdom had also been alienated. Sixteen years earlier tribute had been imposed upon Antiochus the Great, his father, who had been stripped of a great part of Asia and of the islands, compelled to surrender his arms, elephants, and fleet, and ordered, though himself a king, to reign within modest boundaries on this side of Taurus. Antiochus Epiphanes himself had been a hostage at Rome and a pledge of servitude; nor was the condition of Egypt better, for the Romans protected its boy king. Since, therefore, the kingdom of the Greeks then clung to one part alone, and was not free but subject to another, the Holy Spirit rightly says, "after their kingdom."

§ 2. Second, the cause of so great a persecution is stated: "when iniquities have increased." Others translate: "when those transgressors will complete their defection." Luther: *Wann die Übeltäter überhand nehmen*, "when the evildoers gain the upper hand." Others: "the wicked have been brought to completion." Thus there is a twofold interpretation. The first is: when God brings the transgressors to an end, for this was done under Antiochus by Judas and others. The second is the common interpretation, **τετελεσμένων τῶν ἁμαρτιῶν**, "when the sins have been completed"--when they were already ripe for punishment. Thus Moses speaks concerning the Amorites, and 2 Maccabees 4. The Hebrew is *behattēm happōšeʿîm*. Our interpreter, with altered points, read it according to the second sense, "when the transgressors are to be brought to an end." This is explained more clearly in chapter 11, in 1 Maccabees 1:11, and in 2 Maccabees 4:7 and following; and verse 12 indicates this: "But strength was given to him."

§ 3. Third, all these things agree with Antiochus, and some with Antichrist. For, first, Antiochus is the little horn: a horn because, although born of a royal father, he himself obtained the kingdom when outsiders were invading it; little because he was the younger of the brothers, had been a hostage at Rome, had flattered all the powerful, and had all but served as a slave--yet, coming from exile to rule, he reigned through much bloodshed.

[Printed page 454]

It became great by occupying Palestine and establishing garrisons in Egypt, which was overcome in various wars; yet it did not equal the power of the ancient kings.

Fourth, "a king shameless in face." The Hebrew *ʿaz pānîm* means "strong of faces," **ἀναιδὴς προσώπῳ**, "shameless in face." There are two features in that shamelessness on account of which Polybius, Athenaeus, Cedrenus, and Gorionides call him **Ἐπιμανής**, "the Mad": for there was in him both the greatest ambition of one aspiring to divinity and the greatest lack of shame, since he gratified his lusts in public and in the sight of the people.

Fifth, “understanding propositions.” The Hebrew text calls them *ḥîdôt*, riddles. Some translate **φρονῶν κρυφὰ τοῦ σκότους**, “devising the hidden things of darkness.” For he was extraordinarily skilled in frauds and deceits.

Sixth, “his strength will be made strong, but not by his own powers.” Jerome explains that these things were permitted on account of the people’s sins, since otherwise he could have accomplished nothing. This is true both in the taking of Egypt, whose king was altogether languishing in sloth, so that excessive fatness deprived him not only of the duties of royal majesty but even of human feeling, while the corruption of the court, the nobles, and the cities was equal to his; and also because Antiochus accomplished few things by force, but most by fraud and perjury.

§ 4. Seventh: “Beyond what can be believed he will lay waste all things, and he will prosper and act, and will kill the strong and the people of the Saints.”

The Hebrew *niplāʾôt* means “wonders” or “marvelous things”; the Septuagint has **θαυμαστὰ διαφθερεῖ**, “he will destroy marvelous things.” Graser translates, “he will destroy most secretly.” But he has the authority neither of a good nor of a bad interpreter.

Eighth, the success of so wicked a man is also indicated in verse 25:

> According to his will he will be directed; deceit is in his hand, and he will magnify his heart, and amid an abundance of all things he will kill very many, and he will rise against the Prince of princes, and without a hand he will be crushed.

The Hebrew **שכלו על**, *ʿal śiklô*, means, “upon his understanding his deceit will prosper.” That is, as the man himself used to say, he will handle deceits astutely and the outcome will be successful. The Septuagint interpreters translate thus: **ὁ ζυγὸς τοῦ κλοιοῦ κατευθυνθήσεται**, “the yoke of the collar”--or of punishment--“will be directed.” They read **ב**, a letter akin to it, in place of **כ**, namely **שבלו על**, *ʿal šiblô*, “the yoke of his bond.” For **שבל**, *šābal*, means “a bond”; hence *šibbōlet*, “association,” and *sablōnôt*, “ornaments, little chains, rings,” among the Chaldeans. The Greek reading thus has a twofold sense. The first is that Antiochus himself was the yoke of a bond, or the yoke of a bound man and hostage, which prospered when he was made king from being a prisoner. The other is that he bound many and led them into captivity, so that the prediction is of what is said at 2 Maccabees 5:14: “Within the whole space of three days eighty thousand were killed, forty thousand were bound, and no fewer were sold.” And these things happened in a single disaster.

We, however, following the Hebrew and the ancient interpreter, understand it of Antiochus’s temporary good fortune.

§ 5. Ninth, “he will magnify his heart.” Some join the Hebrew words *ûbilbô*, “and in his heart,” to the preceding words: “his deceit will be directed in his hand and in his heart.” But our interpreter has: “And in his heart he will magnify”--that is, he will magnify his heart, when he ought to have magnified the Lord. Thus the Septuagint: **καὶ ἐν καρδίᾳ αὐτοῦ μεγαλυνθήσεται**, “and in his heart he will be magnified.” The same thing is related in 2 Maccabees 5:1: “Thinking in his pride that he could make the land navigable and the sea traversable on foot, because of the exaltation of his mind”; and in chapter 9:7:

> Moreover, filled with pride on this account, breathing fire in his spirit against the Jews, and commanding that the business be hastened, it happened that as he was rushing onward he fell from the chariot, and through the severe collision of his body his limbs were tormented. And he who seemed to himself even to command the waves of the sea, filled with pride beyond human measure, and to weigh the heights of mountains in a balance, now, humbled to the ground, was carried in a litter, bearing witness in his own person to the manifest power of God, so that worms swarmed from the body of the impious man and, while he still lived in pain, his flesh flowed away; his army also was burdened by his stench and foul odor. And no one could carry him who a little before thought that he touched the stars of heaven, because his stench was intolerable. Hence, therefore, cast down from his grave pride, he began to come to a knowledge of himself, admonished by the divine scourge, while his pains increased at every moment; and when he could no longer bear even his own stench, he said thus: “It is just to be subject to God, and for a mortal

not to think himself equal to God."

§ 6. Tenth, "and amid abundance he will kill very many." *Bešalwâ*, which others interpret "in peace"; the Septuagint has **καὶ ἐν δόλῳ πολλοὺς διαφθερεῖ**, "and by deceit he will destroy many." All these things are true. For when he returned from plundered Egypt, abounding in all things, he perpetrated slaughter at Jerusalem and elsewhere; and he did it in peace, for there was no war, but he sought an opportunity to rage and plunder; finally, all those things were accomplished by deceit. Nor does the Hebrew term resist this, for *šālâ* means to act in peace and to be prosperous. Thus Jeremiah 12:1, Psalm 15:7, and Psalm 72:21.

Eleventh, "he will rise against the Prince of princes." Thus the Hebrew. The Roman edition of the Septuagint does not have **ἐπ' ἄρχοντα ἀρχόντων στήσεται**, "he will rise against the Prince of princes," but **ἐπ' ἀπωλείᾳ πολλῶν στήσεται**, "he will rise for the destruction of many." Thus it read *daleth* in place of *resh*. Other editions too, the Frankfurt edition and others, combine the readings in one fashion or another: **ἐπ' ἀπωλείᾳ πολλῶν στήσεται, ἐπ' ἄρχοντα ἀρχόντων στήσεται**, "he will rise for the destruction of many; he will rise against the Prince of princes." But the latter reading must be retained as authentic and the others omitted.

§ 7. Twelfth, **ὡς οὐ χειρὶ συντρίψει**, "so that he will be crushed not by a hand"; for the reading expounded by Theodoret is found in Greek books as **ὡς ᾠὰ συντρίψει**, "as eggs he will crush." Although the Hebrew **אפס**, *'epes*, has various significations, it is taken for "egg" only in this place; but I rather believe that **ὡς** was made from **οὐκ**. Otherwise, they read **כ** in place of **ב**, and the active *yišbōr*, "he will crush," in place of the passive *yiššābēr*, "he will be crushed." From this it is apparent how necessary it is for tradition to be joined to Scripture; for without the tradition of the points I may read both "he will crush" and "he will be crushed." Serarius, on 1 Maccabees 6 and 2 Maccabees 9, shows that the two books of Maccabees do not contain contradictory accounts of Antiochus's death.

Thirteenth, our adversaries labor to accommodate all these evils to the Pontiffs in the manner I described above. But there is no argument for it; or, if there is one, it is turned back upon them.

For, first, all these things can be said of any impious king--of Muhammad and of the others. Second, if we read the records of France, England, and Belgium, we shall without doubt find that everything which the Calvinists have done cruelly, sacrilegiously, and lustfully surpasses these deeds of Antiochus. Third, the Lutherans complain--as is manifest from the words I cited from the *Secular Palm*--that the Calvinists are scarcely more merciful toward them than the Papists are. Melanchthon complains, as I showed in the *Jubilee*, that the rigid Lutherans impose a heavier yoke upon the moderate than had been imposed by the Pontiff. The Arminians in Belgium complain that the Gomarists exercise a greater tyranny against them than the Spanish Inquisition did. The Calvinists complain that the Lutherans are more savage against them than the Papists are. Since their complaints are mutual, therefore, there is no reason why they should cast everything upon the Pontiff.

[Printed page 455]

Fourth, this one king Antiochus, having risen from modest beginnings, shameless in face, and so forth, is set against one Antichrist. One man is established as a type--an evil man of the worst man--not one man of an entire kingdom, nor one man of many men. What cause or basis of likeness is there for one Antiochus to be chosen from the nineteen kings of Syria to be the type of all the Pontiffs, rather than all the kings or the kingdom of Syria? For although Antiochus wrested the palm of wickedness from all the others, they were nevertheless all extraordinarily wicked, cruel, and lustful--even that Seleucus who in some fashion worshiped God with sacrifices. Consideration of this history removes every force which our adversaries, by lying and trifling in their jubilees, endeavor to smear upon an unwilling history.

Fifth, Scripture too removes the whole charge from the Pontiff. For thus Daniel 8:8 says:

> But the he-goat became exceedingly great; and when he had grown, the great horn was broken, and four horns arose beneath it toward the four winds of heaven. But from one of them there came forth one little horn, and it became great toward the south and toward the east and toward the host. And it was magnified even to the host of heaven;

> and it cast down some of the host and of the stars, and trampled them. And it was magnified even to the Prince of the host; and from him it took away the continual sacrifice and cast down the place of his sanctuary. But strength was given against the continual sacrifice on account of sins; and truth will be cast down upon the earth, and it will act and prosper. And I heard one of the saints speaking; and one saint said to another whom I did not know, who was speaking: "How long will be the vision, and the continual sacrifice, and the sin of desolation which has been made, and the sanctuary and the host be trampled?" And he said to him: "Until evening and morning, two thousand three hundred; and the sanctuary will be cleansed."

Daniel describes the times of desolation and tyranny as 2,300 days, and he takes them as true days, not enigmatic ones. But since our adversaries admit that Daniel and John speak about the same things, they must also accept John's days and months properly. Then days are accepted properly in this passage; therefore they must also be accepted properly in chapter 12, verse 12. For there is no reason why we should accept enigmas elsewhere but proper speech here, especially since the discourse concerns the same things. And since the tyranny of Antiochus is explained in true and proper days, the affairs of Antichrist, which are signified by them, ought not to be indicated by improper days. Hence Pareus admits that thus far no interpreters have been able to connect that prophecy which concerns Antichrist, because they torture either Daniel or John. Moreover, those days must not be begun from the time when Antiochus placed the idol of abomination in the temple, but from the time when Jason began to rage in slaughter. But if they interpret these days enigmatically concerning Antichrist, they must still grant him many years, for 2,300 days will be the same number of years.

Sixth, Antichrist, like Antiochus, will be crushed without a hand; but now all their ministers exhort their kings to pursue the Pope in war and devour his flesh. They advise this in vain if the Pope is not to be crushed by hands.

CHAPTER XXVIII

What Is Said in Daniel 11:31 and the Following Verses Does Not Pertain to the Pontiff

§ 1. The text reads thus:

> And arms from him will stand, and they will pollute the sanctuary of strength and take away the continual sacrifice; and they will set up the abomination unto desolation. And the impious will deal fraudulently against the covenant; but the people who know their God will prevail and act. And the learned among the people will teach very many, and they will fall by the sword and by flame and by captivity and by plunder for days. And when they have fallen, they will be raised up by a little help, and very many will be joined to them fraudulently. And some of the learned will fall, that they may be smelted and chosen and made white until the appointed time, because there will still be another time. And the king will act according to his will, and he will be raised up and magnified against every God, and against the God of gods he will speak great things; and he will be directed until wrath is completed, for the determination has been accomplished. And he will not regard the God of his fathers, and he will be among the desires of women, nor will he care for any of the gods, because he will rise against all things. But he will honor the God Maozim in his place, and a God whom his fathers did not know he will worship with gold and silver and precious stone and costly things. And he will act so as to fortify Maozim with a foreign God whom he acknowledged, and he will multiply glory and give them power over many, and will divide the land without charge. And at the appointed time the king of the South will fight against him, and the king of the North will come against him like a tempest, with chariots and horsemen and a great fleet; and he will enter the lands, crush them, and pass through. And he will enter the glorious land, and many will fall; but these alone will be saved from his hand: Edom and Moab and the first of the sons of Ammon. And he will send his hand into the lands, and the land of Egypt will not escape. And he will rule over the treasures of gold and silver and all the precious things of Egypt; he will also pass through Libya and Ethiopia. And a report from the East and from the North will disturb him, and he will come with a great multitude to crush and kill very many. And he will plant his tent Apadno between the seas upon the renowned and holy mountain; and he will come even to its summit, and no one will help him.

Of whom these things are said cannot be understood unless the sense is understood accurately; for this reason it is doubtful among many, because they do not know to whose deeds these words must be applied. For even some of the innovators accommodate all things to Antiochus in such a way that they stop with him; others are carried elsewhere.

But it must be said that the discourse concerns Antiochus, because his lineage and deeds are described, and this most certainly from verse 24. Then Antichrist is described in Antiochus as in a figure, but in such a way that some things agree with Antiochus alone and others with Antichrist alone. Yet because the sectarians accommodate all these deeds to Antichrist, we shall follow their tracks and show that they do not pertain to the Pontiff. They are not concerned to expound Daniel, but to set forth his words and then, gathering notorious pamphlets and public calumnies from every side, fasten them upon the Pontiff.

§ 2. Verse 31: “And arms from him will stand.” The Septuagint has **σπέρματα**, “seeds,” which they interpret of Eupator, the son of Antiochus, who himself also oppressed the Jews. They read **זרעים**, *zerāʿîm*, “seeds,” in place of **זרועים**, *zerôʿîm*, “arms.” But I do not think this must be understood of Eupator.

[Printed page 456]

For he did not take away the continual sacrifice; indeed, he could not, because it had already been restored and the Maccabees were defending themselves bravely. The arms, therefore, are the men whom Antiochus set over the Jews with the greatest savagery. Thus 2 Maccabees 5:22: “He left governors to afflict the nation: at Jerusalem, Philip, a Phrygian by birth, more cruel in character than the very man by whom he had been appointed; and at Garizim, Andronicus and Menelaus, who pressed upon the citizens more grievously than the rest.” And when he was set against

the Jews, he sent the hateful prince Apollonius with an army of 22,000, commanding him to kill all who had reached perfect age and to sell the young and the women.

Their deeds were to pollute and profane the sanctuary. The event is described in 2 Maccabees 6 and 1 Maccabees 1 from verse 40. Then *šiqqûṣ mêšômēm*: "they will set up the abomination of desolation," or "the desolating" or "stupefying abomination." The Septuagint calls it **βδέλυγμα ἠφανισμένον**, "an abomination made to disappear"; thus the Roman codex has it. Other copies read better: **καὶ δώσουσι βδέλυγμα τῶν ἠφανισμένων**, "and they will set up the abomination of the things removed from the midst"--the image of Jupiter, which was nothing, because an idol is nothing.

Verse 32: "And the impious will deal fraudulently against the covenant; but the people who know their God will prevail and act."

The Hebrew words are emphatic: **בחלקות להחניף ברית ומרשיעי**, *ûmaršîʿê berît lehaḥănîp baḥălaqqôt*, which in Greek is translated **καὶ οἱ ἀνομοῦντες διαθήκην ἐπάξουσιν ἐν ὀλισθήμασι**. The Hebrew may be translated word for word thus: "And he will cause the sinners against the covenant to sin, to dissemble, and to act impiously through flatteries." The Greek means: "Those sinning against the covenant will lead others into falls," or slippery places--that is, into a slippery fall. Our interpreter read *yaḥănîpû*, "they will sin, they will dissemble"; for this verb signifies to sin, but particularly with hypocrisy and pernicious dissimulation, and the Greeks read it in the same manner. Thus at Job 34:30 and 36:13 there is **חנף**, *ḥānēp*, "a hypocrite." These, however, are those who in 1 Maccabees 1:12 resolve to establish a covenant with the Nations, and afterward all who fraudulently deceived the people of God or attempted to deceive them. Antiochus Eupator also did this in 1 Maccabees 6:61, as did Nicanor at 7:5, 10, and 28 and 9:58.

§ 3. This profanation and abomination is not in the Pontiff, but in the two hundred sects which defected from the Pontiff. We have remained in the first religion and changed nothing from the first faith, as I have proved from the adversaries themselves, who begin our so-called Antichristianism from thirty-three martyr-Pontiffs. If you seek the fraudulent, see the testimonies of the Lutherans and Calvinists against one another; no doubt will remain. They took away the sacrifices and profaned the Sacraments, so that the Calvinists are called by the Lutherans scarcely by any other name than *Sakramentsschänder* and *Sakramentsschwärmer*, profaners and fanatics of the Sacrament. They killed priests, dug up the very bodies of the saints, and reduced them to ashes. What follows pertains to the Pontiff and the Catholics: "But the people who know their God will prevail and act."

§ 4. Thus the strong people against Antiochus were victorious in battle and victorious under torture, 1 Maccabees 1:56 and following, and 2 Maccabees 5, 7, and 9. It will be no different with the most noble martyrs in the time of Antichrist. For if within the memory of our fathers and in our own days they endured the theater of Calvinist cruelty in France, and even now endure it in various places, and if by their patience they overcame the dispositions of their executioners, why should they not set themselves against that bloodiest beast when Antichrist rages at his highest pitch? Indeed, in 2 Maccabees 2:47 the Maccabees are said to have pursued the sons of pride, to have prospered in the work of their hands, to have obtained the law from the hands of the Nations and of kings, and not to have given a horn to the sinner.

We give thanks to you, great God, because the people who know God have even now prevailed and acted, and have remained in the ancient faith amid so many thousands of errors. My mind shudders when I see that within a few years innumerable heresies have come forth and that each convenient man has been swept away by one or another of them; that those very heresies have collided with one another and entered into the most hostile conflict. Yet meanwhile I see so many thousands remaining in the ancient faith of the Martyrs, in the canon of the Apostles, and in the Churches which received the transmitted succession of doctrine and Bishops from the primitive Church; I see so many thousands coming from the Nations, and so many thousands returning from error. Blessed be God, who has caused his people to act and not to give a horn to the sinner.

§ 5. Verse 33: “And the learned among the people will teach very many, and they will fall by the sword and by flame and by captivity and by ruin for days.”

These things too must be understood of the time of the Maccabees and the Antichristian persecution. For both then the fury of the impious bore down especially upon the teachers of the people, and in our own time many thousands of priests and monks have been slaughtered, indeed slaughtered by a new kind of torment.

“The learned among the people”--*ûmaśkîlê ʿām*, those understanding among the people, or also those causing the people to understand. For they persecute them in marvelous ways: by sword, fire, and iron when they can, and by calumnies when they cannot. Who, from the foundation of the world, ever experienced more savage calumnies than the most illustrious and learned Bellarmine? What order today is exposed as a mark for arrows in the way the Society of Jesus is, whose institution is to benefit every class of men by teaching, from which the other orders also flourished again, and which Clement VIII was accustomed to call a society of talents?

Here they are tossed and harried “in the plunder of days”; in some Hebrew copies *rabbîm*, “many,” is added. But so that the reader may judge which party persecutes which, let him weigh the freedom--and sometimes the insolence--of the pseudo-Evangelical ministers in Catholic cities. By contrast, the pupils of our Society are scarcely permitted to pass through a little town governed by preachers without mockery, abuse, and sometimes unjust detentions and stonings; neither the peace of religion nor the authority of the magistrate who forbids it is of any help. Ministerial fury imbues everyone with hatred of truth and of those who teach the truth.

§ 6. Verse 35: “And some of the learned will fall, that they may be smelted and chosen and made white until the appointed time, because there is still another time.”

The end of tribulations is the advancement of the faithful and the saints. For they fall not by defecting from the faith, but by falling bravely for the faith: *lehāṣērāp bāhem*, “for smelting among them,” just as in Malachi 3 God sits like a smelting fire. For metals are purified by fire and the faithful by tribulation. Stubble is burned up; gold comes out purer. “That they may be chosen”: the Hebrew *ûlebārēr* carries the signification both of choosing and of cleansing; the Greek text has **ἐκλέξασθαι**, “to choose.” “To make white” in Hebrew is *ûlelabbēn*, “and for whitening”; certain Greek copies have **ἐκλευκᾶναι**, “to whiten,” while others have **ἀποκαλυφθῆναι**, “to be revealed.” Now these things begin; when Antichrist rages, the pious and steadfast will advance extraordinarily.

[Printed page 457]

Of this too we now see examples: how many faithful princes and nobles, how many colleges of canons, how many assemblies of monasteries have reformed themselves and, by new laws, excluded every enticement of vice.

§ 7. Verse 36: “And the king will act according to his will, and he will be raised up and magnified against every God, and against the God of gods he will speak great things; and he will be directed until wrath is completed, for the determination has been accomplished.”

There is a twofold opinion. The first is that this must be understood of Antiochus alone. Bruchthon, Junius, Tremellius, and other Calvinists interpret it so, thereby showing that those who strive to fit these things to the Pontiff labor in vain. Pellican accommodates it first to Antiochus and then to the Turks.

The second opinion interprets it of Antichrist, but in two ways: first, of Antiochus and Antichrist together; others, of Antichrist alone. The Catholics understand the true Antichrist, the antitype of Antiochus; among the sectarians, some understand the Turk, others the Roman Pontiff, and others both together. The jubilators, in accordance with their purpose, refer all things with enormous abuse to the Papacy--that is, to all Catholic princes. Erhart Lauterbach briefly reports the calumnies of others in his first sermon. “Because,” he says, “the general mark of Antichrist is that he will act according to his own will. ‘Thus I will, thus I command; let my will stand in place of reason’: so it is in canon law. For the Pope, in those things which he wills, his will stands in place of reason.” He cites canons in the manner of men who have not seen them: Distinction 19, chapter *Si Romanorum*; Cause 9, question 3, chapter *Cuncta*; and Cause 16,

question 3, chapter *Nemini*. In these canons the Pope is not granted power to do anything whatsoever at his pleasure, whether just or unjust, but only the supreme power of judgment in spiritual affairs, from which there is no appeal, just as the same power is given to a king in political affairs. Nothing else at all can be concluded from these words. Accordingly, whatever he commands lawfully and honorably must be followed. The Pope is not to be obeyed if he commands evil; and if he inflicts an injury, lawful defense under the protection of blameless self-defense is permitted against him, which jurists and theologians grant against a tyrant. Nevertheless, there is no superior judge before whose tribunal the Pope may be summoned.

§ 8. This passage, therefore, proves that there will be another Antichrist. For he who governs the Church not according to his own will but according to the divine laws, the canons, and the statutes of the Fathers is not Antichrist. But the Pontiff governs in this manner; and if anyone departs from that law, he is rejected by God and disturbs the Church. As for the saying that the will sometimes stands in place of reason, the canons do not affirm it, but jurists sometimes use it in a sense applicable to all judges. For he who, after weighing the considerations in controversies, decides the suit does not provide an account, but judges by authority so that the matter is not perpetually agitated and controversies never ended.

Then, in indifferent matters which must be done, but which can be done in diverse ways--and must indeed be done rightly, though a uniform and harmonious manner of action is needed--the Pope may determine one good and honorable way, even though the matter by its nature does not demand this way more than another. Thus in the state a law is called the will of the prince; by it many things are established which could also rightly be done in another manner, but nevertheless, for the peace and tranquility of the state, the prince's will must be observed, and subjects ought not to oppose their own reasons to his just discretion.

Thus Charles the Great must be understood in the twenty-three capitularies which he sent to all the provinces, which are found in Ivo and the Council of Tribur, and so forth, at Distinction 90, chapter 3:

> In memory of blessed Peter the Apostle, let us honor the holy Roman and Apostolic See, so that, as it is for us the mother of priestly dignity, so it should be the mistress of ecclesiastical reason. Therefore humility must be preserved with meekness, so that although a yoke scarcely to be borne should be imposed by that holy See, we nevertheless bear it and endure it with pious devotion. But if--which is not fitting--anyone, whether presbyter or deacon, is convicted of contriving some disturbance and lying in wait for our ministry, falsely claiming that he has brought a letter from the Apostolic See, or anything else which did not come from there, let the Bishop have power, while faith is preserved and humility toward the Apostolic See remains intact, to cast him into prison or other custody until by letter, or by suitable legates from his own party, he appeals to the Apostolic sublimity, so that it may especially deign by its holy legation to determine what the Roman law establishes should be defined concerning such persons in due order, so that both the man may be corrected and a limit imposed upon others.

For subjects do not rightly judge those things which the Roman law defines in due order, and which are often thought scarcely bearable by men whose judgment or will has been preoccupied. Meanwhile this law is laid down for all Pontiffs, Cause 25, chapter 9: "The first salvation is to keep the rule of faith and in no way depart from the constitutions of the Fathers." The Pope, therefore, does not act according to his own will, but accommodates his will to the prescriptions of the laws.

§ 9. Nor does the Pontiff do what Daniel prophesies concerning Antichrist: "And he will be raised up and magnified against every God." In Hebrew there is **ויתרומם**, *wayyitrômēm*, "he will raise himself," **ὑψωθήσεται**, "he will be raised up," which certain preachers greatly exaggerate as if, by saying "at Rome," they held Rome itself. Then **ויתגדל**, "and he will magnify himself." This does not seem to agree with Antiochus, who worshiped Olympian Jupiter, Bacchus, and other gods with most perverse superstition. Accordingly, that is the insanity of Antichrist, who will be restrained from crimes by reverence neither for the true God nor for any false god.

Erhart Lauterbach says that the Pope cares neither for God nor demon, neither for heaven nor hell, and that Luther heard these words at Rome: *Ist ein Helle, so stehet Rom drauf*--"If there is a hell, Rome stands upon it." He proves it thus: because the Pope commands angels to carry the souls of those going to Rome into heaven; prohibits foods and days; makes a sin of what is not sin; and finally is called God by the canonists. He says that Augustine Boetius writes that the Pope can do everything God can, and Philip Decius likewise.

Let us consider these things accurately. As far as King Antiochus is concerned, he worshiped the gods extraordinarily. Thus Polybius in Athenaeus:

> **ἐν δὴ ταῖς πρὸς τοὺς πολέμους ἐξόδοις καὶ τοῖς πρὸς τοὺς θεοὺς τιμαῖς πάντας ὑπερέβαλε τοὺς βεβασιλευκότας, τούτου τις τεκμήραιτο ἂν ἔκ τε τῶν ἐν Ἀθήναις Ὀλυμπιείων, καὶ μετὰ ταῦτα περὶ τῶν ἐν Δήλῳ ἀνδριάντων.**
>
> "In his expeditions for wars and in his honors toward the gods he surpassed all who had been kings. One might infer this both from the Olympieum at Athens and, after these things, from the statues at Delos."

Nor does this seem a sufficient reason for despising them, that reverence for no god restrained him from crime; for very many atheists, Epicureans, and others have done this--and indeed worshiped their divinities by crimes. Let another passage in Athenaeus concerning the procession which he led also be considered:

> **τὰ ἀντίτυπα τῶν παρὰ τοῖς ἀνθρώποις λεγομένων ἢ νομιζομένων θεῶν, ἢ δαιμόνων, προσέτι καὶ ἡρώων εἴδωλα διήγετο, τὰ μὲν κεχρυσωμένα, τὰ δὲ ἠμφιεσμένα στολαῖς διαχρύσοις· ἐπὶ πᾶσι τούτοις δὲ προσήκοντες μῦθοι κατὰ τὰς παραδεδομένας ἱστορίας ἐν διασκευαῖς πολυτελέσι παρείχοντο.**
>
> "Representations of those who among men are spoken of or regarded as gods, and images of daemons and also of heroes, were led in procession, some gilded and others clothed in robes interwoven with gold; and in addition to all these, the appropriate myths according to the traditional accounts were presented in costly settings."

[Printed page 458]

Then he says that Antiochus danced with the mimes, **καὶ μετὰ τῶν γελωτοποιῶν**, "and with the buffoons." Finally, at the end, he adds: **ἱεροσυλήκει δὲ καὶ τὰ πλεῖστα τῶν ἱερῶν**, "he also sacrilegiously plundered most of the temples." Behold, the same man appears to be most superstitious and yet most impious toward the gods.

§ 10. But Antichrist will care for no God. Rather, as it is said in 2 Thessalonians 2:4, he "opposes and is exalted above everything which is called God or worshiped, so that he sits in the temple of God, showing himself as though he were God"; and in 1 John 2, he will deny Christ.

The innocence of the Pontiff, therefore, is strongly established in this passage. For he venerates God and professes himself the servant of the servants of God. He does not command the Angels, but prays to them. There is a certain prayer of the most confident friendship which employs the imperative: every day he prays, "Saint Michael, Saint Gabriel, all holy Angels and Archangels, pray for me." He is not called God except in the manner in which Scripture calls princes gods and vicars, and in a degree proportionately greater as spiritual power is more exalted than temporal power. The statement about Augustine and Decius is a manifest lie. Then who among men is so unacquainted with human affairs as to believe that anyone said the Pope can do everything God can--a man commonly weak and old? It is a foul calumny invented by some and seized upon by others. We pronounce anathema upon anyone who says that the Pope can do everything God can.

§ 11. Good God, if it is permissible to snatch at words--even if I pass over the old ones which were not written this year--behold, the ignorant and abusive scoundrel Sharpe is called Alcides, and the most serene James, King of Great Britain, is called the British Jupiter; for in this very year Stephen Gilbert, Doctor of Laws, flatters them both thus:

> Once sent from highest Jove to earth,
>
> Alcides with a mighty hand laid low

the monsters that infested the world from its tender cradle.

Wishing to destroy the final monsters which the languishing

old age of the world brought forth upon the earth,

the BRITISH JUPITER sends SHARPE from his gracious bosom.

Advance, returned conqueror, go beneath so great an auspice;

whatever Cacus, Lycos, and the very Beast

displaying seven heads the Vatican cave of the god

has brought forth--the certain destruction of Christ's worshipers--

subdue it with both sword and fire. By as much as these new

monsters are worse than the ancient ones, since they consign

not only the body to savage death, but the soul as well,

by so much, by Hercules, do you come to us greater than the old hero.

But passing over these things, let us examine the matter more accurately. Antichrist will deny, not only by deeds but by profession and openly, that Christ is the Redeemer; and because he will oppose Christ, he will therefore win to himself the Jews, enemies of the cross of Christ. The Pontiff has not done this, but condemns it; therefore he is not Antichrist. Then he confesses Christ to be the Christ and the Savior; he confesses that he has all his power from him, that without him he can do nothing, and that he has been redeemed by his blood; he calls everyone to Christ.

Third, they themselves distinguish Antichrist into the one who is called Antichrist commonly and the one who is so called properly. Powell, book 1, chapter 1, §3, says that they commonly call Antichrist anyone who in any manner opposes Christ, such as Jews, Gentiles, and heretics; properly, some kingdom opposed to Christ's kingdom, or the head of that kingdom. But those whom they improperly call Antichrists openly deny Christ; therefore so also will he who is properly called Antichrist, since he is both more powerful and worse than they, and sits in the temple, showing himself as though he were God.

Fourth, the holy Fathers interpret it thus. Hilary, book 6 *On the Trinity*; Hippolytus says that his mark will be that men deny baptism; Jerome, on this passage of Daniel, says that he will pretend to be the leader of the covenant; Gregory, book 11, epistle 3, says that he will compel men to Judaize. Fifth, he will come in his own name; therefore he will not put forward Christ and the vicariate of Christ as a pretext for his blasphemies. Beza therefore rightly warns on 2 Thessalonians 2 that Antichrist will transfer to himself not only all the honors of men but also whatever glory has anywhere been exhibited to any divinity whatsoever. This does not agree with the Pontiff, who daily bends his knees to God publicly and privately, who not only adores God as the highest beginning and highest good, but also follows the friends of God with a lesser worship.

There is an example in Gregory XIV. Thus Ciccarelli writes of him:

> He fasted on every Friday and abstained from meats on Wednesdays, unless perhaps hindered by ill health. He always discharged upon bended knees the allotted burden of his prayers, both the ordinary ones and those of the Lady, as they call them. Rising from sleep in the morning, he immediately began the seven penitential psalms and continued them while clothing himself. He meditated for a full hour in the morning, reading the works of the honey-flowing Bernard; and if he drew any good conceptions of mind from them, he diligently noted and elegantly wrote them down. As long as he was a priest, he omitted saying Mass on no day; there was no day on which he did not confess, unless illness prevented him from doing so. But when he was ill, he received the Eucharist daily from the hands of another. And if the illness appeared likely to be mortal, he commanded that extreme unction be

procured for him with much devotion.

Antichrist will do nothing of the kind. They will see him **ἀποδεικνύοντα ἑαυτὸν ὅτι ἐστὶ θεός**, "showing himself to be God." Irenaeus, book 5; Ambrose, on Luke 21, says that he will argue from the Scriptures that he is Christ. Theodoret, on 2 Thessalonians 2: he will name himself Christ. In no way, therefore, does the Pontiff exalt himself above every **σέβασμα**, "object of worship," which the more ignorant Lutherans also interpret perversely when they wish it to signify worship, while the Calvinists refute them well by translating it "divinity."

§ 12. Nor does he rise against the God of gods or speak great things, or **ὑπέρογκα**, "exceedingly swollen things," as the Septuagint has it; in Hebrew it is *niplāʾôt*, that is, marvelous things. For he professes that the works of God are marvelous, and teaches that all things stand by his omnipotence. I call all Catholics and heretics alike to witness that the majesty, power, goodness, and persons of God have never been taught and written of more accurately than by those who have lived and now live in the Papacy. The books themselves speak. Why, then, could so many and so learned men, who investigate the infinite nature of God in this manner and know so many things, endure the Pope if he placed himself before God in any manner or made himself equal to him? Or how could the Pope, chosen from among theologians and mindful of his own weakness, raise himself to a place from which not only the writings of theologians but even the swords of kings would drag him down?

But if they heard the Pope praying on his knees or prostrate on the ground, "Have mercy upon me, O God," and so forth--if they saw him confessing his sins and weeping--would they still make **τῇ ἀποδείξει**, "the demonstration," a matter of dispute for him? The same reasoning is confirmed: "And he will not regard the God of his fathers." The Hebrew text, *ʿal ʾĕlōhê ʾăbōtāw lōʾ yābîn*, means, "concerning the gods of his fathers he will not understand": **ἐπὶ πάντας τοὺς θεοὺς τῶν πατέρων οὐ συνήσει**, "concerning all the gods of his fathers he will not understand." Nor only this, but he will care for none of the gods, because he will rise against them all.

[Printed page 459]

Antichrist will care for no God, whether true or fictitious, but will magnify himself, *lehitgaddēl*, against all gods. If he who is properly Antichrist does this--that is, the Pope's kingdom, or the head of that kingdom, namely the Pope himself--let them at least cease accusing us of manifold idolatry. For if we care for no God, then we do not make the saints into gods.

CHAPTER XXIX

The Pontiff Is Not Rightly Accused from the Statement That Antichrist Will Be among the Desires of Women

§ 1. In the Hebrew text the expression **יבין לא אלוה כל ועל נשים חמדת ועל**, *weʿal ḥemdat nāšîm weʿal kol ʾĕlôah lōʾ yābîn*, is ambiguous: "concerning the desires of women and concerning God he will not understand." The Greek text has nothing else concerning this mark of Antichrist than **καὶ ἐπιθυμίᾳ γυναικῶν**, "and the desire of women." Thus is the present reading. But Saint Jerome shows that the Septuagint had it otherwise, and his words must be set down:

> For what we have interpreted, "and he will be among the desires of women," the seventy-two translated, "and he will not be subject to the desires of women," and so forth. But because in the Hebrew, for what we said, "and he will be among the desires of women," it has been stated ambiguously, Aquila, who expressed it word for word, saying, **καὶ ἐπὶ θεὸν τῶν πατέρων αὐτοῦ οὐ συνήσει, καὶ ἐπὶ ἐπιθυμίαις γυναικῶν, καὶ ἐπὶ πάντα θεὸν οὐ συνήσει**--"and concerning the God of his fathers he will not understand, and concerning the desires of women, and concerning every god he will not understand"--by these words it is understood that he both has the desires of women and does not have them. If we understand the words **ἀπὸ κοινοῦ**, "as shared in common," he does not understand concerning the desires of women. With respect to Antichrist the easier interpretation is that he feigns chastity for this reason, so that he may deceive very many. But if we read, "and concerning the desire of women," with "he will be" understood, it will be fitted better to the person of Antiochus, who is said to have been most lustful and to have descended through debaucheries and corruptions into such disgrace of royal dignity that he publicly joined himself even to mimes and prostitutes, so that he might gratify his lust in the presence of the people.

If, therefore, it is understood of Antiochus, it is sufficiently understood that that monster was above all others **γυναικομανῆ**, "mad for women," and most womanizing, and that not only his chastity but even his sense of shame had been prostituted; the histories testify to this. Those, therefore, who interpret it of cruelty from 2 Maccabees 5:13 labor in vain: "For he did not spare even women"; and they translate, "He will not even attend to tenderness toward women." For it has always appeared savage to be cruel toward women:

> For there is no memorable name
>
> in punishing a woman, nor does victory have praise.

But as far as the matter itself is concerned, *ḥāmad* is not "tenderness," but "desire" and "beauty"; and not to understand concerning desire is not to desire. Thus also Job 31:1: *ûmâ ʾetbônēn ʿal betûlâ?* "Why should I make myself understand concerning a virgin?"

The opinion of Pererius and others does not displease me: namely, that the words "concerning the desire of women" are set down separately, and *hûʾ* or *yihyeh*, "he" or "he will be," must be understood, in the manner in which the Greeks and Jerome also explain them. For, first, it is the opinion even of all the heretics that Antichrist will be lustful; and although at the beginning he will feign chastity, he will soon express his Antiochus to the life and outstrip him by white horses. Second, his wantonness is shown from Revelation. Third, his cruelty does not stand in the way, for one who is cruel is also rotten in lust, and one who is lustful is also cruel, for the physiognomic signs of each passion are not different. Finally, he will be an instrument of the devil, which I would not believe will be chaste and pure--especially since the ancient and modern forerunners of Antichrist, votaries of Venus, have disgraced themselves by vice. Lusts drove Luther headlong; Carlstadt entered the first marriage; Calvin's brands and Beza's paradigms are known; Ochino instituted polygamy.

§ 2. The jubilators object from Powell, notes 18 and 27, that the Pope forbids marriages, and they add that he permits fornication. They adduce examples.

I answer that marriage is prohibited to no one except one who has bound himself to chastity by a vow. It is not lawful to make void the pledge of chastity given to Christ. He gravely prohibits adulteries and fornications. The Pope's judgment is proposed in various places; for me Cause 27, question 1, chapter 20, suffices:

> Permission to marry is granted to some, namely those who have in no way professed either virginal or widowed chastity; but to some it is not granted, namely those who have resolved to be virgins or continent. Fornication, however, is permitted to no one with impunity.

And chapter 21:

> It is manifest that women who have fallen from the better purpose of a holier chastity which is vowed to God, if they marry, are worse than adulteresses.

Concerning the whole class of the matter, see the canons of Cause 32, question 4, and likewise questions 5, 6, and 7.

For by these marriage is praised, while adulteries and fornications are forbidden. But certain Pontiffs lived impurely. I cannot deny it, nor is it necessary for the defense of the Church. Yet the ministers are not therefore to be excused. They argue thus: "Some Pontiff is a fornicator; Antichrist is a fornicator; therefore the Pontiff is Antichrist." Who does not see that such things agree with many of their magnates? Who does not see that the miserable consequence must be chastised with the rod? For if, whenever some king or prince sins, the kingdom is immediately to be stigmatized with Antichristianism, nothing in the whole world is pure.

Produce a series of innocent kings or princes--even among those taught by you--and show that the law against adulteries cannot be observed. If the matter comes to reasoning, we shall prevail. To the examples I answer: some are manifestly false, such as those concerning Gregory VII and others; some were invented by enemies; some men lived a more licentious life before the Pontificate and corrected it in the supreme dignity. At most there were six or eight whose life was wicked in so holy an office. I speak of Pontiffs, for I no more concern myself with pseudo-popes than with the Jasons and Menelauses who disturbed the ancient Church.

It is the greatest glory of the Church that 237 Pontiffs are now counted, among them thirty-three martyrs in an uninterrupted succession, and among their successors so many martyrs and so many illustrious in holiness and learning that not even their enemies, although aided by all the calumnies of every age, can name one unchaste man among thirty chaste men. Give me a kingdom, principality, or county in which there have been so many good rulers and so few bad. I know that this cannot be done by you. Yet this is the perversity of the adulterous generation of viperous offspring among the preachers, whose lies bear damnation: they impute to others the things they themselves do. Who should marvel that they invent stories concerning the ancients, when knowingly and willingly they invent everything against the living? They all bring forward Alexander VI, who was indeed wicked but was compelled to hear of more evils than he committed.

[Printed page 460]

But why do they omit the others whom the histories praise extraordinarily? Why do they not remember the crimes of their own men?

CHAPTER XXX

The God Maozim Is Not the Sacrifice of the Mass

§ 1. In verses 38 and 39 that God is described thus: "But he will honor the god Maozim in his place, and a God whom his fathers did not know he will worship with gold and silver and precious stone and costly things, and he will act so as to fortify Maozim with a foreign God." The Hebrew text has **כנו על מעזים ואלה**, *weʾĕlôah māʿuzzîm ʿal kannô*, "the God Maozim in his place or upon his throne." The Septuagint translates **θεὸν ἰσχυρότατον**, "a most mighty God"; Aquila, **θεὸν ἰσχύων**, "a God of strengths"; yet others read **θεὸν ἰσχυρόν**, "a mighty God."

The Greeks translate verse 39 thus: **Καὶ ποιήσει τοῖς ὀχυρώμασι τῶν καταφυγῶν μετὰ θεοῦ ἀλλοτρίου**, "And he will act upon the fortifications of the places of refuge with a foreign God." Another reading is: **Καὶ ποιήσει τοῖς ὀχυρώμασι τῶν πόλεων μετὰ θεοῦ ἀλλοτρίου**, "And he will act upon the fortifications of the cities with a foreign God." Theodotion translates thus: **Καὶ ποιήσει ταῦτα ὥστε στερεῶσαι τὰ ὀχυρώματα μετὰ θεοῦ ἀλλοτρίου**, "And he will do these things so as to make the fortifications firm with a foreign God." Luther translates: *Aber an dess statt wird er seinen Gott Mausim ehren*--"But in its place he will honor his God Mausim"; and in verse 39: *Und wird denen, die ihm helfen, stärken Mausim mit fremden Gott*--"And he will strengthen Mausim for those who help him, with a foreign God." In verse 38, without understanding the Hebrew language, he translates *ʿal kannô* as *an dess statt*, "in its place," although it expressly means "upon its place" or "upon his place." In verse 39, if he changed the points in the word *lemibṣerê*, he showed that they do not pertain to the essence of Scripture.

The sense of the words is that Antichrist will worship the God Mausim, the god of fortifications--a new God whom the ancients did not know--but will fortify these strongholds with a foreign God. For he will place impious and superstitious men in the fortifications; in them they will worship the devil himself. Nor is it marvelous that he worships no one and yet now worships. For he will be great and will openly put himself forward as God, as impious kings once did; but because he will use the aid of a daemon, he will dread and secretly worship it, while even his familiars are occupied in the same daemon-worship.

§ 2. Yet they interpret it variously. The Greek scholia have:

> **τὸν θεὸν τὸν ἰσχυρόν, ὃν προσποιοῦνται οἱ Ἰουδαῖοι σέβεσθαι, ἐν τῷ ναῷ δεξάσεται, ὅπερ εἰς ἀπάτην τῶν Ἰουδαίων ἀνέξει.**
>
> "He will receive into the temple the mighty God whom the Jews pretend to worship, whom he will indeed raise up for the deception of the Jews."

Thus also others interpret it, for the true God is called in Scripture the God of strength, Psalms 26:1 and 30:3. Thus the heretics Bruchthon, Junius, and Tremellius, who call him the God of Israel. Theodoret says that Antichrist himself is the God Mausim, for it will come to pass that he glorifies himself; for the Greek has **δοξάσει**, "he will glorify," and the Hebrew has *yekabbēd*. Nor is this marvelous: formerly there were examples of such great madness. When Caligula had made himself a God, he offered sacrifice to himself.

In a marginal note Luther calls him "the God of garrisons"; but in the preface he asserts that "the God of fortifications" is in the temples and monasteries, which are like citadels and fortifications: their colleges, he says, serve the Pope. But specifically he claims that Daniel wished to say "the God of the Mass," but in indignation broke the word *Mass* and called it *Mausim*; and that "to fortify Maozim" is to care for everything which pertains to the Mass. The Lutheran Strigel says that Maozim is every idolatrous worship: the adoration of the Eucharist and the prohibition of marriages.

§ 3. It must be said, first, that he is not the true God of the Israelites, for Antichrist will rise against that God, the God of gods. Therefore he will not venerate him.

Second, he is not Antichrist himself, because Antichrist will worship him with gold and silver, in which manner he will by no means worship himself. Then Scripture speaks of Antichrist and his God as two different beings.

Third, he is not the sacrifice of the Eucharist, or Christ in the Eucharist or in the Mass, because Christ is worshiped not in fortifications but in all temples and in the public squares; then our fathers worshiped Christ thus. Third, Antichrist is himself publicly worshiped above every God; therefore he does not publicly say that Christ is his God.

Fourth, the God Maozim is not fasts, celibacy, and similar things. First, because these are worship of God, but Maozim is the God himself. But if the God Maozim is called the God of fortifications or of strength, the interpretation is most inept if "the God of strengths" is said to mean "the God of the selection of foods, of celibacy, and of similar things." Second, who worships celibacy and fasts with gold and silver and costly things? Thus feasts and marriage-beds are worshiped. Third, assemblies of virgins and vows of chastity were already used in the ancient Church, as were many fasts; they are therefore not new gods whom our Fathers did not know. Therefore the Pope does not worship or fortify the God Maozim.

That God, therefore, is the God whom Antichrist, supposing him to be the author and preserver of his strength and power, will worship with his followers with great care and expense, and that in fortified places and places containing treasures. The continual sacrifice, the spotless Lamb, is as far distant from Maozim as Christ is from Belial.

CHAPTER XXXI

The Kings of the South Will Not Fight against the Pope

§ 1. Verse 40: “And at the appointed time the king of the South will fight against him, and the king of the North will come against him like a tempest. The king of the North will come against him in chariots and horsemen and a great fleet, and he will enter the lands and crush them and pass through, and he will enter the glorious land, and many will fall; but these alone will be saved from his hand: Edom and Moab and the first of the sons of Ammon.”

Most of the ministers omit these words and those which follow, because they see that they can in no manner be accommodated to the Pontiff. In this matter they thoroughly betray a seared conscience. For if the things attributed to this king do not agree with the Pope, with what face do they attribute the rest to him? Yet now someone has been found who opposes us and asserts that these very things too were said against the Pontiff: Paul Laurentius, who in his preface confessed that he lacked abundance of wisdom--out of truth, not humility--and foolishly believed and published another preacher’s encomium which had called his sermons learned. It is useful, therefore, to hear the delirious man. On page 38:

> Third, the Angel in the Prophet speaks of the fall of this idolatry and what sort of end it will have: namely, when its pomp and arrogance are at their summit, it will begin to fall and pass into nothing. Concerning this the text reads thus: “The king of the South will fight against him, and the king of the North will come against him.”
>
> Here we hear that this impiety is tending toward its end, for express mention of the word “end” is made in the text. At such an end it will happen thus, says the text: “The king of the South will fight against--
>
> *[Printed page 461]*
>
> --the king of the North.” At that battle wondrous things will be seen; what the end will be will be manifest.
>
> Here before all things I shall ask who are those two kings who are to fight against one another. And if someone should perhaps suspect the king of the South to be Ptolemy, king of Egypt, and the king of the North to be Antiochus Epiphanes, king of Syria, of whom mention was made in the preceding chapter, nevertheless the Angel says to the Prophet that the words have been sealed; therefore it could not be understood who these kings are. But after the prophecies have been fulfilled and the battle completed, it will then appear whence it arose and for what cause it happened.
>
> But now the Lord God has raised up Christian men who from time to time opposed the Pope’s immoderate arrogance and in some manner showed men what they ought to think of him, and thus they crushed him. For example, when Pontiff Boniface VIII was altogether swollen with pride, so as to call himself Lord of the whole world, in spiritual as well as temporal matters, and thus wished to command the whole world, Christ the Lord raised up Philip, king of western France, who in the year 1303 so overwhelmed the Pope at Anagni, led him captive, and fought him down so that he died a short time afterward. Concerning him it was afterward written and said: “He entered like a fox, reigned like a lion, and died like a dog.” Perhaps he breathed out his spirit beneath a club.
>
> About twenty years afterward, Pope John XXII was deposed from the Pontificate through public letters on account of excessive avarice; John XXIII, in the year 1415, was cast down from his See on account of various wicked deeds. Afterward also at the Council of Constance the Pope received no slight blow through the martyr John Hus.
>
> The gravest blow of all the Pope underwent through Doctor Martin Luther a hundred years ago, who preached and wrote against him, so that whole kingdoms and nations have now withdrawn from him. Christ the Lord brought about all these things--all the doctrine and writings by which the Pope has been manifested--and caused him to receive a mortal blow and begin to fall; he ordained and raised up men to accomplish it. Therefore Christ the Lord is the king of the East who inflicted the blow upon the Pope’s Mausim of the Mass. For Christ the Lord is the Sun

> of justice rising from on high and the true light which illuminates the entire world. On the other hand, the king of the North who fights against him must be the Pope himself, for no one opposes the splendor and shining dawn except the Pope alone, as experience has proved: he himself rushed with horsemen, chariots, and ships by land and sea, attempting to destroy all his adversaries, and indeed killed very many. He is called king of the North because darkness lies toward the North; he himself is darkened by spiritual darkness and driven by the devil, the god of darkness. And this is the Pope's end: he will begin to fall, but will rebel violently and kill many in the renowned land.

§ 2. Let us expound the words and then investigate the prophecy and its times.

First, "at the appointed time": *beʿēt qēṣ*, "at the time of the end," **καὶ ἐν καιρῷ πέρατι**, "and at the end-time." Around the end of the time, when it is already near that there should be no more time. Vatablus also has "at the appointed time," which is the same as if he said, "at the time established by God."

"The king of the South will fight against him": *weyitnaggaḥ ʿimmô meleḵ hannegeḇ*, **συγκερατίσεται μετ' αὐτοῦ ὁ βασιλεὺς τοῦ νότου**, "the king of the South will strike at him with the horn." For God values the struggles of kings fighting with great armies no more highly than those of bulls fighting one another.

"And the king of the North will come against him like a tempest, in chariots and horsemen and a great fleet; and he will enter the lands and crush them and pass through." The Hebrew is *weyistaʿēr*; the Septuagint has **συσταραχθήσεται**, "he will be violently disturbed." The Hebrew means to bristle, move, be stupefied, and be tempest-tossed. They think *śāʿar* was put in place of another form, meaning to cast down like a tempest. The Greeks are accustomed to translate it by **καταιγίζειν, λικμᾶν, ἐξαίρειν, φυσᾶν, φθείρειν**--"to storm, winnow, raise up, blow, destroy." See Jeremiah 23, where there is **σεισμός**, "shaking"; Zechariah 9:14, **σάλπιγξ**, "trumpet"; Job 38:1, **λαῖλαψ**, "hurricane"; Isaiah 29:6 and Psalm 148:8, **πύριον**, "a fiery thing"; Psalm 54:8, **καταιγίς**, "tempest." The king of the North will therefore enter with great violence and destroy everything. Now let us see who these kings are and how certain is the faith of those who confidently assert all these things concerning the Pontiff and disturb the world by playing with riddles and allegories.

§ 3. Saint Jerome says that near the consummation there will be ten kings who divide the world among themselves, three of whom--those of Egypt, Africa, and Ethiopia--are to be killed by Antichrist; afterward, the remaining kings will submit to him. The ministers cry out that the Pope has done these things; we deny it and assert the contrary. The Pope is not the king of the North; he did not rush upon the king of the South or do the things which are written here; therefore the Pope is not Antichrist. Luther interprets these things allegorically, as is now evident from the words of Laurentius. But because this is ridiculous and contrary to the text, the rest were ashamed of it. Finally, nothing in matters of doctrine is concluded from such ill-fitting allegories.

I show that it contradicts the text. It names real kings of Persia in verses 2 and 3, and real kings of the South and North in verses 5 and 6; Egypt too is named in verses 8 and 17. It comes into no one's mind to understand the king of the South as anyone other than the king of Egypt, or the king of the North as anyone other than the king of Syria. We must therefore remain with the same signification here, so that they are real kings, one of Egypt and the other of Syria, who fight one another.

Accordingly, wearied by such puerile trifles, Junius, Tremellius, Abbot, Bruchthon, Sutcliffe, and Danaeus altogether deny that anything in Daniel treats of Antichrist; they say that all these things pertain to the wars of Antiochus, Physcon, and Philometor. Why, then, do others most laboriously bring forth these things concerning Antichrist and the Pope and twist them to their own purpose?

§ 4. The Lutherans object: Edom, Ammon, and Moab will escape Antichrist's tyranny, but those peoples do not now exist; therefore they must be understood allegorically. But from the same antecedent the Calvinists conclude differently: those peoples do not now exist; therefore those who will escape do not exist now; therefore this does not concern Christian times, but those of Antiochus. These latter propose nothing against the Pontiff from Daniel. But the

former err gravely, for the peoples are called by those names by reason of their places, although they have in great part ceased to exist as peoples. For amid so many migrations, mixtures, and destructions of peoples, the certain origins of any nation cannot easily be established; indeed, I do not think that **αὐτόχθονες**, "people sprung from the soil itself," now exist anywhere, unless perhaps in the western and most remote Indies.

Nor did the kingdoms of those peoples still survive in the time of Antiochus; only scattered remnants did. David destroyed the Ammonites, 2 Samuel 11, 12, and 23. Ptolemy Philadelphus occupied Rabbah and called it Philadelphia. Zephaniah 2:8 indeed says, "Moab will be like Sodom and the sons of Ammon like Gomorrah"; nevertheless they survived the captivity, 2 Esdras 9, for they contracted marriages with the Israelites. There were also sons of Ammon in 1 Maccabees 5:6: "And he passed over to the sons of Ammon." Moabite women also survive in 2 Esdras 13:23. Indeed, 2 Maccabees 10:16 names the fortifications of the Idumaeans, and Herod the Great was an Idumaean. Those most numerous peoples were therefore not so destroyed that remnants did not remain in the same places and survive even today, who will evade the savagery of Antichrist, I believe by the benefit of mountains and hiding places.

[Printed page 462]

§ 5. Finally, the mystery fashioned in the name is now vain: that the elect are meant, who always bore the type of the reprobate. Edom himself certainly was not so named because of martyrdom, but from his profane desire for red pottage. Nor should the Ammonites and Moabites be numbered among the saints on account of the incestuous origin of their names, since they were always enemies of the people of God and cursed by God. Deuteronomy 23:3: "The Ammonites and Moabites will not enter the Church of the Lord in eternity, even after the tenth generation." It is therefore injurious that, on account of someone's grammatical or Cabalistic interpretation--on account of an enthusiastic interpretation of Edom, Moab, and Ammon--all Catholic kings should be condemned with the Pontiff and Bishops for Antichristianism.

Finally, not even such tasteless fictions cohere with one another. For how do the martyrs escape the persecution of which Daniel makes mention in this passage? He speaks of chariots, horsemen, and fleets; those peoples will escape these evils, but the martyrs will be oppressed by the armies and fleets of Antichrist. Much less, therefore, does this agree.

"And he will enter the glorious land, and many will fall." In Hebrew the land is called **צבי ארץ**, *ʾereṣ ṣeḇî*; they call it **γῆν σαβί**, "the land Sabi," or **σαβαείμ**, "Sabaeim." The Greek scholia interpret: **τὴν γῆν τῆς ἀξιότητος· ἀπόγονον δὲ παρὰ ἀρετῆς**, "the land of worth, a derivative from excellence." In chapter 8:9 it is called the glorious land, where the Septuagint translates **δύσιν**, "the west," appropriately, because the horn came forth against the south and the east and the host, as our interpreter translates. The Roman edition of the Septuagint has **πρὸς τὸν νότον, καὶ πρὸς τὴν δύναμιν**, "toward the south and toward the host." In verse 16 of this chapter: "And he will stand in the renowned land." Jerome testifies that the Septuagint translated it "the land of desire." The Greek scholia have this on the passage:

> **Ἀντίοχος ἐν τῇ Ἰουδαίᾳ· αὕτη γὰρ διὰ τὸν νόμον ὑπῆρχε χώρα τῆς τοῦ θεοῦ θελήσεως, δόξης, δυνάμεως· τούτων γὰρ ἕκαστον τὸ σαβὶ ἑρμηνεύεται.**
>
> "Antiochus [will stand] in Judaea; for on account of the Law it was the land of God's will, glory, and power, since *sabi* is interpreted as each of these."

Thus the other reading found in Theodoret, **σαβεὶς**, must be corrected from this.

This land is Judaea, not Rome. Josephus writes the history thus: after the cities in Syria and Samaria had been conquered by Antiochus, the Jews surrendered themselves to him voluntarily; and after receiving him into the city, they abundantly supplied all things to the whole army and the elephants and assisted him when he attacked the garrison left by Scopas. Accordingly, since the Pontiff did not stand in Judaea, this cannot be attributed to him. For the fact that certain men have referred these things to the holy expedition is exceedingly impious and insulting to the best princes, who snatched the holy land from the hands of a most savage tyrant.

CHAPTER XXXII

The Pontiff Will Not Set Up His Tent between Two Seas and Capture Egypt

§ 1. Daniel prophesies in this manner: “And he will send his hand into the lands, and the land of Egypt will not escape; and he will rule over the treasures of gold and silver and all the precious things of Egypt; he will also pass through Libya and Ethiopia.”

None of these things agrees with the Pontiff, but the Lutherans and certain Calvinists attribute them all to Antichrist; therefore the Pontiff is not Antichrist. It has always been asked by our men: when did the Pontiff occupy Egypt, Libya, and Ethiopia? When did he set up his tent between two seas?

As far as the word *Apadno* is concerned, the Greek retains it as **ἀφαδνῷ**; another reading is **ἐφαδνῷ**. Symmachus has **τὴν σκηνὴν δ’ ἱπποστασίῳ**, “the tent at the horse-station”; and the Greek scholia interpret **τὸ ἱπποστάσιον** as **τὸ ἱππικὸν στρατόπεδον**, “the cavalry camp.” Certainly a king’s retinue is mounted, and his principal power is in his cavalry. But because Antichrist will arise at Babylon, Daniel, when he speaks of his court and domestic camp, wished to use a Babylonian term. The same word is frequent among the Talmudists. Bruchthon maintains that this was done by Antiochus when, as he was about to set out for Persia, he entrusted his son to Lysias, together with the destruction of the Jews.

§ 2. But where will he set it up? On the holy mountain, between two seas. What mountain would Daniel call holy except the one which all the Jews would understand--the holy mountain, Mount Zion, between the Sea of Tiberias and the Phoenician Sea? The Pontiff did not come there.

Those who say that the Church is signified will never explain why it is placed between two seas, since it is spread throughout the whole world. But concerning these matters see Bellarmine, book 3, chapter 13, and his defender James Gretser.

CHAPTER XXXIII

The Apocalyptic Beasts of Chapter 13 Do Not Pertain to the Pontiff

§ 1. A great part of the *Flaminian Flowers* is spent in expounding chapters 13, 17, and 18 of Revelation. For it says that a mouth speaking enormous things was given to the Pope; it attributes to the Pope the mark and the number of the name; it says that the woman is the Roman Church and that the seven mountains are the Roman hills. In sum, all Roman things are abominable. The abusive reviler must be answered, and in this passage too the calumny must be shown to surpass the malignity of every previous age.

§ 2. There are two beasts in Revelation 13: the first seven-headed and ten-horned, the other a two-horned helper and flatterer of the first. I must prove that neither the Ten-Horned Beast is our Emperor nor the Two-Horned Beast the Pontiff.

§ 3. First, the Emperor is not the Ten-Horned Beast. For at Revelation 13:2 it is said, "And the Dragon gave it his strength and his great power," and, as certain Greek copies add, **καὶ τὸν θρόνον αὐτῷ**, "and his throne." But the Dragon--that is, Satan--did not give our Emperor strength, **δύναμιν**, but the state did, and the most reverend and most serene College of Electors. For even princes of the opposing religion call it the Sacrosanct Roman Empire. Graser indeed asserts that the Church is necessarily afflicted by it and that the fullness of diabolism dwells in it. But with a monstrous malignity of abuse he addresses the Emperor with his proper titles--titles with which even the most serene King of England abundantly refutes him. And a book *On the Union and Synod of the Evangelicals*, published at Heidelberg in 1614, bears this subscription: "With the grace and privilege of the Vicar of the Holy Roman Empire." What Aretius says, therefore, is false: "The devil fastened his--

[Printed page 463]

--ornaments upon the Empire." I conclude my reasoning and leave it to the princes to consider where those words tend.

§ 4. Second, verse 3: "And I saw one of its heads as though slain unto death, and its mortal wound was healed; and the whole earth wondered after the Beast, and they worshiped the Dragon who gave power to the Beast, and they worshiped the Beast, saying, 'Who is like the Beast?'" These things do not occur in the Empire; therefore the Empire is not that Beast. Yet Aretius says that the head slain in Julius Caesar, Nero, or other Emperors, when they were overcome by the Lombards or the Turk, was restored by Vespasian, Antoninus, or Charles the Great. It is an impious exposition and one which overthrows itself. For the devil is not worshiped in the Empire, nor is the Emperor worshiped because some Caesar died and the Empire was restored. Theodosius the Great, Charles, the Ottos, and others would be held by the same charge.

§ 5. Third, verse 8: "And all who inhabit the earth worshiped it." But not all worship the Emperor; therefore he is not the Beast. For how many lands and kings both are and always have been free from the Roman scepter? How many arms of the Persians, Goths, Huns, Vandals, Lombards, Normans, Saracens, and Turks have afflicted the Empire? Surely they did not worship what they opposed with such great fury and in part conquered.

§ 6. Fourth, in this whole mode of abuse they disagree shamefully among themselves. Illyricus and others join the Turkish Empire to the Roman; others expound that worship with enormous insult to the princes. Aretius, on Revelation 13:7: "To wonder at the Beast is to wonder at the succession and felicity of the Empire, proclaiming it august, holy, sacrosanct, and immortal." Aretius proceeds: "Second, they worshiped the Dragon; that is, in its person they worshiped and adore the Devil. For the Dragon is the devil, who fastens his ornaments upon the Empire." Behold where the hatreds which you have rashly professed drive you. The Pope is Antichrist to you, the second Beast. So that this may seem true to the wretched, you establish that the first Beast, ten times more wicked than the second, is the

Roman Empire. You are so shameless and so rash that, although you declare that the second Beast which serves the first must be killed, torn by torments, and burned, you fail to observe that the first is worthy of a greater punishment.

Then you also make your own princes worshipers of the Beast, for in their speech and public documents they call the Empire holy, august, and so forth. He proceeds: "See what it is to worship the devil: that is, to wonder excessively at the majesty and felicity of the Roman Empire." He professes to treat even of the reformed Empire at verse 8, and in the margin at verse 2 he notes: "The devil is the **σύνεργος**, co-worker, of the Roman Empire." Finally, he adds that those who do these things are not written in the Lamb's book of life. Therefore, O Antibellarmine colleagues, in your judgment are your princes and counts not written in the Lamb's book of life? Do you exclude all subjects of the Empire from heaven? For they honor the Empire with that title which your colleague in Switzerland--or in a city of the Swiss Confederation--with such zeal and hatred describes as idolatry, that is, worship of the devil.

I ought not to doubt that you think thus, since you assert that there is such great agreement of doctrines among you; moreover, you cannot harm the Pope by any other reasoning unless you pierce him through the flanks of the Roman Empire. Nor is it marvelous or novel that, if only it is permitted to ruin the Pope, you are ready to bore through the ship in which you sail. I know where consistorial violence draws you. These matters belong to another disputation; I now propose one question. The *Aphoristic Disputation against Bellarmine* was printed at Heidelberg by John Lancellotti, printer to the Academy, and subscribed with these words: "With the privilege of the Vicar of the Holy Roman Empire." Is this your idolatrous madness, or the printer's? For to call the Empire holy is, as your men teach, to worship the devil and adore the Dragon. Or perhaps the Roman Empire is holy when it has the Vicar as its head, but profane when it has its primary, proper head bearing its own name--in which, as Graser says, there is the fullness of diabolism?

§ 7. You owe yourselves as an object of mockery not only to Turks and Persians but to Frenchmen, Italians, Spaniards, and Poles when you ascribe your Empire to Satan as its Author. Many of you have labored to show that the translation of the Empire was not effected by the Pontiff, nor its confirmation or coronation, and that it receives no ornaments from the Roman Priest. And why, I beg you? See the monstrous malice, deserving vindication by the laws of both doctrine and the Empire. "The devil," says Benedict Aretius, your colleague, "fastens his ornaments upon the Empire"; the devil is the **σύνεργος**, "co-worker, helper," of the Roman Empire. Was it of such great importance to deny communion with the Pope that the ornaments had to be attributed to the Devil? It is enough--more than enough--that there is hatred of the Apostolic priesthood; now there is love of the daemon. I shudder as I relate it.

So many minds among your writers labored at this, that they might withdraw the Empire from every jurisdiction which antiquity gave to the Pontiff--not so that that majesty might be free and in every manner without law, but so that it might be bound by contract to Satan; so that the Vicar of Christ, the Servant of the servants of God, might be excluded, and that **σύνεργος**, "co-worker," and decorator might be the accuser of the brethren, the adversary of Christ, the Daemon. Rome is so hateful that you prefer the diadem to come from Tartarus. At this point, therefore, impiety holds its highest summit. Hatred of the ancient Church has advanced so far that it has enrolled the infernal Dragon in her place and attributes kingdoms to him. What remains except that they believe him when he says, "All the kingdoms of the world are mine," and promises, "All these things I will give you if, falling down, you worship me"; that in hope of a kingdom they fulfill the condition, fall down, and worship the devil? They will refuse nothing, those for whom to call the Roman Empire holy is to worship the devil, and to call the Empire holy is daemon-worship.

Is it a sin to subscribe one's book as your pseudo-prophet did:

> **Anno MatVresCentIs sponsae DIVae?**

Again I ask: if it is idolatrous madness to call the Roman Empire august, as Aretius the Calvinist maintains, did Beza bind himself by that crime when he writes that he published his version of the New Testament under the august name of Elizabeth of Britain? Is the name "August" in the August Empire worship of daemons, but in the dominion of a single island **ὑποχρεωτικόν**, "a binding token," and a mark of fidelity?

§ 8. Third, I ask whether Caspar Waser, who offered Graser's *Royal Plague* for sale to the most serene King of Britain, is guilty of idolatry. For in that preface he says:

> The third reason was the authority of Your Majesty, which resides in Your Majesty at the highest degree and is plainly divine, and which long ago likewise resided in your forefathers of immeasurable greatness and splendor, and so forth.

He continues:

> Consideration of all these things most justly moved and impelled the author of this work to hang these studies, as it were, upon the altar of the most sacred patronage and most exalted protection of Your Majesty.

Are not the authority of majesty that is plainly divine, immeasurable greatness and splendor, most sacred patronage, and most exalted protection--especially when an altar is added--are not, I say, these so ample words a defense of the German Princes when they call the Roman Empire holy? Pareus, in his book *On the Union and Synod of the Evangelicals*, calls the most serene Monarch of Great Britain "D. James VI." If he is *Divus*, divine, why is the Emperor not *Augustus*? For that "D." signifies *Divus*, not *Doctor*.

[Printed page 464]

Even a blind man would see where these things tend; would that our Germany may not learn it through its own destruction. All kings are sacrosanct, are honored by their subjects, and are objects of admiration; their injured majesty avenges itself through punishments of rebels. Is it idolatry to call, honor, and admire only the Emperor as sacrosanct? Is this kingdom alone diabolical? What else do these prophets do than hand over wretched Germany, shattered by fraternal warfare, to the servitude and lust of the Muhammadan tyrant?

CHAPTER XXXIV

Concerning the Same Beasts, from Revelation 13, Beginning with Verse 11

§ 1. The other Beast is treated from verse 11 to the end of the chapter, which our prophet maintains is the Pontiff or the Pontificate. But the Holy Spirit, who opened the mouth of John the Evangelist, added such symbols to each Beast that from them it is certainly established that neither the former is the Emperor nor the latter the Pontiff.

§ 2. The first argument. The second Beast exercises all the power of the first in its sight, verse 12. The Pope does not exercise that power before the Emperor; therefore he is not the other Beast, nor is the first Beast the Emperor.

§ 3. The second argument. "And it caused the earth and those dwelling in it to worship the first Beast, whose mortal wound was healed." The Pontiff did not do this; therefore he is not the other Beast. Graser answers that the Pontiff keeps men in the worship of the former Beast, even though it now no longer exists.

I answer in turn that this is as manifest a lie as it is manifest that the sun shines at midday. For the Roman Empire still exists, and all its princes both call themselves such and are so called by everyone. I answer, second, that what is worshiped is not a Beast which does not exist, but one which truly exists; for the Holy Spirit opposes it to the lying spirit: "whose mortal wound," he says, "was healed." I answer, third, that even in the judgment of their own men the princes of the Empire owe much to the Pontiff, who endeavors so diligently to procure authority for them. For Aretius maintains that to cause the Beast to be worshiped means nothing other than to desire that the Empire be sacrosanct, august, and venerable, as it formerly was under the Gentiles. The Pontiff desires this, yet he does not desire the blindness of the Gentiles or the **ἀποθεώσεως**, "deification," of the Emperors to be introduced.

If we who desire the Empire to be sacrosanct, august, and venerable are evil; if for that reason we are Antichristian and condemned to death by men who live under that same Empire, what do those men deserve who do not desire it to be august, sacrosanct, and venerable--who desire it to be lowly, profane, and contemptible? Their hatred of the German-Roman Majesty is so great that they desire those who wish the Empire well to be worthy of the most extreme examples of punishment. Do we suppose that different wishes are conceived and pronounced in the mosques of the Muhammadans? Yet our Calvinist Turks act with greater criminality, because they are citizens and because they are bound to the Empire by the sanctity of an oath.

I cannot pass over in this place the ridiculous delirium of Illyricus. He interprets "to exercise power before the Beast, so that the Beast itself is worshiped" as: "to exercise power against the will of the Emperors and to subject the Emperors."

§ 4. The third argument. "And it performed great signs, so that it even caused fire to descend from heaven to earth in the sight of men," verse 13. No Pontiff, by calling fire down from heaven, procured worship for the Emperors; therefore the Pope is not the second Beast, nor the Emperor the first. For what Pontiff compelled anyone to worship the title of the Empire? If "to worship" is to call it august and unconquered, Waser too worships a title of the British kingdom, for he calls its auspices "most august," and the king himself unconquered.

§ 5. The fourth argument. Verse 14: the second Beast "said that they should make an image of the Beast which has the wound of the sword and lived." What image of the Emperor did the Pontiff order to be made and worshiped? To what image did he give life? Illyricus interprets the image of the Beast as the form of the state; others interpret it as the Golden Bull of Charles IV, an enfeebled shadow of the Empire; others interpret it as something else. If matters stand thus, we no longer have a living and true Empire, but shadowy magistrates. Then the image is of the Beast which came to life again; therefore it is the image of a living Beast.

Thus Aretius says that the image of the Beast is the elected Emperor, while its life is confirmation. But this is blasphemous and foolish. For the second Beast compels both the Beast and the image to be worshiped together; and there is both the image of the Beast and afterward the Beast itself. Then the living and speaking image is not the Beast itself, but the image of the Beast; for it was a new thing for an image to speak, since the Beast had already uttered blasphemies against God and the Saints in verse 5.

§ 6. The fifth argument. The second Beast will cause everyone to have the mark of the first Beast, or its name, or the number of its name. The Pontiff did not procure this for the Emperor; therefore the former is not the second Beast, nor the latter the first. For who has been forbidden to buy or sell without an imperial mark?

While we seek the mark, Bullinger says it is chrism; Chytraeus, the oath of fidelity; Aretius, both of these, and also that of doctors and masters when they are inaugurated. Illyricus extends it to the tonsure and the mark of orders; Graser, to the mark of orders, exorcism, and the sacrament of confirmation; Sutcliffe, to the common manner of life of the Papists. These interpretations mutually destroy one another and have often been refuted by our men. For me it is sufficient to display the remarkable instability of the sectarians in their abuse; for none of all these things accomplishes anything against the Pontiff, as I demonstrate in the following manner by an irrefragable **ἀποδείξει**, "proof."

There are five things which the Evangelist and Prophet John proposes as symbols of the Beast: the image of the Beast, the life of the image, the mark of the Beast, the name of the Beast, and the number of the Beast's name. Everyone attributes the last three to the Pontiff, and our deceiver does so most of all. To prove that he is Antichrist, they devise and devise anew marvelous names, which are found in Luther, Chytraeus, Graser, and the prophet whom we now refute; for he fills the whole sixth book with the mark. He says that the mark of the Beast is its own proper name, either signified by numbers or enigmatic. I am weary of trifles, and so proceed to explain the argument.

He is Antichrist whose image, mark, name, and number of the name are described in Revelation; but these are not the Pontiff's; therefore the Pontiff is not Antichrist. The proposition is not disputed, for each party attributes these things to Antichrist. The assumption is proved. The image, mark, name, and number of the name belong to the first or primary Beast, not to the second, which serves the first. But according to the sectarians' abuse, the Pontiff is the second Beast, not the first; for they say that the Empire is the first Beast.

[Printed page 465]

Therefore, if their heresy is true, the mark, name, and number of the name pertain not to the Pontiff but to the Emperor and the princes of the Empire. It must now be proved that these belong to the first Beast, not the second.

§ 7. First, the context itself teaches that the image belongs to the same Beast as the mark, name, and number of the name. The image is that of the first Beast: "Saying to those who dwell on the earth that they should make an image of the Beast which has the wound of the sword and lived," verse 14. It continues in verse 15: "And it was given to it to give spirit to the image of the Beast, and that the image of the Beast should speak, and to cause all who did not worship the image of the Beast to be killed." There is therefore no dispute concerning the image, for it is the image of the Beast which has the wound of the sword and lived. But the mark and name belong to the same Beast, which I prove from verse 16: "And it will cause all, small and great, rich and poor, free and slaves, to have a mark on their right hand or on their foreheads." And verse 17: "And that no one may buy or sell except one who has the mark or the name of the Beast or the number of its name." It is not said that the second Beast acts so that its own image or mark is possessed, but that of the Beast--namely, the first; nor does it say "the number of its own name," but "the number of his name."

Second, chapter 14:9--11: "If anyone worships the Beast and its image and receives the mark on his forehead or on his hand, he also will drink of the wine of the wrath of God," and so forth. "Nor do they have rest by day or night who worshiped the Beast and its image, or if anyone received the number of its name." The Holy Spirit could not have said more clearly that the image and the mark belong to the same Beast. The image is that of the former Beast; therefore so is the mark. According to the seditious opinion of the sectarians, the former Beast is the Empire. The mark is therefore

that of the Empire, not of the Pontificate. Thus the whole pestilential exhalation of calumnies and abuse breathes upon the August Emperors, the Electors, and the princes of the Empire, which all subjects rightly abominate; but the Pontiff is free of it.

Third, chapter 15:2: "And I saw as it were a sea of glass mingled with fire, and those who had conquered the Beast and the image of the Beast and the number of its name, standing upon the sea of glass," and so forth. The image does not belong to one Beast and the number of the name to another. By the agreement of the Pontiff's enemies, the image is not that of the pontifical Beast; therefore neither is the number of the name. Thus the vanity of so many names invented against the Pontiffs strikes the princes, for the ungrateful and criminal Calvinist subjects falsely charge that the first Beast pertains to them.

Fourth, chapter 16:2. The punishment which followed the guilty indicates the same thing: "And a savage and exceedingly evil wound came upon the men who had the mark of the Beast and upon those who worshiped its image." Whose image did they worship? The image of the one whose mark it was.

Fifth, chapter 19:20: "And the Beast was captured, and with it the false prophet who performed signs before it, by which he seduced those who received the mark of the Beast and who worshiped its image." The false prophet is the second Beast, lesser than the Beast which is simply called "the Beast." Therefore not even by the sectarians' obstinate malice can the Pontiff be called the second Beast. For since they say that he exalts himself above every **σέβασμα**, "object of worship," how does he, neglecting himself, act so as to procure for the first Beast an opinion of divinity?

In vain, therefore, with such great madness and such great apparatus, are the mark, the name, and the number of the name brandished against the Roman Church; in vain do they contrive wars and bloody slaughters. She is not the wild Beast which they pursue. They seek to strike their tooth against fragile flesh--that is, according to Graser's interpretation, against the clergy--but they break it against the solid--that is, according to the same interpreter, against the laity.

The simplicity of many Germans, even Princes, is worthy of pity rather than persecution or laughter. When they heard that their men had found the number of the name 666 in some little word, such as **רומיית**, *Rômîth*, or **λατεῖνος**, *Lateinos*, or another, they immediately admired such **ταχυσοφίαν**, "ready cleverness," and by an imperious ostracism ordered all adherents of the Pontiff to be exiled from the Christian state, unaware that by this subtlety they were casting the political magistracy, the Emperor, and the most noble lords of the Empire, as though they were the Beast, into the lake of sulfur and fire.

CHAPTER XXXV

Cardinals Are Joined to the Pontiff for Counsels and Government

§ 1. The name of Cardinals is recent, but the institution most ancient. For they are the principal senate of the Supreme Pontiff; they are governors, counselors, and assessors. They are so called because the affairs of the Church turn upon them as upon hinges, and because they are prelates and leaders of religion. Thus Chalcondyles, book 6, where he treats of Bessarion and Isidore being elected Cardinals at the Council of Florence. He errs, however, when he relates that thirty were elected.

Sylvester, in the Roman Council, names a Cardinal presbyter and Cardinal deacon, Cause 2, question 7, chapter 5:

> A prelate will not be condemned except with witnesses; nor will the Supreme Prelate be judged by anyone, because it is written, "The disciple is not above the master." But a Cardinal presbyter will not be condemned except with forty-four witnesses; and a Cardinal deacon of the city of Rome will not be condemned except with twenty-seven witnesses.

From this we gather that other Churches also had Cardinals, and that the Cardinals of the city of Rome were far below Bishops; for they are condemned by twenty-seven witnesses, while Bishops are condemned only by seventy-two, which is also repeated in chapter 3. Volaterranus, in the *Anthropology*, thinks that under Benedict IX they began to be so named in the year 1031. But already in 950, under Louis IV and Otto the Great, this name was in common use. Afterward, as the multitude of affairs increased and the civil dominion of the Roman Church in Italy, Sicily, and other places was strengthened, their authority, dignity, and wealth increased. Chalcondyles therefore rightly says that the Pontiff gives them sufficient revenues by assigning regions from which some receive more and others less.

§ 2. By command of the Council of Basel, Cardinals are elected by scrutiny. These are the words of Session 23:

> Let the election of Cardinals not be made by whispered votes alone; rather, only those may be assumed concerning whom, after a true scrutiny has been conducted and published, it is established that the greater part of the Cardinals have collegially consented by the subscription of their own hand. Apostolic letters shall also be drawn up thereupon with the subscription of the Cardinals, while the decree of this sacred Council solemnly published in the fourth session, which begins "Likewise, since the multiplication of Cardinals," and so forth, is to remain inviolate in its force. When the Cardinals receive the insignia of their dignity, whose signification is that they should not fear to shed their own blood, if need be, for the good of the universal Church, they shall swear in public consistory--if they are in the Curia; but if absent, publicly in the hands of a Bishop to whom it has been committed by Apostolic letters in which the form of the oath is inserted--in this manner: "I, N., recently assumed as a Cardinal of the holy Roman Church--
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> *[Printed page 466]*
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> --from this hour forward will be faithful to blessed Peter, to the universal and Roman Church, and to the Supreme Pontiff and his successors entering canonically. I will labor faithfully for the defense of the Catholic faith, the extirpation of heresies, errors, and schisms, the reformation of morals, and peace among the Christian people. I will not consent to alienations of the possessions and goods of the Roman Church or other churches, or of any benefices, except in cases permitted by law; and I will labor according to my ability to recover things alienated from the Roman Church. I will advise nothing to the Supreme Pontiff, nor subscribe my name, except according to God and my conscience. I will faithfully execute the things committed to me by the Apostolic See. I will preserve divine worship in the Church of my title and its goods. So help me God."

Today too they are sometimes elected in this manner; but when they are nominated at the Pontiff's discretion, the consent of the other Cardinals is added. Prudence and sincerity in appointing good Cardinals is one of the Pope's chief

virtues. For the purpose of so great a dignity is not that they shine in purple, but that they be prepared to shed their blood for the faith and religion. Thus the Church wished the insignia to be signs of honor in such a way that they also contain an admonition of duty. The purple robe and red hat are a royal color, but also the color of martyrs; for the Church uses that color on the solemnities of martyrs.

§ 3. There is no fixed number of Cardinals. If they are suitable, it is most desirable and best that there be very many. The statement by the glossator that there were 236 in the time of Pontian, in the year of the Lord 234, is not so foreign to truth as some think; for even if the name was lacking, the council of the Roman clergy was nevertheless great and numerous. The Council of Basel prescribes a moderate number, Session 23:

> Since the Cardinals of the holy Roman Church assist the Supreme Pontiff collaterally in directing the Christian state, it is necessary that such men be appointed as may be, in fact as in name, hinges upon which the doors of the universal Church turn and are sustained. The holy Synod therefore decrees that henceforth their number be so moderated that it neither be burdensome to the Church--which now, because of the wickedness of the times, is afflicted by many grave disadvantages--nor become cheap through a superfluous multitude. They shall be assumed from all regions of Christendom, insofar as this can conveniently be done, so that knowledge of matters arising in the Church may be obtained more easily and deliberation concerning them may be more mature; yet in such a way that those now existing and those to be assumed do not exceed the number twenty-four. From one nation there shall not be more than a third part in relation to the Cardinals existing at the time, nor more than one native of a single city and diocese; and no one may be appointed from a nation which now has more than a third part until it is reduced to its third part. Let them be men excelling in learning, morals, and experience of affairs, not younger than thirty years, masters, doctors, or licentiates, after rigorous examination in divine or human law. Let at least a third or fourth part be masters or licentiates in sacred Scripture. Among these twenty-four there may be a very few sons, brothers, or nephews of Kings or great Princes, in whom competent learning, together with circumspection and maturity of morals, shall suffice.

Some judged that seventy-two should be appointed, because this was the number of the elders among the Jews and of the Lord's disciples. Sixtus V decreed that there should not be more than seventy, and that among them at least four doctors of theology should be assumed from the mendicant orders. If you ask what I advise, I shall say it openly. If they are many, costly, and little industrious, they are a great burden, weigh down the Church, and offend the weak. If they are many and are moderate, laborious, and prudent, there can be no multitude so great that a greater would not be better. For the safety of the state is a multitude of wise men; the safety of the Church too is dignity joined with virtue. For where those two are joined, authority is greatest and its use best.

§ 4. It must be no less a concern that the Cardinals be of diverse nations than that they be many and approved. Thus Bessarion and Isidore were prudently admitted at the Council of Florence to preserve the union of the Greeks. For not only are there many advantages in this, but it appears almost a necessity.

First, lest national partialities be perceived in the consistory and judgment of the Church, which is the holiest of all; lest any nation think itself despised; and lest it complain that it lacks a patron before the Apostolic See. Second, because dealings must be conducted with the princes, states, and kings of all peoples, it is advantageous in this matter to have in the council the leading men of all peoples, through whom affairs may be transacted. Third, this is also necessary for knowing the causes and condition of all peoples. No greater errors are committed in government than through ignorance of the state, but it does not ordinarily happen easily that foreigners have thoroughly perceived everything which pertains to instructing, conciliating, and governing other peoples.

How many Italians judge the Bishops of Germany equal to themselves in external government and compare fir trees with tamarisks? How many imagine that Germany is a great city? A certain German of no mean standing used to ask whether Caesar too possessed many villages.

It is probable that so foul an ignorance of history and peoples cannot exist in so great a dignity; yet other things of no less importance are unknown, such as particular laws, rivalries of princes, disposition, manner of acting, and customs. In these matters not only do leading men of diverse peoples go astray, but Apostolic Legates too, when they are of another nation, sometimes stumble and, as if ignorant of the matters for which they are sent, lose their authority. Cardinals, therefore, ought to be diverse according to the diversity of nations, and the most select men from every people, many also distinguished in nobility and station, not only in holiness and learning. For through them affairs of the greatest moment are frequently accomplished: treaties of kings, peace, and the tranquility of the state are obtained.

§ 5. The Council of Basel taught what sort of men Cardinals ought to be, Session 23, decree 2:

> Let them be men excelling in learning, morals, and experience of affairs, not younger than thirty years, masters, doctors, or licentiates, after rigorous examination in divine or human law. Let at least a third or fourth part be masters or licentiates in sacred Scripture. Among these twenty-four there may be a very few sons, brothers, or nephews of Kings or great Princes, in whom competent learning, together with circumspection and maturity of morals, shall suffice. Let no nephews through the brother or sister of the Roman Pontiff or of any living Cardinal be made Cardinals; nor men born illegitimately, blemished in body, or stained with the mark of any crime or infamy. To the aforesaid number twenty-four there may be added, for a great necessity or utility of the Church, two others in whom holiness of life or extraordinary virtues shine, although they do not possess the aforesaid degrees; and when the Greeks have been united with the Roman Church, certain distinguished men from among the Greeks may be added. Let the election of Cardinals--
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> *[Printed page 467]*
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> --not be made by whispered votes alone; rather, only those may be assumed concerning whom, after a true scrutiny has been conducted and published, it is established that the greater part of the Cardinals have collegially consented by the subscription of their own hand. Apostolic letters concerning the Cardinals shall also be drawn up thereupon with their collegial subscription, while the decree of this sacred Council solemnly published in the fourth session, which begins “Likewise, since the multiplication of Cardinals,” is to remain inviolate in its force.

Without doubt the Pontiff may arrange these things otherwise, after taking account of time, place, and necessity; but whether it is expedient to do so must be weighed diligently. This surely must be maintained: no one is ever to be chosen as Cardinal so that the man elected may himself be raised to honors, wealth, and power, but for the sake of the public good, so that the utility and necessity of the Church may be provided for.

But the Lateran Council, Session 9--Book 7 of the Decretals, book 1, title 4--fixed excellent laws for the Cardinals:

> Since the Cardinals of the holy Roman Church precede all others in that Church after the Supreme Pontiff in honor and dignity, it is fitting and due that they excel everyone in purity of life and splendor of virtues. Therefore we not only exhort and admonish them, but also decree and ordain that henceforth every Cardinal existing at the time, according to the teaching of the Apostle, should live soberly, chastely, and piously, so that, abstaining not only from evil but also from every appearance of evil, he may shine before men and honor God chiefly by his works. Let them all be vigilant and intent upon divine offices and the celebration of Masses, and let them have their chapels in an honorable place, as they have been accustomed to do.
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> Let their house, household, table, and furnishings be neither ostentatious nor pompous, nor filled with superfluous things, nor reprehensible in any manner, lest license for sinning and exceeding proper limits arise from them; rather, as is right, let them deserve to be called a mirror of moderation and frugality. Therefore let them be content with those things which display priestly moderation. Let them treat prelates and all other distinguished men coming to the Roman Curia kindly and honorably, both publicly and privately; and before us and our successors let them graciously and liberally undertake the affairs entrusted to them.
>
> Moreover, let them not have Bishops and Prelates in dishonorable service in their households, lest those who have been appointed to preside over others and distinguished by a sacred character descend into base services and

everywhere introduce contempt for the pastoral office. Therefore let them treat honorably, as brothers and in accordance with the fittingness of their station, those whom they now have or will have in the future.

Since they assist the Roman Pontiff, the common father of all Christ's faithful, it is exceedingly unfitting that they should become respecters of persons or their advocates. We therefore decree that they should assume no partiality and should not become promoters or defenders of princes, communities, or any others against anyone, except insofar as justice and equity demand and their dignity and condition require. Rather, separated from every private passion, let them devote and apply themselves with all diligence to calming and composing disputes among any persons whatsoever. Let them promote with pious affection the just affairs of princes and all others, and especially of the poor and religious, and assist the oppressed and those unjustly burdened according to their strength and the duty of their office.

If they are present in the Curia, let them visit personally the places of their title at least once every year; but if absent, through a suitable Vicar. Let them diligently inquire into the clergy and peoples of the churches subject to their title, and be watchful concerning divine worship and the goods of those Churches; above all, let them carefully examine the morals and life of the clergy and parishioners, and admonish them all and each with paternal affection to live rightly and honorably.

For the increase of divine worship and the salvation of his soul, let every Cardinal either give during his life or leave at the point of death to his title enough to support one presbyter there suitably; or, if the Church needs repair or other assistance, let him leave or give to it as much as shall seem right to his conscience.

And although it is by no means fitting to neglect relatives and kindred, especially those who have deserved well and need assistance, but is just and praiseworthy to provide for them, nevertheless we do not therefore judge it fitting to fill them with such a multitude of benefices or ecclesiastical revenues that others suffer loss from the immoderation of such liberality and scandal arises from it. We therefore decree that they should not rashly pour out the goods of the Churches, but expend them upon those pious and holy works for whose sake great and excellent revenues were established and ordained by the holy Fathers.

We also will that they should procure and provide by every exertion that the same Churches entrusted to the Cardinals be duly served, even if they are Cathedrals or Abbatial Churches, Priories, or any other ecclesiastical benefices whatsoever, without any excuse at all. Let them appoint to Cathedrals worthy and suitable Vicars or suffragans, according to custom, with worthy and competent compensation; and provide the other Churches or monasteries entrusted to them with the appointed service of clerics, chaplains, religious, or monks serving God sufficiently and laudably. Let them also preserve the buildings, possessions, and all rights in a suitable condition and restore those which have fallen into ruin, as pertains to the office of good prelates and commendatory holders.

§ 6. Just as Canons elect a Bishop from their own body, so Cardinals elect the Pontiff; and this is their first and most excellent office. For they elect and are elected, and this frequently, because only Cardinals of advanced age are chosen as pastors of the Church and therefore cannot preside for long; for the Church has seen few young men in that See.

Concerning the manner of election, conclaves, and other circumstances, the Council of Lyons under Gregory X gave laws, in the constitution *In Nomine*; likewise throughout Distinction 70 and Distinction 79, chapter 1.

The oath to be administered to them is proposed in this form by the Council of Basel, Session 23:

On the following day, all the Cardinals, in the presence of those who are in the conclave, after hearing the Mass of the Holy Spirit, shall receive the sacred Eucharist. Before they begin the scrutiny, with the holy Gospels placed before them, they shall swear according to this form: "I, N., such-and-such a Cardinal, swear and promise to Almighty God, Father, Son, and Holy Spirit, and to blessed Peter, Prince of the Apostles, to elect as Pontiff the man whom I believe useful to the universal Church in spiritual and temporal matters and suitable for so great a dignity; and not to give my vote to one whom I shall probably know to have procured election for himself, directly or indirectly, by a promise or gift of any temporal thing, or by a petition interposed through himself or another, or in

> any other manner whatsoever. Nor shall I render obedience to the man elected Pontiff before he swears according to the form of the decree of the sacred Council of Basel. So help me God, to whom on the day of the dread judgment I am to render an account of this and all my works."

After these things each of them shall deliver a ballot on which he names no more than three; among them, if he names more than one, let one be outside the College of Cardinals. Only one scrutiny shall be held in a single day, and immediately after Mass. After the ballots have been read, unless the votes of two parts concur upon one man, they shall immediately be burned. Before six complete scrutinies, however, an accession may not be made to anyone.

[Printed page 468]

At that time let the Cardinals reflect and consider with attentive mind how much merit or demerit they will acquire for themselves, and how much fruit or harm, good or evil, they will bring upon the Christian people by electing the Pontiff. Certainly in no other matter can they obtain more of the grace or wrath of our Lord Jesus Christ than when the matter concerns placing his Vicar over his sheep, whom he so loved that he deigned both to die for them and to suffer the torment of the cross.

§ 7. When the Pontiff has died there is an interregnum, and the Cardinals administer all things. We readily gather from a letter of Saint Cyprian that this power belonged to the Roman clergy. For in letter 29: "Both common affection and reason demand, dearest brothers, that I withhold nothing from your knowledge concerning the things which are done among us." And: "But if their rashness, not restrained by either my letters or yours, does not obey wholesome counsels, we shall act," and so forth. Yet their power is less than that of the Pontiff; for although they are the primary clergy of the Christian Church, they are not themselves the head of the Church, but can elect the head of the Church.

Once the Pontiff has been appointed, they are his counselors and Legates. Some are called Legates by birth because the right of legation is annexed to their dignity. Thus formerly the Bishop of Oxford in England, and now the Archbishop of Salzburg, is called a Legate by birth. Others are called Legates *de latere*, who are generally Cardinals sent to govern provinces. Those sent to kings and princes are either called Legates *de latere*, or Legates with the power of a Legate *de latere*, or simply Legates. In all of them the greatest prudence, moderation, and becoming frugality of household are required.

The distinction of Cardinals according to which some are called deacons, others presbyters, and some Bishops was instituted by reason of their titles; for even a Bishop, if he has a title which belongs to a Cardinal deacon, is called a Cardinal deacon.

§ 8. The things decreed concerning Cardinals in Book Seven of the Decretals, book 1, title 4, sufficiently explain their condition. Leo X provided there for their immunity, chapter 2. For he entirely abolished the custom by which the people plundered the house of a Cardinal whom they had heard would become Pontiff.

Pius V, from the decree of Boniface IX, pronounces guilty of treason the man who by himself or through another has injured a Cardinal. Thus chapter 3:

> Pitying the perils of an unhappy age, we cannot restrain our grief that wicked men, thirsting for the blood of the just, assail with more hostile intent the destruction even of those whom the Holy Spirit has appointed as principal members of the Church of God, which he acquired for himself by his blood. With great reason, therefore, among others, Pope Boniface VIII of happy memory, by the counsel of his brethren, sanctioned by a perpetual constitution that if anyone should pursue with hostility, strike, or capture a Cardinal of the holy Roman Church; command it to be done; be an associate of the perpetrator; ratify the deed; or give counsel or favor; or knowingly receive or defend that man, he should, as guilty of injured Majesty, be perpetually infamous, and moreover outlawed, banished, and incapable of giving testimony. All his buildings shall be subject to perpetual ruin; no one shall be bound to pay debts to him or answer him in court, all his goods being assigned to the treasury or the state. He shall likewise by the law itself be deprived of fiefs, benefices, and spiritual and temporal offices; and the pursuer himself shall incur the sentence of excommunication, which the Roman Pontiff alone, except at the point of death, may relax.

> Yet not even this constitution is found altogether sufficient to prevent such sacrileges any further, because of the hidden designs of the confederates in crime. For those who propose to inflict violence upon someone contrive it secretly and in concealment, as much as possible, as is indicated by that impious crime recently attempted against the person of our beloved son Charles Borromeo, Cardinal presbyter of the title of Saint Praxedes, who zealously forms the Church of Milan by most holy institutions. This event gravely moves and vehemently rouses us to seek every means by which the most noble parts of our body may be protected on every side. For whom shall we defend, to whom shall we bring aid, whom finally shall we protect, if we leave unavenged the foundations of the temple of God, the brightest lights of the Church, and the special sons who keep watch for the souls of the peoples, for the faith, for justice, and for unity?
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> Therefore, adding to the aforesaid sanction by the like counsel of our brethren, we decree that whoever--even if altogether removed from mere counsel, simple favor, or all the other things aforesaid--has learned of any author, agent, or accomplice in a conspiracy, or in a crime committed or to be committed against the person of a Cardinal, or of their supporters, receivers, or concealers, whether through a report made to him directly, through an intermediary, or by letters, or whether from writings, an assembly, an attempt, a gathering, ambushes, or other signs and indications he has obtained any knowledge whatever, or even formed a conjecture, or has understood any of these things, however otherwise hidden the matter may be, shall hasten to reveal it as soon as possible to the Roman Pontiff if he is in the Curia; otherwise to the Ordinary of the place, or, if the Cardinal himself is the Ordinary, to the nearest Bishop; and if the crime has not yet been committed, also to the Cardinal himself.
>
> Whoever fails to do so, even if he is not a subject and is altogether a stranger, of whatever dignity he may be, shall be bound by the aforesaid chain of excommunication and shall likewise, as guilty of Majesty, incur infamy and all the aforesaid penalties by that very fact. Nevertheless, the same constitution shall endure in its force as regards its remaining parts, together with all other canonical and civil sanctions issued for the coercion of such men. Moreover, if anyone returns to soundness and discloses the matter while it is still unknown, he shall be entirely freed from every penalty.
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> The local Ordinaries, however, shall secretly report the case brought to them to the aforesaid Pontiff at the first opportunity, and meanwhile investigate the entire matter through these persons; and, if necessity then requires it, they shall also employ the secular arm. Given at Rome, on the fourteenth day before the Kalends of January, 1569.

It is not without reason that the charge of injured Majesty is imposed, since Cardinals are princes of the Church, judges, counselors, and governors in the parts entrusted to them, and must offend many if they wish to perform their office. But because they possess small armed forces with which to defend themselves, their security must be provided for in every manner. Meanwhile they too must live in such a way that they do not voluntarily summon occasions for their own dangers. They will attain this especially by moderation and frugality. For those who proceed with expense and magnificence procure many envious men and many enemies for themselves, while God vindicates the rash prodigality of sacred wealth, so that while they seek princely splendor they are harried by hatreds and dangers. A Cardinal has rarely benefited the Church unless he was moderate and frugal; excessive wealth has more often harmed it. Therefore honorable and moderate expenses are more rightly distributed among many than immoderate expenses upon one.

If you desire more concerning Cardinals, see Barbatius in the treatise *On the Excellence of Cardinals*; Jerome Manfredi in the treatise *On the Cardinalate*, chapter 1; Álvaro Pelayo, book 2 of *The Lament of the Church*, article 26; Waldensis, book 2 of *The Doctrinal of Faith*, article 3, chapter 54; John of Torquemada, book 1 *On the Church*, chapters 81--84; Domingo de Soto, book 4 of the *Sentences*, distinction 24, question 2, article 4; Martin of Laon *On Cardinals*; Domenico Giacobazzi, book 1 *On Councils*, article 12; Jerome the Abbot, book *On Cardinals*; Onuphrius, Volaterranus, and others.

[Printed page 469]

By their morals, vigilance, and moderation the Church can be stabilized and the orders of the clergy reformed, if they lead by word and example.

CHAPTER XXXVI

The Dignity of the Patriarchs Is Next to the Pontifical Dignity, Followed by That of Primates and Archbishops

§ 1. The dignity of the Cardinals in the Church was, and even now is, less than that of the Patriarchs and Primates. For the Church never placed the collateral clerics of the Roman Pope before the Patriarchs, but gave the next place to the Patriarchs themselves. Now that most of the prelates of the Patriarchal Sees have made a secession, the Cardinals have succeeded both to their office and to the estimation of their dignity. Formerly the Patriarchs were next in dignity, seating, and the other insignia.

§ 2. Patriarchs were so called as though fathers of princes, or of Archbishops, Distinction 21, chapter 1: "A Patriarch is the prince of the fathers," for **ἄρχων** means "prince." There is also a disputation concerning these matters by Heinrich Kalteisen, *On the Punishment of Public Sinners*, at the Council of Basel.

Those, however, were called Patriarchs who had Archbishops and Bishops subject to themselves, such as the Constantinopolitan, the Alexandrian, and the others. Yet the name was sometimes used more broadly. For in the Council of Mâcon, which was celebrated in the year of Christ 588 under Pelagius II, Bishop Priscus is called a Patriarch; but he was Bishop of Lyons, as is evident from the subscription, in which he is first. This name, therefore, was sometimes bestowed upon an Archbishop. For Gregory of Tours, book 5, chapter 20 of the *History*, calls Saint Nicetius, Archbishop of Lyons, a Patriarch. The custom of his age permitted this, but it has now been abolished. The Arians, in order to make themselves equal to the orthodox, named their principal Bishops Patriarchs, as is found in Gregory and Victor. Indeed, the schismatic Bishops of Venetia, Istria, and Liguria elected Paulinus, the prelate of Aquileia, as their supreme Patriarch, as Paul the Deacon relates in book 2 *On the Affairs of the Lombards*. But we speak of Patriarchs in the proper sense.

§ 3. The office of Patriarchs is to govern Archbishops and Bishops, so that cases involving more serious affairs are brought before them. Saint Anacletus gives the reason for the distinction in Epistle 3:

> The provinces were for the most part divided long before the advent of Christ, and afterward that division was renewed by the Apostles and by blessed Clement, our predecessor. In the capitals of the provinces, where formerly there were the primates of the secular king and the first judicial authority--to whom those dwelling throughout the other cities, whenever it was necessary, who could not flee to the court of the Emperor or of kings, or to whom it was not permitted, had recourse because of their oppressions or injustices, and appealed to them whenever there was need, as was commanded in their law--the divine and ecclesiastical laws likewise commanded Patriarchs or Primates, who retain one form although their names are different, to be placed and to exist in those same cities or places of ours. To them the Bishops, if necessary, might have recourse and appeal; and they themselves, and no others, were to enjoy the name of Primacy.
>
> The remaining metropolitan cities, which had lesser judges, although greater than counts, were to have their own Metropolitans, who should rightly obey the aforesaid Primates, just as was formerly ordained in the secular laws; and these were to enjoy the name not of Primates, but either of Metropolitans or of Archbishops. And although the metropolitan cities have their own provinces and ought to have their own Bishops as metropolitan judges, just as formerly they had secular metropolitan judges, they nevertheless were commanded, as was stated above, both then and now to have Primates, to whom the highest affairs should come after the Apostolic See, so that there the matters of those for whom it is necessary may be disclosed and rightly restored, and those who are unjustly oppressed may rightly be reformed and supported; and so that the cases of Bishops and the judgments of the highest affairs, with the authority of the Apostolic See preserved, may be most justly terminated.

> These things we have received from the ancients, these from the Apostles, these from the holy Fathers; and, as you request, we send them to you to be examined and observed in future times, and command them to be preached to the remaining brethren and handed down to all the faithful, lest those who follow become worse through the ignorance of pastors. The Lord says through the prophet, "The pastors themselves have not known understanding"; and again the Lord detests them, saying, "And those who hold the law have not known me." Therefore Truth complains that he is not known by them, and protests that he does not know the principality of the ignorant, because assuredly those who do not know the things of the Lord are not known by the Lord, as Paul attests when he says: "If anyone does not know, he shall not be known."

§ 4. It was not lawful to elect an Archbishop without the consent of the Patriarch. Hence Cyprus was endowed with the privilege that it need not refer the matter to the Antiochene, but that its people might themselves elect an Archbishop. Thus canon 37 of the Council of Nicaea:

> If the Bishop of Cyprus has ended his day, and the peoples, because of a storm at sea, have been unable to send to Antioch so that the Patriarch of Antioch may ordain for them an Archbishop in place of the dead man, they ought to write to the Patriarch and ask that some one man whom they themselves desire be made Archbishop; nor ought the Patriarch, when it has been written to him, to prevent this. For who knows whether, after the Archbishop has died, they may remain without a head because of a winter storm, or whether perhaps one of the thirteen Bishops may depart this life, and thus it may happen that they lack an Archbishop for that entire year? For this reason the Synod established this canon; the Synod excommunicates anyone who contradicts it.

The Synod of Ephesus confirmed the same canon, lest that diocese remain for an entire year without an Archbishop.

§ 5. Patriarchs have the right to convoke a Synod, and Metropolitans are compelled to obey them. Thus the Eighth Synod, canon 27:

> The holy and universal First Synod of Nicaea commands that the ancient custom be preserved throughout Egypt and the provinces subject to it, so that the Bishop of Alexandria has authority over them all, saying: "Because a custom of this kind has prevailed also in the city of the Romans." For this reason this great and holy Synod decrees that the ancient custom be preserved in all respects both in elder and new Rome and in the See of Antioch and that of Jerusalem, so that their prelates may have authority over all the Metropolitans who are promoted by them and who receive the confirmation of Episcopal dignity either through the imposition of hands or through the bestowal of the pallium: namely, authority to convoke them, when necessity presses, to a synodal assembly, or even to restrain and correct them when report has perhaps accused them of certain offenses.
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> But because there are certain Metropolitans who, in order not to attend in accordance with the summons of the Apostolic prelate, plead without reason that they are detained by the prince of the world, it has pleased the Synod that an excuse of this kind be altogether invalid. For since a prince holds frequent assemblies for his own causes, it is impious that he should prevent the supreme prelates from celebrating Synods for ecclesiastical affairs, or prohibit certain men from attending their councils, although we have learned that such an impediment--
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> *[Printed page 470]*
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> --and such a prohibition are brought about in various ways at the suggestion of the Metropolitans.

The same Synod commands that a disobedient man be separated, and afterward, if he persists in contumacy, deposed.

§ 6. The Roman Pontiff confirms the other Patriarchs, chapter *Scriptum*, chapter 40, *On Election*, in Gregory. Hence they also receive the pallium from the Roman Church, as in the Lateran Council under Innocent III, chapter 5:

> Renewing the ancient privileges of the Patriarchal Sees, with the sacred universal Synod approving, we decree that after the Roman Church--which, by the Lord's disposition, possesses the primacy of ordinary power over all others, as the mother and teacher of all Christ's faithful--the Constantinopolitan Church shall obtain the first place, the Alexandrian the second, the Antiochene the third, and the Jerusalemite the fourth, the proper dignity of each being preserved; so that after their prelates have received from the Roman Pontiff the pallium, which is the insignia of the

> fullness of the Pontifical office, and have rendered to him the oath of fidelity and obedience, they themselves may lawfully bestow the pallium upon their suffragans, receiving from them a canonical profession for themselves and a pledge of obedience for the Roman Church.

Here their insignia and the right to have a cross carried before them are also confirmed. That they must be obeyed was decreed in Distinction 99, from the Epistle of Anacletus.

They hear cases only upon appeal, lest the proper Archbishops and Bishops be contemned and the Patriarchs be burdened more than is fitting. Thus Gregory, book 1 of the *Decretals*, title 31, chapter 9, *Consultationi*.

§ 7. Those Patriarchal Sees which Peter founded are designated, and in the beginning there were three. Thus Anacletus, Epistle 3:

> The first See, therefore, by a heavenly benefit, is that of the Roman Church, which, as was recalled, the most blessed Peter and Paul consecrated by their martyrdom. Thus Rome, which before was, by the contrivance of the evil spirit, the mother and nurse of all errors, having shaken off the darkness and cast away the vain rites of superstitions, became, when the sun of justice had arisen, a prolific propagator of the sons of God.
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> The second See, at Alexandria, was consecrated in the name of blessed Peter by Mark, his disciple and the Evangelist, because he, directed by Peter, first preached the word of truth in Egypt and underwent a glorious martyrdom. The venerable Abilius succeeded him.
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> The third See, at Antioch, is held honorable in the name of the same Apostle, that is, blessed Peter, because he dwelt there before he came to Rome, and there the name of Christians first arose for the new people. The remaining things, as we have said before, we have written for you in a certain volume and sent, avoiding prolixity in this epistle. For this reason the blessed Apostles also decreed among themselves that the Bishops of the several nations should know who was first among them, so that the greater care of them might pertain to him. For among the blessed Apostles too there was a certain distinction; and although all were Apostles, it was nevertheless granted to Peter by the Lord--and they themselves willed the same thing among themselves--that he should preside over all the other Apostles and should possess the place of Cephas, that is, the head and beginning of the Apostolate. He handed down the same form to be observed by his successors, and the other Apostles handed it down to the Bishops.

Those three were founded by Peter the Apostle and therefore held honor from antiquity. Concerning them see Baronius at the year 112, number 2, and the most learned Severinus Binius in the notes to the third Epistle of Anacletus:

> The three Churches--the Roman, the Alexandrian, and the Antiochene--because they were founded by Peter, Prince of the Apostles, alone and always were held to be Patriarchal, as is evident from the Council of Nicaea, canon 6; Chalcedon, Act 16; likewise from letter 53 of Leo to Anatolius and from the letter of Gregory to Eulogius, which is book 6, chapter 37. For nearly five hundred years the Jerusalemite Church was held to be the fourth Patriarchal Church not in reality but in name, not in authority but in honor only, as is evident from the Council of Nicaea, canon 7, where it is decreed that the Jerusalemite should indeed possess the fourth place and honor of Patriarchal seating, but should not on that account be exempted from subjection to Caesarea, which was the Metropolis.

Hence blessed Jerome, in the letter to Pammachius against John, Bishop of Jerusalem, addresses him thus:

> You who seek ecclesiastical rules and employ the canons of the Council of Nicaea, answer me: what does Palestine have to do with the Bishop of Alexandria? Unless I am mistaken, this is decreed for you, that Caesarea is the Metropolis of Palestine and Antioch that of the whole East. Therefore you ought either to have referred the matter to the Archbishop of Caesarea, with whom you knew that we, after your communion had been spurned, were in communion; or, if a judgment was to be sought at a distance, letters should rather have been directed to Antioch. But I know why you did not wish to send to Caesarea or to Antioch. You preferred to cause trouble for ears already occupied rather than render the honor due to your Metropolitan.

The Patriarchate of Constantinople--because at the time of the Council of Nicaea the city of Constantinople had not yet been dedicated--was afterward added to these in the time of Justinian, after the five-hundredth year of the Lord, by the effort of the Emperor and with the permission of the Roman Pontiffs. In the First Council of Constantinople, and afterward at Chalcedon, the Constantinopolitan attempted to obtain not only a Patriarchate but also the second place; but in vain, since the Pontiff and the other Primates protested.

Why only the aforesaid three Patriarchal Sees were placed in that order was effected, as the proper and immediate cause of their honor and authority, by the prerogative, dignity, and primacy of Peter, Prince of the Apostles; although it cannot be denied that Peter, in choosing those Sees, had a certain regard for the greatness and nobility of the cities, as Saint Leo teaches in Epistle 84 to Anastasius. The Roman See possesses the first Patriarchal dignity because Peter the Apostle, in this See which he founded, as Saint Gregory says in book 6, letter 37 to Eulogius of Alexandria, deigned to rest and end his life. He adorned with a Patriarchal See the Alexandrian Church--to use Gregory's words--to which he sent his disciple Mark the Evangelist. Third, he confirmed the See in which he himself sat for seven years, namely Antioch, and adorned it with the honor of a Patriarchal See. Thus Gregory in the aforesaid letter and Saint Leo, letter 52 to Anatolius. Therefore, just as Peter the Apostle is greater than Mark the Evangelist, and Mark the Evangelist than Evodius, who was neither Apostle nor Evangelist, so also the Roman Church surpasses the Alexandrian, and the Alexandrian the Antiochene, in authority and dignity. See Bellarmine, *On the Roman Pontiff*, book 1, chapter 24.

The same men were called Primates, as is evident from the Epistle of Pope Stephen II:

> Let no Metropolitans or other Bishops be called Primates except those who hold the first Sees and whose cities the ancients judged to be primatial. Let the others who have obtained the remaining metropolitan cities be called not Primates, but either Archbishops or Metropolitans. For the cities and places over which Primates ought to preside were appointed not by modern men, but many ages before the advent of Christ; and the Gentiles too appealed to their Primates concerning more important affairs. In those same cities after the advent of Christ the Apostles and their successors placed Patriarchs or Primates, to whom the affairs of Bishops and the greater cases are to be referred after the Apostolic See, with Apostolic authority preserved in all things.

Canon 39 of Nicaea contains things not dissimilar:

> Let the Patriarch consider what his Archbishops and Bishops do in their provinces; and if he finds that anything has been done otherwise than it ought, let him alter it and arrange it as shall seem good to him. For he himself--
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> *[Printed page 471]*
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> --is the father of all, and they are his sons. And although the Archbishop is among the Bishops as an elder brother who has care of his brothers, and obedience is owed to him because he presides, nevertheless the Patriarch stands in the place of a father, under whose dominion and power are his sons. Thus the Patriarch presides over all those who are under his authority, just as he who holds the See of Rome is the head and prince of all the Patriarchs, since he is first, as was Peter, to whom authority over all Christian princes and all their peoples was given, so that he might be the Vicar of Christ our Lord over all peoples and the entire Christian Church. Whoever contradicts this is excommunicated by the Synod.

Augustinus Steuchus cites this canon in book 2 *On the Donation of Constantine*, and Francisco Torres in book 2 *On Dogmatic Characters*, as does Alanus Copus in the *Dialogues*; and it stood in Arabic in the library of Marcellus II, Roman Pontiff, number 44, in this manner:

> In accordance with the Scriptures and the determination of the canons, we venerate the most holy Bishop of the Roman and ancient Church as the first and greatest of all Bishops. Just as a Patriarch commands all the nations of his jurisdiction and imposes laws, and just as in the beginning Peter, the Vicar of Christ, was placed over religion, the Churches, and the other matters pertaining to Christ, and was lord and ruler of Christian princes, provinces, and all nations, so he whose principate is at Rome, like Peter and equal to him in authority, possesses dominion and primacy over all the Patriarchs. If anyone opposes this sanction and dares to resist it, by the decree of the whole

Synod let him be subjected to anathema.

§ 8. Although the Constantinopolitan See was at last placed among the Patriarchal Sees, this was nevertheless done late, after a Council had been held at Constantinople. Thus chapter 5: "The Bishop of the city of Constantinople ought to possess the honor of primacy after the Bishop of Rome, because it is new Rome"; Distinction 23, chapter 5. The same thing was afterward decreed at the Synod under Justinian, chapter 36; Distinction 23, chapters 6 and 7.

The cities in which Patriarchs ought to be created are shown in Distinction 80, chapter 1. The canon says:

> The cities over which Primates ought to preside were appointed not by modern men, but many ages before the advent of Christ; and the Gentiles too appealed to their Primates concerning more important affairs. In those same cities after the advent of Christ the Apostles and their successors placed Patriarchs or Primates, to whom the affairs of Bishops and the greater cases are to be referred after the Apostolic See, with Apostolic authority preserved in all things.

§ 9. As the multitude of Christians increased, more Patriarchal Sees were erected. For Saint Anacletus says that, besides the first three, others also had been designated. Then, after the order had been approved according to which the Constantinopolitan See was after the Roman, then the Alexandrian, next the Antiochene, and last the Jerusalemite, more in name and honor--for it obeyed the Metropolitan of Caesarea--others too were established.

Among the canons of the Synod of Nicaea, chapters 33, 34, 35, and 36, certain Patriarchs are added. Chapter 33:

> Let there be a Patriarch in the royal city, for the honor of that city, the King, and the other presbyters together. Let the Bishop of Aelia also be honored more than the other Bishops, because he resides in the holy city whence the cross of God our Lord began and where is the place of judgment. Let the See of Seleucia, which is one of the eastern cities, likewise be honored; its prelate ought also to be called by the name of Catholicos, and he may ordain Archbishops just as the Patriarchs do, so that the eastern peoples may not suffer loss by waiting for the Patriarch of Antioch or going to him, and so that the Gentiles may find a way to meet their necessities. For in this no injury is done to the Patriarch of Antioch, since he consented after the Synod requested this of him, lest he complain of that power's having been taken away, when the Synod desired nothing other than that the faithful of that province enjoy peace and quiet, and at the same time that the man who holds the See of Seleucia be honored with the name of Catholicos.

Chapter 34:

> If it should happen that it is necessary for the Bishops of Greece to assemble, and the prelate of Seleucia of whom we have spoken is present--which Seleucia is in the province of Babylonia in the kingdom of Zabur and today is a small city--he ought to be honored greatly, esteemed highly, and exalted above all the Bishops of Greece. For he holds the place of the Patriarch in the East, and his seat in the Council ought to be sixth after the Bishop of Jerusalem. Whoever violates this constitution is excommunicated by the Synod.

Chapter 35:

> The great Synod does not permit an assembly in the province of Persia to arrange anything pertaining to the order of the Church without the consent and authority of the Patriarch of Antioch. For although the prelate of Persia stands in the place of a Patriarch and seeks nothing other than the quiet and tranquility of the Persians themselves, nevertheless he is not permitted to intrude himself into establishing the order of the Church; rather, in all things let the Metropolitans be obedient to the Patriarch. Whoever contradicts this is excommunicated by the Synod.

Chapter 36:

> The Ethiopians may not create or elect a Patriarch; rather, their prelate shall be under the authority of the man who holds the See of Alexandria. Nevertheless, he shall stand among them in the place of a Patriarch and shall be called Catholicos; yet he shall not have the right to establish Archbishops as a Patriarch has, since he does not possess the honor and authority of a Patriarch. But if it should happen that a Council is held in Greece and this prelate of the

> Ethiopians is present, let him have the seventh place after the prelate of Seleucia. And when authority to establish Archbishops in his province has been granted to him, it shall not be lawful for him to establish any one of them; and whoever does not obey is excommunicated by the Synod.

This, therefore, was the order of the Churches: the Roman, the Constantinopolitan, the Alexandrian, the Antiochene, the Jerusalemite, the Seleucian, and the Ethiopian. The Greeks too consented to this order at the Council of Florence, although they were not concerned about the Seleucian and Ethiopian Sees. Thus they write:

> **Περὶ τῆς ἀρχῆς δὲ πάπα, ὁμολογοῦμεν αὐτὸν ἄκρον ἀρχιερέα καὶ ἐπίτροπον, καὶ τοποτηρητὴν καὶ βικάριον τοῦ Χριστοῦ, ποιμένα τε καὶ διδάσκαλον πάντων χριστιανῶν, ἰθύνοντα καὶ κυβερνῶντα τὴν ἐκκλησίαν τοῦ Θεοῦ, σωζομένων τῶν προνομίων καὶ τῶν δικαίων τῶν πατριαρχῶν τῆς ἀνατολῆς· τὸν Κωνσταντινουπόλεως δεύτερον εἶναι μετὰ τὸν πάπαν, εἶτα τὸν Ἀλεξανδρείας, τὸν Ἀντιοχείας μετὰ τοῦτον, εἶτα τὸν Ἱεροσολύμων.**
>
> Concerning the primacy of the Pope, we confess him to be the Supreme Pontiff and procurator, lieutenant and Vicar of Christ, pastor and teacher of all Christians, directing and governing the Church of God, with the privileges and rights of the Patriarchs of the East preserved. The Constantinopolitan is second after the Pope; then the Alexandrian; after him the Antiochene; and last the Jerusalemite.

§ 10. I have said that Patriarchs were called Primates; nevertheless, besides those whom we are accustomed properly to call Patriarchs, others too are called Primates. For there may be a Primate even under a Patriarch, to whom the cases of Archbishops are brought. In Distinction 99, chapter 1, Gratian says that Primate and Patriarch are names differing from one another but belong to the same office; he says, however, that appeals are made from Archbishops to Primates.

Those immediately under the Supreme Pontiff--the Primates of Lyons--

[Printed page 472]

--Toledo, Bourges, and Aquileia--are called Primates but not Patriarchs. For they are not under any Patriarch. The same is true of the Archbishops of Germany, for they acknowledge no Patriarch besides the Roman Pontiff. Yet if it is required of a Primate that appeals from Archbishops be made to him, scarcely any of these is a Primate. The Constantinopolitan, certainly, is called a Patriarch in another sense: twenty-six Archbishoprics were subject to him in the time of Pepin and Charles. In book 2 of the Eastern law, eighty Metropolitan Churches and thirty-nine Archbishops are enumerated. The Antiochene had under him twelve, and afterward thirteen, Archbishoprics; William of Tyre, book 12 *On the Holy War*, chapter 12. For the Egyptian, or Alexandrian, possessed a much broader jurisdiction because Libya was added to it.

CHAPTER XXXVII

Concerning the Opinion of the Sectarians Who Either Admit or Reject the Hierarchical Order

§ 1. Nothing is more opposed to license, novelty, and sedition than an order of judgments and magistracies founded upon laws; the man who introduces new dogmas must stand against it. For this reason I said above that all sectarians rise up against ecclesiastical magistracy. They cry out that everything contrary to their lust is tyrannical, and disparage every authority as proud.

Some of these, such as the Genevans, insist upon equality among ministers: neither presbyter is to command presbyter, nor Bishop, nor Archbishop. And, so that they may remove every suspicion of tyranny, they abolish the offices themselves from their midst. Others relegate the censure of morals to political magistrates. Others retain the thing itself but reject its name; for they call them superintendents and general superintendents, not Archbishops or Patriarchs. Finally, the more prudent retain both the thing and the names, as do the Britons, who have Primates and Bishops and at the highest summit, or "supremacy," as they are accustomed to call it, the King himself is placed.

The Britons therefore make the greatest account of this matter and place in it the hinge of their Gospel. Thus Adrian Saravia in the preface to the English Bishops:

> In my treatise *On the Different Ranks of the Ministers of the Gospel*, whatever men may think, I had in mind not only to defend Your dignities, but also, if not to remove, at least to diminish, the offenses given in many places by our men to the Bishops of all the Churches of Christ, both in France and in Germany, and to other learned men not ignorant of the government of the ancient Church; and I endeavored to soothe the wound--which those who inflicted it will never heal--and, as far as was lawful, to remove the impediments to the propagation of evangelical doctrine.

The same author says in the prologue that the cause of so great an error was that, through hatred of tyranny, they abolished the name of Primacy, just as the Romans of old, through hatred of the Tarquins, overthrew kingship itself; yet afterward they suffered more forms of tyranny than they would have done if they had retained the royal name and authority. For these vices belong not to authority but to men.

§ 2. Philip Melanchthon judged that this authority ought to be retained. He writes thus to Luther:

> You do not believe how greatly I am hated by the men of Nuremberg and I know not what others, because jurisdiction has been restored to the Bishops. Thus our allies fight for their own kingdom, not for the Gospel. A certain friend wrote that, if I had been hired by the Roman Pontiff for as much money as I might have desired, I could not have undertaken a better method for restoring pontifical dominion than this one which we have instituted, as men may judge.

And elsewhere:

> Certain legates are wonderfully incensed against me because I seem to restore the kingdom of the Bishops. Sacranus remonstrated with me about that matter in no friendly manner, with a certain new and unaccustomed bitterness in his use of words. It is as Thucydides writes, **τὰ ἐν μέσῳ ἀμφοτέρων χείρονα**: "those in the middle fare worse at the hands of both sides." Would that this had happened to me long ago, so that I might not now be compelled to see these faults of the parties, and so forth.

An eminent testimony from a man who knew his own party exceedingly well. For so great a tragedy was instituted not for the sake of the Gospel but of license, and was destined to seethe with lawlessness and anarchy.

Saravia proves at length against Beza, page 236 and following, that others hold the same opinion. Hence the same author says that others, retaining the thing, changed the names, creating Superintendents in place of Bishops and

General or Provincial Superintendents in place of Archbishops, as though the dispute concerned names, not the thing; page 5.

§ 3. They therefore approve the consensus of the ancient Church. Saravia in the prologue, page 1:

> Against the unanimous and constant consensus of all the Fathers of the ancient Church, nothing is to be changed without the express word of God. For I say this freely: whoever takes all authority away from the Fathers leaves none to himself.

And:

> The custom of the people of God received by all the Churches of the whole world is a certain inviolable law. It is not probable that the universal consensus of all Churches and all times could have arisen without the word of God or Apostolic tradition.

And finally he adds: "Of old no good man disapproved Bishops and Archbishops."

This consensus, which the English value so highly, Adrian Saravia proves in chapter 20. I shall set down his words for this reason, because they may be useful in all disputed articles of faith:

> I judge that what we read was done in all Churches by the Fathers throughout the whole world from the times of the Apostles down to our own age is an immutable canon of the Apostles. It is no small matter to abrogate what was received by so great and so universal a consensus. Besides the fact that departing from it is rash, it brings upon the Church a greater disaster than many suspect, for which afterward no remedy will be possible. Among the ancient canons which because of their antiquity are called the Canons of the Apostles, we read the one which follows here.
>
> **Τοὺς ἐπισκόπους ἑκάστου ἔθνους εἰδέναι χρὴ τὸν ἐν αὐτοῖς πρῶτον, καὶ ἡγεῖσθαι αὐτὸν ὡς κεφαλήν, καὶ μηδέν τι πράττειν περιττὸν ἄνευ ἐκείνου γνώμης, ἐκεῖνο δὲ μόνον πράττειν ἕκαστον, ὅσα τῇ αὐτοῦ παροικίᾳ ἐπιβάλλει καὶ ταῖς ὑπ' αὐτὴν χώραις. Ἀλλὰ μηδὲ ἐκεῖνον ἄνευ τῆς πάντων γνώμης ποιεῖν τι, οὕτως γὰρ ὁμόνοια ἔσται καὶ δοξασθήσεται ὁ Θεὸς διὰ Κυρίου ἐν ἁγίῳ Πνεύματι.**
>
> The Bishops of the several nations ought to know who among them is first and is regarded as a head, without whose judgment they are to do nothing of greater importance; but each is to do only those things which pertain to his own parish and to the villages subject to it. Yet neither is that man to do anything without the knowledge of all; for thus there will be unanimity, and God will be glorified through the Lord in the Holy Spirit.

§ 4. The Puritans, who tear apart with abuse those names of Bishops, Archbishops, Metropolitans, and Patriarchs, gravely reprehend them. Thus Saravia, chapter 25. He says that these names are not proud and are not contrary to the canon of the Council of Carthage, which is Distinction 99: "Let the Bishop of the First See not be called Prince of the Priests, or Supreme Priest, or anything of that kind, but only Bishop of the First See." Nor, he says, is calling someone **ἀρχιερέα**, "high priest," contrary to the honor of Christ, for there is no greater pride in these titles--

[Printed page 473]

--than when someone is named an architect or chief physician: an Archbishop does not signify simply a lord of Bishops, but one in a certain manner.

He denies that he shrinks from the name of Prince and Patriarch; indeed, for the sake of modesty, he prefers to call them Archbishops and Patriarchs rather than **ἐξάρχους τῶν ἱερέων**, "exarchs of the priests." Nevertheless no one ought to be offended by the name of Prince, since Ambrose, on Ephesians, chapter 4, writes: "In the Bishop are all the orders, because he is the first priest, that is, the prince of the priests, and Prophet, and Evangelist." Nor does this prevent Christ from nevertheless being **ἀρχιποίμενα καὶ ἔξαρχον**, "the chief shepherd and exarch." Thus far he.

As regards the name of Prince, it had an emphatic signification at that time, and thus the Emperor was generally so called, as may be seen in the histories; for that reason it was sometimes rejected by modest men. Thus the usage of names changes. Now, if when addressing Caesar or the King of Spain or France I said, "O Prince," I should offend

against customary speech; their sons or prefects I would customarily call by that name. But of old the name of Prince was not readily bestowed upon the companions of the Supreme Prince. It was therefore odious at that time because "Prince" was a name of greater power and absolute dominion.

§ 5. They teach that it is a great sign of divine wrath that the name of Bishops has fallen into hatred not only among some of the common people but even among Theologians; in the preface. For the Episcopate is divine; page 4. Primacy too was formerly called Apostolate. For they teach that concord cannot be maintained without these; in the preface, and likewise pages 278 and 405. Saravia, beginning on page 397, indeed prophesies that government will not be firm nor peace lasting amid the equality of all. That this was true has been taught by the Remonstrance and Counter-Remonstrance of the Hollanders, and is taught by the very delusion of their ill-convened Synod. For what will a few men do, even if they could agree? But it is pleasing to hear the adversaries.

Saravia says on page 397:

> But come, let us suppose that in those ages there were no Bishops or Archbishops, and that the presidency was circular and the presbyterate annual, as Master Beza wishes. Can anyone experienced in human affairs and acquainted with the perversity of human nature be persuaded that affairs would then have been in a better condition? In this city and its suburbs there are a little more or less than two hundred Ministers of the word of God. The number of the clergy of the Churches of Constantinople, Rome, Alexandria, and Antioch was not less but far greater. Come, let them all have been equal and of equal authority, without a Bishop to contain this multitude by authority and gather it again into one body, as it were. What condition is it probable that this Church would have, or that those Churches would have had, while diverse heresies raged in the very bowels of these Churches? Far be it from me to agree with Master Beza. For I believe that the Churches of those times stood and were defended from destruction, according to the grace of God, by the vigor and power of the Episcopal rank and its authority above the remaining multitude of presbyters alone.

Then:

> Beza, now second after Calvin, governs the Genevan Church in a small state with few colleagues in number, namely, at most eighteen if you count the teachers with the pastors. There the **προεδρία**, "presidency," is weekly and circular, and the presbyters and deacons are new and annual. So long as life is passed in a tranquil condition, all things indeed go well. But if at any time dissension arises among the Ministers of the Churches who are favored by the people and the magistrate, the city will easily be divided into parties, than which no graver evil can happen. With the same ease the presbytery too will be divided; and the common people, once divided, will riot and support the parties. In this case, which certainly cannot always be avoided, what will be done? The Magistrate will interpose his authority. Well indeed; but to which party will he incline? The Roman Emperors were compelled to interpose their authority in the disputes of Bishops, but it was not always granted them to favor the better men; they protected factions and factious men. "But we have not yet experienced anything of this kind under this government." You therefore seek experience as your teacher--if only its instruction could be had without danger and irreparable harm.

And:

> Let us suppose that France, having rejected Roman superstitions, has received the pure doctrine of the Son of God and, which God forbid, has admitted that form of Church government which Master Beza judges to be divine. Does he believe that it will be free from the calamities to which all the Churches of all ages have been subject, the causes of which he imputes to Bishops? And if, at the time when Bishops contained the remaining multitude of Ministers of the word of God in their office so that they could convoke no lawful Synods, nevertheless Synods were assembled against Synods, and what one sanctioned another condemned; if Bishops then ran about this way and that, what would they not have done if all presbyters had been equal to Bishops and Bishops to Patriarchs? If a few men of equal authority could scarcely preserve peace and concord in doctrine, could six hundred, or two or three thousand Ministers of the same authority have done so in place of one?

§ 6. They also teach that the Church could in no way have been propagated if Apostolic authority had migrated into heaven with the Apostles--if Bishops, Archbishops, and Patriarchs, having the general care of the Church, had not founded and planted new Churches and appointed presbyters to water them. Saravia says on page 264:

> Once Churches had been established, whether in the East or the West, to run about, invade another's parishes and provinces, and involve oneself in their affairs was the act of a **πολυπράγμονος**, "busybody," and an ambitious man. No one who has bound himself to a particular Church can desert his proper station so as to transfer himself elsewhere at his own pleasure. Nevertheless, because care for propagating the Gospel belongs to the Church, it must choose men for that work whenever and wherever an opportunity for preaching the Gospel shall be offered. Master Beza wishes these to be teachers and pastors only; I, with the whole of antiquity, hold them to be Bishops such as Titus and Timothy were. For pastors are not created for a particular Church unless the Churches have already been established and founded. The man who is to found Churches ought to be superior to those presbyters and Bishops whom he will appoint. Thus the Apostles acted, and by their example the Fathers taught that it must be done thus.

Indeed, I shall concede something further: that this cannot be done otherwise. This is also the reason why heretics have not hitherto spread their faith among the nations. I add further that the Primacy of one man is proved by this argument. For the general care falls upon the man who sets out to preach the faith in new regions and appoint pastors, or he ought to be sent by the man who has the general care. But Archbishops do not possess it; for just as Bishops are bound to their Bishoprics and pastors to their parishes, so Archbishops are bound to their Archbishoprics, and one cannot invade another's province.

For as to what Beza says on page 275:

> Nor indeed do I think we must inquire curiously here whether the Apostles reached all nations; nor even now must we labor greatly over a mission to certain most remote nations, since at home and nearby we have enough and more than enough to occupy us and our posterity.

[Printed page 474]

Saravia rightly judges this impious and foreign to every Christian charity. And deservedly so; for the Apostles did this, to whom the Lord had said that they should teach all nations, and he promised that the Gospel would be preached in the whole world. The Church must therefore labor so that this may be brought to its completion.

§ 7. Saravia demonstrates on pages 213 and 254 that the equality of all the prelates of the Church was nowhere sanctioned. For when Christ forbids them to exercise dominion in the manner of Gentile kings, the matter concerns tyrannical rule, or even moderate political rule, which is not granted in the Episcopate. Nevertheless, on page 211 he adds:

> In another treatise, indeed, I defend that the same man, if it is in the interest of the kingdom or of the state, can sustain a twofold capacity; and I believe that God will one day be my witness that this has been done by me, and can be done with a better conscience and more for the edification of the Church, than it is attacked by others.

§ 8. Nor are Archbishops therefore not to be appointed because the care of many Bishoprics is beyond the strength of one man, as Adrian truly demonstrates against Beza on page 413. For the High Priest of the Jews presided over all; then many kingdoms are subject to one king. The whole world was subject to the twelve Apostles. For they have helpers and fellow workers. Furthermore, the general care of great affairs pertains to them.

§ 9. Those who deny that Hierarchy are moved chiefly by this argument: that otherwise they cannot exclude the Roman Pontiff and escape his Primacy. Thus Beza, quoted by Saravia on page 408:

> Certainly, if for preserving consensus in the sacred ministry it was necessary to establish a diocesan Episcopal dominion over fellow presbyters and Chorepiscopi; a Metropolitan dominion over provincial fellow Bishops; and a fourfold Patriarchal dominion over fellow Archbishops who were Metropolitans: certainly by the same and equal

> reasoning a monarchical command over fellow Patriarchs, or a Catholic dominion over the whole Catholic Church, had to be erected. The argument which you, Saravia, raise here in order to evade this reasoning is of no moment. For there is indeed a very great difference, as you rightly say, between the prefecture of one nation and region and that of the entire world, namely as regards the measure of their jurisdictions, but not as regards the thing itself, whether we posit here an order or a degree. It would not therefore follow, from the fact that these prefectures are not equal to one another in measure, that no universal prefecture should be established to which those narrower ones are subordinated.

Saravia attempts to escape this stroke, but unexpectedly runs himself upon the very sword. For Saravia denies that it follows: individual kingdoms have individual kings; therefore one king may be appointed over them all. But Beza says that this is to evade the argument, for he proceeds in this manner: if there can be a Tetrarchy of the Church, so that the Roman, Alexandrian, Constantinopolitan, and Antiochene govern the whole by equal right, why can one of these four not also command the others, or be of principal authority among them? A reason must be given why, when the antecedent has been conceded, the consequence is denied.

If he should say that one man is unequal to so great a care, he has already answered this above, when he assigned several kingdoms to one king, since that king can have fellow workers and counselors, can be content with general care, and can judge only the chief matters. Moreover, Saravia's arguments prove this. For it was necessary to settle disputes between the Patriarch of Constantinople and the Patriarch of Alexandria, and between the Patriarch of Antioch and the Patriarch of Alexandria, and to preserve unity, since each had his own particular Patriarchate, just as among other Bishops. Just as a dispute may arise among twenty-four English Bishops and be terminated by the Archbishops, may it not likewise arise between the two Bishops of Canterbury and York? Since they ought not to be sent to the royal tribunal in ecclesiastical affairs, they must therefore choose another judge for themselves.

Therefore, so that concord may be maintained, there must be one priest who directs all his brethren. Indeed, Saravia proceeds so far on page 85 as to write that Peter presided over the College of the Apostles. His words are:

> As regards the Apostles, who lived together for some time at Jerusalem, it is certain that they were not created by the Lord to remain together in the same place, whether in a single region or city; wherefore there was no necessity that someone be placed over the College. Nevertheless, so long as they lived together at Jerusalem, it is not absurd that some one man then presided over the College of the twelve Apostles. By denying this more obstinately, no good cause against the Roman Bishop is assisted. Who has ever seen a convention or assembly come together in which no one presided to propose the things to be done, ask opinions, and collect votes? Even if we say with the ancient Fathers that this was entrusted to Peter by the Apostolic College, nothing is thereby given to the cause of the Roman Bishop from which he may establish his tyranny. This too was temporary in Peter and ended when the Apostles were dispersed.

Here it must be noted: 1. It is not absurd that one man presided. 2. Indeed, it is absurd if no one presided, because no assembly is so absurd that someone does not preside in it. 3. He acknowledges that the Fathers confess that this was conferred upon Peter. These things are true and contrary to many heresies; necessity therefore extorted the truth from this man. 4. He says that this prefecture of Peter ended when the dispersion occurred. This is false. For it was given to him by Christ; furthermore, the Fathers whom he produces as witnesses of Peter's prefecture deny that it was temporary and concede that it was transmitted to his successors. Third, it was as necessary when they were dispersed as when they were assembled. For just as there is need of a president among those assembled, so there is need of a convoker among those dispersed; otherwise there would have been no one who could convoke all or some of the Apostles.

But if equality must be altogether preserved, no one can command another, nor many command few, nor few command many. For whenever an equal commands an equal, it is tyranny. For this reason the Synod which is now being attempted at Dordrecht is ridiculous; for although they elect a president, they nevertheless do not have authority, and the Synod itself can command nothing to so many thousands of their brethren, who are equal to it in every respect.

For why should a few arrogate to themselves the authority to command more numerous men? If they say that this authority was created by the political magistrate, a greater tyranny now arises than was ever approved in any Church; for the States themselves and their president will make Archbishops and Patriarchs, and then will command that some preachers command and others obey. But if they place one over all, you will be the Patriarch of Holland; if some powerful King or Emperor did the same, he would establish one Patriarch of all kingdoms. And thus, while they flee Monarchy, individual petty tyrants are discovered. But I have treated this matter elsewhere.

Now I give this admonition: Patriarchs and Archbishops should be instituted in such a manner that with the greatest authority they can inquire into and correct morals and discipline; but they should have the least authority over treasuries and riches, and should be able to do the least harm.

CHAPTER XXXVIII

The Offices of Metropolitans, Archbishops, Bishops, and Chorepiscopi Are Necessary and Useful for Morals and the State

§ 1. Metropolitans and Archbishops are ordinarily taken in law for the same persons: Cause 9, question 3; at the end of the section *De Monachis*; in the section *Non autem*, *On the Non-Alienation of Ecclesiastical Property*, in the *Authentics*; thus Rebuffus on section 1 of the *Institutes*, and Gregory of Toulouse. They were placed in those cities which were **μητροπόλεις**, "mother-cities," and principal cities, in which the governors of the provinces resided.

Heinrich Kalteisen, however, held the contrary in his oration *On the Punishment of Public Crimes* at the Council of Basel, and did so from Rabanus, book 1 *On the Institution of Clerics*, chapter 5:

> The order of Bishops is fourfold, that is, divided into Patriarchs, Archbishops, Metropolitans, and Bishops. "Patriarch" is interpreted in the Greek language as "supreme of the Fathers"; he holds the first, that is, Apostolic place, and because he performs the highest honor, he is designated by such a name, as at Rome, Antioch, and Alexandria. "Archbishop" is so called by a Greek term because he is the supreme Bishop; for he holds the Apostolic place and presides over Metropolitans as well as the other Bishops. Metropolitans, however, are named from the measure of cities, for one presides over the several provinces; the other priests are subject to their authority and teaching, and without them it is lawful for the other Bishops to do nothing, for the care of the whole province has been committed to them. All the orders designated above are named Bishops by one and the same term; but certain men use a particular name because of the distinction of the powers which they have received individually.

"Patriarch" means father of princes, for **ἄρχων** means "Prince"; "Archbishop" means Prince of Bishops, just as "Metropolitan" derives from the measure of cities.

He places Archbishops before Metropolitans, as though there were certain Metropolitans who are not named Archbishops. They are so named, I say, for I could scarcely believe that anyone is called a Metropolitan to whom the office of Archbishop does not belong, except that in the cited place, as also in Distinction 21, *Cleros*, the Archbishop is said to preside even over Metropolitans. In Germany, however, another rationale for the distinction appears. For Metropolitans are named from the principal city of one province, while Archbishops have under themselves Bishops of different provinces. For example, the Archbishop of Mainz has the Bishops of Speyer, Chur, Halberstadt, Worms, Strasbourg, Paderborn, Würzburg, Verden, Constance, Eichstätt, Hildesheim, and Augsburg. In the ancient manner Mainz was not rightly called the Metropolis in relation to these provinces, since they are different provinces and different Metropolises.

Budé regarded the origin and ancient times when he names as Metropolises those cities from which colonies were led out. This has no relevance to our Archbishoprics and Metropolitans, nor indeed even to the times of the Empire. For many colonies surpassed their Metropolises. Tyre was an **ἀποικία**, "colony," of Sidon, and Carthage of Tyre; yet the Archbishop of Carthage was by no means subject to the Tyrian, but the latter acknowledged the Patriarch of Antioch. Metropolises, therefore, are those which govern other Churches not by origin, but by maternal care, solicitude, authority, and power.

§ 2. An Archbishop was formerly elected by all the Bishops of his jurisdiction. Thus Pope Anicetus:

> But as the number of Bishops increases, more also ought to be added unless necessity intervenes; that is, if an Archbishop has died and another Archbishop to be ordained has been elected, all the Bishops of the same province shall assemble at the Metropolitan See so that he may be ordained by them all. For the man who ought to preside over all must be elected and ordained by all of them. The remaining Bishops of the province, however, if it should be necessary and the others consent, may at the Archbishop's command be consecrated by three Bishops; but it is

better if he himself, together with all, elects the man who is worthy and all alike consecrate him as Pontiff.

And although this has been conceded under the pressure of necessity, nevertheless what was said and commanded concerning the consecration of an Archbishop--namely, that all the suffragans ordain him--may in no way be changed, because the man who presides over them must be appointed by all the Bishops over whom he presides. If anything else has been presumed, it is without doubt devoid of force, because his ordination performed otherwise will be invalid. The Archbishop himself, moreover, shall conduct nothing concerning their cases or other common matters, according to the statutes of the Apostles, without the counsel of them all; nor shall they act without his counsel except insofar as pertains to their own parishes, because the Most High rejoices in such concord and is glorified in his members.

This was renewed at the Second Council of Orléans in 536, canon 7, *In ordinandis*.

§ 3. He ought to do nothing without the counsel of the other Bishops. The same Anicetus:

The Archbishop himself shall conduct nothing concerning their cases or other common matters, according to the statutes of the Apostles, without the counsel of them all; nor shall they act without his counsel except insofar as pertains to their own parishes, because the Most High rejoices in such concord and is glorified in his members.

The same thing was also rightly decreed by the laws of France, book 1, chapter 8, in the time of Charlemagne. For a Bishop needs his own authority and liberty for governing; if he judges that something should prudently be altered, let him indicate it to the Metropolitan.

§ 4. They are not to be called Primates. The same Anicetus:

Let no Archbishops be called Primates except those who hold the first cities, whose Bishops the Apostles and successors of the Apostles regularly appointed to be Patriarchs and Primates, unless some nation should be converted to the faith for which, because of their multitude, it is necessary that a Primate be appointed. But let the others who have obtained other Metropolitan Sees be named not Primates but Metropolitans.

If, however, any one of the Metropolitans has become puffed up and wishes, without the presence or counsel of all the Bishops of the province, to conduct either their cases or other cases except only those which pertain to his own parish, or wishes to burden them, let him be strictly corrected by all, lest he dare to presume such things thereafter. But if he appears incorrigible and disobedient to them, let his contumacy be reported to this Apostolic See--to which it has been commanded that all the judgments of Bishops be terminated--so that vengeance may be taken upon him and the others may have fear. If, however, because of excessive distance, the inconvenience of the time, or the roughness of the journey, it should be burdensome to bring his case to this See, then let the case be brought to his Primate and judged before him by the authority of this holy See.

§ 5. They make a profession of the faith of the Roman Church and seek the pallium. Thus John to Wilibert, Bishop of Cologne, Distinction 100, chapter 4:

We cannot now confer upon you the pallium you desire, because we have found that the page containing your profession of faith contains less than it ought, since--

[Printed page 476]

--in it you made no mention of any of the holy universal Synods in which the Symbol of our faith is contained, nor of the constitutions of the decretal Roman Pontiffs according to custom; neither did you fortify it with your own subscription nor send anyone who would confirm it by oath.

§ 6. Let him attempt nothing in another's jurisdiction. Thus Celestine to the Bishops of Gaul:

First, according to the decrees of the Canons, let each province be content with its own Metropolitan, as the enactments of our predecessor given to the Bishop of Narbonne contain; nor let room for usurpation be granted to any priest to the injury of another. Thus let each, content with the limits granted to him, presume nothing in

another's province. Nor, to the exclusion of clerics who have served meritoriously in their own Churches, let foreigners and strangers, previously unknown, be preferred to those who deserve well by the testimony of their own citizens, lest the Episcopate appear to be some new college from which Bishops are made. Let no Bishop be given to men unwilling. The consent and desire of the clergy, people, and order are required.

Only then let one man be chosen from another Church, if among the clerics of the very city for which a Bishop is to be ordained no worthy man--which we do not believe can happen--can be found. For first those men must be rejected, so that some from foreign Churches may deservedly be preferred. Each cleric has the fruit of his own service in the Church in which he has passed his life through all the offices. Let no one steal into another's stipends, nor dare to claim for himself the reward owed to another. Let the clerics have the power to resist if they see themselves burdened, and let them not fear to reject those whom they perceive entering upon them obliquely.

And a little afterward:

The Apostle follows and supplies the rest, speaking in the same spirit, that a man of one wife ought to be consecrated Bishop. Let priests therefore be chosen according to this rule; and if any unlawful ordinations have been made, let them be removed, because they cannot stand, nor will those who arrived in such a manner be able to evade our examination, although they suppose that they lie hidden, so that no reverence for religion may be darkened by obscurity. Let there be no vain glorying among those who wear the pallium. Let those who are Bishops follow the Episcopal manner.

Let Daniel, as we have said, who believed that he could evade an accusation by Pontifical honor and reached so great a summit by hiding from his accusers, know himself meanwhile to be separated from the assembly of Your Holiness. He ought to submit himself to our judgment if he knows that he has confidence in his conscience. But the priest of the Church of Marseille, who is said--which it is impious to say--to have rejoiced so greatly in the murder of your brother that he went to meet the man who arrived stained with his blood, intending to have a share with him, we delegate to your College to be heard. Given on the seventh day before the Kalends of August, in the consulship of the most illustrious men Felix and Taurus.

§ 7. Let him celebrate a Synod every year, to which all the Bishops of the province are bound to come. Thus the Third Synod of Orléans, celebrated in 540, chapter 1:

First, every Metropolitan ought at a suitable time each year to hold a synodal Council in his province with his comprovincials. But if infirmity or some certain necessity detains him so that he cannot be present at another appointed place, let him summon his brethren to his own city. But if, within a biennium in which tranquility of the times has been divinely granted, no Synod has been convened by the Metropolitan after the provincials have been admonished, let the Metropolitan himself, because of his delay in convoking it, not presume to celebrate Masses for an entire year. If those summoned, when not detained by bodily infirmity, disdain to be present at his summons, they shall lie under a like sentence. Let them also know that this excuse has been taken away from them if they believe that their absence is to be excused by the division of their lot.

The same and more are decreed in the Council of Mérida, chapters 4, 5, and 6. That it is his office to watch over morals and correct all things through Synods was also decreed in many other Councils, including Tarragona, chapters 6 and 13. Letters of this sort are to be directed by the Metropolitan through the brethren, so that they bring to the Council not only presbyters from the Cathedral Church but also some from the diocesan Churches, and ought to bring with them some laymen of the Church.

§ 8. Bishops are bound to acknowledge the Metropolitan and do nothing without him. The Second Council of Braga renewed this:

Throughout the several provinces a Bishop ought to acknowledge the Primacy of the Metropolitan Bishop and permit him to assume the care of the Primacy; the remaining Bishops are to do nothing apart from him, according to what is contained in the canon established of old by our Fathers. For this reason the Metropolitan Bishop too shall

presumptuously assume nothing for himself without the counsel of the others.

Bishops cannot establish anything new in their parish without the Metropolitan's knowledge, for the authority of Metropolitans is principal over the Bishops subject to them. Therefore the Synod of Antioch commands them to have regard to the Metropolitans.

§ 9. The abuse of Metropolitans who delegate their own duties to Bishops is reprehended and condemned in the Eighth General Synod, Act 10, canon 24:

> Divine Scripture says, "Cursed is every man who does the work of the Lord negligently." Certain Metropolitans, having fallen into extreme negligence and sloth, bring to themselves by their commands the Bishops subject to them and commit to them the divine offices of their own Church, the litanies, and altogether all the sacred ministries which pertain to themselves, so that through them they celebrate everything which they ought eagerly to perform by themselves; and through those who have merited the Episcopal dignity they in a certain manner exhibit clerics subject to themselves.
>
> Contrary to the ecclesiastical laws, however, these same men devote themselves to secular cares and arrangements, abandoning perseverance in prayers and supplications for their own offenses and the ignorance of the people--something which is found nowhere at all among any men, since it is altogether contrary to the canonical precepts. And, what is more grievous, the aforesaid Bishops are said to be commanded to perform these ministries for their stipends in distinct turns of the months, which is shown in every way to be foreign to Apostolic protection. All these things render men of this kind worthy of great, numerous, and most vehement condemnations; for by these things which they do, such men are proved also to languish under satanic vainglory and pride.
>
> Therefore, if any of the Metropolitans, after this determination of the holy and universal Synod, abusing the same boldness or pride and contempt, should attempt to have the ministries due in his own city performed not by himself with fear, eagerness, and a good conscience, but through his suffragan Bishops, let him pay the penalties before his own Patriarch and either be corrected or deposed.

§ 10. His principal care concerns his own ordinary diocese, which he governs; his care for other jurisdictions is secondary, yet necessary. Thus he hears controversies and supplies for the negligence of his Bishops when he himself does what the Bishop ought to have done voluntarily. Cause 9, question 3:

> Since we know that all are debtors bound to preserve the sacred rules, we ought in every way inviolably to preserve the rule which says that there ought to be stewards in every Church. If each Metropolitan has appointed a steward in his own Church, it is indeed well; but if not, the Bishop of Constantinople has authority by his own power to place stewards over his Church. Likewise the Metropolitans may do so if the Bishops subject to them have not taken care to appoint stewards in their own Churches. The same is also to be observed in monasteries.

[Printed page 477]

Hence he traverses his dioceses, visits, inquires, and amends the life of the subjects; for which reason subsidies are owed to him in turn: chapter *Cum ex officio*, *On Prescription*; chapter *Sopitae*; canon 14; canon *Cum nuper*, *On Censuses*, in Gregory. In this visitation he can use all the Pontifical insignia, bless the people, and command that the cross be carried before him; Clementine *Archiepiscopo*, *On Privileges*.

These things established by the Fathers are altogether to be recalled into use for restoring the discipline of the Church; nor ought anyone's power to be so great that it changes this order. Unity and integrity of life cannot be preserved if every Bishop wishes to be Pope in his own diocese.

CHAPTER XXXIX

The Office of Bishops Is Supremely Necessary and Varied; Their Dignity, and So Forth

§ 1. The Pope, Patriarchs, and Archbishops are called Bishops. But although they differ in jurisdiction, otherwise their office is nearly equal and the same, and integrity of life is required of all. A few things must now be said concerning Bishops, for most have been explained above.

§ 2. Presbyters too were sometimes called by the name of Bishops. Aerius, because he was excluded from the Episcopate, denied that they were different offices; thus Epiphanius, heresy 75. Baronius discusses this copiously at the year of Christ 58, as does, from among the heretics, Saravia in *On the Different Ranks of Ministers*, especially from page 334. In the beginning the Apostles alone were Bishops and presbyters; finally, as the multitude of the faithful increased, they also made presbyters and Bishops, to whom they assigned **διοικήσεις**, or "administrations."

§ 3. From this it is established that Bishops are to be appointed not by the people or by kings, but by the successors of the Apostles: the Pontiff, Archbishops, and Bishops. For although peoples or Princes were sometimes joined in the election, the primary right nevertheless belongs to the clergy and Bishops, not only that Bishops should consecrate them, but also designate them. The people often demanded a Bishop, even to the point of sedition; Nicephorus, book 1, chapter 30 of the *Ecclesiastical History*. This practice nevertheless endured for a long time in the Church. See Athanasius, *On the Persecution*, to the orthodox. The election of Ambrose was nearly the same; Theodoret, book 7. See Distinction 23, chapter *Illud*, and Distinction 64, chapter 1. On the election of Bishops see volume 4 of the Councils, part 1, pages 402, 571, 749, 729, and 630. Yet the greatest care was always taken that seditious elections be avoided; volume 2 of the Councils, part 2, page 405.

§ 4. Therefore, to guard against seditions, the right of nominating the Pontiff and Bishops was sometimes granted to good and deserving Emperors, as to Charlemagne about the year of the Lord 780 in the Roman Council, Distinction 63, chapter 22:

> Pope Hadrian requested King Charles to come to Rome to defend the affairs of the Church. Charles, coming to Rome, besieged Pavia; and, leaving his army there, was honorably received at Rome by Pope Hadrian on the holy feast of the Resurrection. After the holy feast of the Resurrection he returned to Pavia and captured King Desiderius. Then, returning to Rome, he established a Synod there with Pope Hadrian in the Lateran Patriarchium, in the Church of the Holy Savior. That Synod was celebrated by 153 religious Bishops and Abbots. Pope Hadrian and the universal Synod handed over to Charles the right and authority of electing the Pontiff and ordering the Apostolic See. They also granted him the dignity of the Patriciate. Furthermore, the Synod determined that the Archbishops and Bishops throughout the several provinces should receive investiture from him; that unless a Bishop were approved and invested by the King, he should be consecrated by no one; and it bound with the chain of anathema whoever acted contrary to this decree and commanded that, unless he came to his senses, his goods be confiscated.

This too is established in many canons in which either the designation, the investiture, or the consent of the Emperor is required, such as chapters 15, 16, 17, 18, 21, 23, 24, and 28; but these were afterward abolished. Since the matter was badly administered by Emperors and Princes who regarded their own advantages rather than the good of the Church and the salvation of the people, the Church again asserted her liberty and conducted elections according to the ancient manner. For afterward there was a long dispute about this matter between the Pontificate and the Empire. Foreseeing this, the Romans in the time of Louis I elected Hadrian II without the presence of the Imperial legates, chapter 29; Louis himself approved it.

Afterward Henry IV, a most wicked trafficker in Bishoprics, extorted that authority in some manner from Paschal II while he was a captive; but the Roman Council resisted him, and the whole Empire stirred itself against the most criminal Emperor. The arrangement was no different in the East, where in 965 Phocas passed a law that Bishops should not be elected without the Emperor's consent; thus book 4, title [omitted], of Eastern law.

The wealth of the Church, for which the avaricious ambition of courtiers panted, was the cause of so many contests. Phocas certainly thrust certain of his own ministers into Churches as Bishops, assigned them a certain allowance, and converted the remainder to his own rewards. Basil abolished this robbery and restored the privileges of the Church; but as the affairs of Greece always declined toward a worse condition, Alexius Comnenus shook all these things, while the Synod did not dare to resist. In Gaul also many things were granted to kings; in 1560 these were tempered with great moderation so that all things might not be in the power of one man.

§ 5. Great honor, nearly royal and sometimes greater, was shown to Bishops, especially when holiness adorned their dignity. The Emperor not only rose for Martin but even ministered to him. It is altogether fitting that a Bishop, as the public censor of morals and teacher appointed by God, be heard by all.

§ 6. The Episcopal office and its end is that the ministers of the Churches, the clergy, and the people of the diocese be governed rightly and in due order in spiritual matters. Therefore the same care which is broader in an Archbishop and Patriarch, and extends most broadly in the Roman Pontiff, is restricted in a Bishop to the administration of his own diocese.

1. The care and solicitude of all the Churches and all the monasteries of his diocese pertain to the Bishop. 2. The instruction, government, correction, reformation, and censure of the clergy; jurisdiction in the external and internal forum; convocation of a Synod; consecration of the ornaments of a Church and dedication of the Churches themselves; preparation of chrism; confirmation; and other lesser matters, many of which are committed to others.

There are also others called Bishops, namely suffragans and Chorepiscopi. Those whom we now call suffragans are so called improperly. Antiquity called those men suffragans who administered their own dioceses under some Archbishop. Now those men are so called who properly and truly are Bishops and have Bishoprics assigned to them, but because these are held by Saracens, Turks, schismatics, or heretics, they dwell in another place and assist the Bishops of other places. For any Bishop may, with the Bishop's consent, exercise Episcopal duties in another Bishopric.

[Printed page 478]

Since they are therefore truly Bishops of cities situated in Greece and Asia, if any hope of preaching the Gospel in those places should shine forth, they are altogether bound to go there and seek their sheep, and in that case not to refuse death, provided that the danger has a sufficient reward. For it does not belong to a prudent Prelate to put himself in danger without cause and hope of spiritual advantage.

The service of these Bishops has been granted especially to Archbishops and Bishops in Germany because of the breadth of their jurisdictions. In this, however, I require that the princely Bishops themselves frequently consecrate priests and do other things which show that they have chosen assistants for themselves not from weariness with spiritual affairs but under the pressure of occupation. Chorepiscopi existed in antiquity and now persist in the Archbishopric of Trier, and, I do not know, perhaps in certain other places.

Concerning them there survives a letter of Damasus to the Bishops of Numidia. In it, first, he says that he found it decreed by his predecessors: 1. That nothing should be reserved for them by way of pardon except deprivation of the sacred ministry, which they rashly assumed, because they had been prohibited both by this holy See and by the Bishops of the whole world. 2. That they can presume nothing concerning the office of the supreme priesthood. 3. That they are presbyters, not Bishops. 4. That they were appointed of old because of care for the poor. 5. That they were cast down because they presumed unlawful things and performed things belonging only to Pontiffs. 6. That the flock

was committed to them by certain Bishops languishing in idleness. 7. That such sluggish Bishops are like harlots. 8. That the Chorepiscopi are in no way Bishops. 9. That certain of them were nevertheless afterward truly created Bishops in certain places; for Damasus says this in the canon *Esse*, and it is also in the Council of Antioch, canon 10. 10. That they are called village Bishops, for **χώρα** means "country"; thus they are regional Bishops, for they are named not from a choir but **ἀπὸ τῆς χώρας**, "from the country." 11. That if they disdain to be presbyters when they are not Bishops, they are nothing. 12. That those who confirm by their own hand that they are only presbyters can remain in their catalogue, while those who wish to be Bishops are to be deprived of every honor. 13. That it is not lawful for them to consecrate priests, deacons, or subdeacons; consecrate virgins; erect, anoint, or consecrate an altar; dedicate Churches; prepare chrism; sign the foreheads of the baptized with chrism; publicly reconcile any penitent even in the Mass; send formal letters; bless the people; enter the baptistery or sacristy before the Bishop; baptize or sign an infant in the Bishop's presence; reconcile a penitent without the command of his own Bishop; consecrate the Sacrament of the Body and Blood of Christ in his presence unless he commands it; teach or salute the people in his presence; or exhort the congregation. You have been taught, both from the things above and from other enactments of the Fathers or sacred canons, that all these things are owed to Pontiffs alone.

Hence two things appear to be reprehended in them: first, the presumption of the Chorepiscopi; second, the negligence of Bishops who entrust their own labors to them.

§ 7. What their office was may be gathered from canon 54 of Nicaea:

> Let the Bishop elect from the good religious men who dwell in the desert someone who is learned, of the best morals, the greatest and most understanding of all who are in that entire congregation, and who knows nothing about his own election. Those who belong to that congregation ought to present him. Let one Deacon of the congregation say with a loud voice: "We elect such a man as Co-Bishop"--perhaps Chorepiscopus--"who shall have complete authority over us," so that all may know that he has been elected to that rank. The Bishop ought to recite over the man elected the customary prayer, bless him, and give him the names of all the Churches and monasteries which are under his authority, so that he himself may elect, as shall seem better to him, suitable men steadfast in their speech, whom he may place over Churches and monasteries.
>
> Let him not impose the care of monasteries upon those who have care of Churches, nor join the care of Churches to those who are placed over monasteries. Let him bind them to the places given to them, and afterward go to visit the Churches and monasteries. If he finds that something is lacking in any Church or monastery, or abounds beyond what is needed, he ought to apply what is superfluous in one place where there is a deficiency; this ought to be done with the fear of God and for the edification of those places.
>
> If there are few priests, he ought to increase their number from those who belong to that place. If there is no one among them from that town suitable to be ordained, he ought to take someone from the monasteries or Churches and take care that he be made a priest, so that prayer may be continual, the ministry of the altar may not cease, Churches may not be deprived of prayer and Mass, and Christians who have no pastor may not be like Gentiles in name and deed. Likewise, let him take care that in every town and small village there be someone who collects revenues for the Bishop according to the resources of each place and that they be brought to him. For it pertains to him to give alms to the poor and strangers and refresh needy priests, so that charity may remain among them.

§ 8. That the Chorepiscopus was less in dignity than the Archdeacon is established from canon 58:

> When the Chorepiscopus and Archdeacon sit in the Church, no priest, Deacon of the Church, or cleric of any other rank shall dare to sit above them, except the Bishop, because these are as two hands and two wings with which the Bishop flies. But when the Bishop walks, whether in the Church or outside, the Archdeacon ought to be at his right, the Chorepiscopus at his left, and the Bishop between them, like a father in the midst of his sons. Whoever does not obey is excommunicated by the Synod.

§ 9. Nevertheless the name was not immediately abolished. For although they report that Chorepiscopi were not Bishops, except for a certain few, it is certain that they were presbyters even after the decree of Damasus; indeed, they again aspired to the Episcopal rank. For about the year of the Lord 566 John III wrote thus concerning them to the Bishops of Germany and Gaul:

> It has been reported to the Apostolic See that a reprehensible and exceedingly inveterate usage, prohibited and utterly extirpated both by Saint Damasus and Saint Leo, Apostolic men, and by all the Bishops with synodal authority, has emerged and is again reviving. For certain Chorepiscopi--who were prohibited both by the aforesaid predecessors, the Fathers of the holy Apostolic men, and by the Apostolic men themselves or by us, as their decrees testify to this day--exceed their measure, convey the gift of the Holy Spirit through the imposition of hands, and unlawfully perform other things which are owed only to Pontiffs; especially since none of the seventy disciples, whose likeness they bear in the Church, is read to have conveyed the gift of the Holy Spirit through the imposition of hands. The book of the Acts of the Apostles teaches that to convey the Holy Spirit is the proper office of Apostolic men alone and of their successors.

[Printed page 479]

Therefore, since these things are so clear, I have grave doubts concerning the second Epistle of Nicholas I which was brought to light through the labor of Cordesius.

§ 10. The diocesan Synod held at Dillingen in 1548 assigned to Chorepiscopi the office of Archdeacons and rural Deans; thus chapter 7; and it associates Archpriests with them. Therefore retaining the name Chorepiscopus is not contrary to the canons, provided that they do not exercise Episcopal functions, such as ordaining and similar things, but, content with their own office, keep within the prescribed limits.

But if one of those whom we now call suffragans is also employed in the government of some Bishopric, he can be called a Chorepiscopus and be a true Bishop: a Chorepiscopus in that diocese whose Bishop he assists, and a true Bishop of his own jurisdiction, access to which is denied to him.

CHAPTER XL

The Duties of Provosts, Deans, Primicerii, and Others

§ 1. In the Church there are many names not only of dignities but also of offices. Just as in an army under an emperor there are legates, tribunes, chief centurions, centurions, adjutants, and commanders of tens, so also in this sacred army of the Church there are various orders and subordinate magistracies. Therefore it is also called an army drawn up in battle order.

§ 2. Provosts held the first place; yet of old they were of two kinds, either from the body of the clergy or secular. I understand chapter 50 of the statutes of the Council of Mainz under Archbishop Richolf in the year 813 to concern the secular kind:

> We therefore command all Bishops, Abbots, and the whole clergy without exception to have good vicedomini, provosts, advocates, or defenders: not evil, cruel, covetous, perjured, or lovers of falsehood, but men who fear God and love justice in all things. Concerning judges, centenarii, tribunes, or vicars, however, we judge it fitting that, if they are found to be evil, they be cast out of their ministry.

§ 3. Since secular provosts were less faithful, zealous, prudent men, capable in action, were appointed from the clergy itself to care for the rights, possessions, and revenues of individuals and of all together; and in the monasteries themselves they were appointed from the religious. Thus it stands in the Council of Aachen under Stephen V and Louis I, chapter 139:

> Although all who preside are, as it were, called provosts, usage nevertheless has prevailed that those are called provosts who exercise a certain care of a priorship under other Prelates. Yet the men who are called provosts according to this usage must be appointed by the Prelates as men of such character and energy that they are both of approved life and faithfully and humbly fulfill the things enjoined upon them. Because they are placed over others, let them by no means esteem canonical institutes lightly; rather, the more they are involved in the cares of the brethren, the more eagerly let them obey heavenly admonitions. Provosts, therefore, ought to be useful to the entire congregation and faithfully to benefit it by the ministry committed to them. Let them provide without delay, with charity and at the proper time, the things which they ought to give to the brethren, so that from the Lord they may acquire a good degree through faithful administration. Against men of this kind who offend and do not administer well the obedience committed to them, the measure set out above must be observed.

But when many provosts, both among the clergy and in monasteries, intent upon their own affairs and neglectful of common ones, appeared useless, complaints were forced forth; and indeed the provosts of monasteries were almost reduced to order. For the Lateran Council commands that those who lived apart be recalled to the cloisters, and admonishes the Bishops to compel the Abbots to do this.

The constitution of the Council of Cologne celebrated in the year 15[?]6, part 10, chapter 11, is praiseworthy:

> Certain monasteries of nuns have costly provosts. Since the whole administration of the goods is under their power, they themselves live luxuriously from the monastic revenues; and those who ought to have been an example of monastic conduct turn back to the delights of the world, sometimes disdaining fine flour and honey, while the nuns themselves scarcely satisfy their growling stomachs with millet and coarse bread. There are also monasteries of virgins where there is no common food or table, but that practice is daily which Paul, writing to the Corinthians, condemned--although in a far more sacred banquet--namely, that each takes her own supper beforehand to eat, and one indeed is hungry while another is drunk. We judge it necessary to abolish these abuses: namely, that in place of those pampered provosts there be substituted upright stewards, to be approved by us, whose diet shall be like the monastic diet and who shall also be bound every year to render a complete account of receipts and expenditures.

Then the following Synod, held in 1549, reminds all provosts of their office:

> It is a complaint that certain provosts of colleges, to whom, by an oath given, it belongs to guard and defend the rights and statutes of the Churches, do nothing less; rather, they merely receive ample fruits, while leaving undefended the Churches for whose sake they receive them, forgetful of their oath and of the fact that a benefice is given on account of an office. Hence we decree and establish that if provosts of this kind, when requested by their colleges to defend their goods, rights, and statutes at the expense of the chapters, in a time of necessity or when danger threatens, neglect to discharge their duty, and the College or Church consequently suffers loss, they shall incur a penalty to be assessed and moderated by the Bishop or superiors according to the magnitude of the loss received and the negligence of the provost.

This decree of the Synod of Cologne pertains to all Churches, because the oath of all tends to the same end.

§ 4. No one can be elected dean unless mature in age and morals. In Distinction 60, *Innovamus*, the Lateran Council under Alexander III, chapter 3, decreed that no one should undertake a deanery unless he has attained his twenty-fifth year and is to be commended for learning and morals, and unless he is a presbyter; the same is in the same Distinction. If a deacon has been elected, he is deprived of the honor unless he is ordained presbyter; in the same place. In the same manner, the Lateran Council under Callistus II says: “Let no one be ordained Provost, Dean, or Archpriest unless a presbyter; let no one be ordained Archdeacon unless a deacon.” The same is in the Council of Poitiers in 1100 under Paschal II.

§ 5. It is necessary for a dean to reside in his Church. There is a golden canon of the Council of Cologne in 1549:

> We see that, when Deans are absent or discharge their office sluggishly, the insolence of all the most worthless Canons and vicars generally prevails against the better men; piety and the zeal of good men are held in mockery; the divine offices are neglected and are performed neither duly nor by all, but only rushed through; integrity of life and morals is imperiled; discipline is entirely nonexistent--in brief, every wicked man may do whatever he pleases.

[Printed page 480]

> We therefore command and order that Deans reside personally at their Churches and energetically discharge their office through themselves, and that they chastise the excesses of their subjects whenever there is need, under penalty of deprivation of the fruits of the deanery in proportion to the time during which, after admonition, they have not resided without reasonable cause. These fruits are to be applied to the fabric of the Church or to the poor where another worthy penalty has not been decreed against nonresidents, unless perhaps it happens that necessity causes them to be absent. In that case let them commit their functions to some member of the chapter who can render an account of the office undertaken and whom inferiors will revere, unless the pecuniary statutes of the colleges designate such a vicar for the absent man.

In the same year the Synod of Mainz established an even more sacred rule and extended the most salutary law more broadly, chapter 71:

> Since it is established that our ancestors instituted the offices of these dignities in Churches so that there might be men who, as inspectors and moderators, preserved ecclesiastical discipline, but we now see them occupied by men who merely bear the titles of dignities and enjoy their emoluments, yet are absent from their Churches and answer to nothing less than their appellations: therefore we establish that hereafter all who now shine forth in, or shall hereafter be appointed to, the dignities of Provosts, Deans, Scholastics, Custodians, or Cantors--insofar as these belong to our disposition or that of our comprovincials--shall be present at their Churches and furnish useful service worthy of the name. Let them not be absent and merely carry away the fruits; nor shall it be lawful for anyone absent to bear any one of these dignities. Rather, each man distinguished by such a title shall serve his Church, not absent and not by the hired labor of others, but himself residing and present.

§ 6. These duties of deans are prescribed by the Councils. The Council of Cologne in 1536, chapter 2:

> Further, since collegiate Churches are secondary after cathedrals and are constituted in their likeness, so far as the orders of ministers and divine worship are concerned, in both places it shall be the care of the Deans to urge and bring back their clerics to the observance of pious rites; continually to exhort and compel them to lead a life worthy of clerics; to recall them from business and worldly tumults, lest they appear soldiers of the age rather than of Christ; to forbid banqueting, drunkenness, and all luxury; and finally to compel them to discharge their office.

The Synod of Augsburg in 1547, chapter 9:

> Let the Dean keep the clerics and household of his College, each in his own duty; let him precede others by example; let him require integrity of life and morals in dress and discipline, and what is due in the performance and ceremonies of the divine offices. Let him rebuke drunkards, gamblers, brawlers, fornicators, and men forgetful of their office; drive them from sacred rites; and fine them by the right belonging to him.

Again Cologne, chapter 9:

> In order, therefore, that the things we have spoken of may be cleansed and duly observed, together with all other things pertaining to the performance of the divine office and the discipline of the choir, the Dean shall keep diligent watch, looking about on every side lest anything be done disorderly.

And chapter 25 describes his office together with its power thus:

> If the Dean perceives any men to be rebellious, negligent of divine worship and of their office, quarrelsome, litigious, brawlers, gamblers, keepers of harlots, or entangled in other public crimes, and they refuse to hear fraternal correction, let him do in these chapters what Paul commands: “Rebuke sinners before all.” Then, if they refuse to come to their senses, let him keep them from sacred rites and forbid them to share in the fruits until they return to a better fruit of life; yet in such a way that this Apostolic rule is observed here: “Rebuke the restless, console the fainthearted, be patient toward all,” and that neither anger, hatred, nor rancor claim any part for itself. For that solicitude of Provosts is useful, that caution is praiseworthy, in which reason does everything and fury claims nothing for itself. For anger often brings even the innocent into guilt. For while we are angry beyond what is just and wish to restrain another’s sins, we commit graver ones. Nevertheless, through these provisions we prejudice nothing in the privileges and legitimate customs of ourselves and of the Churches of our province, and especially in the practice and custom which exists in some Churches--namely, that causes of discipline are adjudged by the Deacons--provided that the Deacons diligently and energetically apply themselves to, and discharge, their office. But if the Dean and chapter are negligent or entangled in the same crimes, it will be necessary to return to the disposition of the common law.

The province of Deans is therefore most weighty, since the discipline, morals, and ordering of divine worship of the whole College pertain to them. For unless the Dean is pious, prudent, vigilant, strong, and fearless in admonishing, and if he dissembles vices and abuses, the blood of all souls will be required from his hand. He rushes through the psalms in the mouth of all; he chatters with the tongues of all. For what he is bound by office and able by authority to correct, he is judged to do if he neglects it.

§ 7. Parish priests in villages, districts, and towns also have their deans or presidents, whom they call rural. The Synod of Trier in 1548 explains their duties:

> The Archpriests, who are also called rural Deans, since they have been admitted to the assembly of the Synod, are commanded to render to our Most Reverend Lord an account both of the office of the pastors and of their own. For it belongs to them to rebuke the public offenses of their subjects, provide for the cure of souls, feed all with the pure doctrine of the word of God, sustain the wretched and afflicted by consoling them, preside well over the Church in all things, and finally exhibit themselves as sound examples of living in word and deed. The Apostle judges those who do this worthy of double honor. For even the pagan judges it most shameful to commit what you teach others ought not to be committed. They must therefore answer to His Most Reverend Grace concerning these matters, as also concerning other cares worthy of a priest, so that he may know their integrity in administering their offices. On

> this account, indeed, he will command that favor and praise be rendered to the good and those willing to obey; but that the evil and reprobate, of whatever condition they may be, hereafter be afflicted with disgrace and punishment by force of ecclesiastical censure.

Those who are now called deans appear formerly to have been Archpriests, for each is the chief man of his college. Principal men are also commonly called *decani*, and the number ten is honored, to such an extent that great things are called *decumana*. Yet now the Archpriest and the dean have different functions: by ordinary law the Archpriest is subject in government to the Archdeacon, while the dean is not. The Archpriest generally performs the functions of an absent Bishop. See the last constitution of Leo, *On the Office of the Archpriest*.

§ 8. The office of the Scholastic is either to educate the young or to take care that they are educated. He presides over those whom they call *domicellarii*. Unless these are educated with every care and exercised in the divine offices, the hope of good ecclesiastics is cut down in the blade. General oversight of schools, however, is judged to have been committed to the metropolitan Scholastic.

Another office is also joined to that dignity, namely, examining those to be ordained; for the Scholastic of the cathedral Church presides over the examination.

[Printed page 481]

Concerning all these things the Synod of Cologne, chapter 3, speaks almost in one word:

> In these Churches there are different ranks of ministers, namely, Provosts, Deans, Archdeacons, Scholastics, Cantors--who are also Bishops of the Choir--Treasurers--who are also Sacristans or Custodians--Canons and Vicars, and other men of this kind. Let each interpret his own designation and take care to be what he is called, according to the ancient institution and rule of the Fathers. By this alone they will have brought it about that they appear in great part to have answered both our expectation and that of all the pious.

§ 9. A Primicerius is whoever is **πρώτης τῆς τάξεως**, first in rank, or more dignified than the others, **πρωτόκηρος**, "first on the wax." It was customary to write on wax. Pliny, book 2 of the *Letters*: "Nearby there was no hunting spear or lance, but a stylus and writing-tablet; I meditated upon and noted certain things, so that, even if I brought back empty hands, I might nevertheless bring back full wax tablets." A Primicerius, moreover, was the man who was written on the first wax, that is, first in the choir among the cantors; in Suetonius the man *on the lowest wax* is one among the last. His office is described in book 1 of the Decretals, title 25, chapter 1:

> Let the Primicerius know that he is under the Archdeacon, just as is the Archpriest; that it pertains especially to his care that he preside in teaching the Deacons or the remaining men placed in the ecclesiastical ranks; and that he himself apply himself to their discipline and guardianship, since he will have to render an account before God for their souls. Let him himself give the Deacons the lessons which pertain to the nocturnal offices of clerics; and let him have care for each, so that, in whatever matter he has an understanding capable of it, he may apply himself without any negligence, or that they may be instructed by the man whom he himself shall command.

And Distinction 25, chapter 1:

> To the Primicerius belong the acolytes, exorcists, psalmists, and lectors; also the signal for the office of the clerics; and, with respect to integrity of life and the careful study and performance of the office, which of the clerics ought to say the lessons, blessings, psalm, praises, offertory, and responsories. To him also belong the order and manner of singing psalms in choir according to the solemnity of the seasons, and also the arrangement for carrying the lights. If anything is necessary for the repair of the basilicas which are in the city, he reports it to the priest. He shall send the Bishop's letters concerning fast days to the parishioners through the doorkeepers. He shall himself constrain clerics whom he knows to offend; but he shall bring the excesses of those whom he is unable to correct to the Bishop's knowledge. He shall himself appoint the basilicani and arrange the matricula. When the Primicerius is absent, however, the man who is nearest to him either by law or by learning shall investigate the things aforesaid. To the Treasurer belong the ordering of the basilicas and the doorkeeper, the preparation of incense, care for

making the chrism, care for arranging the baptistery, and the preparation of lights in the sacristy and at the sacrifices.

The primiceriate was a benefice and dignity. Therefore, since the Primicerius did not perform the office, the Canons of Toul abolished this office, as appears in a rescript of Innocent III.

§ 10. There are also other kinds of offices and dignities. At Toulouse and elsewhere the highest dignity after the Provost is that of the Academic Chancellor, who is himself also a Canon. At Cologne the metropolitan Provost himself is Chancellor; at Mainz the Custodian appoints the Chancellor. See concerning these matters book 5 of the Decretals, *On Masters*, chapter *Quamvis*.

Officials and Vicars of Bishops exercise jurisdiction in place of the Bishop. In *Nova*, 16, question 7.

The Treasurer is **κειμηλιάρχης**, one who guards precious things; elsewhere he is also called the Custodian.

The Sacristan has care of the sacred furnishings and the lights; book 2 of the Decretals, 26.

The Custodian is the minister of the Sacristan; in the same place, chapter 1.

The Steward is the man who administers the property of the Church, the dispenser for the poor.

The man called Vicedominus in a Bishopric is called Steward in particular Churches.

The Syndic is the man who prosecutes suits and defends the disputed rights of the Church.

The Cellarer is the man to whom the distribution of wine, and often of grain and other things, is committed.

There are also Parish Priests, Vicars, Chaplains, Pensionaries, and Orphanotrophs, all of whom ought to be appointed according to the necessity and utility of the Church. But these must be treated specifically, as must the Canons.

CHAPTER XLI

Praiseworthy Institutes of Canons in the Church, and Salutary Laws Concerning Them

§ 1. The office of Canons is to live canonically. *On Consecration*, Distinction 5, chapter 34:

> We have therefore decreed in all things, so far as human frailty permits, that Canon clerics live canonically, observing the teaching of divine Scripture and the precepts of the holy Fathers; and that they presume to do nothing disorderly without the permission of their Bishop or their master. In each Bishopric let them eat and sleep together where the means of doing this are available to them; or, in the place where they receive a stipend from ecclesiastical property, let them remain in their cloister. Every day, first thing in the morning, let them come to the reading and hear what is commanded them. At table likewise let them hear a reading and show obedience according to the canons to their own ministers.

Canons are the more honorable of the clerics. They are so called either because they live according to the canons of the Apostles and Councils, or because they have been entered in the canon--the Greeks say **οἱ ἐν κανόνι**, that is, entered in the register of the Church--so that they receive a fixed allowance and have a voice and the right of pronouncing an opinion in the chapter. Among the Pythagoreans, harmonic theorists who gave the principal parts to reason were called **Κανονικοί**.

The same men are called prebendaries, although a prebend extends more broadly than a canonry. Of old, the things which parish priests were bound to furnish to envoys publicly sent were called prebends. Horace, *Satires* 1.5:

> The little town nearest the Campanian bridge furnished a roof,
>
> and the things which hosts owe: firewood and salt.

A prebend, therefore, is called an ecclesiastical right in the Church--for we are not treating lay prebends--of receiving certain annual revenues in the Church on account of the ministry of the divine offices performed by the man who lives from the fruits of the prebend. When the right of voting in the chapter is joined to this right, if the other things are present, it is called a canonical prebend. For although certain Canons are not in the chapter, they nevertheless have canonical prebends, but some cause prevents their being admitted.

Therefore, to receive the fruits of a prebend legitimately, it is necessary to have a title and legitimate possession, and then to engage in the divine offices to which one is assigned. For a benefice is given on account of an office. Thus all foundations and all canons declare.

§ 2. Three kinds of stipends are commonly given to Canons. Some are annual and are called the *corpus*; some are daily and are called *presences*, and are distributed only to those present. Finally, certain sums are collected by the chapters besides the *corpus* and the presences, which they call fruits of the table; these are distributed at the discretion of the Canons.

[Printed page 482]

But since the avarice of certain men is so great, and their torpor is joined with such greed, that they hunt prebends in every place, reside in one place, and travel to the other colleges for the sake of collecting the fruits, it would be advisable, whenever and wherever it can be done, to convert the *corpora* into presences, or at least to diminish the *corpora* and increase the presences. But I shall treat these matters hereafter.

§ 3. Canonries and prebends are in general of two kinds. Some are cathedral; others belong to secondary Churches. Hence that distinction has gained force whereby the clergy who serve God in the cathedral church are called primary, and those in other collegiate Churches secondary.

Prebends and canonries are also commonly called benefices, because they are given benevolently and gratuitously by the Church, with the joy both of the recipient and of the giver. They contain two things: the right of receiving fruits and the obligation of rendering service to God. A benefice, however, is given on account of an office. Therefore, when the office ceases, the benefice is withdrawn; and when the benefice is retained after the office has been renounced, an injury is inflicted upon God and the Church. I think the whole ordering can be gathered into a few laws.

Law 1. In the collation of a benefice let the collator retain nothing for himself and expect nothing, neither service nor money. Because he appoints a minister for God, he ought not to be a moneylender in a sacred matter and claim for himself a portion from the patrimony of the Church, much less divide with God the services of God's servant.

Law 2. Let them reside in their own Churches. For this reason they were both founded and received privileges from Emperors. Title *On Nonresident Clerics*.

At this point I shudder as I relate the matter, when I remember the frauds by which wretched men strive to circumvent God. Long ago this evil began, whereby greed sought great revenues by doing little or nothing. How very few are present in the manner required! But let us hear our Fathers. In 1286, in the Council of Ravenna under Honorius IV, title 5, it was determined thus:

> It is fitting that those whom the ornaments of life and examples of domestic praise do not recall should at least be restrained by the medicine of correction. We have indeed learned from the report of many that in certain Churches of our province it is observed by custom, and in certain others confirmed by constitution, that besides the revenues of benefices and prebends--concerning which we wish nothing to be altered at present--those residing in the Church alone receive certain other revenues, according as they reside daily and in proportion to the residence which they make in the Church. Certain men, obeying such a custom and statute according to a perverse interpretation and thinking too little of the things of God, to the peril of their souls, usurp for themselves those revenues especially assigned in favor of residence so that God and the Church may be served and the instruments of divine praise be sung therein at every hour, provided only that they reside in their chamber, even though they enter the Church to celebrate the divine office only once in the month. From these things a great scandal is generated among their neighbors who serve the Church as they ought, and the praiseworthy purpose which they had grows cold in them.
>
> Therefore, lest we be made participants in their faults, having removed that perverse interpretation while preserving such a custom, we establish by declaring, and declare by establishing, that with respect to the aforesaid revenues which are distributed according as men reside daily--whether they are grain, wine, money, or other goods--only those shall be called resident in the Church who, in their own Church together with their other brethren, have performed at the due hours the measure of our service, namely, Matins, Lauds, Prime, Terce, Sext, None, Vespers, and Compline. Otherwise, they shall receive from those revenues only according as they have served the Church, pursuant to our ordinance noted immediately below.
>
> In order that this constitution be inviolably observed, we will and command under penalty of excommunication that, within two months computed from the day of the publication of the present Council, all and singular clerics of the Churches of our province where there are several ordained clerics and revenues of the kind mentioned above shall be bound to confirm this constitution by oath; and likewise all who shall be admitted hereafter, before they are admitted to the revenues. Where, however, there are no such revenues in a Church, let the local Diocesans provide in the Synods which they happen to celebrate, as best they can according to God, that the office at the canonical hours not be neglected in those Churches. If the senior of the Chapter--or, where all are equal, the man who presides immediately over those clerics--has not caused this oath to be given, he shall be subject to peril of his benefice and shall be fined by the provincial Council, by his superior, or by another who is able to do this.

Wishing, insofar as we rightly can, to ordain and declare the immediately preceding Council, we establish that within the space of two months from the day of publication of this Council it be ordained how many and how great a share the man who attends Matins, and the other canonical hours, ought to have from the revenues mentioned above in the immediately preceding Council, wherever there are such revenues. Because we cannot give a specific rule in this

matter, since some Churches abound more and others less, we provide as we can in this manner: namely, that the man who has attended Matins shall have twice what the man who has attended Mass will have; that the man who has attended Terce and Sext shall have half of what was given to him at Mass; that the same be observed at None as was stated concerning Terce and Sext; and that the man who has attended Vespers and Compline shall have as much as the man who attended Mass, according to the foregoing.

To understand clearly, suppose that ten denarii are to be distributed daily to each Canon. From those ten denarii you will give four denarii to the man who attended Matins; two to the man who attended Mass; one to the man who attended Terce and Sext; one to the man who attended None; and to the man who attended Vespers and Compline you will give two denarii, as you gave at Mass.

But because even in this way, according to what has been stated, complete provision has not been made against deceitful men, who could come to the canonical hours but not at the due time, and, even if at the due time, nevertheless not remain until the office was completed, we establish against them that the man shall be said to attend Matins who has come to the Church before the *Venite* is sung with the hymn, when the hymn is said; otherwise, when the *Venite* is said with the first psalm, since the hymn is not then sung; and who has remained until Prime has been completed. The man shall be said to attend Mass who has come before the *Kyrie eleison* is sung and has remained until the Mass has been finished. Those attending Terce, Sext, None, Vespers, and Compline must come before the psalms begin and remain until the said hours have been completed; otherwise they shall receive nothing. Whoever acts contrary to this, besides the guilt of perjury, shall be bound to restore to the Church from which the service due has been withheld twice what he received, to be converted into ornaments of that Church.

The same matters were thereafter treated and determined far more forcefully in the Council of Ravenna in 1317.

I cannot refrain from transcribing the words of the Council of Basel, Session 21:

> Whoever has not attended the divine office until the end--at Matins before the end of the psalm *Venite exsultemus*, at the other hours before the end of the first psalm, and at Mass before the last *Kyrie eleison*--shall be judged absent for that hour, unless perhaps, compelled by necessity and having sought and obtained permission from the president of the choir, he must depart; the customs of Churches, if any stricter ones exist concerning this, remaining unimpaired. The same shall be observed concerning those who have not remained in processions from beginning to end. For the execution of this provision, let someone be deputed who has the charge of noting the individual persons who do not assemble at the appointed time, bound by oath to act faithfully and spare no one.
>
> *[Printed page 483]*
>
> This holy Synod also commands that in those Churches in which definite distributions have not been established for the individual hours, they be assigned absolutely, even from the gross fruits if necessary, so that each person may receive more or less emolument according to the measure of his labor. It entirely abolishes that abuse by which a man present at only one hour usurps the distributions of the whole day, and that abuse by which Provosts, Deans, or other officials receive daily distributions solely because they are officials, even though they are not actually absent for the utility of the Church.

I have already made mention above of the Council of Mainz under Sebastian in the year 1549, in which the matter is commanded in these words in chapter 72:

> Since the Apostle judges idle men who eat bread not acquired by their own labor, to the burden of others, unworthy of food and therefore of life itself, to how much graver a divine indignation must those men be thought subject who idly consume the revenues of the Church, the patrimonies of the holy Martyrs, and the gifts of the pious people bestowed for the support of the divine Ministry, but do not care to repay to those Churches the services owed for them? We, therefore, wishing to meet the peril of souls and provide for the necessity of the Churches, decree and ordain by the present statute that hereafter, in the Metropolitan, Cathedral, Collegiate, or any other Churches established throughout the whole province and subject to us, daily distributions shall not be assigned to certain very

> brief moments--as, for example, to the reading of the Epistle or of one Psalm or Responsory--but to whole and complete offices and hours, and shall be given only to those who have attended from beginning to end the divine offices for which the emoluments are given.
>
> But those who have been accustomed to divide their departures and returns in such a way that they receive the least of the labors but the greatest of the emoluments shall hereafter, unless they take care to attend the complete offices and hours, be fined the entire fruit of that office or hour, notwithstanding any irrational or depraved customs, which must rather be judged corruptions. Yet if any are hindered by infirmity or a legitimate cause, let them excuse themselves before the Prelate or another to whom this belongs by the custom of the Church, and obtain leave for their absence. We will, however, that Canons be excused from entering the choir by capitular business for as long as they are present at Chapters, and no longer.
>
> In this matter we admonish the Deans of Churches, or those upon whom that care devolves for the time being, and command them not to appoint Chapters, except from necessity, at the hour in which the divine offices are performed, since Chapters can be held either earlier or later so that the Prelates and Canons themselves may more conveniently be able to attend the divine offices. Surely the labor of capitular acts ought not to burden those who, over and above the offices of the choir incumbent upon them in common with the vicars, also enjoy a richer emolument from their prebends over and above the common distributions.
>
> In like manner we will that the distributions received from processions be given only to those who have persevered in attending them personally from beginning to end.
>
> And lest benefices throughout the Churches be defrauded of the services owed, we enjoin upon all possessors of benefices, under loss of the benefices, that if they do not yet have the orders which their benefices require, they receive them at the next times established by law. We also will that the Canons of Churches be bound to this, each according to his order, so that, when the matter requires it, he may be able personally to furnish the Church the service which each owes according to the requirement of his office.

In the same manner the fifth Council of Milan, chapter *On Residence*, and the first Council of Milan, *On Residence*, establish many things with the greatest gravity and sanctity. On these matters see Session 6 of the Council of Trent.

Law 3. Let no one receive a benefice from a layman.

> Since, according to the Apostle, no one ought to assume honor for himself unless he has been called by God as Aaron was, those men, forgetful of their salvation, who intrude themselves into ecclesiastical dignities or benefices and procure that they be elected and intruded through the power of laymen, consider and attend to this too little. Wishing, therefore, to oppose such and similar things by the remedies we can, we establish and more strictly prohibit anyone hereafter from presuming to attempt such things, or permitting or procuring them to be attempted. If anyone acts contrary to this, let him not only not be confirmed or instituted, but let him likewise be stripped by his Diocesan of every hope of promotion throughout the province of Ravenna; and nevertheless let him be excommunicated by the deed itself and stripped of every privilege of ecclesiastical protection and defense.

Law 4. Not only must nothing be sought for a benefice, but not even what is spontaneously offered may be received; nor may it be received on the condition that the man who received it yield at the will either of the giver or of another. First Council of Milan.

Law 5. The man who has given in this manner is deprived of the right of giving, nominating, and presenting--indeed, also of electing. The man who has received does not make the fruits his own. First Council of Milan, section *Those Things Which Pertain to the Collation of Benefices*.

Law 6. Those about to receive a benefice shall affirm by oath that they have not acted simoniacally. Thus it stands in the first Council of Milan, section *Let the Bishops Admit or Institute No One Who Has Been Presented, Nominated, Elected, or Provided by Inferiors Before They Have Required from Him the Oath Written Below*:

> I, N., presented or elected, and so forth, to the benefice N., swear by the sacrosanct Gospels of God which I touch with my hands that neither I, for the sake of obtaining the benefice or of being presented or nominated to it, and so forth, nor any other person in my name or with my consent or knowledge, has promised, given, compensated, confirmed something previously given, or deposited anything with anyone, to the collator, patron, or anyone else for that reason.
>
> Nor have I given it as a loan or lease, remitted or relaxed something previously given as a loan, lent for use, leased, or owed in any manner whatsoever. Nor concerning the houses, lands, estates, revenues, fruits, tithes, or offerings of that Church, past, present, or future, have I made, promised, or entered into a gift, remission, or lease, or has another, at my command or with my consent, promised, made, or entered into one. So help me God and these holy Gospels of God.

Law 7. Let the intermediaries of simoniacs be punished: notaries, advocates, procurators and interposed persons, and sureties. In the same place.

Law 8. Let the man who seeks ambitiously be without it for two years, and likewise those who petition for benefices not yet vacant.

Law 9. Let several benefices not be given to one man. This is an ancient and frequently repeated law, but one that is frequently violated. Many possess several; few are there who do not desire several.

I shall first set forth the statutes and laws of the Church, and then my own opinion. For in title *On Prebends and Dignities*, chapter *Iam Dudum*, it was established that the first benefice is lost by the law itself if another is received. And in title *On Election*, chapter *Dudum*, it is forbidden that several be held without dispensation. Therefore two things must be established. First, plurality is most gravely prohibited, especially in benefices with cure. Second, dispensation from that law is possible.

Concerning the first, therefore, the Fathers, Councils, and Pontiffs establish as follows. The Council of Clermont in 1095 under Urban II, chapter 22: “Let it hereafter be lawful for none of the clerics to hold two prebends in two cities, since he cannot have two titles.” But now a multitude of titles is accounted an honor. And in the appendix to the Lateran Council, Alexander III writes to the man of Bordeaux that his Archdeacon should resign one of them. And the Lateran Council under Innocent III, chapter 29, *De Multa*--

§ 3 (continued).

[Printed page 484]

By great foresight it was prohibited in the Lateran Council that no one should receive diverse ecclesiastical dignities and several parish Churches contrary to the institutes of the sacred canons. Otherwise, the recipient would lose what had thus been received, and the collator would be deprived of the power of granting. But because, on account of the presumptions and cupidities of certain men, no fruit or true benefit has thus far arisen from the aforesaid statute, we, wishing to oppose them more evidently and expressly, establish by the present decree that whoever has received a benefice to which the cure of souls is annexed, if he previously held such a benefice, shall be deprived of it by the law itself; and if perhaps he contends to retain it, let him be despoiled of the other also.

Here it treats only two benefices with cure, not simple benefices. But the Council of Salzburg under Gregory X treats all:

> Since in the province of Salzburg various secular clerics, setting no limit to avarice and not regarding their own salvation, do not fear to burden themselves with several ecclesiastical benefices, we, who desire to meet the needs and salvation of others and provide for the necessities of Churches, by the authority of the present Council firmly and strictly command that every possessor of several benefices either be content with the last one received or, at the immediately following provincial Council or Episcopal Synod--which deadline we assign to them peremptorily--demonstrate by legitimate documents that a dispensation has been made for him by the man who

could do this by right. Otherwise, with respect both to benefices and persons, we shall take care to provide according to the form of the Canons handed down concerning this matter and the statute of the Lord Guido, Cardinal of good memory, formerly in our province, A.S.L.

The Synod of Augsburg in 1548, chapter 11, acted with the same intention:

Whoever, whether impelled by cupidity or even by any honorable pretext, holds several ecclesiastical benefices is commanded by this our mandate--as we command by strict precept--that, retaining the single benefice among them which he prefers, he resign the others within a year or exhibit to us, or to those deputed by us for this purpose, the privileges of his dispensations of this kind. Unless they furnish due obedience, let them know that, from our diligence to be applied in the right and true dispensation of ecclesiastical benefices, they will undergo the legitimate penalties of their disobedience or cupidity.

The Council of Mainz under Sebastian, chapter 64, treats chiefly benefices with cure:

The matter itself declares that several benefices, especially those under which the cure of souls is placed, cannot be held by one person without grave loss to the Churches, since one person cannot duly perform the offices in several Churches or devote the necessary care to their affairs. We, therefore, following the admonition of reform and opposing to this calamity of the Churches, as a salutary remedy, that decree of the Council of Lyons, admonish every possessor of benefices with cure of this kind and enjoin them by strict command that within three months after the end of this provincial Synod they exhibit to us, or to our comprovincials, the local Ordinaries, the dispensations under pretext of which they hold such benefices.

If they do not do so, such benefices, as if thereby proved to be held unlawfully, must, after the three months have elapsed, be conferred upon other suitable persons by those to whom their collation pertains. But if anyone's dispensation appears legitimate and sufficient, he shall retain the benefices without molestation. Nevertheless, by deputing suitable vicars and assigning a fitting portion of the fruits, he shall provide that the cure of souls not be neglected in these Churches and that the benefices themselves not be defrauded of the services due. Otherwise, his negligence must be supplied by the Ordinary from the fruits of the benefice, and he must moreover be punished, at the discretion of the Ordinary, by subtraction of a certain portion of the remaining fruits.

But if the dispensations appear invalid or insufficiently legitimate, and the man who under their pretext held several benefices with cure refuses, after retaining one, freely to resign the others, his case shall be referred to the Apostolic See and its judgment awaited concerning what it wishes the measure of his benefice to be. If anyone holds benefices with cure of this kind in different dioceses, he must be compelled by each Ordinary to make such an exhibition. And if he has not been fortified with a legitimate dispensation, let him retain the last benefice which he received and resign the others, since according to the disposition of the common law the benefice which he previously held is known to become vacant by the law itself through his acceptance of a subsequent benefice with cure.

In the same manner the Council of Trent, Session 7, chapters 2, 3, and 4:

Let no one, shining forth with any dignity, rank, or preeminence whatsoever, presume to receive and simultaneously retain several Metropolitan or Cathedral Churches, whether in title, in commendam, or under any other name whatsoever, contrary to the institutes of the sacred canons. For that man is to be accounted very fortunate to whom it has fallen to govern one Church well and fruitfully and with the salvation of the souls committed to him. Those, however, who now hold several Churches contrary to the tenor of the present decree shall be bound, retaining the one they prefer, to relinquish the others within six months if they belong to the free disposition of the Apostolic See, and otherwise within a year; otherwise the Churches themselves, excepting only the one last obtained, shall by that very fact be judged vacant.

Inferior ecclesiastical benefices, especially those having the cure of souls, shall be conferred upon worthy and capable persons who can reside in the place and exercise the cure personally, according to the constitution of Alexander III in the Lateran Council which begins *Quia Nonnulli*, and the other constitution of Gregory X issued in

> the general Council of Lyons which begins *Licet Canon*. But a collation or provision made otherwise shall be rendered entirely void, and let the Ordinary collator know that he will incur the penalties of the constitution of the general Council which begins *Grave Nimis*.
>
> Whoever hereafter presumes to receive and retain simultaneously several benefices with cure or other incompatible ecclesiastical benefices, whether by way of a union for life, a perpetual commendam, or under any other name and title whatsoever, contrary to the form of the sacred canons and especially the constitution of Innocent III which begins *Qui Multa*, shall stand deprived of those benefices by the law itself, according to the disposition of that constitution and by force also of the present canon.

The same Council nevertheless establishes thus concerning all benefices in Session 24, chapter 17:

> Since the ecclesiastical order is perverted when one person occupies the offices of several clerics, it was provided by the sacred canons that no one ought to be enrolled in two Churches. But because many, from an affection of wicked cupidity, deceiving themselves and not God, are not ashamed to evade by various arts the things which have been well established and to hold several benefices simultaneously, the holy Synod, desiring to restore the discipline owed to the government of Churches, by the present decree--which it commands to be observed in all persons under any title whatsoever, even if they shine with the honor of the Cardinalate--establishes that hereafter only one ecclesiastical benefice be conferred upon each person.
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> But if it is not sufficient for the honorable support of the life of the man upon whom it is conferred, it shall nevertheless be lawful for another sufficient simple benefice to be conferred upon the same man, provided that neither requires personal residence. These provisions shall pertain not only to Cathedral Churches, but also to all other benefices, both secular and regular, even those held in commendam, under whatever title and of whatever quality they may be. Those, however, who at present hold several parish Churches, or one Cathedral and another parish Church, shall be compelled absolutely, notwithstanding any dispensations and unions for life, to retain only one parish Church or the Cathedral alone and to relinquish the other parish Churches within the space of six months. Otherwise, both the parish Churches and all the benefices which they hold
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> *[Printed page 485]*
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> shall be judged vacant by the law itself, and shall be freely conferred upon other suitable persons as vacant; nor may the men who previously held them retain the fruits after the said time with a safe conscience. The holy Synod desires, however, that provision be made for the needs of those resigning by some suitable means, as shall seem good to the Supreme Pontiff.

Since, therefore, that law has been established, confirmed, and received by many Councils; since the legal authorities decide according to it; and since its end also is weighty, it follows that it binds forcefully and must be observed inviolate. Yet because it is a positive and ecclesiastical law, the supreme Pastor of the Church can dispense from it, as the laws themselves sufficiently indicate when they prohibit the possession of several benefices without a dispensation.

Therefore this dispensation must be discussed, for I think there is no one who possesses several without a pontifical dispensation. Yet whether the dispensation is legitimate must be considered with the greatest attention, for dispensations are often dispensations in word but dissipations in fact. Sometimes they are valid in the external forum because they cannot be rejected, but criminal in conscience because they do not have a just cause. Nevertheless, those who possess several are bound, by force of the Council of Trent, to exhibit their dispensations.

Cardinal Otto, Bishop of Augsburg, indeed pressed that matter forcefully and religiously in the Council of Augsburg. He requires the instruments of the dispensations and adds:

> But if any hereafter shall hold several benefices by dispensation of the Apostolic See, and it shall have become known to us that the same See--which in its letters, concessions, and privileges is accustomed to follow honorable and necessary reasons and causes according as they have been represented to it--has been deceived by the

> petitioners, let them know that, when our Most Holy Lord has been better informed, we shall procure the revocation of such dispensations. Hence we establish and ordain that hereafter no one, of whatever rank or dignity he may be, shall be admitted to possession of another or of several benefices unless he first exhibits to us, as Ordinary of the place, the letters of such a dispensation for inspection in order that the dignity of the Apostolic See may be preserved, the constitutions of the Supreme Pontiffs Boniface IX and Leo X always remaining unimpaired.
>
> And if he appears worthy of a dispensation, we nevertheless establish that such men, or any other rectors of Churches and holders of benefices whatsoever, leave to their vicars so great a portion of the fruits as is sufficient for maintaining hospitality, paying Episcopal and Archidiaconal dues, and bearing the other burdens. Otherwise we decree that they be removed from their benefices, the right of each patron or collator nevertheless being reserved.

Deservedly so, indeed. For importunate demanders of dispensations bring it about that what they receive is no dispensation. I have seen instruments of dispensation whose openings declared that, on account of great learning, many labors endured for the Church, merits, and an exemplary life, by Apostolic kindness--which ought to bear a special affection toward such men--a dispensation was granted to the venerable lord N. But that venerable lord was an unlearned boy of depraved character and was not rightly educated by his own people. Here there was no dispensation, but an artful sacrilege by which the parents bound themselves, not the boy; for he, unknowing, was burdened with a benefice through procurators as a minor.

For this reason the Council of Cologne in 1536, part 1, chapter 31, most prudently established concerning this matter:

> The ambitious cupidity for several ecclesiastical offices was always odious among the ancients and was condemned more than once by general Councils. At Chalcedon, among other things, it was provided that a cleric ought not to be enrolled in two Churches, because it appears difficult for one man to sustain the part of two, and absurd for the duties of affairs to be confounded by indiscriminate devices. This, however, is especially harmful where several parishes or dignities are committed to one presbyter, because he alone cannot either perform the office in all the Churches or devote the necessary care to their affairs. Therefore we will that both those who have the power of disposing of ecclesiastical offices of this kind and those who, led by blind cupidity, canvass for them be admonished to submit their affections to canonical institutes. But those who wish to defend themselves against this by Apostolic dispensation must see to it that they prove before God the cause of the dispensation obtained. For we do not strip eminent and very learned persons of their privilege, provided that they use it rightly and according to God.

Chapter 35, however, teaches that dispensations must be examined:

> There is no one who does not know how shamelessly very many men abuse instruments and dispensations extorted from the Apostolic See contrary to the intention of the Supreme Pontiff, who both wills and ought to use the power granted to him not for destruction but for edification. “I do not forbid,” says a certain pious man, “dispensing, but dissipating.” A dispensation has indeed been entrusted, but now this is required among stewards: that a man be found faithful. Although the greatest share of the fault resides with those who finally elicit letters of dispensation by inserting into their supplicatory petitions either no cause, a less legitimate one, or even a fictitious one, who would call them secure before God, who searches the reins and hearts and abominates all hypocrisy and fraud? “Let no one,” says that same man whom we have just cited, “flatter you concerning an Apostolic dispensation when the divine sentence holds your conscience bound.”
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> But because there are few in whose sight God stands, while very many everywhere abuse sacred authority according to their own desire, it comes about that we are compelled to restore to use against the insolence of men of this kind the not unwholesome decree of the Council of Lyons celebrated under Gregory X. Relying upon it, we shall impose upon all who flatter themselves with such instruments the necessity of exhibiting their letters to us, as we shall examine whether they obtained them rightly and use rightly what they obtained. And even if those dispensations are as fully valid as possible, we shall nevertheless take care that the intention of the canon and of the Supreme Pontiff be satisfied: namely, that the cure of souls not be neglected in those Churches, personates, or

> dignities which they occupy under this pretext, and that the benefices themselves not be defrauded of their due services.

Having established, therefore, that dispensations, if they are to be valid, ought to have a legitimate cause--and this in a law which has been confirmed by so many canons and so many Councils, which is demanded by the consent of the world and by its outcry, and whose reason for observance remains and will always remain--we shall conclude that several benefices are rarely permitted by a true dispensation accepted in heaven.

But if anyone asks me what is a true and legitimate cause for dispensing, I answer that these are such causes.

First: the necessity of the Church. For a Church burdened with debt and situated amid dangers can petition for a powerful neighboring Bishop or another man for itself, so that it may be defended, relieved of expense, restored to its former condition, and the disobedient converted. The same must be said where there is great and evident utility to the Church.

For although advantages accrue to that Prelate, they nevertheless all redound to the utility of the Church. Yet in this matter sin is committed in two ways: 1. when there is no evident or probable danger, and provision can be made against it and it can be repelled by another; 2. when the more powerful man who has been elected does not furnish that for which he was elected, nor accepts the benefice in order that he may furnish it.

§ 3 (continued).

[Printed page 486]

To this cause of necessity and utility I refer the case in which, through the election of one man, another who is unsuitable or less suitable is repelled. For many undertake political magistracies and Prelacies not because they desire them, but lest men unworthy of them be advanced to them. A dispensation can therefore be legitimately sought and given whereby Titius receives the benefice lest Caius--a heretic, concubinary, ignorant man, drunkard, dilapidator, and wrathful man--invade it. But these things must be done sincerely before God, not from love of self or hatred of others.

Second, I affirm that the necessity of the man who receives several benefices is a legitimate ground of dispensation. For if one is not sufficient for honorable support, it has been permitted to have two or even three. For it is just that the man who serves the altar live from the altar. I therefore restrict this to those who serve vigilantly in the Church: Cause 1, question 2, *Clerici*, and Distinction 86, *Non Satis*. Food and clothing are therefore owed to them, and honorable food and clothing: as servants of God, as presbyters, and as men given to hospitality, since they ought to give alms. Of old, benefices of the Church were not given to those whose patrimonies were wealthy. Cause 1, question 2:

> But those clerics ought to be supported by the stipends of the Church for whom no goods of parents and kinsmen provide assistance. Those who can be supported by their parents' goods and their own wealth, if they receive what belongs to the poor, assuredly commit sacrilege and, through the abuse of such things, eat and drink judgment upon themselves.

That canon and the following ones inculcate these things. Yet once the order of the Church had been established, it appeared proper that even the wealthy, if they undertake labors for the Church and vigilantly apply themselves to the divine offices, receive remuneration from the Church.

In this necessity the condition of the person, the place, and the other things pertaining to the matter must be weighed. For a benefice which suffices a citizen does not suffice a nobleman; and that upon which a nobleman is judged able to live honorably and becomingly will be too little for a count or duke. For such men can, and indeed ought to, make greater expenditures. Because the Church also needs the services of such men, she compensates their services in such a way that they are not compelled to renounce their station or be a disgrace to their kinsmen. For since Bishops, and therefore states, ought to be more liberal toward the nobler exiles, why should they not also be liberal toward priests

illustrious by splendor of birth? Since one prebend does not suffice them, several can be granted so that they may be able to establish a house and household suitable to their lineage and station.

But here a broad road is now opened to an accumulation of benefices when nobility is exalted and nothing appears sufficient for dignity. Concerning this I judge as follows. These matters cannot and ought not to be pared to the quick and to the last farthing; for the Church is not a severe exactor of accounts, nor is the Pontiff a **κυμινοπρίστης**, "splitter of cumin," so as to cut away every smallest thing. For since Bishops support counselors and satraps with greater splendor, the Church of Christ ought not to support her nobler members as though they were hired laborers.

In general, therefore, what suffices other noble Canons to support themselves honorably and exercise hospitality will suffice a noble Canon, and he too will have to be content with it. Thus, where there are Cathedral or Collegiate Churches in which nobles live becomingly content with one benefice alone, other nobles of the same station cannot hold several, and a dispensation by reason of support will lack a cause and therefore be invalid before the tribunal of God. The same reasoning applies to barons, counts, and dukes, although scarcely is there a Church in which a single prebend suffices for their station. Therefore those who hold five or six wealthy benefices, any one of which is sufficient to support a nobleman becomingly, cannot be secure by their dispensation. For six nobles can serve the Church in place of one. But the man who serves the Church negligently, or spends that wealth upon superfluous things such as the splendor of his house, enriching his family, and building projects, offends far more gravely.

Third, the merit of the man to whom a dispensation is granted, and indeed also that of his parents, is a legitimate ground of dispensing. Within this class there are many things. If he or a parent suffered loss in defense of the Church; if he relinquished profits and advantages; if he performed embassies; if he furnished other things which brought some contribution to the spiritual or temporal utility of the Church--for it is honorable for the Church to return favor to those who have deserved well of her. Since she grants whole regions in fief to her patrons, soldiers, and commanders, why should she not also permit several benefices to ecclesiastics if they have deserved this from her? I add that in this way the spirits of very many are kindled to deserve well.

Fourth, the distinguished learning of some man can also merit that he be furnished with several emoluments of the Church. For they are given as a reward for diligence and labor and to incite others, since it is evident that the Church cannot stand without the most exact diligence in studies. Labor and studies, moreover, ought to be compensated. Therefore, if a noble Canon is a Theologian, a jurist, powerful in eloquence, or versed in various languages, although he can live sufficiently from one cathedral prebend, provided that he is a prudent man of blameless life, another cathedral benefice can even be offered him voluntarily with a dispensation--not only as a reward for youth so honorably spent and as an incitement to others, but also because men of this kind can be of the greatest benefit through counsel and work, are an ornament to the Churches, and uphold their dignity. I judge the same concerning other learned Canons of other Churches: concerning the learned, I say, not those who display bulls of doctorates before their ignorance.

Outside these cases, I deny that even a hundred skins of diplomas can render the conscience tranquil. Indeed, even in these very cases I approve the golden mean. For it cannot happen that ten rich prebends are legitimately conferred upon any one Canon, however noble, learned, or deserving; since learning ought not to be the procurer of avarice, the distinction of nobility ought to shine forth in giving rather than acquiring, and merits which burden the Church ought to be omitted. Therefore those who dispose of benefices by sevens, and those who alone receive the revenues of an entire collegiate Church, will be ensnared not only by the ordering of ecclesiastical goods but also by the fraud of an extorted dispensation. For by what right does one man receive from the Church so much that twenty men equal to him could be honorably supported?

I know that I am going to offend certain men, and great ones indeed; but truth is the same among great and small. Therefore the Council of Trent expressly comprehends all, with whatever dignity they shine, even naming the Cardinals of the Holy Roman Church. By this it shows that not even they can possess great wealth by any

dispensation. For the moderate possessions and expenditures of many Bishops and Archbishops, indeed of many Cardinals, prove that certain moderate revenues suffice for the dignity of a Cardinal. But that one Cardinal should possess as much as

[Printed page 487]

ten others, and this from the goods of the Church, neither equity admits nor can dispensation bring about.

This matter is therefore pernicious, and the canons never speak of it without detestation. For ministers are withdrawn from the Church, the sustenance of the poor is converted into luxury, and the souls of the recipients perish.

The remedy is that all the laws enacted by the Fathers be observed, but especially that when anyone seeks a dispensation, he describe in detail his age, lineage, benefice, and the revenue both of what he has and of what he seeks. Then let him add the cause for which he seeks dispensation from so severe a law, and let him prove it. Once this has been examined, if a dispensation is given, only then let the matter be committed to Episcopal judgment, so that men may see in the place where either the benefice or the solicitor of the dispensation is whether the true cause was presented to the Pontiff. But if the Pontiff is unwilling to commit the matter to the Bishop or commissioners, nevertheless let possession not be given until the Church has fully informed the Pontiff. If the cause rendered to the Pontiff is not proved, let the solicitor of an inequitable dispensation not only be repelled from the benefice but also punished in addition.

When I expressed this opinion, someone objected to me that a different custom exists in many places and that these things would therefore be received harshly. But when I said that those who hold several could even be commanded to restore them, he denied that this could be done. Yet when I showed him title 3 of the Extravagants, *On Prebends and Dignities*, he approved the opinion. For that reason I shall transcribe it here:

> The execrable ambition of certain men, both religious and secular--which, always seeking more, becomes the more insatiable the more indulgence it receives--and the importunate wickedness of those petitioning us and our predecessors, the Roman Pontiffs, are known frequently not so much to have obtained as to have extorted the permission that one man, sometimes less suitable even for one ecclesiastical benefice, may by dispensation, although otherwise it would not be lawful by the common law, receive and lawfully retain simultaneously, in different Churches not only neighboring but also far distant from one another, and indeed sometimes situated in parts of different kingdoms, two, three, or several dignities, personates, offices, or Priories, or diverse ecclesiastical benefices having the cure of souls.
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> From this, among other inconveniences, the things written below follow: namely, that one man who would scarcely suffice to fulfill even one modest office claims for himself the stipends of very many, which, if conferred by an equitable distribution, could abundantly suffice for many learned men, resplendent with purity of life and the testimony of a good reputation, who beg. Material for wandering is prepared for their possessors; divine worship is diminished; the hospitality owed in the benefices themselves is not observed. And since the Churches in each region do not have their own rectors, injury is done to their advantages and honor; lacking the aid of defenders, they collapse in many ways in their towns and liberties; noble buildings which the magnificence of their predecessors erected lie open to ruin; and--what is more bitterly to be lamented--the cure of souls is neglected, and dangerous nourishment is afforded to the thorns of vices.
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> We, therefore, desiring to meet so many and such great dangers, after diligent deliberation concerning this matter with our brethren, by their counsel and from our certain knowledge, have judged that all and singular dispensations concerning the reception or retention of several dignities, personates, offices, Priories, or benefices to which the cure of souls is annexed--under whatever form or expression of words, granted by us or our aforesaid predecessors to any person, with the sole exception of Cardinals of the Holy Roman Church, who, serving the universal Church around us, devote themselves to the advantages of the individual Churches, and sons of kings, who on account of their loftiness and the distinction of their lineage are to be raised by a more powerful prerogative of grace--must be moderated in the form written below, so that through our moderation we may restrain the unbridled multitude of

such benefices about the same persons, yet those obtaining them may not be totally frustrated of the fruit of dispensations of this kind.

We therefore establish and, by the counsel of those brethren, ordain that those now holding by legitimate dispensation a plurality of dignities, personates, offices, Priories, or benefices of this kind which they could not otherwise hold without dispensation may lawfully retain only one of the dignities, personates, offices, Priories, Churches, or benefices of this kind upon which the cure of souls is incumbent, together with the dignity, personate, office, Priory, Church, or benefice without cure which they prefer to have, under pretext of a sufficient dispensation granted to them concerning this. They shall, however, be bound to choose these within a month reckoned from the time they learn of this constitution, having within the same time verbally and actually relinquished with effect, before the Ordinary and under public testimony, the other benefices with or without cure which they held under pretext of that dispensation and which otherwise they could not lawfully retain without dispensation. They shall not presume ever to return to those benefices without a new collation to be made by the man able to make it, or to involve themselves in their administration. Otherwise, they shall be deprived by the law itself both of these and of all other benefices which they could retain by force of our moderation of this kind, as aforesaid, and shall be altogether incapable of holding similar benefices.

Through this, however, we do not wish prejudice to be done to those who hold by dispensation--which gives them a right according to our prescribed moderation--dignities, personates, offices, or other benefices having the cure of souls, and await other similar benefices by the authority of our letters or those of the same predecessors, and with whom a dispensation has been made that when those benefices become vacant they may receive and lawfully retain them together with those already held. Rather, when they become vacant, they may within the space of the said time choose them and, having relinquished the others, receive and lawfully retain them in the form prescribed; they shall incur similar penalties if they presume to contravene this our sanction.

Further, because the vice of avaricious cupidity has so blinded the eyes of certain men that they presume simultaneously to retain very many such benefices without canonical dispensation, concerning them we establish by the present decree that they shall be bound, retaining only the one which they received last--provided that a right in it belongs to them by canonical collation--to relinquish, within the limited time prescribed, verbally and in fact, without fraud, before the Ordinary and likewise under public testimony, all and singular benefices detained. If they do not do this, let them be deprived by the law itself even of that one in which a right otherwise belonged to them and be judged altogether incapable of holding any ecclesiastical benefices whatsoever.

But those who hereafter receive a dignity, personate, office, or another benefice having the cure of souls annexed, if they previously held a similar benefice, ought in the same manner to relinquish the former into the hands of the Ordinaries--of which they are known to be deprived by the law itself, without the loss occasioned by delay, after they have obtained possession of the second, or after it has depended upon them, all deceit and fraud ceasing, that they do not obtain it. Otherwise, from that point they shall be deprived of the second also by the law itself and be judged incapable not only of receiving sacred orders but also of holding any ecclesiastical benefice whatsoever. All and singular benefices about to become vacant, as aforesaid, or relinquished, we reserve by the counsel of those brethren to the disposition of ourselves and of the

[Printed page 488]

Apostolic See, forbidding anyone except the Roman Pontiff, fortified by whatever authority concerning this matter, to presume to dispose of benefices of this kind, or to change anything concerning them in any manner through exchange or otherwise. For we decree anything done or attempted otherwise null and void.

Moreover, in the cases aforesaid we understand by “Ordinaries” the Bishops in whose cities or dioceses the benefices, or any one of them, which must be relinquished according to the foregoing are situated, or in whose cities or dioceses the persons who must relinquish them reside; or, when Cathedral Churches are vacant, their Chapters. Let these take care to inform us or the Apostolic See concerning benefices both relinquished and lost, as aforesaid, without delay, as soon as they conveniently can, so that we may be able to dispose of them wholesomely.

> But as concerns the modification previously made, we judge those ecclesiastical benefices alone, and no others, by whatever name they are called, to have the cure of souls which have parishes in which the cure of souls is to be exercised not through perpetual vicars, but through the rectors or ministers of the benefices themselves or their temporary vicars; and likewise those benefices to whose ministers, by reason of benefices of this kind, it belongs by custom or law to visit, inquire, receive procurations, suspend, excommunicate, or absolve from sentences of excommunication and suspension, the other laws speaking of the cure of souls remaining in their force as to the other matters.
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> Therefore let it be lawful for no man whatsoever to infringe this page of our moderation, statutes, constitutions, reservation, prohibition, and wills, or to contravene it with rash daring. If anyone presumes to attempt this, let him know that he will incur the indignation of Almighty God and of His blessed Apostles Peter and Paul. Given at Avignon on the thirteenth day before the Kalends of December, in the second year.

Law 10. No one initiated with the first tonsure, or even constituted in orders, may hold a benefice before his fourteenth year. A holy law; but it is not observed. Men are made Bishops in their cradles, and by their wailing condemn their parents. See Trent, Session 23, chapter 6. It is a rule of the Chancery that provisions to Cathedrals are not valid before the fourteenth year.

Law 11. Let all profess the faith according to Trent, and let the book written concerning this matter be preserved in the Cathedral Church, as in the Council of Aquileia, *On the Profession of Faith*. For this corrupted Germany: that Canons were admitted to benefices without an examination of morals and religion.

Law 12. Let all men whatsoever be bound personally to exercise the offices and orders which they owe. Council of Trent, Session 22, chapter 4. For if they judge prayers, singing, and the humility of ceremonies unworthy of their majesty, why do they unworthily snatch away the fruits from others who would perform them? They wish to be splendid from the patrimony of Christ, and on account of this splendor judge it unworthy of their lordship, nobility, and distinction if they serve Christ, by whom they are fed.

Law 13. Let the decrees of the Council of Basel, Session 13, be observed; let the salutary and numerous decrees in it be read.

Law 14. Let all Cathedral prebends have a major order annexed. This has now been obtained in nearly all, since they are admitted to the council or Chapter.

Law 15. Let Cathedral Chapters be subject to the Bishop with respect to the censure of morals; otherwise let their jurisdiction and administration of goods be left intact to them. This matter was discussed above.

Law 16. Whoever--Council of Basel, Session 21, *On Those Who Wander through the Church during the Divine Offices*--being beneficed in a Church, especially one of the greater men, has been seen during the divine offices to wander through the Church or outside around it by walking about or conversing with others, shall by that very fact lose not only the presence for that hour but that of the whole day. If, after having once been corrected, he has not ceased, let him be without the distributions for a month, or be subjected to a graver penalty if his obstinacy requires it, so that at length he may be compelled to cease. Let it also be prohibited that the tumultuous running of any persons through the Church impede or disturb the divine offices. Regulars who in conventual Churches offend concerning the foregoing shall be chastised gravely at the discretion of the superior.

Law 17. Benefices are not to be leased out.

> Since a certain monstrous custom has gained force in certain places contrary to the constitutions of the holy Fathers, so that priests are appointed to the government of Churches for an annual price, we prohibit by every means that this be done. For when the priesthood is disposed of as venal under a payment of this kind, consideration is not given to the reward of eternal recompense.

Law 18. They are not to be burdened with annates, much less with pensions and reservations. For these diminish the fruits of benefices, so that when clerics need them most, they cannot enjoy them.

Law 19. They are not to be divided, except where the revenues for one are immense and those for the rest meager. Alexander III also admonishes on many grounds that several benefices are not to be committed to one man, nor one divided among several. In the appendix to Lateran III, part 30.

Law 20. The license of turns is to be corrected altogether, as is stated in Trent, Session 24, chapter 14. Indeed, let all Turnarii swear that they will observe the law which is in Cause 8, question 1, *Moses*, and that in a benefice they will regard the merit of life rather than the degree of consanguinity. Now good men frequently destroy through the vices of their kinsmen as much as they edify the Church through their own life.

Finally, these things must be directed to the glory of God. Benefices must not be regarded as gifts of Princes, as patrimonial possessions, or as though they had been founded by ancestors only for the support of youth or nobility. No: all the Fathers, Councils, canons, instruments of all foundations, oaths of Canons, statutes of Chapters, and consciences of upright men cry out the complete contrary. They testify that a benefice is given on account of an office, and that only then are its fruits retained by right if men are assiduous and frequent in divine service.

CHAPTER XLII

Great Wealth of the Churches Is Useful to Religion and the State

§ 1. God willed the priesthood to be honored in the old law. The tithes granted made it very wealthy, and so many other things were also added that, if the Jews had observed the law of God, no tribe would have been happier than the Levitical. I shall place the matter before the eyes by an easy method.

In Numbers 3 the Levites are enumerated as twenty-two thousand three hundred. For although in verse 39 they are said to be only twenty-two thousand, the individual sums--7,500, 8,600, and 6,200--nevertheless make 22,300. But three hundred are omitted because they were firstborn and could not redeem others. The number of the children of Israel, however, was six hundred and three thousand five hundred and fifty. The Levites, therefore, were approximately a twenty-sixth part in relation to all Israel. But because in Numbers 3 the Levites are counted from one month old and upward, while in chapter 2 of the other tribes only fighting men from military age are counted,

[Printed page 489]

it follows from this that, if the children of Israel had been counted from one month old, they would have exceeded them in a greater proportion; for the number of children was greatest in the nation which God, contending with Pharaoh, was multiplying. Therefore no one will deny that the Levites constituted a thirtieth part of Israel. Yet upon this part God conferred the greatest wealth, so that in comparison with them He left the others almost poor.

To this thirtieth part God gave not thirtieths but tenths. Since food was abundantly available to the others, certainly the tithes of an abundant people could have sufficed for a tenth part; but as it was, each of the Levites held three portions in place of one. Thus Leviticus 27:30: “All the tithes of the land, whether from the crops or from the fruits of trees, belong to the Lord and are sanctified to Him. But if anyone wishes to redeem his tithes, he shall add their fifth part.” Nor were there tithes only of crops, but also of oxen and sheep, as is contained in the same place. Thus in Numbers 18:21 He says that He gave all the tithes to the sons of Levi.

But in the matter of the tithes this also must be considered. First, the Levites were accustomed to cultivate neither fields nor vineyards, and therefore lived from the labor of the people. Hence their condition was much better than if they had received a tenth part of the fields, for labor and expense would have been necessary. Second, the Israelites had to rear the livestock; the Levites received them once weaned. Third, the tithes were not single but triple, as our Cornelius a Lapide most learnedly interprets in Deuteronomy 14:22. From this passage and from Josephus, Theodoret here, question 13, Abulensis, Oleaster, and Cajetan gather that double tithes were prescribed to the Jews each year.

The first were of all the produce of the land, the flocks, and the herds, and were given entirely to the Levites. They were not brought to Jerusalem; rather, the Levites to whom they belonged collected them through the cities near them. From these tithes the Levites in turn paid a tithe to the Pontiff and priests, as is clear in Numbers 18:26 and 28, for the first tithes are treated there.

The second tithes were those which the Hebrews separated each year after that first-mentioned tithing by taking a tenth from the nine portions remaining to them. From this, when going to the tabernacle--which had to be done three times in the year, as is clear in Exodus 23:17 and 34:23--they partly supported themselves on the journey and partly offered peace offerings, from which they ate before the Lord together with the Levites whom they invited to feast with them. What I have said concerning these tithes I say likewise concerning the firstfruits: after the firstfruits which went entirely to the Lord, each man separated something for himself as second firstfruits, which he would use when about to ascend to the Lord. I say the same concerning the firstborn of sheep and oxen: namely, that after the firstborn given to God, the Hebrews separated another animal as a peace offering. I say the same concerning vows and gifts. The law therefore speaks of these second tithes here down to verse 28; chapter 12, verse 17, also treated these.

The third tithes were tithes separated every third year and given as alms to the poor, widows, orphans, and Levites, lest they be compelled by poverty to serve Gentiles, by whom they could easily have been led into idolatry. These third tithes are treated in verse 28, where it says, “In the third year you shall separate another tithe.” Hence it is evident that this was not the same tithe as the first, as though the tithes which belonged properly to the Levites for two years were commanded in the third year to be common to the poor equally with the Levites, as certain men suppose; rather, it was another, namely the third. For thus our interpreter translates it. Thus in Tobias 1:7 it is said that in the third year he administered every tithe to proselytes and strangers. If the Jews gave triple tithes, why should Christians not give single and simple tithes to God? If the Jews fed their poor by tithes, why should Christians not do the same? I know great men in the state who give a tenth of their wealth, indeed of all their profit, to the poor and judge themselves almost bound to it by the law of charity and religion.

The first tithes, therefore, went entire to the Levites, who collected them in the cities. From the nine remaining portions the people again separated tithes and brought them or their price to Jerusalem, so that they might feast there, nevertheless inviting the Levites. Thus in chapter 14, verses 27 and 28: “And you and your household shall feast, and the Levite who is within your gates; take care that you do not abandon him.” These times were therefore times of banqueting for the Levites, yet this was not burdensome to the Israelites, since ten men, and perhaps thirty, scarcely had one Levite.

In the third year, from the portions already twice tithed, they separated another tithe at home, which they consumed with the Levites and poor. In the third year the Levites went to feast and instruct the peoples, so that in this manner they might be joined to the Lord. The effect appears in 2 Chronicles 31:8. They see the heaps, and Azariah the priest said in verse 10: “From the time the firstfruits began to be offered in the house of the Lord, we have eaten and have been filled, and very much has remained because the Lord blessed His people; and the abundance of the remnants is this which you see.” Then, therefore, granaries were made. And this concerning tithes.

§ 2. Offerings also made them wealthy. For from the sacrifices He gave the priests the breast and the shoulder which was separated by perpetual right, Leviticus 10:14. That revenue cannot appear small amid so many thousands of sacrifices which were offered three times in the year at fixed times and were slaughtered every day for various causes. Deuteronomy 18:3 assigned the shoulder and stomach. But let us see this whole class.

There were three kinds of sacrifices: burnt offerings, offerings for sin, and peace offerings. In a burnt offering all things were burned, and only the skin belonged to the priests; yet amid so many thousands of burnt offerings this was no small revenue. In a peace offering the shoulder and breast belonged to them; in the Hebrew, Chaldean, and Septuagint: the shoulder, cheeks, and stomach. Certain men interpret these as the fleshy portions around the shoulder, that is, the fourth part of the animal; but it is expressly **ἔντερον**, “stomach,” and **σιαγών**, “jaw.” However it may be, this was a great revenue; but greater when they made offerings for sin, for all the flesh of that victim belonged to the priests, so that in so great a people they appeared able to live from the victims alone. But these things were additions, as it were, to the tithes.

Further, the history of the sons of Eli demonstrates that the Israelites were not sparing toward the priests in the peace offerings, 1 Samuel 2:16: “And the man sacrificing said to him: ‘Let the fat first be burned today according to custom, and then take for yourself as much as your soul desires.’” This cannot be understood of a burnt offering, because nothing from it went to the priest, nor of an offering for sin, because the whole belonged to the priest, but of peace offerings.

To this are referred the firstfruits of all things and the firstborn of livestock and men. Concerning firstfruits: Exodus 23:19 and 34:26; Leviticus 23:10; Numbers 18:13; Deuteronomy 18:4 and 26:2, 10. Concerning the firstborn: Exodus 13 and 22:29 and 34:20; Numbers 3:13.

There were great profits from the firstfruits of all things in a most fertile region, since all things abounded in crops of every kind, wine, oil, fruits, and honey. The number of firstborn was immense. Hezekiah alone, 2 Chronicles 31:29,

had innumerable flocks of sheep and oxen. Nabal had three thousand sheep and one thousand goats. Solomon slaughtered 22,000 oxen and 120,000 sheep; nor was that a great or difficult thing for so great a king, for in 1 Kings 5:6 he had forty thousand chariot horses and

[Printed page 490]

twelve thousand stalls--an immense number if ten horses were assigned to one stall, and even if four.

The herds of livestock in Israel were therefore exceedingly great, so that in Ezekiel 36:11 the Lord promises as it were a return of ancient felicity: “I shall fill you with men and beasts.” For there were herds of beasts even in inhabited cities or their suburbs. Let us therefore suppose that in so numerous a people one hundred thousand firstborn were born each year: they furnished five hundred thousand shekels to the priests, Numbers 3. The multitude of livestock was so great that I think there were easily one million firstborn every year.

Add to these so many sacrifices for various offenses, Leviticus 3; then, if they had touched anything unclean, a man offers a ewe-lamb or she-goat, and so forth, Leviticus 5. But how often is it probable that this occurred? In Leviticus 5:17, if a man had violated the law in ignorance, he is commanded to offer a ram. What if every individual had been guilty once every year? How many hundreds of thousands of rams would have gone to the priests? The man who denied a deposit offers a ram, Leviticus 6:6. A woman offers a year-old lamb as a burnt offering for purification, Leviticus 12. For the sin of fornication with a slave woman, after both have been beaten, a ram had to be offered, Leviticus 19.

There is also added the fact that no burnt offering was offered without a victim for an offense; and then that cakes, fine flour mixed with oil, and loaves had to be offered together with the other sacrifices, as concerning the peace offerings in Leviticus 7:12. These were great supports of life granted to the priests so that they could devote themselves to the law and the sanctuary, 2 Chronicles 31:4.

§ 3. Besides these, however, other things also were assigned. For they retained inheritances in their cities, Leviticus and Deuteronomy 6. Next, the houses of the Levites could not be alienated, Leviticus 25:31. Third, they are appointed judges, 2 Chronicles 29:13.

Indeed, the chief priest had the principal dignity in judging. For since the priests and Levites were immune from other labors, they could devote their time to the study of the law and wisdom; therefore the law was sought from their mouth.

§ 4. After the Lord had furnished them with such great wealth, because He Himself was their inheritance, He also provided for their habitation. For Joshua assigned them a place, as God had commanded in Numbers 35:1:

> The Lord also spoke these things to Moses in the plains of Moab above the Jordan opposite Jericho: “Command the children of Israel to give the Levites from their possessions cities to inhabit and their suburbs round about, so that they themselves may dwell in the towns and the suburbs may be for their livestock and beasts. From the walls of the cities outward, they shall extend round about for the space of one thousand paces. Toward the east there shall be two thousand cubits, and toward the south likewise two thousand; toward the sea also, which looks to the west, there shall be the same measure, and the northern quarter shall be bounded by an equal limit; and the cities shall be in the middle, with the suburbs outside.”

Let us therefore set down forty-eight cities for 24,000 Levites, so that there are five hundred in each. A circuit of one thousand paces for their livestock in so fertile a soil ought not to appear a small part of their support. It was also a great advantage to them that they received tithes of hay from the neighboring places, for they took tithes of everything which the earth produced. Although the Levites did not inhabit those cities alone, they had nevertheless been given to them and were under their dominion, which Scripture so often inculcates in Joshua 21. For in verse 10:

> To the sons of Aaron, by the families of Kohath of the Levitical stock--for the first lot had fallen to them--they gave Kiriath-arba, father of Anak, which is called Hebron, on the mountain of Judah, and its suburbs round about. But its

> fields and villages had been given to Caleb son of Jephunneh to possess. Therefore they gave to the sons of Aaron the priest Hebron, a city of refuge, and its suburbs; and Libnah with its suburbs; and Jattir, Eshtemoh, Holon, Debir, Ain, Juttah, and Beth-shemesh, with their suburbs: nine cities from the two tribes, as was said.

Next, in the suburbs there were not only meadows within one thousand paces, but vineyards, olive groves, other cultivated places, and gardens. Third, those cities were noble and situated on fertile ground:

| | | |:---|:---| | Hebron | Kibzaim | | Libnah | Beth-horon | | Jattir | Eltekeh | | Eshtemoh | Gibbethon | | Holon | Aijalon | | Debir | Gath-rimmon | | Ain | Taanach | | Juttah | Gath-rimmon | | Beth-shemesh | Golan | | Gibeon | Bozrah | | Geba | Kishion | | Anathoth | Daberath | | Almon | Jarmuth | | Shechem on Mount Ephraim | En-gannim | | Gezer | Mashal | | Abdon | Nahalal | | Helkath | Ramoth in Gilead | | Rehob | Mahanaim | | Kedesh | Heshbon | | Hammoth-dor | Jazer | | Kartan | Bezer | | Zebulun | Mishor | | Jokneam | Jazer | | Kartah | Jahaz | | Dimnah | Mephaath |

Most of these were situated in the most advantageous, fertile, and healthy places, so that they could appear alone sufficient for supporting the multitude. Therefore, if eternal Wisdom, in instituting a state, founded it upon the best laws and most prudently and sacredly sanctioned everything pertaining to the virtue and temporal felicity of citizens and magistrates, and nevertheless conferred such great wealth upon His priests that He conferred upon nearly one more than upon five or six of the others, it does not befit human policy to think otherwise and fashion the Prelates of religion and priests into wanderers and beggars.

There is no bond between magistrate and subjects closer than the fear of God and religion, but religion cannot flourish unless its ministers and Prelates are held in honor. Since the salvation and religion of subjects depend upon the dignity of Bishops and pastors, the Lord did not will them to be despised. In the old Testament it was said, “You shall not muzzle the ox that treads out the grain”; it was said concerning the Aaronic priests; according to Paul, it was said concerning Christians also, who likewise have the right to live from the Gospel. For if we compare our state with the people of the Jews, the more we perceive their territories to be smaller, the more we shall understand the wealth of the clergy to be greater.

I am not ignorant that the number of Levites afterward increased. For in 1 Chronicles 23:3 there were counted 38,000 from thirty years old and upward; but the children of Israel had grown in a greater proportion. For David appointed twelve commanders for the twelve months, each of whom had 24,000 under his standards and ministered to the king. And in 2 Samuel 24:6 there were from Israel eighty thousand valiant men who drew the sword, and from Judah five hundred thousand, among whom

[Printed page 491]

Benjamin was not counted. Nor was even that census complete, 1 Chronicles 27:24, for Joab executed the king’s command unwillingly. Here it is pleasing to consider the immense multitude. For nearly three hundred thousand were under arms and in the service of the king, and those one million three hundred thousand were valiant men, men who drew swords, and fighters. How great, therefore, was the multitude of youths, children, old men, and others who were unsuitable for war?

I indeed establish that David made up from these soldiers of his 280,000, and, adding those who served the royal fields, olive groves, vineyards, and pastures, completed so great a number that they easily supported the Levites from tithes and offerings. But let us consider the condition of the Levites in David’s time. There were one million three hundred thousand Israelites counted negligently; add the tribe of Benjamin and they will perhaps be 1,400,000; add 100,000 veterans so as to complete 1,500,000. If these give tithes to thirty thousand men, each of those receiving the tithes will have five portions by which he will surpass those who contribute the tithes. The wealth of the Levites, therefore, was always great.

In return for the wealth, the labor was slight. David instituted their orders in twenty-four courses, so that they were occupied in the Temple for a short time. Meanwhile they occupied themselves in various affairs. Indeed, David used their service, 1 Chronicles 26:29:

> Chenaniah and his sons presided over the Izharites for external works, over Israel for teaching and judging them.

And verse 30:

> Seventeen hundred Hebronites presided over Israel beyond the Jordan toward the west, in all the works of the Lord and in the ministry of the king.

And verse 32:

> And his brethren of more vigorous age, two thousand seven hundred chiefs of families. King David placed them over the Reubenites, Gadites, and the half-tribe of Manasseh, in every ministry of God and the king.

Behold, the Levites govern those Transjordanian tribes in the time of David. The Israelites toward the west are also governed by Levites in every divine and human affair. Certainly Benaiah the priest is one of the twelve commanders. Why, however, did David, most skilled in ruling and reigning among his brethren, especially use the service of the Levites? I find several causes. First, because they were skilled in divine and human laws. In 1 Chronicles 25 there are 288 teachers among them who taught the Song of the Lord. Second, because they were holier and more tenacious of the laws. Third, because it was especially advantageous to them that the Israelites be just and devoted to religion. For if the people were possessed by avarice, first of all they would defraud the Levites of tithes and firstfruits; if they became idolaters, they would adhere to foreign sacrificers. Hence, immediately after the calves were set up at Dan and Beth-aven, the Levites fled into Judea. Fourth, because, since they cultivated neither fields nor vineyards, were immune from the other burdens, and ministered in the Temple once in the year, they could most usefully be occupied in the honorable affairs of the kingdom. This, therefore, was the judgment of the most wise David: that the state of the people of God is best administered through the priests and ministers of God.

How honorable to that tribe, and how useful, so many prefectures were--especially since they did not have a king of their own stock--no one except a man ignorant of politics can fail to know. David used their most faithful service. Benaiah was also the strongest among the thirty and was over the thirty, 1 Chronicles 27:6; and the 24,000 whom he commanded were without doubt Levites. David found Benaiah the priest more faithful than his kinsman Joab, and therefore Benaiah also succeeded him after Joab was killed.

For in truth the affairs of the kingdom and the priesthood are so conjoined that one cannot be preserved without the other. Therefore the wisdom of those who judge that the Christian priesthood must be so suppressed that those who teach all are subject to all, and that those who ought to preserve the worship of God, the holy sacrifice, and the dignity of ceremonies are contemptible, is wicked and foolish. I have proved the wealth of priests by divine authority and from sacred Scripture; I shall also adduce the opinion of holy men in the new Testament and prove it by reason itself.

§ 5. The primitive Church had sufficiently ample riches. For Christians knew that it was of divine and natural law that those who announced the Gospel live from the Gospel, and they judged it no great thing that their carnal goods be reaped by those from whom they received spiritual goods. No prudent man will believe that those most holy men who cast all things at the feet of the Apostles, who weeping fell upon the neck of Paul as he departed, and who even wished to pluck out their own eyes and give them to Paul--to whom the Teacher of the Gentiles cries, “I have all things and abound; I am filled, having received from Epaphroditus the things which you sent as an odor of sweetness, an acceptable sacrifice pleasing to God”--supplied the Apostles and their successors with sustenance avariciously and grudgingly.

For the gifts of Christians in the Church were most liberal and ample, so that not only her ministers and poor were supported, but her precious furnishings also shone amid persecutions and plunderings. From the life of Saint Lawrence

we are taught that the sacred blood was received in golden cups. Augustine, Letter 265, shows that there were silver lamps; from Optatus against Parmenian, book 1, we learn that the vessels of the Church were of great price.

It is certain that the Churches had possessions from the most ancient times. Pius I, Letter 2--who was the tenth or eleventh after Peter and lived under Antoninus, and therefore, if an old man, could have known the Apostle John--admonishes that the estates of the Church not be applied to human uses:

> It has been reported to the Apostolic See that there are contentions and rivalries among you, and that certain men apply to human uses estates handed over to divine uses, and withdraw from the Lord God, to whom they were handed over, those things so that they may serve their own uses. Therefore the affront of that usurpation must be repelled by all, lest estates dedicated to the uses of the heavenly mysteries be vexed by those rushing upon them. If anyone presumes to do this, let him be accounted sacrilegious and judged as a sacrilegious man. We have heard, moreover, that those who do this persecute the clerics and priests of the Lord and defame them, so that they may add evil to evil and become worse, not understanding that the Church of the Lord consists in priests and grows into the Temple of God; and just as the man who lays waste the Church of God and plunders her estates and gifts, and so forth.

Therefore those who handed goods over to the Church act in no way contrary to the law of God. This was also practiced in the old Testament, as is established from Leviticus 27:14:

> If a man vows his house and sanctifies it to the Lord, the priest shall consider whether it is good or bad, and it shall be sold according to the price established by him. But if the man who vowed it wishes to redeem it, he shall give a fifth part above its valuation and shall have the house. If he vows a field of his possession and consecrates it to the Lord, the price shall be valued according to the measure of the seed: if the land is sown with thirty measures of barley, let it be sold for fifty shekels of silver. If he vows the field immediately from the beginning year of Jubilee, it shall be valued at as much as it can be worth; but if after some time, the priest shall calculate

[Printed page 492]

> the money according to the number of years which remain until the Jubilee, and it shall be deducted from the price. If the man who vowed the field wishes to redeem it, he shall add a fifth part, and so forth.

Therefore we see that Christians who despised wealth and life were vehement and almost contentious in preserving the goods of the Church, because they are the goods of Christ and the goods of the poor.

Hence Constantine and others commanded that they be restored. These are the words of the law:

> But since Christians are known to have possessed not only those places in which they are accustomed to assemble, but also others which belonged not privately to individuals but to the right of their whole community, that is, of the Christians, I wish you to command each person who possesses them to restore them all, pursuant to the law which we laid down above, without any controversy, to the Christians, that is, to their society and assembly.

And to Anullinus:

> Therefore we will that, as soon as you receive these letters from us, if there are any of those possessions which belong to the Catholic Church of the Christians in any cities or other places, and so forth.

Just as there is a perpetual succession of Bishops, so there is a perpetual succession of the goods of which the Bishops were stewards. Nor is it necessary to adduce more concerning these things, since all authorities are full of them, not only in canon law but also in civil law: those titles *On Churches*, *On Episcopal Hearing*, Code 1, title 7, *On Bishops and Clerics*, *On Orphanotrophs, Xenodochia, Ptochotrophia, Asceteries, and Monks*, *On Their Privileges*, and so forth, Code 1, title 6; likewise Novels 37, 46, and 131.

Concerning expenditures, see Cause 12, question 2, chapter 27:

> It is fitting that four portions be made both of the revenues and of the offering of the faithful, according as the resources of each Church permit, as was reasonably decreed long ago. Of these, let one belong to the Pontiff, another to the clerics, a third to the poor, and the fourth be applied to the fabric. Just as it will concern the priest to pay the aforesaid amount intact to the ministers of the Church, so let the clergy know that nothing beyond the sum regulated for them is insolently to be demanded. Let the evident restoration of holy places show that the things attributed to ecclesiastical buildings have truly been expended upon this work, because it is an impiety if, while sacred buildings remain destitute, the Prelate converts to his own profit the expenses assigned to them. Likewise, although he may appear about to show by divine accounts that he has distributed the portion assigned to the poor, nevertheless, according to what is written--"that they may see your good works and glorify your Father who is in heaven"--it ought also to be proclaimed by present testimony and not be passed over in silence by the proclamation of good fame.

§ 6. See also Augustine, volume 10, page 521, book 1, chapter 2; page 748, chapter 2; and page 173, chapter 2, of the Antwerp edition.

Possidius relates in his life that in that time there were great possessions of the Church. Augustine was always mindful of the poor and expended upon them from the same source from which provision was made for himself and for all who lived with him, that is, either from the revenues of the Church's possessions or from the offerings of the faithful. And when perhaps, as is customary, envy arose against the clerics themselves on account of the possessions, he addressed the people of God, saying that he preferred to live from the contributions of the people of God rather than endure the care or administration of those possessions, and that he was ready to relinquish them, so that all God's servants and ministers might live in the manner in which those serving the altar in the old Testament are read to have shared from the same. But the laity were never willing to undertake this.

He delegated and entrusted the entire care and substance of the Church's household by turns to the more capable clerics. He never had a key or ring in his hand; rather, all things received and expended were recorded by the same overseers of the household. At the completion of the year these were read out to him, so that it might be known how much had been received and how much expended, or whatever had not been expended or remained to be expended. In many entries he followed the fidelity of the overseer of the household rather than knowing it by tested and manifest proof.

He never wished to purchase a house, field, or estate. But if perhaps something of this kind was spontaneously given to the Church by anyone or left by title of a legacy, he did not reject it but commanded that it be received. For we also know that he refused certain inheritances, not because they could not be useful to the poor, but because he judged it just and equitable that they be possessed rather by the children, parents, or relatives of the dead, to whom those departing had been unwilling to leave them.

A certain man among the honored inhabitants of Hippo, living at Carthage, wished to give a possession to the Church of Hippo and, having executed the instruments while retaining the usufruct for himself, voluntarily sent them to Augustine of holy memory. Augustine gladly accepted his offering, congratulating him because he was mindful of his eternal salvation. But after some years, when we happened to be present personally with Augustine, behold, that donor, sending a letter through his son, requested that those instruments of gift be returned to his son; but he directed that one hundred solidi be expended upon the poor. When the holy man learned this, he groaned that the man had either feigned the gift or repented of the good work; and, with God prompting him, he said as much as he could with a sorrowful spirit to the man's heart concerning that very refusal, namely, for his rebuke and correction. He immediately returned the instruments which the man had sent voluntarily, neither desired nor exacted, and rejected the money. Writing back, he both reproved and rebuked him as was proper, admonishing him to make satisfaction to God for his dissimulation or iniquity with the humility of repentance, lest he depart from the world with so grave a sin.

He frequently said that the Church ought more securely and safely to receive legacies left by the deceased than inheritances which might be troublesome and damaging, and that the legacies themselves ought rather to be offered

than exacted. He himself did not receive anything committed in trust, but did not prohibit clerics willing to receive such things. Nor was he entangled by excessive love or cupidity in the things which the Church had and possessed; rather, suspended from and cleaving to greater and more spiritual things, he scarcely ever relaxed and lowered himself from the contemplation of eternal things to these temporal ones. When he had put down and arranged these things, as though they were biting and now troublesome affairs, he made a return of his spirit to the interior things of the mind and to higher things, so that he might either think about matters to be discovered, dictate something concerning those already discovered, or certainly correct something already dictated and transcribed. He did this laboring by day and keeping vigil by night.

The possessions of the African Church were therefore great enough to provoke envy. But Augustine, to show that envy unjust, was ready to relinquish them and live together with the clergy from the offering of the people; yet the people did not judge this expedient for the state or the Church.

§ 7. The reasons are evident. In no way is it consonant with morals or religion that the principal part of the state be the most abject; yet this will happen if no regard is had for its station. Must the Prelates of the faith, must the teachers whose office is to console, teach, rebuke, and punish, be suppliants to an insolent people and to the disdain of the wealthy? Next, how very few whose life depends upon another's mercy will dare to offend the man by whom they are fed? Who has learned to be free so resolutely that, in receiving a benefice, he does not perceive his liberty to have been sold? Those, therefore, who praise needy preachers and Prelates of religion seek slaves of their own cupidities, not energetic censors of morals.

Third, Bishops and Prelates are commanded to be hospitable. But how will they be able to draw others by kindness

[Printed page 493]

if, like vagrants and parasites, they must gnaw another's bread? Fourth, the contempt of those who teach religion is a public disgrace to religion. "Whatever a poor man says is a lie," someone used to say, because the same words from a different mouth do not have the same force. Fifth, the poverty of the Church impels men to various devices and sometimes unlawful ones; when endured from necessity, not voluntarily, it casts down their spirits and excludes studies and zeal for souls. Sixth, this is generally the desire even of pious parents, and often their sole and excessive care: to provide for the dignity and splendor of their children. Who among thousands will make expenditures upon the studies of his sons so that the son may preach the Gospel in poverty for his whole life? Who among the wealthy will lower himself to this, that he educate his sons for poverty?

Thus this specious devotion to Evangelical poverty overturns the whole discipline of the Christian religion. To wish to introduce into the whole clergy what belongs to a few is insane; indeed, it conflicts with the divine laws that there should be nothing in the Church from which her ministers may be supported. Seventh, for this reason sales of ecclesiastical goods were prohibited by the Council of Epaon, chapter 12, and gifts in chapter 17.

Now it is pleasing to seal these things with the opinion of the most prudent Gregory of Toulouse, book 2 of the *Syntagma*, chapter 28:

> And therefore, when the Church's condition had changed, Christians, frequently driven by persecutions of unbelievers, learned that the worship of God could scarcely be restored without the aid of temporal things. They therefore willed that hereafter not all things offered be sold, but that they be preserved in the Church, so that, once the persecutions had been quieted, ecclesiastical estates offered and consecrated to God might assist divine worship. Nor do all basilicas or temples where divine worship is rendered have tithes, but only parish Churches. Therefore it was necessary that other goods be consecrated to God from which those who continually served God there might be supported. For this reason Constantine the Great publicly permitted inheritances to be left to the Church and shrines to be constructed. For the tithes of a prior Church must not be withdrawn on account of new Churches.

Thus it was properly established that thereafter sacred buildings not be constructed without a suitable endowment by which each could nourish its own Levites. The Emperor of the East Manuel Comnenus established by three constitutions that the immovable goods of Churches and monasteries be untouched by the hand of the treasury, whether they were possessed with title or without title, and he confirmed this by a golden bull. Alexius Comnenus II, another Emperor of the East, sanctioned the same thing.

Theodoric, King of the Goths, writing to Ibas, an illustrious man and commander, commands that the possessions of the Church of Narbonne, occupied by any invaders contrary to the command of Alaric, be restored even by military force. Writing likewise to Adilas, he says: “We especially desire that the Churches be rendered free from every injury; while equitable things are furnished to them, divine mercy is acquired.” And in the year of the Lord 1099, war was undertaken against those who had invaded the lands of priests and Churches. Near Paris, Bouchard of Montmorency; among the people of Beauvais, Dreux of Mouchy; at Reims, Ebles of Roucy; near Orléans, Léon of Meung; and in other places, were defeated and subdued by Louis, son of the King of the Franks, and Robert, Count of Flanders. And when a man, having been admonished through envoys to restore to the rectors of those venerable places the property of the Churches which was in his power and which pertained to Churches placed under the hand of King Pepin, refused, he made war; and, having gathered forces from every side and entered Aquitaine, he declared that by war he would exact the property and rights of the Churches, and thus compelled the man to do what had been commanded.

CHAPTER XLIII

Against the Objections Commonly Raised against the Wealth of Churches

§ 1. "I know," says Gregory of Toulouse, book 2 of the *Syntagma*, chapter 28, "that many have envied the property of the Church and preferred it for themselves rather than for God and the uses of the pious; and therefore they have also twisted certain profane examples into authority for their wickedness and presented a certain piety as a pretext."

What, therefore, do those men who suffer no one besides themselves to be wealthy say? First, that Christ Jesus our Lord was poor and that Paul labored and supported himself with his hands; all ecclesiastics ought to live by this example. Second, that luxury and pride have arisen from wealth. Third, that wealth requires care and solicitude, while clerics must be constituted free for the service of God.

§ 2. The advancement of very many in virtue through contempt for human affairs is indeed to be desired, so that they embrace not only the precepts of God but also the counsels. Yet because such great virtue belongs to few, the Lord did not command but counseled it. He went before them by example, invited them, and did not compel them. We praise chastity, yet we do not desire that there be no marriages in the Christian world; otherwise those who live chastely could not be born.

Therefore I confidently assert that, although Christ the Lord did not have a place to lay His head, He nevertheless did not prescribe the same law to His Church or her ministers. Rather, He showed the summit of perfection, which some strive to ascend, and left to the rest the use of their own property. For since He knew that that harsh road of poverty was not for all, but that the supports of wealth sustained many, He did not wish to institute His Church otherwise than was fitting among men. Therefore He wished Bishops and others to use those aids for the government of peoples, and regarded it as sufficient if in mind they were above wealth, just as riches did not hinder Abraham, Isaac, and David but were incentives and instruments for doing good and for liberality.

Otherwise the poverty of Christ the Lord and the other things which He did are proposed for imitation to all Christians, not to clerics alone. Why, therefore, do they wish only these men to be poor? Do they wish only these also to be chaste, sober, just, and truthful? Christ lived a poor life, and indeed so did the Apostles. Yet God, who chose poor food and clothing for Himself, said to His ancient ministers: "All the richest part of the oil, wine, and grain, whatever they offer as firstfruits to the Lord, I have given to you," Numbers 18:12. He also promised the same to the priests of the new Testament: that kings would be their foster-fathers. The Apostles too, if you regard the iniquity of the times, had that poverty which nevertheless permitted them to live from the Gospel. The Lord did not prohibit the use of riches which He Himself did not possess.

Yet the heretics who are most offended by the attendance and retinue of our Bishops approve the same thing among their own. Hadrian à Saravia, *On the Honor Owed to Bishops and Presbyters*, chapter 29:

> Furthermore, the retinue of Bishops and the bustle of attendants offend the eyes of certain men not a little, because in that matter they appear similarly to imitate the dukes and counts of the kingdom. Response: this argument is popular and deludes the minds of the simple with an empty appearance. For I dare assert that the retinue of the Lord and the Apostles was as honored as it could be in proportion to the time and the matter for which He had come into this world; it would have been more honored if God had approved another plan for saving the human race.
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> *[Printed page 494]*
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> For He had voluntarily taken eighty men into His household, who accompanied Him wherever He went or went before Him to the place where He was about to come.

And in the dedicatory Letter to *On the Different Ranks of Ministers*:

> Evangelical doctrine does not disturb civil society or anything that pertains to preserving it. Since the pastors of Churches live in that society, the Lord nowhere commanded that they be strangers to those things by which the state is either adorned or defended. Different degrees of honor, moreover, are necessarily established everywhere for the sake of preserving society. Our ancestors gave to Bishops those among them which appeared capable of being given with the utility of the Church and the state, and judged it becoming that they be reckoned among the nobles of the state. Certainly, since that honor is also granted to jurists in the toga who preside over the administration of justice in courts, all nations have always judged it equitable that the Prelates of sacred things and religion possess it. Hence it also follows that they have that retinue and attendance which by usage and custom sober and modest nobles commonly have. I do not see what there is here at which men either ignorant of human affairs or assuredly excessively morose should turn up a crooked nose.

§ 3. Wealth produces luxury, I confess, and ambition. The desire for honors is tickled by a double enticement when it observes sacred and profane power joined into one. Yet the hierarchical order and the supports of wealth are not therefore to be abolished; rather, an honorable and moderate use must be prescribed by good laws. The goods of the Church are to be expended upon the poor, the ministers of the Church, and teachers. Bishops who are not Princes use a moderate retinue; those who have a Principality joined to their Bishopric must not be denied that ornament which other Princes use in the state. I approve no one's prodigality, condemn everyone's luxury, and counsel becoming station and magnificence.

Amid these things I wonder at the censors of ecclesiastical wealth. For although they behold the insane expenditures, wantonness, and delights of so many kings and secular Princes, so many wealthy men and nobles, they nevertheless do not judge that their wealth should be taken away by force; they envy only the Prelates, whose moderation is nevertheless remarkable if they are compared with the others. Without doubt those who live luxuriously from the patrimony of Christ offend more gravely, since so many canons and reason itself command its right use; but those are the vices of men, not of wealth.

Ambition indeed appears to me to be kindled by honor, yet not abolished by the government which exists in sectarian Churches. For there is rivalry even in a small presidency, and it is the easier the more common the presidency. Is not a Consul elected with ambition even in small towns? And in villages do not the sons of praetors look proudly about themselves? Many of the heretics acknowledge the arrogance, ambition, and rivalry of their ministers; among them is Saravia, defender of Bishops, page 588: "I wonder whether Master Beza believes that today there is less ambition or less avarice among ministers of the Church who preside for only a week and whose stipends are meager and curtailed than there was formerly either among the ancient Bishops or among those who today profess Christ and have ample revenues."

They do not understand that they are censuring the divine ordinance which furnished the priests of the old Testament with so much wealth, adorned them with so many magistracies, and finally gave them the prefecture and kingdom of the nation. Indeed, King Agrippa himself professes before Gaius that the priesthood is greater than the kingdom.

If the truth must be spoken concerning morals, it must not be denied that wealth affords the evil a capacity for acting wickedly. Yet I establish that, after all things have been defined by laws in the Church, virtue is cultivated by many amid riches themselves; for poverty, although not to the same vices, nevertheless affords occasion to great vices. The splendor of riches increases arrogance, but I think that Fabricius, the exemplar of Roman virtue praised by every writer, cooked turnips with as much arrogance as Pyrrhus ascended his throne. "I prefer," he says, "to command the wealthy rather than possess wealth." Does that commander from the plow seem to you to have been little ambitious when he wished to have kings and magnates as servants?

Delights are tinder for lusts; and nevertheless those vices gained strength amid the filth of brothels, the barbarity of the Scythians, and the nakedness of the Western Indians. If the Church must be discussed, there were graver scandals in primitive times: the horrendous obscenities of the Simonians, Nicolaitans, Gnostics, and Carpocratians; indeed, those times were disturbed by more heresies altogether, when ambition and desire for wealth also afforded an occasion of

secession. But in the following ages the sects were fewer and less widely dispersed, and the sincerity of the ancient religion which exists in the present age is owed to the power of the Bishops.

§ 4. It was not said without reason:

> Care follows growing money.

Yet the care is greater when money is both lacking and sought; for wealth already acquired occupies men, but while it is sought, it kills them. This, therefore, must be done: the dreadful roots of cupidities must be torn out. When these persist and are agitated by want, they grow remarkably and occupy the whole mind of the soul. For needy avarice judges nothing shameful which is profitable.

Finally, the avaricious poverty of preachers is now so despised that no honorable man canvasses for that province. Concerning this Beza and Hadrian à Saravia have a common complaint, page 8 of *On the Different Ranks of Ministers*. Yet solicitude and useless occupation can be relieved through stewards for all the Bishops--concerning whom canon law says many things--through administrators, concerning whom the ancients and recent authors speak, through leases, and through other abridgments of cares.

CHAPTER XLIV

That the Multitude of the Clergy Is to Be Approved

§ 1. There is another, and a most odious, complaint concerning the multitude of ecclesiastics. For after men have conceived in their mind that ecclesiastics are a useless and idle crowd, they judge that it must be reduced to a small number, and that it is not for the utility of the state that such great wealth be consumed upon those who do not labor for the community. Nor did the innovators defame ecclesiastics among the rude populace by any argument more than by the accusation of idleness.

§ 2. No Church, however, approves the idleness of her priests. Rather, whatever leisure remains from necessary affairs must all be expended upon divine honor, psalms, hymns, reading, prayer, meditation, teaching peoples, exhorting, consoling, judging, settling discords, and corporal and spiritual works of mercy. Since I have treated this matter copiously in other places, repetition is not necessary.

Charles Borromeo also established in his Synods that the visitors should inquire how the clerics passed their time. For whoever is called into the portion of the Lord--who was amid labors from His youth--is called to labors. It is unfitting to be idle and seek sustenance from another's labor; rather, diligent regard must be had for one's office. Cause 13, question 1, *Ecclesias*, and Distinction 5, *On Consecration*.

[Printed page 495]

§ 3. The clergy of the new Testament is so occupied with its offices that, if the Levites in the old Testament are compared with it, they could appear altogether idle. Therefore those who blame the idleness of ecclesiastics, or complain that it is excessive--although according to the canons there is none--censure the institution of the Lord.

The offices of the Levites were to carry the tabernacle and serve in it; these are clearly and individually explained in Exodus, Leviticus, Numbers, and Deuteronomy. The first occupation was not great, for the tabernacle, distributed among several men, was carried easily, especially since the chiefs of the tribes offered six wagons and twelve oxen, whose assistance they used. After they entered the land of promise, the ark remained for a long time in one place, as at Shiloh; the labor of transporting it was therefore rare. Afterward, when the Temple had been built, it ceased entirely. For David said: "The Lord God of Israel has given rest to His people and a habitation in Jerusalem forever; nor is it the office of the Levites any longer to carry the tabernacle and all its vessels for ministering," 1 Chronicles 23:25.

And verse 27:

> According to the last commands of David, the number of the sons of Levi shall be reckoned from twenty years old and upward. And they shall be under the hand of the sons of Aaron for the worship of the house of the Lord, in the vestibules, chambers, place of purification, sanctuary, and all the works of the ministry of the Temple of the Lord. The priests, however, shall be over the bread of proposition, the sacrifice of fine flour, the unleavened cakes, the frying pan, roasting, and every weight and measure. The Levites shall stand in the morning to confess and sing to the Lord, and likewise in the evening, both at the offering of the Lord's burnt offerings and on Sabbaths, New Moons, and solemnities, continually before the Lord for each matter. And let them guard the observances of the tabernacle of the covenant, the rite of the sanctuary, and the observance of the sons of Aaron their brethren, so that they may minister in the house of the Lord.

They performed this office by courses, as I said above, and the courses were infrequent, for there were twenty-four. But now every day, besides every other labor, it is necessary to stand in the sight of the Lord to sing and pray. Therefore, if the old state was prudently instituted by God and had most holy laws and judgments, this must be said much more of the new, in which a much more devoted care of piety has been taken.

§ 4. The judgment of a malicious and envious populace concerning idleness and labor must not be heard. For it accounts nothing labor unless the body is worn down by it. It does not reckon cares, studies, prayers, psalmody, and writings among labors, although that labor is most severe and gradually consumes life without pain. So many hundreds of thousands of men studying the various arts and sciences, and practicing other arts--such as painters, sculptors, and others whose labor requires the power of the intellect and attention of mind rather than the arms--are not idle.

§ 5. Yet envy does not rest even here. "How greatly they would benefit the state if they cultivated the field, cut wood, and performed the other mechanical works--men whom many kingdoms now support while they sing, pray, and remain idle!" Rather, how great a loss would the state suffer if the worship of God were diminished because His ministers had been assigned to servile works? It frequently comes to my mind to wonder at and lament the ingratitude of men, to whom everything expended upon God appears excessive, although they nevertheless have everything from God.

They complain that the state is burdened by the multitude of ecclesiastics. Let us see who burdens it.

Let us examine the number and expenditures of the clergy in one region. I read in a friend's travel observations that he counted nine Archbishops in Spain.

The entire sum of the revenues of the Archbishops and Bishops is 1,350,000 ducats. Let us set down twice that amount for the clergy and monasteries; there will therefore be 4,050,000, a sum which is small if the size and wealth of the kingdoms are regarded, and yet a great part of it serves the good of the kingdom. Another observation of my friend teaches me that the sum is small, for he demonstrates that annual revenues of 3,862,000 ducats are consumed upon Dukes, Marquises, and Counts. Another sum was handed to me by others in the *Coronis of Jubilees*, to which I refer the reader.

Now it is necessary to show that the clergy is not burdensome to the kingdom of Spain, even if it rendered no political offices to the fatherland. For the clergy is a small part of so great a kingdom. One noble city has more men and property than the whole clergy. Let us indeed suppose that there are one hundred thousand clerics in the kingdoms of Spain; nevertheless, they will not constitute a hundredth part of the inhabitants. Toledo or Seville will surpass them by many parts. What great thing would it be if, from so many great cities, one could be constituted from the assembled clergy?

The kingdoms of Spain are Murcia, Valencia, Catalonia, Aragon, both Castiles, Navarre, Biscay, León, Galicia, and Asturias. There are eleven kingdoms, and unequal ones. If I should assign one of these to the clerics, I would give them less than formerly was given to the Levites. Let it be, for example, the kingdom of Old Castile, which with the Metropolis which they call Burgos has one hundred and eighty cities. I could not fill a tenth part of these with the clergy of all Europe. Therefore the multitude of clergy is not great if it is compared with the innumerable multitude of others. Since, therefore, amid a Catholic and pacified people where the clergy is most numerous they scarcely constitute a hundredth part, there is no reason for anyone to complain that those who serve God are excessively numerous.

But if we consider what Belgium was before the wars, it had two hundred and eight walled cities and one hundred and fifty villages like towns, besides an immense number of villages. If its clergy assembled into one place, it would not constitute one entire city out of the ten greatest. For I deny that the whole clergy of Belgium was equal in number to one such city. In Ghent, Lille, Antwerp, Utrecht, Amsterdam, Dordrecht, Haarlem, Leeuwarden, Arras, Valenciennes, and Leuven there are more inhabitants than could be constituted from the whole clergy. Thus the clergy does not constitute a two-hundredth part.

But if two hundred, or even one hundred, support one priest, it ought not to appear burdensome, since in the state of God ten, or rather five if you regard the revenue, supported one. Therefore so inequitable a complaint is impious,

since, while so many things infest the state, it casts blame for so much only upon the servants of God and teachers of virtue, law, and equity, who do not burden it for this reason: because they are few and because they benefit it greatly.

§ 6. If, therefore, you ask which men are harmful to the state, I shall speak freely. First, the Jews. Their number is much greater than the whole clergy. I can name one or two cities which harbor far more of them than there are ecclesiastics in the whole Archbishopric of Mainz. But we not only support them: we support and enrich them through interest, frauds, and crimes, which oppresses the state.

Second, superfluous artisans. If you doubt it, look about at

[Printed page 496]

the merchandise of the fairs; you will find a great part of it which use does not require. It is shameful to say: as many city-dwellers are occupied for luxury as for necessity; pride and curiosity occupy more than life does. If they handled useful things and were occupied with agriculture, fishing, and the rest, the abundance of things necessary for living would be twice as great.

Do you desire an example? Some years ago a madness for silk trimmings invaded, so that no garment is judged becoming unless fine cords run around it, with the result that the accessories frequently exceed the material itself; and now luxury has drawn gold and silver into threads. No one doubts that this expenditure is superfluous. But you who judge it just for the good of the state that the number of the clergy be diminished, strike the counting board and make the calculation: I shall prove that in Europe more expense is bestowed upon this single kind of trifles than upon the whole clergy--the whole clergy, I say, which is in Europe. And not only this: there are more men assigned to weaving, not silk cloths, but those threads, than there are in the entire clergy.

Third, I affirm that the state is being ruined by the abuse of all the mechanical arts. For things which could be made with less labor exhaust the citizens by laborious expense. Ambition, luxury, and the zeal for novelties have increased to such an extent that a city which one hundred years ago ten tailors clothed now requires fifty: the simple use of clothing is corrupted in so many ways. How many may you see for whom nothing intact in a garment, not even in shoes, is pleasing, so greatly have the very mutilations of luxury pleased them. What, therefore, if I say that so great a wealth is expended upon the superfluous expense of tailors and shoemakers that the clergy which is now in Europe could be supported by it? It will appear marvelous to an ignorant man; but if one comes to the calculation, I shall show how much is expended upon belt-makers, border-makers, embroiderers, makers of headdresses, dyers, and clasp-makers--and, if we use knots instead of clasps, knot-makers. For if it pleased men to return to clasps and hooks, several millions would be saved in Europe. No one fails to know how much silk and time a great part of mankind expends upon the knots of garments by which they are fastened and adorned.

Fourth, all who profess disreputable, frivolous, and altogether useless arts--such as conjecturers, soothsayers, moneylenders, acrobats, actors, dancers, pipers, and this whole class which lives from the vices of others--will relieve the grain supply if they are called to useful affairs. Fifth, I refrain from speaking of cooks, confectioners, and that whole class of artisans of pleasures.

I conclude with this opinion. Let only necessary arts obtain a place in the city, and with half of what is now consumed men will live more rightly, quietly, pleasantly, and happily. The clergy could be supported by a hundredth part of this half.

§ 7. It is therefore most salutary to the state that the clergy be both wealthy and numerous. Kings and Princes have always found them most faithful; they have most securely entrusted fortresses and cities to them, following the example of David. But if many are useless and harmful, they must be corrected by suitable means. A Prince will attain this without difficulty if he finds even one good Bishop or Archbishop.

Concerning these men the constitution of Clement which is in Distinction 23, chapter 3, is pleasing:

> Let those clerics be elected to the ministry who can worthily handle the Lord's Sacraments. For it is better for the priest of the Lord to have a few ministers who can worthily perform the work of God than many useless ones who bring a heavy burden upon the ordainer.

It is plainly a heavy burden, because certain useless or depraved men defame the whole order. But the order is not to be cast away on account of the vicious; it is to be reformed by substituting better men in their places. For they do not remove magistracy from their midst because certain magistrates are vicious, but substitute suitable men in the places of those departing.

CHAPTER XLV

Parishes Are to Be Increased and Adorned

§ 1. Some call parish priests *paroeci*, **ἀπὸ δὲ παροικεῖν** [from dwelling beside]; for **παροικία** is a neighborhood, a habitation, and an assembly of men. But I prefer to follow usage rather than Budé, who affirms in his commentary on the Greek language that it ought to be said in that way. I prefer, therefore, that they were so called from providing, **ἀπὸ δὲ παρέχειν**, because they provide sacred things for the peoples, just as among the Romans we call by the Greek word *parochi* those who provided for legates and magistrates

> Wood and salt.

The same men are called *curiones*, though more rarely, because in former times those who presided over sacred things were chosen from the Roman curiae. Especially in the Christian state they are called the cure of souls, *curiones*, curators, and possessors of benefices with cure. The laws also call them rectors and parish priests. Certain men were called perpetual rectors, or perpetual vicars, who were instituted by the Bishop in the place of the rector, so that the principal rector would not be held to continual residence. This practice, introduced from a slight beginning, has now transferred the right to many parishes to wealthy men and substituted vicars who are insufficiently suitable, while the revenues are diverted elsewhere.

§ 2. In the German Churches, provision has been made less suitably for parishes, especially those of towns and villages. There is a deficiency in the support of the parish priest. For although a parish priest must be learned, industrious, and of good life, and although his labors and dangers are great in singing, preaching, exhorting, and visiting the sick, even those infected by contagion, nevertheless his revenue is less than that of canons, and even his dignity is held to be less. This, therefore, is a grave wound of the Church, and it must be healed by a spirited and resolute visitor. This mistake has been made: a canon dies, and immediately twenty men fly to the collator; sometimes they purchase the benefice for a price. To obtain suitable parish priests, it is necessary to establish seminaries. Everything is done in the hope of canonries; most men flee the burdens of parish priests.

§ 3. There is one easy method of establishing parish priests well: that parishes be constituted rightly. That is, let the parishes be of such a kind that they are sought with as great a desire as canonries. Let the fruits not be altogether unequal to the labor. This remedy is more powerful than all others that can be employed. Parish priests are, as it were, little Bishops who truly exercise the office of presbyters among their own peoples; therefore they must be assisted liberally. For they preside in word and deed.

§ 4. That care has been entrusted to the Bishop in such a way that he himself can by no means attain salvation unless he appoints diligent, good, learned, and industrious parish priests; for parish priests are those who instruct the people and go before them by example. All chapters, and the individual capitulars according to their office, Abbots, and monasteries which possess the right of conferring parishes are in the same case. For formerly they administered the parishes; now they substitute others, and yet the care belongs to them, and they are bound to render an account. Therefore, since it is a mortal sin to appoint an unworthy parish priest, or not to punish or remove one,

[Printed page 497]

it follows that not only Bishops, but also capitulars who appoint such a man by their vote, or protect him, or fail to act for his removal when they are able, sin mortally. For since in nearly all those places they receive the tithes, they are bound under mortal sin to provide those places with a suitable parish priest, either by delegating someone from their own body or by allowing the parish priest so much of the revenues that they can have a suitable man. And it is to be feared that many capitulars perish through this negligence. But if people also perish through the negligence of the parish priest, they perish through the fault of those whose duty it is to be vigilant that parish priests perform their

office. For truly, just as an Emperor ought to seek brave soldiers who preserve their ranks and industrious commanders, so also the Bishop and the chapters ought to seek out eager and zealous parish priests, and to rouse, visit, and exhort them. It was piously decreed in the First Council of Milan:

> That sentence of the Lord has the greatest force and necessity: "I have given you as a watchman to the house of Israel"; and likewise in another place: "Know diligently the countenance of your flock, and consider your herds," so that Bishops may observe the flock entrusted to them with the greatest diligence they can, and never cast their eyes away from it, taking notice of what it needs, so that, according to the Prophet's sentence, they may bind up its broken parts, strengthen the weak, heal the sick, bring back the castaway, and seek and recover the lost.

Next it appoints perpetual eyes for him--the vicars forane:

> So that the Bishop may more easily behold and care for, as though present, even the flock outside the city, let him choose several approved priests, assign to each a definite region of his diocese, and impose upon him the name of vicar forane. He shall assign that office principally to Archpriests, Archdeacons, and Provosts who are in the diocese, or to others endowed with ecclesiastical dignity whom he judges suitable; otherwise, to other authorities who are fit for an office of this kind.

§ 5. How, then, will parishes be furnished so that they have suitable pastors? Those which possess good revenues are readily accepted--indeed, they are sought of their own accord. Poor ones in cities are easily aided if a rich canonry, a vicariate, or some other simple benefice is incorporated into them. Nowhere are benefices disposed of more religiously; this has been practiced at Cologne and elsewhere, and from this the most select pastors are found in those cities. The prelates, the Pontiff, and the whole world desire this above all: since there are many excellent men in cathedral and collegiate Churches, let parishes not be left destitute. For they deny the parish priest only the distributions for attendance; they grant him everything else. The Fourth Council of Milan says:

> But a parish priest who legitimately holds a canonry or dignity, and at the same time a parish church, and performs the duty of parochial residence, as was sanctioned by the letters of Pius V, Supreme Pontiff, shall receive the fruits or revenues either of that dignity or of the canonical prebend. But he shall not participate in its third part, which, by the authority of that same Tridentine sanction, having been converted into distributions, neither can nor ought to fall to him while absent, but shall accrue to others who are present and discharge the offices of the choir, or shall, at the Bishop's discretion, be assigned to the fabric of the Church or to pious places, according to the prescription of that same Council of Trent.

The Council of Cologne in the year 1536 established the following concerning these matters, in Part 8:

> Since the divine law commands that the mouth of the ox treading out grain must not be muzzled--which Christ in the Gospel explains was certainly said not for the sake of oxen, but for our sake, when He says, "The laborer is worthy of his wages"--and Paul confirms it throughout chapter 9 of the First Epistle to the Corinthians: "For who ever serves as a soldier at his own expense? Who plants a vineyard and does not eat of its fruit? Who feeds a flock and does not eat of the milk of the flock?" Nor is it a great thing if those who sow spiritual things also reap carnal things. Therefore consideration must be given to providing parish priests, the preachers of the Gospel, with a definite and sufficient supply of food and clothing, and in such a manner that they are not burdensome to their parishioners by exacting something in administering the Sacraments, or compelled to beg food by running from house to house, than which nothing is more shameful or sordid.
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> First, therefore, those who have received from us the power of governing parish churches through vicars or vice-curates shall assign to those vicars such a portion of the Church's revenues as will enable them to support life fittingly. During visitation we shall command this to be done according to the circumstances of the places and parishes.
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> Cathedral and collegiate Churches, and likewise monks or religious, who either have parish churches annexed to their Churches or monasteries, or commit them to others to be governed, or procure their commitment by

> presentation, sometimes drain away the whole revenue to such an extent that the remaining revenues allowed to the rectors of the churches are exceedingly poor and meager. Therefore it will be our care that such a portion be assigned to those rectors that from it they may pay episcopal dues and possess suitable support.
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> But where the revenues of the churches are insufficient, we think the counsel of the law must be followed: namely, that two be united; or, if this should seem burdensome, that at least one, or even several, vicariates founded at altars in churches of that sort be incorporated into the parish church, as they say, yet in such a way that, so far as can be done, the parish priest does not at all neglect the office for which those vicariates were founded. Furthermore, there is no doubt that tithes are owed principally to parish priests and ministers of the Church. Now, since in many places laymen usurp a great part of them and they cannot readily be torn from their hands, it must be seen whether by diligent exhortation, or by another way consonant with law, something can be begged from this source for a parish priest whose church revenues are insufficient for his sustenance.

Nor is it unjust that entire prebends should be incorporated even into remote parishes in the diocese: first, by reason of the tithes, because by natural law those who give tithes should experience assistance in spiritual matters; next, because the ministers of the Church ought to have their offices so constituted that the greatest possible provision is made for the people. Therefore whoever truly assumes the care of the flock will turn his mind to enriching parishes, and will wholly abolish the enormous abuse by which wealthy parishes are held either by nobles or by wealthy clerics as whirlpools of benefices, while the vice-curate is sprinkled with a meager little portion. For parishes were made wealthy so that they might support men outstanding in learning and life. But if benefices which can be incorporated into poor parishes are lacking, assistance should be given to the poverty of parish priests from many other revenues.

§ 6. Parishes are not to be conferred upon boys, nor upon anyone unless he has attained his twenty-fifth year, as the Decretals and Councils establish.

Indeed, they are to be conferred only upon learned men and graduates. Thus the Lateran Council, Session 11:

> We also establish that parish churches situated in cities or walled towns shall be conferred only upon persons qualified in the manner stated above, or at least upon those who have studied for three years in Theology or in one of the two laws, or upon Masters of Arts who, while studying in some privileged university, have attained the degree of Master. We admonish the aforesaid universities, under penalty of deprivation of each and every privilege obtained from us and the Apostolic See, not to nominate anyone to ecclesiastical collators or patrons except those who have studied for the aforesaid periods and have been advanced to their degrees according to the statutes of those universities, and not by a leap. But if they do otherwise, besides the penalty of nullity, which we declare in the letters of the aforesaid nominations, we suspend the universities themselves from the privilege of nominating for a time according to the quality of the fault. If, moreover, any graduate, or one nominated in the months assigned, has petitioned ordinary collators or ecclesiastical persons for a vacant benefice by virtue of his degree or nomination, and has brought the ordinary collator into proceedings by virtue of the aforesaid degree or nomination, and has molested him otherwise, we decree that, beyond condemnation for expenses, damages, and interest, he is to be deprived of the fruits of his degree and nomination. By the same bond we constrain ordinary collators and ecclesiastical patrons to whom graduates and nominees duly qualified, as above, have presented their degrees and letters of nomination, so that, while the aforesaid duly qualified graduates or nominees are standing and prosecuting their claims, they shall confer benefices pertaining to their collation or presentation, and vacant in the months of ordinary graduates and nominees, upon no others than graduates or nominees, under penalty of suspension of the power of conferring benefices during the eight months in that year which pertain to their collation and free presentation. We likewise establish and ordain that each Roman Pontiff may, only once during the time of his pontificate, grant letters in the form of a mandate according to the form noted below, and no more, in this manner: namely, he may burden a single collator who has the collation of ten benefices in one benefice, but one who has the collation of fifty benefices or more in only two benefices, yet in such a way that he does not burden one collator for the time being with two prebends in the same cathedral or collegiate Church. And so that lawsuits which might arise on occasion of letters of mandates of this kind may be forestalled, we will that mandates of this sort be given

> under the form noted below, which we command to be published in the Apostolic Chancery and registered in its quinternion for a perpetual memory of the matter; declaring that those prosecuting mandates of this kind are to be preferred, as regards the benefices comprehended under them, to ordinary collators and to ordinary graduates and nominees, and that we and our successors may freely confer by right of prevention dignities, personates, administrations and offices, and other ecclesiastical benefices, secular and regular of whatsoever orders, howsoever qualified, which become vacant both in months assigned to nominees and to the aforesaid ordinary collators and which are also comprehended under the said mandates.

But now most parishes are so poor that grammarians and petty rhetoricians neglect them. Let there be Maecenases, and there will be no lack of Maros.

Therefore, if the constitution of the Council of Trent, Session 25, chapter 15, is observed, there will be no complaint:

> The holy Synod establishes that secular ecclesiastical benefices, by whatsoever name they are called, which retain the cure of souls from their original institution or in any other manner whatsoever, shall not henceforth be converted into a simple benefice, even when a suitable portion has been assigned to a perpetual vicar, etc.

Conversely, let simple benefices be changed into benefices with cure and be added to them; and not only those, but so many personates, so many altars, which are held by idle and secular men. Indeed, let the goods of abandoned monasteries, and of those converted to various uses and various tables, be applied to increasing parishes. By this it will come about that not only will many young men gird themselves for studies, but canons and vicars, after resigning their prebends, will pass over to parishes. It is advantageous to the Christian cause that parish priests should occupy that place and possess that authority, learning, and means which the prelates of collegiate Churches now possess; for thus they will perform their office usefully. Now they are frequently despised by their prelates and parishioners.

Here the opponents of parish priests suggest: “The wealth of pastors will make them wanton; poverty is an occasion of virtue.” First, I judge this to be false: more men have fallen through want and domestic difficulties. For there are more poor men than rich among those who live in such squalor. Secondly, the objection is unworthy of an ecclesiastical man. If virtue must be beaten out of parish priests by poverty, if in a more liberal stipend and a studious and laborious life there is a danger of ruin, why do those who take such scrupulous counsel for parish priests not first flee it themselves? Why do they possess several canonries and covet more, while assigning poverty to parish priests for the sake of integrity? But here I stop. From a bad parish priest arises hatred of the whole clergy; hence heresy, fraud in tithes, plunder of ecclesiastical goods, and the overthrow of canons.

Appoint suitable parish priests who are worthy of double honor, who labor in word and deed. Give them liberal stipends like your own, and greater than your own if they labor more than you, and you will see that everything turns out better. Thus much for parish priests; now their office must be discussed.

§ 7. Concerning the life of parish priests I have nothing other than what I said generally concerning the life of Clerics, except that these men must guard still more against scandal, lest they alienate from themselves the men whose souls they ought to capture. For among countrymen also, who are unskilled and weak, people are offended more quickly and reconciled with greater labor; they live their lives deprived of intercourse with others.

§ 8. These are their duties.

1. To reside. The Council of Siena, chapter 11:

> The rectors of Churches, whose singular industry was chosen, shall be compelled by our suffragans, so far as can be done, to personal residence; nor shall a dispensation for nonresidence be granted to them unless a probable cause intervenes. And in parish Churches on every Sunday, the parish priests with cure shall, by themselves or their vicars, announce in a clear and intelligible voice and in the vernacular the ten precepts of the Decalogue and the articles of faith. And if there are priests who lack learning or the grace of preaching, on the aforesaid Sunday they shall read and explain one chapter of John Gerson in his *Tripartite Work*.

2. To admonish everyone of his duty. The Council of Siena, chapter 12:

> Let those with cure frequently admonish their parishioners to attend the parochial Mass on Sundays and on feasts occurring during the week, and diligently to attend to all those things commanded in the bidding prayers on every Sunday. But if, in the absence of a legitimate impediment and without the permission of their curate, they have neglected for three Sundays to attend the parochial Mass, let them immediately be reported to the promoters, so that they may be punished according to the measure of their contempt or offense.

3. To teach, and to bar the incorrigible from communion. The Synod of Augsburg in the year 1548, chapter 8:

> Parish priests shall teach and instruct the people entrusted to them concerning our faith and religion, administer the Sacraments, explain their mystical grace, canonically rebuke those entangled in public sins, but rebuke hidden offenses privately, and lead them to penance. They shall report the incorrigible to us or to our vicar in spiritual matters, so that they may either be cured through public satisfaction or barred from Catholic communion. At fixed times they shall also teach the little children and all the unlearned of their parish the Creed, the Lord's Prayer, etc., or shall pronounce them clearly from the pulpit on Sundays, so that they may in truth be held worthy of double honor.

4. To teach by one's life. Pelargus in the Council of Trier in the year 1548:

> I, myself also a presbyter, beseech you presbyters: feed the flock of Christ which is among us, exercising care for it not under compulsion, but willingly; not for the sake of base gain, but with a ready mind; and not as exercising lordship against the clergy, but so that you may be examples of the flock. And when the Prince of Pastors appears, you will receive the unfading crown of eternal glory.

Certainly, even from this it becomes clear that it is not sufficient for a suitable pastor to address the people from the pulpit unless he also strives by his life or conduct to impress a definite form of morals upon the minds of others, and does this not from necessity or a scruple of office, nor for the sake of gain, but from a paternal and sincere affection.

But I prefer to present these and other matters in the words of the Archbishop and the Fourth Synod of Milan. It contains the following among its admonitions:

> All of you who among the canons possess the name or rank of Provost, Archpriest, or another dignity: just as you excel in honor and dignity, so shine before others by examples of virtues and by vigilant solicitude in discharging the parts of your office or cure.
>
> Parish priests, moreover, and all you others--even Provosts, Archpriests, or others--who bear the cure of souls: besides those matters of which we admonished you all in common with the remainder of the clergy, discharge with every solicitude those also which have been decreed particularly concerning you.
>
> First, the sheep entrusted to you must be known and called by name, and likewise fed and guarded.
>
> Therefore reduce the number of souls to a register according to the written form.
>
> Record the names of those who are baptized, of those who are likewise confirmed, and also of the sponsors who are employed.
>
> Enter marriages in a book.
>
> Investigate the life and morals of the inhabitants of your parish.
>
> Inquire with every diligence whether any are contaminated with or suspected of heresy, or whether there are any who possess, sell, buy, import, or read books of heretics, and report them immediately.
>
> Admonish the people also to perform this same duty according to the prescription of our edict, which you shall promulgate in the customary manner at stated times.

Inquire into the words and deeds of those who come from the territories of heretics.

Examine whether any from the bounds of your parish travel to places where that which is alien to the Catholic faith is preached with impunity; and also whether those who have obtained permission for the journey act according to the prescription of the decree promulgated in the Third Provincial Council. Investigate, moreover, those who teach in your parish, and observe their morals, life, and faith; perform concerning them also the remaining things prescribed or commanded in the Provincial Councils.

See and take care that superstitions, magical incantations, and diabolical superstitions of this sort do not exist among your people.

Identify public sinners, corrupters of others, concubinarians, adulterers, usurers, and blasphemers, and report them.

Identify also the other corrupters of peoples who on feast days serve not God but dice, games, dances, and the devil, and who violate in any manner the observance of feast days, whoever they may be, and observe neither pontifical nor provincial constitutions concerning the observance of feast days, nor episcopal edicts.

Strive by every duty of piety to recall and deter these men from that corruption of evil conduct; then report them also to the Bishop as need shall require, so that a salutary remedy may be applied in fulfillment of the office of episcopal care.

Again, identify also the poor, widows, orphans, and others in need of another's aid. Assist them both with salutary counsel and consolation and with material means; or, if you are less able, kindle others by exhortation to relieve them.

And if their more grievous poverty demands it, arrange even on feast days that something be collected in the Church from the pious liberality of the faithful, as the Bishop shall prescribe, to be bestowed upon them as alms.

Meet separately also with the wealthy inhabitants of the parish. Set before them the wants of the poor, and show them that riches have been bestowed by God also for this purpose, that they should succor the needy.

But if any have been oppressed in some cause by the resources of powerful men, commend them uniquely and intimately to the protection of those who either ought to provide it by the office they have undertaken, or to whom the Bishop has given this care.

Feed above all the people entrusted to you by the preaching of the word of God, by salutary admonitions, by the administration of the Sacraments, and likewise by example and prayer.

In expounding the word of God, observe fully what has been prescribed in the provincial constitution both to other preachers and to you.

Instruct children on feast days and Sundays in the rudiments of Christian doctrine.

Invite persons of more advanced age to understand the same things.

Admonish fathers and mothers of households that they themselves conduct their sons, daughters, and the others whom they have in the household to the stated schools of Christian doctrine.

Employ for this purpose the labor of the confraternity members enrolled in those schools, and take care that mutual charity and moral discipline are preserved among them.

Render and rouse others also more eager to embrace so pious a work, both by your continual exhortations and by promulgating the spiritual treasury of indulgences granted to those who enroll in those schools and labor in them.

Do not omit on feast days, amid the solemnities of the Masses, to explain to the faithful something from the lessons read in the Mass, to unfold some mystery of that most holy sacrifice, and sometimes to explain the more sacred reasons and meanings of its sacred ceremonies and rites, so that, instructed more diligently from day to day, they may attend that most holy sacrifice more religiously.

Teach likewise how, when the signal for the celebration of Mass has been given, the faithful should prepare themselves with contrite heart to hear it devoutly.

By your continual offices of admonition take care and bring it about that at Mass men are present with head uncovered, women with head covered, and both sexes with knee bent throughout every part of it except at the Gospel.

Instruct them also how religiously they must conduct themselves, not only in the sacred rite of the Mass but also in the other divine offices:

When one must stand, when bend the knees, when rise;

How greatly, while those things are done or celebrated, conversations, talk, walking about, noises, cries--indeed, vain thoughts by which the mind is distracted from pious meditation, contemplation of the mysteries which are being enacted, and religious prayer--must be avoided; and finally, how diligently all other things alien to the sanctity and worship of those offices must be avoided;

Again, how devoutly, religiously, and with how downcast and humble a bearing one must conduct oneself in processions, litanies, and stations;

With what reverence and zeal of piety one must remain in Churches or sacred places, and what things must be kept far from them, according to pontifical sanctions, conciliar constitutions, and, furthermore, episcopal edicts;

[Printed page 500]

And with what inward preparation of a religious mind, and also with what external modesty of worship and dress, with humble genuflection and arms laid aside, one must approach the most holy Communion and also certain Sacraments.

Then teach and admonish how feast days are to be observed and sanctified.

Show that it is most unworthy on those sacred days not only to fail to abstain from wicked works and unlawful business, but also to fail to perform works of religion and piety with all diligence.

And furthermore, that it is impious for sacred days--instituted for honoring the greatest benefits of God, rendering the highest praises to Him, and giving due honor to the Saints--to be diverted to things abhorrent from that worship, such as dances, games, choreographed dances, and spectacles, by whose shameful allurements the devil, the enemy of human salvation, is delighted.

Announce likewise the stated fasts of sacred seasons; teach how one must fast, and what gravity of sin lies in violating sacred fasts;

What duties of Christian piety are to be performed on the vigils of Saints;

How devoutly the Lenten fast is to be observed.

At the stated solemnities of Advent, Septuagesima, or the celebrations of other seasons, forewarn the faithful and instruct them diligently--even by the prescribed reading and explanation of pastoral letters--to celebrate religiously the sacred mysteries of those seasons with holy duties of piety.

And so that they may be instructed in all these matters according to the seasons and solemnities, admonish them frequently to assemble at the parish Church on Sundays and other feast days, as the holy Synod of Trent desires.

In this matter frequently read to the people the general pastoral admonition concerning frequent attendance.

Frequently and diligently teach them how continually one must pray;

How prayer is to be offered both by the silent meditation of a suppliant mind and by stated pious prayers;

How diligently and religiously the institution of common evening prayer is to be undertaken, and how diligently, once undertaken, it is to be piously retained.

Therefore, as you shall often explain at other times in the year the principal points of that manner of prayer with the indulgences granted to it, so especially on the days established by the Third Provincial Council pronounce and publish them from the written text amid the greatest attendance of the people.

On Sundays instruct the people and admonish them for whom they are to pray, as was decreed in that same Provincial Council;

And, moreover, what principal prayers, Christian meditations, and exercises in prayer they may have proposed and ready for themselves on each weekday.

But as often as possible set before the people in your sermons the subjects of perpetual Christian meditation: death, judgment, hell, glory, and the reward of Paradise.

Moreover, diligently and very frequently admonish fathers and mothers of households religiously to instruct their children and household in the discipline of piety and Christian virtues.

Induce fathers of households, moreover, to have in their homes approved books concerning the manner of spiritual life and pious exercises, in the reading of which they may occupy themselves and instruct themselves and their household to act holily.

In the parochial assembly read the constitution concerning the office of fathers of households and the instruction of the household, published in the Third Provincial Council, and explain each of its parts.

Teach, in addition, whatever other things you shall deem opportune, by which they may conform themselves and their household to the institutions and exercises of the Christian life.

Observe also in workshops and shops the rule of discipline and Christian life. If you notice anything being committed by artisans, instructors, or workmen that belongs to dissolute discipline, gravely admonish the masters of the workshops or shops, and show them the parts of their duty in this matter.

You are poor men and partners in the labors and care of the Bishop, and you are laborers in the harvest entrusted to the Bishop. Labor together with him and strive that, with the help of divine mercy, the people whose care is being borne may be gathered as pure wheat into the heavenly barns.

“Guard what has been entrusted to you,” says the blessed Apostle Paul. Consider this to have been said to each one of you, so that you may place every thought, solicitude, care, and zeal in diligently guarding the flock entrusted to your faith and care as a deposit, and preserving it from every stain of sin.

Therefore, each of you must carefully guard the neighborhood of the parish entrusted to him from all other vices, and also take care that there be in it no hatreds, rivalries, enmities, factions, evil customs of rash swearing, cursing, and imprecation, nor even detractions.

But above all rebuke and assail the vices and sins to which you have observed the people to be more inclined.

Do not conceal sins, but announce to the people their crimes; rebuke those who sin publicly before everyone, so that others may have fear.

Do this in the spirit of the Lord’s strength, and as His strenuous soldiers fight the good fight, trembling at nothing whatsoever.

Saint Gregory admonishes you that if you remain silent from rebuke because you fear the hatreds that may rise against you, you are now seeking not the gains of God, but your own.

Do not abandon that office of rebuking or of reproving openly on account of curses, persecutions, calumnies, or insults of any kind, provided that you serve the glory of Christ and the salvation of souls.

Again, do not desist from doing it out of zeal for hunting after men's favor. "I would not be a servant of God if I pleased men," says the Apostle.

Woe to you who are silent or dissemble if the flock entrusted to your care perishes: the just and almighty God will require its blood from your hands.

Therefore, if sin is committed, let your words in rebukes not be flattering, but, as was written by the Holy Spirit, let them be goads and, as it were, nails driven deep.

Press on in season and out of season, even with private admonitions, counsels, corrections, and reproofs, so that, with divine grace assisting, you may recall sinners to the way of salvation.

Restore fraternal correction to holy use in such a manner that you not only correct one another in mutual Christian charity, but also rightly teach the rest--especially the inhabitants of the parish--that duty of charity and correction.

To fulfill the parts of sermons, admonitions, and corrections, procure for yourselves passages, especially from the doctrine of the Roman Catechism, in which you can occupy yourselves diligently with great salutary advantage to your peoples.

Nor for this manifold kind of your ecclesiastical conduct neglect the aids which you can usefully obtain from elsewhere.

Accurately perform and execute the other offices prescribed to you by Provincial and Diocesan Councils in the administration of the Sacraments, in constant exhortation to their frequent use, in the care of the fields, and in the other functions of the parochial office; and conform yourselves wholly to the norm of those conciliar constitutions or decrees with every zeal of observance and obedience.

But those parts of the Provincial or Diocesan decrees which pertain to laymen and their Christian discipline--so that they may be observed more diligently, the more frequently they are published and inculcated--frequently set them before your peoples, announce, explain, and introduce them into custom, as occasion shall arise, expressed summarily in the vernacular.

Finally, whatever decrees pertain either to you or to the laymen entrusted to your care, introduce them into complete execution and the practice of discipline with the greatest zeal you can. See and consider above all what and how religious are the parts of your office; and take care that in the duties and functions of your cure you not only commit no wrong, but do not even omit anything, since in priestly life, in proportion to the office which you sustain, faults of omission can be both graver and far more numerous than in other men.

• Clear transcriptional word divisions and letter confusions in the long synodal quotation have been regularized in translation; no registered Greek lacuna occurs in this chunk.

CHAPTER XLVI

That the Various Institutes of Monks Are Useful to the State; Their Measure and Method

§ 1. If the life of all Christians were such as flourished in the holy city at the beginning, there would be no need for that variety of religious orders which we now see. For then there was an assembly of saints; now very many Christians live in such a way that they are of the world and appear worldly. Indeed, vices have advanced so far that even Churches and prebends are called secular. I do not complain of the profaneness of the terms, provided that religion is maintained in morals. All Christians have renounced the world, the devil, and his pomps, which is necessary for salvation; many have bound themselves by the stricter laws of chastity, poverty, and perpetual obedience. Some of them profess the contemplative life, others the active, and most a life mixed from both, because neither can Mary make use of the necessities of life without Martha, nor Martha sit at the Lord's feet without Mary.

It is not for me to expound either the praise or defense of religious life, or the diversities of the orders. These matters demand whole treatises and have been excellently treated by many. The state alone must be instructed how it may rightly make use of so many examples of holy men.

§ 2. Those who complain of the multitude and variety of religious act unjustly, since nearly all live temperately and most live in the greatest poverty. Do the sacred companies of those who sing to God, who are chaste, poor, and fasting, of whom the world is not worthy, offend you, while so many companies of bankrupt mountebanks, tavern-keepers, and drunkards do not? Do you believe that the grain supply is scourged by the dry diet and fasting of monks, but not by the Apician banquets of prodigals? Away with those artifices of the devil which render the servants of God odious. In one year in Europe, so much wine and beer, together with nature's torture, is consumed in drunkenness to the destruction of body and soul as would suffice for ten years for the sobriety of all the monks in the whole world. Look at the frequency and intemperance of banquets, and you will find that I have said too little. This is what not only causes poverty by emptying the storehouses, but provokes the divine wrath to mow down the hope of the crop in the blade by hail, frost, blight, and drought. I spoke of this matter above; now let us treat those things which are general and must be considered by all in the state.

§ 3. Those orders which procure their living by the labor of their hands are useful to the state, nor can even the rude populace blame them. For after psalmody many labor together at their tasks; during the assigned tasks sacred reading is held, spiritual hymns are sung, and conversation concerning pious matters is instituted. These men are burdensome to no one; they live from their labor, and from it they also do good to others. In former times a great part of the hermits lived in this manner. Augustine treats of them in the book *On the Work of Monks*. Abba Lucius in the *Lives of the Fathers* taught that this was to pray without intermission. For when certain brethren had come to him, the old man questioned them, saying: "What work are you accustomed to perform with your hands?" But they said: "We perform no work with our hands, but, according to what the Apostle says, we pray without ceasing." The old man said to them: "Do you not eat?" They answered: "Yes." And he said to them: "When, therefore, you eat, who prays for you?" But they were silent. Again he questioned them, saying: "Do you not sleep?" And when they said that they slept, he said to them: "When, therefore, you sleep, who prays for you?" They found nothing to answer him. Then he said to them: "Forgive me, therefore, because you do not do as you say. But I pray. For I sit from morning until the appointed hour, soak a few palm leaves, and make cords from them; meanwhile I pray, saying: 'Have mercy on me, O God, according to Your great mercy, and according to the multitude of Your mercies blot out my iniquity.' And when I have completed the works of my hands, and made some vessels or a few cords, and have received ten coins for them, from those coins I give two to the poor and eat from the rest. Therefore, when I eat or sleep, they without ceasing fulfill my prayer for my sins." Thus in the *Lives of the Fathers*, book 3, page 53, number 212.

Both the Pontiff will readily approve orders of this kind and states will receive them. For he will prescribe a time for prayer and psalmody--namely, that which secular men allot to banquets, games, and walking--and they will bring great utility. For food, clothing, and habitation will require little expense; they will sell their works for a lower price than others, because they live at lower expense. But works of more than one kind are to be performed. Formerly they wove baskets, which was a very common occupation among the rushes and sedges of Egypt; and since they ate very few vegetables and bread, they supported their expenses with no great labor. The cultivation of gardens is also suitable. Therefore I would prefer monasteries of this kind in suburban villages rather than in cities, so that they might cultivate a garden, which is a secondary reserve of sustenance, and yet might sell their goods in the cities. The writing, binding, and ornamentation of books also belong to them; I add printing. No less suitable are painting, drawing, and weaving sacred images and the ornaments of churches--finally, whatever is accustomed to be done by ornamental work or by a joiner.

§ 4. Those who do not live by the works of their hands either possess their revenues in common and live from them, or support themselves from alms. The monasteries of the Order of Saint Benedict, and of other orders which practice hospitality, are endowed with revenues. Although these suffer envy among the greedy, they are nevertheless welcome to the poor; for the prelate of one monastery often gives more alms than whole cities. Their institute is most holy: to sing divine praises for several hours every day, to pray, and to maintain a strict discipline of silence, fasting, and other observances. At times they preach and perform other duties of priests; they pass the principal part of the night in prayers and sacred song. No one has ever suspected that these men are useless to the state. For besides sacred occupations they devote their labor to other offices also; the whole North received the Christian faith principally through that order. Emperors have made use of the most faithful and useful labor of very many Abbots. Their religious virtue and modesty, and their proven prudence, brought it about that a considerable number, even men of humble station, attained the right and dignity of Princes in the Roman Empire; and Dukes and Counts do not consider it unworthy of their rank that the authority of the superiors of religious should be equal to their own. For they know that, amid the small number and scarcity of prudent and faithful counselors, religious men were summoned--not by ambition or money--from the recesses of monasteries for the salvation of the Christian state and the people of God, so that they might state their opinion with authority and the power of voting. For no reason counsels that one should fail to employ for the common welfare the work and counsels of men of faith, piety, learning, and prudence, who have stripped themselves of affections for human affairs. I pass over in silence the fact that so many distinguished prelates have proceeded from this order that it might appear to have been instituted by God for this reason, lest the Church lack government and the state assistance. I therefore say nothing more of these men. Emperors, Kings, Princes, and Christian states themselves, having regard not to birth or favor but solely to virtue and the public good, have in many places equated them with Princes, Dukes, and Counts, and have even given Counts and nobles into their clientship.

§ 5. I come to the poor religious, whose immense labor in teaching and celebrating divine offices, and whose austerity and want in clothing, habitation, and food, deservedly move all men to compassion. The Dominican and Franciscan Fathers formerly preserved the Church and the state, and now also devote unwearied labor to religion and the public good. If utility is asked about, one Dominic, one Vincent, converted as many souls as Moses led out of Egypt. Those who say that they enter the order for the sake of idleness speak calumniously; no one can persuade himself that this occurs. It is therefore calumny and an assault upon acknowledged truth. So many wealthy and noble men, having abandoned honorable, rich, and delightful ease, hasten with joyful minds to that most humble abasement of themselves, the want of all things, the austerity of food, hair-shirts, and scourges; and they joyfully sustain the cross, looking to the LORD JESUS CHRIST, the Rewarder, who will refashion their body of humility, conformed to the body of His glory. A King, Prince, Bishop, and state will therefore cherish these men with great affection. For teachers of the virtues and faith--which hearts so devoted to GOD profess by their deeds--will not be lacking. Indeed, the state can promise itself every prosperity when so many prayers of the saints ascend for its kingdom like the fragrance of spices to the throne of the Lamb.

§ 6. The institute of religious is not by its nature that of Clerics, although those among them who are Clerics also enjoy the privilege of Clerics. Thus Cause 16, question 1, canon 6:

> The case of monks is one thing, that of clerics another. Clerics feed the sheep; I am fed. They live from the altar; for me, as for an unfruitful tree, the axe is laid to the root if I abandon service at the altar. It is not lawful for me to sit before a presbyter. If I sin, it is lawful for him to hand me over to Satan for the destruction of the flesh, so that the spirit may be saved on the day of the Lord Jesus.

And canon 4:

> A monk has the office not of one who teaches, but of one who mourns, who should lament either himself or the world and fearfully await the coming of the Lord.

The other part is Cause 16, question 1, canon 21:

> We commend that learned and upright monks consecrated with the honor of the priesthood ought to baptize, preach, grant penance, release the debts of the afflicted, and enjoy a just portion of the tithes, first-fruits, and offerings of the living and the dead under a regulated dispensation, so that, living according to the Apostle from the altar which they serve, through ministry to the Lord's people they may transform bread and wine by an immaculate blessing into the body and blood of our Lord Jesus Christ.

And canon 23:

> By the governance of Apostolic authority we decree that, if monks have been consecrated with the honor of the priesthood, together with the power of binding and loosing, they may laudably claim for themselves, no less than other priests, a portion according to the canon of the tithes, first-fruits, offerings, and donations made for the living and the dead, for their own utility and that of their neighbors by merit of more perfect justice.

§ 7. The care enjoined upon Bishops of visiting monasteries frequently should have as its principal aim that the original institution of the orders be preserved. They will not readily permit the rigor to be diminished without necessity--nor even to be increased. For if austerity of life is excessive, it excludes many who otherwise would be suitable; it generates many exceptions and privileges, and dispensations which the necessity of some demands but the weakness and tepidity of others extorts.

§ 8. Since the religious state is an order of humility and penance, and yet cannot exist without magistracy, that arrangement must be judged best in which the superiors' authority remains entire, and yet there is the least cause for seeking the prelacy. This will occur when it is instituted so as to be an office rather than a dignity. For if those who preside immediately enjoy bodily comforts and honors above the rest, through the weakness of human nature the presidency which is fled in the world is sought in religion. Therefore let all superiors of monasteries so order their table and other things that they are a form and example for their subjects. Let them have nothing peculiar to themselves except what the necessity of their office demands. Let them use it in such a manner that the rest may see that it is done not from love of delights but for benevolence and hospitality; and therefore let the superior diligently compensate by other penances and austerity for what he conceded to charity. For there cannot be a true desire for self-denial, mortification, and humility if prelates and seniors in the same house pursue repose and delights. Certainly it has rightly been established that he cannot become an Abbot who became a monk in order to become an Abbot; nor can he become an Abbot who conducted himself as a monk in order to become an Abbot.

§ 9. In wealthy monasteries the first care should be to remove luxury. Let necessary things be present for those who labor, but let the severity of the rule be observed--not only among subjects, but much more among those who ought to be examples. Let the wealth, moreover, be expended upon the poor, upon increasing the number of laborers, upon studies, and upon the fabric and ornaments of the church.

§ 10. In the monasteries of the poor, Princes, Bishops, Prelates, wealthier Clerics, and citizens should bring it about that there be the least possible need for going about and begging at the doors of others. For although the religious themselves are accustomed to undergo that embarrassment, nevertheless rare departure into public is more humane and altogether more useful for their repose and advancement in divine service. A religious outside the monastery is like a fish outside the water. "A monk without a cell lacks life," Cause 16, question 1, *Placuit*. No slight cause why fervor and piety grew cold among religious within the memory of our fathers was, in wealthy monasteries, the abuse of riches, and in poor ones, wanderings for sustenance through the districts, as they call them. For when a great multitude had grown but had withdrawn a little from the old zeal and ardor of piety, alms had to be sought by entreaties and sometimes by social courtesy. From this arose more unrestricted departure and association, and what follows a man pursuing external comforts: hatred of the cell and, finally, the overthrow of discipline.

From this they also readily come into contempt, while secular men think they travel for the sake of their belly. I add that not all of them, as men living a poor life at home, know the odious ceremonies of social refinement; being weary, hungry, thirsty, and unaccustomed to draw out delays at table, they frequently appear more desirous of drink or food. This is altogether an injustice: delicate men sit down at table to rouse by the artifice of seasoning a nauseated stomach, while these are judged gluttonous when they quiet a roaring belly.

It is therefore to be desired that there be such liberality--or kindness in the liberality--of the wealthy that laborious excursions through villages and towns, which distract the mind and shake discipline, may be abolished. These are for the most part the task of younger men and lay brothers. For when learned and grave men among them are summoned to give counsel and assist parish priests and parishioners, this does not pertain to that solicitude for sustenance. Nor will their labor be fruitless, since in former times they almost alone sustained the faith.

§ 11. For this reason their monasteries are to be placed either in great cities or near them. And if we inspect the matter, it will appear that in the past century the monasteries of great cities maintained discipline, while in towns it was greatly relaxed. For provisions had to be sought from farther away, few could be supported, and among a few who travel frequently rigor cannot long be preserved. But the farther one withdraws from the original institute, the farther the divine blessing retreats, and the care of sustaining life increases and grows burdensome; and it comes about that harsh necessity drives out those whom it is especially expedient to remain recollected at home, and first impels them into the dangers of acedia and weariness with sacred things, and then into grave sins.

§ 12. Principal care must be employed in receiving novices. In a rigorous order, let them not be admitted quickly and on the strength of sudden fervor; for where impulse rather than mature deliberation moves the mind, perseverance in the purpose fails. Those whom impulse carries proceed with the greatest violence; when we traverse the road with a natural gait, we reach the goal more slowly but more certainly. In wealthy monasteries, in which a more comfortable life, promotion to honorable offices, and liberty can be hoped for, great investigation is necessary lest perhaps not the love of God but the love of the world makes the candidates religious--lest desperation make a monk. For such men are restless, and because they do not attain what they had proposed for themselves, or attain it slowly and mixed with much humiliation, they readily abandon the institute with scandal and their own ruin.

No one does more harm than a Superior who seeks increase through easy and rash admission. Antonius of Siena relates in the *Chronicle of the Dominican Fathers* that the dissolution of the orders took its beginning from that imprudence. For when in the year 1348 and the following year the immense scourge of pestilence--which Robert of Avignon had foretold thirty years before--pervaded the world, most monasteries were emptied, for it is reckoned that half of mankind was consumed. The evil, however, fell more severely upon religious because they were accustomed to be present with the dying, instruct them, animate them for their departure, and fortify them with the Sacraments. When, therefore, those who then survived saw the houses nearly empty, with a plan more specious than prudent they admitted many without great discrimination. They thought that these men, even though living more licentiously, should be tolerated, hoping that their morals too would mature with age. But the contrary occurred. For when they were now adults and more numerous, and the seniors were dying, they retained the vices of young men while

assuming the authority of old men, and introduced dissolution. Zealous men in the orders themselves, Pontiffs, Kings, and Bishops afterward fought against these things, which nevertheless could not be wholly conquered until heresy wrought its slaughter. But now all the orders are reforming themselves with greater fervor and constancy than has been done for three hundred years, being incited by one another's example. Therefore candidates must be admitted with great caution, for the wicked more readily seduce the good than they themselves are converted.

• Obvious transcriptional corruptions in titles, word divisions, and common Latin forms have been corrected from context in the translation; no registered Greek lacuna occurs in this chunk.

§ 13. In religious orders one must labor not only so that vices are severely corrected and scandals removed, but so that the aroused fervor of minds, zeal for souls, and love of maintaining discipline are fostered. If the life of a religious is languid, if he does not advance in virtue, if he undertakes the exercises of his profession unwillingly and sadly, if he aspires to liberty, he is near to ruin. If there are several men of this kind, they retard the alacrity of others. If they have also elected a Superior who assents to their inclinations, all is over unless the Bishop immediately deposes him, which he can do, as is found in the law, Cause 18, question 2, *Si quis*. Nor is only a criminal man harmful, but also one who is negligent and indulgent toward vices. For just as no labor is necessary for a ship to be carried down by a favorable current, but it is enough not to row and not to spread the sails in the opposite direction, so also, unless we are drawn toward good things by daily care, we glide of our own accord into evils. Each man ought to labor at this in himself, and a Superior in everyone.

Finally, let all who enter religious life strip themselves altogether of human affairs and live in such a way that they are not the cause of even the least violation of the rule of their institute. Let them know that their office is what Jordan replied was the office of the Dominicans: namely, "To live uprightly, to learn, to teach." For in truth one must not only live uprightly, but also learn, and, when there is opportunity, teach. Thus Antony and Aphraates came forth from solitude into public and expounded the word of God. See the distinguished reply of Aphraates to the Emperor Valens in book 8 of the *Tripartite History*, chapter 4. Saint Basil judged that the life of monks is perfected by reading and prayer, writing to Gregory:

> **Εὐχαὶ πάλιν τὰς ἀναγνώσεις διαδεχόμεναι, νεαράν τε τὴν ψυχὴν, καὶ ἀκμαιοτέραν πρὸς Θεὸν πόθῳ κεκτημένην παραλαμβάνει.**

[Printed page 504]

Prayers in turn, when they succeed readings, receive the soul fresher and more vigorous, moved by desire toward GOD. For this reason we see religious today devoting themselves to studies in all universities; others use a private master at home. Since they cannot employ his services with equal advantage in philosophy and Theology--for these studies demand public exercises--they are sent to Academies, and indeed most usefully. The Council of Vienne prudently established that in every monastery in which there are sufficient goods for this purpose there should be a master or doctor of a literary school. The Council of Trent also urges the exposition of Scripture, as does the Council of Aquileia celebrated in the year 1596, in the section *On Maintaining the Faith*:

> In the monasteries of monks also, even of Carthusians, where it can conveniently be done, let a lecture on sacred Scripture likewise be held. If the Abbots are negligent in this matter, let the Bishops of the places, acting in this as delegates of the Apostolic See, compel them to it by suitable remedies, as is providently established by the Decree of the Council. But in the convents of other Regulars in which studies can conveniently flourish, a lecture on sacred Scripture ought similarly to be held according to the prescription of the Council of Trent. This lecture shall be assigned by the general or provincial Chapters to the worthier ministers. In public schools also, if a lecture on sacred Scripture has not hitherto been instituted, it must be instituted as soon as possible for the conservation, championship, and defense of the Catholic faith; and if it had been instituted and were neglected, it must altogether be restored by the decree of the Council of Trent. Thus, if the principles and precepts of the arts and sciences are everywhere diligently handed down so that nothing is lacking for perfect knowledge, the studies of sacred

> Scripture, the nourishment of the Gospel Word, the majesty of the divine utterances, and the greatness of the heavenly promises--which is the sole support of the present life and proof of the age to come--may not lie neglected.

But what I have said elsewhere concerning the studies of the state and of Clerics pertains especially to religious, who ought either to have studied or to be studying--or, to speak more rightly, both to have studied and to study.

This is so especially at the present time, when they are assailed by the common reproach of the sectaries, who say that nothing is more unlearned than a monk. Very many most learned men in monasteries show this to be utterly false. Yet the sloth and will alien to studies of certain men provide an occasion for it to be said. To the great evil of their subjects and disgrace of their order--indeed, to the insult of the Catholic Church--they both neglect learning themselves and impede others from advancing. Nor is the swelling knowledge of learned men to be feared, since no one weighs the rule of religious obedience and discipline more than one who is solidly learned.

I shall conclude these matters with the encomium of Saint Chrysostom in his fourteenth homily on chapter 5 of the First Epistle to Timothy, in which the holy man describes with a learned pen the office and all the actions of monks:

> Just as though one were going from earth to Heaven, so one goes from one's own home to the monastery of any holy man. There you do not behold the things that are at home. That place is clean; there is profound quiet and silence. "Mine" and "yours" have been driven entirely from there. Even if you remain there only one or two days, you will then be flooded with a greater perception of delight.
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> It grows light--or rather, before the light the cock utters his voice. It is not as in the houses of secular men, where the household snores, the doors are shut, all are prostrated in deep sleep and are like the dead, and the muleteer shakes his bells. Nothing of this sort is there. Rather, all rise with reverence after shaking off sleep, roused by their superior, and immediately stand in the sacredly appointed choir; forthwith, with hands extended, they sing holy hymns together. For they do not, as we do, require several hours to shake off sleep. We, as soon as we rise, are occupied for a longer time: we go to the necessities of nature, then wash our hands and face, afterward put on shoes and garments, and spend much time on these things. There you would see nothing of this sort. No one there calls a servant, for each is sufficient for himself; he does not need many garments, nor does he have any need to shake off sleep. For as soon as he opens his eyes, he appears to have been awake for a long time. This happens to him by reason of sobriety. For unless the heart, made heavy by foods, is sunk downward, it is easily awakened from a light and healthful sleep; and immediately he resumes his turn of prayers. Pure hands are extended because an upright and moderate sleep preceded. No one here hears men snoring or yawning with sleep; no one sees anyone toss about in slumber or become uncovered. Rather, composed in order, they sleep more becomingly than men who are awake. All this proceeds from the discipline and uprightness of the mind. These truly are saints and Angels among men. For the highest fear of God does not permit them to be submerged in this deep sleep and the mind to be relaxed from its vigor, but it remains almost upon the surface, and sleep only refreshes them. Their dreams also are of this kind: they do not present fantasies or monstrous images.
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> But, as I said, immediately at the cock's crow the superior stands beside them, gently strikes the reclining man with his foot, and thus immediately awakens all together; for it is not lawful to sleep naked there. Then, when they have risen, they devote themselves to the divine praises and sing the prophetic hymns in a great and sweet concord and with measured songs. Neither pipe, nor lyre, nor any other musical instrument produces notes so sweet as those holy men singing psalms in the greatest solitude and quiet. Their songs themselves are also most fitting and breathe love of God and zeal for divine things: "In the nights," he says, "lift up your hands to God." And again: "From the night my spirit keeps watch for You in the morning, O God, because Your commandments are a light upon the earth."
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> The Davidic songs likewise move fountains of tears. For when he sings, saying, "I have labored in my groaning; every night I will wash my bed, I will water my couch with my tears"; and again, "Because I ate ashes as bread"; likewise, "What is man that You are mindful of him?"; and, "Man has become like vanity"; and this, "Our days

pass like a shadow"; and, "Do not fear when a man has become rich, and when the glory of his house has been multiplied";

And again, "Who makes men of one manner dwell in a house"; and, "Seven times in the day I have spoken praise to You for the judgments of Your justice"; and again, "At midnight I arose to confess to You for the judgments of Your justice"; and, "O God, deliver my soul from the hand of hell"; and, "If I walk in the midst of the shadow of death I will fear no evils, because You are with me"; and likewise, "I will not fear the terror of the night, the arrow flying by day, the business walking about in darkness, the assault, or the noonday demon"; and, "We have been accounted as sheep for the slaughter." When they sing with Angels--for the Angels also sing at that time--"Praise the Lord from the heavens," while we are yawning, scratching, and snoring, or even lying supine and devising innumerable deceits, what is it like for them to consume the whole space of the night in the praise of God?

But when the light of day is now near, they pause for a very little while; and when we undertake our works, they claim a time of repose for themselves. But when it has grown light, each of us calls another and weaves a conversation concerning impediments. Then one bursts into the forum, stands before the magistrate, trembles, and fears punishments. Another goes to the theater; another proceeds to his work. They, on the contrary, when the morning prayers and hymns have been completed, turn themselves to the study of the sacred Scriptures. There are also those who have learned to copy books. Each one,

[Printed page 505]

however, having an allotted dwelling, studies in perpetual silence. Thus, with no one weaving trifles or speaking anything else, they complete the synaxis of the third, sixth, ninth, and evening hours; dividing the day into four parts, they honor God at the completion of each part with psalmodies and praises. While all the rest dine, laugh, play, and are distended with immoderate food, these devote themselves to praises. They have the least care for setting a table and, in general, for things subjected to the senses. After supper they again serve the divine praises, and thus take sleep soberly. Secular men, indeed, sleep even by day; these persevere in vigils even at night, as true sons of light. And the former, after indulging in more sleep, come forth burdened; the latter, on the contrary, are always sober, persisting without food and devoting themselves to hymns.

Again, as the day declines toward evening, the former hasten to baths and repose. The latter, relaxing the labor of spiritual exercise for themselves, take food without rousing a flock of servants, without running through the house and stirring up crowds and tumults, and without setting out costly dishes elaborated by the cook's art. Rather, some take only bread and salt, others also oil, while most of the weaker take vegetables and legumes as food. Then, after they have sat for a little while and concluded the whole time with hymns, each reposes upon beds made only for rest, not for delights.

There is no terror of Princes there, no arrogance of masters, no fear of servants, no crowd of women, no restless cry of little children, no multitude of chests, no superfluous clothing, no gold, no silver, no guards, no treasury, and no other such thing. Rather, everything burns with prayers, everything resounds with hymns, everything is fragrant with a spiritual fragrance. Nothing carnal is there. No incursion of robbers is feared there, for they have nothing that can be carried away from them; they lack money and possess only body and soul. Those who take these things from them have not only harmed them in nothing, but have benefited them greatly. "For to me," he says, "to live is Christ, and to die is gain." They have been released from the bonds of the body. For truly, "The voice of rejoicing and salvation is in the tabernacles of the just."

No wailing and groaning are heard there. Those happy dwellings are free of all these things, free of these sorrows and cries. Men do indeed die even within them, for they are not immortal in body; but they neither call nor consider death to be death. They accompany those departing with hymns and call the event not the bearing-out of a corpse, but a procession and a sending-ahead. Finally, when anyone is announced to have died, great exultation and immense delight arise among them all. Indeed, no one even presumes to call him dead, but consummated. Then thanksgiving, glory, and immense joy follow, as each one prays to be given this end: thus to depart from the contest, to rest from labors and sweats, and to see Christ.

But if anyone has fallen ill, no lamentations and no tears, but perpetual prayers are poured forth. There the hands of physicians do not work, but faith by hope alone heals the sick man. Yet even if there should be need of physicians, great philosophy and immense endurance are displayed here also. No wife stands by with loosened hair, bewailing the evils of a little orphan's misfortune which have not yet occurred; no household strikes the expiring man with importunate entreaties that he should safely commend it to someone. Rather, the mind, stripped of all these impediments, considers one thing alone: how it may pour forth its final breath to God with greater grace.

And if illness occurs, it has not proceeded from the vice of gluttony or from drunkenness. Rather, the causes of illnesses themselves are full of praises and liable to no accusations. For weakness arises either from continual vigils, or from sustained fasting, or from some such things; therefore they are also easily freed from it. For it is sufficient for them to relax even moderately from their former rigor in order to escape the discomforts of illness.

CHAPTER XLVII

Communities of Sacred Virgins, Their Laws and Government

§ 1. Virgins have always possessed great majesty in the state, and an honored place even among the Gentiles. For at Rome the Vestals possessed an almost senatorial dignity, and among the Greeks also virginity was held in esteem--yet it was rare, and therefore virginity was precious. But those flowers, scarcely one of which entire kingdoms of the Gentiles beheld, occupied whole fields of the Church, especially the newly broken lands recently irrigated by the Lord's blood. For after Paul, as though sowing seed, scattered these words in 1 Corinthians 7: "But I say to the unmarried and to widows: it is good for them if they remain so, as I also do. But if they do not contain themselves, let them marry; for it is better to marry than to burn. But to those who are joined in marriage I command--not I, but the Lord--that the wife not depart from her husband; but if she has departed, let her remain unmarried or be reconciled to her husband."

What effect this produced is shown by Corinth, the famous cultivator of immodesty. For they soon began to veil virgins, and Tertullian says in *On the Veiling of Virgins*, chapter 2: "And the Corinthians today veil their virgins." At the same time there was at Philippi a college of virgins which Ignatius salutes, *Ignatius*, epistle 8. And in the Epistle to the Smyrnaeans: "I salute also those who pass their lives in perpetual virginity, and the widows." And in epistle 12 he admonishes Hero to care for the virgins as precious jewels of Christ. Clement, Jerome, Ambrose, and Augustine treat of them. Justin Martyr glories magnificently concerning them before Antoninus: "Very many indeed of both sexes, sixty and seventy years old, who from childhood have followed the discipline of Christ, continue incorrupt and celibate; and I glory that I can display such persons among every class of our people." Saint Cyprian, in *On the Dress of Virgins*, testifies that their number was immense in the Church while it lived beneath the swords of persecutors. "Now the world is filled; the earth is filled with those who can receive continence, living after the manner of eunuchs, castrated for the kingdom of God." The poet Naumachius also sang the praises of virginity:

Καλὸν μὲν δέμας ἁγνὸν ἔχειν, ἀδμῆτά τε μίμνειν

Παρθενικήν· καθαροῖσί τ' ἀεὶ μελεδήμασι χαίρειν,

Μήτε βαρυτλήτων λαγόνων περὶ φόρτον ἄγουσαν,

Μήτε πόνον τρομέουσαν ἀγάστονον Εἰλειθυίης·

Ἀλλ' ἦσθαι βασίλειαν ἀφαυρῶν θηλυτεράων,

Ψυχῆς ὄμμα φαεινὸν ὑπὲρ βιότοιο χέουσαν·

Ἔνθα γάμοι κεδνοὶ καὶ ἀληθέες, ἔνθα μιγεῖσα

Θεσπεσίοις ἐπέεσσι νοήματα φάεα τίκτει.

It is assuredly splendid to have a chaste body and to remain inviolate, a virgin; to rejoice always in pure hymns; not to carry a heavy burden about the loins; not to tremble at the labor and groaning of Lucina; but to sit as queen over weaker women, pouring the bright eye of the soul forth upon life. There are splendid and true nuptials; there, mingled with divine utterances, she begets luminous understandings.

But it is easy to praise virtue; it is difficult to implant, fence about, increase, and defend it--especially the virtue of women, who are fragile and changeable, and above all the virtue of chastity, which has an internal and powerful enemy, strong in flatteries. Therefore the monasteries and life of virgins must be discussed.

§ 2. There are some monasteries of virgins who have vowed chastity, but others are free communities, which I do not know whether they can be found outside Germany; in the free communities, however, the Abbess is bound by vows. I am not ignorant that those communities of virgins are disapproved by many, but they censure the morals of some, not the institute. For it appears plainly useful to me that there be a place in which virgins may be brought up uprightly and safely for piety and for labors necessary and suitable to their sex, and then, after becoming acquainted with the exercises of religious life, either embrace it or be given in marriage. Let it be, as it were, a seminary of virgins and matrons, provided that those things required by the uprightness of common life are present, corruptions are avoided, and whatever can obstruct a good reputation is shunned.

§ 3. We shall now treat the monasteries of professed virgins, or those bound by a vow. These are of two kinds: some virgins live by the labor of their hands alone; others have their own revenues. I approve most of all those whose annual revenue is moderate, so that there is sufficient time for sacred prayers and readings, and so that a part of their support is acquired from the revenue, but the rest by the labor of their hands.

Their labors can be various: everything that pertains to the making of clothing which they use; then weaving, embroidering with the needle, spinning, and cultivating a garden. For since studies and manifold readings are by no means suitable for women, and perpetual prayer or psalmody cannot be employed, these things must be interspersed not with idleness but with labor, of such a kind that it arouses the spirit and exercises the body healthfully without oppressing it. Let the Bishop inquire carefully into this matter when he visits.

But whatever can be established concerning the integrity, discipline, and preservation of monasteries in which virgins dwell was established, through the agency of Charles Borromeo, the most holy and prudent Archbishop of Milan, by the First and Fourth Councils of Milan. I have resolved to take their provisions from there, both so that among Bishops, Prelates, and the communities of virgins themselves they may possess the authority of so great a prelate and of the synods, and so that adversaries may see what the life of sacred virgins and the care of their salvation are, and cease to defame a most holy life which they are unwilling to imitate. I affirm at the same time that these constitutions contain a compendium of Apostolic doctrine, the sacred canons, and those things which the Fathers handed down concerning the care of virgins.

In the First Synod, therefore, the following things are established:

> So that in monasteries of Regular women who have dedicated themselves to GOD in religion the ancient discipline may both be preserved entire and, if perhaps it has anywhere been corrupted, be restored; and so that they themselves, conforming themselves to it, may rest more freely in the contemplation of divine things: we command that these formulas for living piously and rightly--partly handed down in the decrees of the Council of Trent, partly established for the advantage of our province according to the circumstances of these times--be altogether observed by all nuns in this province, even those committed to the care of Regulars or, for any other reason whatsoever, not subject to the jurisdiction of Bishops, by the faculty given to us by the Supreme Pontiff Pius IV.

CONCERNING THE NUMBER OF NUNS

> At the command of the Council of Trent, let the Superior establish for each monastery that number of nuns which can be suitably supported according to the measure and resources of the place and the customary alms, and let him strive to do this within a year. Nor shall it in any manner be lawful for that number to be increased unless an annual accession of revenues sufficient for it has been made to the monastery.
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> Let the Bishop diligently endeavor to transfer and unite with other monasteries of the same or another order those monasteries in which there are not twelve professed women who use the veil, and which cannot support that number from their own revenues or customary alms, having summoned for this purpose the Regular Superiors, provided that the matter concerns a monastery whose care pertains to them.

But if a union of this kind should appear in no way expedient, let him permit that number of nuns to die away in the course of time and be reduced to nothing, the faculty of receiving novices being altogether taken away from those nuns.

And let the monasteries of those nuns and the revenues of the monasteries even now be assigned to other monasteries or places to which they shall appear to be owed under the laws of that order.

CONCERNING THE SUPERIORS AND OTHER MINISTERS OF THE NUNS

Within two months after these constitutions have been published, let the Bishops admonish the Abbesses or any Superiors who profess that their office of Superior is perpetual--even by edict, if they judge it proper, with the penalty of deprivation proposed, which they shall incur by the fact itself--that within a further month they exhibit to the Bishops or their vicars, and at the same time to their Superiors if they are committed to the care of Regulars, those legal instruments granted to them by the Apostolic See. Thus it can be ascertained whether those instruments are in proper form and, if there is need, a report can be made concerning them to the Supreme Pontiff. But if they have not exhibited them within that prescribed time, let the Bishop declare them deprived of that rank of dignity, and let their Superior arrange for others to be duly substituted in their place.

No nun shall canvass for, or in any manner whatsoever seek for herself, whether directly or indirectly, by herself or through another, the honors or offices of her monastery of whatsoever kind. The established penalty is that both she herself and those who have favored her in that matter shall, for three Fridays in Chapter, kiss the ground at the feet of each nun and accuse her ambition; and she herself, moreover, if she has obtained that office, shall be deprived of it and of other duties at the discretion of the Superior.

Having laid aside their own will, prepared to obey, and setting before themselves there only the glory of God and the common utility of the monastery, they shall elect to honors and offices those whom, after every human affection has been removed, they judge by the impulse of the Holy Spirit to be more suitable for that duty.

According to the decree of the Council of Trent, let no Superior, by whatsoever name she is called, be elected who is less than forty years of age or who has lived uprightly for fewer than eight years after she was professed. But if a woman of this kind is not found in the same monastery, one may be chosen from another monastery of the same order. If, however, this also should appear inconvenient to the Superior who presides over the election, then, with the consent of the Bishop or another Superior, let one be elected from those in the same monastery who are more than thirty years old and who have lived uprightly for at least five years after profession. In the remaining matters, let the constitutions of the individual orders of monasteries be observed.

A Superior of this kind and her Vicaress, and also the Discreets--who by another name are called Mothers of Council--where they are accustomed to be elected by the Chapter, shall be elected by secret ballots in the presence of the Superior or his minister, who shall stand outside the monastery at the grating or grille, according to the decree of the Council of Trent.

They cannot, however, be elected to these offices unless the Superior has carried two of three parts of the ballots, whether by the votes or by accession. But the Vicaress and Discreets shall be created by votes of more than half.

In monasteries in which there are several sisters by blood, if one of them is placed over the monastery, the remaining sisters cannot become Vicaresses, Discreets, or doorkeepers, nor can they perform the office of scribe or cellarer.

[Printed page 507]

The decrees of the Fourth Synod are these:

We establish that the provisions prescribed below are to be added to the other decrees which we established concerning nuns in the preceding Councils.

A monastery shall have two doors by which access is opened into its enclosure, and no others besides them. Of these two doors, one shall serve for leading beasts of burden, carts, and vehicles, and the other for other necessary uses and conveniences. But in a monastery in which one alone shall appear sufficient for every action and use, let there be that one only.

Each door shall consist of double planking, and that strong, and shall likewise be without any opening, even the smallest crack. It shall have a threshold of marble or solid stone which closely adjoins the gate itself.

To the door for carts or beasts of burden there shall be joined, within the monastery itself, another made of strong planks in the form of a grille, which shall stand a little distance from the first door and shall have the form demonstrated in the instructions for ecclesiastical construction.

At the other door, accommodated to other uses, to which shall be attached the revolving box which they call a *turn*, two nuns shall always be present who shall be appointed doorkeepers.

Each of these two doors shall be locked with two keys, fashioned by the smith so as to differ from one another. Even during the day, the Superior of the monastery shall perpetually keep one key in her possession and the nun senior in profession the other.

All revolving boxes shall be removed and obstructed, and henceforth shall be perpetually forbidden, except the one attached to the common door; another constructed in the place called the parlor; a third which is in the cell of confessions; and a fourth in the Church, fitted for passing out of the monastery the sacred vestments and ornaments necessary for the sacred rite of the Mass.

Food for every lodging of the monastery, even that of the confessor, shall be passed out through the common revolving box.

On the inner side of the monastery a hook shall be firmly fixed in each revolving box so that they cannot be turned at pleasure from outside.

But if there are several places called parlors, there shall be a revolving box in only one, or at most in a second, at the judgment of the Superiors.

The revolving box which faces the Church shall be fitted with two wooden shutters: inner shutters, whose key shall be held by the Superior; and outer shutters, whose key shall be held by the chaplain or by another who shall appear suitable to the Superior.

The height of the revolving boxes shall not be greater than one cubit and eight inches, and their width shall be one cubit.

The revolving box for confessions shall be smaller on every side by half the prescribed measurement.

No window, except those expressly prescribed in the First Provincial Council, shall face from the monastery into the Church or the exterior sacristy; and in it there shall not even be a crack, much less any opening, through which sight or conversation may be possible.

The window through which the elevation of the most holy Eucharist is viewed shall not be open to a height of more than two cubits and twelve inches, but in width it shall be equal to the width of the altar.

Two iron grilles, at a distance of one palm from one another, shall be firmly fastened into that window.

The individual iron bars of which the grilles are constructed shall be distant from one another by no more than three inches.

They shall be inserted into one another in such a way that they cannot be moved from their place.

The windows shall be closed on the inner side with strong shutters, with a lock and key which shall be kept by the Superior.

But wherever that window is at the side of the altar or Church, or in another place, even an upper one, from which the nuns can behold those who are in the exterior Church, let the Bishop bring it about as soon as possible that a window be constructed above the altar from which the nuns view the sacrifice of the Mass, according to the prescribed instruction; and let that lateral or other window, whatsoever it may be, be completely obstructed.

The small window facing toward the Church through which the nuns receive the sacred Eucharist shall be constructed at such a height and in such a suitable manner that the priest may stand conveniently, not bend his knees, while ministering it. On the outside of this small window, in addition to those which now exist, little wooden shutters shall be fitted flush with the wall, and their key shall remain perpetually with the confessor.

The most holy Sacrament shall be reserved nowhere except upon the high altar; a lamp shall always shine before it in the interior Church, and in the exterior Church when its doors are open.

Sacred relics shall be stored in a small aperture which, built into the wall of the interior Church according to the prescription of our instructions, can be opened only from the side facing the exterior Church. This aperture shall be closed with three keys made with different workmanship, one of which shall be with the Bishop, another with the confessor, and the third with the Superior of the monastery.

The small window for confessions shall open to a height of sixteen inches and a width of twelve, and no more. It shall be enclosed by strong iron grilles according to the prescribed form, and also by a thoroughly solid iron plate most firmly fastened to the wall and filled with holes as small as chickpeas, covered with black linen cloth. That cloth shall be fastened with little wooden boards in such a manner that it cannot readily be removed.

The interior places for conversation, commonly called parlors, which shall be constructed hereafter, shall be contained within one and the same circumscription of space with no intervening wall, and, where this can be done without great inconvenience, shall be accommodated to the pattern according to which very many have already been built, so that all conversations can be overheard by the same listeners.

The window of the iron plate shall never be opened, as was provided in the First Provincial Council, except very rarely and for a reason which the Bishop has judged urgent.

In the places constructed for lodging, which are called guesthouses, where food is sometimes taken or sleep obtained because of urgent necessity, there shall be no windows, not even small ones, which face into the monastery.

Care shall altogether be taken that the roofs of the guesthouse and of houses of every other kind be completely separate and very far removed from the roofs of the monastery.

In those monasteries in which provision cannot be made for removing the overlooking view of neighbors, especially religious, as was commanded in the First Provincial Council, the windows shall be obstructed if light can be received from elsewhere. If not, let them be protected from that visual exposure by the form of construction demonstrated in our instructions, which shall likewise be employed in protecting from the same exposure the galleries which they call *loggias*.

Gardens which extend too widely in monasteries of nuns and require the daily labor and cultivation of men shall, where it can be done, be confined within narrower bounds.

In no monastery of nuns of any order, even one subject to the law or care of Regulars, shall any window, door, or other opening of that kind, from which there is a view outside the enclosure of the monastery, be uncovered or opened without the permission of the Bishop, to whom the enclosure of all monasteries is entrusted. Nor shall he permit or grant this unless he has diligently inspected the place and judged it necessary to be done. And then, to impede or obstruct that view--

[The sentence continues in source chunk B6-079.]

• The final sentence is deliberately left open because the fixed source chunk ends in mid-sentence at the printed-page boundary; it continues without omission in B6-079.

§ 3, continued.

[Printed page 508]

--that very precaution prescribed immediately above shall be employed.

Only those nuns whom the Superior has selected shall give orders to servants who, for a necessary cause, are sometimes given the faculty of entering the enclosure of the nuns; no others besides them shall either command anything of the servants or speak to them.

When the nuns attend a discourse or sermon in a place where they can be seen by others who are outside--even by the preacher or by a Superior--let all have their faces covered and concealed by a veil drawn down to the mouth.

Let those who come forward to meet, receive, or conduct anyone entering the enclosure of the monastery--even a physician or Superior--do the same.

Let several physicians be approved by the Bishop who, with the permission also of the Superiors of the monastery, may lawfully be employed within its enclosure whenever the gravity of an illness requires others besides the ordinary physician.

In every monastery let the Bishops introduce the use of ovens in which bread may be baked, so that entrance into the monastery may be altogether forbidden to bakers and their servants.

Nor shall any man be brought in to clean or light the oven, or to perform anything else that can be done or carried out by the nuns.

We decree that what was sanctioned in the First Provincial Council concerning written permission to approach monasteries of nuns shall be inviolably observed both by men and by women, however distinguished they may be in rank, dignity, or birth, even if they are the father, mother, brothers, or sisters of the nun whom they come to visit. Let the Bishop take care that this is altogether performed everywhere.

Let the necessary causes on account of which it is lawful to enter within the enclosure of a monastery--either explained in this Provincial Synod from the decree of the First Council or rejected as in no way necessary--be published in the final part of this Council, printed, proclaimed, and announced in each monastery of nuns, even those subject to the care of Regulars. It shall not be lawful to depart from them in any manner, for any reason, or under any pretext.

Vessels of fruit or flowers shall in no way be kept in monasteries for the purpose of selling either the fruit or the flowers.

It shall not be lawful for a nun or monastery to make little confections and other things of this kind, not only for the purpose of giving them away, as was forbidden in the First Council, but also for selling them.

Let a nun abstain from giving gifts.

It is altogether forbidden to give alms through the turn or gate of a monastery, since it is most certainly known that no slight dangers--or rather, injuries--arise from this. But those monasteries which, according to their means, shall have been permitted by the Bishop or another Superior to give alms shall give money, grain, or another such thing to certain pious men, especially to the administrators of pious places, who shall distribute it to the poor somewhere other than at the monasteries.

Medicines which the Bishop or another Superior has permitted to be sold or given outside shall be given only by the senior apothecary and by no other. They shall be sold or given not in a private capacity, but in the name of the monastery.

A nun shall not be permitted to prepare or furnish medicines for those outside the cloister, to apply her hand for the purpose of healing, to prescribe remedies, or to practice anything else pertaining to medicine.

If a fireplace has been constructed in private cells, it shall be permanently obstructed in such a way that a fire can by no means be kindled in it.

When a window, door, or fireplace is obstructed, its hinges shall be torn out in such a way that the work has been done not temporarily, but permanently.

The same shall be observed in windows, doors, and fireplaces already obstructed.

That common place for the care of the sick which they call the infirmary, wherever it has not yet been built or constructed, shall be established, constructed, or built as quickly as possible. A sick nun shall not lie outside the bounds of that place; but, when health has been recovered, she shall not remain there any longer for the sake of comforts.

Where it can conveniently be done, the ancient and approved use of common sleeping places shall be restored and recalled to its former custom.

Within the enclosure of the monastery a place of burial shall be given or established for no one except the nuns.

Nor shall the bodies of nuns be carried outside the enclosure for burial.

No person of any status or condition, neither lay nor ecclesiastical, shall be permitted in any monastery of nuns to be received in those lodgings which they call guesthouses, or to lodge in them, whether in the city or in the diocese, except the priest-confessor, to whom this is sometimes conceded because of urgent necessity.

In the diocese, however, this may also be conceded to the visitor of the monastery and to its administrators or procurators where the Bishop has judged that it must sometimes necessarily be granted.

We decree that what was sanctioned by us in the First Provincial Council concerning figured chant, every musical instrument, and musicians not to be employed on the feast day of a nuns' Church in the exterior Church is forbidden to them also on every other day and at every other time.

Nor shall anything besides the Mass be sung by others in their exterior Church, since the offices of Vespers and the remaining canonical hours can be sung by the nuns themselves.

In every monastery where there is neither a common place for clothing nor another place in which the nuns occupy themselves in completing works, both shall be established or constructed as soon as possible.

No nun, except the doorkeepers, shall embroider with a needle or perform any other manual work anywhere except in the place established for completing works.

The Mistress of Labors or Works shall possess a definite book in which she shall record so distinctly whatever profit or advantage is received from those labors that it can readily be seen whether anything is lacking in that matter.

No nun except the Mistress of Labors shall interpose herself in receiving or returning works. When necessary, she may sometimes employ with herself another nun more experienced in the practice of completing a particular work.

Furthermore, so far as this can be done, care must be taken that there are not manifold and diverse kinds of manual works or workshops in the monastery.

In this common place of labors, not only shall a reading concerning the spiritual life be employed according to the prescription of the First Council, but every idle word shall also be avoided.

Garments of every kind and all clothing shall be preserved in the wardrobe. Nothing shall be stored or kept privately in cells or another place which is not necessary at that very time.

A nun shall not keep even a small amount of money in her possession under any title, not even with the consent of the Superior, unless the nature of the office she holds demands otherwise.

Otherwise she shall be punished as guilty of property ownership. The Superior who has permitted it in any manner or under any pretext shall undergo the same penalty, as shall also a nun who has discovered it and has not reported it to the Superior within two days, or, if the Superior is at fault, to the higher Superior as soon as she could.

Care shall altogether be taken that that exact and religious manner and practice of common life be diligently introduced into the monastery, and that the nuns diligently pursue the discipline and studies of the spiritual life and holy instruction.

[Printed page 509]

Every year, as was commanded in the First Council, accounts of the expenditures made for food and other uses of the monastery shall be required from the Superior by those whose concern it is. The Bishop himself shall prescribe accurately how much wheat, wine, provisions, and other things he judges sufficient for each monastery's support for the year. If the Superior has shown herself negligent in that prescribed distribution or administration, she shall be suspended from the duty of her office.

A debt exceeding the sum of fifty gold coins shall not be contracted in any monastery without the permission or consent of its administrators, who shall consult the Bishop in matters of great importance.

Let the nuns not involve themselves in secular business. And so that many frauds and losses may at the same time be prevented, let the Bishop diligently take care that their estates are leased, and that this is done under the spear at public auction, unless at some time he judges that another course is expedient.

For maintaining enclosure this precaution also shall be employed: neither wheat, nor other crops, nor provisions shall be stored in any monastery except for the use and necessity of the monastery.

Definite rules shall be prescribed by the Bishop to the administrators, procurators, patrons, and defenders of each monastery, from which they may know every part of their office. Such administrators and ministers of this kind shall be appointed by the Bishop for each monastery subject to his care which does not possess them, yet in such a way that each and every one can always be removed from the charge of that duty at the discretion of the same Bishop.

Within six months an inventory, drawn up in an approved form, of all goods and rights pertaining to any monastery--even one subject to Regulars--shall be carried to the episcopal archive by those whose concern it is, lest fraud be committed in any manner, once the number of nuns has been fixed by the Bishop.

Therefore, if any alienations of those goods and rights should afterward occur, the Bishop shall be informed of them.

When a girl asks to enter a monastery in order to inspect the place where she is considering making profession, it shall first be diligently and carefully ascertained whether this is truly her purpose or whether she is attempting it from curiosity; nor shall she for that reason be permitted to wander through several monasteries.

Girls shall be received both for other purposes and for profession by the secret ballots of the nuns. According to the decree of the First Provincial Council--which, by the authority of the letters of Pius V, has force even in monasteries subject to the law of those Regulars--this same rule shall be fully observed even in monasteries subject to the law and care of Regulars.

Where in these times that religious and ancient custom of solemnly veiling nuns has become obsolete, it shall be recalled to its former use according to the ancient institute and rite, provided that it is done within the monastery.

It shall not be lawful for a nun of any order to put on albs, vestments, or other garments dedicated to the use of the sacrifice of the Mass.

Confessors and chaplains, likewise the priests and other ministers of the nuns whom the Bishop has placed over their care, whoever they may be, shall not take or accept any gift, not even the smallest, nor any food or drink from them under any title, either publicly or privately, under a penalty to be imposed at the discretion of the same Bishop.

Nor, moreover, shall they take anything given as a gift under the appearance or pretext that things of this kind serve ecclesiastical use, such as corporals, purificators, clerical garments, sacred images, and other things of that kind.

Nor shall they accept from them anything else elaborated by manual work or skillfully fashioned, nor even the labor or work bestowed upon cleaning, mending, or repairing garments.

Let the priests who serve the chapel likewise take care not to receive from any nun privately, but only from the Superior of the monastery or from the nun placed over the sacristy, a commission to celebrate Masses. They shall converse only with that Superior or sacristan, and not with other nuns, and then only about matters which pertain solely to their office.

The same shall be observed by the nuns concerning this whole class of matters, a penalty being proposed both for them and for the chaplains at the Bishop's discretion.

But wherever it shall appear proper, with the Bishop's permission, to give some annual stipend to confessors, chaplains, or priests for the support of life, it shall altogether be given as a definite sum of money, unless the Bishop should sometimes concede otherwise--namely, that wheat, wine, or something of this kind be given in place of money.

Let the Bishop choose several pious and likewise diligent men who, especially on feast days, shall approach monasteries of nuns, even those subject to the law or care of Regulars, and inspect them everywhere from outside, to see whether anything is done or carried on contrary to what has been prescribed concerning them, and whether anyone converses with them without having obtained permission.

Whenever a new monastery of nuns is constructed, particular care shall be taken that no window or lookout faces anywhere except inward upon the enclosure of the monastery.

That enclosure shall be closed not by a simple wall, but by the cloisters and porticoes themselves.

In the middle of its enclosure, however, a garden may be established over a great part of it.

Let it be the Bishop's care that monasteries already built be accommodated or refashioned according to the pattern of this form, so far as it can be done.

The lesser offices--such as those placed over the door, the turn, conversations, or the instruction of novices; those placed over the sacristy; those who preside over the nuns who occupy themselves by the industry of their hands; and those who perform the office of scribe or accountant and who minister to the sick--shall be bestowed, by the person who presides over the election together with the confessor, Superior, Vicaress, and Discreets, upon those whom in the judgment of their consciences they deem suitable. By this decree no derogation shall be made from those monasteries in which nuns are customarily elected to offices of this kind by the votes of the Chapter.

The offices of those who have been elected shall be for two years, or, in monasteries where that is the custom, for three at most. When they have completed them, let them remain free from offices for at least an equal length of time. Nor can they be confirmed in the same offices by the nuns unless a grave cause exists, approved by the judgment of the Superior, who can also remove them from office before the appointed time if they administer it badly.

Those who have been elected shall undertake their offices as their obedience demands and shall humbly execute their duties without refusal. Those who act otherwise without a just cause approved by the Superior shall, at his discretion, be deprived of the right of voting, so that they can neither elect others nor be elected by others.

The Superior of the monastery, as the common mother of all the nuns, shall most diligently take counsel for the welfare of both their bodies and their souls. She shall diligently admonish them to be pure of heart, preserve integrity of life, and strive toward the perfection of all virtues. For those who have undertaken religious life, unless they endeavor according to their strength to attain that highest degree, assuredly accomplish less than they ought according to the institute of their life and order--

[The sentence continues in source chunk B6-080.]

§ 3, continued.

[Printed page 510]

--which they profess. Let her remember, however, that she must render to the most just Judge an account of all the faults which the nuns have committed through her negligence or fault.

Above all, let her take care that the peace and concord of the sisters be preserved, with all causes of dissension and discord removed so far as she can accomplish it, so that, as they ought, they may be bound together as one body and one spirit in their Spouse Jesus Christ by the perfect bond of charity.

Let her also strive that each rightly perform her own duty and that no one occupy the office of another except for the sake of assistance and at her own command; that everything be performed in order; and especially that silence be observed at the prescribed hours and places. But if anyone's importunity, in deed or word, has disturbed the sisters' peace and violated charity, let her be most sharply punished by the Superior herself and, if need arises, by the higher Superior of the nuns also, and let the pride of her spirit be subdued.

All the nuns shall render complete obedience and observance to this Superior or to her Vicaress, who in her absence possesses her authority and place, as their vow demands.

But any nun who has neglected her commands and has been unwilling to undergo the penance imposed upon her, or has answered proudly and injuriously without regard for her dignity, or by contumacious defense or excuse has impeded her from rebuking or chastising those who have committed some offense, shall be accused before the higher Superior by those whom we called Discreets, so that she may pay grave penalties for her contumacy and insolence. If the Discreets do not do this, they shall be compelled on one occasion to apply scourges to themselves under the name of discipline and to take their food upon the ground.

Every week the Superior shall also hold an assembly or Chapter of the nuns, for the purpose of correcting the nuns for the faults which they have committed publicly or in the duty of their offices. They shall spontaneously and humbly seek pardon for them before everyone; the Superior shall impose penance upon them and employ the other measures handed down in their institutes for keeping the pious in humility and contempt of self and for making them diligently pursue all virtues.

Let the nuns take care not stubbornly to refuse a penance imposed by the Superior, nor with a malicious spirit to reproach one another with offenses from an earlier time.

The penalty for one who has committed this shall be that she immediately kiss the ground at the feet of each nun and apply scourges to herself as a discipline.

In matters of somewhat greater gravity, the Superiors shall decide nothing unless the greater part of the Discreets, or Mothers of Council, know and consent.

But in matters which require greater deliberation, the Superiors shall summon the whole Chapter of nuns, and what has pleased the greater part of the nuns shall be ratified by them.

In all secret ballots, however, let the nuns take care not to hand the voting balls or counters into one another's hands. The penalty for those who commit this shall be that, deprived of participation in Chapter, they can neither elect nor be elected by vote, at the discretion of the Superior.

None shall be admitted to cast votes concerning any matter referred to them except those who have dwelt in the monastery for three years after making profession.

The Discreets shall excel the other nuns in uprightness and prudence.

They shall not be fewer than four where the nuns are no more than forty; but if there are more, at least six shall be created.

Nuns of mature age and proven uprightness shall be placed over the hearing of the conversations of the others. They shall perform their office diligently and faithfully, and shall stand by the other nuns who are speaking in such a manner that they themselves hear and diligently notice whatever has been said or done, both inside and outside. They shall not permit anything to be uttered so secretly that it escapes their notice, nor anything unworthy of the handmaids of God to be said or done. If anything contrary to this is committed through their fault or negligence, they shall be punished with the gravest penalty at the discretion of their Superior.

The appointed Mistress of Novices alone, and no one else, shall have the care of the novices in a place separated from the other nuns.

She shall instruct the novices in the fear and worship of God and in the observance of religious life. By the example of a life offering no occasion for rebuke and by continual admonitions, she shall endeavor so to instruct them in the manner of a spiritual and holy life that, advancing with God's assistance, they may become His perfect handmaids.

But any nun who has rashly assumed the task of instructing one of the novices shall be deprived of the right of voting, so that she can neither elect nor be elected for as long as shall please the Superior.

During the day the doors of the monastery enclosure shall be locked with at least one key, which shall be kept by the senior doorkeeper so that they can be opened when necessary. They shall by no means be opened unless both doorkeepers are present. At night they shall be locked with two different keys, one of which shall be kept by the Superior and the other by the same senior doorkeeper.

When the doors are opened for some necessary cause, the nuns shall not dare to approach them in order to look at anything outside or to converse with anyone at all, whether man or woman. A nun who dares to do this shall be confined in a cell and remain there as long as shall seem good to the Superior. The woman placed over the door shall be punished by the same penalty if she either permitted it or did not immediately report petulance of this kind to the Superior.

At the time when offices are changed, one or two mature and prudent nuns shall be placed over the labors of the nuns.

At the turn they shall receive the things to be worked upon and distribute them to those fit to perform that work. When the works have been completed, they shall return them through the same turn to their owners after receiving the payment, always in the presence of the nun placed over the turn.

No other nun shall accept anything to be worked upon, not even from kindred or relations by marriage. A nun who acts contrary to this shall on every occasion apply scourges to herself under the name of discipline in the place where the nuns occupy themselves in completing works.

If any nun, not impeded by illness or another just cause, has abstained from labors of this kind through laziness, idleness, or a certain stubbornness, she shall be deprived of side dishes for the whole time during which she has not applied herself to labor.

In the place where the nuns occupy themselves in labors, a reading shall likewise be employed every day. When it has been completed, they shall discuss among themselves what they have heard and, vying to cast out vices, exhort one another to attain the virtues.

Let the Mistress of Labors take care that secular conversation or songs, or anything abhorrent from the condition and institute of nuns, are not introduced.

The Superiors, even if their office is perpetual, the scribes, and all the others who administer the goods of the monastery in any manner shall keep the prescribed account of them faithfully and accurately.

Every three months they shall present to the Chapter a summary account of receipts and expenditures, so that all may be able to understand the state of the monastery's affairs. But every year they shall render separately an account of all the things which they have administered to the higher Superior or his Vicar and, if there are any, to the appointed administrators of the monastery. Those who have claimed the monastery's goods for themselves or wrongfully lost them shall be punished most sharply at the discretion of the Superior.

[Printed page 511]

So that no occasion of fraud may remain, in each monastery a chest shall be established for this use, that the common money be placed in it. It shall be locked with two keys different from one another, one of which shall be kept by the Superior of the monastery and the other by the senior Discreet. The chest shall not be opened, money placed in it, or money taken from it unless the Superior, the senior Discreet, and the nun-scribe who enters its account are present.

The doors of the granary and of the place where flour is kept shall likewise be locked with two different keys, each of which shall be kept by one of the Mothers placed over that duty. She shall always be present when wheat or flour is brought in or carried out.

The Superior and nuns shall in no way be able to alienate, exchange, lease, or contract concerning the goods of the monastery unless the higher Superior of the property or his Vicar knows, consents, and is present, and the other requirements of law are likewise observed. Otherwise the contract shall be invalid and null.

Likewise, they shall not build unless the higher Superior and the citizens who are administrators of the monastery consent. These shall take care that it be done conveniently and becomingly at the least possible expense.

Those placed over the care of the sick shall show themselves pious and merciful toward them, with the greatest patience and diligence they can, and shall show themselves toward them as they would wish others to be if they themselves were sick.

Food and suitable medicines shall be provided to the sick by the Superior and the ministers elected for this purpose, as the resources of the monastery permit.

The Superior, however, shall visit them every day for the sake of charity, both to be a consolation to them and to learn better from them and provide what they need.

But if one dies, the confessor, together with a companion whom the higher Superior has approved, shall enter the enclosure of the monastery when her body is to be given burial, and shall piously and swiftly perform the office which must be discharged at that time.

CONCERNING GIRLS TO BE ADMITTED TO RELIGIOUS LIFE

As soon as girls are offered to receive the sacred habit, the Superior of the nuns shall admonish their parents, or those to whose care they are entrusted, of the excommunication proposed by the holy Council of Trent for those who compel their own or another's girls against their will to receive or profess religious life. The same shall be done by their higher Superior when his consent is required.

In monasteries in which there are fewer than fifty nuns, only two sisters by blood, or three who are of one stock and family, may be received.

But where there are more than fifty nuns, only three sisters, or four women of the same family, may be received, if it shall so appear to the Chapter of nuns.

The Superior and nuns shall not dare to promise anything concerning a girl to be admitted to religious life by their votes, or to convene the Chapter, before the girl has been secretly examined and approved in a free place by the Bishop or by the person to whom he has delegated this duty, has obtained in writing the faculty of receiving religious life in that monastery, and the higher Superior of that monastery has also consented.

All of them shall first inquire diligently concerning the girl's morals, life, age--which must be more than twelve years--and free and pious will.

At least one year before she is examined and proposed to the Chapter of nuns for admission, she shall have disclosed to the Bishop, the nuns, and their higher Superior her purpose of receiving religious life in that monastery, so that an inquiry of this kind can meanwhile be made maturely.

During that same time she shall confess her sins once each month to the confessor of that monastery, or to the person to whom the Bishop has committed the duty of hearing these girls; she shall receive the most holy Eucharist and speak very frequently with the nuns in the places for conversation, so that she may both be examined more accurately by them and be better admonished concerning everything that she will have to do and endure for the sake of religious life within the monastery enclosure, lest at any time she be able to complain and plead ignorance as an excuse.

Secret ballots shall be cast concerning a girl to be admitted to religious life, and afterward likewise concerning a novice to be admitted to profession, so that the individual nuns, impeded by no affection, may freely satisfy their consciences.

A girl of this kind shall not be received into religious life, nor a novice to profession, unless she has obtained two-thirds of the votes.

The admission of a girl to religious life made otherwise than prescribed shall be invalid and null.

The Superior through whose fault or negligence it was done shall be understood to be removed from the administration of her office or even deprived of it for six months by the fact itself.

The Superior shall immediately inform the higher Superior of the outcome of the votes, so that the name of the woman received may be entered by him in the book instituted for this use.

As soon as any girl has been received by the votes of the Chapter, she shall immediately put aside all luxury in dress and empty ornament. She shall be clothed in black, dark-brown, or white clothing, but not silk, with such modesty and submissiveness that all may understand that she has renounced the world in order to serve God religiously. She shall always use this clothing until she enters the monastery and shall meanwhile abstain from dances and empty spectacles.

A girl received in the manner stated shall not be clothed with the garments of the nuns in the monastery until six months after she has been received, and this with the permission of the Bishop and the higher Superior of the nuns. They shall be free either to lengthen or shorten that period of six months as shall appear expedient to them.

To avoid tumult, she shall be conducted to the monastery in the morning by her closest female relatives, with no pomp and no invitation of others, and shall be introduced alone into the interior Church of the monastery. After hearing Mass, receiving Communion, and employing the other solemn ceremonies, she shall be clothed before the other nuns by the higher Superior or the confessor of the monastery, who shall accompany so grave and sacred an action with an appropriate discourse. The same shall also be observed at profession.

The higher Superior or confessor shall employ this precaution: he shall not impose upon the novice girl the name of Gentile women, but that of holy women celebrated by the Church.

After a girl has received the clothing of the nuns, she shall no longer be able to depart from the enclosure of the monastery, unless perhaps before profession she repents of having entered the monastery. But if she has once departed, no faculty of returning shall thereafter be granted to her.

On account of a novice, before profession, nothing shall be given to the monastery according to the decree of the Council of Trent except what is necessary for her food and clothing during the time she is in the novitiate. We will that the whole of this be paid before the girl enters the monastery.

§ 3, continued.

[Printed page 512]

CONCERNING NOVICES TO BE RECEIVED TO PROFESSION

Since, by the decree of the Council of Trent, a profession made before the completion of the sixteenth year and before the completion of the period of probation after receiving the habit is null and produces no obligation, let the Bishops take care that no novice be admitted to profession before that age and time.

Thirty days beforehand the Superior shall inform the Bishop of the time at which a novice is to make profession, so that either he himself or, if he is absent or impeded, another to whom he has given that task may ascertain the novice's will; may examine whether she is of the condition which the rule of that monastery and order requires, and whether the monastery itself is suitable; and, finally, may demonstrate how grave that matter is and how many things the three vows of religion require, so that before she is received to profession she may understand the force of the bond by which she wishes to bind herself.

If the Superior neglects to do this, she shall by the decree of the same Council of Trent be removed from her office for as long as shall seem good to the Bishop.

The novice shall not be examined within the monastery enclosure, but outside it in the public Church of that monastery, so that she may freely and confidently explain her will.

That which, after profession has been made, is given to the monastery as alms for the support of the professed woman shall, at the time when the girl receives the religious habit, be deposited with a man approved by the nuns and their higher Superior, so that it may be available to the nuns at that time without any impediment.

No renunciation of property shall be made by a novice except, as was commanded by the Council of Trent, with permission granted by the Bishop or his Vicar, within the two months immediately preceding profession.

And since nuns who, after making profession, have received the veil ought to recite the divine office of their religious order every day, no one shall be admitted to profession who does not know how to read competently and learn the office. The person whose duty it is to examine them must test this, and shall order her to read in his presence.

The profession, and the day and year on which it was made, shall be preserved in memory in a book made for that use by the hand of the nun who performs the office of scribe, with the signature of the woman professed, provided that she knows how to write, and of the higher Superior who admitted her.

On the day when a girl makes profession or puts on the monastic habit, banquets shall not be held nor sweetmeats given by her relatives and friends in the guesthouses or buildings of the nuns.

CONCERNING THE DIVINE OFFICES, PRAYERS, AND READING OF THE NUNS

Since it especially pertains to consecrated women continually to praise God, the Creator, Preserver, and Redeemer of the world; to give thanks to Him; and to beseech Him to impart His mercy to all men for salvation, all the nuns shall therefore frequent the choir by day and night and be present at the sacred offices celebrated by themselves distinctly and attentively, both with the voice and with a pious affection of the mind. Only those whose excuse of a just impediment the Superior has accepted are excepted.

Each shall be present at the beginning of the divine offices, clothed in the suitable dress of her order and in her own proper place, and shall remain until the end, not departing before the Superior, or another in her place, has given the signal for departure, unless necessity demands otherwise and the same Superior permits it.

Sounds and songs which are not upright and spiritual, conversations, laughter, and whatever else is unworthy of the house of God and of His divine Majesty, with whom we converse in prayer, shall be altogether removed.

Any nun who acts contrary to these commands shall be sharply punished at the Superior's discretion according to the measure of the fault.

And because the prayer of the mind excels that which is expressed only by the mouth by as much as the soul is more excellent than the body; brings incredible consolation and fruit to the pious; and daily heaps new gifts upon them, converting them in a certain manner to God: therefore, in addition to the canonical hours and the other prayers which they are bound by office to have, all the nuns, affiliated women, and converse sisters shall assemble in choir every day, unless necessarily impeded, and employ mental prayer for at least one hour--namely, half an hour after Matins and likewise after None or Compline. With their minds lifted to God, they shall contemplate pious and salutary matters, and especially meditate diligently upon the life and doctrine of our Lord Jesus Christ and His holy mysteries: namely, His Passion, death, Resurrection, Ascension into Heaven, final coming for judgment, the glory of the blessed, the punishments of the damned, and other matters of this kind which pertain to the glory of God and their own salvation and that of their neighbors.

But since the holy Synod of Trent forbids the most holy Body of Christ to be preserved in the choir or the monastery enclosure, rather than in the public Church, let the Superiors bring it about that this decree is obeyed everywhere.

On feast days, so that idleness, from which all evils arise, may be avoided, the nuns shall consume the time remaining to them after the divine offices and customary prayers in sacred and other reading which leads them to a knowledge of God and of themselves and shows the way of perfection and eternal life. They shall do this either separately or together, since reading of this kind is a sweet and fruitful delight of souls, restrains vices, and inflames toward virtues; but, on the contrary, the reading of empty books corrupts minds.

Lest this occur, the higher Superior or confessor shall inspect and review all the books of the monastery, compelling each nun by virtue of obedience to produce her own.

CONCERNING THE PRACTICE OF COMMON LIFE AND THE ABOLITION OF PROPERTY

In all monasteries, as regards food, drink, sleep, and other things, let all live in common, as was decreed by the holy Council of Trent. Let nothing differ among them; let no one be preferred or postponed to another, as the vow of poverty demands, so that "yours" and "mine," and every private possession of things, may be entirely removed in deed and word, as also every superfluous and empty use of things.

Let there be no one who possesses or employs anything as her own, even if it has been granted for a necessity.

Therefore, all the revenues of the monastery, of whatsoever kind they may be, including alms and gains from labors, books also, legacies, and movable and immovable goods which they have received by testament, donation, or any other cause, shall be contributed by the individual nuns for the common utility of the monastery. The Superior, according to her prudence and humanity, shall from these goods make provision especially for the need of the very nun to whom they would have pertained had the vow of poverty not stood in the way.

[Printed page 513]

And so that every occasion of private ownership may be removed from monasteries, confessors and Superiors, for the sake of observing the vow of poverty more exactly, shall endeavor to persuade the nuns to arrange that all linen, woolen, fur, or other garments of any kind be kept in a common place; and that, at the time offices are changed, two of the nuns be placed over shaking out, cleaning, and mending them. These women shall distribute them to the sisters each week according to the season and as use demands, and no one shall keep any garments in her possession except those necessary for daily use. The garments of sick women suspected of contagion shall be kept separately or left with the sick women themselves.

Gifts sent to individual nuns shall be brought to the Superior, and no one shall be able to receive or use one unless the Superior knows and consents. She ought to devote herself entirely to rooting out from the monastery the vice of property ownership as a cause of many evils, nor shall she permit anyone to keep money in her possession.

Three times each year, the Superior, together with the Discreets, shall diligently examine and search the cells and furnishings of the individual nuns, lest anyone possess anything as her own or more than has been granted for her use.

If anyone has been discovered or convicted of retaining private property, she shall for two years be deprived of active and passive voting rights, according to the decree of the Council of Trent, and shall also be punished according to the constitutions of her rule and order; much more shall one be punished who has secretly claimed for herself something from the common property or from that which was assigned for another's use.

If, moreover, a mirror, little dog, ointments, perfumes, or anything of this kind of empty things is found in anyone's possession, the higher Superior shall immediately take care that it is removed from the monastery and that the woman with whom it was found is sharply punished.

No nun, whether a veiled nun or a lay sister, can give as alms, bestow, or sell food, clothes, or goods of any kind, even if they have been assigned for her use, nor can she bequeath them at all. One who acts otherwise shall have her veil taken away for a month and shall be compelled three times to afflict herself with blows as a discipline.

In this matter, however, the Superior shall retain the full power to grant permission to anyone to whom she judges it ought to be granted to bestow something for devotion and religion, or some other small thing, upon relatives and those who have deserved well.

At the sound of the smaller bell, all shall assemble for the blessing of the table, which shall be given by the Superior or Vicaress, or, in their absence, by the senior Discreet.

Then, reclining in their place and order, they shall not depart before thanks have been given to God. One who has not obeyed shall be deprived of side dishes for one day and compelled to sit in the last place at table.

Morning and evening, at the first and second table, some spiritual book which kindles religious devotion shall be read every day, while all who recline listen with silence and attention, so that the soul may be refreshed together with the body.

All the nuns shall, if possible, sleep in one place, very securely locked by the Superior or the Vicaress, whose keys shall be kept by the Superior herself.

Each shall sleep altogether in a separate bed, and also in a separate cell if there is such an abundance of cells that they can contain everyone. But the cells shall be open by day and night so that the Superior may inspect them at every hour. When the signal for going to bed has been given and the sleeping place has been locked, the Superior, her Vicaress, or one of the Discreets shall visit all the cells to observe whether all are sleeping in their own places.

CONCERNING ENCLOSURE AND MATTERS WHICH IN ANY WAY PERTAIN TO MAINTAINING IT

No diligence ought to appear excessive to nuns for guarding that treasure on whose account, renouncing kindred, family property, and all earthly things and cares, they have enclosed themselves within the monastery enclosure.

Therefore, so that their holy purpose may be fortified on that side which lies most open to the devil's snares, let the Bishops take care that two iron grilles or gratings are established at every small window where conversation is held, at least one palm apart from one another.

Between the iron bars of which each grille is constructed there shall be altogether no more than one inch. The bars shall be so solid that they can neither readily be broken nor bent.

To the innermost grille, which the nuns approach for conversation, there shall be affixed an iron plate which cannot be moved and is perforated with small holes for the convenience of hearing only. A black linen cloth, affixed to

wooden tablets in the manner of a window which can be opened when conversation is to be held, shall be placed upon it.

In that plate a square little window of only nine inches may be made. Its key shall be kept by the Superior, and it shall not be lawful to open that little window except when conversation is to be held with the Bishop or the Superiors of the order, with the parents or siblings of the nuns, with others joined by a close degree of kinship, when some legal instrument must be drawn up, or when a sacred discourse must be heard.

As regards the concession of this small window, those monasteries are excepted whose nuns, by law or custom, are never accustomed to be seen by persons outside.

The doors of the places assigned solely to conversation, both inside and outside, shall always be locked. Their keys shall be with the most senior of the nuns placed over hearing conversations, and they shall be opened only when there is need of a longer conversation. Otherwise, through the little grilled window of the door, while the door remains closed, the doorkeeper shall answer those who knock; the sister at the turn shall answer from the turn.

But the places assigned to conversation inside and outside shall always lie open while persons are speaking there, so that it can be seen who they are.

Within one month, the doors through which access lies from the monastery enclosure into the exterior Church shall be obstructed by a wall. If anything contrary to this is committed through the fault or negligence of the Superior, she shall be deprived of both her office and her veil at the discretion of the higher Superior.

All windows and gratings, and every place through which the nuns can look into the exterior Church, shall be walled up, except the window in which the turn is placed, the little window established solely for the reception of the most holy Eucharist, and the window through which they may behold the Body and Blood of our Lord Jesus Christ elevated by the celebrating priest.

That window shall be perpetually covered with a linen cloth, which shall be removed only when the most holy Eucharist is elevated. The arrangement of the window shall be such that the priest cannot behold the nuns from the altar.

Let the Bishops and other Superiors take care that monasteries cannot be looked into from the neighboring buildings, whoever their occupants may be, and especially if the buildings of brothers of any order or of presbyters overlook them. In that case they shall command that the walls be raised higher and new ones built at the expense of those whose Bishops--

[The sentence continues in source chunk B6-082.]

§ 3, continued.

[Printed page 514]

--and those who are the administrators of the monasteries shall judge to be concerned, every appeal being removed.

For this reason they shall also implore the assistance of secular Princes, so that the nuns, free from the sight and hearing of persons outside, may securely walk through the monastery.

Henceforth Regular men shall not migrate to those places, nor buy plots adjoining monasteries of nuns for the purpose of building, from which a view of the nuns may be obtained. We forbid the nuns hereafter to build monasteries neighboring the buildings of Regular men or places from which they themselves can be seen by them.

Buildings next to monasteries of consecrated women shall not be leased to women of ill repute.

Nor shall spectacles, songs, dances, games, and profane and empty things of this kind be practiced there, which could call them away from sacred duty or furnish them with a cause of offense.

As was sanctioned by the holy Council of Trent, it shall under no circumstances be lawful for a professed nun to depart from the monastery enclosure except for a legitimate cause approved by the Bishop.

But permission to depart of this kind shall by no means be granted unless a most grave matter and supreme necessity demand it; nor shall it be granted to those nuns for whom departure is unlawful except by concession of the Supreme Pontiff. Apostates, fugitives, and those expelled from monasteries on account of an offense, who wander with or without the sacred dress, not without scandal to religious life, shall be compelled by the Bishops and their other Superiors, with the aid also of secular Princes being sought, to return to their monasteries, so that there they may pay fitting penalties for their crimes. But if it appears to the Superiors that they ought by no means to be restored to the monasteries, let them be enrolled, together with the goods which they brought to the monastery, among those women whom they call *converse*. When those women have died, the goods shall be restored to the former monastery. If any nun has introduced into the monastery enclosure a male or female of any age or condition, even her mother or sisters, she shall be confined in prison for three months; on every Friday while she fasts, nothing but bread and water shall be furnished to her for food and drink; and her veil shall be taken away for a year. Those placed over the turn and the door shall undergo the same penalty, as shall also the Superiors and any others by whose consent it was committed.

But whatever cleric, whether secular or Regular of any order, or layman of whatsoever status, dignity, rank, or condition, has dared to enter the enclosure of the nuns by day or night shall, besides the penalty of excommunication which he incurs by the law itself under the decree of the Council of Trent, also be punished with other most grave penalties, account being taken of the person and crime. If he is an ecclesiastic or possesses benefices, he shall at the will of the Ordinary also be prohibited from the ministry of his orders and deprived of all his benefices. From this decree we except those to whom the Superior, on account of labor and skill necessary to the monastery, has granted in writing a faculty of entering the enclosure, to be renewed every year. But he shall remember that the Council of Trent has taken away from him the right of granting faculties of this kind except in necessary cases. He shall therefore take care that persons outside are not introduced into monastery enclosures to perform duties which the nuns within can discharge. And so that one and the same rule for discerning this necessity may be observed everywhere, and that ready practice of granting permission may be restrained, the Bishop, having called into counsel all the Superiors of monasteries, even Regulars, shall establish and prescribe what works require the necessary entrance of persons outside into monasteries. Whatever rule he prescribes in this matter shall be inviolably observed by all, even Regulars.

Within the enclosure of a monastery, males and females of every kind, even if they serve the nuns themselves or are advanced in age, shall for no reason pass the night. The penalty of excommunication *latae sententiae* is proposed, which both the person who passes the night and the Superior who permits it shall undergo; other penalties shall be added at the discretion of the higher Superior. Nor shall they keep within the same enclosure oxen, horses, or beasts of burden of any kind.

If the contrary is done, the Superior shall be removed from the duty of her office for three months.

The nuns shall converse with no person outside at all unless that person brings permission written and sealed by the Superior of the monastery or by the person whom he has substituted in his name, and copied without charge in the episcopal chancery. A nun who acts contrary to this shall for three months be deprived of the faculty of speaking with any person outside of either sex, even relatives, and shall be compelled on each Friday during that time publicly to apply scourges to herself under the name of discipline and to pray with the Psalm “Have mercy on me, O God.”

Written permissions shall be received by those placed over the turn and carried to the Superior before the nuns named in the writing are summoned. When the Superior has read the writing and recognized the hand and seal of the person whose office it is to grant permission for conversation, after giving her blessing she shall permit those named in the writing to speak only with the persons expressly described, and this at the common little window for conversation, not at the door, in the Church, or elsewhere, with the nuns appointed to that duty always present as

witnesses. Those who approach for conversation shall bring their speaking to an end briefly and shall take care not to consume in empty or useless conversation time, than which nothing is more precious.

It must not be tolerated that nuns, especially on sacred days, wander from prayer and other pious exercises and consume time in conversations which are by no means necessary.

Therefore, on days when the most holy Eucharist is received, whenever feast days of obligation are celebrated by the Church, during Advent and Lent, on vigils of obligation, and finally whenever divine offices are being performed, the nuns shall converse with no person outside at all, unless necessity so demands.

Neither the nuns placed over hearing conversations nor those who will speak shall communicate to anyone at all what they have received from persons outside, lest the monastery be filled with absurd and empty rumors, except to the Superior if it appears expedient to them that some things be reported to her.

Let the Superior and those placed over hearing conversations be vigilant that no one approach to converse with the nuns under the feigned name of the person named in the written permission. If anyone has committed this, he shall be punished by the Bishop; the nun who conversed with him, and those who knowingly permitted it, shall be punished by their Superior with a grave penalty at their discretion according to the prescription of these constitutions.

Whatever cleric, whether secular or Regular of any order, or layman of whatsoever status, dignity, rank, and condition, has approached a monastery of nuns and held a conversation with one of them without obtaining the faculty of speaking as prescribed shall be gravely punished.

By this edict, however, we do not will fathers or brothers to be bound. Without obtaining that faculty of speaking, but with the other rules enacted concerning this very matter observed, they shall be permitted to speak only with their daughters and sisters, but never to enter the enclosure.

[Printed page 515]

No one at all, sacred or profane, male or female, shall be permitted to approach monasteries of nuns for the purpose of teaching the chant which they call figured.

In those monasteries, however, in which the organ is played not by secular persons in the exterior Church but by the nuns inside, the Superior may permit a man approved by the Bishop in morals and age to teach only the nun-organist the art of playing outside at the nuns' little window for conversation, if it is necessary for her to make greater progress in that kind of study.

While learning, she shall remain inside at the small window itself; two of those placed over hearing conversations shall always stand beside her.

Anyone who acts contrary to this, whether the Superior or another, shall be deprived of the veil and afflicted with other penalties at the discretion of the higher Superior.

Henceforth an organ shall not be installed unless the place in which it may fittingly be placed has first been approved by the judgment of the Superior.

The nuns themselves are also forbidden, whether inside or through others outside, to play musical instruments apart from the organ and the harpsichord by which the art of playing the organ is learned.

It shall not be lawful for nuns, for the sake of deposit or safekeeping, to hold in the monastery the money, jewels, garments, or any things of that kind belonging to any person, not even vessels of flowers or plants.

But if they have any at present, they shall return them within three months to those to whom they belong, so that every cause of inconvenience may be removed.

For the contumacious or negligent the penalty shall be deprivation of office for the Superiors and deprivation of the veil for the others.

The nuns shall not use secular male or female clothing even for the sake of relaxing the mind, since it is unbecoming for the handmaids of God to put on garments alien to their profession. But, with decorum always observed and with the Superior's permission, it shall be lawful to relax the mind in a manner upright for every time and action and becoming to virgins consecrated to God.

We also forbid the nuns to make little confections or other things of this kind for the purpose of giving them away, because of the loss of time and the expense bestowed upon them. One who commits or permits anything contrary to the decree shall be punished at the discretion of the higher Superior; but action shall be taken especially against the Superior.

No nun shall be permitted secretly to write letters to anyone except the higher Superior and Bishop, if he must be admonished concerning some grave matter.

Nor shall she open and read letters sent to her unless the Superior has first read them in the presence of the Vicaress or has ordered them to be read in her own presence.

A nun who, contrary to this law, has written or received letters shall not set foot out of her cell for two months, and shall be compelled on every Friday to fast in such a manner that she eats only bread and water. And if those letters contain some suspicion of a crime, the person to whom they were written shall, besides the aforesaid penalty, for six months be deprived both of the faculty of speaking at the nuns' little window for conversation and of her veil.

But so that the Superior cannot be deceived by fabricated letters shown to her which differ from those received and those through which a reply was made, those placed over the turn shall receive all letters which reach the monastery and shall immediately bring them to the Superior. From her they shall also receive letters written by the nuns, closed and sealed in her presence, and afterward hand them to messengers outside.

CONCERNING THE CONVERSE SISTERS

Converse sisters at least forty years of age and approved by the higher Superior shall have the faculty of departing from the monastery enclosure for business necessary to the monastery, yet with the Superior's permission whenever they must depart.

The Superior shall also be free, if it shall so appear, always to retain them within the enclosure; we vehemently exhort her to do this, provided that she can.

They shall not go forth to funerals except those who belong to mendicant orders.

When going out, they shall go forth in pairs, and shall not depart farther from one another than permits them mutually to see and hear each other.

If it should happen that they leave the city, they shall always sleep in the same bed. They shall take care not to enter the house of any person of ill repute, even if that person has deserved well of the monastery.

Nor shall they pass the night in dwellings where no other upright women reside, nor secretly carry letters or instructions.

Nor shall they report to the nuns anything empty which they have seen or heard outside.

For those who offend, the penalty shall be prison, or even a graver penalty, at the discretion of the higher Superior.

CONCERNING SECULAR GIRLS WHO ARE EDUCATED IN MONASTERIES

Secular girls of every birth, condition, and age who now reside within the monastery enclosure for education or another cause shall be compelled to leave the monastery after one year, unless, endowed with all the qualifications required for receiving religious life by the institutes of the monastery and the decrees of the Council of Trent and of

these constitutions, they wish to assume monastic clothing. The Bishops are nevertheless permitted the faculty, for a probable cause, of extending the time at their discretion, with the consent of the Regular Superior in those monasteries subject to him.

Hereafter girls shall not be received into monasteries for education without permission granted in writing by the Bishop and by the Regular Superior if the monastery is subject to him, to which the written consent of the Metropolitan shall also first have been added.

This permission shall not be granted to girls who have persons by whom they can suitably be governed and educated, or to those who have not completed their tenth year, or who are older than fifteen years.

Those who once depart from a monastery shall no longer be admitted either into it or into any other, unless they wish to become nuns. Girls of this kind shall use only black, dark-brown, or elsewhere other-colored clothing, not silk. They shall use no added kind of ornament; they shall not be adorned, nor possess earrings, necklaces, or luxuries of that kind.

They shall not converse with relatives or other persons outside unless the same requirements decreed above concerning nuns in this matter are observed.

They shall sleep, take food, and remain in a place separated from the nuns, except for those placed over governing and instructing them; and they shall have no association with any nun except in the Church when Mass or the divine offices are celebrated.

For the food and education of the girls, no less than thirty gold coins shall be paid to the monastery each year, half of which money shall be paid every six months. But if that money has not been paid during those six months, the girl shall be sent back to her family, whom the magistrates shall compel to satisfy the monastery entirely.

Any one of these girls who wishes to become a nun shall be sent to her relatives or those who have care of her, with whom she shall remain for at least one month before she is examined by the Bishop or his ministers, so that her free will can be inquired into and examined more readily and better.

[Printed page 516]

It shall not be lawful for the nuns to teach either letters or any art at all to girls living outside in their own homes, not even at the little windows or other places for conversation. If the Superior of the nuns has permitted this in any manner, she shall be deprived of the office of administration for six months.

CONCERNING PREACHERS, CONFESSORS, VISITORS, AND CHAPLAINS

Those who preside over monasteries shall employ learned, prudent, and pious preachers, who at least twice each month shall preach the word of God at the grilles for the nuns' conversation or the small windows of the Church and instruct them in everything pertaining to the worship of God and the attainment of eternal salvation.

Preachers shall not be permitted to converse separately with the nuns unless permission is granted to them by the Superior of the monastery.

Confessors advanced in age, prudent, and fearing God shall also be placed over the nuns. At least once each month they shall hear the sins of the nuns and administer the most holy Eucharist to them, as the holy Council of Trent judged ought to be done.

No Regular shall be able to hear the sins of the nuns unless he has first been approved by the general Chapter, the General of his order, or, in his absence, by his Vicar General. He shall furnish proof of this to the Bishop of the place where the monastery is situated or to his Vicar. All confessors of nuns, both secular and Regular, shall be changed after two years, or three at most, unless some just or necessary cause shall appear to the Bishop, or to the General of the order if the monastery is subject to Regulars, to demand that their term be extended.

They shall not be able to enter the monastery enclosure unless this has been conceded to them by the Superior for some cause, except in the case of administering the Sacraments to sick nuns when they labor under a grave and dangerous illness.

While they remain within the enclosure, two or three nuns who excel the others in age shall accompany them. The same nuns shall accompany all persons who enter the monastery enclosure, even Superiors and visitors, after the nuns have first been given the signal to withdraw by the sound of the smaller bell. Unless the Superior observes this custom, she shall be removed from office at the discretion of the higher Superior.

Confessors shall not remain for the purpose of taking food in those places of the monasteries called guesthouses except during the time of confessions.

Even then they shall not sleep there at night unless death threatens one of the nuns, so that they can be at hand to administer the Sacraments and perform the remaining offices of piety, or unless they have no dwelling near the monastery, as occurs in many monasteries situated in the diocese.

No secular or Regular confessor shall be permitted to dwell continually in the guesthouses and buildings of the nuns or to live there at their expense. If persons sleep in places adjoining the monastery, there shall be no windows or turn; and if there are, they shall immediately be covered with a wall, so that nothing done or said in that place can be seen or heard by the nuns.

The grille, plate, and linen cloth of the small window of the place where the nuns confess shall adhere together in such a way that they cannot be removed and that from there persons can only be heard and can by no means be seen.

Confessors who offend in these matters shall immediately be deprived of office, and at the discretion of the higher Superior the faculty both of approaching that monastery and of administering divine things to them shall be taken away.

All Regulars and other clerics of every kind shall undergo the same penalty if they take food or sleep in the places for conversation or guesthouses of the nuns, or give gifts to or receive them from any nun who is not joined to them in the second or a closer degree of kinship.

Higher Superiors, however, may at their discretion converse with them and eat and sleep in the guesthouses while they visit the monasteries, provided that houses of the brethren of their order are not there. If there are such houses, they ought to lodge with them and not be burdensome to the nuns.

The same Superiors shall not receive money, gifts, or rewards from the nuns, so that the nuns may understand clearly that in a visitation of this kind they take counsel only for the glory of God and the salvation of the nuns.

But it shall be lawful for those Superiors who are oppressed by want to live at the expense of the nuns when they visit them or approach for another cause which concerns the nuns' utility.

Regulars who are brothers of nuns shall, with the permission of the Superiors as stated above, be permitted once each year to converse with their sisters who are nuns, and with them alone, in the presence of those placed over conversation. But if they bring any persons with them, those persons shall not converse with the nuns at all, under the penalty established above for those who converse without permission.

The companions of Regular confessors shall be advanced in age and approved by their Superior. They shall not be able to converse with any nun except the Superior and the women placed over the turn and guesthouse, if the confessors need anything while they are hearing sins, under danger of the same penalty.

Furthermore, by the decree of the holy Council of Trent, the Superiors shall every year provide a suitable extraordinary confessor for the nuns subject to them, to whom they shall take care that all make confession. Thus those who need a remedy of this kind on account of some hidden malady of the mind, and who themselves would never dare to ask for it or receive it from their customary confessor, may more freely heal their maladies and escape

the snares of the devil by confessing their sins to the new confessor together with the others.

Priests who are to perform divine service in the public Churches of the nuns shall be of good repute and good morals, and shall also be approved by the person who presides over the monastery.

Those among them who are hired for payment by the nuns shall be chosen not by them, but by the higher Superior or, at his command, by the confessor of the nuns.

Unless they have been granted permission in writing, they shall not converse with the nuns except with those who preside over the sacristy. With these they shall speak at the Church turn as briefly as possible and only concerning those matters necessary for the sacrifice of the Mass.

When the feast day of the nuns' Church is celebrated, the preparations shall not be magnificent and costly, but pious and modest, and shall exhibit religion rather than some empty show.

Musicians employing figured chant or any musical instrument shall not be admitted to it.

The Superior of the nuns shall admit no one to the service and administration of the monastery whose age and morals have not been approved by their higher Superior.

The same higher Superior shall also approve those who now serve the nuns. In this number shall be understood physicians,

[Printed page 517]

barbers, those placed over the oven or bakery, and all others who must enter the nuns' enclosure. Those who administer the monastery's affairs shall every year render an account of their administration to those whom we have mentioned; and within two months they shall provide good sureties to the episcopal chancellors that they will faithfully render an account of their administration. If they neglect to do this, they shall be considered deprived of office.

In parish Churches annexed to monasteries of nuns, perpetual Vicars shall be appointed by the Bishops according to the form prescribed by the Council of Trent.

CONCERNING THE PROPER RULE AND THE CONSTANT READING OF THESE CONSTITUTIONS

Since professed nuns ought to observe not only the precepts of God and Holy Church, but also their own rule and the laws and institutes of their order, it will be worthwhile to renew in their memory as often as possible the duty owed to their vocation and profession.

Therefore, by virtue of holy obedience, we command that in each monastery at least one chapter of the constitutions of the rule or order to which they are bound be read every day by one nun while the other professed nuns listen.

This reading shall begin with the first chapter and proceed thus to the last, and afterward return to the first, so that, with the same order and progression preserved, the practice of this sacred exercise may never be interrupted. We command, moreover, that these constitutions also be read frequently, so that from the frequent recollection of salutary precepts the nuns may become more diligent in discharging their duty. In this matter we admonish the Superior to invite the others to the highest observance of the laws no less by her example than she compels them by her authority.

Finally, all confessors of nuns are commanded once to read and explain all these decrees to all of them. We shall take care that these, translated into the vernacular, are published at the earliest opportunity for the common utility of the province; and the confessors shall vehemently exhort them to observe the decrees altogether as they ought.

It is not our intention that those nuns who live bound by stricter bonds of constitutions and rule should depart from the institutes of life they have undertaken; rather, we command that they observe these decrees also together with them.

I wished to adduce these things from the institution of that most holy and prudent prelate so that Prelates might have a form according to which they may reform monasteries. Since, however, the same things do not suit all places and times, they may omit some and add others according as, with prudent and mature zeal, they judge it fitting for the eternal glory of the divine Majesty, the salvation of souls, and the piety of the people.

CHAPTER XLVIII

Epilogue and Exhortation to the Clergy to Pursue the Perfect Observance of the Gospel's Precepts

§ 1. The calamities of the times now show that my exhortation is indeed superfluous, for they are so grave and frequent that, if anyone has grown hard at their blows, he seems likely to shut out every discourse also. For whom will words move if he remains unmoved by lashes? But if anyone understands that the evils which we suffer occur deservedly, and that disasters are the companions of sins, there is no need of words to make him endeavor to escape them; the destructions themselves have strength enough to strike fear of themselves. Nor is the greatness and dignity of Bishops such that it should be judged unbecoming for them to be admonished by a private man. All who fail in their office must be entreated, admonished, taught, and rebuked, lest they sleep securely amid their evils; those who perform their office must be admonished to continue. No height is beyond a fall; no one is beyond danger. Therefore circumspection must be inculcated in all. From the first See, which is judged by no one, down to the last chaplaincy, which judges no one, there is no security of health; and in all men the assaults of vices display themselves every day like fevers. Indeed, the highest summits of dignities have frequently been besieged by the highest vices; hence come graver falls from on high, made with the crushing of the whole body, and powerful torments for the powerful.

What, then, shall I do? I shall entreat my superiors as fathers and lords, my equals as brothers. Yet all of us are equal when the peril of the soul is at issue, since we all remain ignorant of what evil concerning oneself, and what good concerning others, eternal Wisdom has decreed in the depth of His judgments. Indeed, those who are judged are in less danger, while those who judge are in greater, because they possess more causes of perishing--namely, as many as the souls which can perish through their negligence. Let all, therefore, stand and contemplate their offices and the lives of the martyrs and confessors. They fought and, lest they sin, stood against the force and bitterness of torments. But how shall we be called their sons and successors if admonitions and penalties do not deter us from sin, when neither promises could entice them nor punishments drive them to sin?

Bishops, Priests, Deacons, and others will come to the eternal tribunal of God; we too will come. Their scars and wounds will accuse our wickedness with the greatest power. The Lord will say to them:

> The stronger your confession was in suffering, the more illustrious and greater in honor it is. The battle increased; the glory of the combatants increased. You were not held back from the battle line by fear of torments, but were provoked still more to battle by the torments themselves. Brave and steadfast, you came forth with ready devotion to the combat of the greatest contest. Among you I have already found some crowned, but some near to the crown of victory; and all whom the prison enclosed in a glorious company animated by an equal and similar ardor of virtue for waging the contest, as the soldiers of Christ ought to be in the divine camp, so that flatteries do not deceive, threats do not terrify, and tortures and torments do not overcome the incorrupt firmness of faith, because He who is in us is greater than he who is in this world. Nor can earthly punishment do more to cast down than divine protection can do to raise up.
>
> The matter has been proved by the glorious combat of the brethren, who, having been made leaders for the rest in overcoming torments, furnished an example of virtue and faith, engaging in the battle line until the defeated battle line gave way. With what praises, therefore, shall I proclaim you, most valiant brethren? With what proclamation of the voice shall I adorn the strength of your breast and the perseverance of your faith? You endured the harshest examination until the consummation of glory. You did not yield to the punishments; rather, the punishments yielded to you. The crowns gave an end to pains which the torments did not give. The graver butchery continued for a long time for this purpose: not to cast down the faith which stood, but to send the men of God more swiftly to the Lord.

> The multitude of those present beheld with wonder God's heavenly contest, the spiritual contest, the battle of Christ: His servants stood with a free voice, an incorrupt mind, and divine virtue; naked indeed of secular weapons, but armed with the weapons of believing faith. The tortured stood stronger than the torturers, and their beaten and lacerated limbs conquered the claws which beat and lacerated them. The long-raging and repeated wound could not overcome their unconquerable faith, although, when the frame of their entrails had been ruptured, it was now not limbs but wounds that were tortured in the servants of God. Blood flowed which would extinguish the conflagration of persecution and quench the flames and fires of Gehenna with glorious gore.

[Printed page 518]

What excuse will remain for us if that day which shall behold the requital of all actions sees us defeated and broken by desires, contaminated by vices? Our ancestors will marvel that we are so degenerate, because they will understand that we were prostrated without violence and without an enemy. They will be astonished that the laws enacted by themselves--the divine laws, the laws of the Church sanctioned by their own blood--were burdensome to us. So many thousands of virgins who endured the most exquisite torments lest they violate chastity will regard it as monstrous that chastity and sobriety are burdensome to priests.

The chief point of salvation in the Church is to refer everything to the ancient canons and to imitate the ancients. Saint Charles Borromeo admonishes his Bishops concerning this matter in his discourse to the First Synod of Milan:

> We shall readily restore moral discipline if, in restoring it, we employ the same method and the same deeds by which it was first established and long preserved, following the footsteps of those who, with God as author, acquired for us this greatness of goods by their virtue. I ask, Fathers, that we set before ourselves the sanctity of their lives and their wisdom in the admirable fulfillment of their office. They were upright, chaste, simple, modest, humble, well-mannered, assiduous in prayer and reading, despisers of themselves, and wholly fixed upon the care and thought of another's salvation. They were kind in counsel and work, hospitable, sparing in domestic furnishing and food, beneficent and liberal toward others. They were vigilant over their flocks, cultivating and guarding the Vineyard of the Lord with the greatest diligence and labor.
>
> They continually fed the sheep entrusted to them with the threefold food of salvation--the word, example, and Sacraments. It was also their custom, as imitators of Christ, the Supreme Pastor, who poured out His blood and life for His entire flock, not to hesitate, for the safety of their own sheep, to undertake any labor, encounter every danger, endure every force and injury, and finally, like that good Pastor of the Gospel, to lay down their lives for the sheep. They expected no fruit of this life from it, so that they might obtain the greatest fruits of heavenly recompense.
>
> If, Fathers, we keep these things before our eyes as we ought, we shall readily understand what must be done by us at this time in restoring ecclesiastical discipline. In this matter we must also notice that, just as in forming and establishing the ecclesiastical order Christ the Lord began with the Apostles themselves, whom He willed to be teachers of the Christian life, so we in forming and restoring moral discipline should begin with ourselves, the pastors, who ought to hand down to others examples and precepts of living.
>
> If we perform these duties with the zeal we ought, it will assuredly be a small task to settle the controversies, which the Synod of Trent set before us to be done. For when greed, which is the root and seed of all dissensions, has been removed, we shall readily settle the discords of the present time and leave no place in our province for anyone to dissent hereafter. Therefore, Fathers, let us devote ourselves with our whole breast to this pious and necessary care and diligence of our office. In this acceptable time, on this day of salvation which the Lord has made, let us strive to contribute as much as we can by counsel, labor, and actions, with the Holy Spirit as leader and governor, toward establishing the common safety of the province.

The whole world demands this from priests, for it has not only entrusted souls to them, but has willed them besides to be honored and wealthy. God, the Planter of the Church and Redeemer of souls, demands this, lest through your

negligence those for whom Christ died should perish. The heretics demand this, who, offended by the vices of clerics, made a divorce from religion and truth and even now put forward the same cause as a pretext for their perfidy.

ADAM CONTZEN

TEN BOOKS OF POLITICS

BOOK SEVEN

On Civil Magistracy

CONTENTS

Chapter I. The Various Classification of Magistrates 4

Chapter II. The Method of Creating Monarchs 5

Chapter III. The Anointing and Coronation of Monarchs Is Rightly Employed 11

Chapter IV. Great Honors Must Be Shown to Kings 17

Chapter V. Other Honors Customarily Shown to Kings 22

Chapter VI. The Power of Princes Is Great but Various 34

Chapter VII. The Chief Care of the State Must Be to Entrust Dignities and Magistracies to Suitable Men 37

Chapter VIII. The Method of Training Good Men for Government 43

Chapter IX. Magistrates Must Be Inspected 45

Chapter X. Magistrates Should Not Readily Be Changed 49

Chapter XI. Lesser Magistrates Must Be Created Who Can Be Promoted to Greater Dignities, and Inferior Honors Must Not Be Despised by Those Who Have Held Greater Ones 57

Chapter XII. A General Division of Magistrates According to the Practical Mode of the State 60

Chapter XIII. A Suitable Senate Must Be Chosen: Its Laws, and Likewise Concerning Counselors 61

Chapter XIV. The Magistrates Who Are Customarily After the King in a Monarchy 74

Chapter XV. Caesars and Other Magistrates Nearest to Monarchs 80

Chapter XVI. The Constitution of the Royal Court 83

Chapter XVII. A Consideration of Counts 86

Chapter XVIII. A Consideration of the Roman Consulship 91

Chapter XIX. Magistracies Similar to the Consulship 99

Chapter XX. A Consideration of the Dictatorship and Censorship 109

Chapter XXI. The Order and Offices of Provincial Magistrates 118

Chapter XXII. The Established System of Judges in the State 125

Chapter XXIII. The Judgments and Tribunals of Other States 140

Chapter XXIV. The Assistants of Judges 146

Chapter XXV. A Consideration of the Chancellorship 148

Chapter XXVI. The Magistracy and Offices of the Aediles 150

Chapter XXVII. Prefects of the Food Supply Must Be Appointed with Great Care 151

Chapter XXVIII. A Consideration of the Tribunes of the Plebs 153

Chapter XXIX. The Very Great Care Required of Quaestors and Administrators 157

Chapter XXX. Ministers of Magistrates 166

Chapter XXXI. On the Chinese Kingdom 168

Chapter XXXII. A Catalogue of the Magistrates and Offices of the Roman Empire and of Certain Other States 179

Chapter XXXIII. Ambassadors Must Be Chosen from the Most Approved Men 193

Chapter XXXIV. It Belongs to a Prince to Send and Receive Ambassadors 195

Chapter XXXV. An Ambassador Must Not Readily Be Deceived 198

Chapter XXXVI. Security Must Be Furnished to an Ambassador 200

Chapter XXXVII. Instruction Given to Ambassadors 204

CHAPTER I

The Various Classification of Magistrates

§ 1. Magistracy is divided in many ways. First, according to the different kinds of state: thus one kind is monarchical, another aristocratic, another political or democratic; and in each of these a great variety is discerned. Next, according to the very nature of the power: one magistracy is supreme, as a King, a Senate, or the people; another is subordinate, as a Viceroy, a Consul, or a Demarch. Third, according to its proximate end: some are appointed to give counsel and to determine, as are those who are the Counselors of Kings and Princes; others to execute the things which have been decreed, as a Consul, a Praetor, or a Satrap. And this is a distinction taken from the thing itself; for otherwise the power of deliberation and of execution frequently resides in the same person, and it is expedient that it should be so. For prudent men execute counsels more promptly and prudently when they themselves were participants in them or even their authors.

Fourth, the distinction taken from the matter with which, and the persons with whom, the magistracy is concerned is exceedingly varied. Hence one is civil, another military, and each is occupied with a great variety of affairs and business. Hence also there are Urban and Provincial magistrates.

§ 2. Therefore, those who entrust to one man the care of great or many affairs--indeed, sometimes of all affairs--gravely injure the state.

That arrangement has never turned out happily. The Sejani, Plautiani, Rufini, Eutropii, Stilichones, and Ablavii had dreadful ends. Men of the middle age whom excessive responsibility oppressed were likewise overtaken by the indignation of Princes: Belisarius, Narses, and Peter de Vinea of Campania, who under Frederick II was privy to and governor of all his secrets and, after he had been cast down from his dignity and deprived besides of his eyes, was driven into madness and killed himself. Nor did excessive power turn out happily for those at whom our own times have marveled. In nearly one year magnates fell in Germany, France, and Spain.

But if Alfonso prudently detested Princes who were the slaves of their Counselors and conducted everything at another's judgment, how much more shall we detest the man whom the malicious cunning of one person holds in its power? Aristotle speaks excellently in book 4, chapter 15 of the *Politics*:

> In great states it both can and ought to happen that one magistrate is set over one matter. For it can happen that many men participate in principal offices and commands, because there are many citizens, so that it is permissible to leave some magistracies vacant for a long time and to hold others once. It is then better that the care of each matter and action should fall to a man placed and occupied in one business than to one distracted by many. But in small states it is necessary to unite and concentrate many magistracies in a few men. For because of the small number and scarcity of men, it is not easy for many to be in magistracies.

§ 3. The form and end of the state, and the virtues and vices of those who govern, have already been discussed in the preceding books. The state must now be furnished with magistrates; the offices of the several magistrates must be explained; and certain special precepts must be added. And first, indeed, we shall treat of the supreme magistrate.

It seems to me, not without reason, that the condition of mortals must be lamented: although they alone among animals cannot live without a state and command, they alone nevertheless are malicious and contumacious toward those who command. In all matters we grieve to be overcome, even in those in which it is nobler to be overcome. The desire to excel and command has neither end nor measure, but no one endures subjection to another except through necessity. Man alone can neither govern himself nor endure a governor.

CHAPTER II

The Method of Creating Monarchs

§ 1. The election and inauguration of Monarchs must be conducted with the most celebrated magnificence of preparations and the varied pomp of ceremonies.

For the greatness of the matter demands this, so that, in order that it may be more conspicuous even to all the imprudent, it should be adorned by the addition of outward splendor. Next, the difficulties in a Principate are so great and so continual that no one would undertake it unless he were induced to those enormous labors by these things as though by enticements; for Kings undertake the care of an exceedingly monstrous beast. Plato truly said: if there were a city of good men, **περιμάχητον ἂν εἶναι τὸ μὴ ἄρχειν, ὥσπερ νῦν τὸ ἄρχειν**; it would come to pass that men would flee from commands as eagerly as they now seek them.

Therefore, biting cares must be made to appear easy, and the most perilous dangers magnificent, lest their weight become apparent.

§ 2. When a Monarch is elected, singular provision must be made for the security and liberty of the electors.

[Printed page 520]

Accurate provision concerning this matter was made in the Roman Empire. For the Golden Bull of Charles IV not only commands that all territories lie open to all who journey to the election, but also binds everyone so that no one may hinder them, and commands that safe conduct be furnished to them:

> We furthermore decree and command all the other Princes holding Fiefs from the Holy Roman Empire, by whatever name they are designated, and likewise all Counts, Barons, Knights, Vassals, Nobles and Commoners, Citizens and communities of all castles, cities, and places of the Holy Empire, that at the same time--namely, when an Election of a King of the Romans to be advanced as Emperor is to be celebrated--they shall, without guile and in the manner aforesaid, escort through their territories, and elsewhere as far as they can, every Prince Elector who asks safe conduct of them or any of them, or his messengers whom he has directed to that Election, as stated above.
>
> But if any presume to act contrary to this our constitution, they shall by that very fact incur the penalties written below. All Princes, Counts, Barons, Knights, Vassals, and all others acting to the contrary shall incur the guilt of perjury and deprivation of all Fiefs which they hold from the Holy Roman Empire and from any others whatsoever, and also of all their possessions held from whomsoever.
>
> All citizens and communities who presume to act against the foregoing shall likewise be perjured and, moreover, shall be entirely deprived of all their rights, liberties, privileges, and favors obtained from the Holy Empire; and they, together with their persons and all their goods, shall fall under the Imperial Ban and proscription. By that very fact we deprive them of right from now as from then; and henceforth it shall be permissible for any person, by his own authority and without judgment or invocation of any magistrate, to attack them with impunity. The person who attacks them shall have to fear no penalty on this account from the Empire or from anyone else, especially since such rash contemners of so great a matter are proved to act faithlessly and perversely as rebels, disobedient men, and perjurers against the state and the status and dignity of the Holy Empire, and also against their own honor and safety.
>
> We furthermore decree and command that the citizens and communities of all cities shall sell, or cause to be sold, provisions at the common price and rate to the aforesaid Princes Electors and to each of them who requests this, and to their messengers, for their necessities or those of their aforesaid messengers and men, both when they approach the aforesaid city for the purpose of celebrating the aforesaid Election and when they depart from it, employing no fraud whatsoever in the foregoing. Otherwise, we will that those acting to the contrary shall by that very fact incur

those penalties which we declared above to be promulgated against citizens and communities.

Furthermore, if anyone among the Princes, Counts, Barons, Knights, Vassals, Nobles or Commoners, citizens, or communities of cities presumes to set hostile watches or prepare ambushes for a Prince Elector going to celebrate the Election of the King of the Romans or returning again from it, or to attack or disturb them or any one of them in their own persons, in the persons of their men, or in their property, or their aforesaid messengers or any of them--whether they requested safe conduct or did not judge it necessary to require it--we decree that he, together with all the accomplices of his malice, has by that very fact incurred the aforesaid penalties, so that every person shall incur the penalty or penalties which, according to the foregoing, we judged should be inflicted according to the condition of the persons.

But if any Prince Elector were carrying on enmities with any fellow Elector, and any contention, controversy, or dissension were proceeding between them, notwithstanding these things each shall be bound to escort the other, or the other's messengers to be dispatched to an Election of this kind, in the manner previously provided, under the penalty of perjury and the loss, on that occasion only, of his vote in the Election, as was expressed above.

But if any other Princes, Counts, Barons, Knights, Vassals, Nobles and Commoners, citizens, or communities of cities harbored an adverse disposition toward any Prince Elector or several of them, or any discord, war, or dissension were proceeding among them, nevertheless, with all contradiction and guile ceasing, they shall be obliged to furnish to the Prince Elector or Princes, or to his or their messengers going to an Election of this kind and returning from it, such safe conduct as each will desire to furnish in order to avoid the aforesaid penalties laid by us upon them; and we decree that those who act otherwise have incurred these penalties by that very fact.

And this is the chief point in the election of the Supreme Emperor: that with true liberty the Princes may choose from among many the man who is to preside over all. For it must not be considered an election where fear extorts votes from the unwilling.

§ 3. The Emperor furnishes no less security within the very city appointed for the election:

We enjoin and command the citizens of Frankfurt faithfully and diligently, by virtue of the oath which we decree that they shall swear upon the sacred things concerning this matter, to protect and defend all the Princes Electors collectively, and each of them, from an attack by another if any adversity should arise among them, and also from every person, together with all their men whom they and each of them have brought to the aforesaid city within the aforesaid number of two hundred horses. Otherwise they shall incur the guilt of perjury and, moreover, shall entirely lose all their rights, liberties, privileges, favors, and concessions which they are known to have obtained from the Holy Empire.

They shall also by that very fact fall under the Imperial Ban, together with their persons and all their goods. From then on it shall be permissible for every person, by his own authority and without judgment, to attack with impunity those citizens whom in that event, from now as from then, we deprive of every right, as traitors, faithless men, and rebels against the Empire, so that those who attack them in this way need fear no penalty whatsoever from the Holy Empire or from anyone else.

Furthermore, during all the time in which the often-mentioned Election is discussed and conducted, the aforesaid citizens of Frankfurt shall admit no one into the aforesaid city, nor permit anyone to enter it in any way, whatever dignity, condition, or status he possesses, excepting only the Princes Electors or their aforesaid messengers or Procurators, each of whom must be admitted with two hundred horses, as stated above.

But if, after the entrance of the Princes Electors or in their presence, anyone happens to be found in the aforesaid city, those citizens shall arrange his departure at once, without delay and with effect, under all the penalties promulgated above against them and also by virtue of the oath which the citizens of Frankfurt themselves, by virtue of the present Constitution, shall be obliged to swear upon the sacred things concerning this matter, as was expressed above.

Nearly the same precaution is employed for Cardinals journeying to the assembly for electing a Pontiff and enclosed at Rome in the conclave.

§ 4. The end is that, after setting aside their affections, they may elect a man useful not to themselves but to the state. Thus the electors in the Empire are accustomed to swear, as is set forth in title 2 of the Golden Bull:

> When a Mass of this kind has been completed, all those Ecclesiastical Electors shall reverently place their hands upon their breasts before the Gospel of blessed John--"In the beginning was the Word"--which shall have to be
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> **[Printed page 521]**
>
> placed there before them. But the secular Princes Electors shall physically touch that Gospel with their hands. At that time all shall be obliged to stand there unarmed with their whole household. The Archbishop of Mainz shall give them the form of the oath, and he together with them, and they themselves, or the Messengers of those absent together with him, shall swear the oath in the common tongue in this form:
>
> I, N., Archbishop of Mainz, Archchancellor of the Holy Empire throughout Germany and Prince Elector, swear upon the holy Gospels of God here physically placed before me that, by the fidelity by which I am bound to God and the Holy Roman Empire, according to all my discretion and understanding, with God's aid, I will elect a temporal head for the Christian people--that is, a King of the Romans to be advanced as Caesar--who shall be suitable for this, insofar as my discretion and judgment direct me and according to the aforesaid fidelity; and I shall give my voice and vote, or the aforesaid Election, without any compact, payment, price, promise, or anything by whatever name such things may be called. So may God and all the Saints help me.

§ 5. Nevertheless, that pomp of ceremonies has not always been observed either in the Roman Empire or in other kingdoms. At times ambition, at times dangers, compelled everything to be conducted suddenly and hastily. Samuel solemnly designated Saul; he anointed David secretly, and after Saul's death David held part of the kingdom. Judah called Rehoboam King, and Israel Jeroboam, with the rites passed over. Jehu was suddenly raised to be King; the soldiers dragged forth the trembling Claudius.

Tiberius immediately usurped the power and falsely refused the name. The soldiers themselves created innumerable Emperors after the authority of the Senate had collapsed. The beginning was made with Claudius; thereafter so many human monsters infested the world.

But care must be taken in the state that the judgment of establishing so great a power should not rest in the votes of the very lowest men, and by no means in the hands of the soldiery; for in truth they seek the man under whom there will be the greatest license and the least justice.

Hence it was also long observed that those elected did not fully reign without the authority of the Senate. Indeed, this was customary even in the time of the Kings: for royal birth did not secure the command for Lucius Tarquinius, the son of Priscus; rather, the guile of his rival overturned it. But as vices increased, nothing remained for the Senate except the servile compliance of adoring and flattering those selected.

Nevertheless, the better each Emperor was, the more highly he valued the authority of the Senate, as did Vespasian, Titus, Trajan, Tacitus, Pertinax, and others. Hence it happened that Emperors chosen by the Senate were frequently hateful to the soldiers.

There is a rare example in Tacitus, concerning whom Vopiscus writes. The army, which had been accustomed hastily to create an Emperor, sent a letter to the Senate asking it to choose a Prince from its own order. But the Senate, knowing that Princes chosen by itself did not please the soldiers, referred the matter to the soldiers. And while this was done repeatedly, the sixth month was completed.

Finally the whole Senate acclaimed: "Tacitus Augustus, may the Gods preserve you! We love you! We make you Prince!" But this was not merely rare; it was altogether unique.

Now that power has been transferred to the leading men, the seven Electors, and the ancient struggles have subsided.

§ 6. Soldiers used to raise Emperors upon a shield or a litter. This was done in the time of Maurice, as Draco relates in book seventeen concerning Germanus. Thus, in the case of Phocas, the soldiers **προεστήσαντο, ἐπὶ ἀσπίδος τε εἰς ὕψος ἐξάραντες εὐφήμουν ἐκτόπως τὴν ἀναγόρευσιν**. They made him Prince, raising him upon a shield, and proclaimed him after accompanying him with auspicious acclamations. Because Jehu was chosen by God in a council, he was raised upon the cloaks of the Princes.

§ 7. Roman Emperors were conducted into the Palace, according to Capitolinus in his *Pertinax*. But they had already been elected. Among the Israelites they were placed upon the royal mule and upon the throne, 3 Kings 1:34. Soldiers generally made a raised platform for a throne out of turf, according to Suetonius in his *Vitellius*. But it was customary for the ruler to be placed upon a shield; the Canninefates also imitated this, according to Tacitus, book 4. Claudian is a witness:

> But when presently the soldier had raised you with the accustomed acclamation, etc.

This, however, was not done when they were elected in the city of Rome or Constantinople. At Rome, rather, thanks were immediately given to the Senate and the army; at Constantinople they were carried into the circus, so that they might greet the people and hear their auspicious prayers.

But now the procession, or solemn court, is instituted by the law of Charles IV, title 24:

> On the day on which a solemn Imperial or Royal Court is to be celebrated, let the Princes Electors, Ecclesiastical and Secular, come at about the first hour to the dwelling place of the Emperor or King; and there the Emperor or King himself shall be clothed with all the Imperial insignia. Having mounted their horses, let all proceed with the Emperor or King to the place prepared for the session, and there let each of them proceed in the order and manner more fully defined above in the law concerning the order of procession of the Princes Electors themselves.
>
> For the Archchancellor in whose Archchancellorship these things are done shall carry upon a silver staff all the Imperial or Royal Seals and Dies. The Secular Princes Electors shall carry the scepter, orb, and sword, according to what is expressed above.
>
> Immediately before the Archbishop of Trier, as he proceeds in his place, there shall also be carried, first, the crown of Aachen, and second, that of Milan; and this only before the Emperor, because he is now adorned with the Imperial insignia. Certain inferior Princes appointed for this purpose by the Emperor at his pleasure shall carry them. The Empress also, or Queen of the Romans, clothed in her august insignia, after the King or Emperor of the Romans, and also after the King of Bohemia, who immediately follows the Emperor, shall proceed at a suitable interval to the place of the session, accompanied by her nobles and attended by her maidens.

Indeed, in title 25 he also pursued the arrangement of the table:

> We establish that whenever the Emperor or King of the Romans celebrates his solemn Courts, in which the Princes Electors ought to serve or exercise their offices, the order written below shall be observed in them.
>
> First, while the Emperor or King himself is seated upon the Royal Seat or Imperial Throne, the Duke of Saxony shall perform his office in this manner. Before the building of the Imperial or Royal session there shall be placed a heap of oats of such a height that it reaches as far as the breast or breast-strap of the horse upon which the Duke himself shall sit. He shall have in his hand a silver staff and a silver measure which together shall make twelve marks of silver in weight; and, sitting upon the horse, he shall first take that same measure full of oats and give it to the first servant who comes. When this
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> has been done, he shall thrust the staff into the oats and withdraw; and his Deputy Marshal, namely, the man of Pappenheim, shall approach--or, in his absence, the Marshal of the Court--and shall distribute those oats.

But when the Emperor or King has entered for the meal, the Ecclesiastical Princes Electors--that is, the Archbishops--standing before the table with the other Prelates, shall bless him according to the order prescribed for them above concerning these matters. When the blessing has been completed, those same Archbishops, all of them if they are present, otherwise two or one, shall receive the Imperial or Royal Seals and Dies from the Chancellor of the Court. The one in whose Archchancellorship that Court happens to be celebrated shall proceed in the middle, with the other two joined to him on either side.

All of them, touching with their hands the staff upon which the Seals and Dies have been hung, shall carry them and reverently place them upon the table before the Emperor or King. But the Emperor or King shall immediately restore them to them; and the one in whose Archchancellorship this occurs, as stated above, shall wear the great seal hung from his neck until the end of the meal, and thereafter until, riding away from the Imperial or Royal Court, he reaches his lodging. The staff mentioned above shall have to be of silver, containing twelve marks of silver in weight; and each one of those Archbishops shall pay one third both of the silver and of its price. The staff itself, together with the Seals and Dies, must immediately be assigned to the Chancellor of the Imperial Court, to be converted to whatever uses he pleases. But after the one whose turn it was to carry the great seal has returned from the Imperial Court to his lodging, as stated above, he shall immediately send that seal back by one of his household to the aforesaid Chancellor of the Imperial Court upon a horse which, according to the propriety of his own dignity and the affection which he bears toward the Chancellor of the Court, he shall be obliged to present to the Chancellor.

Next, the Margrave of Brandenburg, the Archchamberlain, shall approach upon horseback, having in his hands silver basins containing water, of twelve marks of silver in weight, and a handsome towel; and, dismounting from his horse, he shall give water to the Emperor or King of the Romans for the washing of his hands.

The Count Palatine of the Rhine shall likewise enter upon horseback, having in his hands four silver dishes filled with food, each of which shall weigh three marks on the scale; and, dismounting from his horse, he shall carry them and place them upon the table before the Emperor or King.

After these things, the King of Bohemia, the Archcupbearer, shall likewise come upon horseback, carrying in his hands a covered silver cup or goblet weighing twelve marks and filled with wine and water mixed together; and, dismounting from his horse, he shall offer that goblet to the Emperor or King of the Romans to drink.

Moreover, just as we have learned that it has been observed hitherto, so we establish that, when the aforesaid Secular Princes Electors have performed their aforesaid offices, the man of Falkenstein, the Deputy Chamberlain, shall receive for himself the horse and basins of the Margrave of Brandenburg; the Master of the Kitchen of Nordenberg, the horse and dishes of the Count Palatine; the Deputy Cupbearer of Limburg, the horse and goblet of the King of Bohemia; and the Deputy Marshal of Pappenheim, the horse, staff, and aforesaid measure of the Duke of Saxony--provided that they are present at such an Imperial or Royal Court and each of them serves in his office. But if they or any of them determine to absent themselves from the aforesaid Court, then the daily ministers of the Imperial or Royal Court shall act in place of the absent men--that is, each in the place of that absent man with whom he shares a title or office--and, just as he performs the office, so shall he receive the profit in the foregoing matters.

Furthermore, the Imperial or Royal table ought to be prepared in such a way that it is raised in height six feet above the other boards or tables of the hall. On the day of the solemn Court, no one at all shall be seated at it except the Emperor or King of the Romans alone.

But the seat and table of the Empress or Queen shall be prepared at the side in the hall, in such a way that her table is three feet lower than the Imperial or Royal table and the same number of feet higher than the seats of the Princes Electors, who shall have among themselves seats and tables at one and the same height.

Below the Imperial session, tables shall be prepared for the seven Ecclesiastical or Secular Princes Electors: three, namely, on the right; another three on the left; and the seventh directly facing the Emperor or King, as was more

clearly defined above in the chapter concerning the Seats and Order of the Princes Electors.

No other person, of whatever dignity or status he may be, shall sit among them or at their tables.

But none of the aforesaid Secular Princes Electors shall be permitted, after he has performed the duty of his office, to take his place at the table prepared for him while any of his fellow Princes Electors still has his office to perform. Rather, when any one or several of them have completed their service, they shall go to the tables prepared for them and wait while standing beside them until the others have completed their aforesaid services; and only then shall all and each together take their places at the tables set for them.

CHAPTER III

The Anointing and Coronation of Monarchs Is Rightly Employed

§ 1. Peter the Pseudo-Martyr, at chapter 19 of book 3 of *Kings*, is indignant that Christian Kings are anointed:

> But since we are now speaking of anointings of this kind, to which the word of God was peculiarly added, I cannot sufficiently wonder why they were transferred to the Kings and Emperors of the Christians. I know that some say that the matter is political and can therefore be retained. But those who answer this way are deceived and deceive others. For it is held to be a religious ceremony; and for that reason it is performed in a temple, and is performed in a temple by none other than Bishops and Cardinals. It pleases me, indeed, that both Kings and Emperors should be publicly inaugurated by the votes and acclamations of the people, and especially with pious prayers interposed. But I do not think anointing should be recalled from the Jewish ceremonies. Much less do I approve that by which sacrificing priests and Bishops are anointed.

Yet he did not persuade even his own adherents that anointing should be neglected; for the Kings of Britain and others, lest they not be anointed--that is, Christs of the Lord--are anointed with oil when they are inaugurated into their kingdoms.

The error of this shadow-boxing Martyr arises from his supposing the anointing of Kings to be a Jewish ceremony and therefore not to be recalled, lest, of course, we should seem to be Jews. Consideration of Scripture could have freed him from this error. For in Judges 9 we read: **מלך עליהם למשח העצים הלכו הלוך** (*Haloch halechu haghazim. Lemischach ghalehem melech*): "Going, the trees went to anoint a King over themselves." Jotham, the son of Gideon, speaks from the common manner of consecrating kings. For why does he say "to anoint," if no Kings were anointed? Why **τὸ χρῖσαι**, and not **τὸ ποιῆσαι, καταστῆσαι**--"to make" or "to establish"?

[Printed page 523]

Accordingly, in the time of the Judges, when there was not yet a King in Israel, the Kings of other nations were anointed. Indeed, in verse 9 the olive tree itself answers: "Can I abandon my fatness, **ואנשים אלהים יכבדו בי**"--by which both gods and men make use of me--or, as some have it, **ἣν ἐν ἐμοὶ ἐδόξασεν ὁ θεὸς, καὶ οἱ ἄνθρωποι**; "by which in me they honor Gods and men"? Junius and Tremellius interpret this as referring to the fact that oil is employed for sacrifices and for anointing Kings, Priests, and Prophets. Yet they did not correctly translate verse 8, for they rendered it, "They went to create a King over themselves"; by that translation they obscured the antiquity of a most beautiful rite.

It is therefore not a Jewish rite, but a rite of the Eastern Kings, although certain barbarous nations, such as the Persians and Medes, seem to have used other ceremonies. For the Kings of the Persians put on the robe of Cyrus, ate a cake of figs, tasted the terebinth, and drank a cup of sour milk, according to Plutarch in his *Artaxerxes*. Yet Cyrus is called the Christ of the Lord, and so I think that he was peculiarly anointed, and that this was done by the counsel of Daniel and the Israelites.

Second, he complains that Christian Kings are anointed without a word of God. If he had observed that this was a custom of the nations which the Hebrews imitated, he would no more accuse our Kings than the Eastern ones. For just as the Hebrews borrowed from the nations diadems, thrones, scepters, and other insignia, so too did they borrow the rite of anointing; and Christian Kings borrowed it from both. No sane man can judge that no ceremonies or rites are to be admitted into the state unless there is a special command expressed by God in the sacred writings. Next, the signification of anointing suits not only the kings of the Hebrews and Eastern nations, but also our own, who themselves are and are called Christs of the Lord.

My teacher Nicholas Serarius wrote most learnedly on this matter at chapter 10 of book 1 of *Kings*:

> Concerning anointing, note first that it is not established whether among other peoples, and before this time, there was any anointing of Kings--unless in Judges 9:8 there seems to be an allusion to anointing which was already customary in those times, though not among the Jews, since they had never yet had a King, but among other nations; as at 3 Kings 19 and St. Jerome on Isaiah 45. Just as among us the diadem and purple are given only to Emperors, so among the Hebrews those about to reign were bathed in ointment. Hence Saul is also called Christ, and Cyrus at Isaiah 45.
>
> Note second: the anointing was performed, first, with oil. Since there were two kinds of oil, sacred oil or ointment and common oil, and only Pontiffs and priests were anointed with the former, Exodus 29, Kings nevertheless could be anointed with either: with the sacred at 3 Kings 1, and with the common at 3 Kings 9. Some, such as Vatablus, think that Saul was anointed with sacred oil, because Samuel had caused it to be brought to himself from the tabernacle, or because he himself, as Pontiff and Prophet, had now consecrated it. Yet the Hebrews cited by him teach that only Kings from Judah and the house of David were anointed with the oil of anointing, but Saul with common oil because he was to be rejected; and Abulensis approves this opinion more strongly in question 1.
>
> That oil was contained in the small vessel which the interpreter here and in book 4, chapter 9, translates as a "lentil," not from anointing, as Abulensis wishes, but from its lentil-like shape, concerning which Pliny speaks in book 37, chapter 12. This is clear from the Greek name here, which is very similar to the Hebrew. It is sometimes called a horn, as below at chapter 16, and a *lecythus* at book 3, chapter 17. That ointment was poured upon the head of the King, as also upon that of the Pontiff, whereas the lesser priests were only sprinkled with it, Exodus 29. He was anointed sometimes by Prophets, when a King of this kind was still concealed and unknown; ordinarily, however, by the Pontiff, 3 Kings 1 and 2 Paralipomenon 23. It seems that it could sometimes also have been done by inferior priests, if the Pontiff was absent through death or illness, since the latter was also accustomed to be anointed by those inferiors. God was said to anoint through his ministers, as here at verse 1, or the people, as at 2 Kings 2.
>
> No ceremonies, indeed, had been prescribed by divine law, but these were observed by certain human laws and customs. First, the future King was placed upon a seat. Second, he was adorned with a diadem, 2 Paralipomenon 23 and 4 Kings 11. Third, he was anointed. Fourth, the book of the law--that is, Deuteronomy--was put into his hands. Fifth, he swore to observe it. Sixth, sacrifices of every kind were made, 3 Kings 1 and here below at chapter 11, just as in Herodian, book 2. Seventh, various signs of joy and approval were displayed, 3 Kings 1, here at verses 25 and 27. I have spoken of the antiquity of the anointing of Kings at chapter 9 on Judges, question 10. But the Kings of the Persians put on the robe of Cyrus; and, after eating a cake of figs, they also tasted the terebinth and drank a cup of sour milk, according to Plutarch in *Artaxerxes*.

But there was a twofold reason why Kings were anointed in this way. The first was that, just as there was the highest excellence and dignity of the Pontiff among sacred ministers, so the highest excellence of the King among political princes might be signified, as Abulensis says in question 1. The second was to signify that grace and strength were given to them by God for the defense of religion and the Church, the people, and the inheritance of God, as Augustinus Triumphus explains in *On Ecclesiastical Power*, question 38, article 2. Chrysostom says in homily 4 on Acts:

> Elisha received grace through a sheepskin cloak; another again through oil, as David did; but Moses is called through the fire of the bush.

The same author says in oration 3 against the Jews:

> Whenever anyone was to be anointed, the spirit of grace flew down and sprang into the ointment.

And in homily 4 on Philippians: "Mercy is **καὶ τῆς φιλανθρωπίας σύμβολον**, also a symbol of benevolence"; and therefore Priests, Kings, and Prophets were anointed. St. Augustine, as cited by Father Gretser in *Anti-* page 525, says that Saul, although wicked, possessed the holiness of the sacrament and of anointing, but not that of innocence.

There could also have been a third cause: that they might signify the true King of the whole world, namely, the Messiah or Christ, concerning whose kingdom see St. Thomas, Bellarmine, Suárez, and others. "That stone," says Augustine in chapter 6 of book 2 of *On the Trinity*, "which Jacob placed at his head, Genesis 28, also received anointing to signify the Lord, who is called the Rock." How much more, then, did those Kings receive it? And if priests signified him by their anointing, why not Kings also? For he is Priest, King, and Prophet. By this anointing Kings were also made sacrosanct and were called Christs or Messiahs, below at chapters 24 and 26; book 2, chapter 1; 1 Paralipomenon 16; Psalm 104.

Note third. Hence the rite of anointing also began to be employed long ago among Christian Emperors and Kings, as is clear from chapter *Venerabilem*, *Extra*, title *On Election*; chapter *Cum venisset*, *Extra*, title *On Sacred Anointing*; Augustinus Triumphus; Aimoin, book 1, chapter 15, and book 5, chapter 49; Hincmar; and Forcatulus, book 6, *On the Empire of the Gauls*. And God approved the rite of this anointing by, as it were, a twofold miracle. First, by the heavenly gift and preservation of the ampulla which is kept at Reims, as Faye, Senator and President of Paris, writes in his *Energumenicus* that he himself had inspected it most diligently. Second, by the power which anointed Kings in Gaul possess to cure scrofula, as the same man writes in the same place, and as the Granatensis writes in book 2 of his *Catechism*, chapter 27; and, among the heretics, Caspar Peucer admits it in *On Incantations*, folio 156. Those who were present and saw it in the year 1607 affirm it.

[Printed page 524]

Consult Polydore Vergil's *English History*, book 8, on King Edward, and Peter of Blois, epistle 150, where he calls them scrofulas, because swine are liable to that disease; Pliny, book 11, chapter 17; Celsus, book 5, chapter 38.

On Emperors, see Bellarmine, book 1 of *On the Transfer of the Empire*, chapter 4, and book 2, chapter 2; Thomas Bozius, book 17, sign 76. "Formerly," says Krantz in book 1 of his *Metropolis*, "Emperors did not permit Pontiffs to live; now he is not held to be Emperor whom the Roman Pontiff has not confirmed and consecrated. The earth is the Lord's; he transfers kingdoms, and most worthily delegated this sacred mystery to his vicar on earth." See also Castaldus, treatise *On the Emperor*, question 21 and following; Irenicus, book 2 of *Germany*, chapter 30. On the coronation of Charlemagne, see Constantine Manasses and Baronius, volume 9, from Thegan. Many things pertaining to this matter are found in the same Baronius, volume 8. Add Onuphrius, *On the Assemblies and Insignia of the Ancient Emperors*. "At Constantinople," he says, "either under Justinian or after his death, this was added to the election of the Emperor: as soon as he had been declared Emperor, he was anointed with oil by the Patriarch of Constantinople in the great basilica of Byzantium and was crowned with a golden diadem. They called this rite coronation, taking the example from the ancient kings of the Hebrews." And again on anointing, folios 395, 396, and following. See Stevanus, chapter 7, folio 36 verso.

There is therefore no reason why we should reject an ancient and approved rite or render it suspect.

§ 2. There is, I say, no reason why we should begrudge our Kings the symbol when we grant them the reality beyond it. Martyr himself concedes that it is a symbol:

> The anointing of Kings was an external symbol by which was signified the spiritual faculty which, through his favor and kindness, was conferred by God upon a new King. It was a symbol of the power and grace by which he was to exercise his power, and of that which was chiefly sought in a King: victory and peace.

Thus at 2 Kings 1:21: "Because there the shield of the mighty was cast away, the shield of Saul, as though it had not been anointed with oil." It is as if he were saying that he ought not to have been conquered and killed, since he had been anointed with oil. Anointing, therefore, was a symbol that Kings, as men consecrated to God and judging in the place of God, were sacrosanct and inviolable.

Hence David ordered the Amalekite to be killed, 2 Kings 1:14: "Why were you not afraid to put forth your hand to kill the CHRIST OF THE LORD?" And at verse 16: "Your blood be upon your own head; for your mouth has spoken against you, saying: I killed the CHRIST OF THE LORD."

For this reason David is afraid to kill the King who is his enemy, because he is the Christ of the Lord, 1 Kings 24:7 and 11, and 26:9: "For who shall put forth his hand against the Christ of the Lord and be innocent?" and verse 23. Indeed, David even grieved that he had inflicted the least injury upon the Christ of the Lord, 1 Kings 24:5:

> David therefore arose and silently cut off the edge of Saul's cloak. After these things David's heart struck him because he had cut off the edge of Saul's cloak. And he said to his men: May the Lord be gracious to me, lest I do this thing to my lord, the Christ of the Lord, that I should put forth my hand against him, because he is the Christ of the Lord.

Hence arose the custom that suppliants should carry olive branches before them; for to a branch of leafy olive they joined fillets and the words of petitioners, so that they might show that they sought peace and were inviolable. Nations were rarely so barbarous that they violated ambassadors of peace. And if they were unwilling to pardon the suppliants, they nevertheless by no means killed those who carried olive branches, but sent them back into the city with their object unaccomplished, there to undergo the same fortune as their fellow citizens.

For this reason Kings should now be anointed especially, after new heresies have brought forth so many plotters against Kings.

§ 3. The use of anointing was also ancient in the Christian state. Clovis was anointed in Gaul, and from this the King of France possesses preeminence among Christian kingdoms. Charlemagne was anointed by Leo, as the Deacon writes in book 24, and indeed from his head all the way to his feet. Manasses also describes it:

ἔνθεν ἀμειβόμενος δὲ τὸν Κάρολον ὁ Λέων ἀναγορεύει κράτορα τῆς πάλαι πρεσβυτέρας Ῥώμης, ὃς δὲ τὸν στέφει περιτίθησιν νόμοις Ῥωμαίων, οὐ μὴν ἀλλὰ χρησάμενος καὶ νόμοις Ἰουδαίων, ἐκ κεφαλῆς μέχρι ποδῶν ἐλαίῳ τοῦτον χρίει, οὐκ οἶδα τίσι λογισμοῖς, ἢ ποίαις ἐπινοίαις, οὕτω δ' ἡ τῶν δυοῖν σεβασμίων πόλεων ἐρράγη.

Then Leo, repaying the favor, declares Charles Emperor of ancient Rome and surrounds him with a diadem in accordance with Roman laws. Indeed, employing even the laws of the Jews, he anoints him with oil from his head all the way to his feet. For what reasons or according to what thoughts I do not know. Thus for the first time the bond between the cities--namely, Constantinople and Rome--was broken. So says the Greek scoffer.

They are customarily anointed by Bishops, just as the ancient Kings were by Priests or Prophets. Gregoras writes in book 2 that Justinian established that that city should live by its own laws, but on condition that it should not anoint the Kings of the Romans, for this was granted by the laws to another.

Theodore Angelus assumed for himself the name of Emperor, and Gregoras adds: **χρίεται βασιλικῶς παρὰ τοῦ τηνικαῦτα τὴν τῆς Βουλγαρίας ἐπισκοπὴν διιθύνοντος**. And he is anointed in royal fashion by the man who at that time administered the Bishopric of Bulgaria.

Royal anointing is a distinction of great honor. For that reason, in title 4 of the Golden Bull, the King of Bohemia has the first place of sitting among the Secular Electors after the Emperor, since he is a crowned and anointed Prince. So the Latin text reads; but the German text has: *Wann er ein gesalbter vnd gekrönter König ist*--"if he is an anointed and crowned King."

Indeed, at Constantinople a man was not regarded as Emperor until after anointing, and he was consecrated in the church. Nicetas says in book 1: **Ταινίᾳ αὐτὸν ἐν νεῷ χρίει τῷ αὐτοκρατορικῷ στεφώματι πατριάρχης, ὃς καὶ χρίει ἱερὰ εἰσερχόμενον μέλαθρα.** The Patriarch crowns him--Manuel--with the imperial diadem and also anoints him as he enters the sacred edifice.

Inauguration is the public and solemn transmission of a kingdom. See Alexander, *Days of Various Knowledge*, book 1, chapter 28; Olaus Magnus, *History of the Northern Peoples*, book 14, chapter 5.

§ 4. The diadem has been customary for all Kings, so much so that even now kingdoms and empires are called crowns. Crowns have been various; but the most ancient were ribbons or white bands. "Accursed band," a Queen said after she had made a noose from it and it broke when she attempted to hang herself, "not even now are you of any use."

Hence Favonius stirred up ill will against Pompey, according to Varro, book 6, chapter 2. For when Pompey had a leg bound with a white bandage, Favonius said that it made no difference on what part of the body he wore the diadem. Lucian calls Alexander **διαδεδεμένον ταινίᾳ λευκῇ τὴν κεφαλήν**, having his head bound with a white band. Silius calls it a fillet in book 16.

Later purple was added. Curtius in book 6 attributes to Alexander a purple diadem distinguished with white. Among the Constantinopolitans in later centuries it was made of purple alone; Nicetas in his *Alexius* calls it **πορφυρᾶν**.

[Printed page 525]

Later gems and gold were added. Hence Cedrenus calls it **ταινίαν χρυσοπόρφυρον**, a purple-and-gold band. Suger, in the life of Louis the Fat, calls it Phrygian ornament.

Afterward the diadem itself was made of gold, as Claudius did according to Dio, and as Cedrenus relates concerning Theodosius. Constantine added brighter gems. Cedrenus says: **Πρῶτος ταινίῳ διαδήματι ἐχρήσατο, καὶ μαργάροις, καὶ λίθοις περιεργότερον**--he was the first to use a diadem and adorned it more elaborately with pearls and gems. Now the crowns of all kingdoms are heavy with gold and gems and often contain the revenue of provinces.

§ 5. Sometimes Kings wore only the diadem or band; sometimes a diadem bound around a cap. And this is what Philo writes in his *Life of Moses*: Eastern Kings use the *cidaris* as a diadem. The *cidaris* is a cap, straight, high, and as it were turreted; it had cheek-pieces in front and fillets behind; around its middle ran a white band bright with little stars.

They therefore did not wear the *cidaris* in place of a diadem, but wore the diadem upon the *cidaris*. Xenophon states it plainly in book 8 of the *Cyropaedia*: **ὁ Κῦρος εἶχε διάδημα περὶ τῇ τιάρᾳ**. Cyrus had a diadem around his tiara. Zonaras, in his *Basil*, relates that it was commonly called a *tupha*. Ambition afterward added rays. Statius says in book 7 of the *Thebaid*:

> May he himself impress high upon your hair the radiant arc.

And Virgil:

> Twice six golden rays encircle his gleaming temples.

Such were those which were called **καμηλαύκια**. Such was the Macedonian *causia* bound with a crown.

§ 6. Just as the name of King was hateful to the Romans, so also the diadem was assumed late. Julius, to be sure, refused it; but in ancient times a great part of dignity lay in it.

The King of the Ammonites had a diadem weighing a talent of gold and bearing very precious gems, and it was placed upon the head of David, 2 Kings 12:30. That diadem could not be borne by the King, but had to be placed upon his head in such a way that it was supported by attendants.

§ 7. Let these things have been said concerning a band that is noble rather than happy. Meanwhile pious Kings perceive what one man said--whether it was Seleucus, as Plutarch says in his book *On the Delays of Divine Vengeance*, or Antigonus, as Stobaeus says in discourse 47, or perhaps both agreed in so manifest a truth.

Seleucus, contemplating the diadem, said: "O band, noble rather than happy! If anyone knew thoroughly how full of cares it is, he would not lift it from the ground even if it lay there silently." And Antigonus said to an old woman who admired royal felicity: "O mother, if you knew in how many evils that little band is wrapped, you would not even take

it from a dungheap." The matter of the robe and purple is too well known for it to need treatment; let us therefore gird ourselves for other matters.

CHAPTER IV

Great Honors Must Be Shown to Kings

§ 1. Flattery diminishes honors by increasing them; for it makes moderate honors contemptible and the greatest honors commonplace. It proceeds so far that ingenuity fails it, and it finds nothing new except what is empty and ridiculous. Honors were bestowed upon Kings either by titles alone, or by ceremonies, or by statues and temples.

§ 2. Some titles of Kings and Emperors were lawful, others unlawful. Among shameful and impious titles I reckon the appellations "Divine" and "Divinity" in their ancient sense. For they actually decreed divine honors to men, and Kings wished to be believed Gods. "Should I doubt that I am a God, when I make Gods?" For those whom the Latins called *Divi*, the Greeks call Gods. Thus Justin Martyr says: **καὶ τῶν παρ' ὑμῖν ἀποιχομένων αὐτοκρατόρων εἰκόνας ἐν τούτῳ τῷ σχήματι ἀνατίθετε, καὶ θεοὺς διὰ γραμμάτων ἐπονομάζετε**. And you set up images of deceased Emperors in this guise and call them Gods in writing.

Tertullian says in the *Apology*, chapter 13:

> But it is fitting that you ascribe the honor of divinity to deceased Emperors, since you also assign it to them while living. Your Gods will accept it as credited to them; indeed, they will congratulate themselves that their masters are made their equals. But when you adore Larentina, a public prostitute--I wish it were at least a Lais or Phryne--among the Junos, Cereses, and Dianas; when you inaugurate Simon Magus with a statue and the inscription "Holy God"; when you make into a God some pathic from among the court pages whose identity I do not know: although the ancient Gods were not more noble, they will nevertheless reckon it an insult from you that this was permitted to that man and to others, a thing which antiquity conferred upon them.

They established altars, flamens, and temples so that they might plainly appear to be Gods. Oaths were sworn by them, and at times the common people believed it. Wise men laughed at those fictions; powerful men commanded them in earnest. Seneca mocks them in his *Apocolocyntosis*:

> Yet if it should be necessary to produce an authority, inquire of the man who saw Drusilla going to heaven. He will likewise say that he saw Claudius making the journey with unequal steps. Whether he wishes it or not, it is necessary for him to see everything that is done in heaven. He is the curator of the Appian Way, by which, as you know, both the Divine Augustus and Tiberius Caesar went to the Gods. If you question him, he will tell it only when alone; before many he will never say a word. For since, after he swore in the Senate that he had seen Drusilla ascending to heaven, no one believed him in return for so good a report concerning what he had seen, he affirmed in a set form of words that he would not disclose it even if he had seen a man killed in the middle of the Forum. Whatever I heard from this man, I report as certainly clear--so may I have him safe and prosperous.

The Arians impiously usurped those titles. Eusebius says in book 4 of the *Life of Constantine*, chapter 46:

> When all these matters had now been completed and accomplished, and the fame of the greatest Emperor's virtue was flying through every mouth, one of the Priests dared to call him blessed to his face, since in this life he was worthy to possess supreme power over all things, and in the life to come to reign together with the Son of God. But when the Emperor signified that he heard these things with displeasure, he also exhorted the man never again to dare to employ a word of that kind, but rather to strive with God in prayer that in this life and in the future he might be deemed worthy of God's service.

That man was an Arian, and he proclaimed Constantine worthy to reign with the Son of God as though equal to him. Thus the Arian presbyter Colluthus wrote:

> At the petition of Ischyras the presbyter, supplication having been made to the piety of my lords the Augusti and Caesars that a Church might be built for him in the place of peace called Secontaururus, their Divinity decreed that this should be done as soon as possible. Take care, therefore, after the copies of this divine diploma which was placed first, and the records of our holiness, have been read and briefly examined, that the business proceed and that those things divinely established may be brought to effect.

Behold: those who denied divinity to the Son of God, who is God from God, asserted it of Emperors.

§ 3. The expression "our divinity" is frequent in the laws of Justinian, as are "divine enactments," "the oracle of the divine voice," and others; for almost everything

[Printed page 526]

pertaining to the Emperors was called divine. Indeed, it was also customary for them to write, "Our eternity has decreed," an expression which Marcellinus mocks in Constantine and which nevertheless the others, and even Justinian, imitated, in the final law of the Code, title *On Bishops and Clerics*, and in other places.

I consider it very probable that Justinian--a man otherwise well deserving of the state in peace and war and of the Church--could have been deceived by Tribonian into falling into such great errors. For Justinian was wholly illiterate, and for this reason he was even called **ἀναλφάβητος**, as Suidas relates; Suidas also mentions his error of supposing himself immortal. Hesychius of Miletus likewise attests this when writing on the Philosophers: "Tribonian, flattering the Emperor Justinian, persuaded him that he would not die, but would be received together with his body and migrate into heaven." I am not unaware that he is accused by many. Indeed, I wish him to be excusable; but I fear that eloquence cannot defend the man whom deeds cast down, and whom heresy and persecution disgrace at the end of his life.

§ 4. I think that these titles--"Divine Emperor," "our divinity," "our eternity"--can be given and admitted in such a way that they are not impious as they were among the Gentiles; nevertheless, I do not think them fitting for Christian Monarchs, both because they can easily become impious and because they offend the weak. Nor is it becoming to borrow titles from idolaters. Finally, modesty must be maintained at so great an elevation.

Moreover, care must be taken that we do not attribute Divinity to Emperors and Kings in the Gentile fashion, so that consecration, temples, and sacrifices follow from it. We see that formerly all things were full of Divinities and empty of truth. Many temples were built for Pompey; yet he himself lies on Mount Casius covered by no tomb, so that, by the great judgment of true Divinity, those fictitious divinities might be mocked from heaven. The following saying about Pompey is witty: **τῷ ναοῖς βρίθοντι, πόση σπάνις ἔπλετο τύμβου;** "For one abounding in temples, how great is the want of dust?"

Christian Kings, therefore, can be called *Divi* in the manner in which they can be called Gods, because they are the Vicars of God and judge in God's place. The divinity of Kings is participation in divine power, by which, established under true Divinity, they govern the world. Hence laws and the oracles of their voice are divine, because they are pronounced by divine authority; and those who resist them resist the ordinance of God. For what are Kings? What are Aaron and Moses? The eternity of Kings is nothing except the will of uncreated eternity that men obey them. It is an eternal law that magistrates must be obeyed, and by that law the firmness of all laws is made solid.

Although these things are most true, nevertheless, because their beginning comes from a corrupt custom--**τῶν ἡρώων, τῶν ἀποθεωθέντων, ἱερωμένων, ἡγεμονευμάτων**--I should wish them to be entirely removed, together with the Indigetes, the couches of the Divi, and their temples; nor would I wish modes of speech or flattery to be restored which the Fathers and the wise men of the nations mocked. For perjuries can arise from flattery. Livia purchased perjury from Numerius Atticus, a man of praetorian rank, at the price of one million sesterces, so that he would say that he had seen Augustus ascending into heaven.

No less imprudently mendacious was Pliny in his Panegyric to Trajan when he said:

> Nerva, whom you first honored with tears and soon afterward with temples, you did not imitate those who did the same thing but with another intention. Tiberius dedicated Augustus to heaven, but in order to introduce the crime of injured majesty; Nero dedicated Claudius, but in order to mock him; Titus and Domitian dedicated Vespasian, the former that he might appear the son of a God, the latter that he might appear the brother of one; you, because you so believe.

Yet neither Trajan, as he listened to Pliny, nor Pliny himself believed it, either for himself or for others; and nevertheless those things were said. If Emperors had come from the house of the Caesars for one or two hundred years, the Romans would have believed as much in the divinity of Augustus as in that of Jupiter. They would have believed it, I say; for as it was, they acted as though they believed it. Prudentius says:

> Posterity worshiped Augustus with table, shrine, flamen, and altars; appeased him with calf and lamb; and pleased him by prostration at his couch.

Let truly Great Kings imitate Constantine the Great. He did not admit those divine titles, as Eusebius and Juvencus attest:

> Constantine, indulgent ruler of the open earth, is present; worthy thanks are due to him who deserves them, who alone of Kings shudders that the weight of the sacred name should be placed upon him, so that, worthier through righteous deeds, he may receive eternal life for divine ages.

I conclude with the opinion of Prosper: "An eternity which is temporal is assuredly a name of blasphemy, since mortal men, although Kings, are in it called *Divi*, and their suppliants say to them: 'To your divine power, to your altars, to your perpetuity.'"

What then? Shall not only Poets but also serious Writers, historians, and even Theologians be condemned who suppose that by such titles they honor their Kings--and very often Princes inferior to Kings--or seek the reward of flattery? Among writers of every kind I find these titles, even among those who scruple to call the Virgin Mary *Diva*; yet they are not afraid repeatedly to call a royal maiden or a bride *Diva*. I think that their meaning is true and right, for those who speak thus do not make Gods. But I judge that the words are to be blamed.

Next, I judge it to be the duty of Kings to repress flatteries so foreign to a Christian Prince. If you call a King *Divus*, you offend many. If you use the word in the ancient manner, you are an idolater; if in the Christian sense, you would speak more correctly by saying God and the Vicar of God, for this is customary. "Divinity," "eternity," and "immortality" are understood in another sense; let Kings take care that they do not prejudice themselves. The man who admitted flatteries, so that he rejoiced for his words to be called those of a God and not of a man, was struck by an Angel and died. I do not believe that he thought himself to be an immortal God; nevertheless, delighted by a false good, he fell into a true evil, an evil to be expiated by death.

§ 5. A similar abuse was discerned in adoration, oaths, and vows.

The adoration of Kings was always exceedingly customary in the East. At 3 Kings 1:24 Nathan the Prophet adores, prostrate upon the ground, and Bathsheba does the same at verse 31. There in the Hebrew we read, **אפים בת־שבע ותקד למלך ותשתחו ארץ**, "and she bowed herself to the King with her face toward the ground." The Septuagint has **καὶ προσεκύνησεν τῷ βασιλεῖ ἐπὶ πρόσωπον ἐπὶ τὴν γῆν**. And in the same chapter Adonijah adored Solomon. This adoration was lawful; for neither Nathan the Prophet nor Bathsheba offered divine honors to David, nor would he have accepted them. Nor was the adoration of others in the East of another kind, although it later degenerated into idolatry.

Since external symbols--such as inclination

[Printed page 527]

of the head, moderate bending and lowering of the knees toward the ground, prostration of the face upon the ground, offering of gifts, and a kiss--are signs both of civil and of divine honor, none of these honors can be condemned as

excessive unless the mind and intention of the person who honors are known. At present, Princes other than Kings do not admit prolonged genuflection. But the **προσκύνησις** shown to Kings is nothing other than a civil **ἀσπασμός**--salutation and submission. Julius, while servitude was still raw, did not admit **προσκύνησιν**; indeed, it was among the causes of the conspiracy that he had not risen before the Senate.

Caligula, Nero, Domitian, Heliogabalus, and Diocletian exacted adoration as though they were Gods. It afterward came into common use, but with a different intention; for although Constantine and others were adored, they claimed nothing beyond the distinctions of civil honor. In the life of Chrysostom even the Clergy adores the Emperor: **Ἰωάννης, καὶ πᾶς ὁ κλῆρος σὺν αὐτῷ προσεκύνησαν τῷ βασιλεῖ, καὶ ὁ βασιλεὺς ὑπέκλινε τὸν αὐχένα τῷ Ἰωάννῃ**. John and all the clergy adored the King, and the King inclined his neck to John.

Thereafter this matter was established by law. For Belisarius, when he proceeded to adore Justinian, warned the captive Gelimer to do the same: **ὅτι οὕτω νενομίσται προσκυνεῖσθαι τοὺς Ῥωμαίων βασιλεῖς**. For it has been established by law that the Kings of the Romans are to be adored in this way. St. Gregory Nazianzen comes nearer to the present manner when he says, **τὴν δεξιὰν προσκυνεῖν**, "to adore the right hand," which is now in use; and they say **τὴν δεξιὰν προσφιλεῖν**, "to kiss the right hand."

§ 6. They were also accustomed to swear by the names of the Emperors:

> We set up altars upon which men must swear by your name.

Thus there was also a twofold oath by the name of the Emperor. The first was idolatrous, when the Emperor was employed as a witness of the truth as though he were God or all-knowing. The second was to swear by the Emperor as a creature, while nevertheless testimony was sought from God. For it is lawful to swear by creatures insofar as the divine majesty and truth shine forth in them. Thus even the Jews swore by the temple, Matthew 23:16. So Christians swore by the safety of the Emperors. Tertullian says in the *Apology*, chapter 33:

> But we also swear, just as we do not swear by the guardian spirits of the Caesars, so we swear by their safety, which is more august than all guardian spirits. Do you not know that guardian spirits are called demons, and from that, by a diminutive word, little demons? In the Emperors we revere the judgment of God, who placed them over the nations. We know that to be in them which God willed. Therefore we also will that what God willed should be safe, and we hold this to be a great oath. But demons--that is, guardian spirits--we are accustomed to adjure, in order to drive them out of men, not to swear by them, so that we should confer upon them the honor of divinity.

This was nevertheless prohibited by the Kings of the Franks, according to the authority of Pammelius, who affirms that the laws of Clovis, Childebert, and Chlothar, which he possesses in manuscript, read thus in chapter 6: "Let no one presume to swear by the life of the King and of his sons."

§ 7. Vows were made to Princes and for Princes. To make vows to Kings as to Divinities was idolatrous. "You too will condemn us by your vows," says the ingenious flatterer. To make vows to God for Princes is Christian. Tertullian says in the *Apology*, chapter 31:

> We have now flattered the Emperor and lied about the vows which we said we made, namely, in order to escape violence. Plainly this deceit is profitable. For you permit us to prove whatever we defend. You, therefore, who think that we care nothing for the safety of the Caesars, inspect the words of God, our writings, which we ourselves do not suppress and which many chances transfer into the hands of strangers. Know from them that we are commanded, unto a superabundance of kindness, to pray to God even for our enemies and to ask good things for our persecutors. Who are more the enemies and persecutors of Christians than those against whose majesty we are charged with crime? But it is also said expressly and by name: Pray, he says, for Kings and for Princes and powers, that all things may be tranquil. For the Empire is shaken together with you, and when its other members too have been shaken, certainly we also--although we are thought strangers to the disturbances--are found in some place of the fall.

The public making of vows was an act of great honor, for they were made for Princes and for others who had deserved well. When Pompey was ill, all Italy made vows. Tiberius denied that they ought to be made for the safety of his grandsons. By this he indicated that their health was not so much provided for by that public making of vows as their honors were increased.

In another manner vows are undertaken for Christian Princes, when their safety is commended to the Divine Majesty. This beginning, from the precept of Paul, was thereafter handed down by Constantine in a set form of words. Eusebius says in the *Life of Constantine*:

> He--Constantine--was the instructor of all the soldiers in the prayer that was to be made, commanding them all to say thus in the Roman tongue: You alone we know as God; you we acknowledge as King; you we invoke as helper. Through you we have conquered; through you we have been superior to our enemies. To you we give thanks for the good things which we enjoy; from you we expect the good things to come. We are all your suppliants. We ask you to preserve our Emperor Constantine and his sons, who love God, safe and victorious for many years.

And hence every day in the Church the Princes are mentioned by name in the public prayer.

Excellent Princes, proposed for imitation to all later ages, are surely very far from that flattery. Following the example of Constantine the Great, they published little books of most holy prayers for their own use and that of their people, and understood that all their security in the Principate and happiness in domestic life depended upon God, not upon the force of wealth and the strength of soldiers. And indeed the divine power willed their prosperous successes and most honorable longevity to be a proof to all that those are happy, not who emulate divine honors, but who worship the Divine Majesty from the heart. Let no one at all hear unwillingly--both because Princes and the children of Princes are known for their piety, and lest anyone disparage another’s piety--that which God willingly and gladly adorns with a great reward.

CHAPTER V

Other Honors Customarily Shown to Kings

§ 1. Among the ancients there was moderation in titles, until the appellations of greater men, attributed to lesser men, compelled them to decree new flatteries to those more worthy of honor. Emperors were especially delighted by these titles: that they should be called Pious, Clement, Mild, Tranquil, Best, Serene, Fortunate, Lofty, Greatest, Lords, Triumphant, Augusti, Antonini, Flavii; or that they should be named from conquered nations--Germanicus, Dalmaticus, Parthicus--and this either separately or with the crowning addition of flattery: *Germanicus Maximus*, and so forth.

[Printed page 528]

Now we address no Prince except in superlatives: Most Clement, Most Invincible, Most Illustrious, Most Serene. This also is not without the example of the ancients. St. Leo writes to the Emperor Leo in these words: **Τῷ ὑπερενδόξῳ, καὶ γαληνοτάτῳ υἱῷ Λέοντι αὐγούστῳ. εὐσεβέστατε βασιλεῦ, ὑπερενδοξότατε καὶ ἡμερώτατε. ἡ σὴ ἡμερότης, καὶ εὐλάβεια**. "To the most glorious and most serene son Leo Augustus. Most sacred, most glorious, most mild; your mildness and prudence."

They were among the first to claim the title of piety, so that they were called **εὐσεβεῖς**. Antoninus was the first to be called by the cognomen Pius, although others had been so called before Antoninus. Yet the ancients and the Christians were called Pious for different reasons: the former from superstition or affection toward country and parents, as "pious Aeneas"; our men from zeal for true religion. Later we read in nearly all inscriptions: "Pious, Fortunate, **εὐσεβής, εὐτυχής**."

All men, even though they were cruel, loved the title of clemency and mildness, provided that they were not wholly barbarous. Mildness and tranquility pertain to the same thing; the latter was peculiar to the Kings of the Goths. Cassiodorus says in book 6: "They are called Most Tranquil because, themselves unmoved, they rule and compose with the countenance of law the greatest tempests of affairs." Marcus the Philosopher and Alexander Severus were especially called the Best.

Serenity, or Humanity, which the Greeks call **γαληνότης**, belongs to the ornament of mildness and clemency. For the countenance of a Prince ought to be like the sun, so that the spirits of his subjects may be gladdened and may hope. The title **ὁ ὄγκος, καὶ ὑψηλότης**, or Highness, was somewhat more unusual. But it is now exceedingly customary among Christian Princes, and it was taken from the Apostle, Romans 13:1, where they are called **ἐξουσίαι ὑπερέχουσαι**, supereminent powers. For this is indicated by the word "Highness."

The proud name "Greatest" has now almost ceased, as has that of "Triumphant"; "Augustus" and "Lord" have endured continually. Titles derived from conquered nations were at first based upon truth, but later upon flattery. Theudebert, King of Francia, judged it intolerable that Justinian the King should call himself in his royal edicts "Francicus, Alemannicus, Gepidicus, Longobardicus," as though he had reduced those nations to servitude, according to Agathias, book 1. Now, in addition to ordinary and common titles, the King of Gaul is called Most Christian, the King of Spain Catholic, and the King of Britain Defender of the Faith.

Most pleasing of all was that they should be called Fathers of the Fatherland--if they were so called by a free fatherland, not an oppressed one. Rome indeed once so named Cicero, but later forcibly brought monsters of Princes to the same degree of honor. It began with Cicero; but Julius, an oppressor of the fatherland, seized so honored a title while Cicero was still alive. Augustus, who betrayed Cicero, the father of the fatherland, to his enemies, appropriated the same name, book 1 of *Deeds*. But flattery--servitude--did not remain within moderation:

> Long ago, says Naso, you were the father of the world.

Hence in Horace he is "Father of cities," book 3, Ode 4; and Statius says in book 4 of the *Silvae*: "Hail, great parent of the world."

The ancients also appear to have rejoiced in a not dissimilar honor; hence the Kings of Palestine were called "My Father, the King." For this reason some think that Pharaoh bestowed this title upon Joseph, Genesis 41:42: "And he caused him to ascend upon his second chariot, while the herald proclaimed that all should bend the knee before him." For many interpret **אברך** in this way, as if "tender father" were said. The Chaldean has **דמלכא אבא רבא**, "that father of the King," for they say that **רך** in Arabic signifies a King. But more learned men agree with our interpreter that **כרע** is placed there and that the bending of the knees is indicated.

Otherwise, that Joseph was called Pharaoh's father is sufficiently indicated by chapter 45, verse 8: "Who made me as a father to Pharaoh." And that appellation was frequent in the East. Thus the servants of Naaman the Syrian say in 4 Kings 5:13: "Father, if the thing were great," and so forth. For it is pleasing to peoples and to a household to exchange the name of Prince and Lord for the appellation of father.

§ 2. An eminent form of worship shown to Kings and Princes lay in the honor of statues. In this matter, indeed, honor afterward attributed to a creature was due to God alone. For although love and civil veneration gave rise to statues, it nevertheless declined into idolatry. Wisdom 14:15 says:

> For a father, grieving with bitter sorrow, made for himself an image of his son who had quickly been taken from him; and him who had then died as a man, he now began to worship as a God, and he established sacred rites and sacrifices among his servants. Then, as time intervened and the wicked custom became established, this error was kept as a law, and images were worshiped at the command of tyrants.

Nor was there another reason why the King placed the statue in the plain of Dura--or, as Josephus says, **ἐν τῷ μεγάλῳ τῆς Βαβυλῶνος πεδίῳ**, in the great plain of Babylon--than that he himself might be worshiped in his own image. So Jerome says on Daniel 3:1. For this reason so solemn a dedication of the statue is instituted, and for this reason the furnace is kindled: that all might be compelled to adore the new Divinity.

Nebuchadnezzar followed the earlier King of the same name, concerning whom Judith 3:13 says: "For King Nebuchadnezzar had commanded him to destroy all the Gods of the earth, so that he alone might be called God by those nations which could be subjected by the power of Holofernes." Tyrants had learned these things from the more ancient Belus and others whom power raised to an opinion of divinity.

That divine honors were sought in the statue was taught by the constancy of Daniel's companions, who said, "We do not adore the golden statue which you have erected," and by the miracle through which they were protected in the furnace.

Next, because it was a Colossus, it was sixty cubits in height and six cubits in width, by which he wished to show that he was greater than the human condition. For if the cubits were common ones, this statue contained the height of fifteen men. If they were Babylonian cubits, which exceeded the common cubit by three digits, its length was 67½ cubits, and it had the height of nearly seventeen men.

For no other reason did the statues of the Gods exceed human height by almost three times, while those of Heroes were twice as great as ordinary statues. Therefore the vast statue of the King of the Chaldeans raised him above the Gods. Nero placed his own countenance upon the Colossus of Chares, which was 107 feet high; Vespasian removed it and placed the head of the Sun upon it.

Indeed, the adoration of images of Emperors in cities seems to have passed down from the Chaldeans. Philostratus relates in book 1 of the *Life of Apollonius* that an image of the Emperor was customarily displayed at the gate of Babylon and adored by those entering.

[Printed page 529]

For because the Romans could not travel throughout the Empire, they used to send images to the cities. Thus the images of Constantine the Great were received at Rome; thus at Aquileia were those of Maximus, Balbinus, and Gordian, according to Herodian, book 8.

Yet this honor and superstition existed especially in the camps. For the images of the Caesars were adored among the eagles and standards, according to Suetonius, *Caligula*, chapter 14.

Soldiers and provincials alike honored the images of Princes with crowns, flowers, and acclamations; according to Tacitus, book 14, they received them with wax candles and incense. They were called **λαυράτα**, or *laurata*, and were also affixed to military standards. See Suetonius, *Tiberius*, chapter 48; Vegetius, book 2, chapter 6; Tacitus, book 4. They also worshiped them at home. Martial says in book 10:

> This portrait of mine, which is worshiped with violets and roses.

There was recourse to them as to an asylum; the overturning, befouling, and insulting of them were referred to the crime of injured majesty.

All these things can be tolerated, and many of them praised, if the adoration of *latria* is absent; if men do not sacrifice to them with incense and unmixed wine, as Pliny reports was customarily done in his letter to Trajan; if a rayed head is not represented as a symbol of divinity; and if a golden seat is not placed among the Gods.

Amid these things I am pleased to behold and deplore the vanity of human pride, when I ponder within myself at what expense and with what labor so many thousands of statues were erected to Princes, although scarcely any now appear, and those with doubtful countenances. The envy of successors or the most free indignation of peoples has worn most of them away.

§ 3. Now the statues of Princes and magnates in part remain, and in part have been changed into hereditary insignia. Such is now the religious regard given to the statues of Princes that every cult of divinity is absent. For they are placed either in public, profane places or in churches, and in no place do they receive any veneration other than civil.

Following the example of Constantine the Great, statues are set up in this manner. Eusebius says in book 4 that Constantine was depicted standing in the palace at the gates, in images placed in the upper vestibule, with eyes raised to heaven and hands spread in the posture of one praying.

The same Constantine ordered his images to be placed in churches, as Paul the Deacon attests in book 1--namely, in the posture of one praying, which most now imitate, and with laudable piety. For in this way they attest their faith. If Julian endeavored to prove his apostasy by his image, why should orthodox Princes not attest their constancy and true religion in this way? Julian arranged for Jupiter to be depicted in his images as though appearing from heaven and delivering the crown and the purple, the insignia of Empire. In the same panel were Mars and Mercury, looking on and by their gaze approving the Emperor as one preeminent in war and eloquence.

And these things are done publicly. In private, however, images of Princes are customarily given and carried very widely, with coins struck for this purpose--not coins which serve for commerce and contracts, but monuments of a Prince’s friendship.

§ 4. In the place of images there have generally succeeded what they call insignia, or in German *arms*. For these are impressed upon coinage, are added to all images, and are inscribed as an indication of jurisdiction. Citadels, bridges, tollhouses, and the boundaries of regions are marked with them; and just as formerly, when images were admitted or cast down, it was a sign of men accepting or rejecting governments, so now the same obtains with these insignia.

They derive their first origin from Egyptian hieroglyphics; I prefer to derive them from the Prophets of the Hebrews, among whom their use was frequent. Reuben is water poured out; Judah a lion’s whelp; Issachar a strong ass; Dan a

serpent in the way, a horned serpent in the path; Naphtali a hart let loose; God the stone of Israel, Genesis 49. Joseph is like the beauty of a firstborn bull; his horns are the horns of a rhinoceros. Gad rests like a lion; Dan is a lion's whelp, Deuteronomy 33. Later Daniel likens four monarchies to the same number of metals, chapter 3; then the Holy Spirit expresses four kingdoms by four beasts, chapter 7.

Hence, therefore, the Romans had Eagles and Dragons; hence the standards of the legions and the insignia of shields. For Virgil sufficiently shows that shields and bucklers were sculpted when he describes the shield of Aeneas, which Aeneas, ignorant of the events but rejoicing in the image, raised upon his shoulders, and upon it the fame and deeds of his descendants. And in Christian times:

> Christ marked the labarum; he had painted Christ as the insignia of the shields.

And hence came the ambitious insignia of nobility. The power to paint upon shields either the image of the Emperor, or one's own image, or some hieroglyphic by which men displayed their spirit, virtue, or deeds excellently performed in war, was granted by Commanders; otherwise a man served among the common soldiers,

> inglorious, with a white shield.

These insignia were also customary among the Carthaginians. Hasdrubal's silver shield with his own image was found, according to Livy, book 25.

They also sealed letters with these insignia, although this was once a matter of choice. For Augustus varied his seal:

> The Divine Augustus, at the beginning, sealed with a Sphinx. He had found two among his mother's rings, alike in a similarity that could not be distinguished. During the civil wars, while he was absent, his friends sealed letters and edicts--which the circumstances of the times required to be issued in his name--with the other, not without the recipients' witty jest that the Sphinx brought riddles. Indeed, even the frog of Maecenas was greatly feared because of the levying of money. Augustus afterward, in order to avoid reproaches about the Sphinx, sealed with an image of Alexander the Great.

Later Princes sealed with an image of Augustus, which he had engraved upon a gem. Thus the manner of sealing changed, as Pliny relates in book 37, chapter 1 of the *Natural History*. In that matter this also is remarkable: the man of Intercatia, whose father Scipio Aemilianus had killed after a challenge, used as his seal an image of that combat. This gave rise to the well-known jest of Stilo Praeconinus: "What, then, would he have done if Scipio had been killed by his father?" But you, reader, what do you think those men did who earned praise through some conspicuous deed, when we see all their stones filled with the insignia of a centurionate, decurionate, or tribunate; of the reception of a naval or mural crown; of a citizen saved; and of other boasts of military affairs--stones which afterward passed to their heirs together with the gems and rings?

And let these things suffice concerning the insignia of Princes, which formerly were not customary in the manner in which they are now. Yet it is established that the Gods had definite insignia: Jupiter his thunderbolt, Pallas her aegis, Hercules his club, Mercury his caduceus, and others theirs.

[Printed page 530]

And Pliny, our faithful authority on antiquity--even when he relates things scarcely credible--prudently intimates this in book 37, chapter 1:

> After this ring, there is a royal fame belonging to the gem of that Pyrrhus who waged war against the Romans. For it is related that he possessed an agate upon which the nine Muses and Apollo holding a lyre could be seen--not by art, but because the markings of nature spontaneously ran in such a way that their respective insignia were rendered even to each one of the Muses.

The man who believes this may, with my permission, also believe that Apollo was heard singing with the Muses from the same gem, and that by that harmony Augustus was conducted into heaven by the Appian Way. I note only this: each Muse had her own insignia.

Triumphal arches, trophies, pyramids, and honored inscriptions can be joined to these things; many of them are also now in use. Laevinus Torrentius, a Prelate as learned as he was prudent, indeed records that most monuments of wicked Emperors were formerly erased and altered, and that many marbles can be seen at Rome from which the name of Domitian has been erased. Suetonius attests that this was done, chapter 23.

§ 5. Even in ancient times it had been customary for fire to be carried before Kings. That was a Persian rite, which nevertheless I think was taken from the fire of the Hebrews.

When the camp was moved, they carried before it an image of the sun enclosed in crystal and the sacred fire which they called eternal, and this upon silver altars. Nor was such a man lacking to the Greeks in battle: Pollux and Suidas call him the **πυρφόρος**, the fire-bearer, who carried laurel and crowns. Indeed, before trumpets were invented, **λαμπαδοφόροι**, torch-bearers, scattered fire and kindled torches, so that in this way they might at the same time kindle the battle.

Why the Persians carried fire before them is not easy to conjecture. Perhaps it was because fire is **ἁγνιστικόν**, purificatory, and renders all things pure. But it is more probable either that fire was worshiped by the Persians, as it was by the Chaldeans--this is gathered from the deed of Darius, who, as he went round the battle line, prayed to the Sun, Mars, and the sacred and eternal fire--or that the most likely beginning was this: fire might always be at hand for those wishing to sacrifice. That they did not use any fire whatsoever is sufficiently established from their history. Yet that custom flowed from the laws of the Hebrews. At Leviticus 10:1 and 16:1 it was not lawful to offer strange fire; and in 2 Maccabees 1, from verse 18, we read:

> Since we are therefore about to celebrate the purification of the temple on the twenty-fifth day of the month Caslev, we judged it necessary to signify this to you, so that you too may keep the day of the feast of tabernacles and the day of the fire which was given when Nehemiah, after the temple and altar had been built, offered sacrifices.
>
> For when our fathers were being led into Persia, the Priests who were then worshipers of God secretly took fire from the altar and hid it in a valley where there was a deep and dry well; and there they made it secure, so that the place was unknown to all.
>
> But when many years had passed and it pleased God that Nehemiah should be sent by the King of Persia, he sent the descendants of those Priests who had hidden it to seek the fire. As they related to us, they did not find fire but thick water. He ordered them to draw it and bring it to him; and Nehemiah the Priest ordered the sacrifices which had been laid upon the altar, and the wood and the things placed upon it, to be sprinkled with that water. When this had been done and the time arrived at which the sun, which before had been in a cloud, shone forth, a great fire was kindled, so that all marveled.
>
> All the Priests were making prayer while the sacrifice was consumed, Jonathan beginning and the others responding. Nehemiah's prayer had this form: Lord God, creator of all, terrible and strong, just and merciful, who alone are the good King, alone excellent, alone just and omnipotent and eternal; who free Israel from every evil; who chose the fathers and sanctified them: receive the sacrifice for all your people Israel, and guard your portion and sanctify it. Gather our dispersion; free those of us who serve the nations; look upon those who are despised and abominated, that the nations may know that you are our God. Afflict those who oppress us and act against us with pride. Establish your people in your holy place, as Moses said.
>
> The Priests sang hymns until the sacrifice had been consumed. But when the sacrifice had been consumed, Nehemiah ordered the larger stones to be drenched with the remaining water. When this had been done, a flame was kindled from them, but it was consumed by the light which shone forth from the altar. When the matter was made manifest, it was reported to the King of the Persians that water had appeared in the place where the Priests

> who had been carried away had hidden the fire, and that with it Nehemiah and those who were with him had purified the sacrifices.
>
> The King, considering the matter and examining it diligently, made a temple for it, so that he might prove what had happened; and when he had proved it, he gave many good things and various gifts to the Priests, taking them with his own hand and distributing them to them. Nehemiah called that place Nephtar, which is interpreted "purification."

This history, known to the Kings of the Persians, could therefore have been a reason why they wished to preserve, carry about, and in some manner honor fire. Our Serarius, most learned in divine and human matters, weighed the matter accurately in his *Harmony of the Maccabees*, on chapters 1 and 2 of book 2, minor question 14.

First, the King of the Persians diligently examined the matter. Then "he made a temple," says Lyranus--either he made a temple properly so called, as Darius did at Ezra 6, or improperly, namely, he adorned one already made, as Artaxerxes did. But Genebrardus says in his notes that some sacred building, such as the sheep-pool at John 5 and in Bede on 2 Ezra, was then erected.

In the same sense the Greek **ἱερόν** could be taken adjectivally: he made that place sacred, so that what had previously been a profane well might now contain some veneration and worship of God, as the commentator on the new translation also says. It contributes not a little to this exposition that the King is said to have enclosed and consecrated that place--Greek **περιφράξας**. Hence in the Latin at verse 34 there appears to have been, not "considering," but "consecrating," "enclosing," or certainly "shutting up."

For otherwise this act of enclosure would be omitted in that text, and the Greek **δοκιμάσας** would be translated by more words than is fair when "examining the matter diligently" is added. Furthermore, places of this kind, being religious--such as groves, asylums, and the like--admit even the name of temples, which our interpreter uses. Thus Virgil too said in book 8 of the *Aeneid*: "The craggy rocks, temples of Bacchus."

Third, he treated the Priests well and gave them with his own hand many diverse things which he received from his treasures. But **τὰ διάφορα** could also be taken as though it were **τὰ διαφέροντα**, that is, excellent and distinguished things, or better and more excellent things, as at Romans 2 and Hebrews 1:4: "By how much he inherited a name more excellent than theirs."

[Printed page 531]

But did the King do these things because of Persian opinions concerning fire? So great is the goodness of God that, as St. Augustine says, he elicits good even from evils.

Since fire had descended from heaven, as has already been noted above and is recorded in the Scriptures, the Gentiles fabricated stories that fire had sometimes fallen or been kindled among them also by divine power: in Pliny, book 2, chapter 110; Servius on book 12 of the *Aeneid*; and most of all among the Persians in Ammianus, book 23. They too possessed a sacred and perpetual fire, and many fire-temples and **τὰ πυρεῖα**, as Cedrenus calls them in his life of Chosroes. God now converted this opinion--or rather this superstition--of the Persian King to good, and caused his true work and benefaction to be praised and honored even by a barbarian.

This custom therefore appears to have flowed from the Hebrews, although we read that others also had a regard for fire; see Rhodiginus, book 15, chapter 15. We likewise read among the Greeks that barbaric honors were rendered to this element by the Medes and Assyrians--not, surely, through religion, but rather through fear of a most destructive thing which consumes everything. Porphyry writes--as I think I have related elsewhere--that fire can suitably be consecrated to the Gods who are within heaven, whether they wander in a certain course or do not wander, whose leader must be regarded as first the Sun and then the Moon, because it is, as it were, a kindred thing. But, to insert something concerning our religion into these labors of ours: throughout all the Churches of the East, when the Gospel

is to be read, they light lamps even while the sun is shining--not, certainly, to drive away darkness, but to demonstrate a sign of joy.

Dino, in Clement, says that the Persians possessed no image of their Gods, because they considered fire and water alone to be images of the Gods.

That honor was transferred to the Roman Emperors. **Τοῦ λαμπαδαρίου**, that of the lamp-bearer, was an ordinary office of the court of Constantinople; for not a brazier, but a lamp or lantern, was carried before them. Codinus says: **τοῦ δὲ λαμπαδαρίου κατέχοντος τοῦ μεγάλου δομεστίκου τὸ ἀξίωμα, τὸ θεῖον μύρον μεθ᾽ ἡμμένης λαμπάδος φέροντος**--the lamp-bearer bearing the divine ampulla together with a lighted lamp. The Imperial lamp was encircled by two little crowns, and that of the Augusta and Patriarch by one. I think that the earlier Emperors had braziers, and that what Herodian says concerning Pertinax in book 1 is to be understood in this way: "He did not permit fire to be carried before him or any other insignia of Empire to be raised." Commodus granted this to his sister; to his concubine Marcia he gave all the privileges of an Augusta except the fire, according to Herodian, book 1. Now that ceremony has entirely ceased, except that they are sometimes received with torches. That this was customary formerly is clear from Judith 3:10, for they received Holofernes with crowns and lamps. Festive thunderings of cannon have succeeded to their place. But the insignia of Empire are carried before the ruler as prescribed in title 22 of the Golden Bull:

> To declare the order of the Princes Electors in procession in the presence of the Emperor or King of the Romans while he walks--a matter of which we made mention above--we decree that whenever, in the celebration of an Imperial court, the Princes Electors happen to walk in procession with the Emperor or King of the Romans in any acts or solemnities whatsoever, and the Imperial or Royal insignia must be carried, the Duke of Saxony, bearing the Imperial or Royal sword, shall immediately precede the Emperor or King and shall be placed between him and the Archbishop of Trier. The Count Palatine, bearing the Imperial orb on the right side, and the Margrave of Brandenburg, bearing the scepter on the left side of the Duke of Saxony, shall proceed in a straight line. But the King of Bohemia shall immediately follow the Emperor or King himself, with no one intervening.

§ 6. It was also rendered to the honor of Princes that no one should approach or receive them without a gift. But that belonged to the Persians; in the Roman state, and now in the Christian state, the custom has become obsolete. In the same way New Year's gifts were given to Emperors. Gifts were sent to Augustus even in his absence at the Capitol, according to Suetonius, chapter 57; they were brought to Caligula at his seat, according to Dio, book 56. He both issued an edict and stood to receive them, Suetonius, chapter 42. Tiberius acted better: he was accustomed to repay them fourfold, a custom which Princes now commonly imitate.

§ 7. The birthdays of Princes are also publicly celebrated, a custom which has now so ceased that their birthdays are scarcely known. Martial prefers Domitian's birthday to that of Jupiter in his cradle:

> Kindly day of Caesar, more sacred than that light
>
> Which Ida, knowing what she bore, brought forth Dictaean Jove.

There is something similar in Plato's *Alcibiades*. But after the firstborn who succeeds to the kingdom is born, at first all who are under the kingdom celebrate that day; and thereafter all Asia annually observes the King's birthday with sacred rites and festivities. But when someone is born among us, not even his neighbors, as the comic poet says, perceive it.

Yet formerly that honor was severely commanded. When the consuls forgot to issue an edict concerning Caligula's birthday, he abolished their magistracy, and the state was without supreme power for three days. Thus, in 2 Maccabees 6, the Jews were led by bitter necessity to sacrifices on the King's birthday. Not only the birthday, but also the day on which the Principate began was celebrated. Pliny says to Trajan:

> Lord, we celebrated with the great joy which you deserve the day on which you preserved the Empire by undertaking it, and prayed to the Gods that they would preserve you safe and flourishing for the human race, whose

> guardianship and security were entrusted to your safety. We led the way, while our fellow soldiers rendered the oath in solemn form and the provincials strove to show the same devotion by swearing.

And Suetonius says in *Vespasian*, chapter 6: "Tiberius Alexander, Prefect of Egypt, was the first to bind the legions to the oath in Vespasian's words, on the Kalends of July; this was afterward observed as the day of his Principate."

Or a day was celebrated on which he had affected the peoples with some great benefit. Thus Augustus, in Dio, book 54: "Because of his return and because of those things which he had accomplished while absent, many and various honors were decreed to him. Of these he accepted nothing except that he permitted an altar to be consecrated to Fortuna Redux, and the day of his return to be enrolled among the festivals and called the Augustalia."

Indeed, peoples devised new birthdays in favor of Princes. Suetonius says in *Augustus*, chapter 59: "Certain cities of Italy made the day on which he first came to them the beginning of the year." These were indications either of true love or of feigned flattery. That affection of the peoples toward Augustus was already present when he was an old man:

> Whether the people wish you safe more, or you the people,
>
> May Jupiter, who watches over both you and the city, preserve in doubt.

You may recognize the praises of Augustus.

Christians marked their prelates with the same ceremony, for they held as a festival the day on which they had been elected to the episcopate. Thus on the fifteenth day before the Kalends of February the Roman Chair is celebrated, and on the eighth day before the Kalends of March the Antiochene Chair.

[Printed page 532]

Concerning this custom the most learned Baronius writes in the *Martyrology* at the fifteenth day before the Kalends of February:

> As regards the present solemnity, there flourished in the Church a praiseworthy ancient usage: the anniversary was kept on which someone had been appointed Bishop over a particular see. Almost innumerable examples teach that this was observed both in the Western Church and also in the Eastern. St. Paulinus writes about the custom of the Roman Church in epistle 16 to Severus; and sermons of St. Leo the Pope delivered on that day remain. For Bishops from all parts of Italy were then accustomed to assemble at Rome to celebrate the birthday of the Roman Pontiff, as the epistle of Pope Hilary to Ascanius and the other Bishops of the province of Tarragona beautifully demonstrates, when these words are read in it: "When your letters were therefore read in the assembly of the brethren whom the festival of my birthday had gathered," and so forth. The synodical records recited above indicate who these men were and from which cities of Italy they had assembled at Rome. Receive also examples concerning the usage of other Churches, such as what St. Ambrose writes concerning Felix, Bishop of Como, in book 8, epistle 60 of the Roman edition; likewise what St. Augustine has concerning the birthday of Aurelius, Bishop of Carthage, in sermon 32 *On the Words of the Lord*, at the end, and concerning the anniversary day of his own ordination in homilies 24 and 25. The menologies of the Greeks sufficiently admonish us concerning the custom of the Eastern Church, for in them the birthday of the see of St. Basil, St. John Chrysostom, and others is observed. By the same usage and reasoning the Roman Church was accustomed solemnly to observe the day on which the Roman Chair was born, because, I say, by divine counsel St. Peter first began to sit at Rome when the see which he had held at Antioch for seven years was transferred there. Moreover, this solemnity is so much more celebrated than that on which he sat at Antioch, because the latter was movable, or established only for a time and as though in passing; but at Rome God established and confirmed that same see to remain forever for Peter's successors. As Irenaeus relates in book 3, chapter 3, the same Apostle, together with Paul, consecrated it even by his blood, after it had been fortified by doctrine, enriched with traditions, illustrated by merits, and increased by gifts.

§ 8. It was customary to receive Princes with joyful acclamations and applause. This has now almost ceased, except when at a coronation men acclaim, "May the King live!" Formerly that applause was especially sought; but after it was rendered more lavishly to every most wicked tyrant, it fell into contempt and disuse.

First, they recounted their praises. They acclaimed Pertinax: "To the pious father, the father of the Senate, the father of all good men! Under the Emperor Pertinax we feared no one; we lived secure!" They repeated this until their voices failed, according to the Deacon, book 8. There were also these words: "O happy you! O happy we!" Pliny to Trajan. Second, they prayed and made vows: "May Jupiter add years to you from our years," in Tertullian; "May you conquer, Justin," they sing in Corippus. Third, this applause was performed by modulation of the voice, clapping of the hands, their casting about, and the movement of garments. The voice was modulated either simply or with instruments added. The common people resounded in fixed modes and with composed applause, according to Tacitus, book 16. Cassiodorus says in book 1 of the *Variae*: "Voices sweeter than an organ; not shouts, but tones." Pliny calls it harmony. Nero, delighted by the praises of the Alexandrians, caused young equestrians and five thousand men from the common people to be trained to learn that method of applauding. They called the forms *bombs*, *roof tiles*, and *potsherds*, from a certain resemblance of sound. Aurelian gave *oraria* to the people for acclamation.

But what were *oraria*? Lipsius wishes them to have been resonant coverings by which modulated acclamations were produced; Casaubon, straps and bands which were tossed about in applause. Nor can the matter be sufficiently gathered from Eustathius, who says on book 4 of the *Iliad*: **μίτραι**, he says, **οἱ ἐκ φασκίων καὶ ὡραρίων στέφανοι**--"mitres are crowns made from *oraria* and bands." If, therefore, it is established what the parts of mitres are, it will also be established what *oraria* are. But a mitre or *cidaris* was various in form; and therefore whatever was in the mitre besides the bands is called an *orarium* by Eustathius--namely, those parts which were bound together by the bands. Accordingly, since the *cidaris* was tower-shaped and was also called a **τιάρα**, according to Pollux, book 8, chapter 13, a tiara also was of this sort. Suger says concerning Louis the Fat: "Surrounding his head, they place upon it the Phrygian Imperial ornament, shaped like a helmet and fashioned with a golden circlet." But Isidore calls the Phrygian ornament a mitre. An *orarium*, therefore, was some such thing that a mitre might be made out of several *oraria*, if we believe Eustathius; and thus it served to strengthen the sound and booming, not merely for tossing, since it was small and would not be very conspicuous when tossed. Therefore they produced a smacking sound with an *orarium*, just as they now do with sheets or other things. Vopiscus wished to say this concerning Aurelian. But if Aurelian's *orarium* was not unlike the ecclesiastical *orarium*, and either that profane one was named from the sacred or the sacred one from the profane, it must be said that there was some analogy between them.

The ecclesiastical *orarium* is treated in canon 28 of the Fourth Council of Toledo, celebrated in the time of Pope Honorius I:

> If a Bishop, Priest, or Deacon who has been unjustly cast down from his rank is found innocent in a second Synod, he cannot be what he was unless he receives back before the altar, from the hand of the Bishop, the things belonging to the rank which he lost: if a Bishop, the *orarium*, ring, and staff; if a Priest, the *orarium* and chasuble; if a Deacon, the *orarium* and alb; if a Subdeacon, the paten and chalice. In this way the other ranks also receive that restoration of themselves which they received when they were ordained.

This *orarium* was a kind of garment, for in book 6 of Burchard it is called an "orarial stole," chapter *Presbyter*. This is because canon 40 of the Fourth Council of Toledo says:

> It is not lawful even for a Bishop or Priest to use two *oraria*, much less for a Deacon, who is their minister. A Levite must therefore wear one *orarium* upon the left shoulder because he prays, that is, preaches; but he must have the right side free, so that he may move about unimpeded in the priestly ministry. Therefore henceforth let the Levite take care not to use a double *orarium*, but only one, and one that is pure and adorned with no colors or gold.

It was therefore a garment which impeded the minister, and it appears to have been granted to Bishops that they might adorn it with gold or colors. Third, the manner of wearing it is handed down in chapter 9 of the Council of Braga: "Let

the Subdeacon and Deacon have an *orarium*; but let the Deacon have the *orarium* concealed beneath his tunic, while the Subdeacon shall use the *orarium* laid over his shoulder." Bede, in his collection, chapter *On the Seven Orders*, says: "An *orarium* properly belongs to prayers, a garment suited to its office." Therefore, just as those applauding an earthly King were furnished with *oraria* for acclamation and applause, so those who proclaimed the praises of the eternal Emperor and the law of the King of Kings used *oraria*.

They also applauded with their hands, or gave a **κρότον**. And now, as the state perished through its own vices, they moved their hands in circuses and theaters rather than in fields and vineyards, as Varro complained. They also applauded artfully, as Aristaenetus says in book 1, epistle 10: **ἡ δεξιὰ τοῖς δακτύλοις ὑπεσταλμένοις ὑποκειμένην τὴν ἀριστερὰν ἔπληττεν εἰς τὸ κοῖλον, ἵν᾽ ὥσπερ αἱ χεῖρες εὔφωνοι**

[Printed page 533]

συμβάλλοιεν τρόπον κυμβάλων. With the fingers contracted, they struck the left hand placed beneath with the right in its hollow, so that the hands, when struck together, might sound well after the manner of cymbals. They also demonstrated their favor by tossing their hands and garments:

> And everywhere to give signs with tossed togas.

Public records teach that they were accustomed to value greatly that applause, or the breezes of popular favor; for they sent the Emperor not only the acclamations themselves, but also their number and their words. Nor was that testimony of the public will to be neglected, since there is a firm bond of friendship between people and Prince: namely, that the Prince should benefit the people, while the people should pour themselves forth in praises of the Prince.

Hence, according to the manner and custom of those times, the people applauded Bishops in the Church with great fervor, showing their agreement in sacred doctrine and their desire for a purer life. A splendid example is found in the proceedings by which Augustine designated Eradius as his successor, epistle 110. I shall append the whole passage so that the ancient custom may be understood:

> Therefore, says Augustine, lest anyone complain about me, I present to the knowledge of all of you my will, which I believe to be the will of God: I desire the Priest Eradius to be my successor.
>
> The people acclaimed: "Thanks be to God; praises to Christ!" This was said twenty-three times. "Hear us, O Christ; life to Augustine!" This was said sixteen times. "You our father; you our Bishop!" This was said eight times.
>
> When silence had been restored, Bishop Augustine said: There is no need for me to say anything in his praise; I favor his wisdom and spare his modesty. It is enough that you know him. I say that I desire what I know you desire; and if I had not known it before, I would have proved it today. This, therefore, I desire; this I now ask from the Lord our God with fervent prayers even in my cold old age. I exhort, admonish, and ask you to pray for this with me: that God may confirm what he has wrought in us, when all minds have been joined and fused together in the peace of Christ. May he who sent him to me preserve him--preserve him unharmed, preserve him without blame--so that he who causes joy while I live may fill my place when I die. As you see, what we say and what you say are received by the notaries of the Church; both my speech and your acclamations do not fall to the ground. To speak more openly, we are now making ecclesiastical records. I wish this matter, insofar as it pertains to men, to be confirmed in this way.
>
> The people acclaimed thirty-six times: "Thanks be to God; praises to Christ!" "Hear us, O Christ; life to Augustine!" was said thirteen times. "You our father; you our Bishop!" was said eight times. "He is worthy and just!" was said twenty times. "Well-deserving, well-worthy!" was said five times.
>
> When silence had been restored, Bishop Augustine said: I wish, as I was saying, my will and your will, insofar as it pertains to men, to be confirmed in the ecclesiastical records. But as regards the hidden will of the Omnipotent, let us all pray, as I said, that God may confirm what he has wrought in us.

The people acclaimed: “We give thanks for your judgment!” This was said sixteen times. “Let it be; let it be!” was said twelve times. “You our father; Eradius our Bishop!” was said six times.

When silence had been restored, Bishop Augustine said: I know that you too know, but I do not wish what was done concerning me to be done concerning him. Many of you know what was done; only those do not know who had not yet been born at that time or were not yet of an age to know. While my father and Bishop Valerius of blessed memory, now an old man, was still present in the body, I was ordained Bishop and sat with him. I did not know that this had been prohibited by the Council of Nicaea; nor did he know it. Therefore, what was censured in me I do not wish to be censured in my son.

The people acclaimed: “Thanks be to God; praises to Christ!” This was said thirteen times.

When silence had been restored, Bishop Augustine said: He shall be a Priest as he is; when God wills, he shall become Bishop. But now, with the mercy of Christ assisting, I am plainly going to do what I have not yet done. You know what I wished to do some years ago and did not permit. It pleased me and you, on account of the care of the Scriptures which my brothers and fathers, my fellow Bishops, at the two Councils of Numidia and Carthage deigned to impose upon me, that for five days no one should trouble me. The proceedings were drawn up; it pleased you; you acclaimed it. Your decree and acclamation are being recited. For a short time it was observed toward me; afterward it was violently broken through, and I am not permitted to be free for what I desire. Before noon and after noon I am held by the occupations of men. I beseech and bind you through Christ to permit me to pour the burdens of my occupations upon this young man, this Priest Eradius, whom today in the name of Christ I designate as Bishop and my successor.

The people acclaimed: “We give thanks for your judgment!” This was said twenty-six times.

When silence had been restored, Bishop Augustine said: I give thanks to your charity and goodwill before the Lord our God--indeed, I give thanks to God for it. Therefore, brothers, whatever used to be brought to me shall be brought to him. Wherever he needs counsel, I shall not deny my assistance. Far be it from me to withdraw myself. Nevertheless, whatever used to be brought to me shall be brought to him. But let him consult me if perhaps he does not find what he ought to do, or let him seek as helper the man whom he knows as father, so that nothing may be lacking to you and I at last, if God grants me however little space of this life, may not give over my life, however little remains, to idleness or donate it to inactivity, but may exercise it in the Holy Scriptures so far as he permits and grants. This will benefit both him and, through him, you also. Therefore let no one begrudge my leisure, because my leisure contains great business. I see that concerning this matter, for which I invited you, I have done with you everything that I ought. I ask this finally: let those of you who can deign to subscribe these proceedings. Here I need your response; let me retain your response. Acclaim something concerning this assent.

The people acclaimed: “Let it be; let it be!” This was said twenty-five times. “It is worthy; it is just!” was said twenty-eight times. “Let it be; let it be!” was said fourteen times. “Long since worthy, long since deserving!” was said twenty-five times. “We give thanks for your judgment!” was said thirteen times. “Hear us, O Christ; preserve Eradius!” was said eighteen times.

When silence had been restored, Bishop Augustine said: It is well. Let us now be able to perform the things of God concerning his sacrifice. At the hour of our supplication I especially commend to your charity that you set aside all your causes and business and pour forth prayer to the Lord for this Church, for me, and for the Priest Eradius.

Indeed, even preachers are attended with applause, for eagerness is necessary to a speaker. Hence arose the madness of Paul of Samosata, concerning which the Bishops write in Eusebius, book 7 of the *History*, chapter 24. There is no need to relate in speech the tricks which he employed in ecclesiastical councils, cleverly devising them by pursuing shadows of false glory, hunting after various forms of folly, and thereby leading the minds of the more ignorant into admiration of himself; nor in what manner he prepared a lofty seat and throne for himself, kept it private and separate--not as befits a disciple of Christ, but as Princes of the world are accustomed to do--and called it by his own name; nor how, while sitting upon it, he struck his thigh with his hand and sometimes beat upon it with his heels; nor

how he gravely rebuked and received with insulting words those who, when they heard him preaching, did not extol him with praises, did not turn themselves about in circles with agitations to applaud him, as is customary in theaters, and did not acclaim him discordantly and rejoice as though at the beat of an oar, after the manner of the gladiators and little women whom he kept about himself, but listened modestly and moderately, as is proper in the house of God; nor how, when openly preaching amid a crowd of men, he raged wantonly and immoderately against the interpreters of the word of God who had departed this life; nor how, not as a Bishop but as a sophist and impostor, he vaunted magnificent words concerning himself.

[Printed page 534]

From these things theatrical gestures and manners may also be noted.

§ 9. Imperial majesty, and before it royal majesty, was especially recognized on journeys. Various honors were exhibited. Sacrifices were offered; the roads were filled with fragrances; candles were lit; flowers, crowns, gates, private houses, and temples were adorned; public banquets were celebrated; cloaks were spread out; all men came to meet them, escorted them, carried them, praised them, and sang with instruments arranged along the road--so that Princes then at last recognized themselves to be Princes when they traversed their kingdoms. Examples are found in Curtius, book 5; Dio on Severus; Livy, book 32; Pliny's *Panegyric to Trajan*; Appian, book 8 of the *Gallic War*; Suetonius, *Nero*, chapter 30; Theodoret, book 5, chapter 34; Socrates, book 6, final chapter; Claudian, *On the Sixth Consulship of Honorius*, and book 3; Sozomen, book 8; Paul, book 30; and Herodian, books 4 and 8.

I think that this was done by the ancestors with the highest prudence--indeed, plainly by divine counsel. For since it is of the greatest importance to the state that a Prince should not reside in one place, but should exhibit the benefits of his presence to all the peoples by whom he is supported and honored, they endeavored by every enticement to incite him to journeys.

Another honor consists in titles taken from kingdoms which they do not possess. For magnates retain titles, not to soothe their minds with empty delight, but to await an opportunity to obtain those kingdoms.

CHAPTER VI

The Power of Princes Is Great but Various

§ 1. It is established that the power of Princes over their subjects has been various. I have approved as best the power tempered from monarchy, democracy, and aristocracy. This must especially be provided for: when the form of the state is changed, the power of customary magistrates should be changed slowly and in parts, but their names most slowly of all, until, when the matter itself has declined, they vanish of their own accord.

This was done with the greatest deliberation in the Roman Empire. At first tyranny raged under the name of Dictator when Sulla was savage; afterward the dictatorship was given to Caesar, but perpetually. Third, under the name of the Triumvirate for settling the state, proscription removed the foremost of the leading men. And although the Emperors could do everything, they secured their power by the titles of lesser magistrates. Hence they were declared Chief Pontiffs and Consuls; and, what rendered them safest of all, they renewed annually the title of tribunician power. For by that power they were held sacrosanct and retained the favor of the people, since that magistracy had been established for the sake of the people against the injuries of the more powerful citizens.

§ 2. The power of all Christian Kings is constituted not after the manner of Gentile Kings but of Hebrew Kings. For just as the authority of the High Priest and of the supreme council, the Sanhedrin, was inviolable and was not oppressed by royal power, so too a Christian King must command in such a way that he nevertheless hears and venerates the prelates of religion. Then let him weigh within himself how great a thing it is to reign fortified by the friendship and favor of the supreme presiding authority in religion. For when this bond of concord is neglected, everything is violently disturbed. Histories teach us how great a cause of evil was the importunity of the Emperors who claimed everything for themselves in the conflicts between the Henrys and the Pontiffs, and afterward the Fredericks and other Pontiffs. For since the Empire was transferred by pontifical authority from the Greeks to the Franks and then from the Franks to the Germans, it follows that the Pontiffs have some part in its government. To speak of the present condition, Nicholas Bellus, in discourse 1 *On the Pontiffs*, relates that the Electors were established not only by Imperial but also by pontifical authority.

From this assertion of pontifical authority over Kings, it follows that the Pontiff can much more involve himself in affairs of the Empire, since they belong to pontifical law and are immediately subject to the Apostolic See. This is proved because Gregory V established the number of Electors to whom he granted the power of electing Caesars. Although authentic copies of the Golden Bull which he issued for this purpose cannot be produced, nevertheless, after I undertook great labor to ascertain the clear truth of this matter, many letters patent together with copies of them came into my hands. In these many ancient Electors expressly acknowledged that they attributed their authority to the Supreme Pontiffs, as may be seen in the treasury in Castel Sant'Angelo and in the three books entitled *Privileges of the Emperors*, and likewise in the Vatican Library, where there are copies taken from those preserved in Castel Sant'Angelo. From these it is clearly evident that the authority and institution of the Electors depend upon the Holy Roman Church.

To prove this more fully, I bring forward the fact that on different occasions Electors were deprived by different Pontiffs of the privilege of electing, as John XXII formerly did. Leo X likewise deprived the Duke of Saxony; but Clement VII maintained and asserted that the election of Charles V was valid even without the vote of that Duke, as may be seen in a certain book bound in red leather entitled *Capitulations of Princes*, which is preserved in the pontifical repository. In the registers of Leo X and Clement VII in the Archive of the Apostolic Camera, this authority appears more clearly: as soon as a King of the Romans or Emperor is elected, the Electors seek confirmation from the Pontiff; and quite often, when the Pope did not grant his consent, they proceeded to a new election, as may be observed if careful attention is given to the said books.

I would not wish conflicts to arise between the Christian kingdom and the royal priesthood, conflicts which have often been quieted by the disasters of peoples. I give this political and prudent warning: for the sake both of piety and of the state, an Emperor ought courteously to observe the authority of the Pontiff. Let the remaining evidence be seen and the histories consulted. The same writer says that Charles V, when challenged to single combat by Francis, King of the Gauls, answered that he was a son and defender of the Holy Apostolic See, that he was bound to it by an oath, and that he could determine nothing concerning himself.

Charles spoke truly and rightly. The destinies of so many peoples ought not to have been weighed upon one sword, and the death of either King would have given rise to greater evils. But that most wise Prince showed how close the bond between Emperor and Priest is. If the safety of the supreme Prince is so closely joined with the advantage of the Church, so too will be that of other

[Printed page 535]

Kings and states. For the several kingdoms--Britain, Denmark, Poland, Aragon, Hungary, and Naples--have their own treaties. Nor can even the most powerful Kings despise the common father to whom assistance is brought by many sons.

§ 3. In the more cultivated kingdoms, the power of rulers depends in great part upon the council of the fatherland, or the estates of the fatherland. It has great utility against more unjust Princes, but also many disadvantages, since it brings delay to useful or necessary matters. By its authority it moderates the disposition of the Prince and ensures that, if anything happens to him, the fatherland is not without government.

The greatest disadvantages arise if the estates are not in agreement. All of us in Germany complain about this matter, and yet we always act in such a way that there is occasion for complaints. In Germany there are three orders which assemble at the great council or public diet: first the Electors; then the other Princes and Counts; third the free cities. Hence everything is completed slowly, and now, after much time, almost nothing is accomplished. The causes are delay in assembling, the absence of some, the restricted power of the delegates, debate concerning the matter to be proposed, and manifold disagreements. The chief disagreements now concern religion, but many cover their desires with a pretext of piety. In reality there are rivalries among the Princes, and between the Princes and the rest of the nobility, which is oppressed by some, although otherwise they wish to be subject to the Emperor alone as companions and ministers of his court. Greater is the rivalry between the free cities and neighboring Princes. The aims and endeavors of the cities tend toward preserving their liberty; some Princes strive to render them subject to themselves.

The happiness of these cities is situated in peace; when war arises, they are in great danger, because most defend their liberty not by force but by laws, and when laws fall silent amid civil arms, liberty stands beneath the blow. This appeared in the civil war waged against Charles V, in which the cities made the greatest expenditures, obtained an inglorious partnership in the war, and, once defeated, were most grievously fined. They would have been in a worse condition if they had conquered; for during the war they had offended the Princes by obeying less promptly, and even if there had been no offense, the rewards of victory would nevertheless have fallen to the Princes alone as the more powerful. Once this had occurred, the cities would have lacked the protection of the Empire and their neighbors would have pressed upon them more severely. Thus, even as victors, they would have retained their liberty only through the favor of the Princes. These, therefore, are the causes why the Empire moves so slowly: in the same body the same things are never advantageous when it has departed from harmony and a legitimate tempering of the humors.

§ 4. Gaul also has its estates: the Ecclesiastics, the nobles, and the common people. There are two councils, a secret one and a public one. Formerly the public Council was convoked from the three estates. In that Council there was supreme authority and so high a reputation for integrity that many foreigners also referred their controversies to it. The gravest matters--or, as they call them, affairs of state--were treated there: whether a King was to be created or abdicated; whether war was to be waged, peace made, laws enacted, principal prefectures conferred, crimes of Princes

examined, or a dowry assigned to royal children. Indeed, the accounting of expenditures and taxes was also treated in that council; and this is what they call the General Court or Parliament.

At that time, therefore, the power of the Kings of France was very greatly curtailed. But their successors diminished the authority of the council--they attribute this to Hugh Capet--by erecting a college of peers who would judge concerning the fortunes of Princes and other matters. Parliaments were later added, but now for a long time they have referred the affairs of the kingdom to the Privy Council. Hence deliberations are more expeditious. Estates of this kind also exist in Gaul, Spain, England, Scotland, and other kingdoms; any Prince can easily regulate his power according to their constitution.

§ 5. The Senate formerly represented the estate of the fatherland--not as one ruling in a free state, but as one sharing in councils and public honors under moderate Emperors. Probus had it in this condition, according to Vopiscus, for he granted appeal from all men to the Senate and other things which had already fallen into disuse. It was done again under Honorius. Claudian says concerning Stilicho:

> When the Senate judged wars in the ancient order,
>
> Stilicho restored the custom neglected now for so many ages:
>
> the Fathers would entrust battles to commanders,
>
> and by decree of the toga the fortunate watchword
>
> would go forth to the legions.

Stilicho did this, but not to honor the Conscript Fathers; rather, he wished to diminish the authority of the Emperor and by this popularity to prepare a path to tyranny for himself and his son Eucherius. Tiberius, when with the greatest dissimulation he had most eagerly accepted the imperial office, long refused its name; sought protection from the Senate; said that the soldiers belonged to the state, not to him; wished to be called Prince of the Senate; and desired colleagues. But these were cruel mockeries by which he explored the sentiments of the nobles. He held magistrates in honor, just as if the state were still standing, and rose before the Consuls; and whenever he gave them a dinner, he went to the doors to meet them as they entered and accompanied them as they departed.

CHAPTER VII

The Chief Care of the State Must Be to Entrust Dignities and Magistracies to Suitable Men

§ 1. I speak of the lesser magistrates, who are appointed either by the King, by the Senate in an aristocracy, or by the people in a polity. For wherever suitable and good men are placed in command, the safety of the state stands firm. Let this remain a certain, fixed, and noble maxim of rulers: a state in which the Prince is bad is better than one in which the friends of the Prince and the magistrates who administer the state in part are bad. For one good man does not easily restrain many bad men; but if a bad Prince has good administrators, he lacks instruments of wickedness. This alone is difficult: that under a bad Prince the administrators should be good and long-lasting.

§ 2. It is a natural and supreme obligation of a Prince to place good Governors over the province, to protect the Prefects, and to keep them in their duty; and, to say it in one phrase, to see that his administrators and magistrates remain in their duty. The Emperors themselves recognized this, and some of them exercised particular care in selection. The Emperor Alexander never granted provincial governorships as a benefice, but by judgment. That

[Printed page 536]

obligation arises from the right of the state and of every private person. For just as, if the Prince establishes a physician and surgeon at the expense of the city, he is bound by the laws of justice not to send among the citizens--like living and effective plagues--men such as Demostratus, Marcus, Simon, Menophanes, Capito, Phaedo, Socles, Agelaus, Alexes, Agidas, Zopyrus, Charinus, Gennadius, Rhodon, and Callignotus, who boast like the man in Agathias, *Epigrams*, book 2, **εἰς ἰατρόν**:

> **Καὶ γὰρ ἐγὼ πολλὰς ψυχὰς Ἄϊδι προϊάπτω.**
>
> For I too send many souls down to Hades.

Rather, he must send skilled, industrious, and faithful men--not men whom the textually uncertain **οἱ σοφοτηγοί**

> **βάλλουσι μίτραις, ἄνθεσι, καὶ στεφάνοις--**
>
> sprinkle with mitres, flowers, and crowns.

Thus by no right can Princes set plunderers and unjust men over peoples. For unless they themselves take precautions, they are compelled to answer for the fault of their Governors.

§ 3. At Rome, even amid the highest ambition and a venal electoral field, some account was nevertheless taken of candidates. Before the assemblies it was necessary to declare their names before a magistrate; if their names were not accepted by him, they could not be elected by the people. For by public judgment those to whom the government of the state was to be entrusted had been judged unworthy. But avarice and ambition broke through all these things. When Cato perceived the conspiracies of the leading men, he cried out that it was an unworthy thing for command to be consigned to the procuring of marriages and for men, through women, mutually to advance one another to provinces, commands, and armies.

§ 4. The greatest virtue of a Prince, therefore, is to know his own men--and not merely to know but also to govern them, which cannot be done without knowledge. It was prudently established in the Roman Empire that a summary of the Empire should be ready at hand, containing all taxes, expenditures, provinces, fleets, armies, magistrates, and their salaries.

The ancients called it the *Register of the Empire*; Augustus was accustomed to display it publicly. They also called it the *laterculus*. Cedrenus says: **ἦν δὲ πάνδημος πίναξ, καὶ τὰ τῶν στρατιωτῶν ὀνόματα ἀπεγράφοντο**. It was a

public register in which the names of Senators and of the army were written. Tacitus, book 1 of the *Annals*, says that Augustus composed a booklet in which the public resources were contained: how many citizens and allies were under arms, how many kingdoms, fleets, provinces, taxes and revenues, needs and largesses--all of which Augustus had written out with his own hand. In later times these matters were handled much more diligently, as is clear from title 17, book 1 of the Code, *To the Praetorian Prefect of Africa*:

> We believe that this too must be ordained by the present sanction: that judges should not appear to sustain great expenses for the completion of charters or warrants, whether in our register or in the archives of the Praetorian Prefect throughout Africa. For if they themselves are not injured by expenses, they will have no necessity to burden the taxpayers of our Africa. We therefore order that the civil as well as military judges of the African diocese shall pay no more than six solidi in our register for the customary fees of the warrants and charters of their promotion; but in the archive of the Prefects they shall be compelled to pay no more than twelve solidi. If anyone exceeds this measure, the judge himself shall be liable to the expense of thirty pounds of gold, while his staff shall sustain not only a like expense but also the danger of capital punishment. For if anyone from any quarter dares to exceed our commands and does not hasten to observe them with the fear of God, he shall sustain not only danger to dignity or property, but shall also be subject to the ultimate punishment.

The Princes of all, therefore, had a description of their Prefects. Then those records were deposited in the sacred archive. On the *Notitia*, see also book 5, *On Various Advocates*.

Since the ancient records have perished, but Justinian's African *laterculus* survives in the place cited, anyone may read it there.

§ 5. In great Empires, just as nothing is more pleasant or fruitful than common peace and security--for they do not fear more powerful neighbors--so the license of inferior magistrates is most grievous, because in so great a mass of business injuries easily lie concealed. This arises either because access is not given to the accuser or because remote matters are neglected. Therefore the state will take this especially to heart: just as on the frontier of the Empire and near the enemy it stations the bravest and most faithful commanders, so in the most distant places it must station the most equitable Governors and Judges. For distance itself, just as it takes from subjects the hope of assistance, gives rulers confidence of impunity. Who at Rome dared to do what the Romans did in Gaul and Asia? Indeed, it occurred very often that Governors were so intent upon ruin that they compelled the wretched to rebel, and in this way had no need to stand trial, since they had already judged them enemies upon whom their injuries had imposed the necessity of rebellion.

Cyrus restored liberty to the nation of the Jews and issued an edict in this form, 1 Ezra 1:2:

> The Lord God of heaven has given me all the kingdoms of the earth, and he has commanded me to build him a house in Jerusalem, which is in Judah. Who among you is from all his people? May his God be with him. Let him go up to Jerusalem, which is in Judah, and build the house of the Lord God of Israel; he is the God who is in Jerusalem. And let all the rest, in every place wherever they dwell, assist him from their own place with silver and gold, substance and cattle, besides what they voluntarily offer to the temple of God which is in Jerusalem.

If this had had to be done at Babylon, a magnificent temple would have stood within a year. But now, what could the command of an absent King do against the hatreds of neighbors? First Ezra 3:3 says: "They placed the altar of God upon its bases, while the peoples of the surrounding lands terrified them; and they offered upon it a holocaust to the Lord morning and evening."

They had been ordered to assist in building the temple, but they terrified them so that they could not even erect an altar. Nor do they merely obstruct; under the pretense of assistance they also endeavor to profane it. First Ezra 4:1 says: "Let us build with you, because we seek your God just as you do. Behold, we have sacrificed victims from the days of Esarhaddon, King of Assyria, who brought us here."

When they could accomplish nothing by force, they acted by calumnies. In the same chapter, verse 4: “They hired counselors against them, that they might destroy their counsel throughout all the days of Cyrus, King of the Persians.”

They acted much more perfidiously against Nehemiah, not fearing the fact that he was dear to the King, had been sent with power by the King and Queen, and that commanders of the army and horsemen had been sent with him, 2 Ezra 9 and 10. What, then, did the King’s Governors do? First, “They were grieved with a great affliction.” Second, “Sanballat was exceedingly angry,” chapter 4:1. Third, greatly disturbed, he mocked the Jews. And at verse 8: “Sanballat, Tobiah, the Arabs, the Ammonites, and the Ashdodites all gathered together to come and fight against Jerusalem and devise ambushes.” And at verse 11: “Our enemies said:

[Printed page 537]

> Let them neither know nor understand until we come into their midst, kill them, and cause the work to cease.”

Behold, against the express command of the King, the King’s subjects devise such things against his subjects and against a legate sent from the King’s table who was soon to return to the King. Therefore the most diligent provision must be made for distant regions.

Nor did the Governors of the Indies furnish few examples for the Spains. To say nothing of the wars of the Portuguese and Castilians: without the cruelty, avarice, ambition, and mutual slaughters of the Governors, the Castilian Crown would hold all the West Indies. Examples need not be sought farther away. Many men, and not without reason, judge that no Empire in Europe is more rightly constituted than the French; yet when the French held the kingdom in Sicily, petty tyrants, by their injuries, compelled that nation to revolt, because their Governors had withdrawn as far from equity as from their fatherland.

A further proof of this matter is what Nicholas Bellus relates in his discourse on the Kingdom of Naples. First, he testifies that military affairs were administered negligently and perfidiously, and that the triremes were old and useless:

> For, he says, it is enough for the royal ministers to display some outward appearance which may be magnified in the Royal Court. By ostentatiously displaying diligence in this way, they satisfy the King to some degree and hold the whole world in extraordinary expectation of great achievements. This contributes wonderfully to the swift acquisition of riches, with which they soon purchase some jurisdiction in the kingdom, accumulate revenues, and amass costly furniture.

He recounts that these things were done in the year 1579. And a little afterward:

> For the most part the Neapolitan triremes remain at the harbor mole without pay, without soldiers, and often without half their complement of rowers. These rowers are very frequently hired out by the captains to merchants, nobles, and others to unload ships and perform other domestic work. Thus in a time of necessity--as in the preceding year, when eight pirate triremes captured two Sicilian vessels near the island of Capri--five triremes were equipped throughout an entire day to pursue the Turks, since both oars were lacking and soldiers were wanted. It must therefore be doubted whether from so great an expense, which the King bears for these triremes, even the smallest advantage is gathered; all the more because those same triremes are badly furnished with engines of war and lack experienced sailors. The rowers, moreover, are either Turkish slaves or condemned men: the former row under compulsion and with danger to those who employ them, while the latter are inexperienced and insufficiently suited to endure the hardships of the sea.

What the boldness produced by the King’s absence accomplishes is found in the same discourse:

> When an ordinary gift had recently been made to the Royal Majesty, and the nobles and the whole kingdom wished to send it through certain men of their own, the Viceroy wished to send it through his own man. He did this lest, if others were sent, the Viceroy’s misdeeds should be reported to the King and his court; and therefore he compelled them to hand the gift over to him.

This is surely an injury greater than the injuries and insults themselves: violently to wrest from the nobles of the whole kingdom, when sending gifts to the King, the power of sending their own legates. What must private men suffer if such crimes are committed publicly--so openly that the accounts fly throughout the whole world, while the Kings alone, whose danger is involved, remain ignorant? But such was the practice at that time; and that age too had its own Verres.

§ 6. In appointing magistrates, therefore, the lot is altogether to be condemned. For if, when about to sail the sea, you do not choose a ship and a shipmaster by lot, but seek an experienced master and a strong ship, how can it belong to a well-constituted state to cast the safety of all citizens into the hazard of lots? The Athenians, a bold and impetuous people, chose **τὴν γερουσίαν τῶν πεντακοσίων**, the Senate of Five Hundred, by lot; and through this they possessed a state constituted in the worst manner. Xenophon, in **Περὶ Ἀθηναίων πολιτείας**, *On the Polity of the Athenians*, rightly judged:

> **Περὶ δὲ τῆς Ἀθηναίων πολιτείας, ὅτι μὲν εἵλοντο τοῦτον τὸν τρόπον τῆς πολιτείας, οὐκ ἐπαινῶ διὰ τόδε, ὅτι ταῦθ᾽ ἑλόμενοι, εἵλοντο τοῖς πονηροῖς ἄμεινον πράττειν ἢ τοῖς χρηστοῖς· διὰ μὲν οὖν τοῦτο οὐκ ἐπαινῶ.**
>
> As regards the state of the Athenians, I do not praise the fact that they followed that form of government, because by following it they brought it about that the wicked were in a better condition than the upright. In this respect, therefore, I do not praise it.

They act altogether badly, but popularly, for they consider bad men useful to themselves. Hence they both choose by lot and, when designating a magistrate by votes, are more favorable toward the worst and unjust toward the good. All the decrees and deeds of that people were barbarous. Thus Xenophon judges:

> **Διὰ ταῦτα οὖν τοὺς μὲν χρηστοὺς ἀτιμοῦσι, καὶ χρήματα ἀφαιροῦνται, καὶ ἐξελαύνουσι, καὶ ἀποκτείνουσι, τοὺς δὲ πονηροὺς αὔξουσι.**
>
> Therefore they dishonor the good, punish them by loss of money, exile, and death, but increase the bad.

Hence they exercised their Empire for a short time and turbulently.

§ 7. Nevertheless, a matter can be entrusted to the lot if some greater power divinely directs it. Thus, after Saul had already been chosen and anointed King by Samuel, they selected him by lot, 1 Kings 10:20. For God did not wish Samuel to be suspected, as though he had designated Saul by his own judgment or affection. Then the people sought a King from Samuel as a Prophet. Although they sinned by demanding a King, they nevertheless acted rightly in this respect: they established a King not through tumult and the ambition of the tribes, but sought him from a Prophet, that is, from God himself. Thus they speak at 1 Kings 8:5: “Establish a King for us, that he may judge us.” The use of the lot, therefore, was not lawful unless it was established that it would be directed by God. There were hidden disputes among the twelve tribes, and that assembly would not have been concluded without strife unless God had determined the matter by his judgment. Among barbarians there was great use of lots, which were corrupted either by rashness or superstition.

§ 8. When there are several candidates who are judged equal and all suitable, they may be elected by lot, yet with the assistance of God invoked so that he may designate the man who is best. Thus the Apostles placed Joseph and Matthias in the midst; the lot fell upon Matthias, and he was numbered with the twelve Apostles. Hence the turns of the Priests in the temple were distributed by lot. “It happened,” says Luke, “when he exercised the priesthood before God in the order of his turn, according to the custom of the priesthood, that he went forth by lot to place incense after entering the temple of the Lord.” For since several Priests were present, all of whom had equal right to place the incense although it had to be placed by the work of one man, one was selected by lot lest contention arise from rivalry. Otherwise, under the Old Law the supreme priesthood was never subjected to the lot. In the Jewish War, according to Josephus, book 4, chapter 5, the Zealots, after Pontiff Ananias had been reduced to the ranks, chose by lot as High Priest a rustic named Phannias, who was an object of mockery to all.

In persecution St. Augustine commands Honoratus to apportion dangers by lot: those more useful to the common people should be retained; but if all are equal and prepared for death, the matter is to be entrusted to lots.

[Printed page 538]

§ 9. Yet even in these cases recourse is not always or rashly to be had to lots. Their use must be applied only from necessity or by a certain decree of God, when reason and counsel admit no other course. For lots have various disadvantages.

First, they are corrupted with little difficulty. When Smerdis had been killed, the nobles of the Persians determined by oath to choose as their new King by lot the man whose horse first uttered a neigh. They were about to regard the voice of a warlike animal as an oracle; but although they supposed that they would act by lot, they entrusted the whole state to the ingenuity of Oebares the groom. For, after bringing Darius's stallion to a mare on the preceding night, he caused it to fill the air with neighing through remembrance of the place and pleasure. What Darius's colleagues believed had occurred by divine power had been accomplished by the fraud of a little slave.

Cresphontes even more cunningly drew the territory of the Messenians to himself, as Pausanias relates in his *Messenian Affairs*. When the matter was to be settled by lot, the Priest Temenus by evil fraud gave the victory to Cresphontes. The procedure of the lot was that dry, hard clay should be placed in water; he whose clay dissolved more slowly would possess the Messenian territory. Corrupted by promises and gifts, Temenus hardened the clay of Cresphontes at the fire and that of the others in the sun. Since the hardness produced by more violent baking dissolved more slowly, the Messenians fell to Cresphontes.

Second, although men appear equal, nevertheless there is often great inequality which easily appears to those who consider it. In the Roman state, the lot was customary in assigning Governors to provinces and selecting Judges. For the Consuls either agreed upon the provinces between themselves or drew lots for them, while Judges were either nominated or chosen by lot. Each practice was established with much caution and yet not without difficulties.

In the allotment of provinces there appeared to be no difficulty. Since each Consul had exercised the supreme magistracy at Rome, why should he not also be equal to the lesser dignity in a province? Thus it appeared to make no difference who was placed over which province. But this matter often deceived the Roman people. For if there were peace in Greece and war in Gaul, and the Consuls were Caesar and Metellus, I certainly would not wish Caesar to be sent to Greece and Metellus to Gaul. Provinces are therefore to be entrusted by judgment, not chance. For it is contrary to reason to send a veteran commander into a peaceful province and to expose a timid and inactive man to the fiercest enemies. For this reason Augustus prudently corrected that system: he entrusted the peaceful provinces to the Senate and people, while he retained for himself those that were turbulent and where war was necessary. He not only exempted Egypt from the lot, but did not even permit a Senator to enter it without his command. Elsewhere it must be said how great evils the allotment of Judges produced.

§ 10. Although Aristotle, book 2, chapter 6, does not approve that men who have been elected should be called to another election, usage has nevertheless obtained this in many places. Aristotle's reason is that those few men can easily agree and choose the magistrate at their own pleasure. But this will easily be prevented if, first, many Electors are chosen generally, and then a few are selected from them; and if a lot is also added, ambition is entirely excluded. Let the people therefore appoint fifty Electors; let each of these choose another man; and finally let a lot be held among those who are to choose the magistrate.

§ 11. After the King or Senate has deliberated concerning the appointment of Governors, let it never suppose that sufficient provision has been made for the state unless it has clearly understood the judgment of the people concerning the man. For the people is rarely deceived; and if the people approves its ruler, although he lacks many things, the administration is tranquil.

Princes therefore sin most greatly in this respect when, on the recommendation of others, they hold certain men in esteem and place them over cities, although their avarice, frauds, and lusts are publicly known. In this matter they entangle themselves in the greatest danger to their reputation and kingdom. For the people and prudent men speak thus within themselves: the King either knows or does not know the crimes and wickedness of the bad Governor. If he knows them, what may we hope from that King, among whom criminals possess such patronage and who raises the most wicked on high? If he does not know them, we have a statue, not a King. It is not lawful that we perish on account of his ignorance. How greatly such men are hated, moreover, their downfall alone demonstrates.

The ministers of Princes are their eyes, hands, feet, and, as it were, the living organs of the supreme majesty. Therefore their good deeds and offenses are imputed to those who reign, and upon them the reputation of the Prince for the most part depends. Hence the greatest part of the Imperial duty consists in appointing magistrates, as Zonaras teaches excellently. No one assumes or retains a magistracy without the command of the Prince. Thus the Valerian law in Livy, and Dionysius, book 15, speak concerning the people as Prince and bestower of dignities; but that right was transferred to the Prince by the royal law, Digest, book 1, title 4, law 1, §1, *On the Constitution of the Prince*.

CHAPTER VIII

The Method of Training Good Men for Government

§ 1. Although some are born with better talent, character, and greater prudence than others, no one is born a craftsman. They must therefore be trained by teaching and practice for the art of arts, the art which is mistress of all, that is, politics. I have indeed said enough concerning teaching in the book on education; now practice must be discussed.

§ 2. Since in a state there are civil and military magistrates, together with those who administer taxes and those who administer judgments, the young ought to be exercised in these in due order. I shall speak in its own place concerning military training. In order that they may become skilled in civil affairs, let them learn early to know the state, which they will attain by the following methods.

§ 3. Let noble young men, after they have passed their twentieth year, be permitted by a decree of the Senate or edict of the Prince to attend the Senate, sit in the council of the Prince, and state an opinion, provided they have served their campaigns with praise or proved their learning at universities. Yet their judgment must possess the force of consultation, not decision. For in this way they will understand what matters are treated in the public council; they will observe the speeches and wisdom of the disputants; and they will meditate upon the things proposed. Nor is there less advantage in hearing the petitions of suppliants and the artful discourses of legates, all of which are examined in the Council.

At Rome in ancient times, the witty story about polygamy attests that the sons of Senators attended the deliberation; now the practice is not much in use. The Venetian state preserves it to its great advantage. For all Patricians possess the right of entering the Senate, provided they are twenty-five years old; by a special motion the council is open to some even before that age, provided they are twenty. They are in what they themselves call the Great Council, which they say contains two thousand Senators,

[Printed page 539]

although because of those engaged in embassies and the government of cities and provinces, only sixteen hundred ordinarily assemble.

§ 4. It is also a great exercise if either the Senate or the Prince commands these young men to explain briefly and clearly in writing their opinion concerning proposed matters, especially when an answer must be given to embassies or grave matters are proposed. Sometimes, after hearing and maturely considering the various opinions, let them set forth the advantages and disadvantages of them all and produce their own judgment. For just as no man should be considered a veteran soldier who does not possess knowledge of the orders to be preserved and restored in every place and time, and of striking and avoiding the enemy, so no one will ever be a Senator or Counselor who has not long and much been engaged in the affairs of his own and other states.

Hence comes that great number of men who pass over to the opinion of others--not because they approve or understand it, but because they have no wisdom outside the judgments of others and have never learned to judge or speak by their own power.

I observe that the course of those who are employed in the state is twofold. Some, after devoting themselves to jurisprudence with a complete circle of the sciences, and after learning it thoroughly so that they can now be or appear Doctors, immediately enter the training and household of some practiced Advocate, Syndic, or Assessor, so that by experience they may learn forms, forensic practice, and precedents. If these men possess strength of talent or judgment, they become perfect pleaders, but not suitable Judges of lawsuits.

Yet they are not mature enough to give counsel either in the Senate of the Conscript Fathers or in the Consistory of the Prince. For that matter demands varied knowledge and is not confined within the narrow limits of forensic controversies. Others, after philosophizing moderately and tasting a little of the forms of the Institutes, return to their fatherland in foreign dress and undertake the state. From their ignorance the greatest disadvantages arise, for they possess the authority of Counselors and magistrates, but the ignorance of uneducated men.

§ 5. The principal apprenticeship in politics is for those Companions who will one day govern some part of the state to be joined to legates sent anywhere. Nowhere is the nature of affairs and men more easily perceived; nowhere are the words and gestures of others observed with greater care and attention, or one's own governed more carefully.

Therefore, if there is any matter in the whole world by which prudence is learned, it is found in embassies. Formerly the constitution of the world was different. The Greeks went to the King of the Persians while preserving the dignity of liberty even in meeting and speech. Roman Legates were protected by the majesty of their Empire. Now perpetual embassies travel among kinsmen, friends, rivals, and distrustful men; sometimes they do not know the mind either of the other Princes or of their own. Let three or four men, therefore, be joined to the Legate as Companions and Counselors--not to direct him, but to learn to avoid the rocks, which are very many and very hidden.

This benefits the younger men because they are instructed; it benefits the state because it receives more prudent citizens; and a Legate surrounded by such a retinue cannot betray his trust. Nor is there any other reason why the Romans abounded in so great a number of men skilled in politics than their perpetual journeys with Legates and magistrates.

For friends and tent-companions--that is, noble young men who accompanied them in order to learn military and political affairs--were joined to all magistrates except Legates, Tribunes, and others, whether commanders or ministers of an army. This cohort of friends was a nursery of magistrates; and the more illustrious the Proconsul or Propraetor who went to a province, the greater the company of nobility with which he was surrounded. Nor has that usage now been wholly abolished, for Governors and Viceroys draw a multitude with them; but these men are less employed in public deliberations and in learning affairs.

§ 6. It is a matter of no little importance that younger men should attend to the command and administration of others, either to imitate things rightly done or to accuse errors. This is a most wholesome practice when the rage for calumniating is removed. Let us say nothing of ancient examples. In our own age, in Germany, Gaul, and Spain, we have seen certain men amass riches for many years amid the infamy of Kings and Princes and with danger of rebellion, and inflict injuries upon provinces; although their crimes were in every mouth, only the Princes remained ignorant of them.

If there had been a lawful method of accusation here--if either the oppressed had been permitted to speak or well-disposed men to give counsel--wickedness would not have exulted with impunity for long. Those men do indeed suffer punishment, but late and after the disasters of many.

CHAPTER IX

Magistrates Must Be Inspected

§ 1. If the ancient system and custom of judicial proceedings remained, there would be no need to send Legates to inquire into the deeds of magistrates. The Romans ordinarily had annual provincial magistrates. During the time in which a man remained in office, it was lawful for no one to lodge an accusation against him; but as soon as they had departed from the province, they were prosecuted as defendants for many misdeeds. Many were accused, many condemned, and also many acquitted. Later, when judgments had been corrupted, the provinces were plundered. It would altogether be best to restore this method, if frequent change did not greatly obstruct it. But since it is now not so expedient for this to be done, this course must be taken: an annual rendering of accounts should be introduced into custom, the complaints of peoples should be heard, injuries avenged, and the oppressed relieved.

An account of these matters must be required. First, did they do anything against the state? Did a man free enemy commanders with money; did he permit them to escape when he could have detained them; did he attempt to overthrow the highest interest of the state; did allies take up arms through his work and counsel, as is treated in the Varia law? The Sullan law concerning this was most severe and exceeded moderation, being a rival of proscription.

Furthermore, inquiry is ordered into the man who removed an intercession or hindered a Magistrate from exercising his office; who led an army out within a province; who waged war of his own accord; who solicited an army; who pardoned captured enemy commanders or freed them for money; who pardoned captured leaders of robbers; or who did not defend his power in administering. Here the testimony of a woman is accepted; no penalty is established against calumniators; and no dignity is exempted from bloody interrogations.

[Printed page 540]

To this belongs the case in which hostages were killed by his command, a Magistrate was slain, enemy soldiers were assisted, a province was not handed over to his successor or was betrayed to enemies, or money was accepted during embassies.

Yet it rarely happens that provincial Governors are guilty of treason. For they are generally more honored among their own Princes than they could be among enemies under the name of traitor. Formerly it was frequent, when a new Emperor had been elected, immediately to change allegiance and conspire against the Prince. Two other crimes are so customary that they have already passed into accepted practice: embezzling public money and plundering allies. The Romans punished the crime of peculation most severely; at first they vigorously punished injuries to allies, afterward more languidly, and finally neglected them. How frequent peculation--that is, theft of public money--formerly was is proved by the fact that a standing court for peculation and a court for extortion were each entrusted to its own Praetor. Yet more men were accused of peculation because the treasury has many avengers; the cause of allies is easily abandoned.

Money is then extorted from allies in many ways: by hope, fear, malicious fraud, acceptance of gifts, sale of judgments, exactions by attendants, and the usury of publicans. Hence the Senate gave the allies *recuperatores*. Lucius Calpurnius Piso proposed that a definite Praetor be established for this matter, to whom the allies might flee. There are the Caecilian, Junian, and Servilian laws concerning these matters; under the latter law the Praetor selected four hundred and fifty men. Lest lawsuits be drawn out and the Legates of the allies remain at Rome to their great disadvantage, the Acilian law provided that cases could not be adjourned for further inquiry or deferred to the next day. The Cornelian law added that inquiry should be made in the same manner whether a man had treated provincials or allies lustfully, proudly, or cruelly. It extended this also to those to whom the money had come. The penalty was that, once the defendant had been condemned, damages should be assessed and he should be interdicted from water

and fire. And do not marvel: Julius Caesar, the greatest of thieves, enacted a precise law concerning this matter, containing those very heads under which he himself was guilty above all men.

Besides the things said above, it contains these provisions: if anyone accepted money to do more or less of anything from his office; if anyone not possessing the right to testify accepted money to declare or not declare testimony; if anyone accepted it for sending or not sending a soldier, for stating an opinion in the Senate, for granting or not granting a Judge or arbiter; if he entered a public work as accepted before it was completed; if he exceeded the prescribed measure in exacting grain; if he did not leave his accounts in two cities of the province and report the same to the treasury in identical words; or if the Judge's attendant accepted money.

§ 2. If, amid so many laws and judgments, there were not lacking men who plundered or raged at their own peril, knowing that penalties must be paid upon conviction, what will happen where the administration is longer and there is no fear of the laws? What Scauri, Galbae, Hortensii, Pleminii, Verreses, Felices, and Flori may we suppose that the hope of impunity will produce? So many and so pious laws were established by the Kings of the Spains for the benefit of the Indians; but nothing was as effective as the Legates and Bishops sent into those regions to restrain the injuries of the Governors. This, therefore, must be established: a province will never be rightly governed except by a very few men, unless the Propraetor or Viceroy fears the King as much as the subjects fear the Viceroy. This practice therefore formerly belonged to all kingdoms, and must also be employed now.

§ 3. Empires are either middling, great, or very extensive; I speak of the expanses of lands and seas. In all of them a different system can and ought to be instituted. The Athenians possessed a middling Empire. Because access was easy from a moderate distance, they drew all the greater judicial proceedings and causes into their city. Thus Xenophon in **Περὶ Ἀθηναίων πολιτείας**, *On the Polity of the Athenians*:

> The Athenian people appear to act imprudently in this too, because they compel the allies to sail to Athens to seek justice. But they themselves set forth the advantages which arise from this for the Athenian people. First, they receive pay from the Prytaneis throughout the whole year. Next, while sitting at home, without a sea voyage, they administer the allied cities; they preserve the popular party and oppress their adversaries in judgments. But if each city had jurisdiction at home, since the Athenians are hated, they would overthrow from among themselves those who were greatest friends of the Athenian people.
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> To these things it is added that the Athenian people make these gains while the allies seek justice at Athens. First, the hundredth tax is greater for the city at Piraeus. Next, if anyone owns an upper room or a slave for hire, he gains from it. Furthermore, heralds conduct their business better because of the journeys of the allies.
>
> In addition, if the allies did not come to court, they would honor only those Athenians who sailed to them--Generals, Captains of triremes, and Legates. But now each of the allies is compelled to court the Athenian people, understanding that he must go to Athens to undergo trial and plead his cause before no others than the people, who assuredly are the law at Athens. Therefore he is compelled to supplicate in the courts and, whenever anyone enters, to grasp his hand. For this reason the allies become more the servants of the Athenian people.
>
> Add that, because of their possessions and principal offices distant from their own borders, they incidentally learn to row, both they themselves and their companions. For a man who sails often must grasp an oar, as must his servant, and must learn the names of nautical equipment. They become good pilots both through experience of vessels and through practice. Some practice by steering a vessel, others by steering a merchant ship; some pass from this to triremes, while many, as soon as they enter ships, row, since they can do so because they have practiced throughout their whole life.

The Athenians acted with a bad end, indeed, but under a specious title. Accordingly, although most matters were badly established, their Governors who commanded the cities were nevertheless restrained by great fear from inflicting injuries upon the allies. For since men from all the cities traveled to Athens for the sake of their causes, while the Athenian people judged, the crimes of powerful men could not remain hidden. Since the more powerful were also

hated in a popular form of the city, they could not hope for pardon from the people. For this reason the Athenians were more pleasing than the Lacedaemonians, whose rule over the cities of Greece was harsher.

If the Empire is great, such as the Spanish Empire is now and the Roman Empire was under the ancient Emperors, the Emperor or King can travel around the provinces, as Hadrian formerly did according to Spartianus, and punish Procurators and Governors for their deeds. Herodotus relates that in ancient times the Kings of the Persians were accustomed to traverse their kingdom to see whether there was anything which needed royal assistance. Plato says the same about Minos, but his dominion was enclosed within narrower bounds. In great Empires this is more difficult.

For very extensive Empires, such as that of the King of the

Spains, can never everywhere enjoy the presence of their Prince. Nor is it expedient: if he were to make a journey to America or the East at his own peril, he would place all his kingdoms in danger. Therefore, in inspecting and governing them, he needs the best and most steadfast men.

§ 4. But no man's virtue must be trusted in such a way that the Prince does not know the account of his administration, both because magistracy reveals the man and because honors easily change virtue. Nicholas Bellus relates this praiseworthy practice in the Kingdom of Sweden:

> Above the Viscounts, he says, is a superior or Prefect who is called in Latin the Lawgiver, an office which approaches nearest to the Royal Majesty. He is very like the Seneschals of France, and such men are called *Lamem* by the Swedes, as though Supreme Justiciars. An appeal lies from the Viscounts to the Prefects and Lawgivers; from them to the Royal Council; and from this to the King himself. The Royal Majesty moreover affirms that in those kingdoms there are eleven Prefects or Lawgivers, to whom more than three hundred Viscountcies are subject. The Lawgivers travel around and inspect a part of their territory every year, until, after inspecting it on every side and completing a kind of circuit, they return again to inspect the earlier part. Just as this contributes wonderfully to knowing in detail the condition of the state and applying opportune remedies to public diseases, so it relieves and revives the peoples, since they exact the tax by turns from the territories and parishes which they inspect, and all are not burdened at once.

The knee is regarded as closer to everyone than the calf, as Theocritus used to say. Each man cares for his private interests. In their sacrifices the Persians prayed for the King and kingdom, not for themselves; yet each man plundered for himself. The same is done now also unless a daily examination strikes fear.

In this manner administration now proceeds more rightly in the New World. For at first the inhabitants were treated with the greatest severity, both on account of their innate barbarity and savagery and because the avarice and cruelty of the soldiers was harsher toward cannibals. It exasperated everyone that, neglecting treaties and oaths, the victors slaughtered all without regard. But when Theologians perceived that the wretched were oppressed, they vigorously pleaded their cause. Francis of Zumárraga, of the Seraphic Order and endowed with true zeal, reported the whole matter to Charles V; Rodrigo Minaya, having journeyed to Paul III for this cause, obtained assistance for the liberty of the Indians. Bartolomé de las Casas also vigorously opposed the oppressors. The jurist La Gasca reformed the jurisdiction. Now the matter is most excellently constituted.

For the Viceroys have their Counselors; they have other independent Governors in the kingdom; they have Bishops whose care it is that all things be administered justly. There are nine supreme Consistories or judicial Parliaments in New Spain and five in Peru, from which there is no appeal. Reports concerning matters to be done are made almost every month. This is done more expeditiously because those matters are judged not suddenly and rashly but deliberately. For other established councils govern all these matters, and the King decrees after hearing the opinion of the Counselors. These councils are the Privy Council, the Council of War, and those of Italy, Aragon, Navarre, Belgium, and the Indies. The account of all matters is referred to them; they respond; and the command for execution

is written by the King. Thus the deeds and errors of all are reported and judged not only in Spain but even in the most distant provinces, and are requited by reward or punishment.

Bellus says:

> Cities are governed by one of their own citizens, upon whom the King bestows the name and authority of Governor, and by Counselors whom the citizens themselves elect. When the Governor has completed his magistracy, inquiry is almost always made into his acts by a careful proceeding. After this proceeding has been examined, the Royal Council reports the things badly done to the King's Majesty, who chastises the Governor if he understands that he was unjust and criminal; but if he perceives that the man fulfilled the due parts of justice and diligence, he exalts him to greater and nobler offices. Finally, there is no man who conducts himself honestly and according to virtue for the King and state who is not most generously rewarded, just as, conversely, those who fail in their office through dejection of spirit, negligence, or injustice are punished and chastised. This assuredly is the principal cause and reason by which this most sacred Crown is preserved and is exalted more from day to day.

It has sometimes come into my mind to marvel how, contrary to the custom of all kingdoms, so great a Monarchy has stood for so long a time without sedition, rebellion, or revolt. Besides divine providence, I find no other cause than that the deeds of all men are in the sight of the Royal Councils and of the King. For a hundred years the Spains have held the Indies and various dominions in such remote and inaccessible provinces, with so great an occasion for treaties with barbarians and so great a license for sinning; yet scarcely any revolts or tumults have been heard of, and only the Pizarros waged civil wars in America.

But if we examine the mature Roman Empire, no decade will be found in which there were not more seditions, conspiracies, plunderings of allies, peculations, and crimes of extortion than that so widely extended Monarchy saw in a whole century. This is a sign that the kingdom abounds in excellent laws and men.

§ 5. This, therefore, is the support of a kingdom which is not only most powerful but is also spread in different directions toward the East and West: everything is so filled with inspectors and with men writing to the King and the Royal Councils that the beginnings of plots and injuries can easily be suppressed and their authors discovered.

CHAPTER X

Magistrates Should Not Readily Be Changed

§ 1. The Romans had annual Magistrates in the provinces. There was a twofold reason for this: both lest, through long familiarity with provincials and soldiers, they should acquire a power formidable to the fatherland, and so that access to wealth and honors might lie open to more men. Accordingly, that perpetual changing was instituted not for the good of the state but through the cupidity of powerful men. But if another means of security had been devised, there would have been no need to change Governors every year. Statius says, "A short reign does not spare peoples." Charles V did not readily change magistrates.

§ 2. The Roman custom of renewing provincial Magistrates annually conduced neither to the security of the state nor to the advantage of the provinces. The cause which did not produce security was the wickedness of those men who, if they had not been able to seize the state by continuing Magistracies, would have ruined it by some other crime. Machiavelli, book 3 of the *Discourses on the Republic*, chapter 24, contends that Rome was brought to destruction by the prolongation of magistracies; but he attends, not rightly to the cause of the evils,

[Printed page 542]

but to that which immediately preceded the evil. The words of Machiavelli's discourse are as follows:

> If anyone carefully examines the form of the Roman state, he will discover that the primary cause of its destruction arose from Agrarian disputes and from the prolongation of magistracies. If provision had been made against these diseases in time, public liberty could have been longer-lasting and more peaceful. For although no seditions appear to have arisen at Rome because commands were prolonged, it is nevertheless established that those whose Magistracies were prolonged attained such authority and power as was pernicious to public liberty. Indeed, if all those whose Magistracies were ever continued had been like Lucius Quinctius, no danger to public liberty could have been created from that matter. For when there were disputes between the plebs and the fathers, and the plebs had again created the same Tribunes for the following year--because they considered them fit to resist the fathers--and the fathers for the same reason wished to prolong Quinctius's consulship, he resisted vehemently and did not permit the fathers to imitate the plebs in a matter that was of evil example; and by great exertion he obtained the election of new Consuls. If the other Roman citizens had imitated him, they would by no means, through a most evil example, have dissolved the ancient decree of the Senate concerning the continuation of Magistracies; nor would the continuation of Magistracies have led to the prolongation of command, a thing which brought destruction upon the state.
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> The first man whose command was prolonged at Rome was Publius Philo. For when he was besieging Palaepolis and, near the end of his consulship, seemed to have victory in his hand, they sent him no successor, but prolonged his command and declared him Proconsul. Although this had been decreed by the Senate for the public good, in the course of time it passed into a most evil precedent and introduced tyranny into the state. For the farther from the City a war had to be waged, the more necessary that prolongation of command appeared. Hence it came about that fewer Roman citizens could excel in military affairs, since fewer became Commanders, and all the glory of war returned to a certain few whose commands were prolonged. Furthermore, a commander who had long commanded an excellent army could easily bind it to himself, so that, having in some fashion forgotten the Senate and People of Rome, it acknowledged only the commander's fasces. For these reasons it came about that both Marius and Sulla could lead an army against the state and seize it. These evils would never have befallen the Senate and People of Rome if that prolongation of Magistracies and Commands had not been in use.
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> If you object that such great affairs could not have been conducted by the Roman people in places so remote from the City unless the Magistracies of the Commanders had been continued, I reply that perhaps so great a height of

> empire could have been attained more slowly, but that empire would afterward have been more enduring, and a Monarchy could not have been introduced so quickly after public liberty had been abolished.

He is too hostile to long commands, although without prolonged or perpetual commands no empire has long endured. I seem to hear Gaius thundering in a most shameful cause: "Well done, Petronius! You have not learned to listen to a commander; you are swollen by Magistracies continued until now." It is established that the examples of all states, and especially of the Roman state, may be set against Machiavelli.

But let us examine examples. The Kings of the Persians had Satraps in long and almost perpetual commands; before them, so did the Chaldeans and Assyrians. Nebuchadnezzar set Daniel and his companions over affairs, chapter 3; Darius did the same in chapter 7. But if we consider the states of Greece, what was accomplished by them except through distinguished men whose commands they prolonged? The Athenian Commanders Pericles, Nicias, Demosthenes, Cleon, Tolmides, and Myronides are illustrious in Thucydides, distinguished by great victories, whether naval or terrestrial, at Cythera, Megara, Corinth, Pylos, the Peloponnesus, and in Boeotia. Nor did those who were worse than these command for only a year: Alcibiades, Thrasybulus, Theramenes, and Archippus. For Miltiades, Cimon, Themistocles, and Chabrias held longer commands. No people was ever more unjust toward its Commanders and Princes than the Athenian people, through envy and perpetual suspicion lest they either excel or exercise tyranny; nevertheless, it could not defend itself without the commands of brave men, and indeed prolonged ones.

Nor did the Lacedaemonians act otherwise once they had become powerful, as the same Xenophon says in **Ἐν Λακεδαιμονίων πολιτείᾳ**:

> **Οἶδα γὰρ πρότερον μὲν Λακεδαιμονίους αἱρουμένους οἴκοι τὰ μέτρια ἔχοντας ἀλλήλοις συνεῖναι μᾶλλον ἢ ἁρμόζοντας ἐν ταῖς πόλεσι καὶ κολακευομένους διαφθείρεσθαι. Καὶ πρόσθεν μὲν οἶδα αὐτοὺς φοβουμένους χρυσίον ἔχοντας φαίνεσθαι, νῦν δὲ εἰσί τινες καὶ καλλωπιζόμενοι ἐπὶ τῷ κεκτῆσθαι. Ἐπίσταμαι δὲ καὶ πρότερον τούτου ἕνεκα ξενηλασίας γιγνομένας καὶ ἀποδημεῖν οὐκ ἐξόν, ὅπως μὴ ῥᾳδιουργίας οἱ πολῖται ἀπὸ τῶν ξένων ἐμπίμπλαιντο. Νῦν δ᾽ ἐπίσταμαι τοὺς δοκοῦντας πρώτους εἶναι τοῦ διακατέχειν ὡς μηδέποτε παύωνται ἁρμόζοντες ἐπὶ ξένης.**

For I know that formerly the Lacedaemonians much preferred to live together at home while possessing moderate means rather than to be magistrates in cities and be corrupted by flatterers. And formerly, indeed, they feared lest they should appear to possess any gold; but now I know some who glory in it. Nor am I ignorant that, for this reason, foreigners were formerly customarily expelled and travel abroad was not permitted, lest citizens draw cunning and deceit from foreigners. But at the present time I know that those who appear to be foremost apply themselves especially to this: that they may never lay down a magistracy abroad. And formerly, certainly, they labored to be worthy of command; but now they labor to command rather than to be worthy of command. If, therefore, they sought not merely prolongations but perpetuities of command, it readily appears that those commands were not merely annual; for otherwise they would seek duration in vain.

But let us inspect the Roman state. Tiberius, whom Lipsius calls skillful in commanding, drew annual commands out to great length. Tacitus says in book 1:

> It was also a custom of Tiberius to continue commands and to keep most men to the end of their lives in the same armies or jurisdictions. Various causes are reported. Some say that, through weariness of new care, he preserved decisions once made as perpetual; some, through envy lest more men should enjoy them. There are those who think that, as his disposition was crafty, so his judgment was anxious; for he did not seek eminent virtues and, on the other hand, he hated vices: from the best men he feared danger to himself, and from the worst public disgrace. By this hesitation he was at last carried so far that he entrusted provinces to some men whom he was not going to permit to depart from the City.

Fescenninus Niger also argued many things to this effect in Spartianus. "He was of such authority," he says, "that he wrote first to Marcus and then to Commodus, when he saw that the provinces were being overturned by the easy

changing of administrations. First, that no successor should be appointed to any provincial Governor, Legate, or Proconsul before five years, because they laid down their power before they knew how to administer. Then he urged that no new men should approach the governing of the state except through military administrations, and that Assessors should administer in those provinces in which they had sat as Assessors. Severus and then many afterward maintained this, as the Prefectures of Paulus and Ulpian prove: they had been on Papinian's council, and afterward, when the one had served at the bureau of records and the other at the bureau of petitions, they were immediately made Prefects. It was also his rule that no one should sit as Assessor in his own province,

[Printed page 543]

and no one should administer at Rome unless he were a Roman, that is, sprung from the City."

Augustus also permitted Governors to hold long administrations. First, he made the Prefecture of the City, which was a great dignity, almost perpetual. He transferred Varus from Syria into Germany. In his testament he gave Tiberius the command that he should entrust the state to those who were strongest in practical knowledge and experience. But he could not have given it to experienced men if they were changed every year.

Yet Julius became more powerful than his fatherland from a prolonged province; so too did Sulla and Marius. Thence came Roman servitude.

I reply that the power of citizens is necessarily increased by continued or repeated Magistracies, just as it is by one Magistracy held once. But that which supplies a cause of greater power is not always to be avoided. For in truth a great part of the Roman citizens considered prolongation salutary. Moreover, unless indomitable Gaul, always formidable to Rome--unless the Batavians, Germans, and Helvetians--had faced a sufficiently vigorous and prudent Commander while the state was struggling with the Asian, Mithridatic, and Pirate Wars, the highest interests would have been placed in peril.

But the custom of continuously continuing or repeating Magistracies existed from the very beginning of the state. Brutus, Postumius, Quinctius, Camillus, Manlius, the Fabii, the Papirii, the Curii, the Fabricii, Africanus, Paulus, Metellus, and even Sulla and Marius held continued commands. The consular fasti themselves exhibit several consulships and triumphs; for whenever the state was in danger--and it is always in some danger--it looked to great and experienced men.

But let us weigh Machiavelli's arguments. When the plebs had created the same Tribunes because they were fit to resist the fathers, the Fathers also wished to prolong Quinctius's consulship; he himself resisted this because it was of evil example.

I am accustomed to marvel when I see history employed so childishly. Quinctius the Consul did not refuse prolongation because he considered it an evil precedent and an occasion for tyranny, whatever he pretended, but for other reasons. First, because the Senate had thus decreed: "Neither shall the Tribunes carry a law in that year, nor shall the Consuls lead the army out of the City. For the rest, the Senate judges that Magistracies should not be continued and that the same Tribunes should not be reelected, as being contrary to the state." Second, the Consul himself adduces this and other reasons:

> I should marvel, Conscript Fathers, if your authority with the plebs is so empty that you yourselves diminish it. For because the plebs dissolved a decree of the Senate concerning the continuation of Magistracies, you yourselves also wish it dissolved, lest you yield to the rashness of the multitude--as though to possess more license and levity were to possess more power in the state. For it is assuredly more frivolous and empty to abolish one's own decrees and resolutions than those of others. Imitate, Conscript Fathers, the unreflecting crowd, you who ought to be an example to others; sin by the example of others rather than have others act rightly by yours, provided that I do not imitate the Tribunes and do not permit myself to be declared Consul contrary to the decree of the Senate. But you, Gaius Claudius, I exhort both to restrain the Roman people from this license and to persuade yourself of this

> concerning me: I shall receive it as though, not my honor had been impeded by you, but the glory of despising honor had been increased, and the envy which threatened from its continuation had been lightened.

Thus spoke Quinctius, who not only could not seize a tyranny but despaired that the Fathers could defend themselves from the tyranny of the plebs. Here there is no reasoning concerning the danger of tyranny. But what he says is greatly to be noted: that the envy which threatens from a continued honor is lightened by the creation of a new Consul. For the plebs greatly feared Lucius Quinctius, since it would have him as an angry Consul, supported by the favor of the Senate, his own virtue, and three sons. Already before this the fiercer of his sons, Caeso, had been driven into exile, and Quinctius himself was compelled to pay the money for which his son had given bail. Livy says: “The money was exacted cruelly from the father, so that, after all his goods had been sold, he lived for some time across the Tiber, as though banished, in a hut.” Deservedly, therefore, he refused continuation through fear of envy, although, if we consider the matter, the authority of the Senate prolonging the consulship could be preferred to the fear of Quinctius refusing it.

Finally, other things which occurred in this contest are proof to us that the consulship was not refused because the Romans disapproved its continuation and repetition. For in place of Quinctius and his colleague there were created as Consuls Quintus Fabius Vibulanus, for the third time, and Lucius Cornelius Maluginensis. Why did they not fear tyranny in Fabius? There is no less danger in repeated Magistracies than in continued ones.

Machiavelli nevertheless objects, on the contrary, that from the prolongation of command it came about that fewer Roman citizens could excel in military affairs, since fewer became Commanders, and that all the glory of war returned to a certain few whose commands were prolonged.

But this did not cast down the spirits of brave men. For when they observe that some among the many who have waged wars are held in great glory, when they see their command prolonged, see them reelected, and see them summoned again to great works, they are equipped by emulation. Virtue has sharper spurs if its activity is not concluded by the course of only one year. If it is pressed by a successor and the possibility of returning is cut off, it easily grows obsolete. But his judgment that men cannot excel in military affairs because fewer become Commanders is contrary to experience. David had the bravest soldiers and most excellent Commanders, yet David was King and Joab Commander of the army. Who hoped for command while Alexander lived? Who was Commander in Macedonia while Philip reigned, supported by several sons? And yet in his court there was a great abundance of the greatest Commanders; had they not dashed against one another, they could easily have obtained the whole world. Assuredly, more than thirty Commanders were equal to any King, although more had perished partly in war and partly through Alexander’s cruelty. The Macedonians therefore became great Commanders, Generals, and Kings, not by commanding in turns, but by serving under Philip, the most cautious of Kings. Familiarity with a great King, consultations, and exercises made them great. Such were those who led ranks under Pompey and Julius; such are those who flourished under the Prince of Parma and Spinola. Supreme honor indeed excites men to the hard rudiments of war; but without it military skill can and commonly does subsist. No prudent man chooses a Commander so that he may learn to wage war; the experiment is too insolent when the entire state is in danger.

But the army obeyed its commander rather than the Senate; this was caused by the prolongation of command. Hence Marius, Sulla, and Julius.

Hence laws and plebiscites were compelled.

It seems to me that the fault lay not so much in prolonging command as in--

§ 2 (continued).

[Printed page 544]

creating such Magistrates in the beginning--or, to speak more correctly, in prolonging command for such men. I am speaking finally of liberty destroyed under Julius; for Marius and Sulla deserved very well of the fatherland, although

through the contest of parties they ruined everything. Nor here was the fault of Marius and Sulla greater than that of others. Florus has excuses for the Commanders rather than for the soldiers, book 3, chapter 21:

> I would somehow bear it with a more equitable mind if plebeian commanders, or at least evil nobles, had furnished leadership for the crime. But when--O crime!--such men, such Commanders, the glories and ornaments of their age, Marius and Sulla, furnished even their own dignity for the worst crime, the state was agitated, so to speak, by three constellations. In the first, light and moderate, cruelty arose in a tumult greater than the war itself against the commanders of the armies. Soon, in a second and bloodier one, victory raged through the vitals of the whole Senate. The last surpassed not only civic but also hostile madness, when the fury of arms rested upon the strength of all Italy and hatreds raged so far that there were none left to be killed. The beginning and cause of the war was Marius's insatiable hunger for honors, when through the Sulpician law he disturbed the province allotted to Sulla. But Sulla, impatient of the injury, immediately wheeled his legions about and, Mithridates being postponed, poured a double battle line into the City through the Esquiline and Colline Gates.

Caesar and Pompey became powerful through prolonged commands, but the envy of other citizens caused them to abuse their power. "The cause of so great a calamity," says Florus in book 4, chapter 2, "was the same as that of all others: excessive prosperity. For when Quintus Metellus and Lucius Afranius were Consuls, when Roman majesty was powerful throughout the whole world and Rome was singing recent victories and the Pontic and Armenian triumphs in Pompey's theaters, Pompey's excessive power stirred envy among idle citizens, as commonly happens. Metellus, because his Cretan triumph had been diminished, and Cato, always hostile to powerful men, began to disparage Pompey and oppose his acts. This resentment drove him astray and impelled him to seek supports for his dignity. By chance Crassus then flourished in lineage, wealth, and dignity, yet wished for greater resources. Gaius Caesar was elevated by eloquence, spirit, and now also the consulship; nevertheless, Pompey towered over them both. Thus, since Caesar desired to acquire dignity, Crassus to increase it, and Pompey to retain it, and all alike were desirous of power, they easily agreed upon invading the state. Therefore, when each strove by their mutual strength for his own distinction, Caesar invaded Gaul, Crassus Asia, and Pompey Spain. Three very great armies were held, so that now the command of the world was occupied by the partnership of three Princes. That domination lasted ten years, since they were held together by mutual fear. After the death of Crassus among the Parthians and the death of Julia, Caesar's daughter, who, married to Pompey, maintained the harmony of father-in-law and son-in-law by the bond of marriage, rivalry immediately broke forth. Caesar's resources were now suspect to Pompey, and Pompey's dignity burdensome to Caesar; neither the one endured an equal nor the other a superior."

Nor is it so marvelous that powerful men were offended when, in return for their deserts, for enlarging the Empire, for bringing safety to the fatherland, and for innumerable dangers, they saw insult and new dangers. Such men ought not to have been trusted from the beginning. There were so many forewarnings concerning Caesar that the Romans' being deceived was not a matter of error but of will. When friends resisted Sulla as he deliberated about killing him, Sulla said that they had no understanding if they did not see many Mariuses in that boy. They knew that, when twenty talents were demanded of him, he had given the Pirates fifty and had killed them without a Magistrate's knowledge.

Since he gave so many indications of tyranny, Caesar did not steal upon men unaware. Plutarch relates it thus in his life:

> By dinners, his table, and, in sum, the splendor of the rest of his life, he gradually gathered power in the state. His envious rivals, supposing that this would shortly vanish when his expenditures failed, safely permitted him to become illustrious in the state. But late, when his resources had now become immense and overpowering, and they perceived them openly breaking out into a change of affairs, they observed that the beginning of no matter should be judged small, since continuation does not fail immediately to render it great, and since by being despised it obtains the advantage of not being impeded. Therefore Cicero, who seems first to have regarded Caesar with suspicion and to have feared his serenity in governing the state, as one fears serenity at sea, and who considered the sharpness hidden beneath his humanity and flattery, said that in all his other undertakings and actions he discerned

> a tyrannical disposition. “But when,” he said, “I see his hair arranged so carefully and see him scratching his head with one finger, on the other hand this man does not seem to me likely to conceive so great an evil in his mind as to overthrow the Roman state.”

They knew that before he had held any Magistracy he possessed a debt of thirty-one million two hundred thousand sesterces, as is found in the same author, and that he had contracted this through great expenditures and splendor. He had placed images of Marius on the Capitol; all men cried that he was contriving a kingdom; fear of his audacity seized all. Lutatius Catulus, accusing him in the Senate, said: “Caesar no longer attacks the state by tunnels, but now by siege-engines.” Since he was suspected in the conspiracy of Catiline, how could they doubt what he would do, when he publicly protested in the Senate that he would pass over to the people? Why did the Senate itself not decree the Agrarian laws and colonies? What of the claim that, while Aedile, he conspired with Crassus to slaughter the Senators? What of the fact that he terrified his enemies with a numerous household? The Senate knew all these things. Therefore it brought it about by largesse that not Lucceius but Bibulus should be designated Consul with him, as Tranquillus teaches. The Senate also contrived that provinces involving the least business--that is, woods and hills--should be decreed to the Consuls. For what would he not do in a province, when at home he compelled his colleague Bibulus and the Senate to confine themselves through fear? So much so that the tyranny was mocked in verses:

> Nothing has lately been done under Bibulus, but under Caesar;
>
> For I remember nothing done when Bibulus was Consul.

Thus, by way of jest, men dated documents “in the consulship of Julius and Caesar.” Finally, through conspiracies he obtained the decree of Gaul to himself for five years. Tranquillus, chapter 22:

> Therefore, with his father-in-law and son-in-law supporting him, from the entire abundance of provinces he chose the Gauls above all, whose advantage and opportunity offered suitable material for triumphs. At first, indeed, by the Vatinian law he received Cisalpine Gaul with Illyricum added; presently he received Gallia Comata also through the Senate, because the Fathers feared that, if they themselves refused it, the people would give him this province too. Elated by this joy, he did not restrain himself from boasting a few days afterward in a crowded Senate that he had obtained what he desired against the will and amid the groans of his adversaries, and that henceforth he would leap upon the heads of them all. And when someone said insultingly that this would not be easy for any woman, he replied, as though alluding to it, that Semiramis too had reigned in Assyria and that the Amazons had once held a great part of Asia.

Then he bound the annual Magistrates to himself. Tranquillus, chapter 23:

> Therefore, to secure the time to come, he regarded it as a matter of great importance always to bind the annual Magistrates to himself and to assist no others among the candidates, or permit them to attain honor, except those who had covenanted to defend him in his absence. From some he did not hesitate to exact an oath and even a written bond concerning this agreement.

Caesar therefore was already ruling before this. For the Senate, which he alone wished extinguished, after Caesar had received Cisalpine Gaul and Illyricum from the people, voluntarily added Gallia Comata, lest the people give him this also. Caesar’s power lay in the favor of the people, then in conspiracy and the purchase of powerful men. Meanwhile he nevertheless added much to the Empire, when all things would have been in danger unless the Gauls had been defended by a vigorous Commander. Therefore it was not long command, but--as commonly happens--the favor of the people and fear among the aristocracy that imposed that tyrant upon the City and the world. He was already a tyrant when he ordered his command to be continued.

[Printed page 545]

Accordingly, I do not approve annual Magistracies: both for the reasons set forth above and because transitions of government offer an opportunity for great and evil undertakings. It is also easier to endure one evil man than many. It is difficult for provincials to accommodate themselves to the variety of characters in different men, who are not merely contrary to one another but burden those who pleased their predecessors. Elsewhere I have said how greatly departing and returning Governors burdened the provinces with gifts and coronation gold. But what is most foul is this: those who think that they have obtained the single, almost unique, opportunity in their entire life to become rich use it most shamefully and avariciously; and since they fear trials and punishments, they attempt every abomination.

§ 3. Therefore, unless many other errors concur, the prolongation of commands is not sufficient for the destruction of a state. Nor did Julius first overthrow liberty when, after two five-year periods spent subduing Gaul, he waged many wars whose outcome was not easy; rather, he did so when by force and fear of death he compelled his colleague the Consul and the Senate to abstain from the Senate-house, and by the same fear drove them, though most hostile and unwilling, to decree to him an extraordinary five-year command in both Gauls and Illyricum; and when, after forming a conspiracy with Pompey and Crassus, he extorted a second five-year period. Thus, before the prolongation, he was already more powerful and had oppressed liberty.

Others attempted the state with greater danger, although success failed them. Spurius Cassius endeavored through Agrarian laws to bind the plebs to himself; his father killed him. Maelius had planned to purchase it more effectively by largesse and would have accomplished it had Servilius Ahala not stabbed him in the middle of the Forum. They cast Manlius down from the Capitol when he was suspected of tyranny. These are the arts of all who wish to reign in a popular state. The Tribunes themselves advanced by this art. Florus, book 3, chapter 13.

§ 4. The Tribunician Power stirred up the causes of all seditions. In appearance, indeed, it sought the favor and support of the people through Agrarian, grain, and judicial laws, for the protection of the plebs, for whose aid it had been instituted; but in reality it was acquiring domination. In all these things there was an appearance of equity. For what is so just as for the plebs to recover its right from the fathers, lest the people, victor over nations and possessor of the world, live as an exile from altars and hearths? What is so equitable as for the needy people to live from its own treasury? What is more effective for the right of equalizing liberty than that, while the Senate governs the provinces, the authority of the equestrian order should at least rest upon the dominion of the courts? But these very things returned to destruction. The wretched state was the merchandise sold for its own ruin: judicial power transferred from the Senate to the equestrians suppressed the revenues, that is, the patrimony of the Empire; and the purchase of grain exhausted the treasury, the very sinews of the state. How could the plebs be brought back to the fields without overthrowing their possessors, who were themselves part of the people and who, through long time, possessed the seats left to them by their ancestors as though by hereditary right?

For what else did Gnaeus and Gaius Gracchus ever do? The one carried Agrarian laws and his brother defended them; both were quickly killed by the faction of the nobility. Caesar, proceeding by the same road, was brought after a longer crisis to twenty-three wounds. Apuleius pressed the Gracchan laws more sharply; but after he had now dominated for three years and had killed Gaius Memmius, a candidate for the consulship, the people covered him with stones and clubs after a siege, and he was torn to pieces even in death. Drusus, after bestowing everything and obtaining what he intended, died. All these men acted in the same way as Julius; the only thing lacking was that they did not depart into provinces from which they could purchase the favor of Magistrates.

§ 5. Furthermore, I do not approve commands of Governors which are at once very long and great. By them Governors are rendered powerful, and even more savage and less obedient to command. Provinces must therefore be divided, as was prudently done by the Romans of old. The consular provinces were Nearer Spain, Farther Spain, Gaul on this side of the Alps, Gaul beyond the Alps, Illyricum, Dalmatia, Cilicia, and Syria. The Praetorian provinces, however, were: 1. Sicily; 2. Sardinia and Corsica; 3. Africa and Numidia; 4. Macedonia, Achaea, and Greece; 5. Asia, Lydia, and Caria, with Mysia and Ionia; 6. Pontus and Bithynia; 7. Crete; 8. Cyprus. If this distribution had been preserved, scarcely anyone could have become more powerful than the state. For beyond these provinces stood Rome and the

strength of Italy. Next, all had neighboring Governors as rivals. Third, if any possessed an army, they were harassed by neighboring barbarians. This law was violated in Caesar's case when three provinces were combined into one.

Augustus also produced security for himself by a prudent division. Dio, book 53, page 341:

> **Ἔθνη τε μὲν ἀσθενέστερα ὡς καὶ εἰρηναῖα καὶ ἀπόλεμα τῷ δήμῳ ἀπέδωκε, τὰ δ᾽ ἰσχυρότερα ὡς καὶ σφαλερὰ καὶ ἐπικίνδυνα, ἢ ὅτι πολεμίους τινὰς παροίκους ἔχοντα, ἢ αὐτὰ καθ᾽ ἑαυτὰ μέγα τι νεωτερίζειν δυνάμενα, κατέσχε.**

He gave the weaker provinces to the people, as peaceful and secure from war, but retained the strong ones, as doubtful and nearer to danger, or those which had neighboring enemies, or which by themselves could contrive some great revolution.

Those belonging to the People and Senate were Africa, Numidia, Asia, Greece, Macedonia, Dalmatia, Cyrenaica, Sicily, Crete, Sardinia, and Baetica, all the more peaceful provinces. The rest belonged to Caesar. The following Emperors most prudently divided them further so that they might diminish the power of each Governor. Accordingly, there were ten provinces in Egypt; eleven in Asia and as many in Pontus; six in Thrace and as many in Macedonia or Greece; five in Dacia. In Africa there were three consular provinces--Carthaginian, Byzacena, and Tripolitan--and not only these but others also. Justinian divided Africa into seven provinces which obeyed Governors. The *Notitia Imperii* records seventeen in Italy, of which eight were consular; there were also seventeen in Gaul and seven in Spain. Experience taught this multiplication, lest Governors could easily gather strength for rebellion. The King of the Spains now uses no other method: he assigns the West Indies to different Viceroys, one of whom resides at Lima and the other at Mexico; he divided the East Indies among three Governors. For if the individual men are moderately powerful, none will ever equal the other Governors, much less the King himself.

[Printed page 546]

CHAPTER XI

Lesser Magistrates Must Be Created Who Can Be Promoted to Greater Dignities, and Inferior Honors Must Not Be Despised by Those Who Have Held Greater Ones

§ 1. There are two altogether most salutary laws, the neglect of which has often afflicted the state.

The first is: Let no one be employed in any office, however slight, in which there is honor and dignity, unless there is hope that he will be fit for greater dignities; above all, let him not be admitted to the court and society of the Prince. For in truth those who, induced by favor or a price, admit wicked, imprudent, or pusillanimous men to the beginnings of governing the state expose themselves, others, and those very men to great evils. For they either proceed to adorn and advance them with injury to the state, or leave them in their own place. The former is opposed to the common good; the latter renders them enemies. For when they perceive younger men, and therefore their subordinates, preferred to themselves, forgetting all benefits, they think of revenge, for which they have some opportunity as sharers in power and conscious of secrets. Next, the hope of rising makes men diligent and faithful in office; this hope does not exist in those who cannot rise. Third, an unprofitable crowd--especially in the courts of Kings--cannot better be avoided. For if no one is admitted to private services except one to whom some part of the state can be entrusted for government, the constitution of the kingdom will be most excellent, for there will be an abundance of the best Governors. Such was the assembly of aged Counselors in David's time; such were the Tribunes and Centurions of Philip of Macedon, from whom so many Kings arose.

Furthermore, it is a most ancient practice for the familiars of Princes to be sent from the palace to govern provinces. Daniel's companions were appointed over the works of Babylon, Daniel 3. But they had been educated to stand before the King, Daniel 1. In this matter it is proper to marvel at such skillful care in the King of Babylon for educating the youth who were to be brought to the helm. Behold, that King who devastated the world, at Daniel 1:3, seeks men among the sons of his enemies:

> And the King said to Ashpenaz, chief of the eunuchs, that he should bring in some of the sons of Israel and of the royal seed and of the rulers: boys in whom there was no blemish, comely in form, instructed in all wisdom, cautious in knowledge and taught in learning, and who could stand in the King's palace, that he might teach them the letters and language of the Chaldeans.

They were chosen for the dignity of manly form and talent; for the Hebrew calls them **משכילים**, understanding and intelligent; next, cautious in knowledge, **דעת ידעי**, knowing knowledge, **γινώσκοντες γνῶσιν**. Third, **διανοούμενοι φρόνιμοι**, endowed with prudence; and **φρόνησις τῶν πρακτῶν** is dexterity and knowledge concerning things that must be done.

For these men the King appointed at verse 5 a daily allowance from his own foods and from the wine which he himself drank, so that, after being nourished for three years, they might afterward stand in the presence of the King.

A barbarian King orders talents gathered from the whole kingdom to be cultivated, so that none but prudent and learned men may stand in his presence; meanwhile, the courts of certain Christian Princes are corrupters both of affairs and of morals. That custom was retained among the Persians, 1 Ezra 4:14: "But we, mindful of the salt which we eat in the Palace." The Princes beyond the Euphrates, therefore, had come from the Royal court, and for that reason considered themselves more deeply obligated. The Romans acted much more prudently, if we consider their first institutions--for afterward the dissolute people itself sinned. They wished no one to command in the provinces unless he had held a Magistracy at home, amid so many Magistrates and before the eyes of his own citizens. That this custom also existed among the Emperors is taught both by many other things and by the name of Counts. For because they accompanied the Emperor, they were called Counts, and indeed while the state yet stood. "And among those whom the

state itself has given to you as Counts and assistants, you shall be responsible within these limits which I prescribed above; but as for those whom you wished to be with you from domestic connections or from necessary attendants, who are commonly called members of the Praetor's cohort, you must answer not only for their deeds but also for their words."

Those who had been sent from the court were afterward also named Counts when they administered provinces. Hence arose the dignity of Counts, which was also bestowed upon men who had never been in the retinue of Emperors--indeed, who had never seen the Emperor. Hence the Counts of Italy, Africa, Illyricum, the Spains, and the East.

The custom remains even today that the greatest Princes after Caesar possess and perform Palatine offices as though they were domestics of the Emperor. The Archbishop of Mainz is Archchancellor through Germany; the Archbishop of Cologne through Italy; the Archbishop of Trier through Gaul and the Kingdom of Arles. The King of Bohemia is Archcupbearer; the Count Palatine, Archseneschal; the Saxon, Archmarshal; the Margrave of Brandenburg, Chamberlain. They sometimes publicly perform their offices. Just as these Princes are not placed in so lofty a rank in order to mix wines, offer dishes, or distribute oats--because some of them never and most only once display their office to the Emperor--but so that they may sustain the highest affairs of the Empire with the Emperor, in precisely the same way it is fitting for all Kings and Princes to have as ministers of domestic affairs those who can govern others and undertake the state. Indeed, Joshua son of Nun was the minister of Moses, whom God appointed leader of the people; Samuel was minister of Eli the High Priest; Elisha poured water upon the hand of Elijah. Through sharing in power, these men were afterward honored more greatly even by God.

§ 2. SECOND LAW. Let those who have held greater Magistracies not disdain afterward to undertake lesser ones. Scipio Africanus furnished a distinguished example in the state when he accompanied, by a voluntary legateship, his brother the Consul, to whom the Syrian War against Antiochus had been entrusted. Pompey's camp was called a Senate; Cicero says in *Philippic* 13 that ten former Consuls were in it.

The laws of the Venetians provide that a man who has previously served with greater dignity may refuse a duty in the army. This law was wisely established concerning war; for it is not advantageous to the state for great men who live with authority to be engaged in wars when offended and unwilling. But in civil affairs it is fitting that one who has held the consulship should be Praetor and Aedile and perform other duties. Let him who has governed the Indies, Naples, and Belgium govern a lesser province; let him preside over councils. For if Governors--powerful men--must be changed, although they rightly administer the part of the state entrusted to them,

[Printed page 547]

it is better that they remain in command than lead an entirely private life.

But in this class of matters it was wisely established in the Empire of Constantinople that honors and titles should be conferred upon those who had been in dignity and had waged wars, by which they might be more honored than the Governors themselves. Certain Kings and Caesars indeed dignified some eminent men with the name of Fathers. Mithridates had adopted Theodorus of Scepsis as Father, as Plutarch is authority in *Lucullus*. But Leo, who was called the Philosopher, made it an established dignity and called it **βασιλεοπάτορα**, Father of the King, according to Zonaras: **Ἐτίμησε βασιλεοπάτορα, αὐτὸς τὸ ὄνομα ἐφευρών**--he honored him as Father of the King, having himself invented this name. Cedrenus must be understood in this way when he says that, through love of Zoe, daughter of Tzautzes, he so adorned his father-in-law: **Τὸ ἀξίωμα καινουργήσας μὴ πρότερον ὄν**--innovating a dignity which had not existed before.

Very well indeed. Previously it had been a name of honor and affection, as when Tiberius called Sejanus father, Gaius called Julianus father, Nero called Corbulo father, and Gordian called Misitheus father, just as a Praetor was regarded as virtually a father to his Quaestor; and as Honorius addressed Stilicho and Arcadius Eutropius in this way. But Leo

wished it to be a peculiar dignity. In exactly this way, being a Count of the Emperor was formerly a title and an honor, while now it is also a peculiar rank in the kingdoms of Europe. Formerly all Patricians were called fathers of the Emperor; for they are said **ἐν τοῖς βασιλέως πατράσι τελεῖν**, or **ἄγειν**--to act among the fathers of Emperors. That it was a great dignity is established from Novel 81:

> Always thinking upon whatever regards the advantage and adornment of the state entrusted to us by God, we hasten to bring it to effect. Therefore, some time ago we also wrote a law concerning our most glorious Patricians, which shows that the conferral of this dignity frees them from paternal power. For we did not consider it fitting that those whom we advance into the office of our fathers should themselves be under another's power. For if the act of emancipation, formerly performed through what are called actions at law, with insults and slaps, freed men from bonds of this kind, how could the most honorable patents of all, given by him who presides over the universal Empire, be unable to free them from paternal power?
>
> But now, thinking more mercifully and even more honorably in the state, we decree the same concerning the most glorious Consuls, who furnish their own name to the age after the Empire and are honored by consular patents alone, and concerning the girdles which can free men from the Curia--that is, the Prefecture and the office of Master of the Soldiers, provided that these are acknowledged in their own seats and works--namely, that every such dignity, or a girdle of this kind acquired by any whom we have approved, which has the power to free them from the Curia, shall also free them from the power of fathers and grandfathers. For if we decreed that, if a slave with his master's knowledge merits military service or obtains any dignity, he is immediately freed by the Empire and carried off into freedom itself, how is it not just that one who merits so great patents should also be made free from paternal power?

But nowhere is there so great an abundance of honored Commanders and of men who are great without a Magistracy as in Spain. Besides commanderies and other supports of dignities, there are Knights of the Golden Fleece, there are those whom they call *Los grandes*, and there are others whose dignity is no less than that of men who are engaged in affairs and commands. Indeed, they too are most advantageously engaged in council and in the government of regions.

CHAPTER XII

A General Division of Magistrates According to the Practical Mode of the State

§ 1. A twofold order is established among Magistrates who are placed beneath another and who, in kingdoms and states, possess the necessity of obeying joined with the right of commanding. For some are engaged in governing men, others in administering public resources. Among those engaged in governing men are those who direct them toward the end of the state, so that they may live according to virtue and become happy. Their duties are various, because some actions are honorable and are commanded for the public good, while others are depraved and are prohibited. But because controversies and lawsuits frequently arise and it is not established what is equitable or good, in every well-constituted state investigators and Judges have been established to determine doubtful matters. These in truth possess public and great power. Those, therefore, who arrange the other matters and take counsel for the fatherland are simply called Magistrates, such as the Consuls at Rome. Those who decide controversies have as their subjects only those who come to grips by law, and only in that cause which has been entrusted to them as Judges. We call them Juridical Magistrates and Judges; the Praetors at Rome were of this sort.

The second class of Magistrates is occupied in acquiring, increasing, and preserving the resources of the fatherland; this generally pertains to Quaestors, because they expend care upon the gain of the state. They are therefore curators of the public patrimony--that is, of all revenues and income, public buildings, and ports. Every kingdom and every state, therefore, is completed by Consular, Praetorian, and Quaestorian Magistracy, and all offices and dignities are referred to these classes. By these, therefore, the polity is constituted according to the ancient custom; and this care falls upon the Monarch, the aristocracy, or the people: that the designated Magistrates govern rightly and justly, pronounce law accurately, and handle the resources honestly and purely. I shall therefore speak concerning these matters from ancient and modern customs and laws.

But because, amid so great a variety of affairs, there is need of stable and wise counsel--which in an Aristocracy and Polity we call a Senate, in a Monarchy by the common name a Council, elsewhere a Consistory, and elsewhere a Parliament--there is no other distinction among them if all things are lawfully administered, except that the councils of Monarchs depend upon them, in an Aristocracy they are free, and in a Polity they are confirmed by the suffrages of the people. If all these things, I say, are lawfully administered, the state is well governed. For many dangers arise from the vices of those who deliberate and give opinions. The peculiar evil of a free Senate is the oppression of the people and the elevation of the nobility; nor is there less danger of popularity in a popular Senate, by which first Athens and then Rome perished. Until now fear and flattery have been injurious in the council of Monarchs. Let us furnish the state first with counsel, then with its Magistrates, and these with their laws.

CHAPTER XIII

A Suitable Senate Must Be Chosen: Its Laws, and Likewise Concerning Counselors

§ 1. Let the Senate, both in a free state and in a Monarchy, be the chief dignity and

[Printed page 548]

power. Its dignity indeed derives from birth and census, but more from the selection of prudence and virtue. God gave Moses a Senate. For although God himself taught him, although he instructed him for two periods of forty days and nights on the mountain, and although he spoke to him face to face as to a friend, he nevertheless joined to him seventy Elders, to whom he gave of his own spirit, so that he might show that by a singular divine power and kindness he favors those who are lawfully summoned to public counsel. This is so true that we see the excellent decrees and most holy opinions and laws of even the most wicked men, and daily make use of the state which they instituted.

But because the highest authority is needed in public counsel, it came about from ancient times that those nearest in dignity were Counselors to Kings. Thus there were seven Princes of the Persians, concerning whom Artaxerxes says in 1 Ezra 7:14: “For you have been sent from the presence of the King and his seven Counselors to visit Judea and Jerusalem.” And at verse 15 the King and his Counselors offer gifts. Therefore Ezra says that God inclined his mercy before the King, his Counselors, and all the powerful Princes of the kingdom. God numbers Counselors among the highest blessings, Isaiah 1:25: “And I shall turn my hand toward you, smelt your dross to purity, and take away all your tin.”

And Proverbs 15:22: “Thoughts are dissipated where there is no counsel; but where there are many Counselors, they are confirmed.” Aristotle also says most truly that counsel is the most divine of the things that exist among men. Although the Roman Senate was drawn from Romulus’s dregs, nevertheless to Cineas it seemed an assembly of Kings. It was called the counsel of the whole world, the most ample order, and the glory of the Empire. But if those commendations possessed any appearance of truth in that Senate, they are most true in the present Empire.

For who denies that the Senate of the German Empire is a royal assembly, in which preside the Emperor of the Romans and seven Electors, one of whom displays the power and insignia of a King, while the others possess an almost royal power and three possess the majesty of the Priesthood? To these are added so many Princes, Counts, and Legates of numerous and powerful cities, chosen from their Senates, that I could in no way believe that even the Senate of Rome at its most flourishing equaled them. For that ancient Senate under the Kings, drawn from a gathered people and an asylum, ought not to be compared with the Senate-house of any city today. Formerly that band of one hundred was often a Senate in meadows, when the rustic Senate-house had Fathers with hide-clad hearts.

At first one hundred, then two hundred, and under Priscus three hundred were appointed; in Caesar’s time they exceeded a thousand, when criminal and sordid men from every nation had been thrust into it. The Senate of the Empire therefore represents the dignity of the Empire excellently. Add that, for the advantage of that time and by a good moderation of concord, Senators were chosen from the plebs and through the suffrages of the plebs. Formerly the dignity of Princes and Senators in other kingdoms was not dissimilar, but it endures almost only in Germany.

§ 2. In order that the Senate may retain its majesty, care must be taken that unworthy men are not elected; therefore those who are one day to enter that order must be trained early. Cicero in book 3 of *On the Laws* wishes the Senate to be composed of Magistrates. This is a most excellent plan, for the man most fit to give counsel concerning the state is one who has governed the state or some part of it. Yet a man must not be admitted if he has administered a Magistracy badly. Thus, if he has been charged with treason, extortion, or electoral corruption, let him not sit in the most ample order unless acquitted by judgment. Next, since it is more dangerous for an inexperienced man to command than to be a Senator, it appears no more fitting that one who has held a Magistracy should be in the Senate than that one who is to

command should be taken from the Senate. Hence above I especially approved those who early employ in deliberations the men who are being educated in the hope of governing the state. The great Emperor Augustus agrees with me. Although he kept an unprofitable crowd from the Senate-house, he nevertheless permitted the children of Senators, so that they might more quickly become accustomed to the state, immediately to assume the broad stripe upon taking the toga of manhood and to attend the Senate-house. Thus Augustus acted. Yet I scarcely think those younger men gave opinions; I judge that they were instructed by hearing others.

Formerly the names of unworthy men were erased from the roll; when they were passed over by the Censor, they were said to be removed from the Senate. Yet they did not perpetually lack the Senate-house, but were sometimes chosen by a subsequent Censor; indeed, some were afterward created Censors, as I shall later say of Salinator. We learn that in ancient times there was great virtue among Senators because they were readily removed. Marcus Valerius Maximus and Gaius Junius Bubulcus Brutus removed Lucius Antonius from the Senate because he had repudiated the wife whom he had married as a virgin without summoning any of his friends into counsel. Valerius, book 2, chapter 9.

Thus Marcus Porcius Cato removed Lucius Flamininus from the number of Senators because in his province he had beheaded a certain condemned man with an axe, choosing the time of execution according to the whim and for the spectacle of a little woman by whose love he was held. Regard for the consulship which he had held, and the authority of his brother, the Consular Titus Flamininus, could have restrained him. But both a Censor and a Cato--twofold examples of severity--he resolved to mark him all the more because he had polluted the majesty of the most ample honor by so foul a crime and had not cared that the eyes of a prostitute, delighted by human blood, and the suppliant hands of King Philip were recorded among the same ancestral images.

Why should I speak of the censorship of Fabricius Luscinus? His age has related and posterity will relate that he did not retain Cornelius Rufinus in the Senatorial order, though he had most splendidly held two consulships and a dictatorship, because he had acquired ten pounds of silver vessels, as though luxurious by evil example. By my faith, the very letters of our age appear to me to stand amazed when they are compelled to accommodate their service to such severity and to fear lest they be thought to commemorate deeds not of our City. For it is scarcely credible that within the same sacred boundary ten pounds of silver were both an invidious census and poverty was regarded as most contemptible.

Marcus Antonius and Lucius Flaccus, as Censors, removed Duronius from the Senate because, while Tribune of the plebs, he had repealed a law carried to restrain the expenses of banquets--a marvelous cause of the mark.

For how imprudently Duronius ascended the Rostra to say these things: “Bridles have been imposed upon you, Quirites, which must in no way be endured; you have been bound and constrained by the bitter bond of servitude. For a law has been carried which orders you to be frugal. Let us therefore repeal that dominion encrusted with the rust of savage antiquity. For what need is there of liberty if it is not lawful for those who wish it to perish through luxury?”

This was a most just reason why he should be removed from the Senate; in the case of Flamininus, an even more just one.

Augustus, as Dio relates in book 52, diminished the number and purified it. For he exhorted each man to be judge of himself according to the consciousness of his birth and life, and so persuaded fifty voluntarily to reduce themselves to their proper order. Augustus did not act rightly in this. For he did not purify the Senate by that method. First,

[Printed page 549]

who, once admonished by Augustus, would dare to enter the Senate-house against his will, if not about to pay penalties, certainly about to hear insults? Next, there were a thousand; of these, the more modest departed, and by this very fact were better than those who remained and hardened themselves against the admonitions. Therefore, a little afterward he reformed the Senate-house by another and more effective remedy. The same Dio says in book 54: **Τριάκοντα ἄνδρας τοὺς ἀρίστους ἐξελέξατο, καὶ ἐκείνους ἐκέλευσε καθὰ πέντε εἰς πινάκια γράψαντες ἑλέσθαι**.

He chose thirty of the best men and ordered them to write names on tablets in groups of five and to choose. I do not understand this as though only five had been written by each man--that is, one hundred fifty--and the best chosen from them; that number is far too small. Rather, since there were more than a thousand Senators, he wished the names of all to be transferred separately from the roll which he had ordered publicly posted onto tablets, five by five, so that the thirty Censors might judge concerning each group of five.

§ 3. The ancients judged it equitable that the power of the Senate should be very great: "Whatever the Senate has decreed, let them do." Yet this was afterward limited, for the provision was changed: "Commands, powers, and legateships--when the Senate has decreed and the people ordered--shall depart from the City." And: "All Magistrates shall possess auspices and judicial power; from these shall the Senate be composed; its decrees shall be valid. But if an equal or greater power has prohibited them, let the written senatorial decrees be preserved. Let that order be free from every vice; let it be an example to the rest."

The power over war, embassies, and treaties belonged to the Senate. The month of February was customarily allotted to hearing embassies. Decrees of the Senate possessed the force of law; afterward the people were asked whether the Quirites willed and ordered it. But when the people's power had been transferred to the Prince, he was accustomed to enact laws, but from the authority of the Senate. Evil Princes, however, were insulting toward the Senate. Julius, while Consul and not yet Dictator, kept it from the Senate-house through fear. Antonius, not yet Triumvir, threatened Cicero in *Philippic* 11 with workmen to demolish his house if he did not attend. Nero fined a Senator under the title that he was infrequent in attendance. The same Antonius surrounded the Senate with armed men so that opinions could not be given freely. But it is shameful to possess a public council and oppress it. Formerly nothing could be done with the people except by the authority of the Senate; afterward seditious citizens, by disparaging the Fathers to the Princes, won the people to themselves, and, having become more powerful, oppressed the people itself.

§ 4. It is not fitting for too many to be chosen into the Senate, for it cannot happen that many unworthy of that order are not admitted. Accordingly, although the Roman Empire extended most widely under Augustus, a thousand Senators was considered too great a crowd. Next, that number cannot conveniently be assembled or asked for opinions. Yet the Venetians are not therefore to be censured because, although they do not possess a twentieth part of the Roman Empire, they have nevertheless constituted a Senate twice as numerous; for they are said to number two thousand on the roll. But it must be said that this Great Council represents an assembly rather than a Senate, although it is an assembly not of the plebs but of the nobility. For in that great meeting of the nobility Magistrates are created, dignities and duties of offices are conferred, and supplements are given to other councils in which the Elders deliberate. Various councils have been instituted. From them one which they call the *Pregadi* is constituted, into which men who excel in prudence and experience are chosen from the Great Council; it generally has no more than two hundred twenty Senators. This properly represents a Senate: they transact all matters of peace and war and the greatest affairs, and decree with great power. Yet at last matters return to fewer men, for whatever the ten Sages establish with the agreement of the Six and the Fifteen is held valid.

§ 5. A Senator had the right not merely to say what and for as long as he wished concerning the matter proposed, but even to speak concerning the state although the Magistrates had not referred that matter. They adorned their tunic with the broad stripe; afterward they used silvered carriages, as is found in Aurelian's concession in Vopiscus. Formerly they could be accused before the people by Tribunes and others; afterward the Prefect of the City alone was their Judge. Alexander Severus wished Senators to be punished only by the Senate. Spartianus in *Severus*.

Emperors and Kings were also accustomed to grant many privileges to Senators, and not undeservedly, for to give counsel is more than to give money: **Βουλῆς γὰρ ὀρθῆς οὐδὲν ἀσφαλέστερον**--nothing is safer than good counsel. For force without counsel collapses under its own mass, the more swiftly the greater its weight. One who does not wish to err needs counsel, not impulse.

§ 6. I admonish the Prince to employ no less care in choosing his highest Counselors than in entrusting lesser Magistracies. Indeed, if many unsuitable men are chosen, the state is moved more gravely from the very first beginning. Vopiscus says rightly in *Aurelian*:

> First of all, excessive license; then an abundance of affairs; moreover, wicked friends, detestable attendants, most avaricious Eunuchs, courtiers either foolish or detestable, and--what cannot be denied--ignorance of public affairs. But I heard my father say that Diocletian the Prince, when already a private man, said that nothing was more difficult than to command well. Four or five men assemble and form one plan for deceiving the Emperor; they say what must be approved. The Emperor, who is enclosed at home, does not know the truth; he is compelled to know only what they say. He appoints Judges who ought not to be appointed; he removes from the state those whom he ought to retain. Why say more? As Diocletian himself said, a good, cautious, excellent Emperor is sold. These are Diocletian's words, which I inserted so that your prudence might know that nothing is more difficult than a good Prince.

Consider, reader, the deeds of our age, and you will grieve that the same things happen in almost every court. In every state and every Empire it has always been possible to find more men ready with the hand and illustrious in war than good in counsel. The lot of Princes is pitiable: they possess armies prepared to undergo dangers for the majesty of the Empire, yet discover few who advise rightly and prudently and whom they may safely trust--so much so that many have possessed three or four, and some not even one, who were both prudent and faithful. Therefore the most prudent Consul in book 1 of *On Duties* prefers Counselors to warriors. And Euripides says well: "The counsel of one man surpasses the hands of many."

§ 7. The marks and endowments of a good Senator and Counselor are as follows.

First, in a Senator and Counselor I require a settled age, or rather old age, exercised in affairs.

> The Senate has its mild name from old men.

I wish young men to be employed in counsels, but for hearing and disputing, not for deciding. The greatest states have been shaken by young men, sustained and restored by old men. For when rash and audacious young men approach the helm,

[Printed page 550]

the greatest and most wretched shipwrecks occur. What Paulus Aemilius said concerning an Emperor--that, if not in age, he ought at least to be an old man in character--also befits the Emperor's council. For there is a most prudent saying of Alfonso the Great: Counselors of Kings ought either to be Kings or to possess the minds of Kings. For if they govern a King, they ought to be endowed with the mind of one who governs. If so great a virtue falls into a youthful mind, it does not readily persevere; the mind is soft, unstable through age, and exposed to deceits. The body of old men is weak with years, but their mind strong with wisdom. In young men there is, to say it in a word, **νέα φροντίς**, youthful care. Yet even if the disposition is good, that saying remains:

> **Αἱ ἄρισται φύσεις μεγίστης παιδείας δέονται.**

The best disposition needs the greatest discipline.

The second virtue is silence, the safeguard of secrets. For we ought not to doubt that a Prince and a state whose counsels are divulged are betrayed by their own Counselors; by this most of those counsels are rendered ineffectual and do harm. Silence is rare in a multitude. Therefore many use few Counselors. The remedy is that many should judge what must be done, few should know what you are about to do, and sometimes no one besides the Prince. For this reason states sometimes entrust secret matters to very few men. "Be silent" is a golden precept. Taciturnity is the best and safest bond for administering an affair.

For this reason I think that the Prince's council in which deliberation occurred was called the *silentium*. Paulus Diaconus says in book 22 of the *Miscellaneous History* that Copronymus held one every day against images. The same author in book 21 says that Leo celebrated a *silentium* in the hall of nineteen couches against the holy images; and in book 23 that Irene, after holding a *silentium* in Justinian's Triclinium, remitted taxes. That place was called the *silentiarium*, Diaconus, book 16; the *silentiarii* kept watch there, and Senators were chosen from them. Accordingly, the council and the place were called *silentium* and *silentiarium* so that all might be reminded of secrecy. Cedrenus says concerning Phocas that Phocas contradicted Maurice in the *silentium*. Among the Persians no one is conscious of the counsels except taciturn and faithful nobles, among whom even a divinity of Silence is worshiped. Ammianus, book 21.

The third virtue is that he should not cling to his own opinion but willingly exchange it for a better judgment. Far from the Senate-house and court be those Laconians--as Tacitus calls them--who are enemies of any counsel, however excellent, which they themselves did not bring, and obstinate against experienced men. They err because they judge liberty to be placed in obstinacy, not in moderation. Spartianus relates that Severus was asked by a Greek what he bore most grievously at Rome. He replied: "When ministers obstinately contradict my opinion, and this upon no foundation whatever."

Fourth, let them take care not to deal privately with the legates of other Princes; rivals easily purchase them for themselves at a small price. I said above that among the Romans it was held a crime of treason to receive privately the legates or Commanders of enemies. Nothing brought so much envy upon Scipio Asiaticus as certain services rendered to Antiochus. Even now, what was charged against Barnevelt besides a certain familiarity with the Spaniards, which he nevertheless excuses?

The fifth and most necessary virtue is liberty of mind, so that they may not be beholden to neighboring, hostile, or rival Princes. This will chiefly be judged from whether they are bound to them by feudal right, whether they possess properties in their territories, whether they are increased with gifts and honors by the opposing party, and whether they court foreign friendships. For it is a sign that they by no means trust their own Prince and therefore--because trust binds trust--that they are not faithful. But if a Counselor is compelled by fear to suppress the best counsels, it is just as if a soldier ready in spirit and robust in body were forbidden by the Commander to free his sword from its sheath when the enemy makes an attack. Princes who order good counsels to be concealed in the Senate-house sin with no less loss than those who order weapons to be concealed in the battle line.

The sixth virtue is that they themselves should know their own condition. They themselves will certainly bear the outcome of bad counsel; for until now no one has been found to whom evil counsels have not given an evil outcome, although for a time they drew some interest from prosperity. Claudian in book 1 glories that evil counsels thus returned upon Eutropius:

> How well it has been arranged upon earth
>
> That the fruit of a counsel presses upon its first authors!
>
> Thus the seer who, while the river had been dry for many years,
>
> Advised that the Thunderer be appeased by a murdered guest,
>
> First stained the altars invented by Busiris;
>
> And he fell as the victim of the savage rite which he had prescribed.
>
> Thus the craftsman of the bull and inventor of torments,
>
> Who had fashioned deadly bronze for a novel suffering,
>
> First felt the untried work when the Sicilian tyrant compelled him,

And taught his own bull to bellow.

Nero's companions, envying Burrus and Seneca, destroyed the Prince. "Do you endure these things? Do you fear those men? Do you not know that you are Caesar, and that you possess power over them, not they over you?" They said these things before Nero, and afterward were the first to experience the insults and savagery of the bloodthirsty beast.

Let this therefore be fixed: whoever has given counsel for another's destruction should be rejected as guilty. Nero's mother, the cause of so many crimes, at last herself suffered her son's savagery. This has never failed, not even in our own time.

The seventh virtue is that counsels should be timely. Those counsels whose time has passed are generally accustomed to appear best. To give after a disaster the counsel by which it could have been avoided is to reproach the Prince with folly. Perseus in flight stabbed a Counselor who gave counsels too late. Selim acted barbarously and with Ottoman cruelty when he killed the author of a counsel whose outcome had been evil. It is the Counselor's duty to determine concerning a matter to be done, to foretell what evils will arise and by what means they can be guarded against. Anyone can be Prometheus after the deeds.

The eighth virtue is diligent study of political affairs and knowledge of history and examples with great judgment. For it belongs to the highest arrogance or negligence to neglect the judgments of good men. There is an oracle in Tacitus, book 1 of the *Histories*: to advise a Prince what he ought to do is a task of great labor. Therefore remedies for the evils of the state are not found among cups; speech, study, and exercise are needed. Fortune also follows all things done with the highest reason and counsel. Livy, book 5. But if fortune deserts the doer, the fruit of good counsel is nevertheless most salutary in itself.

The ninth virtue is that they should avoid precipitation and employ speed only when there is danger in delay. Whatever is done by impulse rarely grows strong. Therefore they say that Tiberius never deliberated twice about the same matter, because the first counsel was mature and complete. It is not royal to act rashly. Nicetas says: **Μὴ βασιλικὸν τὸ αὐτόματον, καὶ ἀνακριβὲς ἐν ταῖς πράξεσι· τὸ δὲ περιεσκεμμένον καὶ χρόνιον**.

[Printed page 551]

It is not royal to act without counsel and inaccurately, but considerately and slowly.

The tenth virtue is to put aside all passions early, for after the mind has changed it is not lawful to recall what has already been advised. Avarice must especially be put aside. Wherever gain shines forth, public safety is sold without regard. Regard for private affairs has always hindered and will hinder public counsels. Livy, book 2. Hope belongs here:

Few honor Kings, not kingdoms;

The splendor of the court summons more.

The second passion is favor or hatred. All men oppose their enemies with greater zeal than they assist their friends, for the spur of anger is sharper, and the desire for vengeance is hostile to counsels. The third is the evil of envy, by which spite commands some men to oppose the advancement of others--an immense evil and, what you may marvel at, sometimes more powerful than their own advantages.

The eleventh virtue is sincerity, which requires him to bring forward that which he judges true and salutary. For the best counsels are not those which are most pleasant but those which are true and salutary, as Solon wisely said. Frederick wished two things to be absent in giving counsel: simulation and dissimulation. Therefore one who so moderates his words that, whatever happens, he may appear to have spoken rightly must not be held in the place of a Counselor. It belongs to a wicked man to conceal the truth at the beginning, speak with the Prince's fortune rather than counsel the Prince, and at last twist his opinion in the direction toward which the affair inclines. Sincerity must therefore be regarded; a man is not always to be heard because he once advised well. Indeed, he is not to be held of

better faith merely because he advised more prudently. Great, though frequently voluntary, is the unhappiness of Princes: although they do everything so that they may possess sincere Counselors and friends, they are nevertheless very often deceived. The cause is that they do not test them sufficiently.

The twelfth virtue is that his reputation should be honorable. For the first judgment concerning a Prince is formed from this: if he chooses good Counselors, a good judgment; if evil ones, an evil judgment. Therefore let him choose good Counselors, men who fear God and love truth, and finally prudent men; for not every friend can be a Counselor. A Counselor of evil reputation stains the best counsel with his own disgrace. Therefore, when a wicked man had given an excellent counsel, the Lacedaemonians ordered the same counsel to be proposed by another man and used the counsel after changing its author. The reputation of the Prince, and much more that of the Senate, consists in the estimation of the individual members. That saying remains perpetually in men's minds:

Τοιοῦτός ἐστιν ἕκαστος, οἷσπερ ἥδεται ξυνών.

Each man is such as are those whose company delights him. Few continually observe the Prince's life, but all observe those of his Counselors, and from them speak about the Prince most willingly and most dangerously.

The thirteenth virtue is fortitude. It is easy to speak bravely among equals in the Senate-house; but if the countenance of Tiberius or the savagery of Gaius threatens the speaker, you will now scarcely find one who advises what is right. Xerxes thanked Demaratus because he alone had spoken the truth; but this was Xerxes' fault, for until then he had preferred to hear pleasant things rather than true ones. Let Princes remove fear if they desire to hear good counsels. Theopompus, when asked what method there was for preserving a kingdom, replied: if the Prince permits his friends a just liberty of speaking and vindicates, so far as can be done, the injuries of his subjects. If Counselors are brave, they will neither shape their opinions according to the royal countenance nor, when harassed by the reproaches of many, depart from what is right. Meanwhile, the King to whom it is dangerous to give good counsel has perished.

Let the Counselor therefore be brave and endure private disadvantages for the public good.

The fourteenth virtue is that, after hearing others, if he judges their counsels better, he should willingly and gladly change his own, and should regard this as the conduct of a wise man. For to change an evil thing into a good or better one is not levity. If, while you were walking on the right road, another informed you of an easier shortcut, you would immediately follow it. Would you not do this for the safety of the state? Above I admonished him not to be an enemy of another's counsel. Here I inculcate again and again that you should not consider a change of counsel unbecoming to a grave, knowledgeable, and experienced man, even in extreme old age. It belongs to the highest felicity to have seen and chosen the best things at first sight; but that man is superior who declares that he has seen less than another. No one can be more faithful in giving counsel than one who, after renouncing his own, approves another's. He wishes provision to be made for the Prince's safety rather than for his own reputation. This is a rare and arduous virtue. You would sooner find one who counsels rightly than one who bears with an equitable mind the rejection of his own counsel. Ahithophel, whose counsel was as the counsel of God, could advise nothing for himself except hanging. Not even Seneca, of the Stoic sect, approves that proud promise in book 4 of *On Benefits*, chapter 24: that a wise man never repents of his deed, never amends what he has done, and never changes his counsel. And in chapter 28: "It is not levity to depart from a recognized and condemned error; and it must be frankly confessed: I thought otherwise; I was deceived. But this is the perseverance of proud folly: What I have once said, of whatever kind it is, shall be fixed and ratified."

The fifteenth virtue is that he should be frequent in attendance and should not seek evasions in odious causes. They took pledges. Cicero lays down the law in book 3 of *On the Laws*: "Let either cause or fault attach to the Senator who is not present." Indeed, if he is faithful, let him thrust himself forward voluntarily, admonish and press, and be troublesome for the safety of the state. Thus acted Cato, concerning whom Plutarch writes in *Caesar*. But to Cato, who frequently foretold impending things, this remained: at first to obtain the name of an importunate and meddlesome Counselor, afterward that of a prudent but unhappy one.

More unhappy than Cato was Harpagus, who paid the penalties of right counsel. Seneca, book 3 of *On Anger*, chapter 15. He therefore entered the number of those who showed by great disasters how dearly good counsels cost the friends of Kings. I do not doubt that Harpagus too advised his King and the Persians of something of this kind, by which the King was offended and set his children before him to be eaten; then he asked whether the seasoning pleased him. Afterward, when he saw him sufficiently filled with his own evils, he ordered their heads to be brought and asked how he had been received. Words did not fail the wretched man, nor did his mouth close: "At a King's table," he said, "every dinner is pleasant." What did he gain by this flattery? That he was not invited to the leftovers.

The sixteenth virtue is that he should not dispute about the state outside the Senate, in circles or at banquets. Cicero says rightly: "Let a Senator speak in the proper place and manner." That is, in a lawful Senate, lawfully convened, in his own order, setting forth his opinion clearly and briefly and refuting others with modesty, if there is need. The place of the Senate was the Senate-house, sometimes a temple, outside or within the City. Afterward the place in which the Counselors of Princes debated grave affairs of the Empire was called the Consistory; indeed, the Consistory was the very Senate of Princes. Lampridius calls the fifty most learned Jurists under Alexander the "Consistory of the Prince"; with their assistance he made senatorial decrees and edicts. They also call that Senate **θεῖον συνέδριον** and **βασιλικὸν συνέδριον**, as Hesychius does. Their dignity was great; the chief notaries

[Printed page 552]

who were of the Consistory are mentioned in book 2 of the Theodosian Code. Hence there is frequent mention of Consistorians, Novel 13; hence Counts of the Sacred Consistory and Counts of the Daily Consistory. Afterward it was also called the Sanctuary. In these places, therefore, and in this manner, let a Senator give his opinion. To hawk his opinion everywhere belongs to foolish vanity.

It pertains to place and manner that the one who possesses power should consult the Senate. Formerly this right belonged to the King, Interrex, Dictator, Consuls, Praetors, Tribunes, and Prefect of the City. Cicero says: "The Consul, Praetor, Master of the People and Horse, and the man whom the Fathers appoint for the purpose of directing the election of Consuls shall possess the right of conducting business with the people and Fathers; and the Tribunes whom the plebs shall choose for themselves shall possess the right of conducting business with the Fathers. Let them carry to the plebs whatever will be the Senate's judgment. Let the business conducted with the people and with the Fathers be moderate." Here he also names the Master of the Horse. To deliberate about the state without the Prince's command is deservedly numbered among crimes of treason, because it belongs to the supreme power, or to him to whom that power has entrusted it, to convoke the supreme council. Next, when men deliberate about the highest interests against the Prince's will, by this very fact they in some measure depose the Prince, for they assume for themselves the right of deciding, whether it pleases the Prince or altogether displeases him.

The eighteenth virtue is that he should be well skilled in law and the state. There is a golden law in Cicero: "Let him understand the causes of the people." Augustus joined to himself fifteen experienced men illustrious for prudence, as Xiphilinus relates, and with them settled affairs arising daily. Tiberius chose twenty Senators by lot for six months. Not rightly by lot, which often falls upon the worst men; nor ought it to have been for six months, for many lawsuits and many affairs come to different men and need new instruction. It is necessary to hear those who preceded them. Those deliberate best who take examples for future affairs from the past. Dio, book 10. Stobaeus 94 praises a saying of Bias: **Μία ἐστὶν ἀρχὴ τὸ καλῶς βουλεύεσθαι, γνῶναι περὶ οὗ ὁ λόγος**. There is one beginning of advising well: that you know the matter about which the discourse is--not only the matter itself, but also its circumstances.

The nineteenth virtue is that he should be intermediate between the highest and lowest rank. Thus he should neither be a rank-and-file Senator, because he neither benefits the state and is despised, nor undertake all things, because he draws the dangers of all upon himself. Those who presided over the Prince's council were called *Proedri*. Phocas instituted that dignity. The supreme man was called **πρωτοπρόεδρος**; he sometimes governed all things while the appearance of power remained with the Prince. But perpetual experience has taught that this is most difficult. The

highest favor and estimation do not endure long; therefore let him especially maintain the middle. It is permitted him to proceed between abrupt obstinacy and shameful obedience along a path free from ambition and dangers. Let Counselors follow courageous and faithful physicians whose sole purpose is to protect or recover the Prince's health and who are exempt from, and unconcerned with, other matters. A different man whose object is set upon those other things will advance through disasters of the fatherland to wealth and honors.

The twentieth virtue of a Counselor is that he should not offer himself to the Prince. For a man who, through intercessions and prayers, contrives to be able to give counsel to the Prince is convicted of loving the splendor and resources of the court more than the state. The Prince must therefore hold as suspect those who sell counsels for a price, for at the same price they will drag the Prince over precipices. If Princes therefore seek true counsels, let them seek Jehoiadas, Isaiahs, Ambroses--holy men. Those who are prodigal of counsels and speeches, who thrust themselves forward without being asked and instead ask of their own accord, mix in their own advantage. It is indeed marvelous that, although giving counsel is a task of the greatest labor, many possess audacity in giving it but few patience in receiving it. Amid the crowds of men selling counsels, I see few buyers.

The twenty-first virtue is experience and, from it, knowledge. I prefer to hear Hannibal concerning an army rather than a hundred Philosophers. For authority belongs to experience. Knowledge and use possess great power for persuasion. In truth, for the highest governors of Empire those who advise pious and honorable things are the instruments of a good age, as Symmachus says in epistle 16. Such men are the highest resources of a Prince. **Σύμβουλος ἀγαθὸς χρησιμώτατον καὶ βασιλικώτατον ἁπάντων κτημάτων ἐστίν**--a good Counselor is the most useful and most royal of all possessions.

The twenty-second virtue is piety, by which all human affairs are rightly governed. For those who assemble without God and take counsel against the Lord and his Christ meditate vain things.

Hence I admonish the Prince not readily to hear those who know affairs neither by experience, reading, nor hearing, for they pronounce most confidently lest they appear ignorant. No method is more effective for beating them back than to demand the reason for what they say; for the reasoning of an imprudent opinion is commonly much more imprudent.

The twenty-third virtue is to be content with the present condition and hostile to change unless it most manifestly tends toward the better. Change reveals many disadvantages which previously lay hidden. The poor, indebted, ambitious, envious, and imprudent are eager for change. Doubts must sometimes be proposed to test them so that they may open their minds; meanwhile, they must be seriously restrained and, if they are restless, sent away.

The twenty-fourth virtue is not to be a flatterer. If a physician has once mixed poison, you always turn away from him. If a Counselor has ever sinned by praising your vices or extolling your virtues beyond the truth, do not admit him to a second consultation; much less should you hear flatterers alone. The society of men who nourish the Prince's vices by flattery must be avoided; much less, therefore, must their counsels be heard. Although at the beginning they lie hidden, nevertheless what they conceal in the root is disclosed in the branches, and what lies hidden in the leaves shines forth in the fruit. They consider pleasing the Prince their sole fruit.

The twenty-fifth virtue is that he should not be excessively audacious. For audacious counsels are fitter for changing affairs than preserving them. The authors of audacious counsels will be beaten back if they are compelled to pursue with their hand what they advise with their mouth. I therefore prefer a Counselor who is too cautious to one who is too audacious, for the Prince will employ him more safely. Indeed, those who are more cautious and appear timid are braver than audacious men when the matter has been reached. The reason is that they come prepared for outcomes and difficulties; rashness, because it is struck by an unforeseen missile, casts down the spirit more quickly than it assumed it. Boasters are the most timid. Just as inflated wineskins swell more splendidly than full ones but become flaccid at a slight puncture, so men ferocious in words expire at the first blow of danger: in peace they are lions; in battle, deer.

The twenty-sixth virtue, and the truest criterion of a Counselor, is whether, when he can, he assists the Prince not only by counsel but also by deed.

[Printed page 553]

Πᾶς λόγος ἐστὶ μάταιος, ὁ μὴ τετελεσμένος ἔργῳ.

Καὶ πᾶσα πρᾶξις τὸν λόγον ἔχει.

Every counsel which is not completed by deed is vain; and every deed possesses its rationale.

For example, a Prince of Germany advises the Emperor to wage war against the Turks. If he assists with provisions, soldiers, and money, he is a true friend, who assists by deed in a doubtful affair when there is need of deed. To assist citizens by counsel and aid is most praiseworthy. But if the advocate of war is a veteran military Commander and demands an immense stipend for his own labor, who doubts that he is advancing his own interest, not the public one?

And so much concerning the endowments and office of Counselors. Let us now consider what must be done by the Prince in this matter.

§ 8. The highest prudence of a Prince is that he should persuade himself with certainty that he needs counsel, and that this is a great part of prudence: not to trust in one's own prudence. For true prudence seeks safeguards for itself from elsewhere. God, because he knows and foresees all things of all affairs, does not need counsel; the wisest of men ought to employ another's prudence. This is so necessary that the ancients, ignorant of the divine majesty yet suspecting something concerning divinity, invented the story that Jupiter convened a council of the gods; much more did they judge counsel necessary for Kings. For if, when doubts arise in private affairs, each man consults his friends, how much more is this necessary in the state itself, where the affairs are both greater and more intricate? Nor should the Prince think that he possesses sufficient wisdom in himself. He is a man--that is, ignorant of many things, not rightly instructed concerning many, and, even if he moderates his passions, he has not yet put them off. Many private men surpass the Prince in prudence. Therefore, just as he uses the labor of others and creates lesser magistrates--Viceroys, Governors, Legates, Praetors, and Consuls--so also in directing all these let him join another's prudence to his own. It belongs to supreme majesty not so much to be surrounded by an army and to glory in the splendor of a bodyguard and dwelling, as to make the prudence of the most illustrious and wisest men its own. No Princes have perished except those who neglected the counsels of prudent men. Aristotle spoke truly, but because he wrote to a foolish young man, he admonished in vain:

Εἰ δὲ τὸ βουλεύεσθαι τῶν περὶ τὸν ἄνθρωπον θειότατόν ἐστιν, ὥστε οὐκ εἰς τὰ πάρεργα καὶ μηδενὸς ἄξια τὴν σπουδὴν ἐστὶ σοὶ καταναλίσκειν, ἀλλὰ τῷ μέγιστον αὐτὸς καλῶς βουλεύεσθαι μαθεῖν βέλτιον· τίς γὰρ δὴ ποτ' ἂν ἀμφισβητήσειε τῶν νοῦν ἐχόντων, ὅτι τὸ μὲν πράττειν μὴ βεβουλευμένον σημεῖόν ἐστιν ἀνοίας, τὸ δὲ μετὰ τὴν ἀρίστην εὐβουλίαν τῆς διανοίας; Ἔξεστι δὲ καὶ ταῦτα τοὺς ἄριστα τῶν Ἑλλήνων πολιτευομένους λόγῳ πρότερον, ἢ τοῖς ἔργοις συγγινομένους πρὸς δὲ τούτοις, ἢ τοῖς μέγιστον ἀξίωμα τῶν βαρβάρων ἔχοντας, τοῦτο πρότερον περιμαθήσαντας ἔχειν αὐτὸς, ὡς ἀκρόπολίς ἐστι σωτηρίας, ἡ διὰ τοῦ λόγου γινομένη τοῦ συμφέροντος θεωρία.

Moreover, among human affairs it is most august to make use of deliberation. Therefore your zeal must not be expended upon superfluous and commonplace matters; rather, you must labor to the extent of your strength both to learn thoroughly and to possess the art itself of deliberating well. For who of sound mind would doubt that, if someone has done something without counsel, this is a sign of madness, but if with reason as his guide, of wisdom? One may also observe that all those who enjoy the best constitution among the Greeks first meet in speech before they meet in deeds. Likewise among those Barbarians who excel in dignity, speech precedes deeds, since they well know that the perception and knowledge of advantage which arises through reason and discourse is a kind of citadel of safety.

Accordingly, that opinion of Antoninus Pius was worthy of the majesty of a ruler: "It is more equitable that I should follow the counsels of so many and such great friends than that so many and such great friends should follow me

alone." None of the most prudent Princes arranged so great a mass of affairs without great assistants. I have discovered this: all kingdoms, cities, and nations possessed prosperous government so long as true counsels prevailed among them. Wherever favor, fear, and pleasure corrupted them, soon afterward their resources were diminished; then their government was taken away; finally slavery was imposed upon their kingdoms, and death or exile took away the King.

Guevara says in book 1, chapter 43, of *The Dial of Princes*: "I do not know why Princes and magnates, although they are so solicitous in seeking the best physicians for the care of the body, are so negligent in seeking wise men for the government of kingdoms and dominions, since in infinitely many ways the harm of bad government in a state is surely graver than the illness of the Prince himself or of the governor. Until now, indeed, we have neither read nor seen that either a King or his kingdom perished through a scarcity of physicians; but through a scarcity of wise Counselors we have seen innumerable Kings and very many kingdoms desolated, collapse, and be overthrown. Through a scarcity of physicians one man can be endangered; but through a scarcity of a wise man great discord can be introduced among the people. For when some tumult grows among the citizens, one timely counsel is more beneficial than a hundred purgations with rhubarb."

And a little afterward: "These things are said to this end: that Princes, Prelates, and magnates, persuaded by these reasons, may transfer some part of the very great diligence which they employ in seeking physicians, and of the very large sums which they expend upon their salaries and largesses, to seeking out wise men whom they themselves may consult and may join to the court Senate. For if men understood how greatly it matters to have a wise governor of a household, or even one wise man, they would purchase him with all their resources. Princes and magnates appear greatly worthy of compassion who lose many days in a month and many hours in a day, conversing about wars, buildings, arms, banquets, beasts, hunts, medicine, and other things, yet neglect the counsels of prudent men themselves."

Rash is the soldier who advances unarmed into the battle line, and no less imprudent the Prince who undertakes the state without counsel.

§ 9. It is fitting that the Prince should know and act upon this: all services are surpassed by that of the man who assists by good counsel. Guevara, *Dial*, book 3, chapter 55, introduces Aurelius speaking thus: "I charge my son Commodus to pay you a reward for your services. But I ask the immortal gods to return thanks to you for your counsels. Nor is it in vain that I say that I charge my son with the former and ask the latter of the gods. For one man can pay the reward of many services; but all the gods are needed to reward one good counsel. The greatest and most excellent benefit with which a friend can affect a friend is this: if he is fortunate in giving him good counsel in a difficult affair. And not without cause do I wish him to be fortunate, not merely to give counsel. For it commonly happens that those who wished to heal us by their counsels cast us into even greater dangers."

But if the Prince wishes to ascribe all things to himself, he nevertheless ought to remember that counsel is often wanting even to the wisest man:

Καὶ κυβερνήτῃ ἀγαθῷ ἐνίοτε ναυαγεῖν.

An experienced pilot sometimes suffers shipwreck. Matters so hidden often occur that no way out can be found.

Πολλὰ καὶ παράδοξα αἱ καθ' ἀνθρώπους τύχαι κατεργάζονται.

The things that happen to men produce many and unexpected results. Why should the Prince not waver in such matters? Rather, why should he not employ the highest wisdom, which consists in judging others wiser than himself?

[Printed page 554]

If he thinks himself wise, let him not believe that experienced and elderly men are foolish. Let him at least persuade himself of this: no one is so wise that greater wisdom is not necessary for him.

Οὐδεὶς ἄνθρωπος αὐτὸς ἅπαντα σοφός.

No one by himself is wise in all things. Therefore, making use of Bias's answer--when asked about what matter all ought most to be solicitous, he replied that they should seek good counsels and good advisers--let the Prince himself also fortify himself with an assembly of wise Counselors.

§ 10. Finally, so that all things may proceed more rightly, let the Prince consult with many when the matter does not require secrecy. There are many advantages in this. For when some adduce advantages, others disadvantages; some dangers, others arguments for justice, others for the dignity of the Prince; when some are timid, some bold, and they also have rivalries among themselves, truth cannot remain hidden amid so great an agitation. Indeed, the Prince himself will recognize the passions of all. Then all together will strain every sinew to give such counsels that they cannot be censured by others in so great an assembly. But if the counsels turn out badly, the fault will belong to all. A few can conspire to advise advantageously and ambitiously for themselves, not as friends of the state; among many and diverse men, for whom diverse things are advantageous, the same calculation does not exist. For this reason many are more readily trusted than individuals, as Pliny admonished in the *Panegyric*. The counsels of good men are strengthened when they perceive that prudent and faithful advisers hold the same view. Cicero, epistle 13 to Caelius.

§ 11. Let Kings beware lest they seem to convene a council merely for appearance, as Bellus reports in discourse 23 is done in England. "But because certain public matters sometimes arise which concern the good or even the injury of the kingdom and subjects--for example, to establish a new law, to examine or reject other laws, to levy money for a war already resolved upon, or to make provision for similar matters pertaining to the state--then, and in similar cases, Kings have been accustomed, for modesty's sake, to preserve the ancient custom: namely, to convene Parliaments, in which the estates and orders of the kingdom are assembled, that is, the clergy, nobles, and commons, so that, after the business in question has been examined by them, their decrees may then be confirmed or rejected by the Kings. And although in antiquity these Parliaments enjoyed authority and liberty, so that the Kings were political and civil heads rather than Lords and Monarchs, nevertheless from Edward III down to the present times the authority of the Kings has been so fortified that Parliaments are rather certain masks of royal desires. By them, in framing doubtful measures, the Kings evade labor and inconvenience, and in dangerous matters, loss, rather than wishing to moderate their power by them. For in them whatever is advised or decreed is valid only if royal confirmation is added. Indeed, they not only cannot decree anything or perform any act; they cannot even assemble except at the royal nod. Kings are accustomed to admit to them whomsoever they please and remove the same men from them. They have, in fact, become so formidable to all that no one in Parliaments or outside them dares to oppose the royal will even by the slightest word, unless he wishes to procure loss and ruin for himself. Thus, just as those who sit in Parliaments are slaves and subjects, so the actions and counsels proceeding from them must necessarily be servile."

Thus he; yet I fear that he speaks hyperbolically, for it is certain that the nobles of Britain possess their liberty. But however the matter stands, nobles must not be convened merely for custom's sake. For if these men possess dignity and greatness of spirit, they perceive with indignation that they are being mocked and that it is a cruel jest when they must either say all things to gratify the King or undergo danger. The King's familiars also hold them in contempt and derision, and frequently boast that it has already been determined among themselves what ought to be decreed.

§ 12. In great kingdoms, where various nations and peoples coalesce into one body, various councils and colleges must necessarily be instituted. Use has arranged this in various states, but it is now best observed in the most extensive kingdoms of Spain. I have noted these things, which escaped Roman industry.

The first is this. The causes of all men of all nations were brought before the Roman Senate and tossed about among experts and the inexperienced alike; in Spain the councils of the individual peoples are separate. Hence that diversity: there is a Council of Italian Affairs, by which Neapolitan, Sicilian, and Milanese affairs are directed; a Council of Belgian Affairs, of Indian Affairs, and of War; the individual kingdoms of Spain have their own distinct councils. There is the Council of State, which is the most honored; the Council of Religion, which is the most powerful; and the Council of Commanderies and Taxes. It was therefore the highest prudence to assign one people to one college; for in this way men easily become knowledgeable in its affairs and are not disturbed by variety. A man who commanded

troops in India or governed cities there will readily give counsel about governing barbarous nations; yet the same man will not be held expert in Belgian or Neapolitan affairs, because of the diversity of laws and dispositions.

The second is what I regard as the soul of councils: namely, that in the Council of State, where the highest affairs of the kingdom are conducted, the King should have great Princes, or men equal to Princes, whose interest it most greatly is that the authority of the King should remain safe and sound. In that council, however, there are not only Princes but also Archbishops and Prelates, as in Spain the Commander of Alcántara and of the other orders, such as Santiago and Calatrava, who also possess the right of attending the Council of War.

The third is that in these councils affairs are for the most part conducted in the most orderly fashion, though not with the greatest speed. For the King has with him most experienced Counselors, who present the case to the King in person, orally or in writing, generally both orally and in writing. The King then privately rereads and weighs those writings and sends the matter to some college for discussion; he afterward hears the opinion of the Counselors, or they decide it with the King face to face, or send their view to him in writing. For this reason justice is administered with the greatest constancy, and I think that until now there has been no monarchy in which fewer errors have been made in government.

§ 13. But if one must say generally what the Prince ought chiefly to require in councils, I shall speak briefly. It will be of the greatest importance that they be ordered to write their counsels and reasons, to read briefly from the writing, and, if after hearing the opinions of all they wish to remove, add, or change something, that this should be permitted, provided they offer their amended counsel to the Prince in a certain form and manner, so that all can easily be bound together in one booklet. At present, dictated opinions are faultily taken down by notaries, with a loss of time; they do not always grasp the sense rightly; and Counselors form their counsel in the consistory--that is, in the arena itself. If they are ordered to write, they will do it at home and after meditation; they will set forth their opinion quickly; then, when they know that their opinions are to be preserved in the archive and in the mind and hand of the Prince, they will take great

[Printed page 555]

care to hold an opinion which they understand themselves to be leaving to posterity as a monument of fidelity and prudence. For the written letter remains and exposes an error after many years. Opinions of this kind by Cicero and others survive, from which one may gather with what zeal they delivered their opinions. Nor do I want an effeminate Counselor to whom the labor of writing is burdensome. For if he writes familiar letters in a private matter, why should he not set forth his opinion accurately and diligently with his pen for the public safety?

Augustus did this, and for this reason alone was worthy of government. Suetonius relates it thus in chapter 84: “He practiced eloquence and liberal studies eagerly and with the greatest labor from his earliest age. During the war at Mutina, amid so great a mass of affairs, he is said to have read, written, and declaimed every day. For afterward he never spoke either in the Senate, before the people, or before the soldiers except from a speech meditated and composed, although he did not lack the extemporaneous faculty for unforeseen matters. And lest he expose his memory to danger or consume time in memorizing, he established the practice of reading everything aloud. More serious conversations with individuals, and even with his own Livia, he held only in writing and from a notebook, lest he say more or less extemporaneously. He delivered speeches with a sweet and distinctive tone of voice and continually devoted himself to a voice trainer; but sometimes, when his throat was weakened, he addressed the people through the voice of a herald.”

Will a faithful Counselor not be able to do what so great an Emperor did? And so much concerning the Senate and Counselors.

CHAPTER XIV

The Magistrates Who Are Customarily After the King in a Monarchy

§ 1. Since ancient profane histories, if compared with sacred history, are judged to possess no antiquity, I have determined at the outset to dispute concerning magistrates from Scripture, so that we may examine the form and magistrates of the first Monarchy, which is that of the Chaldaeans. They are described in Daniel 3:2: "Therefore King Nebuchadnezzar sent to assemble the Satraps, Magistrates, Judges, Tyrants, and Prefects, and all the Princes of the regions, so that they might come to the dedication of the statue which King Nebuchadnezzar had erected. Then the Satraps, Magistrates, Judges, Commanders, Tyrants, and nobles who had been placed in authority, and all the Princes of the regions, were assembled, so that they might come to the dedication of the statue which King Nebuchadnezzar had erected; and they stood in the sight of the statue which Nebuchadnezzar had set up."

From these words the constitution of the most ancient Monarchy is in some manner understood; for the Greek writers vary and deceive. Daniel himself teaches us that this arrangement was approved: although he says that wisdom was in him beyond that in all men, and although he was Prince of the wise men and magistrates, he wished to approve that administration. Darius also resolved to institute this arrangement in chapter 6, verse 1. Let us therefore behold this first Monarchy furnished with magistrates: that great tree, the golden head of the mystical statue.

§ 2. In this Empire one man after the King possessed the highest authority, and three others beneath the King and beneath that man, although they had diverse provinces subject to them. This is explained in chapter 2, verse 48: "Then the King raised Daniel on high and gave him many and great gifts; and he appointed him Prince over all the provinces of Babylon and Prefect of the Magistrates over all the wise men of Babylon. But Daniel petitioned the King, and he appointed Shadrach, Meshach, and Abednego over the works of the province of Babylon; Daniel himself, however, was in the gates of the King."

Although he is said to have been appointed over the provinces of Babylon and over the wise men of Babylon, and this could be restricted to the province of Babylon alone, I nevertheless understand it of all the Magistrates of the whole kingdom, however widely it extended. That the Monarchy was very great we understand from the fact that the Persian was smaller. Daniel 11:37 calls that man King of Kings, and in 4 Kings 25:27 he commands many kingdoms. Wherever Daniel says, **מלכא אנת**, "you, O King," and **מלכיא מלך**, "King of Kings," he places the Hebrew between two Chaldaic words, to show that he was an eminent King even of the people of God. That many Kings were with him in Babylon is evident from the same words, for he placed the throne of Jehoiachin above the throne of the Kings who were at Babylon. From Jeremiah 37 we are taught that there were Kings of Edom, Moab, Ammon, Tyre, Sidon, and Egypt, many nations and great Kings. I affirm that Daniel presided over all these. For he presided over the Magistrates and wise men of Babylon, and they were the head of the whole Monarchy, just as, if someone presided over all the Roman Magistrates, he would be judged also to command Proconsuls and provincial Magistrates. Pompey was such when the care of the grain supply and the Piratical War were entrusted to him; for, as Cicero testifies, by the people's bill he possessed more power over all the provinces than those who held them with imperium. If therefore he was Prince of those who governed all things, there is no doubt that he was also Prince of all.

Then the Chaldaic words indicate this: **רברבין רב**, "Prince of great Princes." For **רב** signifies a great Prince, a word which the Hebrews also employed after receiving it from the Chaldaeans. Rabbi David interprets it "great Prince"; on Isaiah 42:25 the same David interprets it "Kings of the nations," and on Jeremiah 20:1 Rabbi Saadiah, "Princes of the army." Finally, the Perso-Median Empire arose from the Chaldaean or Babylonian, and it possessed Daniel as its wisest lawgiver, as is evident from chapter 6, verse 1: "It pleased Darius, and he appointed over the kingdom one hundred and twenty Satraps, that they might be throughout his whole kingdom; and over them three Princes, of whom Daniel was one, so that the Satraps might render account to them and the King might not sustain trouble."

The counsel of Daniel, a most wise man, under Darius was such as it had been under Nebuchadnezzar: namely, that three should be appointed over all the affairs, and one of these should be Prince. Their power extended through all parts of the kingdom. No one doubts that the Persians borrowed very many things from the Babylonians. And God brought it about that, although the Persians and Medes were the most ferocious of nations, they had Daniel as governor, lest by the cruelty of ruling they should altogether violate human society. By this it came about that the Persian Empire was constituted at its beginning by the best laws.

Josephus therefore deservedly calls Daniel:

> **ἁπάσης ἐπίτροπον βασιλείας**

curator of the whole kingdom. The Persian custom of appointing a Surena confirms this opinion; he takes his name from *Sar*, **שר**, which signifies a Prince. Plutarch describes his dignity in the *Crassus*:

> **Οὐδὲ γὰρ ἦν τῶν τυχόντων ὁ Σουρήνας, ἀλλὰ πλούτῳ μὲν καὶ γένει καὶ δόξῃ μετὰ βασιλέα δεύτερος, ἀνδρείᾳ δὲ καὶ δεινότητι τῶν καθ' αὑτὸν ἐν Πάρθοις πρῶτος· ἔτι δὲ ἐξήλαυνε καθ' ἑαυτὸν ἀεὶ χιλίας σκευοφορούμενος καμήλους, ᾧ διακοσίας ἁπήγετο παλλακίδων, ἱππεῖς δὲ κατάφρακτοι χίλιοι, πλείονες δὲ τῶν κούφων παρέπεμπον· εἶχε δὲ τοὺς σύμπαντας ἱππεῖς ὁμοῦ πελάτας τε καὶ δούλους, μυρίων οὐκ ἀποδέοντας.**

[Printed page 556]

Nor was Surena one of the common people; rather, in riches, family, and glory he was second to the King, and in courage and keenness first among those about him among the Parthians. A thousand camels carried his baggage; two hundred wagons conveyed his concubines; there were a thousand cuirassed horsemen, and more lightly armed horsemen; his cavalry, clients, and servants together were not fewer than ten thousand.

Darius therefore intended to make Daniel Surena and adorn him with that power which he had formerly possessed under Nebuchadnezzar, whose memory was then celebrated. Those words of verse 49 also show it: "But Daniel was in the gates of the King," **מלכא בתרע**, "in the gate"; the Seventy have **ἐν τῇ αὐλῇ**, "in the court." He was not the supreme officer of admission such as existed later among the Emperors of Constantinople, nor like the Persian **φύλακες**, "guards," or **ἀγγελιοφόροι**, "messengers"; rather, he was Prince of those who judged and gave counsels to the King. He was therefore the head of both the domestic and the external Princes, not a bodyguard or keeper of the royal person. For it was an ancient custom that the greatest Princes should be about the King, both for dignity and for counsel and safety. In Xenophon, books 1 and 2, they are called **παῖδες**. The Princes of the Persians, whom they call **ὁμοτίμους**, "peers in honor," were always in the court of the palace; and in book 8:

> **Ἐπίτιμος ἀεὶ παραγένοιτο ἐπὶ θύραις καὶ παρέχειν ἑαυτὸν εὐθὺς χρὴ εἰ βούλεται ὁ Κῦρος, ἱππεύειν σὺν ἵπποις καὶ ὅπλοις.**

Men honored in rank were always to be present at the door and make themselves available for what Cyrus wished, if he desired it, and indeed with horses and arms.

In the same manner Haman was second to King Ahasuerus, Esther 3:1: "After these things King Ahasuerus exalted Haman, son of Hammedatha, who was of the stock of Agag, and placed his throne above theirs. And all the servants of the King who were present in the gates of the palace bent their knees and adored Haman, for so the Emperor had commanded; Mordecai alone did not bend his knee or adore him." And his successor, chapter 10: "But King Ahasuerus made all the land and all the islands of the sea tributary; and his fortitude and Empire, and the dignity and sublimity with which he exalted Mordecai, are written in the books of the Medes and Persians; and how Mordecai, a man of the Jewish nation, was second to King Ahasuerus and great among the Jews and acceptable to the people of his brethren, seeking good things for his people and speaking those things which pertained to the peace of his seed."

§ 3. Whether it is expedient for a Monarch to furnish one man with so great a power is debated not without cause. I have often taught that all things must not be conceded to one man and that the counsel and labor of one man alone must not be used. Here, however, the question concerns some Magistrate of the dignity next after the King, who can exist even though he does not possess great power by which he can rebel. I judge thus.

Nebuchadnezzar and Darius, with most prudent counsel, placed over the entire kingdom Daniel, whom they had known to be full of the Spirit of God and of wisdom, since they feared no rebellion from him and were certain that Daniel would order all things most wisely. I think the same concerning Mordecai.

Next, good Persian Kings followed this mode by their example; for the advantage in this matter is evident, both because an account of the sum of all affairs can be demanded from one man and reported to the King, and because greater care in discharging office is instilled into all when they know that an account must be rendered to many. For the King cannot attend even to all great matters; therefore another whom the King greatly trusts more readily performs his functions.

Nor will it be difficult to provide against the possibility that this man rise against the King or seize a tyranny. If the King himself is vigorous, prudent, and active; if he himself hears the provincial Governors and visits the armies and cities, the general Prefect will not easily be able to contrive anything. But if, after the example given by Ninyas, son of Ninus and Semiramis, among the Assyrian Kings, he is rarely seen by his subjects, grows old among his household servants, and gives replies through intermediaries, not only the Prefect second to the King but even a **τῶν εἰσαγγελιῶν χιλίαρχος**, such as appears in Aelian, book 1, chapter 21, will without difficulty crush the King. Thus the Kings of the Franks perished through indolence, when the Mayor of the Palace, after usurping power, seized even the title of the kingdom. Haman assuredly would never have thought of transferring the kingdom to the Macedonians unless he had judged Ahasuerus a savage, hated, luxurious, and foolish King. Besides, what came into Ahasuerus's mind, that he raised a Macedonian, a man of a hostile nation, to such power?

I therefore judge that the least danger threatens from the man himself; for even if he enjoys the highest dignity, he will not easily transfer the kingdom to another when he cannot obtain a greater honor. For why should he transfer the government, with disgrace and the mark of betrayal, to another, when he himself receives the second share of its fruit? A prudent Emperor can readily prevent him from arrogating power to himself: if he furnishes him neither with an army nor with excessive riches; if he decides nothing in greater affairs except by the consent and command of the King; if the court itself is exempt from his command; finally, if he chooses a modest, elderly, and learned man. In Spain some Archbishop is generally President of the supreme council or in the highest power. When Charles departed, he placed Adrian, afterward Pope, over Spain. In ecclesiastics the administration is generally uncorrupted, and there is no fear of danger.

In the Roman Empire there was scarcely any use of this dignity. Men were called Caesars when the Empire was already declining, but they were those who were being trained in hope of the kingdom or had received the nearest hope of succession. Aelius Verus, adopted into Hadrian's family, was the first to be called Caesar in this manner. Diocletian called Maximian and Constantius Caesars. But they were rather partners in the Empire; nevertheless, when the Senate named Titus and Domitian Caesars, it did not grant them partnership in the kingdom. Constantine created his three sons Caesars; Constantius created Gallus and Julian Caesars. Not without reason was that honor instituted by prudent men: both that they might cut off the wicked hopes of aspirants, and that by the enticement of honor they might attract to the safety of the state men of great spirit and those who relied upon some right.

§ 4. It is therefore fitting that there should be one supreme man; next to him among the Chaldaeans were three, as is evident from Daniel 3:49: "But Daniel petitioned the King, and he appointed Shadrach, Meshach, and Abednego over the works of the province of Babylon." I understand "works" as every office and labor, and at the same time understand them to have been placed over the province of Babylon in such a way that their power extended throughout the whole Monarchy. For as a consolation of the Jews exiled throughout the entire kingdom, God granted this: that so

great a government should be ordered by captives. Darius afterward appointed three, to whom he permitted power in the whole kingdom, chapter 6. Afterward there were seven. Hence it is that those first Monarchies were better constituted at the beginning than the Roman Monarchy.

§ 5. The words of Daniel show that the Monarchy of the Chaldaeans was most orderly, for they are not placed idly. Let us therefore examine in them the Chaldaean Magistrates.

[Printed page 557]

In the first place are set **אחשדרפניא**, which, if one wishes to explain *Achaschdarphenaio* separately, will be literally "a great man dwelling before the face," because they dwell before the face of the King. In one word, it signifies a great companion of the King, or a familiar of the King. The Seventy translate it **ὕπατοι**, "Consuls," "powerful men," whose honor and power will be great; for among the Greeks Consuls were so called from their power. Our translator renders it "Satraps"; others "magnates," others "Princes." This alone appears to stand in the way: that Satraps did not dwell before the face of the King in the provinces over which they were placed. But those who reason thus are mistaken. For the Satraps possessed great dignity and were generally sent from the face of the King in the manner in which I spoke concerning Counts; then they possessed the right of approaching the King and dining with him, as I indicated concerning the **ὁμοτίμοις**, "peers in honor." For those ancient Satraps must not be compared with our own, but with Viceroys and Princes, or with the Turkish Bashas and the Consuls and Proconsuls of the ancient Romans; hence the Seventy deservedly translated them **ὕπατοι**.

Rabshakeh proclaims their power in 4 Kings 18:24, saying that the Jews could not resist one Satrap among the least servants of his Lord. Although in that place the Hebrew calls him **פחת**, the Chaldaic **שלטנים**, and the Seventy **τοπάρχας**, men who were lesser than the *Achaschdarphenaio*, they were nevertheless so powerful that Rabshakeh preferred them to Hezekiah, King of Judah.

Herodotus, book 7, Ctesias in the *Persian History*, and Xenophon, book 1 of the **Ἀναβάσεως**, demonstrate their power also from this: that Satrapies were conferred upon the sons of Kings. And Justin, book 5, says that Cyrus was appointed by his father Darius as Satrap of Ionia and Lydia. Diodorus Siculus, book 11, says that Hystaspes, son of Artaxerxes, was Satrap in Bactria. Indeed, Cyrus, when dying, speaks thus in Xenophon, book 8 of the *Education of Cyrus*:

> **Σὺ μὲν ὦ Καμβύση τὴν βασιλείαν ἔχε, σοὶ δὲ ὦ Ταναοξάρη σατραπεύειν δίδωμι Μήδων τε καὶ Ἀρμενίων καὶ Καδουσίων.**

"You, O Cambyses, possess the kingdom; but you, O Tanaoxares, I appoint Satrap of the Medes, Armenians, and Cadusians." Thus Alexander, according to Plutarch, made Porus Satrap of his own kingdom. Aemilius Probus, in the *Datames*: one man is Satrap of Lydia and Ionia. Oroetes likewise is Satrap of these regions and of Phrygia, Herodotus, book 3. But Phrathrophernes in the same Herodotus is **Παρθυαίων καὶ Ὑρκανίων**, "of the Parthians and Hyrcanians," that is, of two great kingdoms. Josephus, book 11, chapter 8, relates that there was one Satrap of Syria, Phoenicia, and Samaria. There were therefore in this Monarchy **ἔπαρχοι**, "governors," with great power; for Plutarch also calls them this in his *Sayings*. Nor did they command merely over a broad region; rather, provinces were committed to their trust and power. For this was their first and highest law: to administer the state as they judged proper according to the common interest, fidelity, and religion.

Great majesty was also added to them. Oroetes in Herodotus, book 3, has a bodyguard of a thousand men; others had far greater ones. Every year an inspector was sent to them, whom they called the King's brother or the King's eye; the Satraps themselves frequently assembled at court. It is evident that the inspectors were **ἐξάρχους**, or former Satraps, who had been in the King's council. From what has been said, it is evident that all these things were most wisely constituted.

§ 6. I said above that so great a power of the Satraps, when they are placed over several kingdoms, is dangerous unless restrained in another manner, yet salutary against an external enemy. And certainly it was not according to Daniel's institution. For with him as Counselor Darius divided the Monarchy into one hundred and twenty provinces and placed the same number of Satraps over his kingdom, chapter 6, verse 1, where both the Greek and the Latin translate "Satraps," and this is the word *Achascharphenaio*. The Persian kingdom, however, was not so extensive that it could have one hundred and twenty Satraps ruling over such broad territories, since it comprised not all Asia, together with Egypt and certain regions of Europe. This is nevertheless evident: if we consider the fertility and population of Asia, and if the provinces are divided among one hundred and twenty, the individual Satraps would be equal to Kings of moderate power. For Asia at one time indeed possessed as many powerful Kings, each of whom led two or three hundred thousand men into battle.

In the second place are those who in Hebrew, chapter 2, verse 48, are called **סגניא**; our translator renders them "Magistrates" and "Prefects," and others in the same manner. The Seventy have **στρατηγοὺς**, "Commanders of war." Among the Persians, as also among the Romans, it was a most honorable thing to possess an army; therefore military provinces were sought by brave and ambitious men. The text itself teaches us that these were military Magistrates: **משכנא** signifies tents, and **נסא**, a standard. It therefore indicates great Commanders of war, who defended all things in their provinces. They were not appointed by the Satraps or subject to them; indeed, they were suitable for restraining them. At Memphis one hundred and twenty thousand men were in garrison in the White Wall in the time of the Persians. To some it has appeared peculiar to the Persians, as also to this Monarchy, that the Satraps and military Commanders were distinct. Yet although this was preserved in part in the Persian Monarchy, that custom is not evident to have existed in Chaldaea from the words of Rabshakeh, who indicates that the Satraps engaged in war; and the Satraps of the Persians also administered war. Then it cannot happen that one military Magistrate and another civil one of equal power administer an affair harmoniously and advantageously in the same province. This was therefore peculiar to the **τοῖς φρουράρχοις**, namely, to those who guarded the fortifications; for the Satraps possessed no power over them.

Next follow the **פחותא**, *phathavata*, **τοπάρχαι**, "regional rulers"; others translate them "Governors," others "Commanders," and some "Praetors." These men were not under the Satraps; indeed, they were Princes, but lesser ones. The word is common to Syrians, Chaldaeans, and Persians. Haggai 1:1 calls Zerubbabel **יהודה פחת**, *Phachath Iehuda*, "Commander of Judah." And Nehemiah 5:14 calls Nehemiah a Commander and summons the former Commanders. When Nehemiah asks for letters to the Commanders beyond the river in chapter 2, verse 7, it is evident that there were several through whose dominion he was about to travel. Likewise Ezra 8:36, Esther 8:9, and 9:3 join them with the *Achaschdarphenim*, for letters are given to them by the King. I judge that they should be compared with Roman Governors and with our Counts--our Counts, I say, for formerly the dignity of Counts was greater than that of Dukes.

With these are joined **אדרגזריא**, *Adargazraio*. This office properly pertains to Judges; for they are so called as though confirmers of an opinion, decree, or statute, or men strong and magnificent in opinion or decree, whose decrees were ratified. They were therefore Presidents of the courts who administered justice, and tribunals were established in the individual provinces, as we now also see throughout Europe. The Greeks call them here **ἡγεμόνας**, "governors"; others **νομοφύλακας**, "guardians of the laws." Our translator renders them "Commanders," whose office was employed not only in war but also in peace.

Our translator renders "Tyrants," whom the Chaldaic calls **גדרבריא**, *gedabraia*; the Seventy interpreters agree. **גדד**, *gadad*, is to make an incursion, plunder, cut, and divide; **גדוד**, a troop or band of raiders.

[Printed page 558]

They are therefore Prefects of taxes to be collected from tithes, pasturage, and forests; for this reason they went about the fields and cities with a military force. Hence they are also named **וגדברין**, *gedabrin*, who requisitioned **τὸ בר**, *bar*,

grain, and dispensed other things. Above all, however, they requisitioned grain for the army. Their office was especially hateful.

The Magistracy of those who are called **דתבריא**, *detabraia*, **μεγάλοι ἐπ' ἐξουσιῶν** by the Seventy, was not very different. There is no doubt that they were **γαζοφύλακας**, "guardians of the treasury," and Quaestors and curators of the treasury. I prefer to follow the interpretation of the Seventy rather than that of the Rabbis, because Rabbi Saadiah derives the meaning from **דת**, *dath*, "law," and **בריא**, *berhia*, "purity." I therefore think they were named from grain--that is, every tax on produce--because they exacted the canon or fixed assessment. But our translator understood it of the nobles in general and joins **דפתיא דתבריא**, *detabraia diphthaia*, "and the nobles who were placed in authority"; he then adds the Princes of the regions, **שלטנים**, *Schultenim*, who governed cities and their territories. Thus the whole state, furnished with its Magistrates, is briefly described in this passage; and in this manner, if anyone weighs these Persian affairs, he will easily find everything arranged.

CHAPTER XV

Caesars and Other Magistrates Nearest to Monarchs

§ 1. The men of Constantinople changed the name of Caesars while retaining the dignity. For either the sons of Emperors or those upon whom they had conferred that title were called Caesars. Tacitus, book 1, calls Drusus Caesar. Titus and Domitian were called Caesars by the Senate; Galba called Piso Caesar; Nerva, Trajan; Hadrian, Aelius Verus; Diocletian and Maximian, Constantius and Maximinian and Dalmatius; Antoninus Pius, Marcus Antoninus; Severus, Bassianus; Carus, his sons; Philip, his son; Copronymus, his two sons; and others called other men Caesars.

Afterward they called those who were nearest the Emperor *Despots*: his sons, especially his firstborn, the heir of the kingdom, and likewise his sons-in-law; thus Ducas, according to Gregoras, book 2. Michael Palaeologus elevated his son above the Despots. What the noblest man called Caesar by the Emperor is, that is the Dauphin in France, except that there were several Caesars but there is one Dauphin. Humbert gave the Dauphiné, a province of the Allobroges, to the King of France in the year of salvation 1349 on this condition: that the King's firstborn and successor should take his title from it. Formerly even the sons of Kings were themselves called Kings, and they divided France into kingdoms. Louis III wisely wished to change this, lest he exhaust the strength of the individual men; he gave a kingdom to Lothair and returned Lorraine to Charles.

In Cedrenus, Monomachus appoints Stephen Commander of the forces, **σεβαστοφόρος**, as though he bore the Emperor, while by prudence and fortitude he guarded the Empire. As the Empire increased and ambition grew, a **Σεβαστοκράτωρ** also was appointed, as though "possessing the power of Augustus." This dignity was less than that of a Despot. In Gregoras, book 3, the brother of Michael Comnenus is appointed **ὁ σεβαστοκράτωρ**; likewise in Nicetas. Isaac, book 1, was encircled with a crown and possessed the name of the dignity without government. Alexius invented **Σεβαστοκράτωρ, πρωτοσέβαστος, σεβαστός**; and, lest anything remain beyond the titles, **πανυπερσέβαστος**, which means "as though altogether above Augustus" or "altogether venerable." These were bare names, not governments. Yet all these were below Caesar.

The name **ὁ μέγας ἄρχων, καὶ ὁ τὰς τάξεις** was also great, but, Codinus says, **οὐδὲν ὑπούργημα κέκτηται**: he has no ministry. The rationale of the patriciate was nearly the same. It was not the name of nobility, but of dignity and benefice. They were so called as though fathers of the Emperors; their power also matched the name. Belisarius acquired eighteen thousand soldiers together with the dignity of the patriciate. Aemoinus, book 2, chapter 6. Charlemagne was made Roman Patrician before he was Emperor. This was useful for preserving the nobility, just as, where it is oppressed, slaves are assumed into offices. I see that this pleased the ancient Franks, and that the Turk now approves it: that Kings should employ bondmen at court. Marileif, the chief physician, was a bondman of the Church of Tours; Proculus, the King's tutor, was sent away to rustic labor; Septiminia, to the mill; thus Gregory of Tours. But I censured this above. Meanwhile, the later Greeks were excessive in the names of honors.

§ 2. The Curopalates was at first the Architect; his office concerned the repair and maintenance of the palace and its foundations. Cassiodorus, book 7: "We judge that Your Sublimity ought to undertake the care of our palace, so that you may both preserve ancient works in their former splendor and bring forth new works in similar antiquity, if you frequently read the geometer Euclid, if his figures described with marvelous variety, and so forth. Let Archimedes also, together with Metrobius, always assist you. But if we rebuild a city or wish to found a new fortress, or if the charm of a praetorium to be constructed pleases us, what is discovered by us in thought is brought before the eyes under your direction. Whatever the builder of walls, sculptor of marbles, caster of bronze, turner of vaults, worker in plaster, or mosaicist does not know, he prudently asks you."

From this the estimation and rank of the Curopalates increased. For Aetius began to exercise care of the palace after being Count of the Domestics. Indeed, the office was conferred upon fathers-in-law and kinsmen of the Emperors, and they were placed over provinces. For Adranaser governed Iberia. In Liutprand the Emperor's brother is Curopalates; in Photius's *Library* no one's glory is greater than that of the Curopalates. So too in Corippus, book 1:

> Your uncle confirmed you as lord of the sacred court,
>
> And Baduarius, appointed organizer of the new sacred court,
>
> Successor of his father-in-law, was soon made Care of the Palace.
>
> Who had not foretold that you would be lord of the sacred court,
>
> When you governed the divine palaces of your great father?
>
> Standing equal in cares, unequal only in the diadem,
>
> Called Care of the Palace according to the order of affairs.

The man of spectable rank called *Castrensis*, under whom were all the ministries of the palace--pedagogues, record keepers, servants of the table, and domestics--was also called Curopalates. For because the Prince's retinue was called **στρατόπεδον**, "camp," all the ministers were therefore called *Castrensians*, although they had never seen any camp. At length this office appears to have been altogether changed, and among the Greeks those were called Curopalates who among the Franks were called Mayors of the Palace; for the same men were also called Prefects of the Palace. They were therefore nearest the Emperors.

It is evident that the Seneschal afterward occupied the same place. William of Tyre, book 4, chapter 5, is a witness that the Seneschal is the same as the man called Great Domestic among the Greeks. And since he says that the Great Domestic is second to the Emperor, he appears to assign this dignity also to the Seneschal. Among the Franks, certainly, the office of the Seneschal, or *Seneschalcus*, increased in the same manner. For he was placed over the table by Pepin. Since the King himself was skilled in waging wars, this was advantageous for the protection and authority of the new kingdom.

[Printed page 559]

They exercised care of the whole house, its ornaments, and even the horses. He was therefore the Steward and is so called by Robert, Abbot of Rheims; he carried the scepter, the mark of jurisdiction. He is called the Vicar of the King and second to the King. He signed the edicts and constitutions of Kings and whatever matters were of greater importance. His authority therefore increased so that it was little removed from the power of the Mayor of the Palace. Theulpus, in the *Chronicle of the Monastery of Marigny*, makes him the same as the Mayor of the Palace and assigns him also the office of administering war; therefore he also led a horse to the King. Later Kings, however, diminished that power.

§ 3. The Master of Offices stands at almost the same height, for from small beginnings he arrived at the highest power. The Master of Offices presided over the Schools of Shield-bearers, the *agentes in rebus*, and others; the discipline of the palace was entrusted to him.

His function concerned ordering the Schools and promoting the Scholastics, chapter 1, *On the Office of the Master of Offices*, title 31: "The privileges long since granted to your School being reserved entire, let no one arrive at the ducenariate, centenariate, or biarchate through canvassing, but each through labor; but let him obtain the principate as the register runs its course, so that those whom the order of military service and of its labors summons may go forth to conduct the services and the cursus. Moreover, in order that the condition of the School and the safety of the Master may be established more securely, let a suitable man, furnished with uprightness of character and good arts, be offered to our notice through the Master, so that he may be appointed according to our judgment."

He also took care that ambition did not anticipate military service. Thus Valentinian and Theodosius Augustuses to Patricius, Master of Offices: "Let no one of the *agentes in rebus* anticipate the order of military service and stipends, even if through deception he has produced an indulgence of our Divinity; and if anyone is shown to have offered a warrant of an admission of this kind, let him return to the place from which he indecorously emerged, so that the man whom better stipends or longer labor has caused to advance may precede the others in rank."

Theodosius and Valentinian Augustuses assign to Pleitius, Master of Offices, the right of scourging Senators and Ducenarii: "The devotion of our Scholastics, approved by our parents, has shone forth in affection toward Our Greatest Serenity. Hence we have immediately believed that whatever is requested for fostering and preserving their privileges must be granted. Therefore, approving the recommendation of Your Eminence, we deny to the men of spectable rank, the Counts of the Schools, license to scourge or degrade Senators and Ducenarii. For we have willed that those things which are worthy of such punishment should be referred to the notice of Your Sublimity."

The same men extended his command to the camps: "We believe that it must be enjoined upon the care of Your Perpetual Eminence that each year you take care to signify to us by your own report how the number of soldiers stands upon every frontier established under your jurisdiction, and how the care of the camps and barriers proceeds. Given on 2 September at Constantinople, Maximus for the second time and Paterius being Consuls, 443." This was done because he was a participant in all councils, as Priscus admonishes in the *Gothic History*. At length it began to be reckoned among the highest dignities. Longinus, brother of Zeno, was made Master of Offices. Evagrius, book 3, chapter 9. From this it is evident how great the dignity of this office was.

The Goths imitated these things also. Cassiodorus, book 6, formula 6: "To the Master of Offices pertains the discipline of the palace. He auspiciously restrains the tempestuous manners of insolent Schools within the bounds of his moderation. So many orders are arranged without any confusion, and he alone sustains the burden of all which the multitude possesses in division. Through him a Senator who comes is presented to our gaze; he composes the speaker and is even accustomed to insert words, so that we may fittingly hear all things. The sight of the King is not ineffectual; he is the glorious promiser of our conversation, the giver of the court Consistory. Moreover, we deposit the greatest weight of causes within the bounds of his hearing with the best security. He guards the suitable speed of the post-horses, so that he may dispatch by the benefit of speed the concerns which he assists by counsel. Through him the coming of ambassadors, however much they hasten, is announced to us; through him a warrant in our name is given. No Judge assumes the fasces throughout the provinces unless he himself also decrees it. He does not possess the troubles of exacting money; by means of assessors he appoints the suppliers of provisions in the royal city according to his own will. The officials who have discharged the service of his corps are called Princes and hold primacy among the Praetorian cohorts and the soldiers of the urban Prefecture. An Assistant of the Master is presented to our gaze, so that in the vicarious allotment of a benefice we may choose the protection of the man who offers us faithful consolation."

Hence it happened that, with so many affairs heaped together into one office, an assistant, or **βοηθός**, was appointed to him by the Prince; he judged in place of the Master of Offices.

Those nearest the first throne were therefore formerly Caesars, afterward called **Δεσπόται**, "Despots"; as those who would succeed their parents, in Spain they are called Princes, in France *Monsieur* properly and strictly, and finally Dauphins after the Dauphiné was given to the Crown. Paulus Aemilius, book 9. The Allobroges also called their Princes Dauphins.

CHAPTER XVI

The Constitution of the Royal Court

§ 1. How greatly it concerns the Prince--indeed, the whole state--to have brave, faithful, and prudent men about him and to remove slanderers, avaricious men, and the ambitious far away, the course of many centuries and the destruction of the best-known Kings have taught.

In the court there are two kinds of companions of Princes: either they assist the industry of rulers in counsel and government, or they attend upon the Prince's person and affairs. For this is a distinction of offices, not of men, since many offices are frequently conferred upon one and the same man.

The chief officer in the imperial court was indeed the Prefect of the Praetorium, concerning whom it has been spoken elsewhere.

Equal to the Prefect of the Praetorium in France was the Mayor of the Palace, or Mayor of the Household. His offices were small at the beginning: to administer justice at home among the courtiers and attend to Palatine discipline. From this he acquired authority among his peers; and because they were elected by common suffrage, and possessed esteem with the King, with whom they were continually present, they were gradually brought into the state until, through the sloth of the Kings, they drew the whole power of the kingdom to themselves. Hence Pepin possessed the kingdom and appointed not a Mayor of the Palace, but a Count to adjudicate the controversies of the household. Cedrenus wrote various things concerning these men in his account of Leo the Iconoclast, which may be consulted.

Justinian gave recovered Africa a Prefect of the Praetorium and assigned 396 ministers to his office. Code of Justinian, *On the Office of the Prefect of the Praetorium of Africa*, title 25, law 2 G: "And by him, with God assisting, let seven provinces be ordered with their Judges: of these, Tingitana, which was previously called Proconsular, Carthage, Byzantium, and Tripolis shall have Governors of consular rank; but the rest--that is, Numidia, Mauritania, and Sardinia--shall be governed by Governors with God's assistance. And in the office

[Printed page 560]

of Your Magnitude, and of the magnificent man who is for the time being Prefect of the Praetorium of Africa, we decree that three hundred and ninety-six men shall serve in the various bureaux and offices. But in the offices of the Consular Governors and Governors we ordain that there shall be fifty men in each office.

"The schedule annexed below declares what emoluments either Your Magnificence, or the Consular Governors and Governors, and each person from their office, ought to obtain from the public treasury.

"We desire, therefore, that all our Judges should strive to govern their administrations according to the will and fear of God and according to our election and ordinance, so that none of them is either devoted to avarice, or himself inflicts any violence, or permits it to be inflicted by their Judges or offices, or by any other tax collectors. For although, with God assisting, we hasten throughout all our provinces to keep the taxpayers unharmed, we nevertheless take especial counsel for the tributaries of the African diocese, who after the captivity of so many ages have deserved, with God assisting, to behold the light of liberty through us. We therefore command all violence and all avarice to cease, and justice and truth to be preserved toward all our tributaries. For thus God will be propitiated, and they can more quickly, like the other contributors of our state, be relieved and flourish."

§ 2. The court of the Emperor has great Princes as ministers. The first office is that of Cupbearer, **ὁ ἐπὶ τοῦ κρατῆρος**, a great and favored dignity among Kings. For great fidelity is necessary in those in whose hand is the life of the Prince. Nehemiah discharged this office under Artaxerxes. Among the men of Constantinople the Cupbearer was greater than the Curopalates; and now the King of Bohemia, who excels among the seven Electors, is Cupbearer of the Emperor.

§ 3. There were various Domestics, such as the Domestic of the Table, of the Schools, of the Walls, and so forth. The man placed over the table was of no lesser dignity.

In the Roman Empire the Margrave of Brandenburg is Archchamberlain, concerning whom the Golden Bull, title 25, *On the Offices of the Princes at the Solemn Courts of the Emperors*, speaks thus: "Then the Margrave of Brandenburg, Archchamberlain, shall approach on horseback, having in his hands silver basins with water, weighing twelve marks of silver, and a beautiful towel; and, descending from his horse, he shall give water to the Emperor, or King of the Romans, for washing his hands." The Chamberlain in France, whom they are accustomed to call *Camlerlan* and *Camerling*, was held in such honor that even the relatives by marriage and kinsmen of Kings occupied that dignity. Under Louis the Pious, Bernard, brother of the Queen, administered this function.

In the same Empire the Palatine is Archsteward. The Elector of Saxony carries the sword, which formerly the **ἀρχισπαθάριος** performed, who, bareheaded and next to the Emperor's kinsmen, carried the sword. Thus it appears that the ancestors wished those who were themselves Princes to be about the Prince.

§ 4. There are very many other Magistrates of the palace or court, all of whom are called by the single name *Palatines*. The lesser men were so called: the memorial secretaries, *agentes in rebus*, and attendants; *obsequium* was the name of the entire body of attendants, which served equally for protection and honor. But because at court there is frequent mention of a School and Scholastics, I judge that something must be said concerning them.

Scholastics are indeed commonly said to be those who devote themselves to learning and philosophy. Jerome testifies that Serapion was called a Scholastic because of the elegance of his intellect; Salvian joins Scholastics with discerning men. Augustine, *On Dialectic*, says that properly and originally those who are still in Schools are called Scholastics, yet that all who live among letters employ this name.

But Schools and Scholastics had an altogether different meaning in the state. Scholastics were present in council with the Prefects of the Praetorium and the Governors of Provinces.

Schools were orders of soldiers. They were so called by antiphrasis because they were by no means at leisure, as many think; but I think that in truth they were so called because of leisure, for training in arms was not so great that they could appear not to be at leisure. A soldier spends a large part of his life at leisure. In Vegetius, book 2, chapter 21, a School is a century.

The laws themselves sufficiently indicate that the labors of the military Schools were not excessive. For service in the eleven Schools was easier than that of men who endured service under the exalted Masters of the Soldiers. Indeed, two Schools served without arms: those of the Silentiaries and the *agentes in rebus*. The others were armed and were as though in Praetorian military service--that is, affluent, soft, and idle, which is seen more in pomp than in dangers. Hence there were two Schools of Candidates, Seniors and Juniors, whom a later age called *Ostensionales*, because they stood beside the rulers for the display of Majesty, commended by height and form. Yet the number of Schools varied at different times.

To these belong the Ducenarii and Centenarii, which are dignities of the legions but were transferred to Palatine offices. They presided over one hundred and two hundred members of the cohorts. *Ducena* and *Centena* were the names of the dignity itself. Paul of Samosata wished to be called Ducenarius rather than Bishop. They were in the School of the *agentes in rebus*. Augustus first instituted Ducenary Procurators, Dio, book 53, who collected taxes; they were so called because they possessed two hundred thousand sesterces in the census. The man who governed the order was called Primicerius: the Primicerius of the court **εὐτακτεῖ τοὺς ἐν αὐλῇ πάντας**, "sets all those in the court in good order."

§ 5. These too were chief offices in the royal court. The Protovestiarius presided over the inner wardrobe and kept precious treasures; but the Protovestiarites was President of the treasury, and his dignity was great and not unequal to

the Count of the Largesses. Under him was the Vestiarius and the man who was called Avestiarius in the imperial trireme.

The Great Shield-bearer is the King's groom. He offered the belt and sword to the King as he mounted or dismounted his horse, and formerly also the shield.

The Protallogator, who presided over the horses destined for the public post, is subject to the Great Primicerius.

The **Λογαριαστής** exercised care of all the courtiers, lest anyone lack his stipend.

The Sacellarius presided over alms. Zonaras, volume 3, page 76. Nevertheless he also exacted payments and decreed punishments. They were generally eunuchs and powerful.

The Great Master of the Hospice has under him eight arrangers of the table and tasters.

The Provost of the Hospice punishes those who offend in courtly service or wherever the King acts.

Other nobles were present in the palace and were created by letters patent; they enjoyed honor and titles without labor or emolument. Cassiodorus, book 6 of the *Variae*.

Among the French a Magistrate whom they called the King of the Ribalds presides over cleansing the courts. Ribalds are strong men, **σακκοφόροι**, "burden bearers," such as the ancient

[Printed page 561]

Egyptians. Accordingly, they called wanderers and vagrants, worthless men, and rogues by this name. That King therefore drove this whole kind of dregs from the court, lest, like flies, they cling to the royal banquets and befoul the palace.

§ 6. An ordinary fault of ancient courts was an excessive multitude of men. The Proconsul of Africa and his Legates had four hundred attendants. Arcadius and Honorius, Code, book 12, title 56: "We judge that four hundred must be assigned to your staff and that of your Legates, from those only whom the members of the state do not complain have been taken from them."

The Count of the East had six hundred, under Theodosius and Arcadius: "In the office of the Count of the East let there be no more than six hundred attendants, whom we know to be abundantly sufficient for public necessities."

§ 7. The Franks were much more moderate: one hundred nobles, to whom one hundred gold pieces were given monthly; one hundred others were added to them.

The privilege of all Palatines, given by Constantine, is that they should possess what they have acquired as though it were military peculium. "We command," he says in chapter 12, title 31, "that all Palatines upon whom certain privileges of our edict have long since been poured should possess as military peculium any property which, while they remain in our palace, they have acquired by their own economy or obtained by our gifts. For what is so truly from the camp as that which is acquired with our knowledge and almost beneath our eyes? Nor are those men strangers to the dust and labor of camps who accompany our standards, who are always ready for duties, whom the length of journeys and the difficulty of expeditions exercise, intent upon and instructed in their studies. Therefore let our Palatines, who have been able to use the privileges of the edict, retain as their own their peculia which, while appointed in our palace, they have acquired either by their own labor, as has been said, or by our donation. Posted ten days before the Kalends of June, Constantine Augustus for the sixth time and Constantius Caesar being Consuls."

Finally, there was also the Tribune of Shining Things, who possessed this function: that the palace and all public things should be cared for and kept shining.

CHAPTER XVII

A Consideration of Counts

§ 1. Zasius, Rulandus, and Cluverius have without cause invented the claim that Counts had their beginning among the Germans; for they were companions first of Proconsuls, and then of Emperors, and this before the manners and institutions of the Germans were known.

The dignity of Counts has now increased beyond measure. Formerly they were so called because they accompanied the Prince. The Prince's court itself was called the *Comitatus*, nor did "to be sent to the Prince" signify anything other than "to be sent to the *Comitatus*." Socrates, *Ecclesiastical History*, book 2, chapter 23. Ammianus, book 28, calls it the Sacred *Comitatus*; Symmachus, book 2, chapter 8, and book 9, chapter 8. The *Comitatensian* Legions or Vexillations took their name from it. Law *Nemo*, Code, *On Military Affairs*. The man who ordered the *Comitatus* was also called Count.

§ 2. The dignity of Counts now exists partly in the greatest Princes, partly in the vilest men, and partly in men of moderate station. The Count Palatine of the Rhine, an Elector, the Count of Flanders, and the Count of Tyrol are great Princes. Certain worthless men, who, endowed by the letters patent of Caesars with the honor of the *Comitatus* or Palatinate, wander about and boast in the title of honor; nevertheless, many honorable and military men are distinguished by that dignity. They were indeed at one time true companions of the Emperor; but now, when they bear it as a dignity, they ought not to be called Counts from custom alone.

Yet the beginning and origin of the name is from that custom. For Hadrian transferred the Senate into the court and enrolled the most select of the nobles into a company of friends, which was called the *Comitatus of Caesar*. Spartianus, *Hadrian*. Afterward the title of honor was given to others also, such as professors who had lectured publicly for twenty years. But now, since there are in Germany Counts Palatine, Landgraves, Margraves, and Burgraves--that is, Counts of the Palace, Borders, and Burgs, that is, of fortresses or towns--those wandering pretenders employ only the name "Counts Palatine."

The Count Palatine is so called from the Palace, not from the Capellatian region, which takes its name from Palas and over which the Count Palatine presides, called in the ancestral language *Pfaltzia*, as the most learned Peter Gregory of Toulouse thinks, book 6 of the *Syntagma*, chapter 8. For the Count Palatine is truly named from the Palace of Caesar and from the dignity which he possesses in it. First, he is Archsteward, which is a Palatine office; second, when the Empire is vacant he is Vicar of one portion; third, he is Judge in causes in which the Emperor is accused, which is an eminent dignity.

Thus it stands in the Golden Bull, title 5, *On the Right of the Count Palatine of the Rhine and the Duke of Saxony*: "Whenever, moreover, as is premised, the Sacred Empire happens to be vacant, the illustrious Count Palatine of the Rhine, Archsteward of the Sacred Empire at the hands of the future King of the Romans, in the regions of the Rhine and Swabia and where Frankish law obtains, by reason of the privilege of his Principality or County Palatine, ought to be Provider of the Empire, with power to exercise judgments; to present to ecclesiastical benefices; to collect revenues and proceeds; to invest with fiefs; and, in the place and name of the Sacred Empire, to receive oaths of fidelity. Nevertheless, all these things must in due time be renewed by the King of the Romans afterward elected, and the same oaths must be offered anew to him, excepting only the fiefs of Princes and those which are commonly called *Fahnlehen*, the investiture and collation of which we reserve specially to the Emperor alone, or the King of the Romans. Let the Count Palatine himself, however, know that every kind of alienation or obligation of imperial property is expressly forbidden to him during the time of this provision.

"And we will that the illustrious Duke of Saxony, Archmarshal of the Sacred Empire, enjoy the same right of provision in those places where Saxon laws are observed, under all the modes and conditions expressed above. And although the Emperor or King of the Romans, in causes in which he has been accused, must answer, as is said to have been introduced by custom, before the Count Palatine of the Rhine, Archsteward of the Sacred Empire and Prince Elector, nevertheless the Count Palatine himself may exercise that judgment nowhere except in the Imperial Court where the Emperor or King of the Romans is present."

When the Empire of the French and Germans flourished, Counts presided over cities; they were Judges and, as it were, Praetors. Beatus Rhenanus, book 2 of *German Affairs*. But when, either through merits or the outcomes of wars, administrations of counties were sometimes made perpetual and hereditary, from this arose Counts and Marquesses, of whom there is now in the Empire a great multitude, dignity, and power.

§ 3. Arcadius and Honorius made Counts equal to Proconsuls: "We decree generally that those who have deserved to be called Counts of the Consistory of Our Tranquillity should be made equal to Proconsuls of spectable rank. Given seven days before the Kalends of October at Constantinople, Theodorus, a man of clarissimate rank, being Consul." Code, book 12, title 10. This concerns Consistorians.

Concerning Counts of Military Affairs, title 12, Honorius and Theodosius confirmed the power of adoring the Prince:

[Printed page 562]

"The Provosts and Tribunes of the Schools who are admitted to the banquets of our leisure and from antiquity have deserved the faculty of adoring the Prince--among whom the Counts of the Sacred Stable and the Care of the Palace are also numbered--if they have deserved a Countship of the first order together with the Provostship, and by chance have not arrived at higher honors, when their oath has been laid aside we command that they be held among those who have been Counts of Egypt or of the Pontic Diocese, whose dignity is equal. Others who, with the honor of a Countship, have obtained a government, when released from military service we order to be numbered among those who have been Dukes of Provinces. Given seven days before the Kalends of April at Constantinople, Lucius, a man of clarissimate rank, being Consul."

After faithfully completing their service, the Decurions of the Palace could be enrolled among the Counts. Code, book 12, *On Silentiaries and Decurions*: "After faithfully completing their service and after laying aside the oaths of military service, let the Decurions of our Palace possess the choice either to prefer to obtain a dignity from Our Majesty from the Master of Offices, like the *agentes in rebus*, or to be enrolled among men of illustrious rank as Counts of the Domestics, namely among the *agentes*, so that honor may be reserved to them in every respect, both in adoring Our Serenity and in saluting Administrators, and in the other privileges of the aforesaid honor, and also in our Consistory. Given the day before the Kalends of November at Constantinople, Honorius for the tenth time and Theodosius for the sixth time, Augustuses, being Consuls."

The chief physicians of the Palace were also endowed with this dignity. Thus Honorius and Theodosius: "If the rank of a Countship of the first order has ennobled the chief physicians serving within the Palace, we command that they be enrolled among the Vicars, whether they laid aside military service long ago or shall lay it aside afterward; so that between the Vicars and Dukes who have administered office, and those who have deserved a Countship of the first order, there shall be no distinction except the time when each administered office or obtained the insignia of a Countship. Given twelve days before the Kalends of April at Constantinople, Lucius, a man of clarissimate rank, being Consul."

§ 4. It is evident that the Count of the Stable possessed great authority, for Valentinian adorned his brother Valens with that dignity. In Germany it is an ordinary dignity among men of moderate station; in France it is among the highest, indeed the most dangerous. By a corrupted word they call him Constable or Conestable. Formerly, when there was war, the cavalry was committed to him; afterward the whole army. He possessed jurisdiction over all soldiers and

commanded even the King's brothers and kinsmen. His authority then increased when the office was made perpetual. His dignity is therefore the greatest, and the other Marshals are subject to him; for this reason he even possesses the King in his power. The Marshals serve in place of the Count of the Stable and Master of the Horse. Formerly there were four; afterward their number was increased, in order to divide the power, so that there were eight. The Master of Foot is properly the Vicar of the Constable.

§ 5. The authority of Dukes and Counts under Charlemagne was not singular; they were like Roman Governors, whom Emperors at their judgment either removed or restored to the place of dignity, just as the friends of Kings are now worth a talent, now a denarius, according to the place the King assigns them.

After the time of Diocletian Dukes possessed some rank of dignity, and their first mention is in Ammianus. In France they were nearest the Kings. Walafrid Strabo, book *On Ecclesiastical Affairs*, chapter 13. But they presided over Prefectures rather than hereditary lordship.

The kinsmen and brothers of Kings were called Peers; afterward twelve were so called, though elsewhere even parents are thus named.

Bullinger relates that he read in an ancient codex that a King ought to have two Patricians; a Patrician, four Dukes; a Duke, four Counts; a Count, four Barons; a Baron, four Castellans; and a Castellan, four Vassals. In another codex: a Count should preside over ten Marquesses, and a Marquess over ten Barons. I believe that this was written; I think it was never observed. I do not doubt that Marquesses take their name from borders. In German *Marc* is not a noble horse, but *Maer* is a mare, and perhaps a horse; but *Marck* or *March* is a border.

§ 6. The Count of Private Affairs was at first the procurator of Caesar and afterward the Count of the Lord's Estate. There was another Count under him, the Count of Private Largesses. Afterward he judged concerning escheated goods, incest, and violators of tombs. The Count of the Sacred Patrimony was also distinct from him, although they appear to have been under him.

Afterward the same office which had belonged to the Count of the Sacred Largesses was given to the Protovestiarius, who guarded all precious things and even the treasury itself; for this also was afterward added.

§ 7. Some think that Barons are *Varones*, that is, servants of soldiers and camp followers, who are the most foolish of men. The Germans say that they called wise men "Barons," that is, men. Now the Germans call them *Freyherrn*, not because they acknowledge no superior, but because they are under only the supreme Magistrate. I think the word is German, but the institution taken from the Romans. The Romans called Senators "Fathers"; it was a name of dignity, whence also came "Patricians." But among the ancient Germans, and now also, father is called *Vaar*, by contraction from *Vader*, for *Vatter* is more recent. Barons, therefore, or *Varones*, were so called as though fathers.

I am not ignorant that there are other opinions of others concerning Barons. Some think that they are called from **βαρεῖν**, or rather **βαρύνειν**, because they excel in gravity and dignity. Others who derive them from fortresses, which later Greeks called **βάρεις** from the Hebrew, or from **ברא**, that is, "creating," depart farther from the right course. For what would bring it into the mind of Germans and Frenchmen to distinguish a new dignity by a Hebrew name, and indeed one so general? Yet if a name must be sought all the way from Heber, we shall more rightly say that Barons are called *Barionim*, **בריונים**, as though from **ברר**, "chosen, serene, pure," for the Hebrews employ it more commonly in this meaning. But since that dignity exists among Germans and Frenchmen, I prefer to seek its meaning from their own ancient language rather than from foreign ones.

In certain cities, as in golden Mainz, some Masters of artisans whose care it is to provide for and direct foreign workmen who arrive are called Fathers. Yet it is useful to hear others also. Some think Vassals and Barons the same, but Peter Gregory of Toulouse shows that they are different, book 6 of the *Syntagma*, chapter 10. Hector Boethius testifies that among the Germans and Scots Barons are called the same as Royal Vassals. Blondus wished them to be included under that name. And some think that the captains and magnates of the kingdom were so called by that name:

all Dukes, Counts, and Marquesses. Otto of Freising also numbers William, Marquis of Montferrat, among the Barons of Italy. Among the ancients in France also it sometimes pleased them that Counts should be called Barons, as Renatus Chopinus teaches at greater length. Baldus, however, notes that the Lombards call this man a great Castellan; and Boerius says the same in France and that he is the man who, by concession of the Prince, has obtained in a certain fortress the right of lower, middle, and highest coercion. Others suspect that the man called a Baron is the one who is called a great *Valvassor* and Captain of the King in fiefs, whom the Prince has invested with some commonalty or portion. But it pleased others that anyone below a Count who possesses some dignity should be called a Baron. For they wished

[Printed page 563]

a County to be more worthy than a Barony. Nor is the opinion of those who confuse these dignities commonly approved, because both are often named together in law as distinct.

Some attribute to the Baron even the supreme power after the royal power in matters pertaining to feudal rights, and assert that these men are called Barons from the Greek word **βαρεῖν**, because they ought to precede the other Beneficiary Lords in gravity and dignity. As testimony for this they cite Cicero to Atticus: "I have placed you in the highest favor with the Patron and the other Barons," and so forth. Others, however, read "Varones" there.

Others derive Barons from the form of a feudal building, because houses enclosed on every side and raised upon towers are called *Bareis* by the people of Palestine, according to Rhodiginus. But if it is permitted to interpret our word from other languages, the derivation from the Hebrew speech appears truer to me: that a Baron should be called, as it were, a new creature and creation which is neither a Duke, Marquess, nor Count, but some new thing. For thus the Hebrews say **ברא**, "he created," and **בריאה**, a formation, a new creature; or from **ברר**, "he chose," so that a Baron is called "chosen." And among the Rabbis also *Barion* is a bodyguard, who is commonly called *spatharinus*, "swordsman."

And in chapter 11 he shows that greater Princes are called Vassals, *Valvassores*, and *Valvasini*. His words are: "They think *Valvassores* are so called because they stood at their Lords' doors, as was also done among the Kings of the Hebrews. Lesser *Valvassores* they also called *Valvasini*. And in turn those who received a fief from the lesser *Valvassores* were called the least *Valvassores*. Thus there were three ranks of *Valvassores*: greater, lesser, and least. By common law the lesser were free to take away from the least a fief, after restoring the price, if they had sold it to them; this was nevertheless not permitted by the custom of Milan, because the least possess the same right as the greater. In relation to all these, Dukes, Counts, and Marquesses, who received a fief from the King and gave it to others, are called Seniors, as though first Feudatories before the greater *Valvassores*. From this word *Seniores* is derived the word *Seigneur*. *Valvassores* are also called soldiers of the Seniors."

For so Conrad I often employs the word in a law added to the Frankish and Lombard laws, in the title *On Benefices and Tributary Lands*. Pepin also employed it in the law concerning property under dispute, which he enacted in this manner: "Let no one purchase a horse, ox, pack animal, or any other thing unless he knows the man who sold it, or from what district he is, or where he dwells, and who his Senior is." The Franks spoke of Vassals and *Vassi*, as appears in the title *On the Lord's Vassi*. Aemoinus says that Charlemagne appointed throughout all Aquitaine Counts and Abbots, and very many others, "whom," he says, "they commonly call *Vassi*, from the nation of the Franks." And elsewhere he relates that Tassilo, Duke of the Bavarians, came with the chief men of his nation and, after the Frankish custom, commended himself with his own hands into the King's hands in vassalage; and promised by oath upon the body of Saint Dionysius fidelity both to King Pepin himself and to his sons Charles and Carloman; and so forth. In like manner also all the chief men and elders of the Bavarians.

Some say that Vassals were named from *vas vadis*, because in the form of fidelity they swore an obligation to their Lord. Others say from the Frankish word *Vassi*, which signifies "brave," namely because Lords granted fiefs to chosen brave soldiers. In the Turkish language *Bassalar* means eminent men--if one may speak thus, "heads"--who always

accompany the Prince for counsel. Thus Satraps and men of greater dignity are also called Bashas among the Turks, some of whom are greater than others. Thus Bashas are honored by other Bashas according to dignity. And perhaps **βάσσαι** also were so called, as though *Vassi*.

Others say that Barons and *Baros* mean men, namely brave men, so that it is a name of virtue. Thus certain glosses. The Picards thus call husbands. Among Spaniards *Varon* means an eminent man. Indeed, the German word *Bar* has the notion of liberty; for this reason some think that children, that is, sons, were also so called. Matthew Paris, in the *English History*, calls the council or assembly of France the *Baronagium*.

CHAPTER XVIII

A Consideration of the Roman Consulship

§ 1. After the Kings had been expelled, the Consulship was the principal office in the Roman state. In the creation and adornment of this Magistracy I find many things instituted most wisely and some less prudently--not because they lacked wisdom, but because through fear, rivalry, and desire they overstepped the bounds of what was right.

§ 2. In the beginning the creation of Consuls was conducted with the greatest integrity. In the two hundred and forty-fourth year from the foundation of the city, two were created by the Prefect of the City from the registers of Servius Tullius: Lucius Junius Brutus and Lucius Tarquinius Collatinus; and this was done in the Centuriate Assembly.

Servius preferred the Centuriate Assembly, lest the elections be in the hands of the lowest men. For although the poor were the greater part, the Magistracies were nevertheless in the power of the wealthiest. There were six classes: the first was of the wealthiest, the second of the rich. There were one hundred and ninety-three centuries; in the first class were ninety-eight centuries, in the second twenty. Those two classes, therefore, when they agreed, designated the Magistrates. Lesser Magistrates were created in the Tribal Assembly, in which the people had greater power; accordingly Quintus Fabius and Publius Decius cast the rabble of the Forum, which had been mingled through all the tribes, into the four urban tribes. Thus the elections were always in the power of the principal men. This must be attended to with the greatest care in a free state, lest wicked and needy men designate as Consul one to whose advantage it is that the state be afflicted and overthrown.

§ 3. The consular age was forty-two years, and an ordinary return to the office was not permitted except after an interval of ten years. This also was observed: access to the highest dignity was made through the grades and through other Magistracies well administered. Yet all these things were sometimes changed either through ambition or through the necessity of the state. Afterward the rule of age was neglected, and Honorius as a boy was raised to the Consulship. Claudian:

> A Consul amid your cradle-clothes,
>
> You advance, marking the fasti merely by your name,
>
> And the year which brought you forth is given to you.
>
> Your mother herself clothed you, still small, in the Quirinal robe
>
> And taught you to crawl toward your first curule chairs.

§ 4. The honor of the Consuls was great. First, his chair was ivory, altogether royal. Hence it is called the most ample dignity, is preferred to all dignities, and was an honor sought even by Emperors. Statius, book 4 of the *Silvae*:

> Every honor takes its light from the Consul.

Next came the bordered toga. In the later age it was customarily given by Emperors. Vopiscus, in *Probus*: “The palm-embroidered Capitolian robe awaits you.” Valerian wrote to Aurelian: “Receive, therefore, for your achievements four mural crowns,” and so forth, “a bordered toga, a palm-embroidered tunic, a painted toga, a deep under-tunic, and an ivory chair; for today I designate you Consul, and I shall write to the Senate that it assign you a scepter and also assign you the fasces.”

[Printed page 564]

In this matter they were liberal, while observing the precept of Maecenas: “Preserve honor for the Consuls; take away their strength.”

Third, the year was inscribed with the name of the Consuls. For this reason the names of wicked men were sometimes erased from the fasti, and Claudian deservedly complains:

> Through the cities an old woman in the consular robe
>
> Is displayed and effeminates the title of the year.

Libanius describes that dignity, which long afterward remained without power: “What could be more venerable than to encompass the whole world, after the manner of the sun, by the appellation of one’s name, and for the name given by one’s parents to be in the mouth of all men--a name whose remembrance attends many necessities: judgments, marriages, the forum, harbors, debts, sales, those contracting, those making agreements, litigants, those establishing credit by letters, those entering into association, those separating, and the birthdays of wealthy sons?”

§ 5. The power of the Consuls was altogether royal. Livy speaks truly in book 2: “You may reckon the origin of liberty from this rather--that the consular government was made annual--than from the fact that anything was diminished from royal power. The first Consuls retained all the rights and all the insignia. This alone was guarded against: lest, if both possessed the fasces, terror should appear doubled. Brutus first possessed the fasces with his colleague’s consent; and he had not been a more vigorous vindicator of liberty than he was afterward its guardian. First of all he compelled the people, greedy for their new liberty, by an oath that they would permit no one to reign at Rome, lest afterward they could be bent by the entreaties or gifts of Kings.”

The summit of their power was nevertheless bestowed chiefly for the conduct of wars, after the example of the Lacedaemonians, among whom there was a King and two annual Commanders. Hence came the fasces and Lictors, all after the royal manner. Later, in the time of the Emperors, scarcely any wars were entrusted to Consuls. It was extraordinary that Belisarius, after being made Consul, conducted the war in Sicily and laid down the Magistracy in the province, although by then it was not a Magistracy but the empty mask of an honor.

§ 6. First, their power was diminished by the addition of a colleague with equal power, so that, if one were wicked or seditious, he might be restrained by his colleague, since they held the fasces by turns.

Next, the government was annual, so that they might rule more moderately over men who were sometime to possess the Magistracy over them. This is still the custom in many cities, though in another and happier manner than among the Romans.

But since not even in this way was the imperious pride of certain men sufficiently restrained, it was afterward established that they should judge and act according to the Senate’s opinion. Indeed, an appeal from the Consuls to the people was granted. At length they reached such a pitch of contention that they broke the Consuls’ fasces and refused to answer to their name. Livy, book 2, under the Consuls Aulus Verginius and Titus Veturius.

At length the Tribunes were opposed to them. Hence came all those conflicts of a divided state. Hence in book 2 they threaten Claudius with bonds; in book 5 they command that the military Tribunes be under the Senate’s power; in book 7 they compel Manlius to resign the Dictatorship; and in book 4 they stir up the people against the Consuls. Amid these struggles between the Fathers and the plebs the state passed a great part of its life, because it possessed governments contending with one another.

§ 7. They possessed an army only by a decree of the Senate or a plebiscite. Julius Caesar was proclaimed Consul and Dictator for ten years; when the first opportunity came, those who had been compelled to do this reclaimed their authority. Augustus also, just as he began to possess tribunician power, likewise possessed Proconsular command. Dio says:

> **ἀνθύπατον ἐστὶ καθάπαξ, ὥστε μήτε ἐν τῇ εἰσόδῳ τῇ ἔσω πωμηρίῳ καταλῦσαι τὴν ἀρχήν.**

He was created Proconsul--that is, he possessed consular power always and perpetually--so that not even by entering the Pomerium did he lay down his power. Otherwise, upon entering the city, he lost Proconsular command. The plebs conferred a perpetual Consulship upon the elder Africanus because of his immense services to the state, but with greater moderation he refused it. Domitian numbered seventeen Consulships, not without ridicule.

§ 8. The management of public money was in the hands of the Consul. Hence Caesar, when Consul, stole golden ingots and substituted gilded bronze ones in their place. This indeed was a great power, but afterward that charge was entrusted to others. On his first entrance Caesar opened the treasury and threatened the Tribune who forbade him with death. He brought forth twenty-six thousand golden ingots and three hundred thousand in coined money; the sum was twenty-six million.

§ 9. The Consul possessed the ordinary right of consulting the Senate. This was observed so strictly that the Emperor did not possess the power of convening the Senate except by a special privilege. Accordingly, we read that it was granted to Vespasian by decree of the Senate: "That he be permitted to hold the Senate, make a motion, remit a matter, and make a decree of the Senate by motion and division," and so forth. "That whenever the Senate is held according to his will or authority, by his command or mandate, or in his presence, the law of all matters should be regarded and observed in the same way as if the Senate had been summoned and were held according to law."

This right was therefore customarily given to Princes. The Consul who possessed the fasces in that month made the motion. This was the ordinary rule; nevertheless, Senators were sometimes accustomed to ask that they might refer a matter to the Senate and themselves speak at length about urgent affairs. It is evident from the beginning of the eighth *Philippic* and elsewhere that the Consul nevertheless possessed great weight.

§ 10. Military Tribunes with consular power were created in the 309th year of the city; after the year 396 they ceased to exist. During that time they did not enter the Magistracy continuously, but almost alternately with the Consuls. The reason for creating military Tribunes with consular power was that the Fathers refused to make plebeians Consuls, while the Tribunes demanded it. They therefore preferred Tribunes who might be taken from both plebs and Fathers. At first three were elected from the Fathers, and the plebs was content because account had been taken of its members; afterward four, and finally six, were made, partly patricians and partly plebeians. At length there were eight. Livy, at the beginning of book 5. I marvel that some regard that passage as corrupt and think that there were never eight, since Livy refutes this: "Peace had been obtained elsewhere; the Romans and Veientes were in arms, with such anger and hatred that it appeared the end awaited the vanquished. The elections of the two peoples were held by very different methods. The Romans increased the number of military Tribunes with consular power. Eight, as had never been created before, were elected: Marcus Aemilius Mamercus for the second time, Lucius Valerius Potitus for the third, Appius Claudius Crassus, Marcus Quinctilius Varus, Marcus Julius Tullus, Marcus Postumius, Marcus Furius Camillus, and Marcus Postumius Albinus."

Yet the moderation of the plebs in this matter was great, because for forty-four years no man from the plebs was created military Tribune in the camps, although they contended that plebeians should be Consuls. Thus it appears that the pride of the nobility, not the ill will of the plebs, was the reason why Magistracies were shared with the lowest men.

§ 11. In the creation and administration of this supreme Magistracy there are many things which I find wanting. In truth, poor provision was made for the ancient state.

[Printed page 565]

The source of the evil was that annual power, by always instilling new hopes into men eager for change, possessed too little authority and too little strength to restrain the people. The Romans themselves concede this to me. Livy, book 2: "From this point I shall relate the deeds of the Roman people, now free, in peace and war; their annual Magistrates; and the commands of laws more powerful than those of men. The pride of the last King had caused this liberty to be

more welcome. For the earlier Kings reigned in such a manner that they are not undeservedly all numbered thereafter among the founders of the parts of the city, because they added new settlements for the multitude which they themselves had increased. Nor is it doubted that the same Brutus, who earned so much glory by expelling the proud King, would have acted to the greatest public harm if, through desire for an immature liberty, he had wrested the kingdom from any of the former Kings. For what would have happened if that rabble of shepherds and immigrants, fugitives from their own peoples, having obtained liberty--or at least impunity--under the protection of an inviolate sanctuary, had, when royal fear was removed, begun to be agitated by tribunician storms and to sow conflicts with the Fathers in an alien city before the pledges of wives and children and love of the very soil, to which men become accustomed over a long time, had united their spirits? The still immature state would have been scattered by discord. The tranquil moderation of government fostered it and brought it, by nourishing it, to the point that, with its strength now mature, it could bear the good fruit of liberty."

He plainly admits that a free people could not have grown under those conditions. Indeed, while Tarquin, so savage and so proud a King, was still alive, they wished there to be a Dictator because of fear of the Latin war. Livy explained this excellently in book 2: "After a Dictator--Lartius--was created for the first time at Rome, when they saw axes carried before him, great fear seized the plebs, so that they were more intent upon obeying his command. For there was not, as under the Consuls who possessed equal power, the aid of the other; nor was there appeal; nor was there any help anywhere except in careful obedience." A little afterward Postumius the Dictator fought with Tarquin. Then, when the Kings had been removed, tyranny was doubled and a sedition of the plebs soon arose. Livy, book 2: it began when Appius Claudius and Publius Servilius were Consuls. "It was already near the point at which not even the majesty of the Consuls could restrain the passions of men." And a little afterward: "From that point one Consul and the Fathers raged; but the courage of the plebs had increased, and they proceeded by a very different path from that which they had first begun. For, despairing of aid from the Consuls and Senate, when they saw a debtor being led to court, they rushed together from every side. The Consul's decree could not be heard because of the din and shouting; and when he had decreed, no one obeyed. The matter was conducted by force, and all fear and danger to liberty, when individuals were assaulted by many in the Consul's sight, had turned from the debtors upon the creditors." At length a secession was made, and, lest they be bound by the military oath, they resolved to kill the Consuls.

§ 12. The reasons why the Consulship is not a suitable Magistracy are manifold: it belongs to canvassers; it is annual; it belongs to the inexperienced and to rivals; and it is exercised over men whom the Consul fears and whom for many reasons he cannot offend.

The first source of weakness in that Magistracy is that, although the Consulship was sometimes given as a reward for virtue, constancy, and integrity, it more often yielded to flatteries and ambition. First, it was very frequently given to eloquent men. Cicero, *On Canvassing for the Consulship*: "The man who is regarded as a worthy advocate of Consulars cannot be thought unworthy of the Consulship." Accordingly, supports were procured even through the greatest injustice, and favor privately. The same Cicero: "Then let both the multitude and the kinds of your friends appear. For you possess those things which new men have not possessed: all the publicans, almost the entire equestrian order, many municipalities besides, many men of every order defended by you, several colleges, and in addition very many young men conciliated by devotion to speaking, and the daily attendance and frequency of friends. Take care to retain these by commending, asking, and contriving by every means that they understand both what they owe you, as an occasion for returning favor, and that those who wish to oblige you will have no other time." He then advises him to commend himself to the Optimates and nobles.

Hence we see that no man was so wicked that through his crimes he lost the hope of attaining the Consulship. The things which Cicero writes concerning Antony and Catiline, Galba and Cassius are astonishing; nevertheless they were competitors for the Consulship. They induced the tribes to support them by promise, hope, and gift. Hence came greeters, escorts, attendants, and friends who referred everything to the candidate's ambition and nothing to the safety of the state. Hence, in popular solicitation and handshaking, came those enticements and deceits: knowledge of names,

flatteries, assiduity, liberality, rumor, and hope. Hence came that rule of candidates: they were not to permit anyone to be able to say that he had not been asked, or had not been asked earnestly and diligently. Honorable and lavish promises and most profuse largesses often brought it about that they made Consul a man whom no good man would wish to have as a son. Hence came those plagues of the state: intermediaries, agents, and distributors.

Since very many therefore came to dignity by money and crimes, they could not administer with dignity or for the public good the state which they had been unable to obtain by virtue. Blinded by money, they rejected distinguished men. Quintus Aelius Tubero, because he had spread Punic couches with kidskins and had set out Samian ware instead of silver vessels, was rejected from the Praetorship. Paulus Aemilius, after being rejected, wearied the Campus and could not by the splendor of his nobility or the goods of his spirit prevent the Quirites from being adverse to him. The same envy drove the sorrowful Metellus from the Campus. But the greatest disgrace of the Roman people was that Vatinius was preferred to Cato in the Praetorship.

A greater evil arose from this: those Magistracies were very often conferred upon needy men who had poured out all their resources upon largesses. How, therefore, could authority, vigor, or esteem exist in men who, unless by injustice, sold opinions, corrupted judgments, and plunder of the provincials they amassed enough booty for themselves and their judges, would be dragged into bondage as soon as they laid down the Magistracy?

§ 13. Even if the Consuls were good, brave, equitable, and experienced in affairs, the brevity of their term nevertheless frustrated all the force of consular command. For this very fact--that the Magistracy lasted only a year--blunted the courage and confidence of the ruler; and those who obeyed unwillingly or were offended counted each day precisely. A Consul-designate also was often hostile; or, even if benevolent, a successor nevertheless loomed over him. But nothing hindered equally with the inexperience of those who were created. For every year they chose a new Ruler. This is just as if some Prince or city should every year choose for itself a new physician who had never healed anyone and should hazard his art at the risk of its life. The madness would be judged still greater if, captured by favor or gifts, they entrusted their health to an inexperienced man.

For this reason most free cities in Germany, although they change the Consulship, nevertheless permit it to remain among experienced men. The laws of Cologne have made excellent provision that a continuous Consulship remain among six men, in such a way that it returns to each one every third year.

[Printed page 566]

From this they obtain the advantage that neither does excessive power belong to one man nor are affairs governed by the inexperienced. In place of a deceased Consul the Senate by decree substitutes a Senator of proven fidelity, virtue, and prudence. In his year that man enters the Magistracy with a colleague who has served before; thus they are governed by experienced men. No one aspires to the Consulship through ambition, because there is one access alone: if he has proved to the Senate his prudence, vigilance, constancy, justice, and dexterity in ruling.

§ 14. But what was the origin of all disasters was that in the Roman Consulship there was no force by which the injuries of powerful men could be restrained. For, first of all, Consuls were agitated by great personal hostilities, so that they sometimes betrayed their fatherland and army. Thus it happened at Veii, as Livy testifies in book 5. Sergius and Verginius were military Tribunes with consular power, each hated and was hostile to the other. “When it was reported to Verginius that most of the forts had been attacked, the defenses overcome, and the enemy was entering from both sides, he kept his soldiers under arms, repeatedly saying that, if there were need of aid, his colleague would send to him. The obstinacy of the other equaled this man’s arrogance: lest he appear to have sought any help from an enemy, he preferred to be conquered by the enemy rather than conquer through a fellow citizen. For a long time soldiers were slaughtered between them; at last, after abandoning the defenses, a very few made for the greater camp, but the largest part, and Sergius himself, for Rome. There, when he shifted all blame upon his colleague, it was resolved that Verginius be summoned from the camp and that the Legates command in the meantime. The matter was

then debated in the Senate, and the colleagues contended with insults. Few supported the state; men supported one or the other according as private zeal or favor had seized each."

Many examples teach that no Senator could be restrained by a Consul if only he possessed the spirit to resist. For the faction of the Patricians allowed nothing to be done for the advantages of the plebs, and the object was that the Consul should strengthen the domination of the nobility. But if anyone sought the favor of the plebs, he assuredly possessed an easy refuge against all patrician commands. Other things were then present by which justice could not be defended or injuries restrained: the conspiracy of the nobility, relationships by blood and marriage, the succession of others to the same dignity, and reciprocal hopes of concealment. No noble Consul was ever found who administered the Magistracy in such a way as to arouse against himself the hatred of his peers by impartial justice and the defense of the plebs. Nor were there lacking those who secretly and openly plotted snares and death. I therefore praise more highly the Veientes, who, weary of annual ambition, the cause of discord, created a King.

§ 15. Excessive expenses were also made in the Consulship, so that the purple of a single year reduced many to poverty. Lest anyone think that the lords of the earth are undeservedly censured, let him hear the most prudent judge Lipsius, book 2, chapter 11 of *The Greatness of Rome*: "I shall state the chief heads of expenditure. Lactantius speaks thus concerning them generally: 'What is to be said of those who, led by popular fickleness, expend upon the presentation of shows resources sufficient even for great cities?' Likewise Ambrose: 'A Magistrate bestows and squanders his entire patrimony upon theaters, mimes, athletes, gladiators, and other kinds of men of this sort, so that he may acquire the favor of the crowd for a single hour.' The Fathers deservedly condemn this ruinous madness, which strips private men of their goods through play and diminishes and saps Princes themselves. You may learn this both from the frequency of the shows and from their apparatus. Augustus alone says that he gave games twenty-four times in his own name and twenty-three times for other Magistrates who were absent or lacked the means. I scarcely think any of those princely games cost less than five hundred thousand or even a million sesterces, as their equipment and pomp will readily persuade us. For behold, how great were often the expenses in adorning the theater itself, the amphitheater, or the circus, since some charm and enticement of novelty was always sought in the very form. Nero, for example, overlaid and covered the entire theater--not merely its stage--with gold. Whatever was brought in, and every instrument and item of stage equipment, was likewise golden; and the awnings stretched above against the sun were wholly purple and interwoven with golden stars. Hence even that day was called Golden. Dio Cassius relates this concerning Nero. Pliny likewise signifies the same thing: 'Nero covered Pompey's theater with gold for one day, on which he displayed it to Tiridates, King of Armenia.'

"What of Julius Caesar before Nero, when he was not yet Prince? As Aedile, in the funeral show for his father, he was the first to use silver for all the equipment of the arena; and beasts being assailed with silver spears were then seen for the first time. Soon afterward, in something which even municipalities emulate, Gaius Antonius gave games with a silver stage." Afterward the Consulship was a mere name; yet those shadows of Consuls did more to irritate spirits than to pacify them, since in this manner dignity was not added to citizens, but the memory of lost dignity was renewed, not without reproach. Pandulf Petrucci, the tyrant of Siena, imitated the same thing in the creation of Six Men.

And afterward: "But you will say that these things belonged only to principal men. You are mistaken. Cicero long ago said of Milo that he poured out three patrimonies upon these things; Vopiscus speaks of a certain Messala when he relates these things with indignation: 'Let Junius Messala read this passage, whom I dare freely to blame. For he gave his patrimony to stage-players and denied it to his heirs; he gave his mother's tunic to a female mime and his father's cloak to a mime--and rightly so, if a tragic actor were to use his grandmother's gold-and-purple mantle and trailing robe! Why should I speak now of linens sought from Egypt, or of those from Tyre and Sidon, translucent in their fineness, gleaming with purple, most celebrated for the difficulty of their embroidery? Cloaks sought from Arras were given; cloaks from Canusium were given; African riches never before seen appeared upon the stage. I committed these

things to writing so that shame might touch future producers, lest, after disinheriting lawful heirs, they assign patrimonies to mimes and babblers.'"

The expense of all was immense, for the consular and triumphal banquet had passed into custom. Pliny, book 14, chapter 15: "Did not Caesar the Dictator also distribute amphorae of Falernian and Chian wine at the banquet of his triumph? At his Spanish triumph he likewise gave Chian and Falernian wine; but at the banquet in his third Consulship, Falernian, Chian, Lesbian, and Mamertine. It is established that this was the first time four kinds of wine were set out. Afterward, therefore, all other wines came into distinction, around the seven-hundredth year of the city."

Let this, however, be granted to the congratulations of friends. Consuls gave games at the greatest loss to themselves and the public. But this surpasses all madness: even when the Consulship was only an honor and not also a power, many nevertheless purchased the mask of a dead Magistracy by the loss of their patrimony. Whoever does not know the expenses of the games is ignorant of Roman antiquity. Consuls exhibited a hunt. Claudian, book 3, *On the Praise of Stilicho*:

> Beasts to be held with death delayed by nets and enclosures,
>
> And beasts to be led forth--restrain your eager arrows;
>
> Spare the monsters destined to fall for the Consul's applause.

[Printed page 567]

It was a matter of great expense and not suitable for a man who was about to return to private life. Thus, while they competed in expenditures at home, the spoils of the provinces were purchased in the Assembly much more ardently than monstrous beasts:

> Then he gathers green leopards and the other prodigies
>
> Of the south, and together with them Latona's monstrous tusks.

Nor do I censure the madness of expenditure without cause, for popular Emperors alleviated it. Aurelian gave the Consulship at public expense; he would not have given a benefit if he had not himself supplied an expense ruinous to a private man. Other, more prudent Emperors afterward reduced the expense, as Alexander Severus did. Yet ambition most wretched in its desire was not lacking: many judged it more tolerable to be ruined by expenses than to lack the Consulship.

The laws themselves agree with me. Valentinian and Marcian forbade it, Code, book 12, title 3: "We have recalled the order of the Consulship to the ancient ordinance, so that the throngs of the people may follow the chair of our honor for its merit, not through eagerness to seize gifts, and, laying aside desire for gain, may behold the venerable attire of our fathers and the ornaments of most fortunate antiquity. We therefore wish the Consuls to precede all others by this example also, and do not permit them to expend without effect. Thus, when this advantage of scattering gifts has ceased, let the most ample Consuls henceforth abstain from the error of ruining themselves as they proceed; and by the best counsel let that which was to be incompetently thrown away benefit a necessary work. Therefore let one hundred pounds of gold be furnished under each Consulship for the restoration of the aqueducts of this most ample city, so that the Consul may know that he has given to his fatherland and that it may be known that what is given will remain perpetually. Given when Sporacius and Herculanus were Consuls."

Not even antiquity could endure that, after the power of making war and peace had been taken away--as the Emperor speaks in Novel 105--Consuls should exhaust themselves by largesse alone. Marcian altogether forbade the scattering of coins; Justinian permitted them to scatter silver but forbade gold. Yet it is useful to hear the laws: "What the Consul ought to scatter among the people in these seven processions we have determined better than the constitution of Marcian of divine memory declares. That law indeed altogether denied munificence; but we correct that provision, arranging it according to the will of the man who possesses the honor of the Consulship. For if he wishes to scatter

nothing, we do not compel him; but if he again wishes to come to this and honor the people with gifts of silver, we do not forbid this either. Nevertheless, we do not permit him to scatter gold of any stamp or weight whatsoever, whether smaller, larger, or intermediate--but silver, as we have said."

Let these things have been said concerning the office, honor, and power of the Consuls. When that power failed, the Romans supported it by the Dictatorship, concerning which I shall speak in its place.

CHAPTER XIX

Magistracies Similar to the Consulship

§ 1. The military Tribunes were altogether equal to the Consuls and were therefore called military Tribunes with consular power. The Decemvirs for writing the laws employed the same absolute power, although a greater power was given to them by which they might compose and enact laws. But their power was abolished in a tumult because, although they promulgated the most equitable laws, they treated the citizens most injuriously and judged most unjustly.

§ 2. The Prefect of the City was nearly equal to, and afterward superior to, the Consuls. It was an ancient Roman Magistracy and instituted by the Kings themselves, for when the Kings departed for war they appointed a Prefect for the city. This afterward continued, except that under the Emperors their power was greater and they discharged their office even when Augustus was present. Tacitus, *Annals*, book 6: "At the same time Lucius Piso the Pontiff--something rare amid such distinction--died by fate. He was voluntarily the author of no servile opinion and, whenever necessity pressed, wisely moderate. I have related that his father was a Censor; his age advanced to his eightieth year. He had earned triumphal distinction in Thrace. But his chief glory came from this: that, as the recently appointed Prefect of the City, he wonderfully moderated a continuous power, made more burdensome by the insolence of obedience. For formerly, when the Kings, and soon afterward the Magistrates, departed from home, lest the city be without government, a man was chosen for a time to administer justice and govern the subjects. They say that Denter Romulius was appointed by Romulus, then Numa Marcius by Tullus Hostilius, and Spurius Lucretius by Tarquin the Proud. Afterward the Consuls gave the commission; and its image remains whenever, because of the Latin Festival, a man is appointed to assume the consular function.

"But during the civil wars Augustus placed Cilnius Maecenas, of the equestrian order, over all at Rome and throughout Italy. Soon, having gained possession of affairs, because of the size of the people and the slow assistance of the laws, he selected from the Consulars a man to restrain the slaves and that element among the citizens which was turbulent in its audacity unless it feared force. Messalla Corvinus was the first to receive that power and relinquished it within a few days, as though ignorant how to exercise it. Then Taurus Statilius, although of advanced age, bore it excellently. Next Piso, equally approved through twenty years, was celebrated by a public funeral by decree of the Senate."

§ 3. Under the free state the office of Prefect of the City was not of long duration. For after Praetors were created, command, when the Consuls were absent, was transferred to them. It nevertheless remained when the Consuls had departed from the city because of the Latin Festival. Dionysius, book 4, speaks thus concerning the Latin Festival: "So that this treaty might remain perpetual, Tarquin proposed to assign a common sanctuary of the Romans, Latins, Hernici, and Volsci--of those, that is, who had been received into alliance--at which they might assemble for a market each year, feast together, and enjoy common sacred rites. This pleased all. A place for the gathering was appointed almost in the midst of these nations, a high mountain overlooking Alba; there each year the festival was to be celebrated, and during that interval, because of the sanctity of the place and the law enacted concerning it, all were to abstain from every conflict, sacrifice together to Jupiter Latiaris, and devote themselves to feasts, after it had first been determined how much each people ought to furnish for those rites and how great a portion it ought to receive. Forty-seven peoples participated in that festival and sacrifice; the Romans celebrate it in our own age also and call it the Latin Festival. The peoples participating in the rites contribute to it: some lambs, some cheeses, some a fixed measure of milk, and some milk-cakes. The victim is one bull common to all; of its entrails each people receives its portion. The sacrifice is made on behalf of all, and the Romans preside over it."

So great was that superstition--or rather renewal of the treaty--that it was regarded as impious and ominous for Consuls to go to their provinces unless they had first proclaimed the Latin Festival on the Alban Mount. Livy frequently notes

this. Livy speaks of the repetition of the Latin Festival in books 32, 37, and 41. The officer created because of the Latin Festival was therefore called Prefect of the City; at first he possessed consular power and, before the Consuls, viceregal power.

[Printed page 568]

After the Praetorship was instituted, a Prefect of the City was appointed only for the sake of religion; Tacitus calls this an "image." Hence arises what Aulus Gellius records in book 15, chapter 8: whether the Prefect of the City for the sake of the Latin Festival possesses the right of transacting with the Fathers or the people. Formerly he possessed it; but when he was the image of a Magistrate, he did not. Indeed, he was an image of a Magistrate precisely because the right of convening the Senate and summoning the people of the Quirites was denied him.

At first the Magistracy lasted a few days, for one day had been instituted by Tarquin; afterward there were more. Dionysius, book 6: "The Senate decreed supplications because the plebs had returned to favor, and added a third day to the Latin Festival, although previously there had been only two: the first consecrated by King Tarquin at the time when he conquered Etruria; the other added by the people when, after the Kings were expelled, it obtained liberty; but the third was then added after the plebs had been reconciled with the Fathers."

Afterward, when disputes about admitting the plebs to the Consulship had been settled, a fourth day was added. Thus, if you consider the departure and return of the Consuls, you will assign six days to that imaginary Prefect. All rightly censure this care for superstition. But I add this also: although the Consuls were absent for a lawful reason--the renewal of friendship and confirmation of the treaty through the cheerfulness of banquets--a sudden and brief Magistracy was nevertheless not expedient. First, because he was named not by any votes but by the voice of the Consuls; then, because authority could not become established in so brief a government. This reason therefore moved the Romans to entrust the care of governing the city to the Praetors, for theirs was an annual Magistracy and next to the Consul.

Yet an error was made in this: that afterward they bestowed the name of Magistracy upon the Prefect for the sake of the Latin Festival. To number dead images among dignities by the name of Magistracies and fit insignia to them is not only ridiculous but insulting even to true powers. For as soon as the force of some government begins to be diminished, or a spirit unequal to the government begins to arise, men soon possess something with which to compare it and ridicule a dignity necessary to the state in its image. A Dictator for the purpose of instituting the Latin Festival--Quintus Ogulnius with Marcus Laetorius Plancianus as Master of Horse--is no less ridiculous than a Prefect of the City for the same festival.

§ 4. The Prefect of the City was instituted by Augustus on the advice of Maecenas; for it had seemed best to leave honor to the Consuls and take away their power, although it was not proper to leave the city **ἄναρχον**, "without a ruler." That new and then ordinary Magistracy was therefore created. The first was either Maecenas, the author of the advice, or Agrippa; then Messalla, Taurus, and Piso. He judged cases to which appeal applied and capital causes; heard the complaints of Patrons, Freedmen, Slaves, and Masters; took cognizance of offenses by tutors and curators; judged monetary and banking affairs; cared for the meat supply; provided for quiet among the people; restrained unlawful associations; and supervised the discipline of spectacles. He possessed the right of excluding a man from Italy and the city and of deporting him to an island.

His dignity was equal to the honor of the Praetorian Prefect and the Masters of Horse and Foot. Code, book 12, title 4: "We regard the Prefect of the City, the Praetorian Prefect, and the Masters of Horse and Foot as possessing undistinguished dignity--to such a degree that, when they have withdrawn to private life, we will that the place of the man who preceded the others at the time of promotion and receipt of his letters patent be superior."

The Digest, however, book 1, title 12, describes his duties for us. “The Prefecture of the City claimed altogether all crimes for itself: not only those committed within the city, but also those committed outside the city within Italy, as is declared by the epistle of the Divine Severus sent to Fabius Cilo, Prefect of the City.

“He shall hear slaves who have fled to statues, or who, having been purchased with their own money so that they might be manumitted, complain of their Masters.

“He shall also hear needy Patrons complaining of their Freedmen, especially if they say that they are sick and desire to be supported by their Freedmen.

“He has license to relegate and deport a man to the island which the Emperor has assigned.

“At the beginning of the same epistle it is written thus: ‘Since we have entrusted our city to your fidelity, whatever is committed within the city therefore appears to pertain to the Prefect of the City.’

“But if anything is committed within the hundredth milestone, it pertains to the Prefect of the City.

“If it is beyond that milestone, it has passed outside the cognizance of the Prefect of the City.

“If anyone says that his slave committed adultery with his wife, he must be heard before the Prefect of the City.

“He may also hear cases under the interdicts *What Is Done by Force or Secretly* and *Whence by Force*.

“Tutors or curators who have conducted themselves badly in a tutelage or curatorship are customarily remitted to the Prefecture of the City when they need a graver punishment than the infamy of being suspected: those who can be proved to have obtained the tutelage by money given, or, after receiving a reward, to have labored so that an unsuitable tutor should be given to someone; or deliberately to have diminished the amount in rendering the account of a patrimony; or by evident fraud to have alienated the ward’s goods.

“What has been said, however--that the Prefect should hear slaves complaining of their Masters--we shall understand thus: not that they accuse their Masters, for this is by no means to be permitted to a slave except for accepted causes; but that they respectfully remonstrate. If they complain of savagery, harshness, hunger by which they are oppressed, or obscenity into which they have been or are being compelled, let them set it forth before the Prefect of the City. This office also was given to the Prefect of the City by the Divine Severus: that he protect slaves from being prostituted.

“Furthermore, the Prefect of the City will have to take care that money-changers conduct themselves uprightly in all their business and refrain from those things which are forbidden.

“When a Patron says that he is held in contempt by a Freedman, or complains that his Freedman is insulting to him, or that he himself, his children, or his wife has suffered abuse from him, or alleges something similar, the Prefect of the City is customarily approached; and according to the measure of the complaint he is accustomed to correct him, threaten him, chastise him with clubs, or proceed farther in his punishment.

“For Freedmen generally must be punished. Certainly, if the Patron proves that he was informed against by a Freedman or that the Freedman conspired against him with enemies, even the punishment of the mines must be imposed upon him.

“The care that all meat be furnished at a just price pertains to the Prefecture, and therefore the swine market is under his care. The other livestock or herds which relate to a supply of this kind likewise pertain to his care.

“The quiet of the populace and the discipline of spectacles also appear to pertain to the care of the Prefect of the City. He ought indeed to have stationarii soldiers disposed for guarding the quiet of the people and reporting to him what is done in the city.

“The Prefect of the City can prohibit a person from the city and from the other customary regions, from trade, profession, advocacy, the forum, and spectacles, both for a time and

perpetually; and if he relegates anyone from Italy, he may remove him from his own province also.

"The Divine Severus declared by rescript that those accused of assembling an unlawful association must also be prosecuted before the Prefect of the City."

The Prefecture, therefore, was an Urban Magistracy which also took cognizance as far as the hundredth milestone outside the city. Dio, book 52, where the most learned Lipsius, in his commentary on Tacitus, correctly reads **πεντήκοντα καὶ ἑπτακοσίων σταδίων** in place of **πεντήκοντα καὶ ἑξακοσίων σταδίων**--seven hundred and fifty stadia.

It appears that, at the beginning and while the servitude of the nobles was still raw, the Emperors took care to choose men who were faithful and by no means ready for revolution: thus Agrippa and Maecenas; Supinus; and Messalla the Tranquil, whom Eusebius in the *Chronicle* wishes to have been the first and to have resigned on the sixth day, complaining that that Magistracy was uncivil. I think that for this reason others omit him. Tiberius appointed Piso because he seemed to him to have deserved it by drinking continuously. Pliny, book 14, says: "I believe that Lucius Piso was chosen by him for the care of the city of Rome upon this recommendation: that in the Prince's company he had continued drinking without interruption for two days and two nights." Suetonius says the same in chapter 42. Piso was Prefect of the City for twenty years--or ten, as Lipsius corrects it. His successor also was almost always drunk. Seneca, epistle 84: "Lucius Piso, guardian of the city, was drunk from the moment he was once made such. He spent the greater part of the night at a banquet and generally slept until the sixth hour; that was his morning. Yet he administered most diligently his office, in which the protection of the city was contained. Both the Divine Augustus gave him secret instructions when he placed him over Thrace, which he subdued, and Tiberius when departing for Campania, although he left behind in the city many matters both suspicious and hated." I think that, because Piso's drunkenness had turned out well for him, he afterward made Cossus Prefect of the City--a grave and moderate man, but submerged and soaked in wine.

The power of the Prefect of the City was therefore under the Prince, as that of the Consul was under the Senate and people; it was not annual but at the Prince's pleasure, and almost always longer than a year. Yet the honor of the Consulship was regarded as greater, although without strength. That it was not unlike it, though differing in some things, is evident from the fact that Sidonius calls him Prefect of the Senate; for he consulted the Fathers, judged concerning them, and protected them. Cassiodorus, book 6. Sidonius administered the Prefecture:

> Receiving the honor
>
> Which once alone governed together
>
> The rights of Fathers and plebs.

And Rutilius:

> If it did not displease that I governed the rights of Quirinus,
>
> If I cultivated the sacred men and consulted the Fathers.

The Prefect of the City was regarded as next to the Emperor. Statius:

> The neck nearest stands beneath
>
> The burden's immense weight.

And Ausonius:

> Whether the peoples of Italy or the north-born Britons,
>
> They held beneath the second title of Prefectures;

Whoever ruled the head of affairs, Rome, its people and Fathers,

Almost under the first name.

Cassiodorus, book 6, formula 4: "Not only Rome is entrusted to your dominion, although all things are contained in it, but ancient laws willed that you extend your power to the hundredth milestone. You also take cognizance of appeals from the provinces designated by law. Above all Consulars you deliver your opinion first, and in that hall of liberty you are beheld with reverence, in which you are approved to hold the principal men entrusted to you." Hence he possessed the chair, fasces, and other ornaments.

§ 5. The power of the Interreges was the same as that of the Kings and Consuls, except that, outside the ordinary order, they discharged the office while an ordinary Magistrate was being created. It began at the death of Romulus. Dionysius, book 2: "In the following year no one reigned at Rome, the administration of the state having been transferred to the new Magistracy of Interreges in this manner: the two hundred Conscript Fathers, from whom the Senate had been constituted by King Romulus, were distributed into decuries and entrusted the government of the city by lot to Decemvirs. These men possessed the Lictors and the other royal insignia not simultaneously, but one after another for five days each; these were handed on, as it were, from hand to hand, from the first continually to the last. Then that five-day Magistracy passed to the next decury, and in turn to another."

Interregna were also frequent in the time of the Consuls when elections were obstructed or Consuls had been irregularly created. If anyone asks what I think of the Prefect of the City, I answer that his government was better and more moderate than that of the Consuls, although altogether less and more subject to another Magistrate. With greater prudence the Lacedaemonians, by the institution of Lycurgus, chose a King, but one with consular and prefectorial power. Xenophon says concerning them:

Καὶ ἔφορας δὲ πάντες ὑπανίστανται βασιλεῖ πλὴν οὐκ ἔφοροι ἀπὸ τῶν ἐφορικῶν δίφρων. Καὶ ὅρκους δ᾽ ἀλλήλοις κατὰ μῆνα ποιοῦνται ἔφοροι μὲν ὑπὲρ τῆς πόλεως, βασιλεὺς δ᾽ ὑπὲρ ἑαυτοῦ· ὁ δὲ ὅρκος ἐστὶ τῷ μὲν βασιλεῖ, κατὰ τοὺς τῆς πόλεως κειμένους νόμους βασιλεύσειν, τῇ δὲ πόλει ἐμπεδοῦντι ἐκεῖνον ἀνυπεύθυνον τὴν βασιλείαν παρέξειν. Αὗται μὲν οὖν αἱ τιμαὶ οἴκοι ζῶντι βασιλεῖ δέδονται, οὐδὲν ὑπολὺ ὑπερφέρουσαι τῶν ἰδιωτικῶν. Οὐ γὰρ ἐβουλήθη οὔτε τοῖς βασιλεῦσι τυραννικὸν φρόνημα παραστῆσαι, οὔτε τοῖς πολίταις φθόνον ἐμποιῆσαι τῆς δυνάμεως.

All rise from their seats before a King, except that the Ephors do not rise from their official seats. Each month the Ephors and King exchange oaths: the Ephors on behalf of the city and the King on his own behalf. The King swears to reign according to the established laws of the city; the city, if he abides by his oath, swears to preserve his kingship unshaken. These honors are paid to a living King at home and exceed those paid to private men by very little; for Lycurgus wished neither to implant a tyrannical spirit in the Kings nor to engender envy of their power in the citizens.

The government of the Athenians, however, was always turbulent because every Magistracy was beneath the power of the Roman Consuls and was therefore unequal to the vices of the people.

§ 6. The highest Magistrate of the Carthaginians was the *Sufes*. Livy, book 30. They therefore called the *Suffetes* the Senate, because among them it possessed, as it were, consular government. They administer justice, book 34. In other cities of the Phoenicians also, with a change of Magistracy, they called the highest Magistrates *Suffetes*. Livy, book 28, attributes *Suffetes* to the people of Gades. When Mago had returned to Gades, was shut out from it, and had sailed with his fleet to Cimbis--a place not far from Gades--he sent Legates to complain that the gates had been closed to him, an ally and friend. When they excused the act as caused by a gathering of the multitude, hostile because certain property had been carried off by soldiers embarking on the ships, he enticed their *Suffetes*, the highest Magistrate among the Phoenicians, together with the Quaestor, to a conference, mangled them with scourges, and ordered them to be affixed to crosses.

I think they were so called as though from **סופא**, which in Isaiah 43 and Joshua 22 signifies an end, extremity, or corner; for it is the highest summit of Magistracy. I do not doubt that the *Sophim* of the Persians were so called in the same manner; nor badly from **סף**, which signifies an edge, order, or threshold, whence *Sophiat* of the Persians, as many pronounce it. Yet if one prefers to derive it from the Hebrew **יסף**, which also means to add or abound, I shall not contend against it.

§ 7. The **Πρυτανεία** was an Athenian Magistracy; and although the **πρυτάνεις**, "Prytanes," were more numerous than the Consuls, their power was nevertheless almost the same--that is, supreme, but dependent upon the people. In Demosthenes **πρυτανεύειν** means to rule or govern. Nazianzen calls God **τῆς ἀληθείας πρύτανιν**, "the governor of truth." They wish **Πρυτανεῖον** to have been said as though **τοῦ πυρὸς ταμεῖον**, "the treasury of fire." Whether this is so or is a dream of grammarians, it is established that the Prytanes were accustomed to feast in the Prytaneum and that it was the highest honor if food in the Prytaneum was decreed to anyone. Cimon, because of his magnificence and hospitality, is said to have maintained, as it were, a **πρυτανεῖον**, a Prytaneum, at home. Plutarch, in his life.

Plutarch likewise confirms that the house of Lucullus was **ὅλως ἑστίαν, καὶ πρυτανεῖον ἑλληνικόν**, altogether a hearth and Greek Prytaneum. But let us return to the Prytanes. After the Thirty Tyrants had been expelled, ten were appointed by Thrasybulus; when they had been rejected, fifty others were afterward placed over the city. Harpocration:

> **πρυτάνεις πεντήκοντα ἄνδρες ἀπὸ μιᾶς φυλῆς, οἱ διοικοῦντες πάντα τὰ ὑπὸ τῆς βουλῆς ταττόμενα**

Prytanes are fifty men from one tribe who administer all things decreed by the Senate. The Magistrate of the Rhodians also is called **πρύτανις** by Livy, book 42; Hegesilus then bore that office. The same author in book 41 testifies that the Cyzicenes also possessed a Prytaneum and calls it the inner sanctuary of the city. Yet its use was the same as at Athens, for those to whom that honor had been given feasted in it. Perseus placed upon it the golden vessels of one table.

That Athenian method of governing the state was altogether useless, as Xenophon shows in their *Constitution* and Aristotle in book 2, chapter 12 of the *Politics*. "Some indeed think that Solon was a good lawgiver. For they say that he abolished the domination of the few, which was unmixed and immoderate; liberated the enslaved people; and constituted the ancestral and hereditary liberty and power of the people by suitably arranging and mingling in order the various kinds of administering the state. For the Areopagite Senate pertained to the rule of the few or Oligarchy; Magistrates being created by election, to the government of the best or Aristocracy; and the courts being popular. Yet Solon appears not to have abolished the things that existed before--the Senate and election of Magistrates--but to have established the liberty of the people afresh by granting to all citizens, if selected by lot, the power of judging affairs.

"For this reason some also censure him, saying that he dissolved and enervated the other part of the state by transferring all authority and power to a judgment entrusted to lot. For after this acquired force, men who granted and indulged all things to the people for the sake of favor, as to a tyrant, reduced the condition of the state to the present power of the people. Ephialtes and Pericles mutilated and curtailed the Areopagite Senate; Pericles made the courts salaried. In this way each of the flattering leaders of the people, by augmenting the majesty of the people, advanced and promoted it to the present state of popular power.

"Yet this appears not to have arisen from Solon's counsel but rather to have happened by chance. For because the people was the cause of dominion and naval victory in the Persian War, it assumed greater spirit than usual and accepted wicked and turbulent flattering Orators as leaders and teachers in place of good and moderate administrators. Solon, indeed, appears to have granted the people a most necessary power: that of choosing Magistrates and demanding accounts from them. For if the people does not possess even this power, besides being enslaved it will also be hostile. Yet he created all Magistrates from distinguished and wealthy citizens: namely, from those who received five hundred medimni each year from their fields; from those who were bound to a yoke, called Zeugitae; and from the equestrian order, which belongs to the third assessment and third class. The citizens of the fourth class are wage laborers and workmen, participants in no Magistracy. Zaleucus, moreover, was lawgiver to the Locrians dwelling

toward the west, whom the Greeks call Epizephyrians; and Charondas of Catana to his fellow citizens and the other Chalcidian cities throughout Italy and Sicily."

The multitude is therefore deservedly censured in these matters, for it is hostile to the accomplishment of affairs and the preservation of concord. Then men selected by lot judged concerning all these things, which was to subject the Magistracy to the judgment of every most worthless man. Their object therefore had to be not that they should administer well, but that they should not displease the people.

If, therefore, we consider the matter, we shall find the Magistracy of the Carthaginians constituted much better than that of the Athenians. For it possesses more supports for defending itself against enemies and seditions. I do not know whether any state equaled its duration together with liberty and power. Aristotle describes that state in book 2, chapter 11 of the *Politics* in this manner: "The Carthaginians also appear to employ a right and excellent method of administering the state, exceptional and outstanding in many things when compared with others, yet in some respects very similar and almost twin to that of the Lacedaemonians. For these three forms of administering a state are in some manner similar to one another and far excel the others: the Cretan, the Laconian, and, third, the Carthaginian. Many things constituted among the Carthaginians are excellent. An argument that this state has been well designed is that, although it possesses a people having power over affairs, it remains within the design and ordering of the state, and no sedition worthy of mention has ever arisen in it, nor has any tyrant existed.

"It has the following things similar to the Laconian state: first, the banquets of the associations correspond to the Phiditia; next, the government of the Hundred and Four to the power of the Ephors, except that the government of the Hundred and Four is better than that power. For the Ephors consist of men presented by chance and fortune; these men are chosen for this government according as each excels in virtue and dignity. Finally, it has Kings and a Senate corresponding by a certain comparison and proportion to the Kings and Senate of the Lacedaemonians. It is indeed better that Kings be taken neither perpetually from the same family nor from any family presented by mere chance, but from some distinguished family; and that they be chosen not because they excel in age, but in virtue. For when men who are despised, abject, and of no worth are made lords and possessors of great affairs, they inflict great injuries, and have already inflicted them upon the city of the Lacedaemonians.

"Most of those things which have been censured because of deviations from the right state were common to this state and to the other forms of administration which we have mentioned. Of the features which have the rule of the best and constitutional government as their proposed end, some incline more toward the power of the people and others toward the domination of the few. For the Kings together with the Senators possess power to refer one matter to the people and not another; and if all are of one opinion in deciding some matter, it is ratified, but if not, judgment and power rest with the people. The matters which they bring before the people they do not merely announce, so that the people may hear what the Princes of the city have decreed; rather, anyone of the people is also permitted to speak against the proposals, which is not so in other forms of administering states.

[Printed page 571]

"But the fact that the Five Men, who possess and judge many great affairs, choose themselves and elect the Magistracy of the Hundred, which is the most ample, and that these men administer their Magistracy longer than the others--for they govern the state both after discharging a Magistracy and before entering it--pertains to the power of the few. But the fact that they are appointed without payment and without lot must be judged to pertain to the rule of the best, as must anything else of this kind. The fact that all disputes and controversies are judged by the men who hold a Magistracy, not different cases by different men as at Lacedaemon, likewise touches the rule of the best.

"The constitution of the Carthaginian state departs most from the rule of the best toward the power of the few because of a certain thought and opinion of the multitude. For they think that Magistrates ought to be chosen not only from virtue but also from wealth. They suppose that a man who lacks the resources of a household cannot rightly discharge a Magistracy and enjoy leisure. If, therefore, choosing Magistrates from wealth and assessment pertains to the power

of the few, but choosing them from virtue to the rule of the best, this will be the third method and design by which the Carthaginians administer their state. For in choosing Magistrates, and especially the greatest--Kings and Commanders--they look to these two things."

Kings are not otherwise mentioned; but Aristotle thus calls their *Suffetes* because they possessed a government as though royal, just as the Consuls at Rome were said to possess royal government.

§ 8. It is admitted that the state of the Lacedaemonians possessed Kings in addition to a Senate and Ephorate. But the King possessed consular power. Both histories teach that the Kings of the Spartans possessed a meager and curtailed power, and Aristotle gives the reason:

> **Καὶ διὰ τὸ τὴν ἀρχὴν εἶναι λίαν μεγάλην, καὶ ἰσοτύραννον, δημαγωγεῖν αὐτοὺς ἠναγκάζοντο καὶ οἱ βασιλεῖς.**

Because this Magistracy of the Ephors was great and not unequal to the kingdom, even the Kings had to flatter them. For the Ephors, thinking that the accounts of all affairs pertained to themselves, demanded them from all men. There were five Ephors; besides them there was a Senate; the King was, as it were, Commander in war. Accordingly, if they had chosen Ephors distinguished by prudence and probity, they would have constituted the state well. But this could not be done by the corrupted votes of the people. Aristotle, book 2, chapter 9 of the *Politics*: "Furthermore, those things which pertain to the Ephorate also are not well arranged. For since the government of the Ephors itself possesses power over the greatest affairs, all the Ephors are created from the plebs. Thus very poor and needy men are often unexpectedly advanced to this power, and because of their need they were venal and purchasable. They have often shown this before, and most recently in the banquets of the men which they call *Andria*. For certain Ephors, corrupted by money, destroyed the whole city so far as lay in them."

From this it is evident that, according to its first institution, the state of the Lacedaemonians was ordered more prudently than that of the Romans. For they possessed a Senate after the Roman manner; then Ephors furnished in some fashion with the power of Consuls, Censors, Judges, and Quaestors; finally, a Commander in war, or King, who administered all external affairs. Thus there was not so great a change as at Rome; they were not agitated by seditions or in danger of tyranny. Aristotle shows this beautifully:

> **Δεῖ γὰρ τὴν πολιτείαν τὴν μέλλουσαν σῴζεσθαι, πάσας βούλεσθαι τὰ μέρη τῆς πόλεως, εἶναι καὶ διαμένειν ταὐτά. Οἱ μὲν οὖν βασιλεῖς διὰ τὴν αὐτῶν τιμὴν οὕτως ἔχουσιν· οἱ δὲ καλοὶ κἀγαθοὶ διὰ τὴν γερουσίαν, ἆθλον γὰρ ἡ ἀρχὴ αὕτη τῆς ἀρετῆς ἐστίν· ὁ δὲ δῆμος διὰ τὴν ἐφορείαν.**

For that form of administering the state which is to remain safe must be one which all parts of the city wish both to exist and to remain the same. The Kings are so disposed because of the honor with which they have been adorned; honorable and good men because of senatorial dignity, for this Magistracy is the reward of virtue; and the people because of the Ephorate.

§ 9. Yet nothing is more similar to the Roman Magistracy than the Cretan. They possessed a Senate, which they called **βουλήν**. Next there were ten men with supreme power called **κόσμοι**, "Cosmi," who ordered affairs; they were so called just as the Carthaginians had *Suffetes* and the Romans Consuls or military Tribunes with consular power. They next possessed a King who conducted wars; but, when royal power had been abolished, like the Romans they employed the **κόσμοις**, the Cosmi, as Commanders in war. The Senate is most usefully ruled by those who have discharged the office of **κόσμου**, a Cosmus.

Finally, the Cretans struggled with the same disadvantages as the Romans. "But what is useful to the condition of the state there," Aristotle says in book 2, chapter 10, "is not so here. For there, because the election is made from all, the people, being a participant in the highest government, desires that the state remain. Here, however, the Cosmi are not chosen from all but from certain families, and the Senators from those who have discharged the office of Cosmus. One could say the same things concerning them as concerning those created at Lacedaemon. For not to be held to the judgment of rendering accounts and to administer a Magistracy throughout life is a greater honor than accords with

their dignity; and for a man to govern not according to a prescription of written law but at his own judgment is dangerous.

“The fact that the people remains quiet even though it does not participate in this Magistracy is no argument that the state is well ordered. For no opportunity of profiting from the Magistracy is given to the Cosmi, as it is to the Ephors, since on an island they are far removed from those who would corrupt them. But the remedy which they apply to correct and preserve this error is both absurd and not even constitutional, but consonant with the power of one or a few--that is, with a dynasty or oligarchy. For certain men, either colleagues or private persons, frequently form a conspiracy and expel them. A man is also permitted to resign the Magistracy before his term. It is better that all these things be done by law than by the will of men, for this is not a safe rule.

“The worst of all remedies is the vacancy of this most ample Magistracy and the disturbance of the whole condition of the state, which powerful men frequently introduce when they do not wish to undergo judgment or pay penalties. From this one may understand that in this design for administering the state there is something of a constitutional state--that is, a polity--but that it is nevertheless not a constitutional administration of the state, but rather a power of a few, that is, an oligarchy, or the power of one, that is, a dynasty. For they are accustomed, after distributing and disposing the people and their friends, to subject the whole state to the government of one, excite sedition, and fight and contend with one another.”

§ 10. In free states also there are Magistrates who represent the Consul, but in different ways. Venice has a Duke, but one who possesses neither a distinguished court nor power. For he cannot leave the city, open letters, or decree that anything be increased; all things depend upon the Senate, which consists of forty Senators, among whom the principal men are the nine who are called Procurators of Saint Mark. They also possess perpetual government and therefore are in the highest authority, for a government which quickly ends is deserted even while it exists. Other Magistrates are joined to them, and the Great Council generally appoints them. They prudently deprive their Duke of power because in this manner he cannot invade a tyranny.

[Printed page 572]

The perpetuity of the six Procurators also prevents error from inexperience in affairs. This is dangerous: that they wage wars through hired Commanders who, because they fight for money and not for their fatherland, conduct all things slowly. The Prince therefore occupies the place of the Consuls, although with less power; the others sit and judge as though they were the Senate.

§ 11. The state of the Genoese has made provision still more carefully than all others. It chooses a Duke, neither annual nor perpetual, but for a government of two years. For the same period eight Governors joined to him possess control of affairs. The office of the Duke is very similar to the consular function: he convenes the Senate and refers matters to it; all things are transacted through him; and in the government of the city he possesses much greater authority than the Venetian. For the Venetians took authority from their Duke because they added to his term; the Genoese permit theirs much because, on account of the brevity of his government, he cannot seize a tyranny.

Two Governors, however, dwell with the Duke in the palace by turns, so that pairs are absent from home for three months and all perform their turns in the course of a year. Their method of election contains great caution. On the third day of January the Greater and Lesser Councils assemble. The man who was Duke in the preceding years does not attend; for when his two-year term has elapsed, on the Kalends of January he withdraws to his home and, as a private man, is called only a Procurator for the rest of his life. From each of these councils twenty-eight nobles--one, that is, from each family--are chosen. Those chosen are enclosed in a certain place of the palace and, together with those Senators who are ineligible for the ducal dignity either because of age or the disgrace of their family, choose eighteen from their own number, but not more than one from one family. Those eighteen in turn choose another twenty-eight, who, together with the aforesaid Senators, select the men whom they wish to propose to the Greater Council for elevation to the ducal dignity.

But here it must be noted that no more than four may be proposed to the Greater Council, and in the election those twenty-eight men together with the aforesaid Senators must agree by a two-thirds vote. When this act is finished, before they leave the conclave, the same men choose another twenty-eight, one from each family. These vote together concerning those four and may remove two-thirds from their selection and substitute in place of those rejected one or more men who are nevertheless Senators. When these things have been completed, the Council or Senate is convened and the four are proposed; the man who receives the most votes is created Prince or Duke.

Yet the government is not altogether changed. For Procurators are made from the Governors and even from the Dukes, but in such a manner that those who are Procurators from among the Governors are numbered in the College of Procurators for two years, while those from among the Dukes are numbered in it for life. Thus the state always abounds in a great number of experienced men, since first they are in the Greater Council, then in the Lesser, afterward are designated Governors and Dukes, and finally discharge for two years or perpetually the authority of Procurators, by which all affairs are transacted.

§ 12. The communities of the Helvetians and Rhaetians who dwell in the Alps are most similar to the Athenian state. Their ancestors, harassed by the nobility, introduced popular government. Their histories speak thus: “The mountain Helvetians are so democratic--the Uri, I say, the Schwyzers, Unterwaldeners, Zugers, Glarusers, and Appenzellers--that not only is the highest power of the state in the hands of all men, provided they are of age, but all Magistracies and all the greatest governments are also assigned to artisans and craftsmen; and the cities are not even fortified with walls, villages, or strongholds. The others are less democratic. For although the people of Bern and Zurich constitute their Senate chiefly from craftsmen, they nevertheless are accustomed to create the highest Magistrates in the state from patricians or at least from those who are more distinguished by the antiquity of their family. Thus these men are more stable and less exposed to seditions than the former. But the assemblies of the Rhaetians, being excessively democratic, are governed with the greatest difficulty and, once disturbed, scarcely pacified.

“For this is the summit of popular liberty: that all men can be made equal to all and are unwilling to obey except on condition that they in turn may command those whom they obeyed. Not even so can they be retained in duty unless they are soothed by very necessary and just commands, by largesses, or by the enticements of words. But since many cannot excel many others in virtue, resources, and nobility, it generally happens that the multitude persecutes the noble, wealthy, and virtuous with a certain envy and with a spirit suffused by ill will. Then, if anyone of generous and excellent spirit dares to place restraints upon the passion of a plebs intemperately abusing liberty, they do not hesitate to condemn him to a fine, exile, proscription, and finally death--especially if he is wealthy, so that he may appear to aspire to government. This tendency flows from the utterly corrupt Athenian state.”

Satraps or *Amptmanni* therefore occupy the place of Consuls. They are chosen in the assemblies, not after the Roman manner--that is, by centuries--but by the Athenian **χειροτονίᾳ**, “show of hands,” so that it lies in the judgment of every most worthless man to give a Magistrate to his fatherland. Hence the same history relates that, when a Consul is readily enticed by money and other means, the whole nation is led away. Hence, since their magnates are not very wealthy, neighboring Kings who desire to obtain something contend by gifts.

So much concerning Consuls and Magistrates constituted by consular laws or not greatly unlike the Consulship. I am not ignorant that excellent provisions have been established elsewhere, but these suffice for knowledge of politics.

CHAPTER XX

A Consideration of the Dictatorship and Censorship

§ 1. The Dictator possessed greater government than the Consul; the Censor possessed honorary government and also some power over the Consul. The Dictator was also called Master of the People. The cause for naming a Dictator was a great necessity of the state. Cicero, book 3 of *On the Laws*: "But when a more serious war or discord among citizens arises, let one man possess for no more than six months, unless the Senate shall decree otherwise, the same law which the Consuls possess; and, the auspices being favorable, let him be named Master of the People. Whoever commands the cavalry shall possess equal law with the man who will be the administrator of justice." Livy, book 2; Dionysius, book 5.

When the state was oppressed by the Latin War and domestic sedition, it seemed best that all Magistrates lay down their command. One man, chosen by the Senate and approved by the votes of the people, possessed for six months a power over all affairs greater than that of the Consuls. Livy also, book 4: "When these things were reported at Rome with a tumult greater even than the affair warranted, the Senate immediately ordered a Dictator to be named, which was the final counsel in perilous circumstances." The Dictator afterward began to be hated by the Tribunes of the plebs and the people. The Tribunes complained that the thunderbolt of the Dictatorship was directed against them. For when the Tribunes harassed the Senate by intercessions and did not permit a levy to be held, and employed that weapon most fiercely against the nobles, the thunderbolt of the Dictatorship was opposed to them.

These things belonged to the Dictator: twenty-four axes were carried before him.

[Printed page 573]

Sulla was the first to do this, as appears in the Livian Epitome, book 89. When the Decemvirs at first possessed the fasces one at a time, on the first day of the second year after entering the Magistracy, each came forth with twelve bundles, and one hundred and twenty Lictors filled the Forum. Livy, book 3.

The Dictator possessed command without appeal. For from the other Magistrates there was appeal to the Senate, Tribunes, and people. Once this had been established, confusion similar to that of Athens arose, which the Fathers always deservedly feared. Under that law no noble or good man would have been permitted to remain at Rome. The Dictator was named by a Consul; sometimes a particular man of proven virtue was demanded by name by the Senate.

He named the Master of Horse, who employed the right formerly possessed by the Tribune of the Celeres and afterward by the Praetorian Prefect. Cicero makes him equal to the man who administers justice--that is, the Praetor. Nevertheless, when a Master of Horse was first created from the plebs, the Dictator excused himself on the ground that that Magistracy was not greater than the consular Tribunate.

This was novel and neither of good example nor outcome: Minucius, Master of Horse, was made equal to Fabius the Dictator. If Fabius--a Commander who loved his fatherland and endured insults--had not administered the Dictatorship, the state might have received an incurable wound. For Minucius led the army into danger; Fabius liberated it.

It is established that the Dictatorship was excellently instituted, for a hundred times the state would have perished by sedition or war if it had lacked a Dictator. The government of the Consuls, as I have shown, was not sufficient for conducting affairs and restraining seditions. The Dictators down to Sulla were also most moderate. Lartius laid down the Dictatorship after the Consuls had been designated, with no citizen killed by him, driven into exile, or punished more severely. Thus Dionysius, book 5.

This is indeed astonishing: although so many raised tumults and sought tyranny through Consulships and tribunician power, no Dictator ever behaved uncivilly or cruelly, although the power of all had been gathered into one man; none even gave a beginning to tyranny. Sulla indeed exercised it tyrannically, but he was nevertheless more cruel before the Dictatorship. Before the Dictatorship he performed the deeds contained in the Livian Epitome, book 88: "After defeating Carbo's army at Clusium, Faventia, and Fidentia, Sulla expelled him from Italy. He fought beside the city of Rome before the Colline Gate with the Samnites, who alone among the Italian peoples had not yet laid down their arms. Having recovered the state, he stained the most glorious victory with a cruelty such as never existed in any man. He slaughtered eight thousand men who had surrendered in the public villa; posted a list of proscription; filled the city and all Italy with slaughter; among these killings ordered all the unarmed Praenestines to be cut down; and killed Marius, a man of senatorial rank, after breaking his legs and arms, cutting off his ears, and gouging out his eyes. Gaius Marius, besieged at Praeneste by Lucretius Ofella, a man of Sulla's party, when he sought to escape through a tunnel, was surrounded by the army and took his own life in the tunnel. When he perceived that he could not escape, he ran with drawn sword against Pontius Telesinus, his companion in flight; after killing him, he himself, wounded, obtained from a slave that the slave kill him."

"But after being made Dictator," says the epitome of book 89, "which no one had ever done, Sulla came forth with twenty-four bundles. He confirmed the condition of the state with new measures, diminished the power of the Tribunes of the plebs, and took away their entire right of proposing laws. He enlarged the colleges of Pontiffs and Augurs so that there were fifteen; replenished the Senate from the equestrian order; deprived the children of the proscribed of the right to seek honors; and sold their goods, from which he plundered very much. Three thousand five hundred million sesterces were collected."

Even Caesar's perpetual Dictatorship was not so merciless that it was not better for it to remain than for Rome to experience greater cruelty afterward. If Sulla's conduct certainly has no cause or excuse, it had at least a pretext--to omit everything else. Livian Epitome 87: "Lucius Damasippus the Praetor, by the will of Gaius Marius the Consul, after convening the Senate, slaughtered all the nobility present in the city. From their number Quintus Mucius Scaevola the Pontifex Maximus was killed while fleeing in the vestibule of the temple of Vesta."

What wonder is it that Sulla blazed against the authors of these deeds? Yet he laid down the Dictatorship, which Julius did not do; nor was it safe to submit to the laws after so many crimes had been committed.

§ 2. Julius therefore acted prudently: when he saw that he could no longer depart from the Magistracy without destruction, he retained the Dictatorship. Augustus rejected the name of Dictator but retained all its force. Suetonius, *Augustus*, chapter 52: "When the people offered him the Dictatorship with great force, he knelt, cast the toga from his shoulders, bared his breast, and begged to be excused."

He rejected not only the Dictatorship but at first tribunician power also, although the power of the Tribunes was otherwise not removed by a Dictator. A perpetual Dictatorship together with tribunician power is, however, enough for a perfect Monarchy. A Dictator is **δυσύπατος**, furnished with the power of two Consuls, **μονάρχης προσωρινός, ἀνεύθυνος**, a temporary Monarch--but afterward a perpetual one--who can be corrected by no one and is bound to render an account to no one.

§ 3. A Dictator was frequently named for the sake of elections. Livy, books 8 and 25, and elsewhere. This was necessary lest through interregna the state should be deprived of the care of Magistrates. It must never be permitted that certain men possess so great a power that they can impede the creation of ordinary Magistrates. The Venetians therefore prudently enacted a law that no man should depart from a provincial Magistracy before his successor had been given. For when the Senate called the Great Council, whose function it is to assign Magistracies, suffered from discord, cities were without Rulers and justice was suspended to the detriment of the state.

§ 4. It has often been asked why the Dictatorship was salutary to the Roman people but the Decemvirate ruinous. For the power in both was equal and without appeal, but it was more concentrated, and therefore more efficacious, in the

Dictator. Some think the reason to be that the power of the Decemvirs was greater, for there were no Consuls or Tribunes under the Decemvirs; but once a Dictator was instituted, the majesty and name of the Magistrates remained, even though they were compelled to obey the Dictator.

Yet if we consider that time, the matter, and the circumstances, it was not the Decemvirate but the character of Claudius that invaded tyranny. For at first, as Livy says in book 3, "The government of the whole Magistracy was in Appius's hands through the favor of the plebs, and he had put on a character so new that he suddenly became a protector of the plebs and a hunter after every popular breeze, in place of a savage and cruel persecutor of the plebs. Every tenth day each administered justice to the people. On that day the man presiding over the law possessed twelve fasces; to the other nine colleagues appeared one orderly each. The singular concord among them, which among private men might sometimes be harmful, was the highest equity toward others. It will suffice to note as an argument of their moderation the example of one affair. Although they had been created without appeal, when the body of a murdered man was found buried in the house of Publius Sextius, a man of patrician family, and brought forth into the assembly, the matter being manifest and atrocious, Gaius Julius the Decemvir appointed a day for Sextius and appeared as his accuser before the people, although he was the lawful Judge of the affair. He withdrew from his own right so that what was taken from the force of the Magistracy might be added to the liberty of the people. While that ready law, as though from an incorrupt oracle, was administered equally by them to the highest and lowest, attention was given to composing laws.

[Printed page 574]

"With the ten tables displayed amid the great expectation of men, they summoned the people to an assembly and ordered them to go and read the proposed laws, which they prayed might be good, favorable, and fortunate for the state, themselves, and their children. They said that, so far as could be provided by the abilities of ten men, they had made the laws equal for all, highest and lowest; but that the abilities and counsels of many possessed greater force. Let the people turn over each matter in their minds, then discuss it in conversation, and bring into the open whatever was excessive or deficient in each matter. The Roman people would possess laws which the consensus of all appeared not so much to have commanded after they were proposed as itself to have proposed. When the laws appeared sufficiently corrected according to men's reports concerning each head, the laws of the Ten Tables were enacted in the Centuriate Assembly. Even now, amid this immense heap of laws piled one upon another, they are the source of all public and private law. A report was then spread that two tables were lacking, by the addition of which the whole body of Roman law could be completed. As the day of elections approached, this expectation created a desire to elect Decemvirs a second time. By now the plebs, besides hating the name of Consuls no less than that of Kings, did not even seek tribunician aid, since the Decemvirs yielded by appeal to one another."

Behold the Decemvirs already popular; behold Demagogues tending toward tyranny by the customary path. Appius courted the popular breeze as though he studied the advantages of the plebs, with such artifice that he persuaded them without becoming suspect to the Fathers. For they thought that these measures tended to remove the protections of the plebs--that is, the Tribunes of the plebs. Next they administered justice every tenth day with the highest agreement and equity. One man possessed the fasces; the others, with a single orderly, displayed the Magistracy rather than administered it. They yielded to the people and flattered it more than the Tribunes did. They proposed the Ten Tables for the people's judgment. All these things were thought to pertain to the safety of the fatherland; Claudius alone meditated something else: that, after being reelected Decemvir, he might possess more power than all.

Accordingly he now returned to his own character. Livy says: "After the elections for creating Decemvirs were proclaimed for the third market day, so great an ambition blazed forth that even the principal men of the city--through fear, I believe, lest possession of so great a government, if the place were left empty by them, should lie open to men not sufficiently worthy--went about soliciting men and humbly sought from the plebs, with which they had contended, the honor which they had opposed with all their strength. The hazard to dignity at that age and after those honors had been discharged goaded Appius Claudius. You would not know whether to number him among the Decemvirs or the

candidates. He was sometimes nearer to seeking than to administering the Magistracy: he accused the Optimates, extolled each most insignificant and lowborn candidate, flew about the Forum in the midst of the former Tribunes Duellius and Icilius, and through them offered himself for sale to the plebs. At last even his colleagues, who until that time had been singularly devoted to him, fixed their eyes upon him, wondering what he intended. It appeared that nothing was sincere; certainly such affability amid so great a pride would not be gratuitous. To force himself excessively into the common order and associate familiarly with private men belonged not so much to one hastening to depart from the Magistracy as to one seeking a path to continue it."

These were the actions of Claudius, who labored to possess colleagues who were attendants and subject to him. In this alone he erred: although he attempted so great a thing, he did not court the Fathers sufficiently instead of the plebs. To one considering these matters it is clear that not the Decemvirate but popularity, just as with Marius, Caesar, Saturninus, and the Gracchi, was the cause of his power: namely, so that he might be reelected, reject illustrious men, and choose unequal men. Appius did this as Decemvir; he could have done far more as Dictator or Consul. As Dictator he could without danger have added to himself as Master of Horse the fiercest and bravest of the Tribunes of the plebs, and arranged that the Dictatorship be continued until equality of liberty had been established by laws. Nor could a Consul have attempted less, since he possessed the highest power of transacting with the people and Fathers. In the Decemvirate the multitude of colleagues could resist; in a Dictatorship all things were in the hands of one man.

For since the name of Consuls was hated no less than that of Kings, and the oppressed plebs detested the assembly of Senators no otherwise than the offspring of the Tarquins, nothing was easier for a Consul or Dictator than to acquire the highest power and oppress the Senate. Since the government of the nobility over the citizens was proud, harsh, and avaricious, the hatred of the plebs was therefore immense, so that they declared that they would not remain in a city in which they participated in no good. All were continually in danger: whichever Consul or Dictator presented himself to the plebs as leader against the Fathers could obtain possession of affairs. The Senate could resist that power in no other way than either by killing the man or by deserving well of the people, so that it might venerate and love the Senate rather than one man as author of its advantages. Caesar as a young man possessed more power than the whole Senate, and afterward more than the people.

Machiavelli is therefore mistaken when, in book 1 of *The Republic*, he thinks that the magnitude of the power, its annual term, and the cessation of the other Magistracies were the causes of decemviral insolence. For the Dictator's power was equal and greater because more united. Its term was sometimes annual: Camillus, Papirius, and Fabius Maximus possessed Dictatorships longer than six months; and Cicero wishes the law to provide: "Let one man possess it for no more than six months, unless the Senate shall decree otherwise." The cause of the power was therefore favor toward Appius, by which he chose colleagues according to his judgment. For if even one had judged the affair otherwise or dissented, at the beginning of the Magistracy what finally happened after bitter conflicts would have occurred.

§ 5. The state has need of a Censor if this office cannot be discharged by Consuls or princes. Livy describes the beginning of the censorship at Rome in book 4: "This same year"--namely, 310--"was the beginning of the censorship, a thing which arose from a small origin but afterwards grew by so great an increase that the governance of Roman morals and discipline, the distinction of honor and dishonor among the Senate and the centuries of knights, the right over public and private places, and the revenues of the Roman people were under the sway of that Magistracy and subject to its nod and judgment. The origin and beginning of the thing was that the census could neither be deferred among a people not assessed for many years, nor did the Consuls, when the wars of so many peoples were threatening, have leisure to conduct that business. The Senate introduced the proposal that this laborious and by no means consular matter should be conducted by its own proper Magistracy, to which the service of scribes, the keeping and care of the records, and the determination of the formula for making the assessment should be subjected."

The primary work of the Censors was the assessment, for they assessed the number and resources of the citizens. So that the labor of the Censors may appear, I shall give several census totals. Livy, in book 3 and thereafter, reports: 124,214; 132,319; 262,000; 273,000; 278,222; 221,224; 317,227;

[Printed page 575]

251,222; the diminution caused by wars and the establishment of colonies, 270,020; 137,108; after many had been killed in the Second Punic War, 265,029; 143,704; at the end of the Second Punic War, 268,308; 269,015; 327,022; 324,000; 428,342; 323,000; 823,000.

From this it followed that, since the classes were established from the census, they divided the whole state into its members and parts. No one who has treated antiquity has failed to write about the six classes established by Tullius. That division was afterwards neglected. Tertullian, chapter 4 of *On the Pallium*: "Indeed, now, with the brow of censorial sternness dispersed, whatever passive labeling offers is doubtful: freedmen among the equestrian classes, persons browned by the sun among the liberal, surrendered enemies among the freeborn, rustics among city-dwellers, buffoons among men of the Forum, countrymen among soldiers. The corpse-bearer, the pimp, and the gladiatorial trainer are clothed along with you."

He uses *epischynium* for the brow; he shows that he was clothed in the same garment. Afterwards Syrians and Phoenicians came into the Senate, nor could this appear unworthy when Felixes and Narcissuses were adored even by Consuls.

But because uprightness of morals was also required in the state, without it the orders could not be established by a census. An examination of morals was therefore conducted, and there survive many distinguished examples of a censorship which is sometimes lacking today among Christians. Livy, book 24: "The Censors, free from the care of contracting for public works because of the poverty of the treasury, turned their attention to the morals of human beings and to chastising the vices which, having arisen from the war, were generating themselves just as bodies sick with long-lasting diseases do. First they summoned those who were said to have wished to desert the state and depart from Italy after the battle of Cannae; foremost among them was Lucius Caecilius Metellus, who happened then to be Quaestor. Then, after these men and the others accused of the same offense had been ordered to plead their cause and had been unable to clear themselves, the Censors pronounced that they had spoken words and delivered a speech against the state so that a conspiracy might be formed for abandoning Italy. After them were summoned the excessively subtle interpreters of how to discharge an oath: having returned from the captives' journey, they secretly went back into Hannibal's camp, supposing that the oath by which they had sworn to return had been discharged. From these and the former men the horses were taken away if they possessed a public horse; all were removed from their tribe and made *aerarii*. Nor did the Censors' care confine itself merely to regulating the Senate or equestrian order."

It therefore pertained to the censorship to choose the Senate on the basis of property and morals. Once the census was completed, the names of the Senators were read out. Those who had been passed over were judged unworthy of that order, yet were not infamous; for sometimes they were marked on reputation alone and were afterwards promoted not only to a Magistracy but to the Consulship and even to the censorship. This practice doubtless introduced a great stain into the city, for a censorial mark which could be cast against the best men was no disgrace to the wicked.

They therefore removed unworthy persons from the Senate. Dio says that the censorship had very great power: **ἐκβαλεῖν δὲ ἔξεστι συγκλητικὸν ἀπρεπῶς ζῶντα, ἐγγράψαι δὲ τὸν ἄριστον**. "To remove from the Senate one living disgracefully, and to enroll the best man." This remained in the age of the Emperors. Trebellius in *Valerian*: "You will judge who ought to remain in the Senate," and so forth. He nevertheless excepts the Prefect of the City, ordinary Consuls, the King of the Sacred Rites, and the chief of the Vestal Virgins, provided that she has remained incorrupt. They took away a horse if the horse was lean, if it was insufficiently sleek, or if the knight was not of good morals. Ovid concerning Augustus:

But I remember that you approved my life and morals,

When I passed before you with the horse you had given;

and:

And I had published poems when, as you marked offenses,

I passed before you so often, an unquiet knight.

They removed men from their tribe. This was a great ignominy, by which they were deprived of the right of voting. This too was done because of morals: if men were bad, the Censors removed them not only from the Senate but also from their tribe; indeed, they sometimes marked entire tribes.

They made men *aerarii*. Aulus Gellius, book 4, chapter 12: "They make him an *aerarius* who has permitted his field to become foul, or has kept his vineyard in neglect." To make a man an *aerarius* was more severe than to enter him on the tablets of the Caerites. For to make him an *aerarius* was to leave him no right in the city or tribe except that he should contribute bronze for his own person: he was deprived not only of the vote but also of military pay. The Caerites possessed citizenship and all its rights except the casting of a vote.

They added tribes. At first there were three--the Ramnes, Tities, and Luceres. Tullius wished there to be four. Others were then added before the Censors, and in years 366, 395, and 421 of the city. Great was that power by which they held in their hand even the offices and elections of other Magistrates, since by their censorship they could not only choose the Senate but also mark the Consuls and other Magistrates.

To be transferred from a rural tribe to an urban one was ignominious.

They cared for temples, roads, harbors, aqueducts, and all public buildings. These things were omitted during the Second Punic War because of the poverty of the treasury, but were accomplished by the magnificence and liberality of the orders, since before the end of the war they declared that they would accept no money.

They farmed out the revenues. The speech to Valerian also contains these words: "You will set a measure for assessments, establish the revenues, divide the condition of persons, and review the states."

They framed laws. Trebellius: "Authority to frame laws will be given to you." Laws had to be proposed by Magistrates--not, however, by all but by the greater Magistrates, such as the Consul, Praetor, Dictator, Censor, Interrex, Decemvirs, Military Tribunes with consular power, and Tribunes of the plebs.

They completed the lustrum. This was begun by Servius, of whom Livy writes in book 1: "When the census, which he had hastened by a law passed concerning those not assessed, had been completed, he proclaimed under threat of chains and death that all Roman citizens, knights and infantrymen, should be present at first light in the Campus Martius, each in his own century. There he purified the whole army, drawn up in formation, with the sacrifice of a pig, sheep, and bull. This was called the completed *lustrum*, because an end had been made in the assessment."

Sometimes the census was conducted, yet the lustrum was not completed. Livy, book 3. The Censors also possessed the right of dealing with the people and Fathers, which was common to all the greater Magistrates.

They also made inquiry into the morals of married couples. For the Censor exacted a solemn oath from husbands. Varro, book 5 of *On the Latin Language*: "Do you, according to the judgment of your mind, have a wife?" If he had answered that he did not, the Censor had cognizance of his morals. Nor could an agreement be made that no inquiry into morals should occur. If husband and wife mutually accused one another, neither was heard. They also made inquiry concerning contempt for marriage. They dealt with usury. Thus the Censor possessed the greatest authority over private persons.

§ 6. The Censors possessed excessive authority in the free state. Marcus Livius and Gaius Claudius demonstrated this in Livy, book 29: "The lustrum was completed later because the Censors sent men through the provinces to report how great the number of Roman citizens in the armies was everywhere. Gaius Claudius Nero completed the lustrum after 265,000 men had been assessed with them. Then they received the census returns of twelve

[Printed page 576]

colonies--something which had never previously been done--when the Censors delivered them, so that records of how strong they were in number of soldiers and in money might survive in the public tablets. Then the assessment of the knights began, and both Censors happened to possess a public horse. When they came to the Pollian tribe, in which the name of Marcus Livius was listed, and the herald hesitated to summon the Censor himself, Nero said, 'Summon Marcus Livius'; and, whether from a remaining and ancient quarrel or puffed up by an untimely display of severity, he ordered Marcus Livius to sell his horse because he had been condemned by the judgment of the people. Likewise, when Marcus Livius came to the Narnian tribe and the name of his colleague, he ordered Gaius Claudius to sell his horse for two reasons: first, because he had given false testimony against him; second, because he had not returned into favor with him in sincere good faith. Thus there occurred a foul contest to stain the other's reputation at the cost of one's own reputation. At the end of the censorship, after Gaius Claudius had sworn to the laws and ascended to the treasury, among the names of those whom he was leaving as *aerarii* he entered that of his colleague. Marcus Livius then entered the treasury and, excepting the Maecian tribe, which had neither condemned him nor made him Consul or Censor after his condemnation, he left the whole Roman people--the thirty-four tribes--as *aerarii*, because they had both condemned him when innocent and made him Consul and Censor after his condemnation. They could not deny that they had offended once by a judgment and twice in elections; among the thirty-four tribes, Gaius Claudius too would be an *aerarius*. He said that, if there were a precedent for leaving the same man twice as an *aerarius*, he would have expressly left Gaius Claudius among the *aerarii*. This petty contest of censorial marks between the Censors, and this chastisement of the people's inconstancy by censorial gravity, was worthy of those times. Since the Censors were objects of hatred, Gaius Baebius, Tribune of the plebs, supposing that from this he had an opportunity to increase his standing, appointed a day before the people for both. The matter was dismissed by agreement of the Fathers, lest henceforth the censorship be subject to the popular breeze."

First, indeed, there was the foul persecution of colleagues and mutual defamation. Next came the marking of the people because of an unjust judgment, as though a man were a suitable judge in his own case. Finally came the reproach that they had conferred an honor. All these things were full of severe folly; to make the whole people *aerarii*, with one tribe excepted, was entirely insane, for it was a consolation to the wicked and infamous to lie hidden among all.

The Roman people itself judged this when it limited the censorship to a year and six months: the Dictator Aemilius Mamercus diminished it. Livy, book 4: "Then the Dictator, lest he should have been created to no purpose--since the opportunity to seek glory in war had been taken away--desired to accomplish in peace some work that would be a memorial of his Dictatorship, and prepared to curtail the censorship, whether because he judged its power excessive or was offended not so much by the greatness of the honor as by its duration. Accordingly, after summoning an assembly, he said that the immortal gods had undertaken that the state should be managed abroad and that all things should be made secure; he would take counsel for the liberty of the Roman people concerning what must be done within the walls. But the greatest safeguard of that liberty was that great commands should not be long-lasting, and that a limit of time should be imposed upon those upon whom no limit of law could be imposed. The other Magistracies were annual; a censorship of five years was burdensome, for men lived subject to the same persons during a great part of their lives. He would therefore propose a law that a censorship should be no longer than a year and six months."

Therefore, since so many persons were unjustly degraded and so many entered among the *aerarii*, the law of Clodius was not so unjust in forbidding anyone to be removed from the Senate or affected with ignominy unless, after his case had been pleaded, he had been accused before the Tribunes. Then the supreme power ceased, but the Consul Metellus

restored it, and it existed in the time of Dio. **Τιμητείαν, ait, ἀρχὴν ταύτην εἶναι ἱερωτάτην, καὶ δυναμένην μέγα.** "The censorship," he says, "is a most sacred and very powerful government"; but its holders were to judge morals, not rage according to their own judgment.

Deservedly, therefore, Cicero says in *Against Piso*: "For nearly a hundred years we had retained the Aelian and Fufian laws, and for four hundred years the censorial judgment and cognizance. No wicked man failed to dare against those laws, yet no one was ever able to overthrow them; no one was so extravagantly wanton as to attempt to diminish that power so that judgment concerning our morals should not be made every fifth year."

§ 7. Most of the Emperors also bore the censorial dignity. Dio says that Augustus was elected **ἐπιμελητὴν καὶ τιμητὴν εἰς πενταετίαν χειροτονεῖσθαι**, curator of morals and Censor for a five-year period. The same Dio says this of Claudius in book 5; Suetonius relates that Domitian was Censor. Trajan undertook the censorship late--not from avoidance of the honor, or, as Pliny flatters him, because he preferred to test characters by benefactions rather than remedies, but from consciousness of his own life. For although others were worse than Trajan and accepted the censorship, Trajan nevertheless showed greater modesty.

Most states therefore retain this principle of censorship: judgment concerning morals rests with a Magistrate. This is also customary in the Church, for the Bishops and prelates of the Church themselves are masters of morals. Since the end of a prince is the blessed life of his subjects, and that life cannot exist without virtue, he must himself exercise the greatest care for it. What would so great and severe a power not accomplish? Valerius, book 2, chapter 9, makes it equal to martial praises: "The firmest bond of camp discipline and the diligent observance of military order admonish me to pass to the censorship, mistress and guardian of peace. For just as the resources of the Roman people advanced to so great an amplitude through the virtues of commanders, so uprightness and continence were examined by the censorial brow, an achievement equal to martial praises. For what profit is there in being vigorous abroad if life is evil at home? Though cities be stormed, nations chastised, and hands laid upon kingdoms, unless duty and modesty maintain their place in the Forum and Curia, the heap of acquired things, though made equal to heaven, will have no stable seat. It therefore pertains to the matter to know, and indeed to remember, the acts of censorial power."

If the vigor of the censorship had endured, great Emperors would never have seized their fatherland from fear of poverty. The posterity of the Romans marveled at the severity of the ancients. "What," says Valerius, "shall I say of the censorship of Fabricius Luscinus? Every age has related and will continue to relate that Cornelius Rufinus, who had discharged two Consulships and a Dictatorship most splendidly, was not retained in the senatorial order because he had acquired ten pounds of silver plate, as though luxurious through an evil example. By the god of faith, the very letters of our age seem to me to be astonished when they are compelled to accommodate their service to recording so venerable a severity, and to fear lest they be thought to commemorate the deeds not of our city. For it is scarcely credible that within the same pomerium the possession of ten pounds of silver was once an object of odium, while poverty is now held in the greatest contempt."

Lest we suppose that only a few were marked, the same Valerius shows that there were very many: "A large and good part of the equestrian order--four hundred young men--also endured the censorial mark with a patient spirit. Valerius and Publius Sempronius, because they had been ordered to go to Sicily to perform work on fortifications and had neglected to do it, deprived them of their public horses and entered them in the number of the *aerarii*."

[Printed page 577]

And thereafter: "The Censors also exacted the penalty for shameful fear with the greatest severity. For Marcus Atilius Regulus and Publius Furius Philus swore that Lucius Metellus the Quaestor and several Roman knights--who after the ill-fated battle at Cannae had sworn that they would depart from Italy with him--must be deprived of their public horses and entered among the *aerarii*. They also affected with a grave mark those who, after they had come into Hannibal's power and had been sent by him as envoys to the Senate concerning the exchange of captives, remained in the city when they did not obtain what they sought. For it was fitting both to keep faith with Roman blood, and for

Marcus Atilius Regulus the Censor to mark perfidy, since his father had judged it preferable to expire amid the utmost torments rather than deceive the Carthaginians. How this censorship passed from the Forum into the camp, for it wished neither to fear nor to deceive the enemy!"

There are two eminent censorial memorials of the ancient state in this affair. They marked very many together with Metellus, concerning whom Livy writes in book 22. Then those who had returned from the camp were marked and affected with grave ignominy, concerning whom the same Livy writes: "Moreover, they had been so utterly broken by every mark and ignominy under the next Censors that some of them immediately brought death upon themselves; the others were deprived not only of the Forum throughout all their remaining life, but almost of light and public society."

In this matter the power of the Censors was greater than that of the Consuls. Indeed, they could mark the Consuls themselves.

§ 8. The censorship, especially of nobles, flourishes and formerly flourished among the Venetians; it is established that that state has been preserved by it more than by war. Among the Lucchese a severe, mature, and better censorship than that formerly exercised at Rome is practiced. In the week immediately before Easter, which is called Holy, those who belong to this council assemble in a certain place. Each of them places in a chest prepared for this purpose a ballot on which is written the name of the man whom he regards as wicked and unworthy of the city. Once this has been done, the ballots are taken out. If by chance someone's name is read repeatedly, the matter is referred to the Greater Council, where the votes are cast again. If he is condemned by them, such a man is judged wicked and unworthy of the city and is immediately ordered by the public voice of the herald to go into exile that very evening. The manner of proscription is that for three years he must remain fifty miles from the city. If he contravenes this, he incurs capital punishment. When the three years have ended, if upon returning he has not amended his life, he is again driven into exile in the same manner.

To this also pertains the fact that the Eight Men there, who observe inns and guests, correct deceitful and lying persons. For the corruptions of many cities arise from the negligence of innkeepers, since the dregs of cities flow together into those places, and vices first grow strong in those places where they are a source of profit to their abettors. Among the Genoese the office of the Censors is given partly to those whom they call Censors and partly to the Magistracy of St. George.

§ 9. I shall add as a conclusion that the Censors were formerly anointed. Varro, book 3 of *On the Latin Language*: "Now first concerning the censorial tablets. When the censorship takes its auspices by night in the temple and a report from the sky has been made, the herald is commanded thus to summon the men: 'May it be good, fortunate, happy, and salutary to the Roman people, the Quirites, and to the state of the Quirites, and to me and my colleague, and to our fidelity and Magistracy. Summon all Quirites, infantrymen, armed men, and private curators of all the tribes; if anyone wishes a curatorship to be assigned for himself or another, summon the assembly here before me.' The herald summons them first in the temple; afterwards he likewise summons them according to custom. When it grows light, the Censor, scribes, and Magistrates are anointed with myrrh and unguents."

The Censors correct those things on account of which the Praetor grants no action. Bodin, book 6 of the *Politics*; Lipsius, book 4; Alexander ab Alexandro, book 3, chapter 13, of the *Genial Days*. But above all, the life of the best and most modest Prince is a censorship. Pacatus says concerning Theodosius: "The man who corrects vices to which the prince is himself subject, even if you do not punish the prince himself, nevertheless brands him."

CHAPTER XXI

The Order and Offices of Provincial Magistrates

§ 1. We must treat the greater Magistrates who command outside the ruling city, such as Proconsuls and Propraetors, or outside the kingdom in which the king has established his seat, such as Viceroys and Great Praetors. Because in this matter not only different states but even the same states--and indeed the Roman state--frequently varied, it must be taught seriously; the practice of the ancient wise men must be brought forward, and the errors and outcomes weighed.

§ 2. Those were called Proconsuls, or men "in place of a Consul," whose Magistracy was continued after the completion of the year for the sake of the state, and who were sent into the provinces either from a Magistracy or from private life. Propraetors were appointed on the same principle: they were sent from the Praetorship or into praetorian provinces. A Magistracy was first prorogued for Publilius Philo, in Livy, book 8: "A triumph was decreed to Publilius because it was sufficiently believed that the enemies, subdued by the siege, had come into allegiance. These two singular things happened first to that man: the prorogation of command, which had not previously occurred in anyone, and a triumph after he had discharged his office."

This happened in year 428 from the foundation of the city, during the siege of Palaepolis. Scipio was made Proconsul from private life; Livy, book 26. Ordinary Consuls, after discharging the Magistracy, went to a province in the following year; but if this occurred in subsequent years, they were said to go as private persons. Yet however they were sent, there was need of good and courageous Magistrates. Most excellently the preface to Novel 24 says: "We certainly never believed that the ancient Romans could have established so ample a state from small and even the very smallest beginnings, and thereafter could have joined to themselves and pressed and protected by command almost the whole world--we might say--unless, after sending the greater Magistrates into the provinces, they had acquired greater dignity for themselves by that means, had given those men power both of arms and of laws, and had possessed men fitted and suitable for both. They called these men Praetors, a name imposed upon them because they went before and were placed over all the others, the administration both of military affairs and of the prescription of laws having been permitted to them. Hence they also called *praetoria* those places in which Magistrates were accustomed publicly either to administer justice or to reside, and established that most laws in the state should be introduced by the living voice of the Praetors. Many Praetors partly added to the command, or governed, Sicily, partly the island of Sardinia, partly Spain, and others some other region by land and sea."

§ 3. Sicily and Sardinia were the beginning of the provinces; afterwards the two Spains and others followed. The first governors of these were appointed in the Centuriate Assembly and called Praetors; afterwards provinces were also entrusted to Consuls for the purpose of conducting war. Praetors who remained in a province with their command prorogued were called Propraetors. But afterwards it seemed more correct that those who had discharged the Praetorship in the city should depart for the provinces toward the end of the year. Their power was no less than that of the Proconsuls, but they nevertheless employed only six Lictors, not twelve. In order gradually to draw all things to himself, Augustus sent into provinces men who had discharged neither the Consulship nor the Praetorship in the city, and called them Propraetors.

§ 4. They were sent by a Curiate Law, because without it they had no right to conduct war; hence that law was not necessary for men going to a pacified province. The command of the people was, however, necessary for the expenses and equipment required by a province. For by aid of a law it was obtained that traveling expenses should be decreed for the legates, cohort, and retinue. Capitolinus testifies in *Alexander* that money was given from public funds to governors.

[Printed page 578]

These were the laws for departing. First: "A Proconsul must take care not to burden a province in providing lodgings, as our Emperor together with his father rescripted to Aufidius Severianus. No Proconsul may possess his own grooms, but in place of them soldiers discharge the services in the provinces." Second: "It is indeed better for a Proconsul to depart without his wife, but he can also do so with his wife, provided he knows that the Senate, when Cotta and Messala were Consuls, decreed that, if the wives of those departing to their offices committed any offense, an account and punishment would be exacted from the husbands themselves." Third: "Before the Proconsul has entered the boundaries of the province decreed to him, he must send an edict concerning his arrival, containing some commendation of himself--if there is any familiarity or connection with the provincials--and especially excusing them from coming to meet him either publicly or privately, for it is fitting that each person should receive him in his own native country." See book 1, **π.**, *On the Office of the Proconsul*.

§ 5. Proconsuls therefore possessed power and command: power was the capacity of making inquiry and judging; command concerned military affairs. They commonly administered justice in winter and in the assize districts, and conducted war in summer. Proconsuls were sent for the sake of war: first into Africa, then into Asia and Achaea. It was first established in year 605 from the foundation of the city that those who had discharged the Consulship in the city should go with consular power into the provinces. Before his arrival a Proconsul could not delegate authority to his Legate unless perhaps he underwent a necessary delay on the journey. Ulpian, book 4, *On the Office of the Proconsul*: "After he has entered the province he must delegate jurisdiction to his Legate; nor may he do this before entering the province. For it is exceedingly absurd that, before he himself obtains jurisdiction--for it does not belong to him before he comes into that province--he should delegate to another what he does not possess. But if he has done it beforehand, the Legate must be believed to possess jurisdiction, not from the time when it was delegated, but from the time when the Proconsul entered the province."

Papinian limits this in book 1 of the *Questions*: "Sometimes a Proconsul can delegate jurisdiction even if he has not yet reached the province. For what if he undergoes a necessary delay on the journey, while the Legate will arrive in the province very speedily?"

The care of revenues, the grain supply, and ships rested no less upon them. Thus they commanded a quantity of grain and sold or stored it; they sometimes imposed revenues and possessed their own praetorium. All these things are not now customarily conceded to governors, for they greatly abused their power to exhaust the provinces. But the laws themselves explain these rights most clearly in the passages cited above: "They are also accustomed to delegate inquiry concerning persons in custody to their Legates, in such a way that they remit the persons already heard to themselves, so that the Proconsul himself may liberate the innocent. But this kind of delegation is extraordinary; for no one can transfer to another the power of the sword given to him, or the power of any other coercion, and therefore not the right of liberating accused persons either, since they cannot be accused before him. But just as it rests in the Proconsul's judgment to delegate or not to delegate jurisdiction, so the Proconsul may indeed take away delegated jurisdiction, but ought not to do this without consulting the prince."

§ 6. Plainly royal honor was paid to him: to good men temples, statues, feast-days, and honorable embassies to the Senate; the same things were paid even more lavishly to bad men so that they would not inflict as much harm as they were able.

The honor of a Proconsul extended more widely than his power. Thus **π.**, *On the Office of the Proconsul*: "A Proconsul possesses proconsular insignia everywhere from the moment he has departed the city; but he exercises power only in that province which has been decreed to him."

He nevertheless employed some power even outside his own province, although honorary rather than commanding power. Thus law 1, **π.**, title 16: "All Proconsuls, as soon as they have departed the city, possess jurisdiction, but not contentious jurisdiction--voluntary jurisdiction. Thus both free persons and slaves can be manumitted before them, and

adoptions can be made. But no one can be manumitted before a Proconsul's Legate because he does not possess jurisdiction of that kind."

Voluntary jurisdiction is exercised without a tribunal; contentious jurisdiction from a tribunal, as Cujas and others explain.

But what they principally sought was an opportunity to gather immense treasures. For they harassed the allies by plunder and extortions and granted and sold immunities. Strabo, book 12, concerning Paphlagonia: **ὕστερον δὲ οἱ τῶν Ῥωμαίων ἡγεμόνες ἄλλως καὶ ἄλλως ἐποίησαν μερισμούς, βασιλέας τε καὶ δυνάστας καθιστάντες καὶ πόλεις τὰς μὲν ἐλευθεροῦντες, τὰς δὲ ἐγχωρίζοντες τοῖς δυνάσταις, τὰς δὲ ὑπὸ αὐτοῖς τοῖς Ῥωμαίοις ἔχοντες.** "Afterwards Roman commanders established different divisions, appointing kings and dynasts, making some cities free, subjecting some to dynasts, and leaving some under the power of the Roman people." From this came great wealth: some from gifts of cities so that they would not pay what was owed or receive a soldier into winter quarters, and other things treated elsewhere.

§ 7. I have mentioned above several errors in this class. No prudent person can approve the fact that the governors were selected by lot; Augustus himself, after he had selected the Proconsuls for the people's provinces by lot, afterwards changed the practice. Next, the command was excessively brief. "What have we to do," says Apuleius, "with those vicissitudes of Proconsuls? What with brief years and hastening months? While they go and return, the year is consumed." For this reason Magistracies are entrusted very differently in the present age, as Augustus himself also did, so that his Prefects remained and were changed at his judgment. This is also observed now in Gaul and other kingdoms.

But the fact that the provincials, deprived of the aid of laws, were condemned under the appearance of right and laws after they had been afflicted and exhausted by every injury brought the greatest ruin. If they prevailed in their case, they nevertheless recovered the smallest part of their property, while those great defendants drank it away:

> But you, victorious province, weep.

Nor did any better hope dawn upon the victorious province: the relatives, friends, associates, children, and grandchildren of the condemned were to command again. Avengers therefore threatened, and advocates were of no benefit, since, having plundered in another quarter, they themselves needed protection, or were joined by affinity of marriages or fellowship in rapine.

§ 8. The method of correction consisted of the laws of treason, peculation, and extortion. But these laws had so passed into abuse that the provincials were afflicted by the very laws enacted for their safety. The law of treason and peculation was indeed enforced severely; proceedings concerning extortion were slow except in atrocious cases and against a weak enemy. That law was therefore given for the sake of the allies, and sometimes had an effect. Peter Gregory may be consulted concerning it in the *Syntagma*, book 36, chapter 28, §15 and following. Julius Caesar removed from their order men convicted of extortion. When Marius Priscus was accused under the Julian law of extortion by the Africans over whom he had presided as Proconsul, it pleased the Senate that the seven hundred thousand which Marius had accepted should be paid into the treasury. Marius was interdicted from the city and Italy. Concerning Hostilius Firminus, the Legate of Marius, it likewise pleased the Senate that, because he had lent his service to the most shameful ministries,

[Printed page 579]

no account of him should be taken in the allotment of a province. Cornelius Gallus, when Octavian held Roman affairs, was Procurator of Egypt; according to Ammianus Marcellinus, he exhausted the city after intercepting very many things. Upon his return, when he was arraigned for his thefts and the nobility, sharply indignant at the despoiled province, had been given the business for examination by the Emperor, he fell upon a drawn sword, certainly from fear of the capital penalty which he supposed that he would undergo on that account. Gaius Servilius Glaucia proposed a

law at Rome by which Latins had the right of obtaining citizenship in place of a man whom they had brought to condemnation by accusing him of extortion. The Julian law of extortion also wills that the man is guilty who has accepted something so as to do more or less by virtue of his office. Demosthenes the Orator was condemned by the Athenian people to fifty talents because, after declaring that Harpalus, who had fled from Alexander out of Asia, was an enemy, he was afterwards appeased by a cup and twenty talents from Harpalus and desisted from his undertaking, as Dinarchus says against Demosthenes, as do Plutarch, Justin, and Athenaeus.

For the same reason, those who accept something in order to accuse or not accuse are held by the law of extortion, as are those who enter into an agreement to accuse innocent persons; those who accept money for giving or withholding a denunciation or testimony, or for selecting or sending a soldier; and those who accept it for delivering an opinion in the Senate or a public council. Ulpian notes another head of the Julian law of extortion: if a Proconsul dismisses his Legate from the province before himself. Another head forbids Senators to possess a seagoing ship. A governor is prohibited from building or possessing a ship in the province which he administers, or from purchasing anything else there. We read that men were condemned under the law of extortion among the Greeks also. According to Xenophon, in rendering their account for the preceding period the commanders Philesius and Xanthicles were condemned because they had embezzled twenty minas from the Gaulitic money which they had received for disbursement, and judgment ordered them to repay the same amount.

§ 9. Sometimes they were first sent into provinces in the fifth year after entering the Consulship. From this it happened that many never obtained provinces by lot. This occurred under Tiberius and frequently thereafter, so that the name of the Consuls gradually grew worthless when they perceived others to hold a higher position.

§ 10. At first they were called Praetors, afterwards Propraetors, of whom I have spoken above. But since the arrangement had been varied in many ways, Justinian attempted to recall it to the ancient laws. He did this in other cases and in the case of the Praetor of Pisidia, Thrace, Lycaonia, and especially Paphlagonia, Novel 29, chapters 1 and 2: “Indeed, the man who holds command over the whole province--while the whole province is called Paphlagonia, as before--will also go about and inspect the cities. No formula, perhaps formerly framed as sacred to prohibit such conduct, prevents this; nor will he send vicars here and there through the cities in his place. For we entirely prohibit this very thing, since it is shameful that, while he himself administers justice in the province, he should meanwhile entrust his functions to another contrary to law. He himself will administer everything and bring the public tributes to completion with the greatest readiness of spirit, exacting neither more nor less. Retaining, moreover, an equality consonant with justice, he will at the same time employ foresight so that, if the fisc has suffered any loss, he may correct it, and at the same time preserve the cities unharmed both publicly and privately. He shall receive the allowance which each of the two Magistrates possessed, amounting to seven hundred and twenty-five aurei; he shall also possess an assessor, who shall receive seventy-two aurei, and one cohort composed from both, proceeding to the number of one hundred men and receiving four hundred and forty-seven aurei and a third from the public treasury. And since he receives his office without payment, let him likewise discharge it without payment. For in this part also we shall redeem our subjects, and we ourselves shall give to those who customarily receive something under occasion of *suffragium*, as they call it, paying this to them through your throne from the public tributes of that province; nor shall we allow our subjects to be driven into servitude under the appearance and covering of an auction.”

§ 11. The name “Governor” is general, for a Proconsul too was a Governor. Thus book 1, **π.**, title 18: “The name ‘Governor’ is general; and therefore Proconsuls, Caesar’s Legates, and all who govern provinces, even if they are Senators, are called Governors. The designation ‘Proconsul’ is special.”

These are his rights and power. First, adoption before him, emancipation of a son, and manumission of a slave. Ulpian, law 6 and **π.**, *On the Office of the Governor*. Second, he possesses power over the inhabitants of his province. Paul, law 3. Outside his province he is a private person. Third, he possesses greater command than all persons after the prince, like a Proconsul. Ulpian, law 36, *On the Edict*. Fourth, cognizance belongs to the correctors and provincial Governors concerning all the causes which at Rome are heard by the Prefect of the City or the Praetorian Prefect, and

likewise by the Consuls, Praetors, and others. Hermogenianus, book 2 of the *Epitomes of Law*. Marcian therefore rightly says in book 3 of the *Institutes*: "All provincial petitions which have various Judges at Rome pertain to the office of the Governors." The management of all business therefore pertains to the Governor. This must be noted against those who have judged the power of Governors to be less than that of Proconsuls.

More of his offices are described in law 1, **π.**, title 18. There several golden laws must be noted, especially law 12: "Although the man who presides over a province ought to discharge the function and office of all the Magistrates at Rome, nevertheless one must regard not what is done at Rome but what ought to be done." And law 13: "It befits a good and grave Governor to take care that the province which he governs is peaceful and quiet. He will obtain this without difficulty if he acts solicitously so that the province is free from evil men, and searches them out. For he must seek sacrilegious persons, robbers, kidnappers, and thieves; punish each according to his offense; and coerce those who harbor them, without whom a robber cannot remain concealed for long." And law 18: "It is contained in a plebiscite that no Governor should accept a service or gift unless it is food or drink to be consumed within the next few days."

§ 12. Among the Turks the office of the Agha corresponds partly to the office of the Praetorian Prefect and partly to that of Proconsuls. For he is the head and Judge of the Janissary soldiers and possesses the first place in war. Otherwise the Pashas, Beylerbeys, and Sanjakbeys exercise various functions in war and peace. But because that command is tyrannical, it generally sends robbers and thieves into the regions, whom the Turk is afterwards accustomed to slaughter and plunder when they have become rich. The difficult thing is that those through whom the empire is administered must act as lions abroad and foxes at home. For the authority of the Pashas among the Turks is very great: in ancient times, while their affairs were still slight, they were employed in councils; now they also govern the councils and preside over the most powerful kingdoms. This is the more dangerous because Emperors accustomed to pleasures do not ordinarily pay much attention to the state unless the dangers of wars, or the frequent sedition of the Janissaries, shakes off their torpor.

§ 13. A Dioecetes is one who administers definite dioceses, but the division of dioceses varied. In ancient times the parts of a province were called dioceses. Cicero, book 3 of the *Letters*, says that three Asian dioceses were attributed to the province of Cilicia. But in the later times of the empire provinces were parts of dioceses. There were five dioceses of the East. The one called the diocese of the East properly so called embraced fifteen provinces;

[Printed page 580]

the Asian diocese ten, the Pontic six, the Egyptian six, and that of Dacia five. There were also six dioceses of the West: the Italian, Illyrian, African, Gallic, Spanish, and British. From this it came into the usage of the Church that the jurisdictions of Bishops are called dioceses.

§ 14. Viceroys are now furnished with the same power. Spain possesses many of them; the dignity is not so customary in other kingdoms because they do not administer kingdoms so remote or so numerous through vicars. The dignity and power of Vice-kings and Viceroys is not the same as that which belonged to the Vicars, for the Vicars possessed civil jurisdiction, while the Vice-kings possessed both civil and military jurisdiction. Vicars are compared with Counts in law 1 of the Code, title 38: "In civil causes it is fitting that Vicars be preferred to Counts of the soldiers; in military business Counts are preferred to Vicars. Whenever association in judging occurs, the Vicar shall be placed first and the Count shall follow as his associate. For the merit of the Prefecture stands before the other dignities, and the vicarial dignity judges that by its very name it draws to itself a portion of it, possesses the power of sacred cognizance, and is accustomed to represent the reverence of our judgment."

Nevertheless, Augustal Vicars who were created by the Prince possessed the chlamys and carriage and administered the tributes. Cassiodorus, book 9 of the *Variae*.

§ 15. The Prince of Dalmatia presides over tribunals and hears causes, but is not the Governor of provinces with proconsular or any other power. He also judged the Count of the provinces himself. “Power over the provinces has indeed been given to the Count, but the Judge himself has been entrusted to you,” says Cassiodorus in book 7.

§ 16. The Vicar of the Pontic tract is also called the Count of the Pontic Diocese; he performed the functions of the Praetorian Prefect. “It seemed good to us,” says Justinian, “to impose a Vicar upon all the provinces of the Pontic Diocese, so that he may fill not only the place of the Praetorian Prefect but also that of the most glorious Master of Offices, the most glorious Dukes, and the most magnificent Magistrates who preside over the divine patrimony, treasury, and household Protectors.” They were Proprefects and governed a diocese in the place of the Prefect. Nevertheless, they possessed command from the Prince. The Vicar of the Praetorian Prefect administered justice in seven provinces of Italy. There were, however, not only Vicars of the Praetorium but also Vicars of the Master of the Soldiers. In Eutropius, book 7, chapter 6, the Consular Governors of Venetia, Aemilia, Flaminia, and Liguria are under the Vicar of Italy, as are the Governor of the Cottian Alps and those of both Rhaetias.

Tetrarchs performed almost the functions of Satraps and Vicars, although they are more similar to our Counts and Barons. The name originated among the Thessalians, for their region was divided into four parts, each of which was called a **τετραρχία**; their names were Thessaliotis, Phthiotis, Pelasgiotis, and Hestiaeotis. Hence it came about that men who commanded some part were called **τετράρχαι**. Thus Antipas and Philip were appointed Tetrarchs by Augustus. Josephus, book 17, chapter 18. It is established from Hirtius, *On the Alexandrian War*, that there were several Tetrarchs of Gallograecia.

§ 17. This above all was wisely established: after Consuls and Praetors had been designated, and before they entered their Magistracy, provinces were to be decreed to them, which the designees either arranged among themselves or obtained by lot. In this way, before entering their Magistracy, they knew over whom they were to command abroad, and from their Consulship or Praetorship the provincials also judged the morals of their future Governor. In the time of the Emperors, when Governors were sent at the judgment of one man, this could not be observed.

But enough has been said concerning these matters. I repeat this one thing, and repeat it again: provincial Magistrates must be visited frequently and their actions examined; otherwise they will become worse through the power itself.

§ 18. In the time of Augustus men were also called Proconsuls in another manner. For those whom he sent with command into the pacified provinces, the care of which he had committed to the Senate, he also called Proconsuls. Dio says: “Augustus ordered the Prefectures to be annual unless someone possessed a privilege by reason of a multitude of children or of marriage; he ordered that they be sent by the common counsel of the Senate, neither girded with a sword nor employing military dress. He wished them to be called Proconsuls--not only those two Consulars but also the remaining Praetorians, or men who held the place of Praetorians--and that both should be attended by as many Lictors as the laws permitted them to possess in the city; that they should assume the insignia of command as soon as they came outside the pomerium, and retain them until their return to the city.”

And afterwards: “The Senate granted Africa and Asia separately to Consulars and assigned the remaining provinces to Praetorians. It equally forbade both to obtain provinces by lot before the fifth year after discharging a Magistracy in the city. Thus it happened that, although their number was greater than that of the provinces, command nevertheless eventually reached all. But after the time of Caesar Octavian, when some of them had administered their Magistracy badly, these provinces too were annexed to the Emperor, and so in some fashion he assigned even these provinces to them. Moreover, they also selected certain Legates or Assessors for themselves, whose counsel they employed in the administration of the province. A Praetorian took one from men of his own or an inferior order; a Consular took three from men of the same dignity, all approved by the Emperor himself. This too was established generally concerning the power over all provinces: they were to conduct no levy of soldiers; exact no money beyond that which had been established without command of the Senate or Emperor; and, when a Successor had been sent, depart from the province immediately, spending no time on the return journey but returning to Rome within three months.”

§ 19. The retinue was large and costly and exceedingly burdensome to the state. There were the Quaestor, Legates, Tribunes, Centurions, and, in addition to the military officers, attendants, Lictors, and the whole cohort of friends. Alexander Severus and others established a limit; for the Senate decreed such great expenses for Magistrates for no other reason than that public resources might in this manner be poured out upon patricians. A limit was therefore deservedly established.

§ 20. Augustus sent Proconsuls into the provinces without the military belt and military jurisdiction. This was gradually abandoned, for it produced several disadvantages, and much more so when in the same province there were two Magistrates, one wearing the toga and the other the military cloak, and there was no sufficiently exact method of keeping them in their office. Justinian therefore joined both powers. Novel 21, chapter 1: “These things moved us to make this Magistracy also united, as we did among the Pisidians, and to impose upon it the designation ‘Praetor’ together with our name. For we will that this man too be called the Justinianic Praetor of Lycaonia, just as the Praetor of Pisidia and of others. Next we also draw both cohorts together into one--the one over which the civil Magistrate presided and the one over which the military Magistrate presided--and call it Praetorian. It is to be constituted from approved men proceeding in the customary manner from the sacred bureau of petitions, from which the *Duciani* formerly also drew them; we extend its measure to the number of one hundred men, and assign to it the allowances of both Magistrates, but to the Assessor and the others--”

[Printed page 581]

Accordingly he placed over Pisidia a governor whom he called both Governor and Praetor, with proconsular command. Then, with the same intention, he gave Lycaonia a Praetor, Novel 25, drawing two Magistrates into one and tempering the two together, as he himself says. In Novel 26 he declares that he did this in many places, and did so because of dissension. Kings must weigh very carefully the words which moved Justinian. He says: “We all know that two men with the name of Vicars sit at the Long Wall. One of them governs the military cohorts, for there is a great force of soldiers in that place; the other is Prefect over civil business. But although both discharge the functions of others there--the one of the most glorious Prefects, the other of the high-minded Masters of the Soldiers--they nevertheless never agree with one another. Although the fisc furnishes each separately with his allowances and provides other salaries, they nonetheless perpetually and without interruption take up this one business for themselves: that they exercise immortal contentions with one another. It therefore seemed right and orderly to us to do here also what we did among other nations, although they were not so savage and did not need such military protection: not to have the one preside over civil business while the other commands among the soldiers alone, but to draw both offices into one and place over that locality some grave Magistrate worthy of reverence, who should equally care for civil business there and be solicitous for the handsome and becoming order of the soldiers. For the man who governs the province moves about in other places and is scarcely sufficient for them.”

The same law was pronounced concerning the Praetor of Sicily, Novel 104: “Let Sicily possess a Praetor who shall both conduct civil affairs and bear the care of military expenditure; public tributes, however, do not pertain to his solicitude.”

CHAPTER XXII

The Established System of Judges in the State

§ 1. Justinian says in Novel 82 that some Judges possess a Magistracy and others do not: "Many Judges indeed were selected who did not possess command."

The equity of judgments chiefly preserves the state; if it is neglected, not even war can be rightly administered. Just as a city cannot stand without justice, so justice cannot stand without a Judge. A Judge is animate law: **ὁ δικαστὴς εἶναι βούλεται οἷον δίκαιον ἔμψυχον**. He is a **μεσίτης**, a mediator who joins the parties by equality. He is a **διχαστής**, one who cuts disputes apart, as Aristotle says in book 5, chapter 7, of the *Ethics*. Some define a judgment as the explanation, through lawful paths, of another person's obscure right; others, as the administration of justice in a cause heard by a Judge. The true definition is that a judgment is the lawful determination of a Judge possessing power of adjudication, so that the dispute receives an end through his sentence.

Jurisdiction extends very widely. **π.**, title 1, law *Ius*: "The person who orders another to judge must be a Magistrate." In appointing a Judge, however, the same thing must be observed as in taking a rule and standard for buildings: just as it must be as straight and entirely inflexible as possible, so the Judge ought to govern who is not easily impelled either to anger or desire; otherwise it would be just as if someone bent the rule to fit the wall.

§ 2. The practice of states teaches us that many Judges must be selected for various disputes. Aristotle judges thus in book 4, chapter 16, of the *Politics*: "The difference among courts is contained under three headings: from whom, concerning what, and how. 'From whom' means whether Judges are taken from all persons or from certain persons; 'concerning what,' how many kinds of courts there are; 'how,' whether Judges are made by lot or by vote. First, then, let us explain how many kinds of courts there are, so that the division of courts may be made clear. There are eight kinds of courts. One pertains to demanding accounts from Magistrates; another to public offenses and those unjustly committed against public persons; a third to offenses against the condition of the state; a fourth concerns disputes of both Magistrates and private persons when they dispute concerning the imposition of fines; a fifth concerns private contracts involving great things, and in addition killings, crimes among assassins, and the affairs of foreigners.

"Of offenses pertaining to killings, whether the matter is conducted before the same Judges or before others, some are committed willingly and deliberately, others without deliberation and unwillingly; some are acknowledged and the fact is agreed among the litigants, but the law is disputed. A fourth offense is that charged against persons who had gone into exile for an involuntary killing after they had been recalled from exile to plead a capital cause; at Athens, the court exercised at Phreatto is said to be of this kind. But throughout all time such cases happen rarely, and only in great cities. Of the courts which pertain to the affairs of foreigners, one kind is that in which a foreigner litigates with a foreigner, another that in which a foreigner litigates with a citizen. Besides all these there are also courts concerning small contracts, from one drachma to five and a little more. For these too must be judged, yet they do not fall to a multitude of Judges."

§ 3. I intend, therefore, to follow the order of the Judges. At Rome the Praetors discharged this one office. For although Varro in book 4 of *On the Latin Language* thinks they were named from going before, and Justinian confirms this because they went before others both in war and in the prescription of laws, their function at Rome was nevertheless confined within the bounds of administering justice. The Consuls were frequently called away and could not attend those requesting justice; and therefore, for the purpose of administering justice, Spurius Furius Camillus, son of Marcus, was made Praetor in year 386 from the foundation of the city--the same year in which Lucius Sextius was the first Consul from the plebs. Yet, if we consider the internal struggles, that Magistracy seems to owe its origin not so much to justice as to ambition.

For the nobility conceded to the plebs that there should be a plebeian Consul, and the plebs conceded to the nobility that one Praetor, who would administer justice in the city, should be created from the Fathers. These are Livy's words in book 6; in book 7 he adds: "This year was distinguished by the Consulship of a new man and distinguished by two new Magistracies, the Praetorship and Curule Aedileship. The patricians sought these honors for themselves in return for the other Consulship conceded to the plebs. The plebs gave the Consulship to Lucius Sextius, by whose law it had been acquired. By favor in the Field the Fathers gave the Praetorship to Spurius Furius Camillus, son of Marcus, and the Aedileship to Gnaeus Quinctius Capitolinus and Publius Cornelius Scipio, men of their own clans. Lucius Aemilius Mamercus was given to Lucius Sextius as a colleague from the Fathers."

And a little afterwards: "Since all things were deliberately deferred so that nothing should be conducted through the plebeian Consul, there was silence in all affairs and a leisure similar to a cessation of justice. The Tribunes, however, did not suffer in silence the fact that, in return for one plebeian Consul, the nobility had taken for itself three patrician Magistrates seated on Curule chairs as though they were Consuls--the Praetor indeed administering justice, created as a colleague of the Consuls and with the same auspices. From this the Senate felt shame at ordering that the Curule Aediles be created from the Fathers."

[Printed page 582]

At first it was agreed that they should be created from the plebs in alternate years; afterwards the office was open indiscriminately. Then another Praetor was added to administer justice among foreigners; he was called the Peregrine and Lesser Praetor, while the former was called the Urban and Greater Praetor. Chosen in the Centuriate Assembly, they allotted the jurisdictions between them. Afterwards, as not only the city but fraud and crimes increased, four Praetors were created. Livy, book 20. Thereafter six were created, as Livy has in book 37. Finally Sulla added four so that there were ten. The first two exercised private judgments; the others, public judgments. And lest you marvel at the morals of the ancients, two administered justice among assassins, one concerning extortion, and others concerning other investigations.

§ 4. Although they were created to administer justice, they were nevertheless afterwards sent to wars. Thus in Livy, book 23, two are sent to Sicily and Sardinia. Afterwards usage established that Praetors no less than Consuls should obtain provinces by lot. Thus the Praetors were led from tribunals to camps.

§ 5. The contrary occurred in the case of the Praetorian Prefect. At first they were established to be **ἔπαρχοι αὐλῆς**, Prefects of the Court, according to Herodian; they are also called **ὕπαρχοι** ("subordinate prefects") and **ἔπαρχοι τῶν δορυφόρων τῆς στρατιᾶς, τῆς στρατιώτιδος** ("prefects of the bodyguards of the army and of the soldiery"). Eusebius calls one **τὸν καθ' ὅλου ὕπαρχον** ("the general prefect"). Augustus appointed two to preside over the Praetorian cohorts. But afterwards their power in judgments was great; indeed, Constantine the Great recalled them from war to tribunals and the care of revenues. Moreover, the authority of a judging Prefect was so great that appeal from him was not permitted. Thus **π.**, title 11:

"It is necessary to recount briefly whence the origin of appointing the office of Praetorian Prefects flowed. Some writers have related that in ancient times Praetorian Prefects were established in place of Masters of Horse. For since among the ancients supreme power was entrusted to Dictators for a time, and they chose Masters of Horse for themselves, who, as associates sharing their care in military affairs, exercised the second power after them, when governance of the state was transferred to perpetual Emperors, Praetorian Prefects were chosen by the Princes in the likeness of Masters of Horse and given a fuller license for the correction of public discipline. The authority of the Prefects, begun from these cradles, deserved to be increased so far that appeal cannot be made from the Praetorian Prefects. For when it had formerly been asked whether it was permissible to appeal from the Praetorian Prefects, appeal was both lawful by right and supported by surviving examples of persons who had appealed. Afterwards, when an imperial sentence was read publicly, the faculty of appeal was forbidden. For the Prince believed that men employed in the greatness of that office because of singular diligence, after their fidelity and gravity had been tested,

would judge no otherwise, in accordance with the wisdom and splendor of their dignity, than he himself would have judged. The Praetorian Prefects are also supported by another privilege: minors in age can be restored against their sentences by no other Magistrates, but only by the Prefects themselves."

That dignity had grown excessively, so that one Prefect directed everything. Claudian says concerning Manlius:

> Empire took you not in a part of itself, but throughout its whole body,
>
> And gave you governors to rule throughout the entire earth.
>
> The Spanish and German Tethys obeyed you,
>
> And Britain, severed from our world;
>
> Through different currents your utterances were honored
>
> By the slow Saône, swift Rhône, and wealthy Ebro.
>
> O how often the Rhine, where the barbarian went,
>
> Grieved that it did not enjoy you as Judge upon both banks.
>
> To the care of one man belonged whatever reddens
>
> At sunset, whatever the descending day encircles.
>
> So swiftly he again completed continuous honors.
>
> One lifetime came between the intervals of powers,
>
> And brought so many steps of fate into youthful years.

The great men of the palace in Francia taught how dangerous this was: the Sejani, Rufini, Stilichos, and others. But let us continue to speak of Judges. After the Praetor and Consul, a Legate administered justice in the provinces; in the city the Aediles and others also did so, of whom we shall speak in order. Here this must be admonished: the most ruinous system of all judgments was that in which a Magistrate referred public crimes to the people, concerning which every most wicked person was accustomed to deliver an opinion. Nowhere were judgments more shameful. The Roman people, despite the Senate's resistance, converted to its own use land disputed between the Aricini and Ardeates. Thus in Livy, book 4, pity for his children acquitted Galba, who had killed many persons in Lusitania contrary to the faith he had pledged. Gabinius was acquitted because his son, lying upon the ground, was despised by the accuser. Rain liberated Claudius, who had lost a fleet. It more justly preserved Quintus Flavius the Augur. For when he had already been condemned by fourteen tribes, he exclaimed that he was perishing though innocent; the accuser violently replied that it made no difference to him whether Flavius perished guilty or innocent, provided that he perished. Offended by this atrocity, the people favored the defendant. Thus Aemilius Scaurus was acquitted when he could not name 120 persons in the province from whom he had taken nothing. Scipio Asiaticus was condemned through envy. But, to pass over others, we see Coriolanus, Camillus, and finally Cicero afflicted by the rashness of the people.

§ 6. Of all states, the Roman state was least able to provide for the citizenry in its judgments. It therefore changed the systems of judging very frequently. The Senate possessed the judgments down to year 630 of the city. Gracchus transferred them to the knights alone. In year 647, by the Servilian Law, the power of judging was again shared with the Senators, but in such a way that the number of knights was greater. Afterwards, when Caesar was Consul in year 662, Marcus Livius Drusus made the number of knights and Senators equal, so that there were three hundred of each order; those laws were abrogated in the same year because the unjust judgments of the knights oppressed the provinces and held the fortunes of Governors in their power. When Gaius Pompeius Strabo and Lucius Porcius Cato were Consuls, at the proposal of Silvanus 450 Judges were appointed who decided disputes in that year; they were taken from every order, including the plebeian, in year 683. Sulla restored the judgments entirely to the Senate. In year 673,

Cotta again distributed the judgments among Senators, knights, and Tribunes of the Treasury. Julius Caesar as Consul abolished the Tribunes of the Treasury. In his second Consulship Pompey proposed and carried a law that Judges should be selected by property assessment from the Senate, equestrian order, and Tribunes of the Treasury. Antony was not content with these three decuries, but in place of Tribunes of the Treasury substituted Centurions, standard-bearers, Larks, and common soldiers. Augustus added a fourth decury from the *ducenarii*, to judge lighter matters. This great and sudden change of Judges is a sign that none were not only pleasing but even defensible. Appian reports that in the time of Lucius Drusus corruption by gifts ceased to be held among crimes; thus men plainly rubbed all shame from their brow.

§ 7. A Judge, arbiter, or recuperator was given by the Praetor.

[Printed page 583]

For after the selected Judges had previously been chosen, the Praetor drew by lot from the selected men the number prescribed by the law. Both defendant and accuser could reject those whom they wished; in their place the Praetor or Judge of the investigation selected others by lot. Under the Servilian Law the plaintiff presented one hundred from 450 Judges; the defendant, 150. If the Judges did not excuse themselves, they swore to the laws and their names were recorded, lest substitutes be intruded. There was excessive freedom in that selection by lot. For who doubts that a man favoring an unjust cause would reject not only hostile men but all whom he judged to have integrity at heart? Therefore, in chapter 3, *On Judgments*, and other laws, that license of rejecting was restrained.

"It is of the most manifest law that litigants may reject delegated Judges before the suit is begun, since even by the general forms of your most sublime See it has been established that, when a Judge is rejected, a necessity is imposed upon the parties to come to the selection of arbiters and propose their rights at a hearing before them. For although the Judge has been delegated by imperial divinity, nevertheless, because it is our concern that all disputes proceed without suspicion, let the man who judges the Judge suspect be permitted to reject him before the suit is begun, after a petition of rejection has been presented to him, so that recourse may be had to another. Since we have already established that after joinder of issue neither may appeal be made before a definitive sentence nor may rejection occur, lest disputes be extended to infinity, the same executor shall impose upon the parties through the ordinary Judge and every civil aid the necessity both of selecting arbiters and coming before them, and of thus pursuing the suit as though the arbiters had been delegated by the imperial summit. But if the Judge was not delegated by the imperial Majesty, we decree that this be obtained from another summit." Given on the fifth day before the Kalends of May at Constantinople, Lampadius and Orestes, most illustrious men, being Consuls. [9.]

For that reason a man is ordered to select an arbiter within three days. Today this is observed: after joinder of issue it is not lawful to reject the Judge. Indeed, even the cause why he is suspect must be judged. Thus all those things were afterwards changed for the better in law and reduced to a fixed order, so that to reject a Judge is not to reject at one's pleasure but to adduce lawful causes why he is deservedly suspect. All these things must be done without calumny or defamation. I admit that slight causes are often admitted for rejecting a Judge, not only because several Judges are easily available but also because by the very fact that a Judge has been rejected he is judged an enemy.

If, therefore, he is a relative of the opposing party within the seventh degree, he can be rejected, because succession extends that far and the Judge can be believed more inclined toward a man whose heir he can become. This cause will also be valid in a more remote degree if he can be heir. If he is related by marriage, he will deservedly be rejected according to the degree of affinity. If he is a member of the opposing party's household or his intimate, the other party will not entrust himself to him. The laws do not extend this to the Procurators or Advocates of the other party: although they may be very intimate with the Judge, it is nevertheless not permissible to reject him for that reason. Likewise, the lord or patron of the opposing party can be challenged. Other causes are added: if they are Canons in the same College; if they are from the same fatherland; if the Judge is the opposing party's subject or vassal; if the Judge has a similar cause; if he was the opposing party's Advocate or counselor; if he thrust himself into the cause; if he was

surety for the opposing party; or if hostilities preceded. Indeed, an entire Consistory can be rejected if the presiding man can command the others and is suspect. Otherwise, only the suspect members are removed from a whole college, not the others also.

The removal of a deservedly suspect Judge belongs to natural law. But, as I admonished at the beginning, a penalty is imposed upon a man who makes a rash challenge. George of Toulouse writes excellently in book 49, chapter 4, of the *Syntagma of Law*: "These causes of rejection must moreover be presented in writing and comprehended in a petition, so that they may be proposed thoughtfully, not rashly, since a penalty also from the royal Constitutions threatens a person who proposes rashly: ten Tours pounds in the lower courts for each rash cause, and twenty pounds in the supreme courts. Thus they compel men either to pay the penalty or prove the proposed causes. Therefore, for the purpose of deciding the challenges, the litigants must select Judges or arbiters within a fixed period prescribed by the rejected Judge. If they do not agree concerning them, the Judge gives them *ex officio*, and before them proof of the causes is made, if those causes are not manifest and altogether notorious and the Judge denies them."

For a defendant to wish no Judge at all to be selected, or selected in substitution, is the height of distrust; in an accuser it is an indication of calumny. Certainly it is altogether grave to challenge a Judge rashly. The fact that they rejected as Judge in their cause Cato, the man afterwards called Uticensis, contributed greatly to the condemnation of many. For they could not appear innocent--indeed, they sufficiently confessed concerning themselves--when they rejected the judgment of so upright and religious a Judge and so excellent and incorrupt a man. Nor today is Bartolus's gloss, or the opinion of others on the law *Apertissimi*, Code, *On Judgments*, received; they establish that by civil law a Judge declared suspect may be rejected without cause. We instead follow pontifical law: the Judge does not cease to be Judge before the causes of suspicion have been proved.

§ 8. The Centumviral Court seems to have been established most excellently in the state. From thirty-five tribes 105 men were selected, who by a round number were called the Hundred Men; three were appointed from each tribe. Their number and jurisdiction were afterwards increased; Pliny, book 6, epistle 33, testifies that there were 180. There were four councils of them. They judged civil causes. Cicero, book 1 of *On the Orator*. The Urban Praetor presided over them; two spears were set up; four councils heard one and the same cause. Pliny, epistle 21 of book 5, and chapter 2.

§ 9. The Capital Triumvirs were selected in the Tribal Assembly. It belonged to them to judge persons of base and abject condition and wicked, criminal slaves. They were created when Curius Dentatus was Consul, in year 465 of the city. Among other things they also possessed the care of prisons and quarries. When the conspiracy of the Bacchanalia was discovered, the Capital Triumvirs were commanded to arrange watches through the city, to take care that no nocturnal assemblies occurred, and to guard against fires. Livy, book 39. The same men are accused by the Senate because they did not resist the superstitions of foreigners and the people. Livy, book 25: "The Aediles and Capital Triumvirs were gravely accused by the Senate because they did not prevent them. When they attempted to remove that multitude from the Forum and disperse the apparatus of the rites, they were not far from being assaulted. When it appeared that this evil was already more powerful than could be quieted by the lesser Magistrates, the Senate gave Marcus Aemilius, the Urban Praetor, the business of liberating the people from those religions. In an assembly he both read the decree of the Senate and declared that whoever possessed books of prophecies or prayers, or a written art of sacrificing, should deliver all those books and writings to him before the Kalends of April, and that no one should sacrifice by a new or foreign rite in a public or sacred place." They seem to have presided over the execution of capital matters. Thus Sallust in *Catiline* and Plautus in the *Amphitryon*.

§ 10. The Duumvirs of Treason, created by Tullus, afterwards frequently judged treason outside the ordinary order. Labienus, Tribune of the plebs, restored the Magistracy after it had fallen into disuse. Cicero, in his speech for Rabirius, uses Labienus's own act to excite hatred against the accuser: "The Porcian Law," he says, "wrested the liberty of citizens from the Lictor; Labienus, a popular man, delivered it to the executioner. Gaius Gracchus carried a law that judgment concerning the life of a Roman citizen should not occur without your command;

this popular man, through the Duumvirs and without your command, compelled a Roman citizen not to be judged, but to be condemned to death without his cause being stated. Do you even make mention to me of the Porcian Law, of Gaius Gracchus, of these men's liberty, or finally of any popular man--you who attempted not only by unaccustomed punishments but also by the unheard-of cruelty of your words to violate the liberty of this people, test its gentleness, and diminish its discipline?"

It is established from the trial of Rabirius that men of great dignity presided over these judgments, for the Duumvirs at that time were Julius and Lucius Caesar. Rabirius, condemned by them, appealed to the people.

§ 11. Quaestors of Capital Matters were appointed by the people and were called Quaestors, or Inquisitors, of parricide; for whoever killed a human being was called a parricide. These are the words of Numa's law: "If anyone knowingly and by deceit gives a free human being over to death, let him be a parricide."

The Five Men judged concerning exile, as Pliny testifies; they were selected from the best Senators. Afterwards it was established that they should be chosen by lot. Thus Honorius and Theodosius. This was nevertheless subsequently changed by other laws, since lot ought not readily to be admitted in so great a business.

§ 12. The Praetor who at Constantinople was called **πραίτωρ τῶν δήμων**, whom Simocatta calls **τὸ θεματικὸν δικαστήν**, "Judge of the Theme," possessed only the functions of judging, as did the Juridicus of Alexandria. Judgments at Constantinople were customarily held at the sacred well of the church of St. Sophia, where a veil was extended. Nicetas, in *Alexius*, is authority that there were several **βήλου** ("of the Velum") Judges. Others think that they were called Judges of the Velum because they judged at the Emperor's Chamber. The Velarii, however, were those who stood by and guarded the places of the tribunals.

§ 13. The Decemvirs for Judging Lawsuits belonged to the Centumviral Court and convened the centumviral spear. Donatus thinks that they were not from the Hundred Men. Dio, book 54, calls them **τοὺς δέκα, τοὺς ἐπὶ τῶν δικαστηρίων, τῶν εἰς τοὺς ἑκατὸν ἄνδρας κληρουμένων**--"the ten men placed over the courts, from among those allotted to the Hundred Men." Suetonius in *Octavian* says that, among other things, Augustus established "that the Decemvirs should convene the centumviral spear, which men who had discharged the Quaestorship had been accustomed to convene." The Decemviral and Centumviral Court were therefore altogether the same. Thus Laevinus Torrentius on that passage of Suetonius.

Pomponius, in book 11, *On the Origin of Law*, relates that the Decemvirs for Judging Lawsuits, who presided over the Centumviral spear, were established at nearly the same time as the Peregrine Praetor was first created, as also were the Monetary and Capital Triumvirs, about year 512 from the foundation of the city. Did Augustus therefore create other men? I certainly do not think so. For they were the same men and, unless I am mistaken, were from the body of the Hundred Men, although they possessed the right to summon the others. The authority of Pomponius proves not only that they existed before Augustus, but so does the very manner of writing the name, since ancient marbles survive even today on which is written "X MEN FOR JUDGING STLITIBUS"; for the ancients said *stlocum*, *stlatum*, and *stritavum*. In the meantime it had happened that men who had discharged the Quaestorship were placed over their office. Augustus abolished this.

Dio, book 54: "For this reason it had previously been decreed, while Augustus was absent, that the Twenty Men should be created from the knights. Hence none of them was enrolled in the Senate without having discharged a Magistracy which furnished entrance into the Senate. Those Twenty Men were drawn from the Twenty-six Men: namely, three Capital Triumvirs, three Monetary Triumvirs, four Curators of the roads in the city, and the Decemvirs for Judging Lawsuits which are to be judged by lot by the Hundred Men. For the two Curators of roads outside the city and the four sent to the Prefectures in Campania had been abolished."

I judged that these things should be transcribed because I see that nearly the same system of courts has pleased most states. Decemvirs were created every year. Twenty-six Men were created annually and afterwards distributed their offices so that there were Capital Triumvirs, Monetary Triumvirs, Four Men who were Curators of roads, Decemvirs for Judging Lawsuits, Duumvirs of roads outside the city, and Four Men to be sent to the Prefectures of Campania. They were taken from the Senate, and this was the beginning of honors. Augustus created the Twenty Men, omitting the six latter men, and took them from the knights, as Dio says in book 54. Nevertheless, it is established that the office also returned to the sons of Senators. For in Tacitus, *Annals* 3, Tiberius asks the Fathers that Nero, son of Germanicus, be released from the duty of undertaking the Twenty-man office. That function therefore belonged even to the sons of Princes.

§ 14. This too was provided most wisely: that Judges should render an account in the province. "Let Judges remain fifty days in the province," chapter 1, title 49: "Let no Governor of Provinces from among the most illustrious men, whether Consular or Corrector, nor those who have merited the insignia of a higher administration--that is, the respectable men, Proconsuls, the Augustal Prefect, the Count of the East, the Vicar of any tract, any Duke or Count of any soldiers, or the Count of the Divine Houses--after a successor has been appointed for him, dare to depart from the places which he is known to have governed before the established number of fifty days is completed. But during that time let Governors, Consulars, and Correctors remain in the metropolis; let respectable Judges, both civil and military, remain publicly in the more illustrious cities of the diocese they administered--not hiding at home, within sacred precincts or regions, or in the houses of powerful persons, but moving in the most frequented places before the faces of all whom they lately governed--so that the free faculty of raising a complaint concerning thefts or crimes may lie open to all.

"Thus, defended from every injury by the provision of the succeeding administrator and by the peril of his office, and no less by that of the Curials and Defender of the City, once he has been summoned into complaint, and entrusted only to an oath-bound security, let him answer those wishing to accuse him according to the law, as has been said. Let no copy of an imperial utterance, codicils offered for another administration, command of your most ample See that he discharge the functions of the governor of another province, command of the aforesaid or of any other civil or military power that he conduct any public solicitude, or that he be produced or led away, grant him any excuse for departing from the province before the appointed time. Finally, let the craftiness of any art and devised cunning of any occasion be excluded, so that what we sanction for the safety of all provinces may by every means obtain its effect. But if anyone, with temerity worthy of punishment, believes that this most salutary law should be circumvented or violated, although he may deservedly be judged guilty even of treason, he shall nevertheless be compelled to pay a fine of fifty pounds of gold into the public accounts. The man who, after undertaking the administration after him, failed to take care that he was honorably detained or immediately to report his flight shall be punished by a similar penalty."

§ 15. The mute, deaf, and underage are prohibited from judging. I would not prohibit a deaf and mute Prince from the power of judging, since he can sufficiently understand the cause through writings and judge a sentence in writing, except when certain things must be explained by voice. Our forefathers wished the Judge to be without infamy; hence they prohibited a man removed from the Senate from judging unless he had either been restored or the period of his condemnation had elapsed. Book *Cum praetor*, penultimate section, *On Judgments*. This golden passage is from Cicero: "For men condemned forever by a disgraceful judgment, there is neither any approach to an honor nor entrance into the Curia."

[Printed page 585]

If, therefore, anyone has accepted money and given testimony, made an accusation, rendered judgment, or refrained from judgment, bound or did not bind someone, the gates of dignity are closed to him. First: if anyone comes to honors by payment, not by the commendation of his life. A man charged with a crime cannot obtain honors in that year unless he has cleared himself; nevertheless, he does not lose those which he possesses, because he ought not to be condemned unheard. Merchants, especially those dealing in base wares, were formerly prohibited. I have shown elsewhere that

this is to be approved in part but not universally, for wealthy and honorable merchants govern many great cities with praise.

§ 16. Gregory of Toulouse, book 47, chapter 10, of the *Syntagma*, teaches that this is nevertheless greatly to be lamented: men who have gathered money through interest, frauds, and circumventions purchase the offices of states and dignities, from which, again accustomed to profit, they conduct business to the wretched loss of their subjects. If the ancient Romans had admitted this, they would not marvel so greatly that Varro ascended from his father's butcher-shop to the Consulship and obtained the twelve fasces and the Dictatorship by the most sordid bribery; that Titius Aufidius, formerly a publican of a small part of Asia, afterwards obtained the proconsular dignity of Asia with command; and that Publius Rutilius, who had formerly given service to the publicans in Sicily, when made Consul gave laws to all the Sicilians.

The chief condition of a Judge is that he be skilled in the causes which he judges; I have spoken of this knowledge in book 4. Another condition has been disputed in various laws: that no one should hold a Magistracy or judge in the province in which he was born. The Roman laws concerning this are not consonant with their own state, since at Rome only Romans judged. At one time the same thing seemed good to the French, so that Philip the Fair and Charles V carried a law concerning foreign Judges. It is also said to be customary in the kingdom of Castile; concerning the cities of Italy I have spoken above. Nevertheless, I think good men should be preferred; otherwise Kings and Princes would adopt foreigners for the same reasons--something which God condemned in his own state when he forbade the appointment of a King who was not a brother.

§ 17. The most learned Jurisconsult of Toulouse described the system of Judges in France in book 47, chapter 33, in the following manner. In France, because the idiom of speech is different and the manner of governing the state is different, we do not employ Governors of provinces altogether after the example of the Romans, although in part we agree with the Romans. In it jurisdictions and powers are distinguished according to the nod and will of the Prince. Especially in time of war there are Governors of provinces, whom we call *Gouverneurs du pays*: such is our Governor of the Tectosages, another of Aquitaine, of Picardy, and the like, who exist in place of Proconsuls. Certain men also, with delegated royal power, are Vicars of the King, whom they also call Viceroys, whose power can be compared with that of Praetorian Prefects. Yet I do not deny that Governors or Rulers also act in the King's stead in military causes and in the provinces committed to them. Their authority was once great: for they granted pardon and abolition of crimes; ennobled fairs and markets; legitimated persons, or restored them to the rights of birth; and called causes away from ordinary Judges to themselves. All these powers were afterwards taken away and restored to royal power alone by an edict of Louis XII. Today the Governor of Dauphiné grants all offices and can do many things, excepting offices of the Supreme Court of Parlement and indulgences or pardons for crimes.

Those who think that the King's Lieutenant-General, whom we call *Lieutenant general pour sa Majesté*, is so called because he is like the Proconsuls are mistaken. For this man, who acts in the King's stead throughout all the provinces of France, would better be called Master of the Soldiers, such as existed under a Dictator; or Praetorian Prefect under the Emperors; or, in the time of the ancient Kings of the Franks, *Meier* or Mayor of the Palace: by his authority the whole military operation would be governed; in that power he would be second after the King and greater than the Proconsuls and Governors or Presidents of provinces. Certainly this office too is scarcely granted, nor ought it to be granted, to anyone other than the Prince's brother or son, or to him who has been designated successor to the government. For there is danger lest the man invested with this dignity, enticed by the sweetness of ruling and seeing himself now armed with every military force, should seize the sovereignty of him whose vicariate he administers. At least so it happened formerly, when the *Meieri* and Mayors of the Palace of France usurped the government.

This Lieutenant-General of the King is therefore the greater man; he also has under him other Polemarchs of France, whom they call *Maréchaux*, the first syllables of *Polemarch* having been cut away. The Governors of provinces are also subject to him, and they have others under themselves, such as Toparchs, that is, Governors of definite places. These were sometimes added contrary to custom before the Senarchies and Bailiwicks, and sometimes Governors are

added to a Seneschal and to a Seneschalry, and govern according to the Prince's will. But the Senarchs are lawful Toparchs and are older there than the particular, supplementary Governors. For the Senarchs are, as it were, the proper and natural Governors of places, to be counted not only among Governors in military cloak but also among Governors in the toga. Thus even Philip VI, surnamed Valois, called them Governors of provinces in a constitution of the year 1344, when he said that, during the hearing of appeals on the ordinary days of their Seneschalry, they ought to be present in the Parlement--"so that," he says, "their conduct, life, and morals may be manifest, and how worthily the provinces delivered under their governance are governed by them," and so forth.

For they govern those committed to them by military operation and jurisdiction. In time of war they are the commanders of the nobles of their Toparchy, and the ban and arrière-ban fight under them alone as commanders, according to the Constitution of Henry II of 9 February 1547, article 3--provided that the Toparchs themselves are fit to govern and lead the soldiery. For when they are unfit, one man is selected from the nobles of the Toparchy by decree of the Governor of the province, if there is a Governor; if there is not, he is selected through a man delegated for that cause by the Prince in place of the Seneschal, to lead the ranks in time of military service for the Toparchy. For that reason I once saw at Cahors an assuredly vigorous Toparch or Senescharch complain because a particular Prefect had been made Governor by the Prince in his own Toparchy, as though he thought this a dishonor to himself. The grounds of that controversy even divided the citizens into various opinions and hostilities, so that I fear something more serious later arose from it.

Senarchia or *Senescharchia*, which by the common name we call a Seneschalry and Bailiwick--and hence *Seneschal* and *Bailli*, for Toparch and Prefect--derive their inflection from a single meaning. For *Senarchia* seems to be named from a compound of the Latin and Greek words *senum* and **ἀρχία**, "rule of the elders"; and the *Senarchus* or *Senesarchus* is the man placed over this council of elders. Or, if we prefer the whole compound to consist of Greek words, we shall say *Cenarchia* from the Greek **κοινὸν καὶ ἀρχία**, that is, "common rule," as Perionius observed, and the *Cenarchus* will be called the prince of that administration. *Seneschalcia* can be said to come from the German idiom, from the words *Seken* and *Schalk*: the investigation and inquiry into, or censure of, a most wicked and crafty man, because in that seat judicial proceedings chiefly concern unjust men. Some also say that the old word *Sen* means justice and *scalcus* a prefect, and say that *senescalci*, prefects of justice, come from this; but Lupinus says that this is conjecture. It is also called a *Bailliva*, as if **βουλή**, that is, "council."

[Printed page 586]

For the Prince did not wish to entrust distinguished cities altogether to Toparchs alone without a council of prudent men to sit beside them, just as Severus, according to Spartian in his life, added an order of Decurions to the Juridicus of Alexandria. These Juridici certainly cannot be called Presidents of a province, because they are neither placed over one province nor is there only one Seneschal in the same province: in Aquitaine there are several among the Tectosages and several elsewhere likewise. Nor does the power of a President belong to them, for an appeal is made from them but by no means from Presidents. There also survives a constitution of Charles VI, surnamed the Pious, of the year of the Lord 1138, by which names other than the common ones and that of Provost are prohibited. For thus it provides: "We have willed that the governance of no Seneschalry, Bailiwick, or other judicature be administered under any name other than Seneschal, Bailli, or Provost, just as it was granted in ancient times." Thus in France provinces have also been divided into these prefectures of places, so that both civil and military matters might be governed more easily, just as Pliny, book 5, chapter 9, relates that the Thebaid in Asia was divided into prefectures of towns which they called *nomes*.

Proof is supplied by the fact that the original institution of the Senarchs required them to execute their office in person and not employ vicars or Subprefects except because of a grave and necessary absence, according to the Constitution of Charles VII, article 86, in the Constitution of Philip the Fair of 1302. They are also commanded by the Constitution of Charles VI of the year 1388 and by several other Constitutions to be continually present--or, as they say, resident--in the prefecture, just as the necessity of continual presence and residence during juridical days has been

imposed on the other established superior and inferior courts dependent upon the Prince, and even upon Senators and Presidents of the Senate. There survives the Constitution of Francis I, *Sur la residence des officiers, conseilliers, Presidens, Baillifs*, and so forth; also the Constitution of the year 1539, article 129; that of Charles VIII, articles 3 and 77; of Charles VII, article 2; and of Louis XII, articles 23 and 25. Indeed, they cannot even be of the Prince's council so as to be absent while holding the prefecture, according to the Constitution of Charles VI of 1388.

The Senarchies sometimes have greater and lesser Judges, or Subprefects, if the tract of jurisdiction is somewhat wider and the place populous; they call them *Lieutenans et sieges de Seneschaux*. But the Subprefects are instituted and appointed by the Prince, not by the Senescharch, and are made not delegated but ordinary Judges, although under the dominion and power of the same Senescharch. Therefore their judgments are pronounced in the Senescharch's name, and business is transacted in the same name, although he does not judge in person. For the Judges added to him perform the work in this respect, while he by the royal name and power confirms and protects the judgments and orders them to be carried into execution. Therefore Louis XII, in article 48 of his constitution, determined that no one should be placed over the governance of the Prefecture or Subprefecture of the judgments of a Senarchry unless he had obtained the degree of Prolyta or licentiate, or a doctorate, in some famous university.

It was at one time prohibited by Philip the Fair and by Charles V that anyone should become Juridicus in his own native country, as formerly among the Romans in the final law of the Code, *On the Office of the Governor of a Province*. There are also Constitutions of the Kings which establish the qualification of persons to be appointed and their examination, as well as that of other officials, such as the constitution of Henry II in the years 1547 and 1548. I also omit--perhaps because it has passed out of use--the constitution which forbids the trafficking in or purchase of offices of any greater or lesser court, that of King Charles VIII, article 68, published in the year 1463, with which another of Louis XII, article 40, agrees.

Concerning these courts, Senarchs, and their courts, I think it is sufficiently clear from the common constitutions of the Kings that their competence embraces the affairs of the King's domain; lawsuits of nobles; the appointment of tutors or curators; the preservation or care of sacred buildings, that they be kept sound and whole; and the examination of privileged crimes, if the matter concerns injured or diminished majesty, public faith violated, armed force, investiture of fiefs to be delivered by vassals to the King, and the execution of obligations made under the binding force of a particular seal according to custom. They also make proclamations of arms, except in the lands of Barons and of others possessing this jurisdiction. They determine concerning the repair of bridges, roads, and walls if the proper Magistrates are negligent; concerning complaints over ecclesiastical benefices; and concerning matters of lordship, which formerly were handled in the Parlements at the first action or first instance, as Imbertus says in book 1 of the *Forensic Institutes*, section *porro*, and which they still handle now. They also take cognizance of other matters whose jurisdiction has been granted to them, concerning which the practice and the constitutions of the aforesaid Kings sufficiently admonish us, together with that of Francis V of 16 April 1537, articles 3, 4, 5, 6, 7, and so forth.

Before Senescharchs obtain possession of the prefecture, they are compelled in the Supreme Court of Parlement--from their judgments appeal lies to it--to swear in the prescribed words of this oath established concerning their administration: that they will preserve the right of the King and of the Domain; render to each his own without distinction of persons; accept neither gifts nor presents, nor even hospitality or food, from those committed to them; not permit their wives, servants, or companions to accept them; not burden their subjects; and take care that their own Judges do the same. Therefore, while on fixed days of the year the causes of ordinary appeal from each Senarchry are argued in the Parlement to which appeal lies from them, each Toparch must be present in the courtroom in the causes of his own Bailiwick, ready to render an account of his acts if there is need; to admonish and instruct the royal officers there about the rights of the King and of the Domain of his Senarchry and about abuses of royal officials; to take care that the records of business transacted and of matters pursued by appeal from his Toparchy be brought forward; and to perform other similar things prescribed by Charles VI in the year 1388 and Charles VII in 1453.

The Senarchries did not at one time possess a perpetual office or perpetual administration, nor were their Juridici always permanent, just as the other officials in France were not. Therefore, while holding the administration or office, it was not lawful for them--as is clear from the constitutions of the aforesaid recent Kings and others--to buy, contract, marry a wife, or obtain an ecclesiastical benefice without the Prince's permission; to have or procure anything for themselves or their people, following the example of those who administered Roman provinces or provincial offices; or to borrow more than twenty pounds. Their juridical assemblies were not fixed as now, but were proclaimed throughout the Toparchy in the more distinguished places; they called them *Assises*, that is, Sessions, whence *Sieges*. Thus, following the example of Roman Magistrates, by the Constitution of Charles VI, after laying down the administration of a Senarchry and judicature, they were bound to remain in the Senarchry for fifty days, so that they might stand trial and answer before their successors to bills, petitions, and complaints lodged against them, which were to be judged summarily and without formal pleading.

Moreover, just as the cognizances of the Senarchs are subjected on appeal to examination by the Supreme Court, so there are also certain ordinary Judges from whom an appeal is brought to the Senarchry. For this reason each Senarchry knows its own boundaries. Along with these, in certain cities, there are Vicars whom at Toulouse and elsewhere we call *Viguerios*, whose jurisdiction, having once been suppressed, revived. In certain places the *Viguerius* holds concurrent jurisdiction with the Decurions and the Seneschal; he is nevertheless an ordinary Judge of the smallest causes and the smallest crimes. How ridiculously they have erred who think that *Viguerii* are so called as if they were *Vergobreti*! For the *Vergobretus*, according to Julius Caesar, was greater and possessed almost royal authority among the Aedui, from which the *Viguerius* is very far removed. However greatly the *Viguerii* enlarge their phylacteries, I think they are so called either from the compound expression *Vices gerens*, just as in the common idiom we say *Vichancelier*, *Viroy*, and *Vigerand* for Vice-Chancellor, Vicar of the King, and one acting in another's stead; and that *Viguerius* should be taken for Vicar of the Seneschal. Thus I am admonished by the constitution of Philip IV, called the Fair, of the year 1302, when it says: "We further will and ordain that no Seneschal, Bailli, or Judge whatsoever shall have a Provost, Viguerius, or Judge bound to him by a bond of consanguinity, affinity, or nature, lest the aforesaid persons judge less faithfully in causes which ought to come to them by appeals."

[Printed page 587]

In some places those *Viguerii* say that they are adorned with the custody of citadels, whence those in the places of citadels are called Guardians, Castellans, and sometimes Keepers of the Seal and Provosts, *Prevosts*. Therefore their jurisdiction must be distinguished according to the nature defined by the Kings and Seneschals. For the most part they take cognizance of the tutorships of those who are not nobles; of suspect tutors and curators; of the dissipation of the food supply; of abuses by innkeepers, hosts, bakers, butchers, apothecaries, retailers, and merchants within the city or their jurisdiction; of agreements and obligations transacted under the binding force of a particular seal; and of other crimes of injuries and invasions, unless a contrary jurisdiction or custom prohibits it. I have elsewhere admonished that custom must be considered in forensic power, lest they transgress the boundaries which their fathers and forebears established and observed.

In most recent times Subprefects in military cloak have also been added to the Senarchs; in some places they call them *Lieutenans de Seneschaux de robbe courte*. They conduct the apprehension and trials of marauding brigands. Such were the Provosts of the Marshals or Subprefects, but they were called by the name Vice-Seneschals, *Viceseneschaux*, properly Brigand-catchers. Thus, as times changed, the King's nod and judgment, according to the need of provincials, changed the names of things and increased or diminished the jurisdictions of Prefects. And so in place of the Governors of provinces permanent Senarchs were made; their Judges in the toga were increased; and permanent **βῆλαι**, or Councils, were established, as were fixed offices of Judges, conferred with a title by the Prince upon men who would judge in place of the Senarchs themselves and receive fees, armed force having been granted to the Senarchs. Prerogatives were also added to those councils: jurisdictions over all civil matters except the Prince's domain affairs concerning his waters and forests; deciding finally, without appeal, matters of two hundred and fifty

Tours pounds and of five hundred, whose execution they could pursue notwithstanding an appeal, yet without prejudice to it, as is contained in the Constitution of Henry II of March 1551, where their origin is treated.

At one time--**τῶν** stands here in the print--the highest extent of their jurisdiction was enlarged, when first a new Magistrate was created, called the Presiding President: namely, the first Magistrate in that Toparchical council, who was to preside over the Presidents or Judges introduced there--not, indeed, over the province, for that is utterly false, and under this false pretext certain men rashly arrogate to themselves the name and purple of President of a Province. Nor does the King call them Presidents of a Province, but Presidents and Presidial Judges. For the Presidial Judges, that is, Judges and Councillors, are and were formerly so called who presided over the other seats of the Seneschalry. Nearly every Seneschalry has two or more benches of the same Senarch in different places, but one seat was selected before and above the others to preside over the others by deciding their appeals. Hence those constituted in that seat, which is chief among the others, were called Presidial Judges insofar as they judge the appeals from inferior seats. The same men are also called ordinary Judges insofar as, in the first action and outside the cause of the edict by which appeal is prohibited, they judge those subject to themselves and to their jurisdiction. Therefore the same Judges are called both ordinary in causes outside the edict and Presidial and Superior in causes permitted to this jurisdiction by the edict.

Consequently the Presiding President is appointed there, not to preside over a province--for neither the Presidial Judges themselves nor the Seneschals possess a province, but a part of a province or a diocese--but rather to preside over the Presidial Judges and, in the Seneschal's absence, to oversee the court committed to him, so that all things are duly done by the Judges according to law. The Senarch, as his Vicar, precedes him in honor. But the President of a province among the Romans had no superior in his province and was first after the Prince. That this man ought to preside over and judge the greater Judge is sufficiently indicated by the name and office. Although I have seen controversies concerning this matter, this is the more just opinion, free from partiality. Nor is it equitable that he who is constituted head of the council should follow a member subject to him, although the wretched ambition of certain Magistrates of this age resists it.

Thus, when the court was augmented by the new Magistrate and the Senarch was in a certain manner consulted, the Presidial jurisdiction grew in the matters which Rebuffus reports in the first volume of the Royal Constitutions, title 12, article 11. Nevertheless, because it afterwards seemed greatly diminished, the authority of the Senates then returned to its origin through the edict of Charles IX held at Moulins in 1566, article 15, and at Paris in March 1568. There were men who thought this office and this excessive jurisdiction superfluous, where so many--namely seven--Supreme Courts of Parlement exist; for the multiplication of Magistrates seems, as they say, to furnish an occasion for litigation. Men who in ordinary proceedings and first actions are compelled to grow old amid pettifoggers and baser business can scarcely become accustomed to Senatorial gravity.

I shall not linger over these matters, however. For at the assemblies at Orléans and Blois and elsewhere the Prince heard his subjects' petitions on this matter; he will determine, I think, what appears conducive to the state and to the safety of the people committed to him by God, and will spare the treasury, which is nearly exhausted by so many salaries of duplicated offices. For he knows that the state is better governed by a few good men than by many bad men, of whom perhaps the greater part studies its own gain rather than the safety of the state. He understands that the forum ought to be treated so sacredly, as the seat of justice and of God, that plunder should not be sought from the place where plunderers and brigands are to receive the punishment due to their crimes. But thus far these things have been said concerning the provincial Magistrates of France. I omit many things concerning Dukes, Marquises, Counts, Barons, Castellans, and other Juridical Lords of places, because we have already spoken of them in the treatment of fiefs in book 6 of this *Syntagma*, chapters 7, 8, 9, 10, and 11.

§ 18. There are judgments and men who preside over them which, though variously different, are not dissimilar to the Roman ones. Hence there are Baillis, Castellans, Provosts, auditors of the Châtelet, Presidial Courts, Judges and Consuls of merchants, Inquisitors, Mayors, Schöffen, Secretaries of mandates, and Secretaries of the House of France

or of the Chancery. Golden is the constitution of the Novel concerning Judges to be created without payment for influence, which instructs all states in such a way that, if any follows it, it will have made the best provision for itself concerning justice. Many have desired this; few have accomplished it. But let us hear the Novel, Novel 8, Collection 2, title 2, in the preface:

"The thought has therefore occurred to us that by a single common act we should move all those who administer all things in our provinces toward better things. For we believe that this will altogether come to pass if we take care that Governors of peoples--whoever hold the civil administrations of provinces--use clean hands and abstain from every taking, content for these things with those payments alone which are given them by the treasury. This will not happen otherwise unless they themselves also receive their belts without payment, giving absolutely nothing, either on the occasion of payments for influence, or to those who possess the belts, or to anyone else whatsoever.

[Printed page 588]

"For we have considered that, although an excessive source of gain is diminished for the government, nevertheless our subjects will receive the greatest increase if they are preserved unharmed by the Judges; and the government and treasury, enjoying wealthy subjects, will abound. With this one order introduced, there will be a manifold and innumerable abundance of things. Or is it not assuredly manifest to all that the man who gives gold and thus buys an administration does not give only the amount contrived on the occasion of payments for influence, but adds more besides on the occasion of the advantage of the administration, either to those giving it or to those promising it? And so, after one unlawful payment has been given, it is necessary for many hands to surround the man who makes the gift; and perhaps he furnishes this not from his own property but from borrowed money, and, so that he may be able to borrow, suffers loss. He calculates with himself that it is fitting for him to receive from the province so much as will free him from the principal owed, the interest, and the losses incurred for the loan itself. He will also calculate among these things the more lavish expenses suitable both to a Judge and to those about him; and he will also store up for himself a certain profit for the time following, in which perhaps he will not administer.

"Wherefore what is exacted from our subjects will be three times what was given by him--or rather, if the truth must be stated, ten times. From this the treasury too is diminished. For the man who holds the administration, converting to his own advantage the things which ought to have been brought into the treasury by an administration using clean hands, and making the contributor poor for us, charges to us the poverty which is effected through him. And how many impious things of this kind are done because of the opportunity afforded by these thefts! Those holding provincial administrations, looking to this taking, release many guilty men by selling their offense to them; but they condemn many innocent men in order to favor the guilty. This is done not only in pecuniary causes but also in criminal ones, where a life is endangered. Flights therefore occur from the provinces, and all men stream hither groaning--priests, Curials, officials, possessors, peoples, and farmers--justly accusing the thefts and injustices of the Judges. Nor are only these things done: seditions of cities and public disturbances very frequently arise from the cause of money and are quieted by money. Altogether, this one thing is a certain cause of all evils: to accept a payment for influence from Judges is the beginning and end of every wickedness.

"There is also that admirable and true saying of the sacred utterances, that avarice is the mother of all evils, especially when it inheres not in the souls of private men but of Judges. For who will not steal without danger? Who will not commit robbery without liability, while looking to the administration? For seeing that man selling all things for gold and presuming that whatever unlawful thing he does he will redeem by giving money, men think that murder, adultery, invasions, wounds, the rape of virgins, the confusion of commerce, and contempt for the laws and Judges--all these things--have been offered for sale like some cheap slaves. Nor are we sufficient to consider and expound how many terrible evils arise from the theft of provincial Judges, since no one presumes to convict them with confidence, when they openly declare that they have bought their belts," and so forth.

"Considering all these things among ourselves, taking here also as a partner in counsel our most reverend consort, given to us by God, and communicating the cause to your Highness, and also receiving certain things from your counsel, we have come to this sacred law. By it we ordain that neither any proconsular administration, nor the vicariate hitherto vacant, nor the Countship of the East, nor any other administration whatsoever--neither proconsular nor presidential, which they call consular and corrective--of which the schedule annexed to this our sacred law expressly makes mention, and which alone we determine to place under this law, shall give any payment for influence or any gift for an administration to any Judge, to any of those about the administration, or to another on the occasion of patronage; but that they shall indeed receive administrations gratis, while furnishing only a little on the occasion of those things which are given for the belts and papers. For we have also annexed to this our sacred law a schedule declaring what it belongs to each of our administrations to furnish in our sacred register or in the forum of your Highness on the occasion of codicils or commands, whereby that amount also has been reduced, lest it inflict the greatest loss upon him."

§ 19. Justinian said that lawsuits must be decided within three years (chapter 3, title 1, *On Judgments*): "It has seemed good to us, lest lawsuits become almost immortal and exceed the measure of human lives--since our law has already concluded criminal causes within two years, while pecuniary causes are more frequent and they themselves are often known to furnish material for crimes--to establish the present law concerning these matters throughout the whole world, to be confined by no narrowness of places or times. We therefore decree that all lawsuits brought concerning money, of whatever quantity--whether concerning conditions, the right of cities or private persons, possession or ownership, mortgage, servitudes, or certain other causes for which men must litigate with one another, excepting only causes which belong to fiscal law or concern public functions--shall not be drawn beyond the bounds of three years after joinder of issue.

"Rather, all Judges, whether in this nurturing city or in the provinces they administer a greater or lesser administration, whether placed in Magistracies, given from our court, or delegated by our nobles, are not to be permitted to extend lawsuits beyond the space of three years. No one is ignorant that this is especially within judicial power. For if Judges themselves are unwilling, no one is found so audacious as to be able to prolong a lawsuit against the Judge's will.

"If the plaintiff's party has been inactive so that the defendant may be wearied by repeated delay, and the bounds of three years after joinder of issue are already approaching their end, so that only six months remain to him, the Judge shall have license to seek the plaintiff through the officers of the matter, with the one party fleeing, the other party charging the plaintiff with absence, and the Judges by every means opening their ears to questions of this kind. If this has followed three times, a period of ten days having been appointed for each appearance, and thus the plaintiff's party has not been found and has arrived neither in person nor through an instructed procurator, then we decree that the Judge inspect the acts of the case completed before him. If nothing sufficient has been transacted from which a conjecture concerning the determination of a certain cause can be made, we will not only that the fleeing party be released from observance of the trial, but also that the plaintiff be condemned in all expenses customarily expended upon lawsuits, their true quantity to be manifested by the oath of the fleeing party, and that every security which he furnished in writing be returned; and if it remains, it shall be deprived of force.

"But if, from the records which he has before him, although the plaintiff's party has by no means been found, the Judge can discover a way by which it becomes manifest to him what must be determined, and if he has perceived that the plaintiff possesses the better cause, let him not delay to pronounce sentence for him even though he is absent, and to condemn the defendant who is present in favor of the plaintiff who is absent. Only the expenses of the suit which the defendant shall swear that he lawfully expended are to be excepted from the condemnation, because we impose this penalty upon the plaintiff, even one possessing the better cause, because of the contumacy of his absence alone, preserving absolutely no return for him to the same lawsuit. But let a contumacious plaintiff fall altogether from the lawsuit if the defendant is acquitted.

[Printed page 589]

"But if a condemnation is pronounced against the defendant for the absent plaintiff which the fugitive plaintiff perhaps thinks insufficient for himself, we in no way permit him to revive the same lawsuit, and let this penalty be imposed upon the plaintiff. But if the defendant has been absent and a similar search for him has proceeded, just as we said concerning the person of the plaintiff, even in his absence let judgment by default be undertaken. Let the Judge, according to what was provided by the ancient laws, investigate the cause from the one party with all exactness; and if the defendant is found liable, let him not cease to pronounce condemnation even against the absent man. Let it be carried into effect, and let satisfaction be made to the victor from the property and resources of the fugitive, whether the Judge himself can do this by his jurisdiction or the matter is referred by a report to a higher Judge, and from him a lawful route is opened against the property of the contumacious man. No license to contradict is to be granted to him or to another who puts forward only his person, when the plaintiff is sent into possession of this kind on account of the cause. Nor, if he himself returns and wishes to give sureties and recover possession, is he to be heard; for in cases of this kind we exclude every contradiction from him."

But now everywhere among the nations lawsuits live much longer. Accordingly, by common consent so many Judges must be appointed that all old lawsuits may be concluded once for all and new ones quickly decided; for now many litigate because they hope that they will leave their lawsuit surviving them.

§ 20. It is of the highest importance that an examination of matters adjudged be instituted; it was customary formerly. They were called Examiners. Those men possessed an almost excessive power and the greatest license for sinning. They were sent into the provinces so that, under whatever title, they might exact and administer matters pertaining to the treasury and make up accounts. The law indeed says, "As often as," chapter 10, title 30: "If in a dispute it is established that a false examination was completed, and the Examiner shall not be able to prove the truth of the act, let him himself immediately be compelled to pay under the same title and in the same manner in which he wrongly made another a debtor. Given on the day before the Ides of March, Valentinian, Most Noble Boy, and Victor being Consuls."

Yet by law 4 under the same title he can give security to all: "Let no one be made an Examiner otherwise than by a command of the Prince which makes special mention of an Examiner--not by command of the Prefects, not by instruction of any other Judge; not of civil works or of monies assigned for purchasing grain; not of harbors or of those monies expended upon the construction of aqueducts and walls, the paving of roads, or the building of bridges and embankments; nor of monies assigned to baths or pertaining in any other manner to the civil account. But if the Prince has either sent monies from the treasury for construction of walls or another work, or has found monies left to cities by another, let him once or even more often, when it pleases him, send an Examiner who shall measure the work, calculate the accounts exactly, and report back to him, so that if the expenditures have certainly been made, a sacred security may be drawn up for those who made them, by whose protection neither they nor their heirs or possessors of their goods may afterwards suffer any inquiry. Let a security issued by the Examiner after examination of the accounts be valid and stand in need neither of a sacred receipt nor of any other security whatsoever." Thus full faith is placed in the Examiner, wherefore he can be delegated by no Governor, but by the Emperor alone.

§ 21. The insignia of Judges--or, as they were called in the Greek Empire, **τῶν δικαιοδοτῶν**--was the **δικανίκιον**, a silver-gilt rod, or also **ξύλον λεῖον**, smooth and polished wood. It was an ancient custom that not only **σκηπτοῦχοι**, scepter-bearers, were **βασιλεῖς**, kings, but that **δικασπόλοι**, ministers of justice, were also Judges; and thus even the Centumvirs conducted judgments after the spear had been set up.

CHAPTER XXIII

The Judgments and Tribunals of Other States

§ 1. Not only the location of the Roman Empire but also very many of its laws have been changed, for the most part for the better; for different times of the ancients require different laws, as was said above concerning laws. In the year of Christ 1495 the Imperial Chamber Court, which was to judge in the Emperor's sacred stead, was established at Worms. Thus the constitution provides. First, the Chamber Court is constituted with a Supreme Judge, who is to be an Ecclesiastical or Secular Prince, or a Count or Baron. Sixteen Judges are to be joined to him; they are afterwards also called Assessors. They are to be chosen from the German nation, from the Empire itself; half of them is to be learned and adorned with academic honors, and half from the Nobility, all furnished with upright and honorable morals and with knowledge. All causes are committed to their judgment; if the votes are equal, the opinion of the Supreme Judge possesses the prerogative. If it happens that the Judge is absent, he will establish in his place a Count or Baron from among the Judges, with the consent of the others.

New men are chosen in place of Assessors in an assembly of the Princes. In place of the Judge, a successor is given by the Emperor; and until the next Diet, if the Emperor is farther away, the Judges themselves appoint someone from among themselves to perform his functions until someone is appointed in the public assembly.

But for some time that tribunal ceased. For in the year 1500 it was restored again, and it was decreed that it should be held at Nuremberg. This too was decreed: that another Count or Baron should be joined to Count Bernard of Eberstein, so that there might be someone able to preside in causes of Princes when the Judge was absent or ill. At the same time it was provided that the opinion of eight Assessors and of the Judge should be valid. Indeed, this too was prudently added to avoid suspicions: that the Assessors should have no procurator, orator, or solicitor in their own home and that no Assessor should be in the company of such men.

So that there could be no complaint in the election, in the year 1507 the Emperor appointed two Assessors, each of the six Electors one, and the six Circles eight: so it was decreed at the Diet of Constance, at which new Assessors were also elected.

At Worms in the year 1521 Charles V added two to these, so that there were now eighteen Assessors. At the same time he also established a visitation every year. Other things were added in 1523. Then in 1527 abuses were removed. In 1532 the Reformation was confirmed and amended, and the order of visitation established. At the same time it was instituted that pronounced sentences should be examined and the Judges judged. The visitation of the year 1533 was especially famous; in it many abuses were corrected and many things excellently established. In the following years several difficulties then arose because of disagreements among the religions. The matter was treated in the year 1544, but, because the Estates disagreed, it again occupied the year 1546. In 1551 ten Extraordinary Assessors had by law been added for concluding old lawsuits; they were to judge for two years, or even three if the multitude of lawsuits required it. Their appointment was confirmed for another two years. In the year 1557 sixteen Extraordinary Assessors were again appointed.

[Printed page 590]

In 1566 many grievances were removed; but because of the multitude of causes, in the same year another eighteen Ordinary Assessors were joined to the twenty-four Ordinary Assessors, so that there were forty-two in all. In the year 1570 another six new Assessors were added, and this for six years; the Emperor also decreed that another Count or Baron should be added, so that there were then forty-eight Assessors, not counting the Count.

No less a change in matters and in the manner of proceeding was made in that tribunal. For by individual Diets and visitations, through long experience and practice, the matter has now come to such a point that it seems nothing can be

added, except that a multitude of the most ancient lawsuits remains undecided and the execution of judgments is impeded by the power of the parties. Against these difficulties many excellent provisions were made in the year 1600. And thus much concerning the Judicial Magistracy which is in Germany; in its judgments it uses edicts in the Emperor's name and with his seal. If anyone also considers the offices, order, and laws of the Advocates, Procurators, and others, he will necessarily confess that in no kingdom was there ever so perfect a system of judgments. But, as I said, execution of judgments is suspended when powerful men are concerned.

§ 2. Yet this form of the Imperial Court and of its Assessors is not without an ancient precedent; indeed, not even the Greeks lacked it. Aristotle in book 2 of the *Politics*: **λαμβάνουσι δὲ καὶ παρέδρους ὅ τε ἄρχων, καὶ πολέμαρχος δύο ἑκάτερος οὓς ἂν βούλωνται**. "Both the Archon and the Polemarch also take Assessors, two each, whomever they wish." The nation of the Getae, a very remote people of Barbarians, joined to its King a Counsellor and Assessor in judging, whom on account of his dignity they were accustomed to call **θεόν**, "god," as Strabo testifies. Dio, in *Augustus*, calls them **συνέδρους**, fellow-sitters: **Τὰ μὲν ἄλλα αὐτὸς μετὰ τῶν συνέδρων διεσκέψατο, καὶ ἐδίκαζεν ἐν τῷ παλατίῳ ἐπὶ βήματος προκαθήμενος**. "Other matters he himself considered with the Assessors, and he judged in the Palace while seated in front upon a tribunal." Tiberius was accustomed to join himself as a Counsellor to those judging; he sat beside the principal Judge, either indiscriminately among the others or opposite him. Hence, in celebrity of name and honor among posterity, Assessors surpassed even the Emperors themselves. Ulpian, Alexander's Assessor, as Eutropius says in book 8, still holds the primacy in law. Marcus Scaevola gave law to nations by intellect and prudence, as Capitolinus relates. Commodus most prudently established on the advice of Pescennius Niger that those who had served as Assessors in provinces should administer in those same provinces. For formerly, although there were Assessors of Proconsuls and Legates, they did not readily succeed them.

Formerly **πάρεδροι τοῖς νεωτέροις**, "Assessors for the younger men," were indeed given; but it was most excellently established that they should afterwards be given to all. They were selected from the most experienced and most approved Advocates. Cassiodorus gives the reason in epistle 12 of book 8: "It is fitting that those to whom power is entrusted should have most learned advisers. The field of Advocacy exercised you; the summit of our judgment chose you. Since you see yourself joined to the counsel of him who treats the secret of our Empire, hence we adorn you with the illustrious honor of Count of the Domestics."

Yet it must not be denied that many things in the ancient Assessors were different from those now in use. For they received salaries from the Magistrates beside whom they sat. Code, book 1, title 51: "The labor of studies deserves that those who, established in public administrations, desire that sharers of their counsels be associated with them should summon by the hope of rewards and honor--and with knowledge itself as license--those whose prudence they think necessary to themselves, not by fearsome compulsion, a necessity unsuitable for liberty."

Alexander, however, established salaries for them from public funds, frequently employing that golden saying: "Those men are to be promoted to the state who can administer the state by themselves, not through Assessors." So Spartianus in *Alexander Severus*. Assessors could not subscribe petitions. For Constantine punishes with exile an Assessor who subscribes, chapter 1 of the title *On Assessors*. If they were able to unite anything by lawful and honorable gains, they can claim it even after the death of their father as though it were a military peculium.

The highest Jurisprudence was required in an Assessor. For this reason lack of prudence is imputed to the Assessor, not to the Magistrate beside whom he sits: law 2 of *What Each Man*.

§ 3. Among the Turks the system of judgments is swift and expeditious rather than consistently just. Their Supreme Priest, the *Caldelescher*, judges causes; they generally have as this man one grave in age and, according to the measure of Barbarism, knowledgeable in law. From him an appeal is granted to the Mufti, who also seeks the opinion of the Cadi in doubtful matters. But since they possess few laws, in most controversies they judge according to their own judgment and inclination. For in so enormous an Empire they rarely judge rightly. Nowhere is victory ready without gifts. At Thebes, indeed, they placed statues of Judges without hands, so that it might be shown that they ought to be

strangers to receiving gifts; but Turkish Judges have hands in the purses of the litigants of every party, unless greater fear recalls them from crime. How much holier are the Roman laws, which have not only poor Judges and Magistrates but a wealthy state, as Salvian says in book 1 of *On the Government of God*. Cato would not permit even his servants to accept gifts from King Deiotarus. See also Commines, book 6, chapter 2, concerning those who receive largesses.

Hence there arises for a Prince the calamitous oppression of the poor--indeed, of the entire state. For those who afflict the poor possess such power, especially if they conspire, that they cannot be punished without a convulsion of the state. But if they escape for a time, deferred penalties are nevertheless portents of greater punishments, as Tzetzes rightly says upon Hesiod.

§ 4. Bellus, in Discourse 23, thinks that the public system of judgment in Britain is less rightly constituted: "It is not to be wondered at," he says, "that they regard only the advantage of the Prince, while the good of the subjects seems abandoned, and that they are full of chicaneries and ambiguities and are contrary to themselves. For they were devised and sanctioned by the Normans, than whom no nation more litigious and more deceitful in devising and prolonging controversies can be found. These laws are inviolably and rigidly observed in those courts and are publicly lectured upon in the schools of London in the Norman language. In that language, until a few years ago, lawsuits were argued and all judicial acts and public instruments were written; and, what will seem strange, the degree of Doctor is conferred in that Faculty, just as in Italy and other states it is customary to confer the degree in Civil and Canon Law.

"If narrowness of time permitted, I could relate certain diversities and truly notable abuses which are frequent in the form of judgments, especially in those judgments which are called Inquests, in which great inconveniences follow in civil as well as criminal matters. This judgment consists of twelve men who are assembled by the Judge so that he may seek their opinion concerning the matter in controversy, and it is necessary that all agree; otherwise the Judge cannot proceed to sentence. But lest I occasion weariness, I pass over this entire argument, adding only that throughout the whole kingdom and in all consultations the royal will alone is regarded, since the Kings are absolute lords and Monarchs.

[Printed page 591]

"Accordingly, lest they seem to be alone in governing--or because of idleness and greater convenience, or because of pride and pomp, after the fashion of the Turkish Empire--they have introduced a council of the chief officers and ministers. These men are assembled after the fashion of Pashas and follow the Prince everywhere; for this purpose they have both a table and their own lodging at court, a splendid household, and great dignity. They diminish the King's labors, since most subjects and public ministers, and also the Ambassadors of Princes, have recourse to them. Thus they can be called the Prince's ears and person, since throughout the whole kingdom they exercise power and command over the ministers, whom they treat with great authority, while the ministers in turn furnish obedience. In short, like the King, they themselves can command and decree whatever they please.

"Into a council of this kind, which is called the Royal Council, there are for the most part admitted three or four chief offices of the kingdom: that is, the Chancellor, Treasurer, the man whom they call the *Brovizellus*--Keeper of the Privy Seal--and the Admiral, besides the more eminent officers of the Court and Royal Household, such as the Steward, who is very like the Grand Master in France and the Mayor of the Palace at the Imperial court; all are for the most part Lords and noble and eminent men."

§ 5. Amid so great a diversity of judgments and so slippery a condition of causes, the cities of Italy prefer to entrust their fortunes to foreign inquisitors rather than be tossed about among the partialities of Judges who are relations and kinsmen. Thus a court which they call the Rota is established among them. It consists of three Jurisconsults of great learning and a great reputation for integrity and justice, whose native country is fifty miles distant from the city in which they are placed over the administration of law. The first is called the Podestà; it is his office to deliver to the Council his written opinion concerning a citizen. The Council possesses the final decision and either approval or correction of the opinion. Concerning foreigners, however, that Jurisconsult alone decides. The second Jurisconsult

investigates and judges crimes, just as formerly the Praetor who conducted the inquiry concerning assassins. The third is the examiner of civil causes. Yet each does not possess his function perpetually, but at an interval of six months they exchange duties among themselves.

Every other year the Genoese also hire Jurisconsults for civil causes who are foreigners and who pronounce law from the written laws in the Palace; they dwell with the Doge himself. But although foreign Judges are without the partialities of kinship, it is nevertheless hard for a state to distrust its own citizens and to be unable to maintain justice without external assistance. Nor would I approve this: to commit the causes of foreigners to a Judge to whom you are unwilling to entrust the lawsuits of citizens. Why can the Podestà not determine concerning a citizen except with the Council's intervention and approval, while a foreigner, as a cheap life, has his life and fortunes liable to the judgment of one man? Yet law must be pronounced more swiftly and carefully for a foreigner, since his innocence has fewer aids of defense, while his offenses obtain neither intercessors nor ready pardon. Divine Mercy, by a special law, commends the care of strangers to all men.

§ 6. That it is most difficult to constitute and preserve tribunals rightly is taught even by this fact: not even among the Chinese, where the highest system of civil government is maintained according to the capacity of barbarians, could defects of judgments be avoided. "They lack many laws," says the writer concerning China; "in pronouncing law they follow the opinion of their own mind. In their own Provinces they carry new laws as they please, and these for the most part are alien to the laws of others." For one can conjecture even from this that this kingdom is not administered in the best manner: not everyone who has learned to write elegantly thereby possesses the prudence of a lawgiver. I pass over the fact that they often turn lawsuits to their own advantage, violate law, and seize what they can. Nothing is more frequent than gifts, nor is the sale of any man's property so open as the sale of favor. Although the crime of one is not unknown to another, they nevertheless conceal it among themselves, since they are participants in the same offenses. But when they strive most to be hidden, they most betray themselves.

There is a great multitude of Mandarins in all cities, but an almost immeasurable one in the royal city of Peking. For, to pass over the Mandarins placed over war, who are not of high station, the number of the others here is greater than anywhere else. Besides those who continually frequent these cities on account of business, the permanent Mandarins of this city are more than two thousand five hundred. All these men daily give attention to counsellors and litigants. But how great the concourse of causes is, or what each man's jurisdiction is, has not yet been sufficiently discovered by us.

Six of the chief Mandarins of the whole Kingdom dwell in this city; six, an equal number, preside over councils. The Supreme Mandarin is the man who either raises the Mandarins of the whole kingdom to higher Magistracies when they deserve it, or reduces them to the ranks and chastises them when they fail in their duty. On account of the amplitude of his power, the Chinese call him the Heavenly Mandarin. He reports to the King all the cases of men to be promoted to dignities or removed from them. The King so determines concerning each that even the least Mandarin of the whole Kingdom acknowledges his honor as received from the King. The second Mandarin has care of all rites, both human--such as those employed in all the King's affairs, in the public address of a new King and designation of a Prince, and in the marriage of each--and divine, such as those employed in funerals and in the sacrifices which Kings customarily make to heaven and earth.

§ 7. Therefore the Prince will apply himself to this care all the more earnestly, the more difficult it is to preserve the integrity of Tribunals sound, whole, and inviolate. Yet when this is neglected, it brings about changes of kingdoms. For a kingdom is transferred from nation to nation because of injustice.

I also admonish Judges, not in my own words but in those of a Bishop--if not Augustine, nevertheless an ancient and wise man. Thus he says in sermon 35 *To the Brothers in the Wilderness*:

"Having been asked by you, O Judges, though wearied by a long disputation with Fortunatus, presbyter of the Manichaeans, we have not delayed, conquered by your affection, to deliver a sermon with God's help. For behold, you

are now assembled in the house of a Bishop; you have all come together as one, not to hear sophisms, not to understand the curiosities of Poets, not that I may proclaim you blessed, but only that you may hear what is necessary for your salvation and, hearing it, fulfill it in works. For you have been accounted by men leaders of the people, Judges of the earth, fathers of orphans, husbands of widows, zealots of justice, and lovers of the state. Beware, therefore, lest you be corrupted by hatred, love, payment, prayers, or fear.

"It is therefore fitting that Judges not only fulfill the things we have said, but with God's aid tread down pride, abominate luxury, abhor falsehood, and despise avarice, which is said to be the stepmother and greatest enemy of justice. For she it is who knows no father, ignores her mother, loses her friends, and abandons herself. It is therefore fitting that Judges pursue not avarice but liberality, love little children, and show a serene countenance to the lowly and to orphans, not only in word but in deed. For they ought not avert their face from the poor, nor should a superior disdain to preserve the faithful, nor ought they lift their neck in despising certain persons, knowing that the learned and the unlearned die alike.

"It is fitting, therefore, that Judges preserve with a solicitous mind the grace which they have divinely received, display fidelity, and preserve zeal for rectitude. It is also fitting that Judges be cultivators of clemency, detesters of cruelty, kind to all, slow to anger, swift to mercy, steadfast in adversity, humble and cautious in prosperity; and, to whatever dignities they have been raised, that they recognize themselves and take care lest they despise their inferiors. It is also fitting that Judges be wise and most learned in the law, lest, as men ignorant of the holy law, they be able to call good evil and evil good. It is also fitting that Judges fear God more than other men, care more for the salvation of souls than of the body, and love the honor of God more than full purses.

"But woe to you, O Judges, woe to you for eternity and beyond, because there is in you no truth, no mercy, no piety, no justice, nor can knowledge of God be found in you. For what reigns among you? Avarice, falsehood, clamor, outward show, perversion of the sacred law, calling evil good and good evil. Behold the acceptance of persons. For truth is not in you; truths have been diminished by you. O fathers of the poor--O truly not fathers, but plunderers! Why are you not fathers? Because everywhere the poor are oppressed through you, and there is no one to have mercy upon God's little ones. But if a rich man has spoken, immediately you have fallen silent; you have carried his causes even to the clouds.

"O Judges, lovers of the knowledge and justice of the world, attend to what you do. For you are full of the knowledge of the world, and in that knowledge you will die. What is the knowledge of the world except to gather treasure, acquire earthly profit, deceive one's neighbor, lie, swear, carefully pervert justice, and do similar things in all affairs? For this is the wisdom of this world. In these things nearly the whole of your life, as it were, consists. Therefore attend, you who judge the earth, because the wisdom of this world is foolishness before God.

"But you say: 'O Bishop, we do not approve this opinion. We do not commit theft; we do not deceive or offend our neighbor.' Why? 'Because we receive nothing except as much as he was willing to give us.' But I say to you that you have done as much as you were able to do. No more was given to you; therefore you received no more. You have done as much as you could. You have made small causes great. For although you did not seize by force and did not rob your neighbor on the road, you can nevertheless be robbers. For a robber fears evil; where he cannot act, he does not, and nevertheless he is a robber. For God questions the heart, not the hand.

"A wolf often comes to the sheepfold and seeks to seize the sheep, seeks to tear them, seeks to devour them. The Shepherds nevertheless keep watch, the dogs bark, and thus the wolf flees in fear. Do we therefore say that he is not a wolf? Far from it. Thus you too do as much as you can; if you could do more, you would do more.

"Come then, O Judges: attend, lest you be confounded with the false Judges of Susanna. For the Lord will awaken the spirit of Daniel and place the spirit and wisdom of his boy Daniel in the mind of some young man; and, just as he did in the case of Susanna's Judges, he will confound all false witnesses together with the Judges. Then they will know how their knowledge profited them.

“Consider, therefore, O Judges of the earth, what God speaks through Hosea his servant. For he says: ‘I shall visit my people and the Judges, and I shall repay to them their ways and their thoughts.’ O how dreadful it is to fall into the hands of the Lord! O how great the vengeance! O how great the misery there will be for the wicked on the last day! For wicked merchants and false Judges will be expelled from the house of the Lord; they will be banished from the house of God, expelled from paradise, and will go into the place where there will always be weeping and gnashing of teeth.

“Therefore attend to my counsel; open the doors of your heart. Arise, you who have slept; read Isaiah the Prophet and follow him--not tomorrow, but today; not only today, but even now. For the Prophet says: ‘Let the impious man forsake his way, and the unjust man his thoughts, and let him return to the Lord, and he will have mercy upon him, because he is merciful.’ Run, Judges, to the Father of mercy, lest you be judged. Seek pardon; restore what you have received unlawfully. Seek pardon, because he is near to all who call upon him in truth. He it is who heals the contrite of heart and the humble in spirit, and will save those troubled in heart.

“Walk while you have the light, while it is day. Behold, O Judges, the night will come soon, because death now comes, in which it will not be lawful to walk. Consider what you are and where you are going. For your dead parents preach; the grave cries out; hell howls; demons await; Priests preach: ‘Why are earth and ashes proud?’ O Judge who has not acknowledged God, when you pass beside the tombs of your fathers, know that the dead cry out: ‘You are earth, and into earth you shall go.’ They were men just as we are, possessing riches. Where they are now, so shall we be. Where is their pride? Where their knowledge? Where their magisterial chair? Where the honor of disciples? Where the garments adorned with silk and fur? O ash and dust! O Judge, consider what you are and what you will be.

“Do not, therefore, delay to be converted to God, and do not defer from day to day. For suddenly his anger comes, because the day of perdition is near; it is necessary that it come, and the times hasten. Yet let none of you despair; let no one distrust God’s mercy. But attend, because no fault is so great that it has no pardon. And lest anyone despair, take as an example Mary that sinner, mistress of luxury, mother of vainglory, sister of Martha and Lazarus, who afterwards merited to be called the Apostle of the Apostles. May that same God and man who deigned to be born and to die for us assist us. Amen.”

If Judges revolved these and things consonant with them in a mindful mind by night and by day, there would be fewer lawsuits, fewer complaints among those above, and fewer torments among those below.

CHAPTER XXIV

The Assistants of Judges

§ 1. The origin and subsequent office of Advocates were not the same. For in the beginning, when men went to join hands at law, they were accustomed to call upon friends who would aid them by authority and counsel. Afterwards, when this was little protection amid subtleties, they called upon men experienced in law and statutes, whose duty it was to give answers concerning law. They did not themselves judge, but, when consulted, gave answers concerning law, pleaded causes, and assisted Magistrates. The Count of the East had forty in his forum. Their dignities began when they departed from office. Sidonius, book 1, epistle 2: "After the fashion of Advocates, whose dignities begin when their pleadings end." For from them Consistorial Counts were created, Code, *On the Advocates of Various Courts*. Others attained the most ample dignities. Certainly at Rome they obtained a Magistracy through defending defendants and conducting causes as readily as through the dangers of wars. Scipio's Scribe was preferred to Scipio's son.

And would that now too there were a most rigorous selection of Advocates and the promotion of the selected men to the highest places. Would that pettifoggers, brawlers, vultures of the forum, abysses, plagues of cities, purple-fish of the benches, barkers, and architects of fraud--who beset all things, weave lawsuits, and oppress justice--might at last be restrained, and great honor be accorded to true Advocates.

§ 2. Many things were formerly granted to them which adorn the study of law. The things acquired by Advocates have the character of a military peculium; this was granted in honor of studies so that sons under paternal power may claim ownership for themselves: chapter 2, title 7, *On the Advocates of Various Courts*.

No solicitude of a province can be imposed upon them, according to Theodosius and Valentinian; and this was granted although there were many of them, for the Praetorian Advocacy was limited to 150 men in the toga.

[Printed page 593]

Indeed, they formerly underwent an Examination, as they still do now, just as the law says: "To no one," chapter 2, title 7.

Two years are granted to them, whereas before they served for one year, under the same title 8. The privileges of Advocates and Patrons of the Treasury are many. What is more remarkable, Agents in Affairs were also honored with the distinctions of Princes, Code 12, title 22, *Agents*.

§ 3. Next to Advocates were Notaries and Procurators. In the German Empire it was provided that no Notary should be admitted to the Chamber Court unless he either had testimony from his own state or was examined by the Chamber Court: Augsburg, year 1500. At the same Diet all are ordered to be reformed and examined. Procurators are prohibited from being Advocates, and conversely, at the Diet of Augsburg in the year 1500. In the same place it was established that Procurators and Advocates should be content with the fee fixed by the Assessors of the Chamber; if they received more, they were to restore it to the parties, and affirm by oath that they would do so. No Procurator is accepted unless he has been thoroughly examined. Procurators of the treasury are prohibited from undertaking causes of private persons, and conversely.

The oath of Advocates proposed at Speyer in the year 1535 is of the greatest importance for justice. The Advocates will enter all opinions, together with the names of those judging, in a book designated for this purpose by the Protonotaries of the Chamber.

It is assuredly very remarkable that amid so many oaths of the parties, Advocates, and Procurators there is still room for lawsuits. A Procurator takes the oath against calumny: that he believes his cause to be just, that he will not seek an

unnecessary delay, and that he will not seek a dangerous one. The oath of the Advocate is more severe, so that I marvel greatly how men so learned can sin through ignorance.

§ 4. Many contests have made Scribes costly among us. Their esteem is no less among foreign peoples. In 2 Esdras 4:8, Sampsai the Scribe is placed second. Among Alexander's men Eumenes was held in honor. At Rome Scribes were base. Valerius, book 4, chapter 5, relates as an unworthy thing that Cicero, a scribe of Africanus, was preferred to Africanus's son in seeking the Praetorship. But in the rest of Italy their estimation was greater. Mucius Scaevola killed a purple-clad Scribe seated with King Porsena; so great was his likeness to the King that Scaevola himself thought him the King. At Rome those who took part in councils possessed greater dignity, as Chancellors and Secretaries now do; the others were ordinary.

§ 5. Cato beat down the insolence of Scribes. Thus Plutarch: **ὅθεν εὐθὺς εἰς τὴν ἀρχὴν καταστὰς μεγάλην ἐποίησε μεταβολὴν τῶν περὶ τὸ ταμεῖον ὑπηρετῶν καὶ γραμματέων, οἳ διὰ χειρὸς ἀεὶ τὰ δημόσια γράμματα καὶ τοὺς νόμους ἔχοντες, εἶτα νέοις ἄρχουσι παραλαμβάνοντες δι' ἀπειρίαν κἀγνοιαν ἀτεχνῶς διδασκάλων ἑτέρων ἢ παιδαγωγῶν δεομένοις οὐκ εἴωντο ἐξουσίᾳ χρῆναι, ἀλλ' ἦσαν ἄρχοντες αὐτοί**. "Cato," he says, "because it belonged to the office of Quaestor, learned it diligently; and as soon as he entered upon the Quaestorship he recast and reformed the Quaestorian assistants and Scribes. Since they always had the public records and laws ready to hand, if they encountered new Magistrates whose inexperience and ignorance stood in need of teachers, they did not permit them to exercise their Magistracy, but were themselves the Magistrates."

This must be considered and imitated very carefully by a Prince, for nothing is more arrogant or avaricious than those formulary-writers when they have the Prince's inexperience in their power.

The *Commentarienses* were a class of Scribes who recorded in their own hand the acts before the Treasury and had charge of registered prisoners. Indeed, they also guarded men in bonds. The assistant of the *Commentarienses* was the *Optio*, a name also extended to other offices; the same men were likewise called *Proximi*, assistants, and sub-assistants.

The Actuaries wrote not the proceedings of litigants before a Judge but the acts of contracting parties; they also entered the names of soldiers upon the roll.

Different from these were the Formulary-writers, who recited to the people the forms of actions. Spartianus in *Geta* records an Advocate of the Treasury selected from among the Formulary-writers. And now they earn salaries almost beneath the Chancellor.

CHAPTER XXV

A Consideration of the Chancellorship

§ 1. The office of Chancellors is now honorable; formerly it was among the lesser services. **Κιγκλίδες** among the Greeks are **θύραι δικτυωταί, διαφανεῖς**, latticed and transparent doors. Thus Polybius calls them in book 15. The *Etymologicon* calls them **τὰ κάγκελα**, and the Gloss says, **κάσσες οἱ Ῥωμαῖοι τὰ δίκτυα λέγουσι, καὶ ὑποκορ. εἰς κάγκελον**. The Romans call nets *casses*, and by the diminutive, *cancellum*. And the Scholiast upon Aristophanes' *Wasps* says: **κιγκλὶς ἡ θύρα ἡ δικαστηρίου, ἣν καὶ καγκελάτην καλοῦσι**. "*Cinglis* is the door of the praetorium, which they also call latticed." Codinus names it **καγκελόθυριον**.

Accordingly the tribunal was surrounded by lattices, lest the Judge and Assessors be pressed by the surrounding crowd; and, since some were continually departing and others arriving, the doors were latticed so that they could easily be opened and closed, and so that those who wished to be admitted could be seen and questioned. Those who stood within those doors and had care of them were called Chancellors. **Ἔνθεν**, says the Gloss, **Καγκελλάριοι οἱ ἐν αὐτῷ ἑστηκότες, δύο δὲ οὗτοι μόνοι**: "Hence the Chancellors who stood within them; these were only two."

That it was a base ministry is established from Vopiscus, who says that Numerian made one of the Chancellors Prefect of the City, than which nothing more disgraceful could be imagined or said. Indeed, even under the Christian Emperors it was not yet a great dignity. Thus Honorius and Theodosius decree concerning them: "Let no Judge dare to take with him to the province committed to him anyone upon whom he imposes the name of Domestic or Chancellor, nor receive one departing to him from any place whatsoever, lest he be punished by the mark of infamy together with confiscation of his goods. For at the peril of the chiefs of the office, we command that Chancellors selected under attestation of the records from that same office be attached to the Judges, so that after laying down the administration they do not depart from service and present themselves to the provincials, whereby those who wish may have the faculty of accusing them. For if a suitable cause requires it, they must be subjected to examination under torture in order to uncover the Judge's crimes. Given on the day before the Kalends of July, Asclepiodorus and Marinianus being Consuls, 423."

Accordingly Chancellors, as assistants, could be tortured against Judges and were therefore of plebeian condition. Their office and dignity afterwards increased, so that they guarded the acts and secrets themselves. Cassiodorus, book 11: "The Praetorian Prefect attributes to you the domestic service, the honor of the lattices, so that you may guard the secrets of our consistory with faithful integrity." And the same author in book 11, epistle 6: "Consider by what name you are called. What you have done within the lattices cannot lie hidden. For you hold luminous doors, open enclosures, windowed entrances."

§ 2. But not only the condition of the times but necessity itself produced esteem for Chancellors, so that now the honor of a Chancellor is either the highest or next to the highest. Thus in Poland the Grand Chancellor is next to the King, and in Germany three Prince Electors are Chancellors, who possess a special dignity for that reason. The first is the Elector of Mainz, who is Archchancellor throughout Germany; the second is the Elector of Cologne, who is Archchancellor throughout Italy; the third is the Elector of Trier, who is Archchancellor throughout Gaul and the Kingdom of Arles. There is nevertheless another Vice-Chancellor in the name of the Elector of Mainz, and another Chancellor of the Imperial court, upon whom, as also among other Kings, the chief affairs rest.

Nor in ancient times was the dignity of the Chancellor great in France; but because the very mass of business required great and faithful men, it came about that it was committed to men capable of bearing it. In the time of Charlemagne that function was in the hands of Bishops. These words are read in a Carolingian edict: "I, Gauzelinus the Notary, in the place of Roger the Archbishop and Supreme Chancellor, have authenticated this, in the eighth indiction, in the

twenty-eighth year of the reign of Charles the glorious King." Afterwards laymen were raised to that dignity. Two or three of the most select men from the Court of Paris were proposed, one of whom was created Chancellor by the Senate's authority and votes. Then, as the power of Kings grew, the right of appointing the Chancellor remained with the Kings themselves. This was held in less esteem when they used him as their personal amanuensis; for he delivered letters to be signed to the Constable, Master of the Horse, and to the Chamberlain. But afterwards he held the primacy of law: he keeps the royal seal, writes edicts in the royal name, examines the charters themselves, and takes care that nothing contrary to the public good and the Prince's dignity is published.

Budaeus, upon the title *On the Office of the Proconsul*: "The Chancellorship is today the highest summit of honors, beyond which it is lawful for a man of the toga to hope for nothing, and as it were a certain solstice of the mind that aspires to all the highest things. By his eloquent mouth our Kings are accustomed to speak; with his eyes all things are surveyed; with his ears they are said to give a full and just hearing to petitioners."

An office similar to that of the Chancellor was held by the **λογοθέτης τῶν σεκρέτων**, Logothete of the Secrets; the same man also performed the office of Secretary. Yet he was different from the man called the First of the Secrets, whom Procopius in book 2 of the *Persian Wars* calls **τῶν ἀπορρήτων γραμματέα**, Secretary of Secret Matters.

There are Vice-Chancellors in all the Parlements of France, who execute all things pertaining to law.

Those called *Mystici* were secret Counsellors and other men privy to secrets.

The Master of Petitions received supplicatory petitions.

Referendaries presented the petitions of suppliants to the Emperor. Justinian decreed that, whereas they were ten, they should be reduced to the number eight.

Outside the court, the office of Scribes possessed various degrees of dignity. Among the Hebrews it was held in the greatest veneration. A Scribe is named among the first Princes of David, 2 Kings 8:16: "But Joab the son of Zeruiah was over the army."

And in 4 Kings 12:10 he has care of the sacred treasury with the High Priest: "And when they saw that there was very much money in the treasury, the King's Scribe and the High Priest went up, and they poured it out and counted it," and so forth. A Scribe is also sent to Rabshakeh with Eliakim son of Hilkiah, who was over the house, 4 Kings 18: "And they called the King; but Eliakim son of Hilkiah, who was over the house, and Shebna the Scribe, and Joah son of Asaph, the Recorder, went out to them."

And chapter 19:2: "And he sent Eliakim, who was over the house, and Shebna the Scribe, and the elders of the Priests, covered with sackcloth, to Isaiah the Prophet, son of Amos." Indeed, Ezra, a chief man, is called both Priest and Scribe. 2 Esdras 8:4: "But Ezra the Scribe stood upon the wooden step which he had made for speaking"; and verse 2: "Therefore Ezra the Priest brought the law before the multitude of men and women, and before all who were able to understand, on the first day of the seventh month."

Nevertheless, the power of Scribes always grew, for they were also adorned with military dignity. Jeremiah 52:25: "And seven men of those who saw the King's face, who were found in the city; and the Scribe who was chief of the soldiers, who tested recruits; and sixty men of the people of the land who were found in the midst of the city." And these men are the assistants and ministers of Chancellors.

CHAPTER XXVI

The Magistracy and Offices of the Aediles

§ 1. Kings were formerly Aediles, wealthy Curators of public works. The ostentation of Barbarians displayed itself in the masses of pyramids, the wonders of hanging gardens, and cities rapidly constructed. But among those cultivated toward humanity and civil government, the Aedileship was occupied with more useful and necessary construction. They gradually built, enlarged, and fortified cities; undertook the construction of citadels, bridges, roads, aqueducts, and sewers; and, whether from superstition or piety, of temples and lordly houses for themselves. Hence those immense subterranean works at Rome, strong against so many inundations of waters, fires, and collapses.

§ 2. The Aediles of the Plebs were assistants of the Tribunes. Among their other offices, however, they had care of sacred and civil buildings, which was also common to the Curule Aediles, so that they preserved temples, theaters, stadia, porticoes, forums, the walls themselves, and Basilicas. They produced games. At times they undertook care of private buildings. Livy, book 6: "And Rome at the same time began both to increase in population and to rise everywhere in buildings, the state assisting the expenditures and the Aediles exacting the work as a public service," and so forth.

§ 3. This was pernicious in the Roman Aedileship: abandoning useful things, they incurred excessive expenditure upon games. For by this means they won the poor commons to themselves, and very many examples of prodigality are found everywhere. Accordingly, under the Emperors, as all things gradually depended upon the Prince, that madness ceased.

§ 4. In place of the Aediles there was afterwards instituted the Curator of Public Works. There were very many public works at Rome: the Circus, walls, Castrensian Amphitheater, Viminal Field, Campus Martius, Harbor, Baths, Aqueducts, warehouses, stables, public post, bridges, roads, Basilicas, obelisks, Libraries, Groves, stadia, Nymphaea, pictures and statues, Arches, mills, forums, meeting-halls, columns, temples, and shrines. In the provinces a third part of the revenues was expended upon the walls and baths of the cities. There was another Curator of Cities, for he handled money, and his office belonged to quaestorian dignity.

§ 5. To the Aediles belonged the care of those who were Curators of the Channel of the Tiber and of the Sewers. Under them were the Four Men for the Care of Roads and the Curators of roads outside the city. There was also the man afterwards called Count of the Channels, whose office was to care for the aqueducts, which they called *formae*.

§ 6. Formerly all took care that public works should be magnificent and beyond a private scale. All were bound to contribute toward them, although Senators were sometimes excepted, book 5 in the Theodosian Code.

[Printed page 595]

A Curator bound not only himself but also his heir; indeed, so that the works would be solid, he was liable for a defect within fifteen years. It was forbidden that anyone inscribe his name unless he constructed the work at his own expense. It was not permitted for a private person to dwell in public buildings. A new work ought not be begun unless the old one is completed. Accordingly, the Aedile can apply money bequeathed for a new work to restoring an old one, provided that it is one of the public works.

CHAPTER XXVII

Prefects of the Food Supply Must Be Appointed with Great Care

§ 1. Lucius Minucius was selected as the first Prefect of the Food Supply; he reported to the Senate that Spurius Maelius was devising plans for kingship. Thus Livy, book 4. Pompey's prefecture was the most powerful of all, for he possessed greater command in the provinces than the men who administered them by lot.

Augustus himself discharged the prefecture; when already an old man he substituted Turranius for himself, and thereafter it was an ordinary Magistracy. Cassiodorus describes its office in book 6 of the *Variae*, 18: "It belongs to your diligence that the food supply be prepared for the most sacred city and an abundance of bread overflow everywhere. You make the rounds of the bakers' workshops and foods; you exact the prescribed weight and cleanliness of bread. You mount the carriage of the Prefect of the City with just glory. At spectacles you are found most closely joined to him. If a complaint over bread, as is customary, is aroused, you, the promiser of abundance, dissolve civic seditions by instantaneous satisfaction. Not undeservedly is Pompey said, through the quantity of provisions furnished, to have arrived at the highest pinnacle of affairs. The privileges of the bakers have been made subject to your dignity; these extended through the various parts of the world with the widest possession. Assassins who are discovered also seem to be assigned to your examination. The Praetorian Prefecture procures the supplies of wheat; the Prefect of the Food Supply dispenses them and examines the bread by weight."

He was furnished with Apparitors and through those whom they called Compulsors of the office exacted the established contribution. How greatly care for the grain supply aided the people is shown by the city in the war waged with Porsena. Livy, book 2: "Never before had so great a terror assailed the Senate, so powerful then was the Clusian state and so great Porsena's name. They feared not only the enemies but even their own citizens, lest the Roman plebs, struck by fear, should receive the Kings into the city and accept peace even with servitude. Therefore many conciliatory favors were then granted to the plebs by the Senate. Care was taken first of all for the food supply, and men were sent to procure grain, some to the Volsci and others to Cumae. The power of selling salt, because it was sold at an excessive price, was taken from private persons into public hands at the whole expense. The plebs was also freed from tolls and tribute, so that the rich, who could bear the burden, should contribute; the poor paid tax enough if they reared children. Accordingly, amid the harsh conditions which followed during siege and famine, this indulgence of the Fathers held the state in such concord that the lowest no less than the highest abhorred the name of King; nor was any single man afterwards so popular by wicked arts as the whole Senate then was by good government."

Complaints, murmurs, and even seditions arise from nothing more frequently than from scarcity of grain: Suetonius in *Octavian*; Symmachus, book 2, epistle 6; Marcellinus, book 21. At first, when Rome maintained its multitude and idleness from the harvests of others, Sicily was its granary; Sardinia was added, then Africa, and finally Egypt. Greece and Macedonia sometimes bore a part when the Libyan harvests failed.

Victor enumerates the warehouses and mills in this manner. In the first region at the Porta Capena: 13 warehouses, 20 mills. In the second region at the Caelimontium: 23 warehouses, 12 mills. In the third region: 18 warehouses, 12 mills. In the fourth region: 8 warehouses, 12 mills. In the fifth: 23 warehouses, 12 mills. In the sixth: 18 warehouses, 20 mills. In the ninth: 22 warehouses, 20 mills. In the tenth: 48 warehouses, 20 mills. In the eleventh: 16 warehouses, 12 mills. In the twelfth: 26 warehouses, 20 mills. In the thirteenth: 26 warehouses, 20 mills. In the fourteenth: 22 warehouses, 22 mills. I do not doubt that there were more at one time, and the *Register of the Roman Empire* indicates it. This is the total of the warehouses.

§ 2. There was a twofold construction of warehouses. Some were subterranean, as Vitruvius says in book 5, chapter 9: "Built sewers are dug and hollowed out as deeply as possible; those places, furnished with boards, are filled with

charcoal; then above it those walks are strewn with gravel and leveled so that they are dry." In these are the treasures of the city. For salt is easily brought there, and grain is more expeditiously gathered both publicly and privately.

In Philo, grain is heaped up not in such caverns but in upper rooms. Their walls, and the floor itself, were smeared with the dregs of olive oil; they had several windows toward the North, with nets stretched before them.

Warehouses had not only Curators but also Superintendents and Counts, and they were held in great honor; for to preserve the city's food supply is a dignity no less than to preserve the treasury.

§ 3. The Prefecture of the Food Supply had its origin from the Greeks. The Athenians call its officers **σιτονόμους** and **σιτῶνας**; Suidas calls them **σιτοφύλακας**, and says that there were fifteen in the city and five in Piraeus. The Aetoli called them **ἀγορανόμους**, as is found in Plautus.

Now Princes who look to stable rule apply themselves with great spirit to preventing a failure of the food supply; for subjects draw all the things they suffer into the disrepute of the Magistrate. By caring for the food supply the Venetian Senate purchases the love of the plebs, for one will not easily find greater care of the food supply. On the contrary, although the Emperor of the Turks possesses the widest and most fertile regions, which formerly fed even foreign kingdoms, he chastises his subject people with perpetual famine. For because, through the harshness of his rule and the rapacity of his ministers, he reduces the land to a wilderness, it is cultivated only listlessly. They sow only as much as is necessary for themselves; the Collector of the established tax and the Attendant take away the surplus, or the things which are customarily laid away for use.

§ 4. To have care of a part of the food supply was formerly considered honorable. He was called the Grand Bread-Master, or Superintendent of Bread, who was accustomed to correct the bakers, examine the weights, and set the price of wheat.

CHAPTER XXVIII

A Consideration of the Tribunes of the Plebs

§ 1. The Magistracy of the Tribunes of the Plebs was sacrosanct. They possessed the right to convene the Senate and to impede whatever they judged opposed to the interests of the plebs; for their principal power consisted in opposing: they interposed their veto and prohibited. Then, in the course of time, the strength of the Tribunes increased so greatly through continual contentions that they ordered Consuls to be led to prison and often cast the fatherland into the utmost danger. For this reason Augustus and the other Emperors retained the tribunician power continuously,

[Printed page 596]

so that they numbered the years of their rule from each renewal of the tribunician power. Although great disadvantages and continual dissensions arose from this contest between the Tribunes and the nobility, the persistent devotion of the people nevertheless always retained and defended them. Indeed, the imperial laws also established Defenders in the cities; and even now they are found in most free cities, except where the power of the patricians has subjected everything to itself. The office of the Defenders lasted five years, as did that of the Censors among the Romans.

§ 2. Their power was various. First, they judged matters of lesser importance and cases among persons of slender means, up to fifty solidi. Thus the Emperors Valentinian and Valens to Seneca the Defender: “If anyone among those of slender means believes that he ought to bring a complaint concerning rather small matters, in lesser cases--that is, up to the sum of fifty solidi--he shall prepare judicial acts; namely, so that if at any time anyone has claimed either a just debt, or a slave who had escaped by flight, or that which he had paid beyond his assessment, or anything else of this kind, you shall restore it by your adjudication. But you shall bring the other matters, which appear worthy of the magnitude of the forum, to the notice of the ordinary Governor.”

§ 3. They were chosen not from the order of Decurions but from the citizens. The same Emperors to Probus: “The Defenders of the cities shall be appointed to this office not from the body of Decurions or Cohortales, but from other suitable persons.” Rightly indeed; for the Decurions in the cities were like the Patricians at Rome, against whom the remaining plebeian citizens sought defense. Therefore Defenders ought not to be supplied from the body of their adversaries, but from those whose interest it was that the interests of the plebs be preserved and defended. Illustrious and Spectable men who had discharged great dignities could nevertheless undertake the honor, provided that they were not Decurions.

§ 4. No one could evade that honor, neither Illustrious men nor soldiers. Novel 15: “Meanwhile this must first be known: that no man is to have license to decline appointment as Defender, but all the nobler inhabitants of the cities shall in turn fulfill this ministry for them. For we have learned both that this prevailed in earlier times and that it was practiced in the state. We permit no one to decline this, not even if he is honored with the dignity of the Most Magnificent Illustrious men, nor if he possesses an honorable military office, nor if he produces his privilege from divine rescripts, nor if pragmatic sanctions have been conferred; rather, the inhabitants of the city who possess some means shall fulfill it in rotation, and when the rotation is completed, they shall return again to the charge and minister the aforesaid care to the city--so that in each city the Defender may appear to be a Judge rather than a Defender. He is to be appointed by a decree made under oath by all the landowners residing in that city, but not those living in this City; and he is to take an oath that he will conduct all things according to law and right and for the common good of all. He is to be confirmed, as now, by a precept of our Most Glorious Prefects; he is to administer alone for a biennium; and the Most Distinguished Judge of the province is not to have license to remove him from his charge. But if they appear to do anything improperly, he shall report it to the Most Glorious Prefects, so that deprivation of the charge may come to him from the same source from which it is also given. Neither the Governor nor the Defenders

themselves shall have any license to create deputies of the Defenders; rather, we forbid this also to all of them in every manner. Nor shall the Most Distinguished Judges dispatch their own deputies through the cities, but only the Defenders themselves, whom we wish to fulfill the office of Judges in the cities; and they themselves shall employ diligence in all the cities in which they are."

§ 5. The laws judged the defense of persons of slender means to be of such importance. Thus Valentinian, Valens, and Gratian, Emperors, to the Senate: "It has been provided by a useful measure that innocent and peaceable country people should enjoy special patronage through the benefit of a local Defender, and should have the ability to litigate monetary cases before him." They stood in the place of parents to the plebs. Gratian, Valentinian, and Theodosius, Emperors: "Among the Defenders of all the provinces this shall be the form of administration, and its time shall be measured by the span of five years: namely, that above all you show yourself as a parent to the plebs; that you do not permit country people and city dwellers to be afflicted by tax assessments; that you meet the insolence of officials and the forwardness of Judges--while preserving the reverence due to modesty--having free ability to approach the Judge whenever you wish; that you exclude the losses occasioned by demands for excessive payment, or the spoils taken from those whom you ought to protect in the place of children; and that you do not permit anything beyond the customary assessment to be exacted from those whom it is certain cannot be restored without such a remedy." Thus this single remedy was established for the poor against so many Quaestors, Exactors, and Agents in Affairs. They possessed the right of arrest. Novel 5, chapter 6: "For this is necessary to defense, for which reason the Tribunes of the Plebs also obtained it." Indeed, they had charge of discipline, as Valentinian, Theodosius, and Arcadius, Emperors, state: "Throughout all regions in which the savage frenzy of brigands, conscious of its own danger, is raging, let all the most approved and most rigorous Defenders of discipline be present and preside over daily proceedings. Let them not permit crimes to grow strong with impunity; let them remove patronages which, by imparting favor to the accused and assistance to criminals, have caused crimes to ripen." They send persons apprehended to the Judge. Arcadius, Honorius, and Theodosius, Emperors: "The Defenders of cities shall immediately send under suitable guard to the Judge persons accused who have been offered to them after being apprehended in the very act of brigandage or a violent encounter, or after the commission of homicide, rape, abduction, or adultery, and who have been delivered to them by public acts, with the crime expressly stated and together with those by whom they were accused."

§ 6. Yet, lest they rage beyond their office in the manner of the Tribunes, provision was made: "Let the Defenders, insolently claiming nothing for themselves and claiming nothing undue, discharge only the office signified by their name. Let them impose no fines and conduct no more severe examinations. Let them protect the plebs or the Decurions from all insolence and rashness of wicked men, so that they do not cease to be only that which they are called." They applied themselves especially against the frauds of tax-receivers and the plunder of officials. Honorius and Theodosius: "We command that Defenders be appointed in such a manner that, initiated into the sacred mysteries of the orthodox religion, they are established by a decree of the Most Reverend Bishops, as well as of the clergy, Honored men, landowners, and Curials. Their appointment is to be reported to the Most Illustrious Praetorian authority, so that their authority may be made firm by letters from that Magnificent See. But if the Defenders learn that anything is being done by any person contrary to public discipline and to the injury of landowners, they shall have power to report it to the Illustrious and Magnificent men, the Praetorian Prefects; to the Illustrious men, the Masters of Horse and Foot; to the Master of Offices; and to the Counts both of the Sacred Largesses and of the Private Estates."

§ 7. But because it sometimes happened that they acted treacherously and became enemies instead of Defenders, whether through avarice, fear of the more powerful, or affinity with them, suitable men were sought with great care--to such a degree that they were appointed even by the votes of the Bishops. Thus the same Emperors decreed: "We command that through the care and diligence of the Defenders landowners are by no means to be burdened by tax-receivers with larger measures and weights; rather, those detected shall be sent to trial together with the proof of the fraud committed.

[Printed page 597]

"We also permit the following to be done: if our provincials wish to attest their injuries or losses and the Defenders deny them the preparation of acts, they shall be granted license to post, in the less-frequented places of the cities and at the time when the attestation ought to have been made, a written petition of their own complaint; to summon the scribes, record-keepers, and the other public offices which must be given notice through that petition; and to thrust it, despite the unwillingness of the persons named above, among the preparation of the acts. Their testimony may be investigated by examination, and when it has been proved, judicial rigor shall be exercised against those who are established to have denied the requested preparation of the proceedings."

§ 8. Finally, lest they disturb the state in the manner of the Tribunes, their offices were so harassed that at length the power ceased, and, after the poor had been afflicted, the state perished. Defenders of ecclesiastical affairs were also established, whom they called **ἐκδίκους** and Syndics, and their authority today is great in both State and Church. Their office is **ἐκ πάσης τῆς ἀδικίας τὰ πράγματα ἐκδικήσαι ἐλεύθερα**, to vindicate affairs and causes as free from every injustice. Now the office of Syndic is perpetual; formerly it was a **περιοδικὸν πολίτευμα**, a Magistracy returning in rotation.

§ 9. The destruction of all states has been more fateful from no other thing than from this Magistracy of Defenders. In the beginning peoples created Kings lest the weaker be oppressed by the stronger, and equipped them with great power and honor. After the Kings turned their benefits to the people's destruction, the people sought safeguards from the Optimates against the Kings. When the Optimates too appeared to be no more gentle than the Kings, the people created Tribunes from their own body, so that, because the danger was common to them, their care in defending might be more exact. But there is a twofold error in them: for either they are ruled by the multitude rather than rule it, or, to win the favor of the powerful, they permit the liberty of the plebs to be oppressed. Thus fidelity is safe nowhere except where morals are good. The Aediles of the Plebs were joined to the Tribunes of the Plebs; with the Tribunes' permission they pass judgment, appoint a day for those who possess more than is permitted by law, establish laws against the luxury of women, restrain usurers, and also have charge of grain.

§ 10. Municipalities and other cities had their own Magistrates. They consisted of Curials and Principals, although those who had discharged a Magistracy were customarily called Principals in the proper sense. Under the final period of the Empire they possessed their own Consuls. In the ancient centuries they called them Duumvirs; in place of these others preferred Five-Men. In Greek they called them Demarchs and **ἄρχοντας**, I believe; some Italians called them Dictators or Aediles. Unless Governors, and indeed the Emperor himself, took notice, the state was most grievously afflicted by these men; for they were generally created from the nobility and were hostile to the needy. Hence it came about that, just as Tribunes were chosen at Rome, so Defenders were chosen in the cities to protect the poor plebs. But in order that the reader may perceive how greatly it matters to have a multitude of Defenders and to have the weak defended sincerely, and what the condition of the Defenders was under Justinian's Empire, Novel 15 must be read:

> Unless we speedily restore the care of Defenders through a competent office, we shall no longer possess even the truth of the ancient names. For some names have different significations from antiquity according to the part they play in affairs; but this name "Defenders" demonstrates purely that antiquity placed certain men over affairs so that they might vindicate them as free from every injustice. Indeed, for this reason we call them Defenders in our ancestral tongue, so that they may rescue those who suffer injustice from evils. But now this name of Defenders has been greatly trampled upon in many parts of our state and so despised that it lies in disgrace rather than in any honor. For obscure men are appointed, and decrees concerning them are tainted by pity rather than by election. Those who have no sufficient means of food and life beg for appointment as Defenders and approach this charge; and judgment is subjected to arbitrary wills as though to some game of dice. Finally, they remove them whenever they wish, although they commit either no fault or the very smallest one, and they advance others to their office, making them, as it were, temporary occupants of the Defender's post. They do this frequently in a single year with many men, so that officials, Judges of the cities, and their inhabitants ultimately hold the Defenders in contempt. The acts performed by them are regarded as though not performed. For if the provincial Judges obtain their wish, the Defenders--serving them in every respect and attending only to their nods--by no means presume to prepare

certain proceedings and records before themselves. But if some are prepared, they first sell even these; then, because they have no archive in which to deposit the proceedings conducted before them, that which is prepared perishes. You will by no means find any record at all from many years deposited with them; rather, those who have an interest in these records seek the proceedings from their heirs or other successors. Of these, those which are found are worthy of no confidence, while others truly perish and fall into such a condition that they are regarded as not performed. We, therefore, since we have ordered matters well concerning the Judges and have made their powers greater among the nations, while the inspection of the cities is far removed from them, believe that it is necessary also to establish provisions concerning the Defenders. For there will thus be a useful harmony if the Defenders of cities assume the office of Judges; and the Governor of the province will appear to be a Judge of Judges rather than a Judge, and more honorable in this respect than those who preceded him. For the more anyone presides over better men, the greater and more honorable he himself is.

§ 11. For this reason the Kings of Spain most prudently established Defenders and Patrons of the Indians in both Indies, to protect them from the rapacity and cruelty of soldiers, Prefects, and Governors. The Bishops and Prelates applied themselves vigorously and earnestly to this cause.

CHAPTER XXIX

The Very Great Care Required of Quaestors and Administrators

§ 1. Among the ancients there were two kinds of Quaestors, Urban and Provincial. The Urban were called either Quaestors of the Treasury, or Quaestors of Parricide, that is, Capital Quaestors. In this place we treat not of investigators of crimes but of Magistrates of the Treasury, who manage the patrimony of the state. In no matter is there greater danger; nowhere is a fall easier even for steadfast men. The Wise Man spoke most wisely: "Blessed is the man who has been found without blemish, and who has not gone after gold, nor placed his hope in treasures of money. Who is he, and we shall praise him? For he has done marvelous things in his life." To receive and expend a great sum of money, amid great opportunity for gain and over a long time, without suspicion of fault is arduous; not to employ one of the thousand arts of plundering which lie ready to hand belongs to a most upright spirit. When I consider the things which I either read have been done or hear are being done, I perceive that in no class of offices are more frauds admitted, or greater or more frequent punishments inflicted.

§ 2. The Quaestorship was granted in the twenty-seventh year,

[Printed page 598]

after ten campaigns. Some refer its beginnings to Romulus, others to Tullus Hostilius. But its beginnings must have been slight, as in a poor kingdom. For those two shepherds could be Quaestors for themselves, when

> One hearth was the brothers' greatest kingdom.

When Valerius had established the treasury, he created two Quaestors in the Curiate Assembly. Sigonius, book 2, *On the Ancient Law of Roman Citizens*. See **π.**, book 1, title 13, *On the Office of the Quaestor*.

§ 3. All the duties of the Quaestors were, as it were, private; for they possessed no command, did not use a curule chair, fasces, or lictors, and were permitted neither to summon anyone to plead a cause nor to arrest anyone. They could be summoned into court by any private person. They had only this in common with Magistrates: that they could convene an assembly. Dionysius, book 8.

The treasury and revenues of the Roman people were entrusted to the care of the Quaestors. They disbursed both public and private money, deposited it in the treasury, and entered receipts and expenditures in the accounts.

They received Ambassadors, provided lodging and *lautia*, furnished gifts and provisions--even clothing--and took care that neither the Ambassadors nor their companions lacked anything. They also undertook the care of the sick, and if they died, conducted the funeral at public expense. They also preserved the decrees of the Senate, but this duty was transferred to them at a late date.

Two honors were granted to the Quaestors. First, they brought forth from the treasury the military standards for a Consul setting out to war. Second, those who were going to seek a triumph had to affirm under oath before the Quaestors that the number of enemies and citizens killed had been reported truthfully to the Senate.

§ 4. Quaestors were at first created from the Patricians; afterward the power was shared with the plebs. Livy, book 4, records a remarkable example of the people's despising its own Tribunes and choosing nobles: "All the Tribunes, inflamed by this insult, were indignant--Pompilius and Antistius before all the rest. 'What,' they said, 'was the meaning of this? Neither by their own benefactions, nor by the wrongs of the fathers, nor finally by the desire to exercise a right--although what had not previously been lawful was now lawful--had they prevailed so that, if not a Military Tribune, not even any Quaestor should be made from the plebs. The entreaties of a father for a son, of a

brother for a brother, and of the Tribunes of the Plebs, whose sacrosanct power had been created for the aid of liberty, had not prevailed.'"

Afterward Quaestors were created to accompany the Consuls to war and to furnish the things necessary for the army. The place assigned to them was called the *quaestorium*. In Livy, book 10: "An attack was made upon the rear of the camp, at the Decuman Gate; and so the *quaestorium* was taken, and the Quaestor Lucius Opimius Pansa was killed there."

§ 5. Proconsuls and Propraetors possessed their own Quaestors in the provinces. These too obtained provinces by lot, just as the Consuls themselves did. They used Lictors to represent the majesty of their command. They also wore the bordered toga, administered justice, and appointed *recuperatores*; Praetors sometimes entrusted command to them. Otherwise their proper duty was to give, from money received from the treasury, pay to the armies and the Praetorian cohort and traveling-money to Ambassadors; to exact the revenue money; and to carry it back into the treasury. They did not always enter the provinces at the same time as the Proconsuls and Propraetors. From this it is apparent how great the abstinence and integrity required in Quaestors, especially Provincial Quaestors, who with such great power hung over the fortunes of the allies.

§ 6. The Emperors later changed the name of the Quaestors, for the Counts of the Sacred Largesses held the office and power of the Quaestor. To this Count was entrusted the care of the imperial treasuries; this fund was available to the Prince for exercising liberality. For from the treasuries all expect the Prince's liberality, and it befits a Prince to hold wealth for liberality, not for avarice. Arcadius and Honorius write to Limenius, Count of the Sacred Largesses, Code, book 1, title 32: "Let them know that four-month accounts are also to be sent to the Palatine office, and that the gold exacted is to be sent to the Sacred Largesses without any delay." He had several Counts stationed throughout the provinces, who presided over the collection of money. For the Counts of Mines, Commerce, and Wardrobes, as also the Accountants of the General Funds, the Superintendents of Treasuries, the Procurators of Mints, the Procurators of the *Gynaecea*--for so they called the sacred weaving-establishments--and likewise the Procurators of the Dye-Works, and whatever was serviceable for making money, belonged to the Count of the Largesses.

He presided over the striking of coin; for he acted so that the countenance of the Prince was impressed upon the metals in common use. Cassiodorus, book 6, formula 7:

> To him are entrusted the sacred wealth and the tributes
>
> Of the possessed world, whatever gold is rolled down by rivers,
>
> Whatever, far from daylight, the hidden industry of the pallid Bessian,
>
> Searching out the following veins, digs forth.

§ 7. The custom of other nations was not dissimilar. Among the Athenians there were Magistrates called **Ταμίαι**, ten in number. Harpocration describes their office: **Παραλαμβάνουσι δ' οὗτοι τό τε ἄγαλμα τῆς Ἀθηνᾶς, καὶ τὰς νίκας, καὶ τὸν ἄλλον κόσμον καὶ τὰ χρήματα ἐναντίον τῆς βουλῆς, εἰσὶ δὲ τινες καὶ τῶν τριήρων ταμίαι**. "These Quaestors receive the statue of Minerva, the Victories, the rest of the adornment, and the money in the presence of the Senate. There are also certain Quaestors of the triremes." Hence came those Roman laws. Hence among other nations there were **γαζοφύλακες, ἐπιμεληταὶ τῶν θησαυρῶν, καὶ δημοσίων χρημάτων, θησαυρῶν προεστῶτες, ἐπιτροπεύοντες τοὺς θησαυρούς, ἔπαρχοι καταλόγων**: keepers of the treasury, overseers of treasures and public moneys, men set over treasuries, men administering the treasuries, and prefects of the registers. Such a man is found in 2 Maccabees, chapter 3. Heliodorus was **ὁ ἐπὶ τῶν χρημάτων βασιλείας**--one who was set over the King's treasury. The name of Quaestor did not afterward become obsolete, although the office was transferred to others. Codinus says that in his own time the Quaestor had no office, although formerly he had possessed one. In Menander, *On Embassies*, Gaianus is sent to the Persians, being one of the royal Fathers, **καὶ τὴν λεγομένην κοιαίστωρ ὀφέτζαν ἀρχὴν ἐν αὐτοῖς τελέσας**, "and exercising the authority of Quaestor." Was it perhaps restored at that time? Or was the **ἀρχὴ**

without a function and merely the name of a dignity? It is assuredly established that the Count of the Largesses and the Quaestor existed at the same time, as in law 12, Code, title 6: “Those who have flourished through the honor of the Quaestorship, through official mastery, or through the dazzling splendor of the Countship of either of our treasuries shall be received with the customary acclamation and shall not be passed over as unknown.” Given on the eighth day before the Kalends of July at Thessalonica, in the fifth consulship of Gratian and the first of Theodosius, Emperors. Thus was it decreed by the Emperors Gratian, Valentinian, and Theodosius.

§ 8. The Quaestorians were those who handled some part of the Quaestorship. The **λογοθέτης στρατιωτικός**, who in Latin is named the Accountant of the Military Treasury, was one of them. Zonaras, volume 3. Afterward they were called Treasurers, who kept money safe in the individual provinces until they sent it at the established time to the Count of the Sacred Largesses. Special provision was made for their fidelity, because they had to give security.

Third, it was the one principal duty of all Governors of provinces that they should attend to the tributes and see that they were sent safely

[Printed page 599]

to the Count of the Largesses, as in Novel 134. Indeed, not even places of asylum could protect anyone, as Justinian decreed in Novel 17: “You shall see that the exactions of public tributes are made in a seemly manner even within the temples, since the fiscal account is useful and necessary to soldiers, private persons, the temples themselves, and the entire state. The Defenders and Stewards of the Churches, beloved of God, will also assist you, neither snatching from exaction any of those who exact fiscal tributes, nor permitting those who bring the exaction to suffer any violence or sedition; for they know that if they do anything of this kind, they will be compelled to satisfy the fisc from their own property.”

Fourth, because Financial Administrators were assigned to the Governors for collecting tributes, they were called **διοικηταὶ**, but the Great Financial Administrator was the one to whom the collected revenues were delivered. The Great Financial Administrator who resided at Constantinople appears to have been the General Quaestor, and perhaps at some time held the office of the Count of the Largesses or acted in his place.

Fifth, because there was never an end of frauds and the fisc possessed many champions, other men too were appointed, called **λογοθέται**, whom they called Auditors; they were examiners of the public accounts, relieved those unjustly burdened, and sometimes defined the measure of the revenues. A Theodosian law concerning them survives in law 2 of the Code, *On the Jews*.

For the same reason there were Exactors, or Executors. All who were sent under any right whatever had to disclose everything to the Governor. Thus the Emperors Arcadius and Honorius established, Code, book 12, title 61: “Lest a Palatine Exactor approach through divided parts of the provinces, or an Apparitor of Illustrious men wander about, or military terror bring fear, we ordain by this law that all the persons mentioned shall attend to the Governor of the province and act with him. With him pressing, directing, and taking cognizance, they shall transact the matter at his peril and fulfill everything.” Given on the seventeenth day before the Kalends of July at Milan, in the consulship of Olybrius and Probinus.

Indeed, he must also prove his case to the Judge. Thus the same Emperors established: “Whether anyone has been dispatched from the Praetorian office, from the Illustrious Countship of the Sacred Largesses, from the service of our Private Estate, or from any body of Apparitors, for the accomplishment of any necessity, let him know that within the bounds of one year he must, after gathering his accounts, return to his own Judge and show him his effectiveness: what was exacted through his urgency, what remains among the debts and with whom it remained, or through whose fault or for what reason it was left in the same province. But if, after the space of a year has been completed, he is detected lingering in the bowels of that region, lying in wait as a plunderer, then, stripped of his military belt, he shall be cast out. A fine of ten pounds of gold is imposed upon the chiefs of that service if he evades returning; and, bound with iron

chains by the successive offices, under the care of the provincial office, he shall be sent to the examination which is due. Nor shall he be free to defend himself by this privilege or pretext: that he alleges another business or another necessity was imposed upon him afterward, since we take from the same persons license to continue an exaction in the same province." Given on the tenth day before the Kalends of October, in the eighth consulship of Our Lord Theodosius Augustus and the consulship of Pallas.

Sixth, those called Dispatchers and Canonical Collectors were subject to the same laws. Cashiers too were appointed not only to guard but also to exact the tributes.

Seventh, the variety of business compelled the establishment of another Master in this class. He was the Master of the Census; before him declarations, wills, and gifts were published, and the Census-Officers obeyed him. It belonged to them to be present at public acts and preserve them; those who exhibited public games deposited money and prizes with them. But the matter in which the Census-Officers were chiefly occupied is established from Novel 17: "You shall compel the public Exactors to make everything evident in their receipts concerning those matters for which they gave them: namely, the quantity of *zygocephala*, or yokes, or yoked lands, or by whatever name they are called throughout the regions; the estates for which these and any other things are exacted; and the quantity given, whether in kind or in gold. You shall threaten them both with a great penalty and with amputation of the hand if henceforth they do not in every manner observe that which is always commanded but until now has not been observed. But if, as is customary, they discover some evasion, saying that the quantity of the yokes cannot be entered, we indeed believe that they are acting maliciously above all; yet neither the fisc nor the contributors shall be injured thereby. For the fisc shall receive everything belonging to it without prejudice, and those who have paid these things shall receive receipts completed in due form, with nothing more to be exacted. The cause shall be harmed in no respect, and according to custom the tributes shall be paid by them and brought into the fisc. But it shall be reported to our Most Glorious Prefects concerning these Census-Officers, who must first be compelled to give minutely the aforesaid statements, so that from this an adjudication of the matter may be made. And thus, meanwhile, the fiscal payments being made according to custom and brought in without fault, whatever our Most Glorious Prefects shall judge concerning those matters which are in doubt shall prevail in the matters which are disputed. After the truth concerning these questions has been learned, the Exactors shall be under the necessity henceforth to describe in those receipts also the quantity of the *zygocephala* and of all other things, in accordance with what has thus been ordained by us."

§ 9. Not all the duties of the Curials were different from these. For although they were the most honored men of the cities, and the Senates and sinews of the cities, they were nevertheless compelled to sustain the burden of exacting the tributes; indeed, frequently, while the interest of the fisc was being hastened, they were compelled to pay for persons of slender means. They were also called Decurions. The government applied itself to collecting money to such a degree that almost all men in a Magistracy were Quaestors or their assistants. For this reason the Decurions followed and tracked every method of plundering, so that they might not suffer loss. Salvian rightly says in book 4: "The Roman state, either already dead or at least drawing its last breath, is dying in that part in which it still appears to live, strangled by the bonds of tributes as though by the hands of robbers." The Emperor Anastasius appointed *Vindices* to restrain the unjust exactions of the Decurions and to make the exactions themselves; but, enticed by the sweetness of plunder, they advanced more oppressively, so that Justinian rightly removed them. It was an honor of the Decurions that they could not be subjected to the tortures of plebeians. If they embezzled public money, they were beaten with leaded whips. At their own peril the Decurions nominated a Tax-Receiver to collect the tributes; those who had nominated or consented to him were compelled to give security for him. He deposited in the warehouses not only money, but a fiftieth of the wheat, a fortieth of the barley, and a twentieth of the wine and lard. But the arrangement concerning the Decurions and the *Vindices* is explained in Novel 38:

> Those who formerly ordered the state for us thought that it was necessary, after the model of the Royal City, to unite the noble men in each city and to give each Senate a Curia, through which public affairs ought to be conducted and all things done according to order. Thus, therefore, the condition flourished; thus it was illustrious,

> because the households of the Curials were great and populous and there existed a multitude of Curials. What appeared to be the burden of public functions was utterly intolerable to no one. For that which is divided among a multitude renders the burden almost imperceptible to those who sustain it. But when they began, one by one, to remove themselves
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> *[Printed page 600]*
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> from the roll of the Curia and to discover occasions through which they might be made free from these obligations, the Curiae were thus gradually diminished by the invention of innumerable occasions through which private affairs might fare well while common and public affairs were diminished. Therefore the public functions, reduced to a few men, disturbed their resources also, and the cities were so diminished that, when the Curia had been reduced beneath those ruinous Contractors whom they call *Vindices*, it came about that the state was made full of deficiencies and full of every injustice. We, often examining these things, judged that it was necessary to apply a remedy to the condition. Yet, to the same extent that we labored in this, the Curials discovered every art against those things which were rightly and justly ordained and against the fisc. For when they saw themselves compelled by every means to preserve a fourth part for the Curia--and this had scarcely been imposed by our laws--they began to tear apart their own resources so that they might die with less property and leave to the Curia not a fourth portion but immediately all their poverty. Finally, because they wished to defraud the Curia even of their own bodies, they discovered the most impious expedient of all: we learn that they abstained from marriages, so that they chose rather to die without children than to die subject to the law or to appear useless to their own family or to the Curia.

The condition of the Decurions was altogether harsh, so much so that many preferred to follow armed military service, as is established from the Code, book 12, title 34. Sometimes they remained obstinately in hiding, and then their goods were granted to those who belonged to the duties of the Duumvirate. Since, therefore, they were compelled to the Decurionate in so many ways, it is established that its administration was extremely difficult.

§ 10. Today these matters have been more advantageously provided for, especially where the handling of money is divided among many; for among them some are always found who do not wish to deceive, and because of them the others either cannot or dare not do so. In the Kingdom of France there is a Council which they call the Council of Finances, in which there are Quaestors and Superintendents. There is also the Court of Aids, or Contributions. Charles VI, King of France, imposed a revenue upon wine and other merchandise; so that the peoples might bear it more lightly, he called it an aid. Over it he placed two Clerics and two Laymen of known integrity and fidelity. Then, when controversies arose, a Bishop as President and three Councillors, together with a Procurator and an Advocate-General, were added. Afterward these judgments were transferred to others, and the number of Councillors and Presidents was increased by Charles VII, Louis XII, and Henry II. Meanwhile the Masters of Accounts and Receivers of moneys are bound to render an account in the Chamber, whose Procurator takes cognizance of crimes committed by Accountants and Treasurers.

It has also been rightly established that four Treasurers-General of the Domain travel throughout the provinces entrusted to them and take cognizance of the lesser Treasurers.

Nothing is more pernicious than to have Treasurers of Casual Revenues who receive money paid for offices and dignities. Louis XIII has now abolished this with a fortunate beginning.

Nor ought it to be passed over that the President of the Treasury, and as it were the Supreme Quaestor or Count of the Largesses, is called among the French the Treasurer of Savings, so that they may indicate that the Royal Treasury increases through nothing more than through the economy and frugality of the Prince. His duty is to command the Treasurers of War to pay the soldiers' stipends. They do this through Commissioners and Paymasters, to whom Counter-Scribes are joined.

§ 11. The origin of the **ἀντιγραφέων**, or Counter-Scribes, as they are now called, is very ancient. Aristotle advises that public money be delivered in the presence of the citizens and that duplicate records be written, so that it cannot be embezzled.

These men continually adhere to Receivers, Treasurers, Tax-Receivers, and Equalizers, so as to impede frauds. France has therefore departed little from the ancient state; and where it has changed, it has established matters more rightly. First, it possesses a Treasurer. Next, it is not a Governor or Quaestor who judges concerning the tributes, but a Council, whose judgment is always more sincere in this cause. Then it has four Receivers-General of the assessed contributions; in each Election there are two Receivers, who carry the money of their Province to the Receivers-General. They too are assisted by Equalizers, who, in accordance with equity and fairness and according to the resources of each person, apportion and collect tributes throughout the parishes. If all these things are administered by men of upright life and haters of injustice, an immense sum of money can be collected without molestation of the subjects.

Nor is the Belgian Quaestorship dissimilar. For the Council of Finances handles monetary affairs, and in it the Treasurer and Receiver possess principal authority. That Council directs all public expenditures. It has annexed to it the Chamber of Accounts, in which all others to whom money has been entrusted are compelled to render an account to seven Masters of Accounts.

§ 12. Among the Spanish there are different Quaestorships in the various Kingdoms. In the Palace itself is the Council which they call the *Hazienda*. Three Quaestors, whom they call *Cantadores* and who from their dignity are called Majors, meet in it several times each week; an equal number of Minor Quaestors are joined to them, together with a Secretary, a Reporter, and Councillors of the Chamber. The matter of their deliberations consists of all revenues, debts and their payments, mortgages, alienations, and recoveries.

Controversies concerning money are decided by the same Quaestors, with four other Auditors and one Secretary joined to them. That Council is called the *Cantadoria*.

The same Officials have others, when they meet in Council, whom they call *Cantadores de Cuentas*; for in it the revenues of all the Provinces and Kingdoms are recorded, and accounts are given of receipts and expenditures.

§ 13. The Quaestors of the Genoese preserve and increase the state. I find their arrangement described in this manner. Bell., volume 3: “But in order that the citizens might be rendered more eager to disburse money to the state, security was given to creditors by assigning certain pledges and revenues from duties on grain, wine, or other things, and so forth. And this contract, as it were, between the state and private persons was called a *Compera*. It was added that those who had given one hundred pounds as a loan should hold one new place in this Society, as it were; those who had given two hundred should hold two places; and so on. Thus *Comperae*, or Societies of this kind, were greatly multiplied; some of them were called those of the Chapter, others of Saint Paul, others of salt, and so forth. Each of these was administered by certain citizens, whose task it was to take care that the creditors were duly satisfied and that the accounts between them and the state were justly preserved.

“But when, as is customary, confusion had arisen from the great multitude, it was decreed that all should be reduced into one body, upon which the name of the *Compera*, or Chamber, of Saint George was bestowed; and its care was likewise entrusted to certain Citizens. Since they administered the duty entrusted to them with singular industry and prudence, while public necessities required great expenditures, the number of Holders of Places--for we said above that those admitted into this Society were so named--grew greatly. Thus, after a great part of the public revenues had been pledged, the responsibilities and business under the care of this Office increased in a remarkable manner, and towns and territories also came under its jurisdiction.

[Printed page 601]

"Hence it came about that this Society obtained many privileges, first from the state itself, then from Pontiffs, Emperors, and other lords of the city. Thus, although this office depends upon the state itself and those who govern the palace, it is nevertheless not subject to the Urban Magistracy. Rather, all who undertake any part of the state are compelled to promise and swear that they will preserve its privileges inviolate. But just as in nearly all matters beginnings are very slender and despised, yet in the course of time gradually strive toward perfection, so it has also happened in this Office or Magistracy, whose form today is much better and more perfect than it was formerly. For as regards the calculation of the advantage or profit to be received by a Holder of a Place, something certain is no longer prescribed or determined, as formerly, but all things are directed according to the proportion of revenues and expenses, as also toward the preservation of those matters whose care has been entrusted to this Office, and according as the revenues have been more or less productive. Indeed, the present manner of receiving the revenues is much stricter and more accommodated to conscience. Moreover, as we have said, in this manner certain dominions and territories have been acquired for it, for whose easier administration it was necessary to establish new rules and new laws.

"With respect to this Office or Magistracy, the city of the Genoese can be divided, as it were, into two communities. The first is the Greater; it is governed by those who administer justice in the palace and comprises nearly the entire city. The other is small; the Magistracy of Saint George presides over it, and it pertains to the Holders of Places, or participants in the revenues. The former is subject to many changes and has sometimes experienced tyrannical government; but the latter has always been free and restricted to certain citizens, and has therefore been stable."

§ 14. Formerly persons of lower condition sometimes handled the money, nor could they increase their wealth in this manner. They were called Accountants, and the Agents were frequently slaves or Freedmen of Caesar who handled the accounts of the patrimony; they too were called **λογισταὶ καὶ λογοθέται**. They were also called Agents of the Lord. Tertullian, in *On the Soldier's Crown*, calls them Ministers of the Camp. They served for two years and thereafter could not return to the same office. Title *On Camp and Ministerial Officers*, chapter 12: "In the office of Your Spectability, according to the tenor of the divine responses, when the prescribed time--that is, the biennium--has been completed, let those who follow succeed to the position according to the merit of their labors and service when their predecessors depart; and let no license be granted to those who have laid down their office after completing it to return again to the same service or charge."

Frequent mention is made of Primicerii not only in profane but also in sacred affairs. They were so called because, being the first men in their own order, they were entered first upon the wax tablet, or upon the first wax tablet. Suidas defines the first as **τῆς τάξεως τυγχώνης**, the first man of each order. The dignity of Primicerius makes one a Senator, Cassiodorus, book 6, chapter 7. It is equated with men Selected from the Consuls in law 19 of the Theodosian Code, *On the Palatines of the Sacred Largesses*. The Prince of the Thebans was called the Great Primicerius. There were therefore Primicerii of the Chamberlains, of the Private Estates, of the Bureaus, of the Notaries, of the Deputies, of the Augustales, and of the *Singulares*, that is, of those who wrote with signs.

§ 15. Twenty-six assistants, or *Boethi*, of the Quaestor are established in Novel 35: "Let the twenty-six assistants of the Quaestor, whom they call the Quaestor's *Boethi*, be permitted to substitute others in their own place, yet suitable men whom the Quaestor for the time being shall choose with the Holy Gospels set before him. But those who are appointed in the place of those who have fallen from their position shall be appointed upon payment of one hundred solidi. Yet the men of these three grades--that is, of the Bureau of Memory and the two who are to be next--although they are not from the twenty-six assistants, shall nevertheless have license to substitute another in their own place. They shall therefore have the right to sell their military office, and for not more than one hundred solidi, provided that he who is substituted is appointed by the choice of the Quaestor. The constitution, however, gives privileges to Theodosius and Epictetus, and to Quirillus, Sabbatius, and Perigenes, with this condition plainly observed: if any of the twenty-six Assistants has died, one hundred solidi shall be given to his heirs, and they shall serve by the choice of the Quaestor. But if they are the children of the deceased, they shall possess the same right, although they have not become heirs to their Parent." Given at Constantinople, in the consulship of Belisarius.

They called “Assessments” that which was owed in each Province or city in grain, gold, and other things. An Assessment-Letter was an Epistle by which those things were granted, and sometimes a right to enter estates was conferred. Concerning Tax-Receivers see title 70 of book 10 of the Code: “We decree that public Tax-Receivers shall receive gold without any delay, lest anyone be compelled to incur expense through this occasion. For if a man wishing to pay is spurned by the Receiver, he must, after summoning witnesses, set forth an attestation; so that, when this has been proved, he himself, freed from the bond of the liability incurred, may receive the security due together with the profits, while the man who neglected to receive it is compelled by the force of the Governor’s office to bring into the accounts of the fisc twice the weight that was owed. But whatever a Tax-Receiver has wrongfully violated while the Judge whose concern it is remains negligent shall be repaired from the resources of that Judge himself.” Given on the fourteenth day before the Kalends of August, in the consulship of Paulinus and Julianus.

Thus the fisc is secured in many ways; but Quaestors know more arts of securing themselves. They rarely depart poor from office and often depart rich from plunder. Would that there were as great a care for the poor as there is for public wealth. Ancient examples are by no means lacking. For it is worthy not only of remembrance but most especially of imitation that even great Princes wished to be **ὀρφανοτρόφοι**, keepers of orphans. Zonaras reports that the brother of Michael the Paphlagonian was an **ὀρφανοτρόφον**, a keeper of orphans. Cedrenus reports the same.

§ 16. Many laws forbid the frauds of Exactors; few restrain them. Meanwhile, useful are those which prohibit them from doing anything without the knowledge of the Governor of the Province, Code, book 12, title 61; which require them to render an account within a year; and, finally, which prohibit them from doing anything that has not been entrusted to them. Thus Arcadius and Honorius, Code, book 12, title 61: “Whoever from our palace, under any title, has traveled to the Provinces--whether a Compulsor, Exactor, Summoner, or Bearer of a Precept, an Agent in Affairs, a Palatine, or an Apparitor of the Illustrious authorities--shall seize only so much power as is specially approved by the mandate of his own bureau. Let no one presume by right of his corporation upon that which was enjoined upon another; and while they do not divide this among themselves by the license of reciprocal duty, let all perform that which was entrusted to each one.” Given on the day before the Kalends of July at Milan, in the consulship of Olybrius and Probinus.

“Whether anyone has been dispatched from the Praetorian Office, from the Illustrious Countship of the Sacred Largesses, from the service of our Private Estate, or from any body of Apparitors, for the accomplishment of any necessity, let him know that within the bounds of one year he must, after gathering his accounts, return to his own Judge and show him his effectiveness: what was exacted through his urgency, what remains among the debts and with whom it remained, or through whose fault or for what reason it was left in the same

[Printed page 602]

Province. But if, after the space of a year has been completed, he is detected lingering in the bowels of that region, lying in wait as a plunderer, then, stripped of his military belt, he shall be cast out. A fine of ten pounds of gold is imposed upon the chiefs of that service if they evade his return; and, bound with iron chains by the successive offices, under the care of the provincial office, he shall be sent to the examination which is due. Nor shall he be free to defend himself by this privilege or pretext: that he alleges another business or another necessity was imposed upon him afterward, since we take from the same persons license to continue an exaction in the same province.” Given on the tenth day before the Kalends of October, in the eighth consulship of Our Lord Theodosius Augustus and the consulship of Palladius.

The laws of title 26, book 12, should be restored to use: “If anyone knows that he has been injured by the Ducenarii, Centenarii, or Advocates of the Fisc, let him not delay to approach the courts and prove the injury, so that vengeance may be taken upon the man who is convicted with fitting severity.” Given on the Kalends of November at Trier, in the fourth consulship of Constantine Augustus and the fifth of Licinius.

"Beyond the customary and canonical payments, many things are most unworthily demanded from provincials by Scholastic Officials not only in the individual cities but also at the stopping-places, while sustenance is supplied without price to them and to their animals. Therefore let all the Judges protect the provincials and not permit injuries to pass unavenged." Given on the third day before the Kalends of July, in the consulship of Leontius and Sallustius.

"Whenever a Compulsor is accused of plundering and convicted, let him undergo, even without consulting Our Clemency, the punishment fitting under the laws." Given on the day before the Kalends of January, in the consulship of Stilicho and Aurelianus.

"We wish assistance to be given to Curials, Shipmasters, and all corporate bodies in such a way that no Apparitor of any Judge is permitted anything which pertains to the plunder of provincials."

§ 17. I conclude this treatment of Magistrates and add that they will act rightly if every day they repeat their oath with a true resolve to keep it and weigh that which is set forth in Novel 8, title 3:

> I swear by Almighty God, and by His only-begotten Son, our Lord Jesus Christ, and by the Holy Spirit, and by the holy, glorious Mother of God and ever-Virgin Mary, and by the four Gospels which I hold in my hands, and by the holy Archangels Michael and Gabriel, that, on account of the administration entrusted to me by their Piety, I shall preserve a pure conscience and genuine service toward our Most Sacred Lords Justinian and Theodora his consort; and I undertake every labor and toil with favor, without fraud and without any artifice, in the administration entrusted to me by them concerning their Empire and state. I am in communion with the Most Holy Catholic and Apostolic Church of God, and in no manner or at any time shall I oppose it; nor, to the extent that I have the power, shall I permit anyone else whatever to do so.
>
> I also swear the same oath that I have given and shall give absolutely nothing to anyone on account of the belt given to me, nor on account of patronage or promise; nor have I undertaken, nor shall I undertake, to send anything from the province, whether on account of the Lord's recommendation, to the Most Renowned Prefects who hold the administration, to those who are about them, or to any other man. But just as I received the belt without recommendation, so too shall I exhibit myself purely toward the subjects of our Most Pious Lords, content with those provisions which have been established for me from the fisc.
>
> And first I shall exercise every care to watch over fiscal matters vigilantly. I shall exact from the disloyal and from those who are in arrears through constraint with every vehemence, by no means being inclined beneath anyone, nor considering gain itself at all on this account, nor exacting from anyone less than is fitting through favor or hatred, nor granting remission to anyone. But I shall treat the loyal in a paternal manner, and, to the extent that I have the power, shall preserve the subjects of our Most Pious Lords unharmed on every side.
>
> I shall act equitably toward each party in causes and in public discipline, and shall furnish nothing to either party beyond what is just. Rather, I shall pursue all offenses and preserve all equity according to what shall appear just to me. Those who are innocent I shall preserve innocent and unharmed on every side; but upon the guilty I shall impose punishment according to law. And, as has already been said, I shall preserve every justice and right in public and private contracts.
>
> If I discover that the fisc is suffering injustice, I shall not merely act concerning this myself, but shall also endeavor always to take as my Assessor such a man, and likewise all those about me, so that I am not pure while those about me steal and offend. But if any such person is found about me, I shall remedy what has proceeded from him and expel him.
>
> But if I do not thus observe all these things, may I receive my punishment here and in the age to come in the terrible judgment of the great Lord God and our Savior Jesus Christ; may I have my portion with Judas, the leprosy of Gehazi, and the trembling of Cain; and, in addition, I shall be subject to the punishments which are contained in the law of their Piety.

CHAPTER XXX

Ministers of Magistrates

§ 1. Among the ministries of Magistrates the best known is the *Accensus*, so called from summoning. He imposed silence, which was called the *Illicium*, and proclaimed that it was the third hour, midday, and the ninth hour. This duty was commonly entrusted to Freedmen. He was more honorable than the Herald. The latter pronounced in an Assembly or in the Comitium anything that had to be recited; the *Accensus* summoned private persons before the Magistrate. All these were called Apparitors, just as they were Official Ministers. There were several decuries of Heralds. It was the duty of the Summoners to arrest and bind, as it was also that of the Lictors. Some derive the name of the latter from binding; Tiro derives it from the linen or thread with which they were girded crosswise. The same men were called *Statores*, and they do not appear to have been different from Apparitors. This entire class in the Provinces was called *Brutiani*. They were commanded to perform not military service but servile works because they had been the first of all to desert to Hannibal.

The Romans also possessed Interpreters, not only when they administered Provinces in which a different language was used, but even in Italy itself, and, although they knew Greek, in Sicily and Greece. They judged it fitting to the majesty of the Empire that they should display not only the fasces but also their language, so that the entire world might appear to belong not only to Roman law but also to the Roman idiom.

The *Cornicularii* were not Horn-Blowers, but Secretaries who presided over the wings and guarded the Praetorium. They were selected from veteran soldiers for this service, as it were, of repose, inquiry, and honor. Symmachus, book 10, epistle 56. A Greek gloss interprets the term as **ῥαβδίτην καὶ πρίμαχον**; they were adorned with the insignia of Spectability.

§ 2. There were Minor Court Offices, which were nevertheless also employed in the houses of private persons in the cities. An ancient inscription is reported to bear: “Diophantus, Adorner and *Glabrarius* of Tiberius Caesar.” The same men were also called *Glabratores* and *Pumicatores*, from the foul custom of removing bodily hair. *Brambaricarii* and Silversmiths also adorned things; they overlaid objects with gold, silver, and bronze, and engraved in gold, silver, and bronze. There was no class of artisans that was not subject to the Emperor. Their guilds were called corporate bodies and the men themselves Corporates; and they possessed

[Printed page 603]

their own Prefects and Magistrates. Indeed, even the very lowest offices had Prefects: the superintendence of lime was a dignity. Cassiodorus, book 7, epistle 7: “Burnt lime is of the same color as snow and lighter than sponges. Our authority sets you over the burning and distribution of lime.”

Nomenclators, or Name-Callers, were produced by the multitude of men and by ambition, since they stuffed the names of individual citizens into the ears of candidates; from this they were also called *Fartores*, Stuffers. Afterward a law was written that no Nomenclator should attend a candidate.

Couriers must be appointed so that certain knowledge of every region may be possessed. There were Day-Runners, who traversed an immense distance in one day. They were later also called Mandate-Bearers, because they carried mandates to the Governors.

The entire arrangement of transports and freight-carriages, and likewise of navigation, was formerly established very differently in the very great Empire. Now things are generally transported more easily, more quickly, and at less expense through exchange and merchants.

Stationarii and *Curiosi* were established throughout the Provinces and reported to the Magistrate all offenses both of Judges and of the military. This was also the office of those who are called Agents in Affairs. Formerly the same men were Couriers with post-horses and Grain-Officers, for they were called **πυροφόροι**. But the name Grain-Officers was also employed for scouts. The Athenians called them **ἀλήρους**, because they investigated who was grinding grain at home. Accordingly they were **ἐρευνηταὶ**, that is, investigators of all matters, which they reported to the Prince. They were also soldiers and were named *Saiones*. Their use is especially necessary; but they must be trusted cautiously, and in cases of great offenses by Governors they must be employed secretly, lest the Governors rebel through fear of punishment. But the Agents in Affairs had various duties. After completing their labors, they were numbered among men of Consular rank. Their Chief summoned litigants before the Prefect. He exacted tributes.

Other *Stationarii* are forbidden to possess a prison. Constantine, Code, book 12, title 58: "Let no *Stationarii* dare to go beyond the exaction or possess a prison; nor let any man keep a person in custody before himself, even for a manifest crime, knowing that if anything of this kind has been committed, he is to be punished capitally." Posted on the Ides of May at Carthage, in the fourth consulship of Constantine Augustus and the fourth of Licinius.

The prudence of the Princes judged that Account-Clerks and Record-Keepers must be disciplined severely by laws. Constantine, Code, book 12, title 50: "The rapacious and fraudulent purpose of the Account-Clerks, who render various services to Governors, must be restrained in such a manner that, as we previously ordained and now likewise ordain, they be subjected to tortures and lie beneath the rack and lacerations." Given on the fourteenth day before the Kalends of June, in the consulship of Optatus and Paulinus.

A law of Honorius, Code, book 12, title 50, also kept the same men from association with Registry-Clerks: "Lest Registry-Clerks, aided by associations with Account-Clerks, continue longer to the ruin of all, let Your Illustrious Authority command all the Account-Clerks to abstain from the Registry-Clerks and withdraw from association with them. But if, after being admonished, they neglect to observe this, let them not doubt that they are subject to the same penalties as the Registry-Clerks." Given on the fourth day before the Kalends of June at Nicaea, in the fourth consulship of Honorius Augustus and that of Eutychianus.

Apparitors thereafter held a very honorable place. Valentinian and Valens made them exempt, Code, book 12, title 55: "Those who shall have shown that they serve in the offices of the Masters of Horse and Foot shall be excused from every injurious nomination." Given on the thirteenth day before the Kalends of October at Aquileia; accepted on the fifteenth day before the Kalends of November at Salerno, in the consulship of the Divine Jovian and Varronianus.

They were also of the military order: "Those who have obtained service in the office of the Masters of Horse and Foot shall be of the military order."

Finally, the law joins them to Military Tribunes: "We command that the Account-Clerks of the Illustrious men, the Masters of Soldiers both in the Presence and in the East, who have been adorned with rank and years of military service, shall upon departure be joined to Praetorian Tribunes, receiving the benefit from their labors in the military part, in such a manner, plainly, that after their military service has been completed, they shall always be held exempt from all appointments by both military and civil Judges. But we wish those who have discharged the office of Chief to be aggregated to the Twenty Military Tribunes."

CHAPTER XXXI

On the Chinese Kingdom

§ 1 (part 1 of 3). In place of a conclusion, it seemed good to add what Father Nicolas Trigault, the instructor of the Chinese, writes from the commentaries and experience of Father Matteo Ricci concerning their state, laws, and Magistrates; for there are many things which may be of use to Princes. They are found in book 1, chapter 6, of *On the Christian Expedition to China*.

I shall touch upon no more concerning this subject than I shall judge altogether necessary for the purpose of this Commentary. For if I intended to pursue it according to its dignity, the entire matter could be contained only in very many chapters, or even books. First, therefore, throughout the whole course of time only that government has been approved in this kingdom for administering the state which sustains monarchic majesty in the rule of one man. Among the Chinese even the name of Aristocracy, Democracy, or any other Polycracy whatever is unheard. Formerly, indeed, under one Monarch there were no fewer titles of inferiors than there are among us of Dukes, Marquises, Counts, and the other men of this kind. But for nearly one thousand eight hundred years these titles and the power of particular Lords have been altogether abolished.

Yet although civil tumults and wars have by no means been absent in any period--whether before this system was changed or after it was changed--and although this Empire also was divided into various lesser Kingdoms, as we have heard is now the case in the Japanese Islands, nevertheless it is never read to have been entirely subdued by foreign peoples before the year of our Salvation 1206. At that time some Duke or other from Tartary, a conqueror of Kingdoms, cast himself into this Kingdom with a victorious army.

Some of our countrymen judge, and in my opinion by no slight conjectures, that this Duke was Tamerlane or one of his successors. For the Chinese call him Tiemor and write that, after first subduing Persia and Tartary, he directed his mind toward adding China to his possessions. Whoever he was, I shall call him a Tartar. Having sent in an army, he shortly subjected all China to himself, and his descendants extended the Tyranny received over so great a Kingdom down to the year 1368. At that time, when the strength of the Tartar Empire had already begun to fail and the Chinese no longer endured a foreign government and a Barbarian disposition, they cast off the yoke in various Provinces under different Dukes.

The man who, through affairs splendidly conducted either by courage or by cunning, surpassed the other Dukes was one of the family Ciu, whom the Chinese afterward called Ham Vu--that is, the Distinguished Duke, or rather the Deluge of Arms.

[Printed page 604]

Having enticed to himself the auxiliary forces of certain other vigorous Dukes, he shortly grew in strength from a common soldier to such a degree that he not only drove out the Tartars, their King, and their Dukes, stripped of their rule, but with no less good fortune also overcame the remaining rebels throughout the entire kingdom and alone occupied the Chinese Empire. His descendants too have most prosperously extended it even to this day. Hence they bestowed upon their Monarchy the name *Tamin*, of Great Splendor, as I said above.

The Chinese Empire descends from a parent to his sons or to royal kinsmen according to our custom. Only two or three of the most ancient Kings, when about to die, entrusted the kingdom not to sons whom they judged unfit to rule but to others, although they possessed no bond of blood with them. It has also happened more than once that a man who ruled too violently was stripped of the fasces by a people impatient of the yoke, and that in his place they substituted the man who excelled in strength, courage, and the favor of the people, and thereafter revered him as lawful King. But this deserves to be placed among the praises of the Chinese: that very many prefer to choose an honorable

death rather than swear allegiance to an intruding Prince. Indeed, there is a celebrated saying among the Chinese Philosophers: "A chaste matron knows not two Husbands, nor a faithful client two Lords."

In this Empire there are no ancient laws, such as the laws of the Twelve Tables and of Caesarean law among us, by which the state is perpetually governed. Rather, the first man of any family who takes the Kingdom establishes new laws according to his judgment. His descendants of the same family are compelled to observe them and are not readily permitted to change them. Therefore the laws observed today by the Chinese are no older than Ham Vu. He either accepted all of them from the ancients or confirmed them, setting before himself this principal goal: by what method he might preserve peace for the kingdom and extend rule for himself and his descendants as long as possible.

Because the boundaries of this Kingdom extend so far and wide, and because of their ignorance of the world beyond the seas, the Chinese judge that their King rules the entire world. Therefore they call him by the splendid name *Thichcu*, Son of Heaven, and they name him thus today, as they always did formerly. Because they worship Heaven as the supreme divinity, to name him Son of Heaven is the same as to name him Son of God. Yet he is commonly called not by this name but *Hoam*, that is, Supreme Emperor or Monarch. Other Kings, however, are called *Guam* by the Chinese, with a far inferior title.

That Ham Vu whom I mentioned is reported to have been remarkable not only for military courage but also for intelligence and practical wisdom. This is demonstrated by the many statutes and laws through which he stabilized the Chinese state. I shall select certain of the more notable among them, always mindful of my proposed brevity. The sequence of their annals establishes that all royal families lost the Empire through the factions of royal kinsmen or of the chief men of the kingdom, because they governed a great part of the reins of the kingdom. He therefore established that henceforth no one of royal blood should touch a public office, whether it were civil or military. To those Dukes by whose aid he had liberated the kingdom from the Tyranny of the Tartars, and to their descendants, he assigned military Prefectures by hereditary right. But lest the royal race, rejected from every public office, should conduct itself too violently, he distinguished the sons of Kings by the title *Guam*, that is, by the appellation of Petty Kings, and assigned them very ample annual incomes. Yet he placed these not in estates and lands, lest they acquire clients, but in an annual stipend which was paid by the Magistrates from the royal treasury. He also wished all the Magistrates to revere them as Petty Kings, but no one to be subject to them. Thereafter he honored the sons and grandsons of the Petty Kings with various titles in such a manner that these titles gradually diminished, together with the annual income, according as they descended farther from the Royal Stock through the degrees of generations. But when they reached certain generations, no more was furnished to them from the public treasury than was sufficient for maintaining life conveniently without any handicraft or trade. He also provided that girls of royal blood be married according to their dignity and proximity to the Royal Stock, and that they be endowed in the same manner with more or less splendid titles and with an excellent income.

To the allied Dukes and liberators of the kingdom he most liberally imparted annual incomes and most splendid titles of honors; he also granted military Prefectures and other immunities. But they are subject to the Civil Magistrates in almost the same manner as the rest. Among these immunities there is one for their firstborn which is unheard of among our people. Upon an iron tablet in the likeness of a dish are seen engraved those illustrious deeds which the head of the family accomplished under King Ham Vu for the liberation of the kingdom. In consideration of these deeds, he will obtain impunity even a third time for any offense, including one punishable by death, if he offers that tablet to the King. When he has seen it, each time the King grants pardon he orders a certain mark to be engraved upon it, from which it may be understood how many times that tablet has obtained pardon. This must, however, be understood with treason excepted; for those convicted of it, both they themselves and their entire posterity, are immediately and perpetually stripped of every dignity. The royal sons-in-law and fathers-in-law possess honors and incomes of this kind, with the diminution over time of which I have spoken, as do certain others who are found to have deserved well of the Chinese state, region, or condition through some remarkable deed.

For governing the state and the helm of the entire kingdom, only Doctors and Licentiates proclaimed in the examinations are admitted. For this purpose they require the favor neither of the Magistrates nor even of the King himself; for all offices of the state depend upon each man's proven knowledge, virtue, prudence, and practical wisdom, whether they are now beginning to administer for the first time or have already administered other Magistracies. This is what the laws of Ham Vu prescribe, and for the most part they are observed, except insofar as human wickedness among Heathens who are by no means religious sins daily against rights and laws.

All Magistrates, whether they belong to the philosophical or the military Senate, are called *Quonfu* in the Chinese language--one might say Governors. But by way of honor rather than of office they are called *Lauye* or *Lausie*. This signifies Lord and Parent. The Portuguese call those Magistrates *Mandarins*, perhaps from "commanding"; by this name Chinese Magistrates are now understood even among Europeans.

Although I said at the beginning that the manner of administering this Kingdom is Monarchic, nevertheless it is easily established from what has been said, and will be established from what is to be said, that no small measure of the Aristocratic is mixed with it. For although everything established by the Magistrates must be confirmed by the King through petitions given to him, he nevertheless decrees nothing in any matter before he is first solicited or prompted by the Magistrates. But if

[Printed page 605]

a private person offers a petition to the King--which few do, because all petitions must first be examined and approved by a particular Magistrate before they are transmitted to the King--if the King presents himself as willing at the first granting, he generally subscribes thus: "Let the tribunal whose concern it is examine this petition and advise me what appears ought to be done." This must be held altogether beyond doubt, as I have diligently investigated it: the King himself is absolutely not permitted to bestow upon anyone a gift of money, to confer a Magistracy, or to increase one, unless he has been asked by one of the Magistrates. Yet this is not to be understood as though the King by private authority could not bestow gifts upon those who dwell within the boundaries of the Palace. For he does this frequently from ancient custom and, as it were, by a law by which each man is permitted to honor his friends from his domestic expenditure; but this is by no means reckoned among public benefactions. Indeed, these gifts of the King are made not from public but from private income.

The revenues from duties and tributes--which without doubt exceed one hundred and fifty millions, as the common people call them, each year--are not brought into the treasury of the Palace, nor is the King permitted to expend them according to his own judgment. Rather, all things, whether silver, the coinage of the nation, or rice, its provision, are amassed throughout the whole Kingdom in public treasuries and granaries. From these are furnished the expenses of the King, his consorts and children, as well as of the Royal Kinsmen, Eunuchs, and the entire Royal household, always with Royal splendor and abundance, yet nothing more or less than is prescribed by the laws. From them are paid the stipends of Magistrates and Soldiers and of the other curial ministers throughout the whole Kingdom. This sum is greater than our people can persuade themselves. From them also are restored public buildings, the Palace of the King and those of the Royal Kinsmen, the walls of Cities, the defenses of citadels, and, finally, every apparatus of war; in so great an extent of the Kingdom there is never a lack of something to erect or restore. And, what appears more incredible, in some years it is customary to happen that not even so immense a sum of revenues equals the expenditure, but it becomes necessary to impose new tributes also.

But let us descend individually to the orders of Magistrates, of which I find that there are two kinds in all. The one consists of those who not only hold Court Magistracies in the Royal City but from it, as from a watchtower, direct the whole Kingdom. The other consists of Provincial Magistrates, who govern individual Provinces or cities. Five or six volumes of suitable size concerning each order are available for sale throughout the whole Kingdom, and in the Royal City of Peking they are reprinted twice in each month, something very easy because of their method of printing. Nothing else is read in these volumes except the names, native country, and rank of those who at that time hold

Magistracies throughout the Kingdom. It is altogether necessary that they be reprinted so often; for in so great a multitude there are daily changes. Some die, some are deprived of office, some are demoted to lower offices, and finally the parents of others meet their appointed day. From this last event it comes about that, after immediately resigning any Magistracy whatever, they necessarily return home for three years of mourning, concerning which below in its own place. To fill the places of those who are absent, very many men are always awaiting fortune in the Royal City of Peking. From this great multitude I shall touch only upon those Magistracies which I judge necessary for understanding the books that follow. I shall, moreover, envelop the entire Military Senate in silence, lest I exceed the prescribed limits of my proposed brevity.

I shall speak first about Court Offices, then about Provincial Offices. Six primary tribunals are numbered among the Court Offices. They call the first *Li Pu*, for *Pu* among the Chinese is the same as a tribunal. *Li Pu* is the Tribunal of Magistrates. It rises above the other tribunals because it belongs to it to nominate absolutely all the Magistrates of the Philosophical order throughout the whole Kingdom, who are held to be the more eminent. This first nomination is determined by excellence in writing, judgment concerning which belongs to this tribunal. Beginning from the humbler offices, every one of them gradually ascends through the grades of honors prescribed by the laws, provided that they have given evidence of virtue and justice in the lower offices. If they have acted contrary to these, they are either cast down to humbler Magistracies or deprived altogether. For it is certain that the man who has obtained a literary degree aspires, in a continual ascent even to old age, to all the highest offices; nor is he ever rejected from governing the state except through his own fault. But if it happens that he is altogether rejected through fault, together with the Magistracy he also lays aside the hope of returning to govern the state.

They call the second tribunal *Ho Pu*, which among us is named the Treasury or Quaestorship. It belongs to this tribunal to exact the royal revenues, pay the stipends, make public expenditures, and conduct other things of this kind.

They call the third *Ly Pu*; we may call it the Tribunal of Rites. It has charge that public sacrifices, temples and their priests, Royal marriages, literary games, and examinations be conducted duly and in order; it has charge of public feast-days, common congratulations to be exhibited to the King at fixed times and events, titles to be conferred upon those who have deserved well, Physicians, Colleges of Mathematicians, Embassies to be received and dismissed, their rites, gifts, and letters. For the King judges it unworthy of his majesty to write a letter to anyone by himself, whether within or beyond the boundaries of the Kingdom.

They call the fourth tribunal *Pim Pu*, that is, the Military Tribunal. All military Prefectures are subject to it; for they are both taken away from the slothful and conferred upon the vigorous, and an increase of dignity is given by it according to the greatness of deeds. It also belongs to this tribunal to oversee examinations in military affairs and confer grades.

They call the fifth *Cum Pu*; we may call it the Tribunal of Public Buildings. Its duty is to draw plans for structures of this kind: namely, the Palaces of the King, the Royal Kinsmen, or the Magistrates. It also sees that ships are constructed which are necessary for public uses or fleets; it likewise makes and repairs bridges and the walls of Cities; and, finally, has charge of every other apparatus.

The sixth, which from the exacting of punishments for crimes they call *Him Pu*, investigates and judges crimes. The public Prisons throughout the entire Kingdom are also subject to this tribunal.

All the business of the entire kingdom depends upon these tribunals. Therefore they possess Magistrates and Notaries subject to them in every Province and City, by whom they are informed of individual matters with great fidelity. Thus they are burdened not a little by so great a mass of business; but the multitude and the order of those Colleges render this burden lighter. For first there is one President of the whole tribunal--

§ 1 (continued, part 2 of 3).

[Printed page 606]

whom they call *Ciam Ciu*. He has two Assessors, one on the right and the other on the left; these are called *Cilam*. The dignity of these three is numbered among the highest in the Royal City and throughout the entire kingdom. Beneath them each tribunal is divided into its various offices, over each of which several Colleagues preside. To these are added Notaries, Curials, Apparitors, and many other servants.

Besides these tribunals, there is another which is the greatest in the entire kingdom and Court; they call its members the *Colaos*. There are generally three or four of them, sometimes six. They have nothing in particular entrusted to them, but watch over the entire state and in every business are the King's Privy Councillors. They are admitted daily into the Royal Palace. Since the King today is not present for the public determination of the affairs of the kingdom--which formerly he himself determined together with these *Colaos*--they remain in the Palace throughout the whole day and answer according to their judgment the petitions sent daily to the King in great number. With this answer they return to the King, by whom the answers are approved, annulled, or changed according to his pleasure. The King writes this final answer upon the petitions with his own hand, so that thereafter what he has commanded may be put into execution.

Besides these orders of Magistrates which I have mentioned, and many others which it is not permitted to touch upon because they scarcely differ from those of our people, there are two other orders almost unheard of among us.

The former is called *Choli*, the latter *Zauli*. In each order more than sixty are numbered, all selected Philosophers--men of courage and prudence--who have previously proved their fidelity splendidly to the King and kingdom. These two orders are employed out of the ordinary by the King, among both Court and Provincial officials, upon matters of great importance, always with great and Royal power, which wins reverence and authority for them. But before all others their peculiar duty is such as that of the Syndics among us.

It consists in this: that by petitions, whenever they wish, they admonish the King if anywhere in the whole Kingdom an offense is committed against the laws. In this matter not only do they by no means spare Magistrates, even if these are the highest, but they do not dissemble even with the King himself or the royal house. This office would appear to me not to differ much from that of the Lacedaemonian Ephors if these Monitors could do anything more than speak, or rather write, and if they were not compelled to depend upon the decision of the admonished King. Yet they discharge this duty of theirs so exactly that they can be a wonder and example to foreign nations. For at no time do they spare any Magistrates whatever--indeed, not even the King himself, so great is their liberty and integrity. And although it happens not rarely that the King is offended and even rages fiercely against them--for generally they fasten the sting of their petitions where the sense of pain is sharper, censuring the vices of the highest Magistrates and of the King without distinction--they nevertheless never cease admonishing and censuring so long as no suitable remedy is applied to the common evil.

The same is also permitted by the laws to the remaining Magistrates, and not only to the Magistrates but even to any private person among them. Yet the petitions of those whom I mentioned above are valued more highly because they perform this as their special office. Copies of the petitions transmitted to the King and of the Royal answers are printed by many persons. Hence it comes about that the affairs of the Court travel very swiftly through every corner of the kingdom. Nor are there lacking men who then bind these petitions into books; and if anything worthy of the memory of posterity is furnished, they write it in the annals of the kingdom.

A few years ago, when the King who now rules wished to inaugurate as Prince the son second by birth but most beloved by himself and the Queen, to the exclusion of the firstborn and contrary to the laws, so great a number of petitions was written in which the King's action was censured that the King, incited to fury, either deprived more than one hundred men of their offices or consigned them to humbler ones. Yet, not terrified by this fear, they did not restrain themselves. On a certain day all the Magistrates who were then present, conspiring as one, betook themselves to the Royal Palace. Laying down the insignia of their offices, they sent a man to admonish the King that, if he persisted in this matter against the laws, they would henceforth resign every Magistracy and return home as private

persons; the King himself might entrust his kingdom to whomsoever he wished. Upon hearing this, the King abstained from the matter, although unwillingly.

Recently also, when the greatest of the *Colaos* was discharging his office less lawfully, he was accused within two months in nearly one hundred petitions by these Royal Monitors, although they were not ignorant that he was one of the few especially favored by the King. Not long afterward he died, indeed, as report has it, from the magnitude of his grief.

Besides these Magistrates at Court, there are also in the same place not a few Colleges established for various ends; but the noblest of all is that which is called *Han Lin Yuen*. None except selected Doctors is admitted to it after the examinations described above.

Those who dwell in that Royal College touch absolutely no public duty, yet surpass in dignity those who govern the state. Hence men aspire to that College with great zeal. Their duty is to compose royal writings, arrange the annals of the kingdom, and write laws and statutes. From these men are chosen the Teachers of Kings and Princes.

They apply themselves wholly to their studies and possess within the College itself their own grades of honors, which they attain by writing. From there they are admitted to the gravest dignities, yet not outside the Court. No one is chosen to the most weighty office of *Colao* unless he comes from this College. They also make great profit from writings composed in favor of friends; of this kind are epitaphs, inscriptions, and similar things, which all eagerly strive to obtain from them and which are held to be most elegant merely for this reason: because they proceed from them.

Finally, they are Presidents and Judges in the examinations of Licentiates and Doctors, by whom they are held as Masters and presented with gifts.

All these Magistrates of the Peking Court, with the exception of the *Colaos*, are also found at Nanking, but they are altogether inferior because of the King's absence. They write that the following was the cause of this circumstance. Ham Vu had established the seat of the Kingdom at Nanking. When he died, one of his grandsons, called Yunlo, who in the Northern Provinces guarded the boundaries of the Kingdom against the Tartars who had recently been driven out, with an army and with the dignity of a Petty King--this man, I say, when he perceived that Ham Vu's firstborn, the heir of the kingdom, possessed little industry and vigor, determined to wrest the Kingdom from him and acquire it for himself. Therefore, when he had easily joined the Northern Provinces to himself, he came to Nanking with an army and partly by force, partly by cunning and largesses, joined the remaining Provinces to himself; and he drove his uncle from Nanking. Having done this, he subjected the entire Kingdom to himself without anyone resisting. Because he possessed greater strength and fidelity in the Northern Provinces, and because it was credible that the Tartars would burst forth from there to recover their tyranny over the Kingdom, he determined to settle in those parts, and indeed

[Printed page 607]

in that City in which the Tartar Kings had dwelt when they ruled the Chinese. He himself named that city *Peking*, that is, the Northern Court, in imitation of the Southern Court, which is called *Nanking*. So that the people of Nanking might bear that change more moderately, he left them the same Magistrates and immunities which they had formerly enjoyed.

I come now to public administration in the Provinces. The Cities which have been attributed to the Court Provinces of Peking and Nanking are governed in the same order as the other Cities of the remaining Provinces; yet appeals are directed to each one's own Court. But the government of the thirteen Provinces depends upon one Magistracy which they call *Pucinsu*, and upon another which they call *Naganzasu*. The former judges civil causes, the latter crimes. Their seat is in the Metropolis of the Province, with the greatest apparatus. In each tribunal there are various Colleagues and themselves also chief Magistrates, who are called *Tauli*. It frequently happens that these men dwell

outside the Metropolis, because they preside over several cities and it befits them not to be far distant from the duty entrusted to them.

All the Provinces, as I said above, are distributed into various Regions, which they call *Fu*. Each Region has its own Governor, whom they call *Cifu*.

The Regions are again subdivided into *Ceu* and *Hien*, as though one were to say more noble and ordinary towns; nor are these smaller than the cities of our people which are not among the largest. Each has its own Prefect: the former they call *Ciceu*, the latter *Cihien*; for *Ci* among the Chinese signifies to govern. These Prefects of all the cities and regions have their own Colleagues and, as it were, Assessors, four in number, who, as Auditors and Judges, assist them in taking cognizance of the causes of their jurisdiction.

But here I judge that an error which has crept into certain writers must be briefly noted and refuted. For because the Governor and his court receive their name from the name of the city in which they reside--for example, in the city Nanciam, the entire Region, its Governor, and court are called by the same name, *Nanciam Fu*--some have therefore judged that among the Chinese only these are Cities which are called *Fu*, while the remaining *Ceu* and *Hien* are held to be towns or villages. That this is altogether most false is gathered not only from the size and populousness of the places but even from the very manner of public administration. For that very city in which the Prefect of the whole region resides also receives the name *Hien* and possesses its own Governor, whom they call *Cihien*, and likewise its own Colleagues and Assessors, after the likeness of the others. The Prefect of the Region himself possesses no more authority in this, his own seat, than in the other places attributed to his jurisdiction. His right consists in the first appeal to him, when causes judged by the *Ciceu* and *Cihien* are referred to him as superior in the first appeal. The second appeal--and that only in more serious causes--is referred, according to the nature of the cause, to the highest Magistrates of the Metropolis, the *Pucimsu* and *Naganzasu*, and their Colleagues. Indeed, the Metropolises themselves also possess their own *Cifu* and *Cihien*, no less than the Regions subordinated to them. Among all the Magistrates, however, there is an incredible symmetry of a well-ordered state.

Because all administration of the state in the Provinces must be reported to the Royal City of Peking, in every Province, besides these Magistrates, there are two others superior to those mentioned, sent from the Royal City. One of them establishes his seat in the Province and is called *Tutam*. The other is sent every year from the Royal City and is named *Cia Yuen*. The authority of the former, because it is great over all the Magistrates and subjects, because he presides over military affairs, and because he touches the primary offices of the state, appears able to be compared with our Viceroys. The dignity of the latter is, as it were, that of Commissioner and Visitor. Yet because, by the King's command, he reviews the causes of the entire Province, visits the Cities and Citadels, investigates all the Magistrates, even punishes certain men who are not among the greatest and reduces them to order, and advises the King concerning the manner in which each man discharges his office; and because he alone among all Magistrates in the Provinces executes capital punishments, all therefore rightly revere and fear him.

Besides these Magistrates, there are also many others who exercise various duties in cities and even in villages and towns. Besides these, many Prefects and Dukes of soldiers stand watch throughout the whole Kingdom, but especially everywhere in maritime and neighboring places, before walls, gates, bridges, and citadels, as though all things were ablaze with war, although the deepest peace exists everywhere. For they also possess their own levies, inspections of soldiers, and exercises conducted almost daily.

Absolutely all the Magistrates of the entire Kingdom are reduced to nine orders, whether one looks to the Philosophical or to the Military Senate. According to the arrangement of these orders, a stipend either of money or of rice is paid each month to each from the public treasury. In truth it is small amid so great a majesty of Magistrates; for the stipend of no one, even if he is of the highest order, grows to one thousand gold pieces in any year. In this stipend all who are reckoned in the same order are plainly equal, whether they are Philosophical or Military; for in military affairs the highest order receives a stipend equal to that of the highest literary order. I wish this to be understood of the

income established by the laws for each order; for that which is acquired beyond the ordinary by gains is far greater than that which is paid as stipend. I say nothing of the other things which each man's own industry, cupidity, fortune, and largesse produce for him in accordance with his dignity, for by these means they commonly attain great wealth.

All Magistrates also, whether Philosophical or Military, the lowest equally with the highest, are distinguished by the same cap. It is made of black gauze and has on either side two forms like wings, approximately above the ears, of oval shape. These adhere to the cap in such a way that they nevertheless fall off easily. They say that in this manner they are compelled to walk modestly and uprightly and are prevented from bending the head even slightly; for if they do so, they violate the majesty of Magistrates. The clothing is also the same for all; so are the boots, which possess a peculiar shape and material, being made of elegant black leather. An insignia of all Magistrates is also a certain belt encircling the body itself and approximately four fingers wide; it is adorned with remarkable workmanship, partly with circular figures, partly with squares. Upon the breast and the back they also sew two square pieces of cloth elegantly woven with embroidered work. But in these squares or belts there is great variety, and according to the variety, majesty.

For from these an expert immediately understands from which--

§ 1 (continued, part 3 of 3).

[Printed page 608]

Senate they belong, whether Philosophical or Military, and what dignity each holds in it. For upon those cloths are seen figures of quadrupeds, birds, and even flowers fashioned in tapestry work. Those Senatorial belts indicate majesty by the dignity of their material: some are made from a turned wooden stock, others from horn, some from unicorn horn or from *Calamba*, a particularly fragrant wood, and some from silver or gold. But the noblest of all are made from a certain translucent stone to which we have given the name Jasper, although it is certainly not Jasper and is perhaps more similar to Sapphire-like marble. They themselves call it *Yuce*. It is imported by Saracen merchants from the west, from the Kingdom of Cascar, and is held in especially high value by the Chinese. But there will be some place below for speaking about it.

Magistrates are also distinguished among the Chinese by umbrellas spread out to ward off the Sun, beneath which they customarily go forth in public. Some possess blue ones, others yellow; for some two are carried in procession, for others three, while others are permitted to use only one. They are also distinguished by the apparatus with which they go forth in public. For all the lowest ride on horseback; the greatest are borne upon the shoulders of bearers in a carrying-chair. But majesty is also found in the number of bearers: some are permitted to use only four, while others may employ eight.

There are also very many other ornaments of dignity and insignia of Magistrates: standards, chains, censers, and a numerous escort, by whose shouts the crowd is driven from the streets. So great is the reverence for them that no one appears even in the most crowded streets, but all withdraw at these cries; and this is practiced to a greater or lesser degree according to the dignity of the Magistrates.

Before I close this chapter on the administration of the Chinese state, I shall appear to perform a useful task if I recount individually certain matters in which the Chinese differ from Europeans. First, the following may appear remarkable. Although this Kingdom abounds in the extent of its borders, the multitude of its people, the abundance of provisions, and every material from which ships and all other instruments of war are fashioned--by means of which resources they might easily add at least the neighboring kingdoms to themselves--nevertheless neither the King nor the subjects labor for this, nor does it come into their mind. Content with their own possessions, they do not even covet those of others. In this matter they appear to me to differ as widely as possible from the European nations, which we often see driven from their own kingdoms while aspiring to those of others, which devour everything through an insatiable lust for ruling and do not know how to preserve the things received from their ancestors, as the Chinese have been able to do for many thousands of years.

Hence I myself judge to be very like a fiction that which not a few of our Writers recount concerning the Chinese: that at the beginning of their Empire they subjected to themselves not only the neighboring Kingdoms but even advanced as far as India. For although I have most diligently unrolled the annals of the Chinese from four thousand years ago down to the present time, I find not even a trace of so great a matter, nor do I ever hear them boasting of this extent of empire. Indeed, when I have often inquired about this very matter from certain learned men, they all agree that it never happened and could not have happened.

This error of the writers--to preserve their authority--could have crept in from the fact that certain traces of the Chinese nation are found in foreign places, to which it is credible that they sailed by their own will, not by the authority of the King, as may be seen today in the Philippine Islands.

Another matter also most worthy of notice is that the entire Kingdom, as I said above, is administered by its Philosophers, and that both unmixed and mixed command are found in them. All the soldiers and Commanders venerate these men with great humility of spirit and a singular rite, and are subject to them. It happens not rarely that soldiers are beaten by them no differently than boys among us are beaten by a Schoolmaster. These Philosophers also govern all matters which pertain to war, in which they take part and over which they preside; and their counsels and judgments possess more authority with the King than those of the other Prefects of military affairs, only a few of whom it is customary to admit, and then rarely, to deliberations about war. Hence it comes about that no one among those who nourish lofty spirits applies his mind to military affairs, and that he aspires rather to the lowest dignities of the Philosophical Senate than to the greatest Magistracies in military affairs. For they see that the Philosophers precede by a long interval in profit, in men's estimation, and in reverence. But what will appear more remarkable to foreigners in this matter is that those Philosophers undoubtedly bear away the palm from those who profess military affairs by their own institution in nobility of spirit, fidelity toward the King and state, and contempt of dangers and death in the cause of the fatherland. This perhaps takes its origin from the fact that the human spirit is ennobled by literary studies, or because from the very beginnings of this kingdom the gentler letters have always been valued more highly than the military profession among a nation by no means desirous of extending its empire.

No less remarkable is the symmetry among superior and inferior Magistrates, whether between Provincial and Court Magistrates or between the latter and the King himself. They profess this not only by their exact zeal in obeying but also by external observance. For they never omit the visits introduced by custom at fixed times or the duties of presenting gifts. Inferiors also scarcely speak to superiors, whether before the tribunal or elsewhere, except with bent knee, and address them with honorific words. Subjects of the cities render the same service to Prefects and Governors, although it is established that, before attaining the rank of literary office and entering Magistracies, they were born from the lowest plebs.

No one holds any dignity beyond three years unless he is confirmed anew by the King; but he is generally raised to a greater one, though not in the same place. This is done lest anyone readily contract friendships and be turned away from the rigor of justice, or gain the affections of some Province too greatly--especially if he has held the highest dignities--and, relying upon its favor, attempt revolution, something they recount to have happened in preceding centuries. The principal heads of the Provinces, Regions, and Cities whom I named above--the *Pucinsu*, *Naganzasu*, *Cifu*, *Ciceu*, *Cihien*, and similar Magistrates--must also, every third year, all present themselves together in the Royal City of Peking and render to the King the customary duties of clientship. At that very time an inquiry is made concerning the Magistrates dispersed throughout the Kingdom among the Provinces, whether they are those compelled to be present or the others; and this is conducted with the utmost rigor. From this examination it is then determined who are to be retained in the state, who removed, who raised, who cast down, and who even punished, without any regard paid to persons. I too have observed that not even the King himself dares to change anything among those matters which have been established in this public investigation by the appointed Judges. Those who are punished, moreover, are neither the lowest nor few. Indeed, in the year of our Salvation 1607, in which

an investigation of this kind occurred, we read that four thousand Magistrates were condemned. For the series of them is collected into one volume which, when printed, is published throughout the whole Kingdom.

Those condemned are divided into five classes. The first contains the covetous, who sold justice for gifts and appropriated to themselves anything from public income or the fortunes of private persons. These are excluded from offices and are stripped perpetually of all insignia and immunities of Magistrates. Into the second class are cast those who exacted punishments too cruelly from the accused. These too, stripped of their dignities and of their insignia or privileges, are sent home as private persons. The third class numbers older and infirm men, as well as those too remiss in exacting punishments or performing their office. These, although private persons, are permitted the use of insignia and immunities throughout their entire life. In the fourth class are reckoned those who are precipitous and insufficiently considered in rendering judgments, and those who lacked reason and counsel in the administration of public offices. These are assigned to humbler duties or sent to those places where the administration of the state is judged easier. The final class comprises those who govern themselves, their dependents, and their entire household with too little caution and lead a manner of life unworthy of a Magistrate. These are deprived perpetually both of offices and of immunities.

The same inquiry is also instituted concerning Court Magistrates, but only every fifth year. This system is observed with the Prefects of military affairs at the same time and in the same order, and with no dissimilar severity.

No one in the entire Kingdom holds a Magistracy in the Province in which he was born, unless it is a military Prefecture. This is done so that the former, who administer justice, do not yield to blood and friendship, but so that the latter, incited by love of their fatherland, guard it more bravely. While a Lord holds a Magistracy, none of his sons or domestic servants goes out of the house, lest he procure gifts; rather, every external service is furnished by servants publicly assigned to the Magistrate. When the Magistrate himself goes out of the house, he secures with a seal the doors, whether private doors or public ones in which judgments are exercised, lest a way out be open to any of his household without his knowledge.

They also permit no foreigner to live within the boundaries of the Kingdom who contemplates a return to his fatherland or who is understood to possess any intercourse with foreign kingdoms. Indeed, they permit absolutely no foreigner to enter the interior of the Kingdom. Although I have seen no law by which this is forbidden, I nevertheless perceive that this custom crept in over many centuries through a certain fear or horror of foreign nations. I wish this to be understood not only of those foreigners whom long distances of land or sea have rendered unknown to the Chinese, or of those with whom they exercise hostilities, but even of friends and tributaries of their Kingdom, such as the neighboring Koreans, who generally employ the laws of the Chinese. Until now I have seen no such person in the Kingdom except certain slaves whom some Commander or other had led from there with him after he had resided for several years in that kingdom. Moreover, if a foreigner has secretly penetrated the Chinese Kingdom, they punish him neither with servitude nor death; but they forbid him to return to his fatherland, lest perchance among his own people he attempt revolutions to the destruction of the Chinese Kingdom. Hence they punish with the severest penalties those who have any intercourse with foreigners without the will of the King. And if necessity demands that someone be sent with mandates beyond the boundaries of the Kingdom, there is scarcely anyone who can be induced to go. His entire household laments a man setting out as though he were being dragged to death; but when he returns, the Magistrate rewards him with some office of dignity.

No one bears arms in the cities--not even the soldiers, Commanders, or Prefects of military affairs, nor even the learned--except when they go forth to their levies, exercises, or battles. Some of the nobler Magistrates are nevertheless accompanied by armed men. Nor does anyone possess arms in his own house, except perhaps some rusty dagger which they sometimes use on journeys against brigandage. To such a degree do they dread and flee armed men. Consequently there are no factions or quarrels among them except those settled by the impression of fingernails or the tearing of hair. There is no desire to avenge injuries by blows or death; rather, the man who flees another and abstains from inflicting injury is commended for prudence and fortitude.

When the King has died--lest factions arise--no other son or kinsman of the King except the heir of the Kingdom is permitted to remain in the Royal City. Indeed, once they have been divided among various cities, it is a capital crime for them to set foot outside. Disputes arising among them are settled by one of the noblest among them, by whom they are also governed. But if any business arises between them and another who is not a kinsman of the King, they are subjected, like anyone from the plebs, to the tribunals and punishments of the public Magistrates.

CHAPTER XXXII

A Catalogue of the Magistrates and Offices of the Roman Empire and of Certain Other States

§ 1.

• *Accensi*.

• Chamber Attendant.

• Purse Attendant.

• Two Attendants of Constantinople.

• Military Registry-Clerks.

• Registry-Clerks.

• Registry-Clerk.

• *Actus quadratus*.

• Assistant to the Master of Offices.

• All Domestic Assistants.

• Officers of Admission.

• Masters of Admissions.

• Great *Adnumiastes*.

• *Adscensio*.

• *Adscriptitii*.

• *Adscriptivi*.

• *Asscriptivi* Soldiers.

• *Asscriptitii* and Selected Men, opposed to Honoraries.

• Assessors and Councillors.

• Advocate of the Fisc.

• Aediles.

• *Alithri*.

• *Allogator*.

• *Allitarchae*.

• *Angelraphorus*.

• Prefect of the Food Supply.

• Distributor of the Food Supply.

• *Antisagittator*, Commander of the Archers.

• Various Apparitors.

• Apparitor.

• Apparitors and Praetorian Soldiers.

• Apparitors in the Exaction of Revenues.

[Printed page 610]

• *Aphoplistae*.

• *Apocrisiarii*.

• Cashiers.

• Count of the Chief Physicians.

• Archdeacon.

• Architects appointed for overthrowing statues.

• Great Archon.

• Archons.

• Arithmeticians.

• Armor-Bearers.

• *Avertarius*.

• *Auestiarius*.

• Augusta, Queen.

• Augustus.

• Courtiers.

• Court Scholars and Caesars.

• Hearers.

• *Baiulus*, believed to be the Great Pedagogue.

• Procurators of the Dye-Works.

• *Baracurius*, King of the Iberians.

• Superintendents of the Freight-Carriers.

• Beneficiaries.

• *Bicolytae*.

• Great Drungary of the Watch.

• Prefect of Blachernae.

• Abbreviators.

• Horseman.

• Caesar.

• Caesarean Courtiers.

• Caligula, the first called Lord.

• Camillus, the first Praetor.

• Drill-Master.

• Chancellor.

• Candidates of the Prince.

• Canonical Collectors.

• Capitularies.

• Officers of the Camp.

• Cellarers.

• Assessors of the Census.

• Assessor of the Census.

• Census-Officers.

• Master of the Census.

• Hundred-Men.

• Centurions.

• Great Chartulary.

• Chartulary of the Sacred Chamber.

• Spectable Chartularies.

• Most Distinguished Governors.

• Most Distinguished Men.

• Collectors of Tributes.

• Sacred Cognitor.

• Cohortales.

• Collectors.

• Count of Africa.

• Count of Britain.

• Count of Italy.

• Count of Illyricum.

• Count of the Spains.

• Count of Strasbourg.

• Count of the Domestics.

• Count of the Domestic Horse and Foot.

• Count of the Private Estates.

• Count of the Sacred Patrimony.

• Count of the Sacred Largesses.

• Count of Mines throughout Illyricum.

• Count of the Houses of the Prince under the Chamberlain.

• Count of the Domestics and Excubitors.

• Count and Master of Horse in the Presence.

• Count of the Sacred Stable.

• Consistorial Counts.

• Two Counts in the East.

• Counts of the Schools.

• Counts of the Port of Rome and Ravenna.

• Counts of the Warehouses.

• Illustrious Counts.

• Counts and Governors.

• Counts of the Treasury, Illustrious Men.

• Counts of the Sacred Vesture.

• Counts of the First, Second, and Third Order.

• Four Counts of Commerce.

• Commissioners.

• Great Constable.

• Councillors.

• Emperor of Constantinople.

• Consul of the Philosophers.

• Men of Consular Rank.

• Correctors.

• Most Distinguished Correctors.

• *Cortelini*.

• Curtain-Keepers.

• *Cornicularius*.

• Curator of Various Affairs.

• Curator of Public Works.

• Curators of Cities.

• Curators of the Tiber and Sewers.

• Curators of Warehouses.

• Curators of Roads and Districts.

• Curials.

• *Curopalates*.

• *Curopalatissa*.

• Guards from Illyricum.

• Princes of the Dalmatians.

• Commanders of Ten.

• Deans.

• Decurions.

• Defenders of Cities.

• Orthodox Defender.

• Demosthenes, Superintendent of the Royal Table.

• Despots.

• *Diathretarii*.

• Distributors of Ballots.

• Auditors.

• Distributor of Provisions.

• Director of the Banquet.

• Di Zabulus, the Chagan magnificent in receiving the Ambassadors of the Romans.

• Domestic Attendants.

• Most Noble Count of the Domestics.

• Domestic of the Table.

• Domestic Horsemen.

• Domestic of the Schools.

• Domestic of the Church.

• *Dorixenus*, Ambassador.

• *Dromitutor*.

• *Dromonarii*.

• Drungaries.

• Drungary.

• Naval Duumvirs.

• Ducenarian Exactors of Tributes.

• Ducenarian Procurators.

• Perpetual Commanders.

• Commanders who are Prefects of Soldiers.

• Twelve Commanders of Military Affairs.

• Duumvirs, Municipal Magistrates.

• Defender of the Churches.

• Eparch next after the Papias.

• Bishops.

[Printed page 611]

• Standard-Bearing Horsemen.

• Great Hetaeriarch.

• Eunuch Counts of the Sacred Vesture.

• Eunuchs of the Emperors.

• Eunuch Chamberlains.

• Exactors.

• Exactors of Revenues.

• Exarch, Tribune of the Excubitors.

• Recorders.

• Excubitors.

• Sons of Emperors.

• Count of the Fisc, called the Former Advocate.

• Prefects of the Markets.

• Grain-Officers.

• Prefect of the Gauls.

• German Guards of the Romans.

• German Praetor.

• Elagabalus.

• Heliogabalus.

• Crowned Hierarch.

• Honoraries.

• Honorius, who rebuilt the Roman walls.

• Hypatius, Emperor.

• *Hyprostrategus*.

• Crowned Janus.

• *Illarches*, First of the Centurions.

• Illustrious Men.

• Most Illustrious Illustrious Men.

• Image-Makers and Image-Bearers.

• Emperor of Constantinople.

• Commanders of Captives.

• Commanders called Germanic.

• Consecrated Emperors.

• Emperors called Maximi and likewise Optimi.

• Tutors of Emperors.

• Sons of Emperors.

• Empress called Lady, likewise Augusta.

• Renowned Men.

• Dyers.

• Royal Tutors.

• Great Interpreter.

• Inviters.

• Judges of Capital Matters.

• Judges of Revenues and Tributes.

• Judge of the Camp.

• Julian Augustus.

• Julius Caesar, the first Perpetual Prefect.

• Juridical Governor.

• Juridical Governor of Alexandria.

• Justinian the Triumpher.

• Justin the Thracian.

• Praetor of the Youth.

• Prince of the Youth.

• Lamp-Bearers.

• Prefect of the Latin Schools.

• Ambassadors.

• Municipal Ambassadors.

• Leo, son of Constantine.

• Superintendent of Petitions.

• Copyists.

• Procurators of Linen-Works.

• Great *Logoriastes*.

• Great Logothete.

• Logothete of the Secrets.

• Logothete of the Military Treasury.

• Master of the Census.

• Master of Epistles.

• Master of Offices.

• Master of Foot.

• Master of the Bureaus of Memory, Epistles, Petitions, and so forth.

• Master of Horse of the Gauls.

• *Magisteriani*.

• Ordinary Lesser Magistrates.

• Extraordinary Lesser Magistrates.

• Municipal Magistrates.

• Ordinary Greater Magistrates.

• Extraordinary Greater Magistrates.

• Provincial Magistrates.

• Masters of the Census.

• Masters of Linen Vesture.

• Masters of Municipalities in place of Duumvirs.

• Masters of Offices.

• Masters of the Private Vesture.

• Contractors of the Public Post.

• Mandate-Bearer.

• *Megaloalogitae*.

• Superintendent of the Table.

• Procurators of Mines.

• Silk-Worker.

• Display Soldiers.

• Enrolled Soldiers.

• Ordinary Soldiers.

• Soldiers creating an Emperor.

• Stationary Soldiers.

• Ministers of the Sacred Vesture, subject to the Masters of Offices.

• Ministers of the Dagger.

• Ministers of Magistrates.

• Ministers girded with linen at Banquets.

• Ministers at the Feet.

• Dispatchers.

• *Monocaballi*.

• Officers of Small Gifts.

• Mosaic-Workers.

• Nomarchs.

• Notaries.

• Commanders of a Military Unit.

• Account-Clerks, Calculators, Arithmeticians.

• Distributor of Provisions.

• Officials of the Most Distinguished Men.

• Chief of Offices.

• Optimates, Ministers of the Authorities.

• Pedagogian Boys.

• Prince of a District.

• Palatines.

• Distributor of Bread.

• *Panypersebastus*.

• Paphlagonians.

• *Pareverhedi*, *Parafredi*, and *Parrippi*.

• Patricians.

• Cattle-Officers.

• Cup-Bearer.

• Swine-Officers.

• Bearers.

• Heralds and Orators.

• Prefects of the Treasury.

• Praetorian Prefects.

• Prefects of the Frontier.

• Prefect of the Food Supply.

• Prefect of the Camp.

• Prefect of the Distribution of Grain.

• Prefect of the *Canicleum*.

• Praetorian Prefect.

• Superintendent of the Camp under the Prefect of the Camp.

[Printed page 612]

• Superintendent of the Roman Warehouse.

• Superintendents of Public Works.

• Superintendent of Lime.

• Superintendent of the Royal Table.

• Superintendent of the Sacred Chamber.

• Master of Horse in the Presence.

• Praetor of the People.

• Primates of the Regions of the City.

• Primicerius of the Court.

• Primicerius of the Private Estates.

• Primicerius of the Notaries.

• Primicerius of the Chamber.

• Primicerius of the Domestics.

• Primicerius of the Protectors, a Tribune.

• Four Primicerii in the Body of Deans.

• Primicerius of the Sacred Chamber.

• Primicerius of the *Singulares*.

• *Primivirgius*, Key-Bearer.

• Prior of the Palace.

• Chief Men.

• Chamber Watchman.

• Procurator of the Goods of Condemned Persons.

• Procurators of Dye-Works and Linen-Works.

• Procurators of Caesar.

• Procurators of the *Gynaecea*.

• Procurators of the Private Estate.

• Deputy Heralds.

• Propraetors.

• Pursuers.

• *Protallagator*.

• Protectors and Domestics.

• Deputy Ambassadors.

• First Count.

• First Huntsman.

• First Hierarch of the Treasury.

• First Master.

• First Notaries.

• First Pope.

• First Sword-Bearer.

• *Protosebastus*.

• First *Stator* and Marshal.

• First Syncellus.

• First Vestiary and *Protovestiarites*.

• Boys who are Mimic Actors.

• Informers for a Fourth Part.

• Quaestors.

• Quaestors of Parricide.

• Inquisitors.

• *Quincunx*.

• Magistrates of a Five-Year Term.

• Rod-Bearers, the Judge’s Closest Confidential Attendants.

• Accountants.

• Accountant of the General Funds.

• Accountant of the Private Estate.

• Accountant of Wines.

• Accountant.

• Governors of Provinces and Dioceses.

• Referendaries.

• Referendaries in place of Chartularies of the Church.

• *Regerendarius* and Subscription-Clerk.

• Purple-Clad Kings.

• Responsales.

• Questioners.

• *Sacellarii*.

• Sack-Carriers.

• Satraps.

• Scholars.

• Members of the Schools.

• Scholastic.

• Scribes of the Acts.

• Scrutinizers of Emperors.

• Secretaries.

• Axe-Bearers.

• Distinguished and Most Distinguished Senators.

• Roman Senate.

• Military Six-Men.

• Silentiaries.

• Sword-Bearer.

• Sword-Bearing Chamberlain.

• Sword-Bearing Chamberlains.

• Spectable Magistrates.

• Scout Soldiers.

• *Statores*, or Apparitors.

• Attendants.

• General.

• Commander of the Camp.

• Commander of the Camp of the *Monocaballi*.

• Commander of the Camp of the *Murtati*, *Tzacones*, and *Tzangratores*.

• Grooms of the Emperors.

• Subscription-Clerk.

• Sultan.

• Super-Illustrious Men.

• Suppliants.

• Tax-Receiver.

• Notary, Recorder, and Public Scribe.

• Notaries.

• Toll-Collectors.

• Watchword-Officers.

• Purple-Clad Witness.

• Tetrarchs.

• Consular Governors of the Thraces.

• Broad-Stripe Tribunes.

• Tribunes of Soldiers.

• Tribune-Notaries.

• Tribunes of the Plebs.

• Tribune of the First Cohort.

• *Tricaballi*.

• Prefect of the Golden Dining-Room.

• Triumphers.

• Three-Man Boards for the Levy, others for Banking, others for Transporting Horsemen.

• Squadron-Commanders.

• Turranius, the first Prefect of the Food Supply among the Romans.

• *Tzangratores*, a kind of Archers.

• Farmers of Revenues.

• Judges of Revenues.

• Carriers.

• Prefect of the Wardrobe.

• Curators of Roads.

• Summoners of the Tribunes.

• Vicars called Augustales.

• Vicars of a Prefect.

• Vicars of the Prefecture of the Gauls.

• Vicars of Prefects.

• Vicars.

• Vicar of the Spains.

• Vicar of Rome.

• Vicars of a Tribune.

• Curators of Districts.

• Steward of the City.

• *Vindices*.

• Tax-Receivers of Wine.

• Epistolary Men.

• Spectable Officer of the Camp.

• Perfumers in the Offices of the Emperors.

• Urbaniciani.

• Usurers, or Moneylenders.

[Printed page 613]

CHAPTER XXXIII

Ambassadors Must Be Chosen from the Most Approved Men

§ 1. Although I frequently made mention of Ambassadors in the first edition, I nevertheless did not treat them by design, both because I saw that subject occupied by many writers and because the things which I discussed concerning the virtues and vices of Princes, Optimates, the Senate, and Councillors appeared able sufficiently to instruct an Ambassador. For whatever is praiseworthy in all of them ought to shine forth collectively in an Ambassador. He sustains the person of his own state; he is placed between fire and sacrifice, between hammer and anvil. Concerning him the Prince who sent him and rivals in that Prince's council pass judgment; enemies and friends judge and scrutinize him. To serve and satisfy one Prince for a long time is arduous. An Ambassador must serve his own Prince, accommodate himself to a foreign one, and also please the Ambassadors of other Princes. No Province is more burdensome, none more dangerous. He must be dear to his Lord without being hated by an enemy or rival. Indeed, it is necessary to be wary even of Secretaries and Domestics. Here there is need of the highest protection afforded by all the virtues--yet not new virtues, but those which I have expounded. For this reason I had passed over this subject. But now, induced by the requests and arguments of certain men, I have resolved to institute a discourse on this matter also and to imitate other writers of no mean reputation: Plato, Demetrius of Phalerum, Diotimus, Crates, Julius Ferretius, Brunus, Octavianus, Bodin, and Carolus Scribanius.

§ 2. They refer the antiquity of Ambassadors to Belus and Ninus. But, to omit the times before the Flood and disputes over chronology, it must be established as certain that in the same year in which the human race was scattered into various parts of the world through the confusion of languages, Ambassadors were sent for the sake of business and treaties. For neighbor had to speak with neighbor if it seemed good to establish something for the advantage of both or to settle a disputed right. Such is the relation among nations that a state necessarily holds communication with its neighbor. Necessity is the mother of embassies, as it is of clothing; adornment and splendor were added afterward. Letters are indeed mute Ambassadors, which speak only to the eyes and exhibit the mind of their lord as though in a mirror; but there are many things which cannot be accomplished through them. For letters cannot immediately answer the things proposed by the other party. Moreover, an Ambassador must conceal or disclose many things in accordance with the disposition of the Prince to whom he is sent or with the condition of the times and affairs. An Ambassador assuredly sometimes finds many things otherwise arranged than the man by whom he was sent had thought.

§ 3. An embassy requires immense prudence together with dexterity. For an Ambassador is publicly sent to conduct public business; he is a messenger, or Apostle. Therefore he sustains not only the person of his own Prince but that of the entire state and indeed of the Senate itself. The Greeks always chose the highest men, and therefore called them **πρεσβευτὰς** and **πρέσβεις**, because they were selected from the **γερουσία**. For that name belongs not more to age than to dignity. Thus the Venetian Ambassadors excused their age before the Emperor, and Scipio professed that he possessed enough years if the Roman people should make him Consul.

They are also called Orators and commonly Ambassadors. Some derive the latter name from the German *Ambacht*, which among the ancients signifies work, as though they were Workers; others derive it from the Greek **ἀναβάζειν**, to speak, to advance to make a speech, as is established from a witty saying of the Athenians. When an unwelcome Orator began his speech from the word **Ἀναβαίνειν**, "for those ascending," the People answered **Καταβαίνειν**, "let them descend." That **ἀμβάζειν** is said for **ἀναβαίνειν** is known even to boys. But I omit these matters.

I give this warning: Military Legates are excluded from this discussion. They were Legates who were Councillors and assistants of the next dignity, attached to Commanders and frequently greater than those Commanders in the glory of their deeds. Caesar, book 2 of *The Civil War*, acknowledges that the Commander employs their service in trust. See Vegetius, book 2, chapter 9; Lipsius's commentary on book 2 of the *Annals* of Tacitus. Departing Proconsuls

sometimes entrusted to them part of the army, sometimes the whole army, and indeed a Province. Much less does the Free Embassy belong here. It is the mask of an embassy, often unjust and always burdensome to the allies. For, so that men of Senatorial rank might be more honored and secure in the Provinces and might conduct private business more easily, a Free Embassy was decreed to them, which they could employ when, where, and as long as they wished, although it was generally annual. Lipsius on Tacitus; Alexander ab Alexandro; Cujacius, book 9 of *Observations*, 29; and law 14, **π.**, *On an Embassy*.

CHAPTER XXXIV

It Belongs to a Prince to Send and Receive Ambassadors

§ 1. Not only can a supreme and absolute Prince send Ambassadors to and receive them from another supreme Prince; inferiors can also conduct embassies with a supreme Prince and indeed among themselves. The matter is disputed among Jurisconsults and political writers. Certainly, by ancient law private persons are forbidden to receive enemy Ambassadors as guests and to confer with them. On the other hand, the Princes of Germany and the Hanseatic cities send and receive embassies, as the Historians, Crantzius, and daily customs demonstrate. It appears to me that the matter can altogether be settled by an easy distinction.

No Prince can send to foreign Princes an embassy which treats a public cause of the entire Empire, especially to rivals or enemies. That care belongs to the majesty of the Emperor alone. It belongs to the head, not to one part, to govern a body so vast and composed of so many members; it does not belong to one part to conduct the cause of all the parts and of the entire Empire without consulting its colleagues. Such an embassy, whether sent or received, will deservedly be suspect. Therefore I remember that, when foreign embassies arrived bearing mandates concerning affairs of the Empire, the Electoral Princes customarily referred them to the Emperor or to the Diet. What is said concerning a public cause must also be understood of negotiations concerning the private affairs of individual Provinces when they carry prejudice to the public interest--for a private cause is then to the detriment of the state. But when the private affair of some Prince is conducted in such a way that it does not concern the Empire, although in comparison with the whole the embassy is private, nevertheless with respect to the Prince it is public. Thus, when men congratulate someone upon a victory, negotiate concerning marriages, or seek privileges for the commerce of subjects, the right of Ambassadors is altogether free. Bodin denies this in book 1 of *The State*, chapter 10, and accuses writers who think otherwise; but the Emperor and Imperial Diet concede these things, provided

[Printed page 614]

that no prescription is laid upon public safety and supreme majesty. In this action not merely the things themselves but even suspicions must be avoided.

§ 2. Ambassadors are publicly sent, though not always openly. For there are certain embassies known either to the Prince alone or to very few; matters of the greatest importance and secrecy are sometimes transacted through merchants and Religious. They are nevertheless sent publicly because they are sent by princely authority. Thus even a matter which pertains only to the Prince is judged public, as when a marriage is under discussion. Hence it is clear that a twofold kind of Ambassadors is recognized. The first, with greater noise and pomp, not only conducts business but also represents the dignity of its lord by civil splendor. The other merely unfolds its mandate and is the naked interpreter of a will, entirely free from concern for other matters. It nevertheless comes with equal authority, but avoids expense to the sender and recipient, especially so that occasions for action are not delayed or lost through the empty superstition of ceremonies, of which there is neither measure nor end. Whether they call these men Agents, Appointed men, Deputies, or Commissioners, if they possess a public mandate, they are Ambassadors. The office, privileges, and security of Ambassadors are due to them, while immunity from ceremonies is granted them. Those who are afraid to name them Ambassadors have not yet learned to distinguish the different kinds of Ambassadors. A mandate publicly given and the power to act concerning the state make Ambassadors; seats, precedence, a crowd of companions, and similar trifles lie outside the essence of an embassy. And when business is conducted seriously, those empty things are despised. Moreover, subjects are compelled in necessity to undertake an embassy, as they are military service; yet it is not prudent to compel unwilling men to a difficult matter. The Venetians indeed command embassies to whomsoever they judge good, but rarely to the unwilling. If anyone does not set out voluntarily, he nevertheless grants this to the honor of the state: that he conceals his mind and presents eagerness.

Accordingly, an Ambassador will avoid ambitious splendor in his retinue, expense, clothing, and other things; indeed, so will the Prince himself. For among foreigners and the ill-disposed it is generally attributed to pride and is the mother of animosities and hatreds. I remember Ambassadors who, because they possessed certain faults or more conspicuous dress, were continually marked by the reproach of nicknames. Mockery advanced so far that many believed those things which had been invented as reproaches were their proper names. Nor does this happen to few; few escape taunts cast behind their backs.

§ 3. Ambassadors, even those of enemies, must be received honorably and lovingly. For they are angels and mediators of peace and endeavor to reconcile the human race without bloodshed. Even if they come to declare war, they must nevertheless be heard, for perhaps they will bring something toward impeding or diminishing the war. For when the anger of enemies is met with moderation and virtue and conferences are intermingled, much progress has been made. The Romans proudly rejected the Ambassadors of the Numantines; they ought to have heard men who had conducted themselves kindly as victors. Hannibal, according to his custom, kept away the Ambassadors of the Romans by warning them of danger on the journey and alleging that he had no leisure to hear Ambassadors. Pericles persuaded the Athenians to dismiss the Ambassador of the Spartans unheard and without honor. He did this with evil intent, so that he might inflame anger and war more greatly.

§ 4. Ambassadors must not be received into a city if they can corrupt the spirits of the citizens by gifts, promises, or threats, and there is fear that they will attempt it. For this reason the Ambassadors of King Tarquin ought to have been excluded, and the example of Hezekiah excluding Rabshakeh is remarkable. Much less must they be admitted into an Assembly if they are able to stir up commotions. The same reasoning applies if they come with the intention of spying. For the Ambassadors of enemy and rival Princes are very often spies, and at Court they possess men who report the most secret matters to them. The Kings supply many examples of this in our own years and render the same service in return. Yet when it is judged that they will be dangerous in camps or cities, when resources are slender, they are not admitted. At Rome they frequently gave enemy Ambassadors a meeting of the Senate outside the City. The Kings sometimes forbade them to come to Rome. They ordered Hannibal's Ambassadors to depart from Roman territory before night. They refused to possess spectators of their anxiety and calamity. Yet there is less danger in an Ambassador when secret spies are innumerable and guards can readily be assigned to an Ambassador under the appearance of duty and honor, while the cunning of secret spies is unavoidable.

§ 5. Ambassadors are not customarily heard when they either deny a title which is due or arrogate to their lords one which is not due. The King of Hungary ordered the Ambassadors of a Voivode who named their lord King of Pannonia to depart. Aemilius spurned the letter of the defeated Perseus, who nevertheless called himself King of Macedonia, and did not even deem it worthy of reading. Accordingly, it is not prudent to send Ambassadors to those with whom there is controversy over a title. For spirits on both sides are embittered, and impediments to peace are offered by the very negotiation of peace.

On the other hand, Ambassadors must be heard honorably and not treated with contempt. Curius invited them indecorously and sordidly to turnips, and by an ostentatious display of poverty exposed Roman majesty to ridicule. In private life economy and modesty are praised; magnificence must be exhibited publicly. Artaxerxes' fashioning of knife-handles while hearing Ambassadors was also a rustic display. A petty King of the Indians combed his hair while the Ambassadors completed their speeches. These are the actions of men who are foolishly proud and gather great hatreds without profit.

§ 6. Ambassadors are sometimes affected with the highest honor. By sitting, giving an opinion, and subscribing they sometimes hold the place of their lords; at other times they are compelled to yield. Both other Ambassadors and even those of the Emperor yield to the King of the Romans, for he is judged the supreme Legate, successor, and son of the Emperor. Thus in the year 1541 Ferdinand took precedence over the Ambassadors of Charles V. In Synods the Legates of the Pontiff preside. In assemblies of the Empire, Electors who are present are customarily placed before the Ambassadors of those absent--deservedly and by right. For the image of an absent dignity yields to present reality.

This was also devised so that they would not readily excuse their absence if they were compelled to yield to the servants of their colleagues. Yet elsewhere and among others the arrangement is different.

CHAPTER XXXV

An Ambassador Must Not Readily Be Deceived

§ 1. Guicciardini, *Political Memoranda*, 1, warns that a Prince wishing to circumvent another must first deceive the Ambassador. Cassander contemplates

[Printed page 615]

war against Demetrius; he wishes Demetrius to suspect it as little as possible, so that he may overwhelm him unprepared. Accordingly, he sends an Ambassador concerning peace, a treaty, and affinity, and makes a display of an immense desire for friendship. Here they do not wish the Ambassador to be conscious of his lord's innermost intention. Indeed, they do not wish him to inquire whether his mandates are given truly or feignedly. They say that he must speak what his lord has ordered him to speak, but that it appears better for him not to know what his lord wishes to do, so that he may thus express the pretense more earnestly. In this manner most Political writers commend that cunning as wisdom.

Let me be permitted to weigh the matter by its proper considerations. There is one reason for deceiving the Ambassador: lest he deceive with insufficient earnestness. Yet a man will be found without difficulty who, complying with the character of his Prince with great zeal, will perform that piece of acting more intensely and will delight in the cunning. For pretense performs more and greater things than truth. Indeed, he will handle the deceits with more practiced cunning. Moreover, what if he completes the matter itself and, while pretending, concludes a true marriage? Has an Ambassador ignorant of pretense truly been sent since the foundation of the world?

Accordingly, although I judge it honorable for neither the Prince nor the Ambassador to deceive, but approve truth and candor, nevertheless, if it has been resolved to deceive, the Prince will employ as Ambassador a man not ignorant of fraud and pretense. For many things occur everywhere in the course of business which a man conscious of everything will accomplish according to the mind of his lord more easily than one who is ignorant--especially so that he may draw out the time, not advance farther than is necessary, and not cast the honor of his lord into danger. A man ignorant of fraud does not regulate fraud well.

Indeed, it is also arduous to deceive an Ambassador. For if he shares in secret counsels, he himself will doubt the good faith of his embassy from other acts and deliberations and from the letters of familiars; and he will resent that this was concealed from him to his own insult. If he does not belong to the secret counsels, conjectures will nevertheless not be lacking, and silence at Court is rare. Certainly, whenever he learns that he has been deceived, he will act more slowly, cease to trust his lord, and condemn the embassy himself, if he nevertheless remains faithful. For deception impairs fidelity and impels the man whom you have deceived toward perfidy. Do not believe that a man will be faithful to you who knows that he is not trusted.

It is added that through that pretense the Prince renders himself suspect not only to foreigners but also to his own people, for they rightly judge that a deceitful man is not to be trusted. Nevertheless, they sometimes employ in this fashion blind Ambassadors, or those who are insufficiently cautious, or even Priests and Religious. These conduct the business with great effort and confidence, but, being ignorant of Courtly arts, first perceive that their simplicity has been mocked when they are ridiculed by each party. They endure this, and it is necessary for them to endure it; but other men of great spirit store away deeply in their minds that they were not trusted and were held in mockery. When Louis Trabantius had pledged to the King of France that his lord, the Duke of Brabant, was a friend, but the latter allied himself with the Englishman against the Frenchman, Trabantius, detesting the deceit, refused to return home and wasted away from grief in France.

Accordingly, when Princes resolve in this matter to deceive their own men and their enemies, they sin twice. For they both employ fraud--which, although shameful in all men, is most shameful in Princes--and they handle their deceits improperly by showing that they distrust their own people. Far be it that what Isocrates said against his own people in the oration *On Peace* should have to be said concerning a Christian Court: “Princes have now been corrupted and depraved for a long time by Courtiers whose whole art is consumed in deceiving.”

CHAPTER XXXVI

Security Must Be Furnished to an Ambassador

§ 1. Concerning the security of Ambassadors, our Carolus Scribanius has written better than all others. Their security is sacred by the public law of nations. Everywhere among nations, even among Barbarians, they are inviolable. At Rome, if anyone had struck them, he was judged guilty of treason and was surrendered for punishment to those who had sent them, so that they might punish him according to their judgment. If he was spared through the humanity of those injured, they nevertheless did not receive him into citizenship. Varro, *On the Latin Language*; Cujacius, book 11 of *Observations*, chapter 5. Necessity is the procurer of so great a privilege, lest the society of the human race perish. Security itself includes the power to come, remain, and depart--indeed, also to conduct business. They therefore act wickedly who restrict the liberty of Ambassadors by fear or corrupt them with gifts. The ministers of Arcadius Caesar were injurious in all these ways toward the Ambassadors of the Roman Pontiff; Zeno and others sinned in the same manner, something abominable among Christians. The harshness of the Swiss War was remarkable, when beggars and girls were employed as Ambassadors because men were insufficiently safe.

§ 2. When enemy Ambassadors and those of others are warned not to come, or that they will be held as enemies and spies, or are ordered to depart by a prescribed time, the law of nations is not violated if the reason for so harsh a decree is just or appears prudent. If those barbarous decrees are made from arrogance, hatred of peace or enemies, or an immense hope of victory, this is contrary to the law of nations: to cut off every hope of peace or pardon and to refuse even to enter into conference. For even a state which has injured another so greatly that it is attacked in a just war possesses the right to send Ambassadors, to entreat, to make a compact, and to intercede for its innocent people, who constitute the greatest part. It is not bound to surrender its people to servitude or slaughter; humanity and the law of nations command that satisfaction be accepted without destruction. Coriolanus acted contrary to the law of nations when he declared that, if they sent Ambassadors, he would hold them as enemies. The King of Syria during the siege of Samaria and others acted with the same injustice and cruelty. The Athenians can be excused when they rejected the Ambassadors of Kings. Basilides, Duke of Muscovy, killed some Ambassadors after driving a great nail through their heads, and sent others home cut limb from limb and salted. Formerly the people of Fidenae furnished examples of equal barbarity and paid for them with their own destruction.

But if Ambassadors possess no evil in their intention or mandates and come altogether innocently for the sake of sincere peace, yet the condition of affairs and men is nevertheless such that, if they wish, they could contrive sedition and treachery, they are rightly forbidden to come; and if they do not obey, they can be killed, for they cast themselves headlong by their own rashness. The state ought not to trust them but to act so that it is safe through its own counsel and caution, not through the innocence of enemies. The Senate does not dispute whether the enemy wishes or does not wish to cause harm, but resolves to provide matters in such a way that, even when he most wishes it, he cannot cause harm. Accordingly, Ambassadors who come in opposition to that security of the state violate the law of nations.

[Printed page 616]

§ 3. Those who deny that Ambassadors are secure unless they first send a Herald and obtain permission to come understand the law of nations insufficiently. A Herald or Trumpeter is safe by the law of nations, under no other right than an Ambassador. The right of each is equal; indeed, the sanctity of the Ambassador is greater. Otherwise the Herald too would require a forerunner. Those who procure security for an Ambassador from a pledge sought and given through a Herald abolish the entire law of nations. For in that manner any man whatever is secure, since a pledge cannot be violated without crime. An Ambassador is inviolable by his own sanctity and the consent of the entire world. He is venerable amid the weapons of enemies, not by the promise of one Prince or King, and he does not bargain for protection; rather, he carries with himself rights and laws whose violator is not to be tolerated even by any barbarism.

They allege the custom of Ambassadors, who are accustomed to send ahead men to announce their arrival and ask that they be permitted to approach with favorable leave. Yet that very practice asserts the right of Ambassadors. For if the Ambassador's messenger or forerunner is safe by the law of nations because he is the Ambassador's servant or courier, how much more is the Ambassador himself? The reason for giving notice of the arrival is both that it may be established that he is an Ambassador and that civility and courtesy may be observed, lest a new guest arrive unexpectedly before the Prince and so that provision may be made concerning lodging and other matters.

§ 4. Moreover, the things which are said concerning the security of Ambassadors pertain only to those to whom they are sent, not to others. For if we detect enemy Ambassadors proceeding either to other enemies or even to our friends, it will be lawful to intercept, detain, or kill them. For they are enemies. Thus the Romans detained Ambassadors of the Samnites who were journeying to the Etruscans; the same Romans intercepted those of the Carthaginians, the Athenians those of the Persians, and Charles V those of Francis I who were proceeding to the Turk. This is the perpetual practice of nations: that they intercept not only enemy Ambassadors but even their letters.

§ 5. Through an offense an Ambassador loses his right and immunity. Yet not every sin of this kind is such that he forfeits his right. For the private disgraces of an Ambassador--drunkenness, fornication, blasphemy--merely render the Ambassador infamous and are turned into a reproach against the Prince by whom he is sent; by those to whom he is sent, they are customarily dissembled. But concerning crimes which bring injury upon others--such as adulteries, murders, and thefts, whether committed by the Ambassador himself or by his household--although all concede that they ought not to be unpunished, they nevertheless dispute concerning the punishment. Many judge that the cause must be referred to the Prince by whom he was sent. For another Prince is not Judge of an Ambassador, since the Ambassador is free from his scepter; moreover, it is burdensome to undergo judgment among foreigners, rivals, and enemies.

To me, certainly, the law of nations does not appear to permit an Ambassador license for crimes or to take defense away from those who have suffered injury. Is the Prince of the injured party not the Judge of the Ambassador? But the Ambassador's Prince is not the Prince of the injured party. There is nevertheless a reason why my Prince should punish the Ambassador; there is no reason why he should dispatch me to accuse him before a foreign Prince. The Ambassador is judged in the place of his offense. I ought not, through no fault of my own, to be compelled to foreign tribunals. It belongs to natural law that a brigand, thief, or incendiary be punished by that Prince whose subjects he has harmed. Brigandage, theft, and adultery have punishments established by the law of nations, for no nation is so barbarous that it has not imposed vengeance for those crimes by law. The Ambassador therefore deserves punishment by the law of nations. But the man whose house he has plundered or whose wife he has violated can be compelled by no right to accuse the malefactor at Byzantium or elsewhere. Neither the length of the journey, the measure of the expenses, nor the system of the courts permits it. By law and desert, therefore, the Ambassador is judged in the place where he is known to have sinned. But if he has contrived sedition, tumult, or treachery, he himself has already violated the law of nations first and is punished by right. For it would be foolish to send him back to his own Prince, from whom he possessed not only license for the crimes but even mandates, and who will instead give him rewards. The law of nations protects only an innocent embassy.

§ 6. Although these things can be done by strict law, I would nevertheless counsel moderation and a certain surrender of his own right to the injured Prince. If an Ambassador kills a private person and confesses it, let the Prince conclude the affair by a settlement, admonish the Ambassador's Prince, seek his judgment, or refer the cause to neighboring Princes or Academies. If the matter is obscure and requires examination, let him ask the sending Prince for Commissioners to take part in the inquiry, or let him delegate the cognizance to others. In this manner the Prince will obtain praise for justice and moderation even among enemies, and therefore love, reverence, and authority. No occasion will be furnished for violating the law of nations; then an opportunity for complaints will be cut off. For never, or rarely, will the Ambassador of a foreign Prince recognize equity in his judgment; and, to clear himself, he will endeavor to render the Judges suspect.

But if he is said to have conspired against the Prince or state or to have attempted something else, because the matter is secret I should generally prefer him to be dismissed rather than entrust the affair to an inquiry. If the matter is notorious, it pertains to the security of nations that the violator of that law not be without punishment.

§ 7. If an enemy has killed our Ambassador, crime must not be weighed out for crime. I am not ignorant that many Jurisconsults, in the law *If It Has Been Agreed*, **π.**, *For Partnership*, judge this lawful and employ the saying: "Let fidelity be broken toward the same man who breaks fidelity." For the law, they say, is not violated but returned. More prudent men, however, rightly pronounce this too unjust. For an Ambassador is secure, sacred, and inviolable absolutely by the law of nations and in his own person, and does not lose his right through another man's crime. Nor ought another Prince to be an imitator of a foreign crime; rather, he ought to protect and favor the innocent man. For who would undertake an embassy if he saw that his own safety depended upon another? What if the Prince is offended with his own Ambassador or despises his life? Toward a Prince who breaks fidelity, promised fidelity is rightly broken; but it ought not to be broken toward an Ambassador, to whom it is owed by the law of nations.

Indeed, that principle has no place even with captives. For if Hannibal slaughters four thousand captives contrary to the pledge given, the Senate at Rome will not therefore kill the Carthaginians to whom a pledge has been given. For the pledge was given to the captives themselves so that they would not fight to the point of extermination and, through despair of their own life, draw others into destruction. Indeed, not even hostages can be killed unless, willing and knowing, they themselves stipulated that law for themselves.

§ 8. If an enemy detains our Ambassador, most writers concede that his Ambassador can also be detained so that ours may be freed. Yet not even this must be conceded without

[Printed page 617]

caution. For the law of nations always protects an innocent Ambassador, whatever his state, against his will, may sin. He does not cease to be sacrosanct, because of the necessary society of the human race, against which it is not lawful to offend by another man's example. Scipio assuredly presented himself as such toward the Carthaginians. For when they had killed the Romans, he did not touch even those who feigned an embassy, being the more worthy of victory, the more he loved law and equity. On the other hand, detestable was the fraud of the Italian cities which contemplated revolt. For, after feigning a disagreement among certain cities, they asked for Ambassadors from Rome to settle the affairs. Men of the highest rank were sent; they detained them until they recovered their own hostages. But a little afterward they paid great penalties for the twofold deceit.

What, therefore, must be done to an Ambassador? First, he must be afflicted by no insult or punishment, neither beating nor prison. Next, he may be detained honorably for a time--for he does not cease to be an Ambassador--if perhaps our Ambassador too will be released. But if the enemy possesses such harshness that he is not moved by danger to his own Ambassador, the latter must not long be detained to the peril of his health and household affairs. He ought not to refuse a brief and honorable detention whose end is the liberation of our Ambassador; by the law of nations he ought to be exempt from a long captivity.

Certainly, if an Ambassador has been sent from friend to friend and, during the embassy, a savage war has broken forth with plunderings, fires, killings even of chief men, and the overthrow of cities; if every bond of friendship has been broken and even a just cause has been given for repaying destruction, nevertheless the Ambassador pays no penalties, but departs unharmed amid the weapons and fires of enemies, and even honored. Thus it was done by Charles V and Francis I: each dismissed the other's Ambassador and offered gifts while all things blazed with war. Although the Frenchman did not accept Caesar's gifts, Caesar's Ambassador received and returned them. Accordingly, I would counsel a Prince to overcome an enemy by virtue, whose victory is the noblest, and to send the enemy's Ambassador away honored and presented with gifts.

§ 9. A more difficult question is whether the security of rebel Ambassadors is valid by the law of nations. Most deny it. The civil laws also appear to oppose it. For do seditious men merit the law of nations by rebellion and perjury? I do not dispute the right; rather, I give this counsel: if they send Ambassadors, let them be heard and dismissed unharmed through the Prince's kindness. For in sedition, although no right is acquired by the wicked, it is nevertheless better for tranquility to be restored by words than by the sword, lest despair--equally dangerous to each party--destroy the one. Next, if the rebels repent of their deeds and send suppliant Ambassadors, even if the Ambassadors themselves are guilty, I judge them to be immune by the law of nations. For although the offenses of the suppliants can be so great and so savage that pardon ought not to be given, their embassy must be heard and sent back without harm. Thus it has been established and practiced by the law of nations. For just as it is humane to pardon sins, whose atrocity must nevertheless sometimes be punished without pardon, so it belongs to Princes to hear suppliants even when pardon must be denied, lest they appear to be punished by cruelty, not justice. This always has place in a multitude, in which there are always many who are either innocent or at least pardonably guilty.

In these circumstances they nevertheless customarily employ others as intercessors; sometimes they send either women or an innocent person. The Romans too did this when Coriolanus had forbidden Ambassadors to come.

When Ambassadors are discharging their duty, they cannot be summoned into court at home. Law 2, § *Ambassadors*, law 7. The Memmian Law extended this privilege to all who were absent on account of the state, for their names were not to be received.

But if anything was done against them, when they return they are restored to their former condition. They are nevertheless compelled to appear in a lawsuit begun before the embassy and to continue it, lest justice be delayed to the great detriment of others. Indeed, an absent man can be summoned into court if he has given a new cause for a lawsuit--for example, if he has ordered a neighbor's field to be occupied or through his people has given cause for complaint. Otherwise embassies, which often continue for many years, would be dangerous to citizens and neighbors; for injuries would have to be endured and tolerated without remedy until the Ambassador's return. This is without doubt burdensome and harmful to the state.

CHAPTER XXXVII

Instruction Given to Ambassadors

§ 1. The mandates which are customarily delivered to Ambassadors in writing are called Instructions. I do not speak about those instructions; rather, I shall set forth in a brief method a general doctrine for Ambassadors, which can be taken from the civil doctrine that I have pursued thus far. For the sake of order, however, I shall explain the points individually.

Aphorism 1. For embassies in great affairs, the greatest men in the state must be sent. The greatest, I say, in prudence, integrity, and authority. The reason is manifest. For they represent their state and Prince, and it contributes greatly to his reputation that he possess the most excellent ministers possible. Princes, Ambassadors, and Councillors also revere these men, look up to them, and yield to their authority. For even rivals commend virtue--if not by loving it, certainly either by praising it openly or envying it secretly. Indeed, those to whom an embassy has been sent judge themselves honored by the arrival of a great man; they also begin to love the Prince whose minister they revere.

Aphorism 2. All the virtues are required in him, especially those which pertain to civil life. It is necessary for an Ambassador to possess them in a heroic degree. The pretense of virtue and cunning are hateful to all. Accordingly, those who are suspected and ill-reputed on that account must not be sent. For a man who sends a Cretan or a Cilician appears to wish to deceive, and thus a minister who is suspect obstructs the beginnings of actions. Moreover, those who are assailed by such an Ambassador possess two safeguards: one invincible, namely, to believe nothing; the other equal to his arts, namely, to oppose intricacies to intricacies and deceits to deceits.

Aphorism 3. The exceptional gifts and dignity of Ambassadors contribute little to the affair if they are hated by the Prince to whom they are sent. In this matter men often offend most gravely, when chief men through some affection confer an embassy upon one who is unsuitable for that person. For the man who receives the embassy rightly judges himself provoked when he sees a man thrust upon him and required to be treated honorably although he judges himself rightly offended with him and holds him suspect. Princes judge that this honor must be granted them: that they are not compelled to act and negotiate with an enemy. Indeed, it is repugnant even to the prudence of private persons to conciliate friendship and conduct affairs through the intervention of enemies.

[Printed page 618]

They act just as though they attempted to solder metals together with earthenware. Hence arise impediments and delay in business; hence difficult access and other things which especially harm the Prince.

Aphorism 4. I require the highest prudence in an Ambassador; badly concealed craftiness customarily causes harm, as I have said. Very many at Courts are crafty, cunning, secretive, scrutinizers of the thoughts of others, investigators of all affairs, dissemblers, and obscure. One thing is upon their tongue, another in their mind; they say one thing with Titius and another with Gaius. Men judge them the most suitable for embassies because they know how to lie, deceive, and conceal by art; I judge them useless. For these vices are poisons of peace and friendship and can never be concealed for long. The King himself, the chief men, and spies from among the lesser men speak with an Ambassador. A disguise, worn away for a long time among many men by so many devices, cannot preserve the same color; a long fiction cannot prevent its lie from speaking through some part of itself. Thus the Ambassador loses trust, which is the foundation of an embassy, and incurs hatred or contempt, by which every benefit is shaken away. All his actions are rendered suspect; his faults are exaggerated. All prepare themselves against his cunning and deceits so as to elude them. Certainly, against deceitful men the invincible safeguard is not to believe them.

This class of men, therefore, neither preserves the mutual friendship of Princes nor deceives rivals. Fraud loses all its force where it is not believed. A Prince too loses authority through an embassy of this kind. A wolf, concerning the

conclusion of a treaty with oxen, sent a little fox as Ambassador. When she had spoken at length concerning her sincerity, this answer was given: “Because it is manifest that you lie, we cannot trust your Prince.” Whatever an Ambassador does or says is judged to be done by the command or with the approval of the Prince. For it is known that all these things are written in full to the Prince either by the Ambassador or by his companions as things likely to please him.

Aphorism 5. Accordingly, I wish truth to be commended to an Ambassador, paying no heed to those who wittily define an Ambassador in these words: “a good man skilled in lying and prepared to lie for his state.” Truth is the foundation of the state, and an Ambassador sent to lie will readily lie even to his own Prince. Now so many Ambassadors are sent and reside everywhere, and at so great an expense, as existed in no age; nevertheless the benefit is slight, there are many offenses among Princes, and very many Ambassadors offend on each side and destroy themselves. For who discharges an embassy without being accused of **παραπρεσβείας**, misconduct in an embassy? Men are known who have only recently departed from prison. The reason is that they were sent to deceive. But God, detesting public frauds, turns punishments upon their ministers.

Certainly, since there is no lie which must not be covered by the veil of other lies lest it be revealed, it cannot happen that an Ambassador should either always lie consistently or regulate his deceits according to the mind of an absent lord. Thus it is necessary that, while lying, he disagree with his lord, whether that lord is truthful or deceitful. And because it is necessary to write everything home, it is arduous to lie so neatly that everything agrees with the intentions of the Prince and his Councillors.

Aphorism 6. The primary good in an Ambassador is fidelity, which elsewhere the Roman calls even the most sacred good of the human breast. Antiquity placed it in the Capitol near Jupiter. Certainly, the fidelity of few is firm if the hope of reward is absent or, on the other side, a greater reward is offered.

Παῦροι τοι πολλῶν πιστὸν ἔχουσι νόον.

Few among many possess a faithful spirit. In an Ambassador fidelity ought to be altogether unconquered. For it is often shaken by conference with Kings, by gifts, and even while it believes itself safe. I add threats and the fear of calumny. Amid so many methods, the danger that it may be enticed or shaken is very great, especially since the fortune of the Prince is often placed in the Ambassador’s hand.

For this reason the greatest Emperors frequently sent holy men, Bishops, and Priests as Ambassadors. Ambrose, Chrysostom, and Bernard discharged embassies.

Aphorism 7. Livy sometimes requires nobility of birth in an Ambassador, book 30. At times even Kings have been offended by the low condition of Ambassadors. But generous virtue and learning can supply its place. The Romans are certainly less to be approved when they sent back Ambassadors in whom little dignity appeared, for the person of the Ambassador must be estimated according to the dignity of those who send him. When Augustus learned that certain Ambassadors of Freedman stock had been sent, he refused them a place in the orchestra. Suetonius, chapter 44. But those Ambassadors belonged to cities and subject Provinces, which Augustus could admonish in this manner not to send unworthy men. Louis XI, King of France, sent Olivier the barber to Burgundy to seek a wife for his son. The matter was received as an insult, and it was not far from violence. But those were the arts of chief men who favored neither their King nor the Burgundian. Surgeons, shopkeepers, and artisans can certainly be sent if fortune has raised them to a more dignified station. Augustus himself, born of a father who was a money-changer, and other Caesars sprung from an ignoble nation and stock ought not to have labored fastidiously and rigidly in estimating another man’s nobility.

Justinian sent a Physician to Chosroes, King of the Persians, but one who had formerly treated the King and was therefore dear to him. The tutors of Crassus and Alexander were sent to them; they made peace and preserved cities.

Aphorism 8. Let him pursue courtesy in such a way that he flees flattery. Flattery is pleasing when it is not noticed; but if a wise Prince notices it, it is most hateful, for the man who praises him to his face reproaches him with vanity and folly. This appears especially in the Ambassador of a rival Prince, who generally praises for this reason: that he may deceive. I speak of flattering praise; for some praise is owed to a Prince and cannot be omitted without the reproach of incivility.

There is a remarkable example in the life of Charles V. A French Orator praised him intensely according to the custom of his nation, although a year before he had censured him most bitterly in England. The magnanimous Emperor answered him: "If a year ago you had censured me less in England, and now had praised me less, each would have been pleasing to me." Thus the Orator lost trust and favor, and could accomplish nothing more useful for his King than to request a successor. Indeed, Ambassadors frequently offend their own Princes by being too profuse in the praises of foreigners. Before their own Princes they customarily excuse themselves in no other way than by censuring and ridiculing the men whom they praised, namely, by saying that they accommodated their speech to the inclinations of an empty Prince who had to be captured by those enticements. Princes are not ignorant that these things are done, and through secret friends they can learn what the Ambassadors have written.

I have treated flatterers elsewhere. I warn only that flattery is fitting to no one less than to

[Printed page 619]

an Ambassador, both because he sustains the person of a Prince, whom it is impious to cast down and reduce to the rank of parasites, and because he cannot deceive, since he is judged to say nothing from his true mind. For unless flattery deceives, it harms its author. Whatever he has said in praise of the Prince is celebrated throughout the entire Court, not without addition, and is therefore carried out into public and brought to the Prince who sent him. Timagoras was accused because, contrary to the institutions of his fatherland, he had adored the King of the Persians. Demacles was fined ten talents because he had worshiped Alexander as a god.

Aphorism 9. Let him regulate ceremonies in such a way that he is not ridiculed for being excessive in them and therefore becomes wearisome. For that excessive elegance of gestures belongs to a dissembler and hypocrite. Now the observance of ceremonies in going, sitting, addressing, and visiting is reckoned almost among the principal cares of Ambassadors. Nor is it remarkable that no less danger arises from those empty things than from an embassy badly conducted. Even if he has conducted the affair for which he was sent most wisely, most faithfully, and indeed most successfully, if he has slipped in some ceremony, he will learn at his own peril how arduous it is to be an Ambassador. This is an ancient evil. Arsaces killed Orobazus because in a conference he had yielded the more honorable place to Sulla. But I omit these things. I ask all Princes not to be avengers of such errors: let them care for serious things and pass over empty ones.

Aphorism 10. The prudence of an Ambassador consists in this: that he not be captured by the immense allurement of ceremonies, honors, banquets, processions, and words, and that he not judge things which belong to deceit and mockery to be signs of love and reverence. Remember: pretense is more laborious than truth. It is arduous for an Ambassador to distinguish honor from mockery and kindness from fraud. Here the magnitude of the things which are offered must not be estimated, nor their prices; true courtesy, secure in its own sincerity, requires few things. A genuine thole-pin is made by easy art; a painted one is completed by much labor and varied color. But what are the signs of true honor, and what the indications of mockery? The matter will disclose itself to a prudent man. If the honor is excessive, it is false. If the Prince does not love the Ambassador, no one among the ministers speaks well of him in his absence; no one honors him except feignedly. He will discover this through his own ministers and the servants of other chief men. He himself will also consider with no lack of care the causes of the honor which is due.

Aphorism 11. Above all, he will avoid pride, a vice hateful in all men; but when it is seen in an Ambassador, it impedes the conduct of affairs and then brings infamy upon the Prince. For what sort of Prince can endure so swollen a minister? Why did they send so insane a man to us? Are these the customs of that whole nation? Is it not better to wage

war with such men than to tolerate their arrogance? Indeed, let him also consider that all pride is akin to folly. Its origin teaches that it is no small portion of folly, for pride is contained in three very great faults: ignorance of oneself, of others, and of human affairs. It obscures reason, so that it not only judges nothing well but disturbs judgment in the most perverse manner. Concerning his own affairs let him relate nothing, and concerning the affairs of his Prince let him relate everything, with moderation--but very rarely. Let him never dare to censure the vices of the nation among which he dwells. Each is hateful: the former through a display of power, the latter through reproaching vices. It was truly said:

Ἀλαζονείας οὔτις ἐκφεύγει δίκην.

No one escapes the punishment of boastfulness. The first punishment is that a braggart is not believed; the second, that he is hated.

Aphorism 12. In presenting the demands of his Prince, let him be industrious and announce his arrival promptly. No answer was given to the Ambassadors of the Illyrians because they had not announced themselves to the Senate. In exacting an answer, let him be neither inflexible, as Popilius was when he drew a circle around Antiochus, nor disdainful, like Callicratides. Sent by the Spartans to Cyrus to request money as a loan, Callicratides preferred to depart without accomplishing the affair rather than request a conference three times. Princes are necessarily offended by so unyielding a manner of proceeding. For what sort of disposition was that of Xenocrates, who declared that he would take no food before an answer was given? The servant of Abraham had done this previously; but matters had then advanced so that they recognized all things as divinely ordained.

Aphorism 13. It has been asked whether an Ambassador may receive gifts. Some employ a distinction: gifts offered for the sake of kindness, not for corruption, can be accepted. But this is not the state of the controversy. For it is fixed and settled that it is lawful for no good man to accept gifts for the sake of corrupting either fidelity or justice; and therefore it is not necessary to admonish an Ambassador concerning this. The question, accordingly, concerns gifts which are given for the sake of honor and friendship alone. Some permit them, others deny them. Truth lies in the middle way. Sometimes they must be refused; at other times they must be accepted.

Aphorism 14. Although gifts are offered under the appearance of kindness and honor, nevertheless, if there is a suspicion that something else also lies concealed--namely, that they are being brought up like battering-rams, by a secret device, to shake fidelity loose--they must altogether be rejected. For in this matter not only sin but even ruinous suspicions are dangerous. It is foreign to the duty of a good and prudent man to nourish such wicked hopes; certainly, those who hope that he can be corrupted condemn him as a wicked man. Accordingly, an Ambassador will never squander his reputation here by placing it after money. In this class there is always also the danger that he may be punished by his own state--even if not as unfaithful, nevertheless as one whom it rightly holds suspect. Those suspicions extend very widely: they belong first to the Ambassador himself, then to the state, his companions, hosts, rivals, and those who may at some time become enemies and therefore slanderers, against all of whom the gifts will sometimes have to be defended. Demosthenes most excellently refused Philip’s gifts; Aeschines most wickedly accepted them. Pelopidas laudably despised the royal gifts of the Persians; Timagoras paid for those he accepted with death.

Aphorism 15. When gifts are forbidden by the law of the fatherland, they must never be accepted. At Athens and Corinth it was provided by severe laws that an Ambassador should not accept gifts. The Most Serene State of the Venetians imitates these laws even today. The Romans gave gifts to Ambassadors coming to them and did not forbid their own Ambassadors to be honored with gifts, except when they were suspect, as when they were offered by Pyrrhus, Antiochus, or Jugurtha.

Nevertheless, it is very rare that the fidelity of Ambassadors is attacked openly and, as it were, by manifest bargaining. Men employ a more concealed art: they allege benevolence and their estimation of the virtue shining in the

Ambassador. From four classes of arguments he will readily conjecture which are true gifts, which suspect, and which **ἄδωρα**, no gifts in truth: from the person of each Prince, from his own person, and from the kind of gifts.

Suspicion arises from the person of the giver if a rival who is parsimonious or needy makes great largesses; if he does so beyond custom, law, or usage; if he has not given to others or has given less; if he did not formerly love the Ambassador and the embassy carries with it no occasion for new love; if he extends singular favor to him; if he asks for services in general; if the Ambassador can bring him an advantage; or if the Ambassador is confident that he can assign no cause for the unusual liberality except that a return service must be rendered.

[Printed page 620]

Next, he will consider the person of the Prince by whom he was sent. Is that Prince accustomed to be generous toward Ambassadors? Does he do this gratuitously and from benevolence, or in truth so that he may capture Councillors? For what he himself does, he will suspect is done by others. Is he accustomed to rejoice if he receives his own men enriched by gifts? Is he suspicious by nature? To this also pertains the mind and judgment of the Councillors, who very often envy their colleagues. No matter is nearer to slander than when the ministers of Princes are beholden to other Princes, especially rivals. Indeed, things which are approved at present are rendered criminal by a change of times. An apology of the aged Barnevelt has been published, in which he complains sorrowfully that gifts received by him from the Spanish after the truce was made are cast against him, while others who had received no smaller gifts are not even named. But calamity made this man guilty; fortune raised the others. And so those glittering with Spanish gold condemned the wretched man for the gold he had taken. For when a man is falling, even accidental things--and indeed clothes and arms, which customarily afford protection--drive him down more violently.

From his own person he will gather the mind of another. He should be suspicious if the favor is neither pleasing nor proportionate to the gifts; if otherwise he labors under suspicion of **δωροδοκίας**, bribery, or of avarice; if he sees men more worthy than himself neglected; if he perceives that he possesses very great influence with the Prince, or that others judge it so. For if a corrupted man is thought to possess little influence, they do not judge the crime worth the trouble. I saw a certain Councillor ruined for this reason: when his Prince had turned aside to a wealthy city, all the others were indeed received honorably, but he alone was cultivated by private banquets and gifts, though not openly, and was chosen, as it were, as guardian of the city. When this was made known at Court, it brought indignation, suspicion, investigation, and finally destruction.

As regards gifts, two kinds are suspect: immense and perpetual. Immense gifts are enticements or wages of perfidy--for example, if one hundred thousand gold pieces are given to a man who could have been sent back content with a golden cup, or if a perpetual pension of ten thousand is established for one to whom a capital of ten thousand appears to be a great income. These are earnest-payments for perfidy and covenants of servitude. Princes are not customarily so profuse as to pay out one hundred thousand if they can discharge the obligation with ten thousand, especially since liberality toward one man is drawn into a precedent by comparison both among subjects and among foreigners. The most suspect of all are secret gifts. But they can be concealed by Ambassadors only with the greatest difficulty. For although none of their friends learns of them, they are certainly known to the Councillors of the man who gave them. I remember that, when a great man, though not impregnable to gold, had received from a Prince an immense silver vessel and delivered it to his wife for safekeeping, not without praise of the giver, she imprudently disclosed the matter. For, setting the cup upon the ground, she placed her eight-year-old son beside it to test whether his stature equaled it. Without delay, the boy boasted among his companions concerning so great a cup and so great a friend of his father. The matter was learned by rivals; the cup was brought forth, and the man was cast down from his dignity.

Aphorism 16. If those causes are absent, gifts can and sometimes ought to be accepted, lest either the gifts themselves or the Princes appear to be despised. Gifts are customarily given even to enemy Ambassadors, and this appears, as it were, an ornament attached to the law of nations: although they come from an enemy and return to an enemy, they are

not only safe but also honored. For they are mediators of peace, and although peace is not concluded, the will for peace is nevertheless worthy of reward. Indeed, even if they come to declare war, for that declaration too belongs to common justice, and the man who comes to declare war first proposes conditions of peace.

I shall add one thing. I have seen immense royal gifts which made an Ambassador an enemy. For when the man heard himself ill-spoken of among his own people because of the gold he had accepted, to remove that suspicion he everywhere opposed the interests of the King and endeavored to prove his alienation to his own Prince by casting forth reproaches and insults. So slippery a matter it is to tempt the fidelity of another man's minister with gifts.

Aphorism 17. It is the duty of an Ambassador to reread and meditate most diligently upon his mandate or instruction. If any question arises, let him ask. If it contains a perplexed judgment and conceals the mind of the Prince, let him refuse the embassy in whatever manner he can, lest he be held in mockery. If he possesses free mandates, the greatest care is needed so that he may know the mind of the Prince. If they are certain and defined, he ought not to pass beyond their bounds--not only lest he offend the Prince, but much more lest he appear to have corrected the Councillors. For although the Prince, appeased by the fortunate outcome of affairs, will hold as ratified and pleasing that which was performed better abroad than it had been deliberated at home, nevertheless some of the Councillors will grieve more at the correction of their own judgments than at the public loss which was feared from them. For from this they foretell disgrace for themselves and advancement for another. To most men the public good is of less value than private good. Those who wish to slander will not lack an occasion. Aelian relates in book 6 that Ambassadors of the Athenians who had successfully completed an affair in Arcadia were killed for this reason alone: that they returned by a road different from the one they had been ordered to take. Accordingly, it will rarely be lawful to depart from a mandate, for one man will not without danger change that which was deliberated long and much in a common council.

Aphorism 18. Nevertheless, circumstances sometimes occur such that the mind of the Prince must be preserved and no account taken of the mandate. First, new mandates suited to the affairs to be conducted must be awaited. If the matter requires speed, the will of the Prince must be obeyed rather than his word. This is what the Athenians customarily added as a final clause: if the Ambassadors could accomplish any other good thing, they should do it. Some extend this to whatever can render the affair of the one giving the mandate better; but it is hazardous. For Princes often serve reputation and other things more than their own advantage.

ADAM CONTZEN

TEN BOOKS OF POLITICS

BOOK EIGHT

On the Power of the State

CONTENTS

Chapter I. The Definition of Human Power; Its Weakness 4

Chapter II. The Prince Ought to Study the Acquisition and Increase of Power 8

Chapter III. Power Is Twofold: Domestic and External 13

Chapter IV. In What Power Consists, and Concerning Its Head, Which Is Authority 14

Chapter V. That Riches Must Be Sought for the Prince 17

Chapter VI. Various Methods of Acquiring Riches 22

Chapter VII. That Tributes Are Lawfully Paid, and Their Measure 24

Chapter VIII. Personal Services Are No Less Useful Than Tribute 37

Chapter IX. Good Household Management Is an Honorable Road to Wealth and Troublesome to No One 41

Chapter X. Commerce Must Be Increased 45

Chapter XI. Agriculture Must Above All Be Cared For and Honored 58

Chapter XII. That the prince must seek out the valuable products of things dug from the earth 67

Chapter XIII. Thrift Is the Greatest Revenue 71

Chapter XIV. Power Is Marvelously Increased by Sumptuary Laws 74

Chapter XV. Other Honorable Means, Useful to Subjects, by Which the Resources of the State Are Strengthened 87

Chapter XVI. Methods of Collecting Money Recounted by Aristotle in Book Two of the *Economics*, and Other Similar Methods 93

Chapter XVII. Unjust Methods of Amassing Money 107

Chapter XVIII. Those Who Need a Loan Should Be Assisted in Another Manner 124

Chapter XIX. Other Methods of Collecting Money, as Customary as They Are Condemned 127

Chapter XX. The Defense of the Nobility Makes a Prince Powerful 132

Chapter XXI. Power Is Stable When Provisions Have Been Collected for Use 147

Chapter XXII. The Principal Power Lies in Strong and Populous Cities 152

Chapter XXIII. Fortresses Are Useful and Necessary for Preserving Power 155

Chapter XXIV. Treaties Contribute Very Greatly to Power 165

CHAPTER I

The Definition of Human Power; Its Weakness

§ 1. Power is the faculty, furnished with suitable means, for preserving one's own things and obtaining another's; thus the Roman orator describes power for us. That thing is constituted by many things: resources, arms, men, provisions, cities, citadels, and prudence rightly using all these.

§ 2. All human power is spoken of comparatively. For whoever is powerful by comparison with inferiors will perceive himself to be weak if he wishes to assail one greater than himself. Rams rush together and contend for mastery of the flock; yet before the wolf victor and vanquished alike become prey. He too, when he has filled his maw with the tender flock, will perish by the tooth of a lion or bear. Adonibezek saw seventy mutilated kings crawling beneath his table; but he suffered from one more powerful what he himself had inflicted as an evil upon the weaker. The stronger Carthaginians oppress Messana and the Sicilians, but they provoke the more powerful Roman enemy, until, after the seas and islands had been taken away, they paid tribute, and then lost their city also and their liberty. Philip the Macedonian--not the ancient one, but he whom the Romans conquered--harasses Athens with tyrannical domination, having abused his power against that noble city; but Roman power, already the conqueror of Carthage, shattered it, so that Macedonia became a modest possession of so great an empire.

Nor, for the most part, could those who seemed more powerful than their neighbors recognize their own strength until some greater monarch restrained them as they raged fiercely. For nearly all those have been the fates of nations: while they devote themselves to increasing power, they lose liberty. In the time of our grandfathers also, while all the cities of Italy attacked one another in war, contended about power, and led forth their proud *carrocci*, they passed into the power of a few.

§ 3. Great power can exist only in a great state. Yet the greatest kingdoms are frequently weak, and moderate ones more powerful. For just as those bodies whose mass is taller are not the strongest, but those which possess symmetry and vigor, so also those vast bodies of lands must be estimated by their character, position, and other circumstances, not by their extent. In great kingdoms this very greatly breaks their power: when one part is weakened or rebels. Just as the pain of one limb not only torments the sick man with its own evil but also casts down the mind, the ruler of the body, and corrupts the functions of the other limbs, so also, in this vast mass, the estrangement or tumult of one province disturbs even faithful cities. We have heard that this occurred formerly, and in our own time we experience that by the rebellion of one province, which is scarcely the hundredth part of a kingdom, the peace of all parts is disturbed and all expenditure is devoted to one.

§ 4. But what is powerful? What is not powerful? Who is worthy of so great a name that he is not only powerful but even most powerful? "Because I have not known letters, I shall enter into the powers of the Lord." ספרות ידעתי כי־לא, "I have not known γραμματείαν," as the Seventy render it, or, as others, "σοφισματείαν"--human and crafty wisdom, which seems to itself to govern empires--"I shall enter into the powers of the Lord," which have made every power. "I shall declare his wonders, the power and justice of God even unto the highest places." For this is true power; the power of men is wretched, since it depends upon the slightest moments.

If it is confined within narrow borders, it is wholly concentrated in itself, and when war arises in the neighborhood, it fights concerning its entire safety and its head. If it has peoples subject to it under a broad dominion, it lies open to a wound in many parts and is entangled in perpetual labor and innumerable dangers; for what region is added which does not bring new dangers with it? Do you command many? Yet you displease many; many hate you, and many are permitted many things against you and yours, without whom you cannot be safe. Demosthenes is reported to have said that, if two roads lay open, one to the lower regions and the other to the throne, he would choose that which leads to

the lower regions. I believe that he did not speak sincerely; nevertheless, he showed that the ambition of those men is most wretched who through labors, dangers, and wounds climb a slippery, tottering summit, buffeted by thunderbolts and winds, where they can neither stand nor depart thence without a most conspicuous ruin, over which Fortune delights to exercise her command. For how many, not only kings but even peoples, have stood upon a lofty summit so that they seem to have obtained no other advantage than that the sound of their regal collapse might be heard farther?

For although power may be great, it is not certainly lasting. While Epaminondas lived, the Thebans' quasi-dominion over the Lacedaemonians was brief. When they boasted of it, Cotys used to say that the power of the Thebans was like a torrent which quickly dries up, while that of the Spartans endures after the fashion of a perennial river. This was said truly of the Thebans; of the Spartans, more by comparison than according to the truth. For although that torrent endured longer than the Boeotian, it nevertheless did not flow for long. The Eurotas saw Sparta rising, endangered, ruling, enslaved, finally destroyed, and now sees tamarisks where Sparta was.

[Printed page 622]

The names of the ancient kingdoms have long since ceased; and where they are retained, the peoples are different. No power is fixed; great empires migrate. Monarchy began in the East and reached its summit in Nebuchadnezzar: the head of gold ends in the breast and arms of silver; these are followed by the belly and thighs of bronze, which end in legs of iron and clay. Daniel 2. Meanwhile not Fortune, but God, turns this wheel; whoever holds the higher places upon it necessarily now descends: there is no rest, or only a brief one. But while entire kingdoms change more slowly, how many kings perish in the meantime? How few fulfill their own fate? And is he powerful whom fever burns, quinsy strangles, dropsy suffocates, and--to speak briefly--as many hundreds of diseases as there are members kill? Zoroaster seemed powerful, but is killed while his power looks on; Ninus, after conquering him, was pierced by an arrow; Cyrus drank blood from Tomyris's skin-bag. Artabanus killed Xerxes, his friends Darius, domestic enemies Alexander, and his fellow banqueters Antiochus. Indeed, in our own time Henry IV, a king great in wisdom, in war, and--what is chief--in clemency, after he had assembled a great army and filled all Europe with fear or hope, was slaughtered by a fanatic among his bodyguards.

§ 5. Since, therefore, every power is brief and weak, it must be used sparingly--not so that it may be lasting, as Cato advised, but lest it be most brief. Golden is the saying of Pertinax: "It is holier, Conscript Fathers, to govern a needy state than to arrive at a heap of riches through dangers and the footprints of disgrace." The first good of power, therefore, is its moderate use. The second is that you not attempt things greater than your strength and hope for Fortune as helper--something which, although it sometimes does not turn out badly, is nevertheless never undertaken without the fault of rashness. Finally, do not consume power without cause upon those things which do not increase it, as Cyrus did when he divided the Gyndes into 365 streams and consumed the season for waging war in digging channels; as Caesar did when, neglecting the main issue, he wore down his army at Massilia:

> Although we hasten toward the western axis of the world,
>
> there is leisure to destroy Massilia.

Yet surely there would not have been leisure if Pompey the Great had been able to use that opportunity. I give this warning because it has always happened: great things rush against themselves. Consider Roman power: after it ceased to have an equal, it was divided against itself. That Rome--

> than which the aether embraces nothing higher upon earth,
>
> whose extent no sight, whose beauty no hearts,
>
> whose praise no voice contains; which, with the gleam of metal,
>
> joins roofs rivaling the neighboring stars;
>
> parent of arms and laws, which pours dominion upon all

and first gave the cradle of law.

She it is who, sprung from narrow bounds, stretched

toward the twin poles, and, setting forth from a small seat,

spread her hands together with the Sun. Meeting the fates,

while she waged innumerable wars at one time,

laid low the Gaul on land and the Carthaginian on the sea,

she never succumbed to losses; terrified by no

wound, after Cannae and the Trebia she raged greater.

Nevertheless, she consumed all her strength, not upon the winds--which is foolish--but upon her own entrails--which is most monstrous--until she went to serve barbarians, Heruli, Alans, Goths, Vandals, and Lombards.

§ 6. There is no surer sign of how weak the pillars are upon which human power rests, and how worn its strength is, than that the greatest empires have always fallen, not by a violent hand, but through slight circumstances and a trivial occasion. But what depends upon a changeable occasion is weak. Curio transferred the Roman Empire from the Senate to the Caesars, and he had no other cause for war than the magnitude of his debt. Thence it passed to Augustus because Cicero, they said, had repeatedly said that the boy must be praised and raised up. Offended by that expression, Octavian estranged himself from the Senate, because he declared that he would not permit himself to be removed. Claudius was then made Emperor when a few soldiers dragged him from hiding. And thus the bloody tragedy continued throughout the Roman world, with the greatest battles inclining to one side at a single word or gesture. There scarcely seems, therefore, to be any place for power which upon so many occasions ceases to be power.

§ 7. As I consider all these things, it comes to my mind that nothing in human affairs is more wonderful than the providence of God governing occasions; for the power of human affairs, even when greatest, is overthrown by a small occasion. Hannibal came into Italy. His army, coming from the sun and the south after breaking through the Alps, could easily have been conquered by the Romans, but every opportunity was let pass. Through no one’s care was he prevented from crossing the river, entering Italy, and refreshing his army. Hannibal seizes every opportunity: he chooses a cold day; he conceals his cavalry with fog and brushwood; finally at Cannae he even fought with dust, wind, and sun. Behold, power and army would have availed nothing unless he had conquered by the occasion of thorn-thickets, fogs, rains, cold, wind, and dust. Rome was now in the greatest alarm, and it would have been her last day if Hannibal had wished to use his victory; but he neglected the opportunity, and Rome was saved not by her own strength but by the enemy’s imprudence.

The empire of the Turk seems formidable to many, but in truth it grew strong by opportunity alone, and even now protects itself by our discord. Heraclius gave an opportunity to Muhammad when, in place of pay, he inflicted insults upon the Saracen soldier whose faithful service he had used. The Saracens then grew, and the Turcomans subdued them. At last the family of the Ottomans occupied Asia while two Andronici, grandfather and grandson, contended with one another; it was easy to conquer the divided. Then the dissensions of those same Greeks, and of Cantacuzenus and Palaeologus, made Orchan powerful. Palaeologus all but delivered Greece into the hand of Amurath. The rebellious Greeks hated their Emperor; in order to restrain them, he called in Amurath, who came as avenger of the sedition and obtained the empire of Greece--a robber in place of a helper. Tamerlane subdued Bayezid. When Calepinus had recovered himself from flight, the nobles of the Greeks aided the desperate affairs of the Ottomans, although that empire could have been destroyed in one battle; and so Muhammad soon turned the strength of the Greeks against themselves. But while Amurath II was reigning, those Greeks first equipped his uncle and then his young brother as an adversary. Such was the madness and softness of the Constantinopolitans that they preferred to

equip barbarians with arms, money, and men rather than arm themselves. Thereafter, although they abounded in resources, they were conquered because they were unwilling to expend them upon enlisting soldiers.

That enemy is now feared by us because we provide him opportunity through seditions, civil wars, and heresies.

[Printed page 623]

We also provide him opportunity through distrust. Nor does he lack spirit, but he is wearied by the Persians. Nothing is readier than that he be called in as an ally by one of those at discord. The Greeks did this; the Hungarians did this; and they paid the penalty of destruction. Earlier Alfonso II and Ludovico Sforza called in Bayezid against the French and Venetians. Indeed, in the time of Francis I, King of France, and Henry II, they summoned his fleet--and its plunder--to the Ligurian Sea through our discord. There survives a speech of the British ambassador before the Turk in which he exhorts him, together with his queen, to turn his arms against the Spaniard. Therefore, a kingdom exposed to so many occasions of adversity cannot be called powerful.

§ 8. But neither is the Turkish kingdom powerful. If the Hungarian war had been continued, the Turk could easily have been driven from his kingdom with moderate preparation. The Hajduks defend themselves against him in Pannonia; the Cossacks in Poland voluntarily bring arms against him; the Arabs keep everything hostile. At present nothing sustains him in Europe except our sloth, because we do not use the opportunity.

CHAPTER II

The Prince Ought to Study the Acquisition and Increase of Power

§ 1. In matters so uncertain and fluid, counsel and reason must be employed. For although states never perish except when their counsels are corrupt, even good counsels can nevertheless be ineffectual and lack success. But, as I have said, no state has perished except through corrupted counsels; for I have not yet found an example to the contrary. Hence it belongs to the prince and senate always to think about stabilizing, strengthening, and increasing power, and to contrive that there be no day upon which something is not added to the strength of the state. For although most things depend upon occasions, the weak are nevertheless struck most severely; the less powerful you are, the more is exacted from you. The blow which casts down the languid rouses the strong, and that which extorts prayers from the sluggish awakens the strength of the angry. Nothing among mortal things is so fluid as power, but it must be held in many ways lest it flow from one's hands. Health too is a fluid thing, which cannot subsist without the proper tempering and integrity of so many limbs and humors, and, besides these, the wholesomeness of air and food; yet it is not therefore neglected, but is preserved with great care and expense.

§ 2. A just method of acquiring power must be entered upon. For those who inflict injury upon inferiors and then, increased by their strength, subjugate others to their dominion, act altogether unjustly. And they build power upon a fragile foundation--that is, upon injustice. For unbridled power commits many evils, and therefore easily collapses.

§ 3. The reason why power must be acquired is evident: because without it we cannot protect our fatherland. For since the number of the covetous and wicked is very great, the state cannot break injustice without power. Subjects, therefore, will be prey, exposed to the insolence, rapacity, violence, and cruelty of all; nor will the princes themselves be safe, but they will be objects of contempt and will reign on sufferance. For the right of rule without power is like a body without a soul: it is a statue, not a living thing. Therefore, since government has been instituted to defend all and each from injury and, if they have been harmed, to avenge and restore them to their former condition, and to preserve the society of citizens, a nerveless and powerless prince can by no means attain this end. Those men, therefore, do not act prudently who so establish a state that it cannot be safe from neighboring princes, pirates, and robbers except by the power of another. Justice surely requires a strong patron and an unconquered champion.

Let that king according to the heart of God, King and Prophet David, be for us an example of acquiring power. His power in a kingdom not very great seems to me almost greater than the forces of all kings. For in addition to the people he maintained a great number of soldiers. Thus it is described in 1 Chronicles, chapter 27: "Now the sons of Israel according to their number, the princes of families, tribunes and centurions, and officers who ministered to the king according to their companies, entering and departing month by month throughout the year, were each set over twenty-four thousand. Over the first company in the first month was Jesboam, the son of Zabdiel, and under him were twenty-four thousand. Of the sons of Perez, he was chief of all the captains in the army in the first month. The second month had the company of Dudia the Ahohite, and after him another named Macelloth, who governed a part of the army of twenty-four thousand. The captain also of the third company in the third month was Benaiah, the son of Jehoiada the priest, and in his division were twenty-four thousand. This is that Benaiah who was the mightiest among the thirty and over the thirty; and over his own company was Amizabad his son. The fourth, in the fourth month, was Asahel the brother of Joab, and Zebadiah his son after him; and in his company were twenty-four thousand. The fifth, in the fifth month, was the captain Shamhuth the Izrahite; and in his company were twenty-four thousand. The sixth, in the sixth month, was Ira the son of Ikkesh the Tekoite; and in his company were twenty-four thousand. The seventh, in the seventh month, was Helez the Pelonite, of the sons of Ephraim; and in his company were twenty-four thousand. The eighth, in the eighth month, was Sibbecai the Hushathite, of the stock of Zerah; and in his company were twenty-four thousand. The ninth, in the ninth month, was Abiezer the Anathothite, of the sons of Jemini; and in his

company were twenty-four thousand. The tenth, in the tenth month, was Maharai, also a Netophathite, of the stock of Zerah; and in his company were twenty-four thousand. The eleventh, in the eleventh month, was Benaiah the Pirathonite, of the sons of Ephraim; and in his company were twenty-four thousand. The twelfth, in the twelfth month, was Heldai the Netophathite, of the stock of Othniel; and in his company were twenty-four thousand."

Behold, a guard for the royal court--twenty-four thousand, in addition to the ordinary attendants, ministers, and throng. To what end was this multitude? First, to uphold royal dignity; for who would rebel when he saw so many garrisons in the cities and an army in the palace? Second, that he might be feared by his neighbors, for they were very brave men; for whatever brave and industrious man he saw, he associated that man with himself. Third, by this means he made the royal city illustrious. Fourth, he conciliated for himself the love of the tribes. Fifth, he fostered the study of arms, for in that splendor of the kingdom, in the sight of the brave, they exercised themselves in that battle line of the praetorian soldiery. And zeal for military affairs was kindled in a wonderful manner when the tribes contended concerning the adornment of arms and skill. Sixth, by this occasion also, in the royal city, where there was an abundance of priests and learned men, they were most easily instructed in religion. Nor did David sin against the divine precept; for he had gathered resources and a bodyguard for the protection of his subjects and the restraint of peoples whom he had subjugated by war, without injury to the Israelites.

But why do I speak of David? Behold Jehoshaphat, king of two tribes, Judah and Benjamin. His power is described in this manner in 2 Chronicles 17:14: "There were also warriors and strong men in Jerusalem, whose number by the houses and families of each was this. In Judah, the captains of the army: Adnah the captain, and with him three hundred thousand very strong men. After him Jehohanan the captain, and with him two hundred and eighty thousand. After him also Amasiah the son of Zichri, consecrated to the Lord, and with him two hundred thousand brave men. He was followed by Eliada, strong for battles, and with him two hundred thousand bearing bow and shield. After him also Jehozabad, and with him one hundred and eighty thousand soldiers equipped for war. All these were at the king's hand, besides others whom he had placed in walled cities throughout all Judah."

[Printed page 624]

Who would not marvel at 1,160,000 men in that kingdom? Nor was that soldiery in garrisons, but at the king's hand; for by turns it attended the court and was sent upon sudden business. The text expressly excepts the garrison soldiers--those in the cities and throughout all Judah.

In the same chapter, verse 2, there are other garrison soldiers in the captured cities: "And he stationed numbers of soldiers in all the cities of Judah which were fortified with walls."

When I consider these things, they would seem to me almost incredible if Scripture did not say them; and then what is said about Roman greatness seems small. For the king maintained these soldiers without tyranny and did not exhaust his subjects with tribute, but filled them with an abundance of all things. "Moreover, he built in Judah houses after the fashion of towers and walled cities." God bestowed so great a power upon a single kingdom which afterward was an appendage of a single province of Syria--how small a part of the Roman Empire? But he who is truly powerful displayed such great power in so small a kingdom. For so far was he from emptying the treasury with so great an army, contracting debt, attacking towns, and selling rights and immunity that he accumulated treasures besides. For verse 13 says: "And he prepared many works in the cities of Judah." The Hebrew has, "and he had much work"; καὶ τὰ ἔργα πολλὰ ἐγένετο αὐτῷ. It calls the buildings בירניות, for they are palaces, temples, edifices. Thus in Ezra 8:2, ἐν τῇ βάρει τῶν Μήδων, and Daniel 8:2, "I was in Susa, in the palace," ἐν βάρει. בירה also frequently signifies a city, 1 Chronicles 29. "For the palace is not for man." Therefore it is just as though he said that he built palatial buildings, lofty and towered. They think that בירניות is said from אבר, because they are strong. Then "walled cities," ὀχυρὰς; the Hebrew has מסכנות, "of treasures," because treasures were stored in fortified places. Then those soldiers were not barbarians or unwarlike, but חיל גבורי, "of robust strength," verses 14 and 16; and in verse 17, two hundred thousand armed with bow

and shield. Verse 18 has צבא חלוצי, “girded or equipped for war,” words by which brave, trained, and well-armed soldiers are designated.

What, therefore, if he had been obliged to fight against Alexander the Great or the most powerful Romans? Surely he would have been equal or superior; for he was more powerful than all of them in this respect: although fortified by so great a soldiery, he was nevertheless rich. Verse 5: “And riches and glory were made infinite for him.” Indeed, he gave his sons many gifts of silver, gold, and precious things, with fortified cities--מצורות, ערי מבצר--“with cities of fortifications.” He was therefore continually able, in addition to the garrisons of the cities, to maintain 1,160,000 brave men; and he did this in time of peace, while he gathered resources. What, then, in time of war? Yet, when he heard that neighboring nations were rising up, he was afraid, proclaimed a fast, and conquered by prayer. 2 Chronicles, chapter 20. This is what I warn: so powerful a king set, not his treasury as his power, but his face to seek God, who fought for him and left to him only the labor of gathering the spoils for three days. He feared that, if the Lord were not with him, all that force would collapse upon itself, just as happened in the enemy camps. Thus Scripture, 2 Chronicles, chapter 20, verse 22.

§ 4. Concerning power, this must especially be warned: that its timely use not be delayed until it is diminished; that if an enemy attacks, he be repelled with the whole effort; if wicked citizens rebel, they be restrained at the very onset, while their counsels still waver in uncertainty. The Romans formerly erred gravely in estimating their strength during the Second Punic War, but at last, with great spirit, they corrected the error for which they paid with much blood. Florus weighs the matter well in book 2, chapter 6:

> Meanwhile the Roman began to breathe again and, as it were, to rise from the dead. There were no arms: they were stripped from the temples. Youth was lacking: slaves were freed into the military oath. The treasury was in need: the Senate willingly brought its wealth into the common stock, and, beyond what was in their amulets, belts, and rings, they left themselves nothing of gold. The equestrian order followed the example, and the tribes imitated the knights; finally, the tablets and the hands of the scribes scarcely sufficed, when, in the consulship of Laevinus and Marcellus, private wealth was conveyed into the public treasury.
>
> And in electing magistrates, what wisdom of the centuries there was, when the younger sought counsel from the older concerning the creation of consuls! For against an enemy so often victorious and so crafty it was necessary to fight not only with courage but also with his own counsels. Fabius was the first hope of a returning and, so to speak, reviving empire: he devised a new victory over Hannibal--not to fight. Hence came that new surname, salutary to the state, “the Delayer”; hence that saying from the people, that he should be called the shield of the empire. Thus throughout all Samnium, through the Falernian and Gauran passes, he so wore down Hannibal that the man who could not be broken by courage was diminished by delay. Thereafter, under the leadership of Claudius Marcellus, Rome even dared to engage him: it came to close quarters, drove him from its Campania, and struck him away from the siege of the city of Nola. Then, under the leadership of Sempronius Gracchus, it dared to follow him through Lucania and press upon the rear of the retreating man, although at that time--O shame!--it fought with a servile hand.
>
> O dreadful confidence amid so many adversities! O singular spirit and courage of the Roman people! When its affairs were so constrained and afflicted that it was doubtful about its own Italy, nevertheless it dared to look in different directions; and while enemies flew at its throat through Campania and Apulia, and were already making Africa out of the middle of Italy, at the same time it both sustained this enemy and sent arms in diverse directions through the world--to Sicily, Sardinia, and Spain. Sicily was entrusted to Marcellus and did not resist for long. For the whole island was conquered in one city. That great head, Syracuse, undefeated before that time, although defended by the genius of Archimedes, at length yielded. Its triple wall, its equal number of citadels, its marble harbor, and the celebrated fountain of Arethusa--what did they avail except this much, that the beauty of the conquered city was spared?

Gracchus seized Sardinia. The fierceness of its people and the savagery of its “insane” mountains--for so they are called--availed it nothing. Violence was inflicted upon the cities and upon Cagliari, the city of cities, so that a stubborn people, holding death cheap, might at least be subdued by longing for its native soil. Gnaeus and Publius Scipio, sent into Spain, had taken almost all of it from the Carthaginians; but, crushed by the ambushes of Punic fraud, they lost it again. They indeed had cut down Punic resources in great battles, but Punic ambushes overwhelmed the one with the sword while he was laying out his camp, and the other, after he had escaped into a tower, by surrounding him with firebrands. Therefore Scipio, sent with an army to avenge his father and uncle--he for whom the fates had decreed so great a surname from Africa--recovered all that warlike Spain, renowned for men and arms, that nursery of the enemy army, that instructor of Hannibal, from the Pyrenees to the Pillars of Hercules and the Ocean--an incredible thing to say. You would not know whether he did it more quickly or more easily. Four years attest how quickly; even one city proves how easily: for on the same day on which it was besieged it was captured, and the fact that Spanish Carthage was conquered so easily was an omen of the African victory.

[Printed page 625]

Yet it is certain that the singular chastity of the commander contributed especially to subduing the province; for he restored to the barbarians captive boys and girls of surpassing beauty, and did not even permit them to be brought into his sight, lest he should seem to have touched the integrity of their virginity even with his eyes.

Amid these operations in diverse lands stood the Roman people; yet for this reason it could not dislodge Hannibal, who clung to the entrails of Italy. Most cities had defected to the enemy, and that very fierce commander used Italian strength too against the Romans. Yet by now we had struck him out of most towns and regions. Tarentum had now returned to us; Capua too--the seat, home, and second fatherland of Hannibal--was held. Its loss caused the Carthaginian commander such grief that thence he turned all his strength against Rome. O people worthy of command over the world, worthy of the favor and admiration of all men and gods! Driven to the extremity of fear, it did not desist from its undertaking; anxious about its own city, it nevertheless did not abandon Capua, but, leaving part of the army under the consul Appius and sending part with Flaccus to the city, it fought at once absent and present.

Why, then, do we marvel? When Hannibal moved his camp from the third milestone, the gods themselves--for a second time, the gods, I say, nor shall it shame me to confess it--gave testimony. For at each of his movements so great a force of rain was poured down, so great a violence of winds arose, that the enemy seemed to be driven off by divine agency, not from heaven but from the very walls of the city and from the Capitol. And so he fled, yielded, and withdrew into the farthest gulf of Italy, leaving the city all but assaulted. A small matter to tell, but sufficiently effective to prove the greatness of spirit of the Roman people: during those very days in which it was besieged, the field which Hannibal occupied with his camp was offered for sale at Rome and, placed under the spear, found a buyer. Hannibal wished in turn to imitate their confidence; he offered the bankers’ shops of the city for sale, but no buyer was found, so that you may know that even the omens were sufficient.

Nothing had been accomplished by such courage and such favor even of the gods. For Hasdrubal, Hannibal’s brother, was coming from Spain with a new army, new strength, and a new weight of war. It was undoubtedly all over if that man had joined himself to his brother; but Claudius Nero, together with Livius Salinator, conquered this man too as he was pitching camp. Nero had driven Hannibal into the farthest corners of Italy. Livius had turned the standards toward an entirely opposite region and the very jaws of nascent Italy. With so great--that is, with the entire length of Italy--an expanse of soil lying between, it is difficult to say by what plan and speed the consuls joined their camps and, after bringing their standards together, crushed an unsuspecting enemy. Certainly, when Hannibal learned the matter and saw his brother’s severed head thrown before his camp, he said, “I recognize the misfortune of Carthage.” This was that man’s first confession, not without a certain foreboding of impending fate. But nothing was more wonderful than that, while Hannibal still clung to Italy, Scipio was sent into Africa.

These things Florus says, fully and truly, in praise of his Romans. But if at the beginning they had expended even half the care and expense, it would have been easy for them to rout Hannibal--indeed, to occupy Africa. Saguntum was captured; armies were lost at the Ticinus, Trebia, Trasimene, and Cannae; cities of Italy were alienated, captured, and turned against the Romans; fields were devastated and villas burned. Only then did they fight in earnest and send armies into Africa. Ought this not to have been done at the beginning? Upon hearing that Saguntum was being besieged, they ought to have prepared a strong army for Spain, a stronger one to meet Hannibal, and the strongest to attack Africa. This was easy while their affairs were intact; after they had been cut down it was arduous, but nevertheless it was done.

Greater was the error of the Constantinopolitan emperors throughout the time when Turkish power was growing. They never resisted it in earnest, though the error could still have been corrected around the time of the siege of Byzantium. For if Palaeologus had been willing to spend even the tenth part of his gold, he could have made from the Christian kingdoms an army equal to the Turkish one. But they brooded over buried gold, of which they were afterward not only stripped, but many were also cut to pieces by tortures so that they might reveal it. Nor was the error of the Christian kings smaller. There were six thousand Greek soldiers and three thousand Venetians and Genoese; in the harbor were seven Genoese ships, three Cretan, and some from Chios. The Venetian fleet looked on, as did all the Christian princes, who afterward paid great penalties for their negligence by the loss of so many kingdoms. But then, if each king had sent three ships, each prince one ship, and each city two soldiers as aid, we would still hold Greece, Macedonia, the islands, and Hungary. Yet we continue in the same error: we do not give a part of our resources in time to ward off the enemy, soon to give all. How slowly, how meagerly, and not without harsh conditions were subsidies decreed for the Hungarian war some years ago? I do not speak of those who secretly conspired with the Turk. And yet no one now doubts that, if Pannonia is occupied and the Hajduks and other Hungarians are let loose into Germany, we shall fight for all our fortunes and our liberty.

For if the power now necessary for the frontier princes is not assembled, after their provinces have been occupied they will oppress us by means of the resources seized and the nations conquered. Nor will those nations be gentler toward us, but will exact penalties for the aid denied them; and those who were first the shield of the German Empire will begin to be thorns in our sides. Let these observations suffice in general concerning the necessity of power and its just and timely use.

CHAPTER III

Power Is Twofold: Domestic and External

§ 1. Political writers distinguish a twofold power: domestic and external. Domestic power is directed against seditions, conspiracies, and rebellions of citizens which are against the state, the prince, the senate, or one part against another part. External power is directed against neighboring states or kings, either to repel or to inflict force.

§ 2. There cannot be firm power against an external enemy unless there is also power against an internal one. For every kingdom divided against itself will be made desolate, and house will fall upon house. For only a united city has strength against an enemy. For this reason the Romans, who were always unwarlike at home, if danger threatened, created a dictator and reduced everyone to order. But I have dealt with this subject when I treated monarchy and concord.

§ 3. Domestic power is acquired and preserved with greater difficulty than external power, because you will much more easily find one who conquers an enemy than one who governs a citizen. An enemy can be overcome by strength, stratagem, anger, vigilance, or fraud; a citizen is governed only by prudence and virtue.

§ 4. Hence there is no domestic power unless you are feared and loved. It is necessary to be feared, because no one will perform his duty from love

[Printed page 626]

if he loves himself more; but each person is more attached to himself than to another. Therefore, when the matter so falls out that your prosperity must be sought at his own danger, expense, and labor, each will begin his affection from himself and put the prince second. Yet it is necessary to be loved. For if the prince, the senate, or the state is in danger, no one will be afraid; for we do not fear those who themselves are afraid and are placed amid great difficulties. Therefore, when fear has been removed through contempt, if love is absent they will wholly desert the man whom they neither love nor fear; and if by chance they hate him, they will pursue him.

§ 5. If I must speak the truth freely, the thought of all those who court power seems most foolish. For if they desire to be powerful solely for the public safety or the divine glory, so that they may protect the good and restrain the wicked, I praise their royal spirit, because it devotes its life to justice. For every dominion is of brief life. Ecclesiasticus, chapter 10, verse 11. Few non-Christian princes were safe from their own people; most were killed. There has been absolutely no one, among those who have merely tasted command, who did not endure many plots and conspiracies. Since I have demonstrated this by many examples, let us now treat of acquiring and increasing power.

CHAPTER IV

In What Power Consists, and Concerning Its Head, Which Is Authority

§ 1. The strength of the state consists in piety and the virtues; next, in those things which follow the virtues in government. The first of these is authority, or reputation and majesty; next, the love of the citizens; third, resources, arms, men, citadels, and cities--for the most prudent kings established these things as defenses of their subjects. Let us now treat of authority.

§ 2. When *auctoritas* is taken in its strict sense among the Romans, it is a judgment of the Senate made when, either because of the small number of senators, or because of tribunician intercession, or for some other cause, a senatus-consult could not be made. They deny that it has a Greek name, for αὐθεντία is something greater, and αὐθέντης is more than an author. For both in civil law and in common speech those things are called αὐθεντικὰ which possess no half-complete authority, or which have been confirmed and ratified by the supreme magistrate. For in truth αὐθεντία in law, unless it is ἐκ τῆς αὐτεξουσίας, from plenary power, is empty. Written authority, if I may so speak, has no authority today.

Majesty is akin to authority. For we are not treating strictly of majesty, which embraces five heads: the right of enacting and repealing laws, of war and peace, of tributes, of coinage, and of conferring magistracies. Rather, we take the authority and majesty of a prince for the esteem in which he is held, his reputation, and, as they now say, his good repute. This indeed is opposed to contempt, but nevertheless embraces many things: love, reputation, praise, fear, reverence, and the goods by which these are produced. That prince is most powerful who holds his subjects devoted to him by paternal power, and foreigners by reputation and esteem.

§ 3. Even a private man who neglects his reputation is cruel; but a prince is the guardian alike of his reputation and of his safety. It was truly said to this effect: “The resources of a ruler then become richer when he remits and acquires treasures of reputation, neglecting the utility of money.” And Augustine says, “He who, trusting in his conscience, neglects his reputation is cruel.” For in truth to attack a person’s reputation is a kind of homicide; but he who corrupts the reputation of the state is held guilty of a crime against majesty. You must therefore be solicitous for reputation if you delight to act as prince. “Praise is not to be blamed, but acting for its sake,” says the Bishop of Hippo. But I shall remove this scruple for you, O prince. A prince ought to act even for the sake of praise--not so that he may stop at an empty thing, for why would so great a man grasp at a shadow?--but so that he may use good reputation for the salvation of the people. For if we can gather money and kill men for the public good, why should the prince not seek reputation for that use? A field does not become better by being praised, and a shadow, the companion of the body, does not make it safer; but reputation alone nevertheless often makes a prince safe and the state secure.

More things are accomplished by opinion than by reality. What if there is so great an opinion of you that you disperse present battles, that an enemy does not dare provoke you, and that by terror alone you bring wars to an end? When Curios and popular agitators undermine and overthrow the state by disparaging the lives of kings and nobles, why will you not preserve it by your praise? Nor is it secret that the reputation of princes is burned by the flames of hatred and obscured by the cloud of envy. For there are always some whom a prince necessarily offends, and those men are not accustomed to speak well of one against whom they think themselves rightly angry. A prince must therefore labor so that public reputation overwhelms the little voices of private men. It is most quickly acquired; once lost, it is not rekindled; once firmly established, it endures even against vices. Solomon, already degenerate, nevertheless retained his kingdom through his reputation for wisdom; and if Rehoboam had wished to learn the first precepts of ruling, he would have handed it intact to his son also. Reputation is the companion of virtue, a benefit of God, with regard to which kingdoms are generally given and taken away. For the care of majesty belongs as much to virtue as does political order, which cannot exist without majesty.

§ 4. Therefore let the prince protect and increase his own greatness and loftiness, which the Greeks are accustomed to call σεμνότητα, so that in very fact he may be σεβάσιος, venerable. For this dignity of the state is not removed without loss to its safety. Unless a veneration of majesty, and an opinion that the prince is worthy of it, has been implanted in the minds of those who obey, the city has already received a wound greater than opinion; for soon those voices will resound: "Can this man save us?" Thus they neither desire him to be safe, since they hope their own affairs will be better through his death, nor undergo dangers for him, since they prefer themselves to him. By every means let him be so approachable that he nevertheless preserves dignity, provided that swelling does not pass under the name of dignity. Such swelling is in those who stride toward empty glory through their own and others' disasters--men of whom I have spoken elsewhere--who do not shudder to destroy entire nations for a few laurel leaves.

§ 5. You will acquire the reputation for power--which is almost as necessary as power itself--by the method which I shall transmit in this book: namely, that the things which you acquire for the public be known. Conscience will make you tranquil; virtue, good; reputation, known as excellent and venerable. The first thing, therefore, is that your life be such as the reputation you desire; for it is difficult in a prince, who stands in the sight of many, to wish to appear one thing and to be another. Although he may perhaps deceive some at some time, he will never deceive all. Hence no wicked man has long possessed a good reputation. Reputation is a great bridle upon those about to act badly when laws are neglected.

[Printed page 627]

Alexander valued reputation more highly than his deeds, yet he obtained a reputation as bad as it was great. What did Augustus not do for reputation? He fostered the talents of his age in every way, though he was offended if anything was composed about him except seriously and by the most excellent writers, as Tranquillus relates. Yet what was accomplished? Those encomia of Augustus by the most excellent writers have perished; more survives concerning his vices and disgraces. Therefore, even this part of reputation belongs to the prince: to cultivate virtue and not court reputation except insofar as it is salutary to the fatherland. For it is as dishonorable for virtue to be the slave of glory as of pleasures, unless through glory it serves the fatherland or God.

Nor do I approve Themistocles, whom the trophy of Miltiades roused. I would prefer that the love of his citizens had done it; but because he was far from a vain heart, he was incited to dangers by a tree trunk when he could not be incited by Athens, the nurse of virtues. This very substance of glory also must be avoided, as a mark of a petty spirit. By it Trajan, an emperor otherwise not numbered among the bad, made himself contemptible; for he inscribed his own name upon the buildings of the ancients whenever they had been restored, so that, not without reason, by the judgment of a great emperor he was called wall-pellitory. This, therefore, is the foundation of reputation, as it is of command: to follow virtue without the reward of reputation, and to pursue reputation only as an instrument of the public safety.

§ 6. Divine providence conciliates this esteem among subjects and foreigners. For it is a gift of God, like every kind of power; so too is this part which consists in another's opinion. With it God fortified his servant Abraham amid the fiercest and strongest nations, for the people of Heth said to him, "You are a prince of God among us." Thus he protected Israel after the slaughter of the Shechemites, Genesis 35: "And when they had departed, the terror of God invaded all the cities round about, and they did not dare pursue those who were departing." Thus Joshua also grew strong, chapter 5:1: "Therefore, after all the kings of the Amorites who dwelt beyond the Jordan toward the western region, and all the kings of Canaan who possessed the places bordering the great sea, heard that the Lord had dried the streams of the Jordan before the sons of Israel until they crossed, their heart was dissolved and no spirit remained in them because they feared the entry of the sons of Israel." Thus Jehoshaphat too was safe, 2 Chronicles 20:29: "And the dread of the Lord rushed upon all the kingdoms of the lands when they heard that the Lord had fought against the enemies of Israel. And the kingdom of Jehoshaphat was quiet, and God gave him peace round about."

On the contrary, the greatest kingdoms, when deprived of God's protection, and their kings lived in perpetual fear. Consider the Roman Empire: plots at home, wars abroad; the most wretched peoples--the Triballi, Thracians, and

others--plucked at it. Now the Turkish Empire is ravaged by Hajduks, Cossacks, Arabs, Cilicians, and pirates. The Persian Empire, and indeed its national capital, Babylon, the wonder of the world, was attacked by the Persians, a people hitherto servile and rustic. The Macedonians, a foul nation known only through contempt except insofar as it had grown under King Philip by brigandage and fraud, cast down the Persians after they had been placed at the summit.

§ 7. In order that the prince may also protect his own esteem, it will greatly contribute that he judge and enact laws in such a manner that he retracts nothing. In this matter Justinian, however much he benefited others, greatly harmed himself, since his jurists set up and took down laws. Next, in public let him always act gravely and in accordance with his dignity. For it contributes greatly to authority when magnates, whom the people admire and regard with awe, serve the prince so humbly. Third, whether in public, in the senate, or even in private council, let him rarely speak unless after reflection, but in such a way that he does not incur a reputation for pride or stupidity. Let them not imitate Pallas, who from the basest slave became the proudest master and did not deign to speak to any of his household. At home he never signified anything except by a nod or his hand, or, if more things had to be indicated, in writing, lest he associate his voice with theirs. Fourth, if his countenance is not venerable, let him nevertheless contrive always to be serious and never readily moved to laughter. Fifth, let his voice be grave, his jest nonexistent unless sharp, and his clothing without fastidiousness, costly beneath the measure of his dignity. Let his gait be grave and slow; his riding attended by austere dignity, so that even among his ministers the manner of doing all things may be deliberate, without disorderly running about.

Sixth, let him have few intimate familiars, joke with some, and reveal secrets--and this cautiously; for most such men either disclose them to others and boast of their familiarity with the prince, thus procuring envy for themselves and a reputation for imprudence for the prince, especially if they are not good men. Rare is the good fortune by which princes have many good men around them. King Attalus said that images must be viewed from a distance; and surely rarity produces admiration, while satiety with familiarity makes men less revered. Seventh, let him take the greatest care--something few even good princes have taken care to do--not to seem to be governed by one or two men. For people venerate such a man as prince and hold the prince for a statue. Hence came the hatred of all kings against those kings--Sejanus, Plautianus, and those whom in our own age we see to have paid the penalties of power. For whatever is administered, even rightly, is hateful to the nobles because the author of the counsel is hated. Eighth, in receiving embassies too, let there be splendid modesty, so that he may seem to shun luxury and love dignity. It belongs to petty women to shine with the whole treasury. Augustus was content with his customary clothing and dwelling. Alexander Severus sold his gems because he said that command was situated in virtue, not adornment. Let him in no way display his treasures to visiting ambassadors, for they interpret it as pride and conceive envy if it is immense; if moderate, they despise it. And they judge the prince a fool who values small things greatly.

CHAPTER V

That Riches Must Be Sought for the Prince

§ 1. I have already detested an avaricious prince above, when I was treating liberality, and I detest him now also. Nevertheless, I require a provident and well-funded prince; indeed, I affirm that industry in accumulating riches is one of the principal virtues of princes. Nor do those men offend slightly who establish such a government that the treasury is always empty. This, therefore, must now be demonstrated by me: that this is pious and holy, and the duty of the prince and of the state, so that in the discussions which follow I may treat the method of gathering resources.

§ 2. At the outset I establish this as fixed and ratified: rich men who are devastated by desires, scattered by cupidities, tormented by fears, and consumed by sorrow are not to be approved. For these are vices of men, alike in the poor, the man of moderate means, and the rich. But I assert that riches are necessary to the prince and the state. They are a gift of God, as Augustine teaches: welcome when given to private persons, necessary when given to a prince. And so the prince will desire them "for the supplements of necessity," as Augustine speaks on Psalm 66.

[Printed page 628]

The slothful man is sent to the ant and warned of timely labor, lest he hunger in winter; where is the state to be sent, lest it abandon itself? Those who have money do not sin, but those who love it excessively. Indeed, riches are possessed more safely and better in proportion as they are loved less. Nor let them set before me the apostolic threat: "They who desire to become rich fall into temptation." Augustine answers for me in book 1, chapter 10 of *The City of God*: "Surely he censures cupidity in riches, not the means themselves." For although private persons with difficulty hold resources without loving them, the state can more easily employ them as instruments of virtue and defenses of protection. "I do not know," says Augustine, "how it is that, when superfluous and earthly things are loved, they bind more tightly once obtained than when desired." But this arises from the fact that money is sought by private persons to fulfill their own desires, by the prince for the safety of the state.

§ 3. From the foundation of the world we have David, Solomon, Jehoshaphat, Hezekiah, and Josiah as the wisest of all kings. What was gathered for the temple demonstrates the resources of David, 1 Chronicles 22:14: "Behold, in my poverty I have prepared for the expenses of the house of the Lord one hundred thousand talents of gold and one million talents of silver; but of bronze and iron there is no weight, for number is overcome by magnitude; timber and stones I have prepared for all the expenses." Concerning his manifold treasuries, 1 Chronicles 27:25: "Over the king's treasuries was Azmaveth the son of Adiel. But over those treasuries which were in the cities, villages, and towers was Jonathan the son of Uzziah." Behold: first, the king's treasuries; second, in the cities; third, in the villages; fourth, in the towers. Add the fields and livestock. Behold a king possessing so many treasuries and nevertheless not avaricious, but liberal and gentle, who was accustomed to sing before the Lord: "Blessed is he who understands concerning the needy and poor; in the evil day the Lord will deliver him." For the treasure was preserved for the needy, the poor, and the whole people.

It is fruitless to say a few things about Solomon because many are found everywhere. 1 Kings 10:26: "And Solomon gathered chariots and horsemen, and he had one thousand four hundred chariots and twelve thousand horsemen." And in 2 Chronicles 9 he is said to have been richer than all kings and to have furnished in Jerusalem an abundance of silver as great as that of stones.

I have spoken above about the riches of Jehoshaphat and about his army.

Scripture proclaims the riches of Hezekiah, 2 Chronicles 32:27: "But Hezekiah was rich and exceedingly renowned, and he gathered for himself very many treasures of silver and gold, precious stones, spices, arms of every kind, and vessels of great price; storehouses also of grain, wine, and oil, stalls of all beasts of burden and folds of cattle. And he

built cities for himself; he also had innumerable flocks of sheep and herds, because the LORD had given him exceedingly great substance."

The piety and zeal of Josiah, indeed, are praised in Scripture more than his resources; nevertheless, the power by which he removed every abomination from the land and even the high places--something no king before had done--shows that he was rich. And he restored such a Passover as had never been, in which from the king's substance he himself gave thirty thousand head of small livestock and three thousand oxen. Nor is it a small sign of power that he met Pharaoh Necho as he proceeded against the Assyrians. For without doubt Necho's army, which he was leading against a most powerful king, was immense; yet Josiah did not think himself unequal to it, and perhaps would have conquered if the Lord had not disapproved the expedition.

It is madness to accuse such men of bad administration, and those greatly err who think it royal to give gold but not to preserve it. It must be given and preserved; both are necessary. But it cannot be given with reason unless it is preserved. Yet if one pleases to accuse these men, what shall we do with Joseph, who furnished Pharaoh's palace with immense revenues? For he received money, livestock, and fields, and finally the fifth part of the annual crops. Why did he furnish the king with so great an abundance of resources if those riches did not belong to the art of ruling? I truly judge that the entire public revenue of the Romans was a small part of Pharaoh's resources, if every kind of crop is considered. For, first, six hundred thousand men dwelt in the land of Goshen, and those men were Israelites. There were as many Egyptians, so that altogether they were 1,200,000. Add as many adult women: they will be 2,400,000. You will double this number by the young boys and girls and by servants, so that in Goshen alone there were 4,800,000. The fifth part of these would be at least 900,000, whom Pharaoh could maintain from the fifth part of the land of Goshen alone. For if the whole land suffices for the whole people, then a fifth part suffices for a fifth. Indeed, very much grain was exported into neighboring and distant kingdoms. If, therefore, so great was the revenue from the land of Goshen alone, how great was it from all Egypt?

§ 4. Nor does reason advise otherwise: "You are worth as much as you have." If resources are lacking, friends will be lacking; no one readily inclines himself toward an unhappy lot. For many avoid meeting needy and indebted princes because they fear that loans of money may be sought from them. Mucianus truly said that money is the sinew of command. Resources are needed; without them nothing will be done which must be done. All things are purchasable with money, and Rome found a buyer, as Jugurtha predicted. If you possess money in the enemy camp and in his councils, you will have friends, if not sincere, at least useful. For what is wiser than that saying?

> Ἀργυρέαις λόγχαις μάχου, καὶ πάντα κρατήσεις.

"Fight with silver spears, and you will conquer all things." Therefore, he who has not gathered money deprives himself of the short way to victory. Nor let the speech of ancient simplicity move you: "Not trafficking in war, but waging war." Rather, redeeming war--for why should I not conquer by the expenditure of money rather than blood? If an ass laden with gold can capture a citadel, I shall preserve the army intact.

But riches are necessary not only in war but also in peace. Of those who attach themselves to a prince, many desire to be honored, most to be gilded. Therefore, a prince ought to give; and because he needs the faithful service of many, to give lavishly. But the fountain of liberality is thrift.

§ 5. Those who say that they rely upon virtue alone and deny that gold should be trusted employ a specious but fallacious speech. It is not a prince's virtue to strip himself of means and the state of defenses. Gold is not to be trusted, but used; and in order that you may use it, it must be possessed. For since the services and fidelity of many are necessary to a prince, and they place virtue after gold, they must be held by gifts. And this belongs to virtue: to draw each man by his own pleasure, as though by bait, to perform his duty.

An old saying of Cyrus and of others who flourished in the praise of prudence is also circulated and pronounced amid the applause of young men: “Friends are treasures.” Thus Alexander too answered Darius that Darius had enclosed his treasures within a citadel, but that he himself possessed no treasures except the hearts of his friends.

[Printed page 629]

Yet the event shows that these words were spoken for appearance, from a display of generous confidence, and more to conciliate the hearts of friends than from the heart. For Alexander gathered gold in that madness: “Thirty thousand mules carry your captive gold,” the noble defendant casts against him. And although he plundered so much, it is wonderful that he gave so little. But let us examine his treasures. Which of his friends did not plot against him? Which prince did not participate in extinguishing his stock? Not to speak, indeed, of those whom the king’s vices had provoked: he did not retain the hearts of his soldiers when the hope of resources had collapsed. Let the turning-back from the journey out of India be read in Curtius. Everyone will understand that without the hope of money he accomplished absolutely nothing, and without money little. What then? Do you think that anyone from Macedonia would have followed without that lure, when we so often read that his soldiers, after squandering their gifts and their own plunder, demanded a return? When the Argyraspids, in order to redeem their baggage, delivered their own commander Eumenes to the enemy?

The same thing which is done among the standards is sought in the forum and senate house. Few defend a needy man. The soldier must bring arms into the field, the prince money. Among so many peoples scarcely one fidelity is found; minds must be retained by coin. In order that this may be done, the treasury must be cared for. If anyone is a friend without hope of money--and surely he is rare--he nevertheless must be enriched: both because it is expedient for the prince that a man of so faithful a spirit should be as powerful as possible, and because poverty ought not to be the penalty for so generous a will. Friends, therefore, are treasures, but they must be fostered and raised up, lest the condition of enemies seem better with the prince. “But when I have enriched my friends, they themselves will succor me when I am needy.” Julian was never desirous of increasing money, which he thought was kept more securely among its owners. But these things can persuade only boys. I seek serious things. I believe neither Marcellinus when he praises Julian nor Constantine when he prosecutes him. I shall not believe that Julian was not desirous of money, since I know that he stuffed his coffers through the persecution of Christians and confiscations. At times he feigned philosophy in words and deeds; at other times he was accustomed to mock Christians when they complained of injury, saying that Christ had commended poverty and that they would be blessed by it.

But if we consider the state as it is ordinarily constituted, a prince in danger will not easily seek protection from the friends to whom he gave riches in prosperity. For even then he made them friends only by giving; and now by asking or plundering he will make them enemies. He will also find many who would prefer that the prince should not exist rather than that they should be poor for his sake. Caligula and Nero squandered all things through largesses and luxury; did they therefore find a friend? If we speak of good and just princes, I seek one example thus far of a prince whom friends mindful of a benefit restored to his former condition, unless either the hope of greater gain enticed liberality or fear of greater loss extorted their money. Hope must therefore be placed in friends with the knowledge that there is more protection in those who hope for new benefits than in those from whom gratitude is requested.

§ 6. The care of gathering resources rests not only upon the prince but also upon him to whom the succession looks, who by some right can come to the principate. For since all things obey money, it is certain that there is nothing which does not obey, except virtue. All things, I say, obey money--even money already received obeys that which is hoped for, the former money the future; all things obey, even the enemy’s arms and even the money of the enemy treasury, if more is hoped for from you. Hence many have attained the principate by money. “Queen Money bestows both birth and kingdom.” Thucydides, book 1, relates that Pelops, by the Asiatic money which he had brought as a foreigner, obtained among poor men first reputation and favor, then a kingdom. Didius Julianus purchased the empire from the soldiers, Herodian, book 2. Manlius formerly attempted the same; and, something at which you will marvel, the sons of Brutus were made Tarquin’s men by hope of rewards. Tarquinius Priscus obtained command, although the sons of

Ancus were disregarded, by an honorable use of money. Nor did anything different thereafter occur in the state: canvassing for office, although suppressed by so many laws, trials, and punishments, was absent from no elections.

> The annual contests return venal to the Field.

The reason is that all seek a prince for themselves rather than for the state. They most desire that man to have power from whom they hope for most.

> Virtue, reputation, honor, things divine and human obey
>
> splendid riches. He who has amassed them
>
> will be renowned, brave, just, wise, even a king;
>
> and whatever he wishes, he will hope that this, as though procured by virtue,
>
> will redound to his great praise.

Even prudent men judge thus. For if he enlarged his estate while in a private station, and was kind and generous to friends, what will he do in the principate? Consider that, in proportion as each man's estate is well provided, so his friends are firm; if his estate totters, his friends likewise collapse. An estate finds friends; an estate advances a man to kingship. I do not say these things in order to teach that command must be sought by evil arts and largesses, but to impress upon a prince how great is the force of an estate well arranged at home for obtaining his right. Moreover, command is retained and acquired by the same arts. Resources are an eminent instrument of civil affairs.

Thus Aristotle, *Politics* 1.8. After saying τὴν κτητικήν, the art of acquisition, to be a part of household management which supplies things necessary for life and useful to the community of the city, he adds:

> καίτοι κἂν οὐδ' ἀληθινῶς πλοῦτος ἐκ τούτων εἴη· ἡ γὰρ τῆς τοιαύτης κτήσεως αὐτάρκεια πρὸς ἀγαθὴν ζωὴν οὐκ ἄπειρός ἐστιν, ὥσπερ Σόλων φησὶ ποιήσας·
>
> Πλούτου δ' οὐδὲν τέρμα πεφασμένον ἀνδράσι κεῖται.
>
> κεῖται γὰρ, ὥσπερ καὶ ταῖς ἄλλαις τέχναις· οὐδὲν γὰρ ὄργανον ἄπειρον οὐδεμιᾶς ἐστὶ τέχνης, οὔτε πλήθει οὔτε μεγέθει· ὁ δὲ πλοῦτος ὀργάνων πλῆθός ἐστιν οἰκονομικῶν καὶ πολιτικῶν.

True riches seem to consist of these things, for the sufficiency from such possession for a blessed life is not infinite, as Solon expressed in verse: "No limit of riches has been established for men." Yet there is a limit, as in the other arts; for no instrument of any art is infinite, either in multitude or magnitude. Riches, however, are a multitude of household and political instruments. But the state has need of very many instruments; therefore, unless it prefers to be prey, they must be acquired in due season.

§ 7. I contend not only that the prince or the state ought to be rich, but also its administrators--not because I judge that unfit rich men should be admitted to the helm, for thence follow those evils which Gregorio Tolosano prudently noted in book 5, chapter 1, §25. Plato, he said, called the constitution of the few that polity in which magistracies are distributed to citizens according to the valuation of their property, and in which the rich rule, while the poor have no participation in the state. Thus, the more money and property qualifications bestow honors, the more base virtue becomes; and men, following one another's example, are more intent upon amassing money than upon good morals, while the good poor are excluded. Hence also follows

[Printed page 630]

the corruption of that state, no differently than a ship is not safe from danger of shipwreck when a rich man ignorant of the art is placed over its navigation, while a needy man more skilled in governing is by no means admitted. Soon thereafter one state begins to become two: one of the rich, the other of the poor; and it always happens that men dwelling within the same walls plot against one another. Another evil follows: the rich always gape after the means of

the poorer, oppress them by usuries, compel them to sell, and make them altogether beggars, thieves, robbers, plunderers, and finally seditious conspirators who seize the state. But I would have administrators instructed and chosen, for they can aid the state; and because they are participants in honor and government, they also wish to aid it.

CHAPTER VI

Various Methods of Acquiring Riches

§ 1. Since the zeal for acquisition is natural, and many princes are more readily found who fall into avarice and cupidity than those who incline toward liberality--even those who desire to be considered liberal and magnificent, for such men exact more importunately what they do not bestow well--it is nevertheless wonderful that it frequently happens that the greatest empires lack money. Perpetual complaints are read concerning the straits of the Roman treasury. Amid mountains of gold the kings of the Persians lacked money in the war against the Greeks; and in the one thing in which they were superior, in that one thing they were conquered. In our time too we see the same thing happen to the very wealthy kings of the Spains: many opportunities lost, many defeats received, and various mutinies of soldiers because their stipends were delayed or unpaid, while meanwhile the States of Holland generally kept their soldiers at their duty.

In the Roman Empire also we have learned by experience that certain princes, although ruling no great territories, gathered treasures, while others whose dominions were many times broader struggled with perpetual want. Let the deeds of two distinguished German prelates and princes be considered: Julius of Würzburg and Theodore of Paderborn. Each erected citadels, academies, and a church; furnished his treasury with money and storehouses with provisions; recovered mortgaged possessions and added new ones. For the increases of each bishopric are so great that another prince could be maintained from what they added. Meanwhile, others, neither exceeding them in greater splendor of court nor oppressed by war, burdened richer dominions with debt.

It is greatly to be marveled at that around the year of Christ 800, when the Eastern Empire was already considerably diminished and Basil was reigning, nevertheless there were riches so great that they were scarcely found in the whole Roman Empire except when it flourished greatly. Zonaras relates that he filled the whole treasury, and even its approaches and passages, with money heaped densely together. “He had,” he says, “in the treasuries two hundred thousand talents of gold. For the sum of the other money could not be reckoned, so that he buried it in the earth, the treasuries or repositories being everywhere filled. Indeed, he also had small chests full of precious stones and gems, among them those which shine and which we properly call pearls.” What do those two hundred thousand talents of gold amount to? Precisely twelve hundred million. If any king now possessed twelve hundred million, he would easily obtain command of the world if he wished to use it.

Benjamin the Jew saw Constantinople around the year 1200 and relates: “In that city,” he says, “I saw things and resources beyond telling. For tributes are brought annually into the Prince’s palace, with which towers are filled with scarlet and purple clothing and with gold, so that nowhere upon earth can a comparable example of accumulated money be found.” It is even affirmed that the tax of that city alone, collected from markets of merchandise for sale, the harbor, and the dues of merchants, amounted to twenty thousand gold pieces every day. Considering these things, it is my intention to transmit a method of χρηματοποιΐας, the production of wealth--not because the treasurers and counselors of princes know no more methods, but because they know no better ones. For while they hasten to enrich the treasury and themselves, they disarm the state. For since the expenditures are great, and since the state needs very great support, just as a vast body needs abundant nourishment, they seek to accelerate this and, by their voracity and gluttony, produce diseases far more dangerous than those arising from abstinence and thrift. The tenth penny was the occasion of rebellion in Belgium; and now, if you ask the Confederates about the tenth penny, they will answer truly that it is well with them if they retain the tenth penny.

§ 2. A method of increasing the treasury is either honorable or dishonorable. The honorable is likewise threefold: honorable and burdensome to subjects, as tribute; honorable and not burdensome to subjects, as an accurate account of receipts and expenditures; honorable and useful to subjects, as sumptuary laws, agriculture, and lending. A wicked and

fraudulent χρηματιστικήν, art of acquiring money, is likewise threefold. One kind is openly unjust and public theft, such as usury and unjust oppressions. Another is not indeed unjust, yet is hateful and unbecoming to a prince: as if you should enact a law that no one should wear a silk garment, and then dissemble until the law begins freely to be violated, meanwhile punishing the transgressors with a fine through informers whom you have assigned. Another kind is neither unjust nor hateful, but sordid and productive of contempt, as when Vespasian collected a tax upon urine. In an honorable tribute and in other measures there can also intervene some things which introduce injustice; indeed, even in measures which are not burdensome and are useful, certain hateful things can occur and appear, as it were, sordid.

Hence general rules must be observed by the prince. First, never is even a three-ounce coin to be exacted from subjects by injustice, for both the prince and the counselors who advised it are bound to restitution. Second, when money is justly exacted, but in a hateful manner and with infamy and some mark of disgrace, that method must be used only from necessity; for more harm is done by hatred than advantage gained by profit. Third, when a gain is sordid, let a moderate necessity make it honorable. For why should you not sell urine so that a subject may be defended and a poor man not die? Fourth, among the honorable kinds of enriching the treasury, that must be embraced first which benefits publicly and privately, so that by the same operation the prince and subjects become rich. Fifth, secondly, that method must be embraced which benefits the state and harms no private person, such as that concerning the auditing of accounts. Sixth, only at the last must one come to this: that even subjects be burdened, lest the state suffer loss, but in such a way that all recognize that the money is expended, not upon the prince's kindred or his pleasures, but upon the advantages of each person. Barnevelt advised the gravest exactions in Holland when he said, "It is better that the fatherland be burdened than lost," as he admits in his *Apology*, although amid and from those burdens both he and others gathered immense resources. But let us now examine each kind.

CHAPTER VII

That Tributes Are Lawfully Paid, and Their Measure

§ 1. The ancients ingeniously appointed Saturn as guardian of money--sluggish, slow, morose,

[Printed page 631]

scarcely opening the coffer once in the great year; but over collection, as over every gain, they appointed Mercury. For he, equally welcome to those above and those below, swifter than the rushing east wind when he puts on his winged sandals, runs over lands, seas, and the lower regions themselves, and sometimes even puts the heavens themselves up for auction; from everywhere he gathers what the never-sated greed of Saturn may store away. So it is: greedy courtiers repeatedly prescribe tributes at every movement and every opportunity, and run about with their Mercury's wand. Let us therefore speak of this defense, not of the spoliation of the state.

§ 2. The power of imposing tributes is granted to the state, that is, to the authority which is supreme. At Rome the Senate exercised the right of striking coin, and therefore there was also the inscription S.C., that is, *senatus consulto*, "by decree of the Senate." The matter was then entrusted to the monetary triumvirs, who marked the coin by their own authority and indicated it by these letters: III VIRI A.A.A.F.F.--*triumviri auro, argento, aere flando feriundo*, "the triumvirs for casting and striking gold, silver, and bronze." To this faculty was formerly added this right of majesty: no one except the supreme magistrate could impose tributes or exactions. Law 3, Code, *On the Establishment of New Taxes: It Is Not Permitted*. This right was formerly by no means communicated to cities. Now almost all princes and free cities use it. But I must treat not the right, which is clear, but the manner.

§ 3. Customary and moderate customs duties, revenues of public land, and tributes are not to be remitted, although they annually yield ten times more than is expended upon roads, bridges, magistrates, and rewards for brave men. For the preparation for a single war will consume more than the peace of many years. Cicero complains to Atticus of the diminution of taxes: the port duties of Italy removed, the division of the Campanian land impending, and even the twentieth part to be taken away. Honorius and Arcadius, Theodosius and Valentinian, provided that taxes not be diminished. Nero attempted it with youthful impulse, but was restrained by prudent men, Tacitus, *Annals* 13; for they repeatedly said that the strength of the empire would be broken. But the freedmen easily shook that thought from him, since they inflamed him toward plunder.

§ 4. The cause of taxes ought to be just. Thus Novel 149:

> If any of them--that is, of the magistrates--has conducted himself negligently in the exaction of public tributes, or has involved our taxpayers in losses or insulting injuries, he shall at once fall from his goods and be subjected to the supreme punishment. For, with God as our guide, this one concern is ours: that the provinces be governed by good laws, inhabited in safety, enjoy the justice of their governors, and that public tributes be paid without complaint. For otherwise it is impossible that the state be preserved if the sacred tributes are not paid. The military forces, receiving thence the salary assigned them, resist enemies and vindicate the taxpayers from the incursions and savagery of barbarians; finally, by keeping watch they defend fields and cities from the incursions of robbers and others who pursue a disorderly manner of life. From these tributes the remaining cohorts also receive what has been assigned to them; walls and cities are likewise restored; the heating of public baths proceeds thence; finally spectacles and all other things invented for the delight of individuals are cared for from the same source, so that what is contributed by them is expended and laid out partly upon them, partly on their behalf. But it falls to us to possess nothing except the care of these things, yet not without reward, since that great God and our Savior Jesus Christ, from the greatness of his clemency, rewards us with very many goods on this account.

And Novel 16, title *On Provincial Governors*, chapter 2:

> The thought of securing these things by law came to us because the wealth and well-being of our subjects is of greater value to us than the revenues which are thereby brought into the empire. For together with the largesses of the governors we also reduce the fees paid into the imperial accounts, which produced a great heap of money, in order that this cause and the state may obtain a better outcome and return richer, freed from the payments devised by certain persons some time ago. For this one matter is the concern of our power: that the provinces be governed by good laws and inhabited safely, and also obtain the fruit of the justice of their governors, and that public tributes be paid without complaint. For otherwise it is not possible to preserve the state unless the payments are most dutifully brought into the public treasury; from them military forces are maintained so that enemies may be resisted and watches kept throughout fields and cities; likewise the other orders are furnished with the salaries assigned them, walls and cities are repaired, and finally all the other things arise which preserve the common utility of the subjects.

For since the prince presides over the body like its head, he ought to employ reason and love when receiving sustenance from the other members, and to remember that he is carried by the members and will fall when they languish.

Hadrian certainly remitted debts owed to the treasury. Spartianus.

Cato restrained embezzlement, as Plutarch relates in his life.

Tiberius answered that gold collected with the affliction of subjects and offered to him was adulterated and poisoned.

Masinissa made all Numidia exceedingly abundant from being uncultivated.

Philip, the father of Perseus, increased the revenues of the kingdom by agriculture and the digging of mines.

Through the harshness of contributions the English lost Aquitaine, and Alfonso's heirs Naples.

Hybicas used to say to Antony: "If you want two collections, grant two harvests." Plutarch, *Antony*.

For subjects are bound to contribute nothing other than what suffices for the honorable maintenance of the prince and the defense of the state. Magistrates receive tribute so that they may be guardians and defenders of justice. Nor is it the will of the people, nor can it prudently be, that they contribute so great resources for no or slight advantage of their own.

John de Salas, most learned in theology and law, rightly warns in *On Laws*, treatise 14, disputation 15, section 10, that it is most difficult to judge concerning the justice of a tribute:

> It is exceedingly difficult to judge that a tribute imposed upon non-exempt subjects by a legitimate prince is unjust, because all private persons cannot judge the cause which moved the prince to impose the tribute. For it is often hidden and just. Often also it can seem to have ceased because it was temporary, or certainly because it is not put into execution as had been decreed or promised; and nevertheless the tribute is not immediately unjust, either because another cause has arisen or because the prince, beset by other actions or burdens, is compelled to cease from one work so that another more urgent one may be accomplished. Next, it is difficult to condemn a tribute from a defect of distribution alone: both because the manner of distributing can scarcely be established when a tribute is imposed simply upon some kind of thing and it is incidental whether it is sold or bought by these or those persons; and also because, if some greater burden from a tribute falls upon certain persons, it is customarily compensated through other means, such as by increasing the price of other things.
>
> Hence mere uncertainty concerning the cause and the other conditions required for the justice of a tribute is not sufficient for the obligation of paying the tribute to cease, because knowledge of these matters does not

[Printed page 632]

> belong to every particular person; and the prince, who possesses universal prudence, can be moved by many just reasons which cannot readily become known to others. Hence I say that a merely negative doubt is not of itself

> sufficient to excuse one from payment of tribute. For it is often founded solely upon ignorance of the reasons or conditions of the tribute, which is not sufficient against the action performed; and because in doubt the presumption favors the prince, unless it is otherwise established that he is a tyrant. Otherwise ordinary people could never be bound, because of themselves they would always doubt unless they rested upon the good faith of their superiors.

Therefore Julian not unsuitably took care that tributes not be granted away through indulgences. For if people never contribute anything, war can scarcely be waged.

§ 5. When a new tribute is needed, let it rather be divided into small sums, for thus it is neither burdensome nor does it furnish astute ministers so great an occasion for theft. Cypselus had bound himself by an impious vow that he would sacrifice all the fortunes of the Corinthians; yet he did it by a mild command, for he sacrificed a tenth and thus only in the tenth year discharged his vow. Therefore the tribute paid to Antony by Asia was unjust also from the manner of demanding it, when he said: "Lest you be driven from your cities and fields"--Appian, *Civil Wars* 5--"money must be given for the use of the soldiers, and not the greatest sum, but one at the hearing of which you may willingly be at rest. In two years you gave our enemies, Cassius and Brutus, the tributes of ten years. Let these suffice for us also, except that they must be given in one year." Gaius Sulla had furnished the example, for in the Mithridatic War he commanded that the taxes of five years be given immediately. Here the proportion of years is not observed, and the poor must necessarily be overturned from all their goods.

Golden is the judgment of Suárez, book 5, chapter 16, §1: "For if a tax is imposed upon immovable property, it ought not to exceed a moderate amount, with its fruits and the labors and expenses made upon it taken into account; for if the tribute becomes too burdensome in this respect, it will plainly be unjust. But if it is imposed upon movable things which are sold and bought or made by craft, care must be taken that such things are not of this sort, or that the tribute is small and not great, lest it redound to a greater burden upon the poor, craftsmen, or merchants than they can conveniently sustain while maintaining life and family."

§ 6. A tax must be exacted in proportion to each person's property and means. Otherwise the poor must necessarily be flayed, not shorn, something not even Tiberius--the cruelest of the avaricious, the most avaricious of the cruel--desired. For such men cut out the roots so that the plants do not grow again. Hence Servius established the census among the Romans, as is found in Livy, Florus, and others. The first class possessed one hundred thousand *asses*; the second, seventy thousand; the third, fifty thousand; the fourth, twenty-five thousand; the fifth, eleven thousand. A smaller valuation, or the sixth class, contained the remaining multitude. The equestrian valuation was different. The same method existed among the Athenians. Demosthenes, *On the Public Services*. Cato conducted the census avariciously, Livy 39, though he did certain things rightly, as when he assessed ornaments. For even now that man will act rightly who assesses ornaments and women's clothing rather than the little fields and stones of countrymen; for those things too belong to their means.

Here account must also be taken of the things upon which the tax is imposed. For taxes imposed upon things conveyed for the sake of trade are unjustly extended to things intended for use, which is prohibited in the laws *Universi* and *Omnium*, Code, *On Taxes*. The Turk exacts an apparently small tribute when he plans war against Christians--one ducat from each person--but burdens his own people with another burden.

§ 7. The treasury is the collection of public goods; it is sometimes called the fisc. For the private patrimony of the prince is rarely called the treasury. The public treasury is not properly the prince's patrimony, nor can he use it with full right except for public use. It is great praise for a prince to take from his private fisc and increase the public treasury. Thus Hadrian, according to Spartianus, forbade the goods of condemned persons to be brought into the private fisc, the whole sum being received into the public treasury. King Minyas, as Pliny, book 33, chapter 3, and Pausanias, *Boeotia*, book 9, attest, is said to have been the first to build a treasury--but among barbarians; treasuries had long before been constructed in Egypt. Thus our Suárez rightly judges in *On Laws* 5.13 that tributes must be paid

even by commutative justice. Indeed, he rightly teaches in §9 of the same place: because the debt of maintaining the king and sustaining public burdens is natural, and tribute imposed by a just law is the means of justice.

Those who doubt whether a treasury is to be possessed and increased are not worthy of the name "political writers." Yet questions have been published concerning this matter.

§ 8. When the immense and uncertain expenditures of war must be sustained, it is better to impose men, horses, and ships; for people tolerate all these things more easily than a contribution of money. They call this kind of tribute *angaria*, when the labor of persons, horses, and oxen is demanded. Yet care must be taken in this matter that public works not be exacted at the time of plowing, harvest, vintage, or fairs, something ministers frequently do in order to elicit money. Next, they must not be compelled to carry wine, grain, and other things to a distant place. Verres used this practice, and now the mercurial agents of princes are not ignorant of it. For example, one hundred wagonloads of wine are owed to the prince; they are valued at the highest price; the subjects wish to deliver wine, not money, but they are ordered to carry it a long distance at the busiest or a rainy season.

§ 9. Care must be taken that thefts by officials do not intervene; nowhere is wrongdoing more serious. Antony and Dolabella commanded Asia to pay two hundred thousand talents; avarice and the frauds of the tax-farmers added as much again. Today also, when people consent to a contribution, additions for the collectors are appended that are far too large. Our eyes teach how great an error is committed in these matters. For most officials who are put in charge of money, although at first they are thin and juiceless like the driest sponges, and, like the cows Pharaoh saw, misshapen and wasted by leanness, such that he had never seen their like in Egypt, nevertheless soon grow fat, although the prince is reduced to the last extremity.

Lipsius thinks that in the age of the princes there were no tax-farmers in the provinces of the Caesars, for they raged too violently. Julius removed both their injuries and the injurious men themselves, permitted the fruits to be collected from the farmers, and introduced tributes. There are many examples concerning Verres which today are repeated with greater ruin.

§ 10. An even greater error occurs when revenues are pledged or given to nobles. Henry III, king of Castile, corrected this practice. Because the same execution is necessary today, take the history as follows from Mariana, book 3, chapter 7.

Henry, the third king of Castile by that name, a man of lofty spirit, followed this course: when he was older and possessed of prudence, he freed the revenues seized by the nobles, in a memorable example. While still a minor he was staying at Burgos, a city in Old Castile, and was accustomed to amuse himself by hunting quail. It happened once that he returned to court very late in the day, exhausted by the delay and by his labor, and no food had been prepared. When the royal provisioner was summoned about the matter, he reported that not only the king's money but also his credit had been exhausted. The king, concealing his present distress, ordered mutton to be bought after his cloak had been pledged, and a meal to be prepared entirely from it and the quail that had been caught.

[Printed page 633]

During the meal he heard that the nobles were in a better condition: every day they attended the most sumptuous feasts among themselves; free from every other care, they vied in the luxury and splendor of their tables. That night there was to be a dinner at the house of Pedro Tenorio, archbishop of Toledo. The king came with his head wrapped. He saw everything overflowing with festivity and delights. When dinner was finished, each was to report for himself how much revenue he received annually from hereditary towns and how much from royal revenues.

On the following day the king, eager and resolved upon vengeance, pretended that he was confined by a grave illness and wished to give his final commands. At this announcement the nobles, hurried and afraid, came from different directions to the citadel. Their servants were excluded, as had been ordered; the nobles were admitted and remained in the dining hall until late in the day, wondering at the cause of the delay. At last the king entered among the nobles

armed with iron and with drawn sword. When he had seated himself among them, all terrified by that sight, he asked the nobles with a stern expression, as though angry, how many kings each had seen in the province. Some answered two, others three or four, according to each man's age. "Indeed," he said, "what you say is true, although at my age I have nevertheless known twenty kings in Castile." Wondering at the reason for the statement, with anxious minds awaiting the issue of the affair, they listened. "You," he said, "all of you--you, I say--are kings. Having occupied the strongholds and resources of the kingdom, you have left me an empty title, squalor, and want. Does that seem an adequate cause for treating us as a mockery? But lest you do it any longer, I shall make a decree upon all your heads." At the same time he ordered the things required for their punishment to be prepared and brought forward. In a loud voice he summoned the lictors and six hundred soldiers whom he had secretly held ready.

While the others were stunned with fear, the archbishop of Toledo, as he was a man of great spirit, fell upon his knees and, with tears streaming over his whole face, begged pardon; following his example, the others did the same. He granted pardon to those filled with fear of death and making supplication. Nevertheless, he decided not to release them from the citadel before one or two months had passed. During that interval they were compelled to deliver the strongholds and revenues to the king. Thus did he bear a spirit beyond his years, and manly care. It is no less shameful for public revenue to be appropriated for the pleasures of the prince than for the luxury of nobles. For it is public patrimony, not the prince's.

§ 11. It is the counsel of many, including the most prudent, that revenues be established for the advantage of the country; this can be done with such moderation that, even if they are great, they nevertheless burden or trouble no one. Let no or very small customs duties be established upon common, necessary, and useful goods, but many and heavy ones upon useless, harmful, and costly things without which this life, whatever it is, is lived well--indeed, upon the craftsmen themselves. Bodin, book 6, *On the State*, chapter 2, says truly: "The tribute most pleasing to God, most honorable to the king, and most useful to subjects is that which is imposed upon those things that tend to corrupt morals."

I remember seeing, in places where beer is used and wine is scarce, a third part of the wine paid to the state, because they deny that wine is necessary for their citizens. Therefore, it is in the interest of the polity to press with a heavy tribute those who sell sugar, unnecessary spices, and enticing preserves of Indian delicacies. It is likewise just to reduce by exactions confectioners, sellers of delicacies, and innkeepers dealing in foreign wine, since they are exceedingly harmful to morals. Indeed, a state will readily impose a tax, never unjust, upon purple, cotton cloth, silk trimmings, Attalic coverlets, and gilded vessels, since money is better expended in aiding the public welfare than in corrupting morals by luxury.

The Romans certainly imposed immense duties on Arabian wares, pearls, and precious pearls. This was accomplished by the Romans. Cicero, *Against Verres*, complains that the allies lost sixty thousand sesterces through Verres's exports--according to Lipsius, 1,500 *Philippei*--and this from the twentieth part at the port of Syracuse alone. Behold a twentieth as a customs duty. In Justin an eighth is given, and those who exact it are called *octavarii*. In the speech *For Quinctius* and in Symmachus, a fortieth occurs. Lipsius rightly says that things imported more for delights and display than for use paid a heavier duty. Caesar established a duty upon foreign merchandise; I believe one existed before, but the customs duties were increased by Caesar. Alexander Severus had this intention when he established a tax upon makers of armlets, linen-workers, citron-wood workers, furriers, wagon-makers, bankers, goldsmiths, and other trades--rightly, if they were useless trades. Would that he had done the same to cithara-players and others who corrupt youth.

§ 12. They should also impose greater duties upon all foreign goods that are unnecessary, although not useless. In this way money will remain in the province--for example, duties on English cloth, Sarmatian skins, Gascon wines, and the like. For if we wish to hear and speak the truth, what do foreign regions bring to Germany without which it cannot live, except perhaps Dutch fish and cheeses? Why, therefore, do importers of foreign wares carry so many millions away from here? I seek a spirited prince who will abolish these things, or a frugal one who will grow rich from them.

Pliny, book 11, chapter 1, says that Arabia, India, and the Seres take one thousand million sesterces--two and one-half millions--from the empire; and in book 6, chapter 23, that those wares sell for a hundred times their cost. There are several causes, but the chief is the size of the customs duty. For if they sold for a hundredfold, were not two hundred and fifty millions produced from them? If they spent fifty millions upon the journey and gained one hundred from two and a half, what great thing is it if they contribute one hundred millions to the state? The luxury of those who buy them at a hundredfold for ostentation cannot complain of this, nor can the wicked toil of merchants who supply foreign nourishment to the vices of fools. Luxury has brought them to those prices.

§ 13. Since tributes are frequently increased through the harpies and swallows of the people, since they turn the labors and sweat of the people into their rewards and stir up hatreds and curses against the prince, care must be taken that the prince learn the complaints of his people, demand an account from the procurators, and cause it to be described item by item what has been spent by each. If anyone is found to have exacted more, let him be punished as a traitor to the prince.

I understand this not only of the amount of money and goods, but also of coin, which they demand disdainfully as unworn and exact to the standard, and not at its common price, so that poor people can scarcely find among the coins they possess any fit for those thieves. Yet all kingdoms cry out against them, and still they grow rich. Therefore my counsel is that everything be delivered to certain men of unimpaired fidelity chosen by the people, and that they, in the magistrate's presence, deliver it to the king.

The whole kingdom of France approved this counsel, as Bodin reports. He says that he was present at the estates among the Tectosages when a petition was made to Henry II, king of the French, that he remove fraudulent men and money-scrapers. They promised that they would faithfully present all tributes on the appointed day and would even carry them to whatever part of the kingdom the king designated; this would benefit both king and people. The king approved the counsel, but, drawn away from his judgment by specious arguments, left the treasury

[Printed page 634]

and his subjects to be harassed by coercive collectors. For they not only exacted more but also returned less, equally faithless to king and kingdom.

Richard, king of Britain, acted with much greater spirit, inflicting the supreme punishment upon those convicted of guilt. Antoninus Pius prescribed that moderation to his officials. He ordered his procurators to receive tributes moderately and commanded those who exceeded the limit to render an account of their deeds. He never rejoiced in gain by which a provincial had been oppressed, and willingly heard complaints against his own procurators.

Caligula, in keeping with his character, did the contrary. He administered new and unheard-of revenues, first through tax-farmers and then, because the profit was abundant, through centurions and tribunes of the Praetorian Guard, omitting no class of things or persons upon which he did not impose some tribute. A fixed and established charge was exacted upon foods sold throughout the whole city; a fortieth of the amount at issue was exacted for lawsuits and judgments wherever undertaken, with a penalty if anyone were convicted of having settled or relinquished the case; an eighth part of the daily earnings of porters; and from the takings of prostitutes, as much as each earned in one act of intercourse. It was added to the heading of the law that those who had practiced prostitution or procuring were liable to the public revenue, and that marriages were also liable.

A harsh and unjust exaction gave rise to the great war concerning which Tacitus writes in book 4 of the *Annals*. Drusus had ordered a moderate tribute from them, in view of their straitened circumstances: they were to supply ox hides for military uses. No one took care what strength or dimensions they possessed, until Olennius, formerly a chief centurion and appointed to govern the Frisians, selected the hides of aurochs as the pattern according to which they should be accepted. This was difficult for other nations and still harder to endure among the Germans, who had forests productive of immense beasts but small herds at home. At first they surrendered the oxen themselves, then their fields,

and finally the bodies of their wives or children into servitude. Hence came anger and complaint. When no relief came, they sought a remedy in war: the soldiers present for the tribute were seized and fastened to the gallows. Olennius anticipated their hostility by flight and was received into the fortress called Flevum, where a by no means contemptible force of citizens and allies guarded the shores of the Ocean.

Claudius was in no less danger. Suetonius Tranquillus says of Claudius Caesar: "He ordered all orders to contribute a part of their assessed property, and in addition required tenants of private houses and apartment buildings to present a year's rent to the treasury. With great disdain and severity he demanded unworn coin, refined silver, and purified gold, so that many openly refused the entire contribution and, by agreement, demanded that the rewards which the informers had received should rather be recalled from them."

§ 14. I approve the wisdom of the ancient Romans in providing against the difficulties of the times. They had three treasuries. The first, which they also called sacred, was in the temple of Saturn, a most strongly fortified place; they praise Valerius Publicola as its founder. In the same place records, military standards, laws, and decrees of the Senate were preserved. They brought twentieths into this treasury, and it was reserved for the final emergencies of the state. It was opened in the Second Punic War, when Fabius was consul for the fifth time and Flaccus for the fourth; then again during the civil war. It was an enduring treasury appointed only for a Gallic war, Appian, book 2, *Civil Wars*.

The third was the richest, and into it were brought the tributes and revenues of citizens and allies, spoils, and the census of the people. Caesar plundered it, as Lucan relates:

> Then from the lowest depth of the temple is dug out
>
> The census of the Roman people, untouched for many years,
>
> Which the Punic wars had given, which Perseus,
>
> Which the spoil of Philip had given to you;
>
> What Pyrrhus left to you, Rome, when he fled in terror;
>
> That for which Fabricius did not sell you to the king for gold;
>
> Whatever the customs of frugal ancestors preserved;
>
> The tribute which the rich peoples of Asia sent;
>
> And what Minoan Crete gave to victorious Metellus;
>
> What Cato carried over distant seas from Cyprus.
>
> Then the wealth of the East, and the last treasure of captured kings,
>
> The treasure displayed before Pompey's triumphs,
>
> Is carried out; the temples are despoiled in mournful ruin.

But he did not spare even the more sacred treasury when he needed money and knew that the greatest dangers were imminent; for the Spanish and Pharsalian battle, the African war, and the final battles at Munda remained. States will have acted entirely rightly if, in a fortified place which not even the prince may enter without the consent of the nobles, they store away a treasure for the last emergencies.

It is therefore vainly disputed by newly fledged political writers whether it is expedient for a treasure to be preserved in a state. For just as in a household it is very advantageous, when money is at hand, to purchase everything at the proper time and not miss opportunities, so it is necessary in a state. For this reason we read of David's treasuries not only in the citadel but in cities, villages, and towers; likewise those of Hezekiah and others. The Hebrews built for

Pharaoh, who did not know Joseph, cities of tents, or treasuries; for in the same places in which the treasuries were situated were the military garrisons or tents.

The objection that public wealth can be seized by an enemy or sedition, and that the country can be oppressed by its own riches, is refuted. For no one therefore neglects money because his house is exposed to thieves. By that argument they would prove that neither towns, fortresses, nor ports ought to be fortified; indeed, that wealth ought not even to be possessed privately, lest an enemy or evil citizen have the means to harm his country. Vigilance is required; and when dangers threaten, the cities of the treasuries must be fortified, which ought to be strong and trustworthy.

I do not approve the counsel of the Athenians, who had a treasury at Delphi, protected by superstition alone, which an enemy, atheist, or witty man could easily borrow from Apollo. A Brennus, Dionysius, or certainly a Diagoras was needed. For the common treasury of Greece on Delos was meager; the individual cities provided for themselves.

Augustus very prudently established a separate military treasury. Suetonius, chapter 99: whatever soldiers there were anywhere, he bound them to a fixed schedule of pay and rewards, defining according to each man's rank both his period of service and the benefits of discharge, lest through age or want after discharge they could be stirred to revolution. And so that funds for maintaining and rewarding them might always be available without difficulty, he established a military treasury together with new revenues.

This was prudent counsel, for the other expenditures upon magistrates, works, and ordinary gifts were regular and perpetual, whereas war demands great, sudden, and uncertain expenditures; and because the empire extended widely, war was being waged in different regions at the same time. This treasury at first consisted of the collection of twentieths paid from legacies and inheritances, unless the heirs were blood-relations or poor. This was a great tribute in so great an empire, but unjust, because the other revenues sufficed to support the army, but were consumed upon games, the fattening of the people, and the cruelty of the arena.

A twenty-fifth part of slaves sold was added, an altogether great sum amid so many myriads of saleable slaves, their frequent transfer, and their price--matters which Lipsius considers excellently in book 2, *On the Greatness of Rome*. To these was added a hundredth part of goods

[Printed page 635]

sold. The separation of that treasury is to be approved, but the new exactions were not necessary. The kings of the Persians poured molten gold and silver into earthen vessels, Herodotus, book 3, and did not have different treasuries for war and peace. Yet lest accounts be confused and so that what is destined for extreme emergencies remain intact, it is expedient that those things which must be expended extraordinarily be separate.

§ 15. Lipsius teaches that Roman revenues consisted of tithes, pasture, and customs duties. First, they received a tenth part of grain--Appian, book 1, *Civil Wars*--and this is evident from the speeches against Verres. This was generally imposed upon conquered peoples and lands. From plantations and orchards they took a fifth. For pasture they agreed upon a fixed price, for the tax-farmer leased out the land and drew up the accounts; therefore the land was called *scripturarius*, and that revenue *scriptura*. A great profit was also made from goods imported or exported. These were just if imposed upon the lands of enemies conquered in a just war.

Among these, the Spaniards and Africans, and even the Gauls, were in the worst condition: both their lands and their persons were assessed more heavily. They called the latter a poll tax, and it is evident that it was severe. Lampridius says that those who under Heliogabalus had paid ten gold pieces paid a third of one gold piece under Alexander. From that census they knew the number of persons. Josephus says that there were 750 myriads of people in Egypt, and that this was clear from the tribute which individuals paid per head. Augustus arranged and increased all these; Vespasian increased the tributes of all the provinces and doubled them for some, as Suetonius says. These were for the most part exceedingly unjust, since not only were such amounts given, but they were exacted with the utmost harshness.

§ 16. A Christian prince, therefore, must act so as to abolish some tributes, moderate others, and reduce them to the ancient rule. Under Servius's institution the tribute was slight; Tarquin increased it, but it was again reduced to its original form. Thereafter it was long observed that the rich contributed according to their census and the poor by their labor. Now tributes grow in Germany because, amid great mutual distrust, each fortifies himself. But if with united minds they spent against the Turk the money with which they frighten one another, they could all procure territories twice as extensive for themselves. Thus subjects are burdened and yet treasuries are not filled, although the sole end of tributes is that the poor not be burdened in time of war.

§ 17. But when tributes are exacted lawfully, it is unjust to refuse them. Accordingly, the penalty established by Servius was chains and death, as Livy says. Dionysius of Halicarnassus says that it was provided by law that those who evaded their declaration or wished their goods to be valued at less should be flogged, their goods confiscated, and themselves sold. Zonaras says that those who did not report themselves or their goods for assessment were sold--the persons by the consuls and their goods by the censors. Herodotus testifies in book 3 that the Persians acted with the same precaution. For Darius apportioned the tributes and collected 14,560 Euboean talents annually, perhaps not a great sum for maintaining the army. But those who impose tribute upon nations conquered in a just war are readily excused. Thus Jotham commanded the Ammonites to pay one hundred talents of silver and ten thousand *cors* each of wheat and barley.

§ 18. There are three conditions of a tribute for it to be just: authority, cause, and proportion. If any one of these is absent, the tribute will not bind. Authority resides in the supreme prince; the cause is public necessity; proportion means that the tribute corresponds to people's means. With these conditions posited, I judge with our John de Salas, treatise 14, disputation 15, section 10, that all are bound to pay tributes. Those whom he cites think thus: Gabriel, book 4, distinction 15, question 5, article 2; Antoninus, part 2, title 1, chapter 13; Sylvester, under the word *gabella*, question 8; Medina, *On Restitution*, question 13 and those following; Castro, book 1, *On Penal Law*, chapter 10, toward the end; Córdoba, *Summa*, question 95; Hostiensis, book 3 of the *Summa*, title 1, chapter 13, *On Assessments*, § *For What Causes*; Panormitanus with others upon the chapter *We Renew*, *On Assessments*; Covarruvias, rule *Sin*, part 2, §5, no. 5. There he therefore binds merchants who sell, buy, and transport goods to declare themselves and make their tender to tax-farmers and exactors.

The foundation is that tribute is not a penalty but a true debt founded upon a true title of justice. But whoever is bound to pay a debt without any compulsion or exaction is bound--even if it is concealed--to disclose it to the creditor or to pay it. Hence Matthew 17: "Render to Caesar the things that are Caesar's," namely tributes, as all understand; and Romans 13: "To all their dues: tribute to whom tribute," and so forth. Likewise, tributes are as it were a just stipend given to the king for his service and for the expenses necessary to defend and govern the state. But the hired laborer is worthy of his wages, nor is the mouth of the ox threshing grain to be muzzled. For the same reason tithes are owed even if not sought, because they are a just stipend and the owed maintenance of ministers; but the king is God's minister for the state, Romans 13.

And manifest reason proves it. The prince has the right of commanding; therefore, when the command is legitimate, it must be obeyed. Many contend that payment is required only when it is rigorously exacted, because, since penalties are attached, the laws seem to be merely penal, and because otherwise a great snare would be cast upon consciences. These reasons, I say, accomplish nothing. For even if a penalty is established with the law, the law nevertheless binds conscience. It would indeed be absurd for a legitimate prince to bring just revenues for the necessities of the state to such a condition that he is not obeyed unless he exacts them rigorously, with armed hand and severe threats. This is to be unwilling for princes to be mild and gentle.

No honor sufficiently great can be shown to a good prince, and will you abandon him as he keeps watch for you, and not aid him unless compelled by evil? Next, if you lawfully owe it, rigorous exaction is therefore not to be awaited. For by resisting you cause him to exact it rigorously, and, as though you were a bad debtor, you do not permit the debt to be canceled unless force or law is employed. Finally, delay often carries danger; when aid does not come promptly,

others who are ready are offended. Accordingly, authors who think otherwise err dangerously, and perhaps seditiously, if the question concerns right. But I believe rather that they think thus concerning tributes which are everywhere imposed without necessity; the counselors of princes, the swallows of the people, are accustomed to be accused of these, although the princes themselves are truly condemned.

§ 19. Exemption from just tributes must in no way be granted without a just cause. This can happen in two ways. First, the prince may remit the tribute to someone. When he does this without just cause, he sins partly by prodigality and partly by injustice, because he deprives the state of the protection owed to it. This latter kind of offense has its greatest place in revenue that must be expended not upon the prince but upon the state. But if a fixed sum has been commanded from the whole state or city, the prince cannot exempt some and incline the burden upon the rest. For even if individuals feel little loss, all are nevertheless injured; indeed, contrary to right a sum is imposed upon all, and from this arises mortal sin.

[Printed page 636]

For if someone extorts one hundred gold pieces by fear from the inhabitants of a territory, although the multitude is such that individuals pay only one denarius, the injury is nevertheless grave, and he is bound to restore the one hundred gold pieces. Here, so far as the obligation is concerned, the reasoning is the same. For the prince exacts from the others what one man is bound to pay. It is certainly of great importance that exemptions of this kind not be granted. If a prince is pressed by the importunity of certain persons, let him either show them his own obligation or satisfy it from his private patrimony.

I give this warning because of certain men who always incite princes to collect tributes, yet when the matter comes to action most shamelessly demand immunity for their own estates. Although they redeem the infamy of this crime by another wickedness: in collecting tributes they contrive that something always remains over as an honorarium for the prince; it is then given to those very men, who boast that they have paid the revenues from their own possessions.

§ 20. Tributes which are given for the public cause not only require a cause; they also cease when the cause ceases, unless another cause has succeeded it. Those which are given to the prince for expenses and labors remain free. The continuation of a tribute when its cause has ceased is altogether damnable. Our Suárez defines the matter thus, book 5, *On Laws*, chapter 15, §§5--6:

> Concerning this condition, it must be considered that, if we speak of tributes which are paid to the king himself for his expenses and because of his labors and vigils, the justice of such tributes does not depend upon their use. For whether the king later spends such revenues badly or well, he will not be unjust in receiving the tributes, because he is truly their owner and can freely dispose of them without injustice, provided that he fulfills his office by governing and defending the state as he is bound. Otherwise, if he fails in this, he will unjustly receive and retain these tributes, which are given on account of his office and are like wages for work, which one who does not labor receives unjustly.
>
> But if we speak of tributes imposed for the common works of the state, it is clear that they must be expended upon such works; otherwise fraud and injustice are committed, which lies rather in the reception and retention of that tribute than in its imposition. For the imposition could have been just if a real cause was present, but afterward reception or retention becomes unjust from the lack of the required use. It is therefore necessary that the tribute be expended upon the work for which it was imposed; for the king does not properly become owner of that tribute, but its steward. Hence at most he will sometimes be able, when a true necessity arises, to transfer it to another work which also pertains to the common utility of the kingdom or people; for with respect to this he possesses supreme power and administration.
>
> From this it is further inferred that tribute depends, so to speak, upon its cause both in coming to be and in being preserved. For if the cause is necessary for the justice of the title, the tribute cannot last longer than the cause, because when the cause--which is certainly necessary and adequate in its own kind--ceases, the effect ceases:

> chapter *When It Ceases*, *On Appeals*. The Gloss explains it in almost this way, citing various laws in the chapter *After the Translation*, *On Renunciation*, at the word *ceasing*; and the Doctors note it on law *When the Father*, § *Sweetest*, Digest, *On Legacies*, book 2. But in the present matter, the cause is necessary for the justice of the tribute, as has been said. Therefore, when it ceases, the justice ceases, and consequently the tribute ought to cease.
>
> This is confirmed because, if tribute is exacted after the cause has ceased, more is now exacted than is necessary; therefore equity and justice are not observed in it. For, as we have said, the proportion between the amount of tribute and the demand of the cause is necessary for the justice of the tribute. Therefore, if the cause is perpetual, the tribute will be able to be perpetual; but if the cause is temporal, the tribute ought also to be temporal, so that when the cause ceases, it too ceases.

Nevertheless, the cause is just if, by consent, the contributions are useful for increasing the treasury, are brought into it, and are not expended upon other uses. Therefore it is expedient that they be brought in before the eyes of all. Thus Aristotle, *Politics* 5, chapter 8: "Therefore, lest the treasury be plundered, let public money be delivered in the presence of all the citizens; and let copies of the accounts, diligently compared with the exemplar, be distributed and deposited among the wards, centuries, and tribes. And so that magistracies may be administered without gain, honors ought by an enacted law to be decreed to those whose fidelity and diligence in office have been proven and observed. Now in democracies the wealthy must indeed be protected, not only by not dividing their farms and estates, but also by not dividing their fruits individually and transferring them to others--a thing which occurs in some forms of governing the state, yet is not noticed."

§ 21. The last counsel is to warn all rulers to take the least possible amount in tributes. For through them they burden themselves with hatred, diminish commerce, destroy agriculture, and render the prices of things--especially estates--very low. And although the prince is armed with persuasion and violence, poverty is nevertheless unconquerable. Indeed, it cries freely with the Roman people: "May the devil take the new revenues, and their authors with them."

Marcus Aurelius Antoninus, when he saw ancient towns in ruins and their inhabitants few, restored everything by remitting revenues. What prince's quaestor now does not favor the treasury more than justice? How many make the treasury a place of spoliation and a receptacle of bloody plunder? Danger is never greater than when the ignoble crowd riots because of tributes. When Hannibal threatened, the Romans withheld tributes and did not aid the state until the Senate set the example, although necessity stood before their eyes. How much more will they do so if they understand that the arrogance of courtiers is supported at their loss, as the city of Paris objected to Charles VI? The Lydians hanged Achaeus when he had exhausted everything by tributes.

For the benefit of those who suggest to princes new methods of exacting money--that is, of plundering--I shall append from Erasmus a tale, whether history or fable, that is certainly pitiable. In Paris, he says, in the grain market, there is shown a sewer in which a certain man ordered himself to be buried, because he repented too late of an evil counsel. He had seen the king sad and anxious; the cause of his grief was a straitness of money. In order to relieve the king, he advised that one or two small bronze coins be exacted even upon the small goods which countrymen brought into the city, and that this be done for only two years. When they saw that no small quantity of money was collected from this in a very populous city, more exactions were devised according to this example. When the man who had given the counsel saw that he did not possess the same authority in dissuading it that he had possessed in advising it, he fell into the greatest sorrows of mind, so much so that he despaired even of his salvation. In order both to exact punishment from himself for his ill-considered counsel and to warn others not to strike against the same stone, he provided in his will that he be buried in that sewer into which the filth of the whole market flows. The enforcement of the exaction remains there even to this very day.

But these things move little those whom avarice has blinded, who have reached such madness that sometimes they are administrators of the most filthy gains. The *Chrysargyron*, as Cedrenus says, was a payment of such a kind that every

beggar or poor person, every prostitute even if retired, and every slave and freedman paid into the treasury for urine and dung--also the dung of beasts of burden and dogs--

[Printed page 637]

whether they lived in the country or in towns. Men and women each paid a silver coin; a horse, mule, or ox the same amount; an ass and a dog, six *folles*.

Yet men sought the office of collecting this tribute no differently from a military command or civil magistracy, as Evagrius says. The jurists call the contractors for the same right *foricarii*. O how those whom wealth commands consider nothing shameful! Those who are blinded by avarice never lack their nightingale's song; those greedy for gold never lack the pretext that security is sought for the kingdom. Princes who were rapacious and greedy of their own accord and had no need of teachers nevertheless always learned more from us against us. But after the prince has done everything, he will correct some things, not all; many, when open dangers of theft arise, will turn their minds to cunning and impostures.

The necessity of revenues is shown in law 1, § *In the Cause* 20, π., *On Examinations*: a city cannot be sustained without expense. See Bulenger, *On the Revenues of the Roman People*. A city without a treasury is fragile.

Egypt paid a fifth part, Genesis 47; Sicily a tenth, Cicero, *Against Verres*; the Indians a fourth, Strabo, book 11, to their kings. Babylon paid an *artaba* of silver each day, Herodotus, book 1; see also Herodotus, book 3. Lipsius thinks the Gauls gave Caesar four millions; others, one million. The latter is truer, for they also supplied grain, labor, soldiers, and other things. And at that time one million was worth more than ten are now.

Tacitus, book 13: the Senate prevented Nero when he wished to remit tribute, lest the empire be dissolved.

Nicephorus collected a tax from smoke, as Zonaras says, which he called καπνικόν.

A tax was given upon shade, with Pliny, book 12, as witness.

Michael the Paphlagonian scraped money together from the air; Cedrenus calls it ὑπὲρ ἀερικὸν, and Chrysostom says, ἀὴρ ὠναῖς ὑποβάλλεται. "Air is for sale."

There was also another tax called ἀλληλέγγυον, the obligation of the rich on behalf of the poor. It was called *chartiaticum* when they paid two *folles* to officials for documents. The twentieth of Augustus is well known--altogether a tolerable tribute, and one which I would recommend. Those who were neither the nearest agnates nor poor gave a twentieth part of an inheritance or legacy. His invention too was the twenty-fifth part of slaves sold, altogether a great revenue at a time when they had armies of slaves and slave-dealers. All owed a fortieth to tax-farmers, Quintilian, *Declamation* 359. Caligula exacted a fortieth of lawsuits, Suetonius. A fiftieth of wild beasts was added.

Augustus instituted a hundredth part of goods sold; Tiberius converted it to a two-hundredth, but afterward restored the hundredth; Caligula remitted it for Italy. Appian, in the *Syrian Wars*, says that the Syrians and Cilicians paid a hundredth of assessed property.

The urine tax of Vespasian was exacted from fullers who used urine; jars stood in alleys. Macrobius, *Saturnalia* 3.17. Another was the *foricarium*.

I have spoken of the *Chrysargyron*; I have no intention of stirring further controversy about it.

A tenth was deducted from legacies made between spouses. Alexander Severus instituted a tax upon craftsmen, but for the most part upon those who were unnecessary. Lampridius.

Caligula also wished marriages to be taxable, although what he exacted is not stated individually; some understand it of those who were procurers of their wives at home. A brothel tax existed in the time of Claudius.

In the Triumvirate an eighth part was exacted from freedmen in Italy, Dio, book 10; from freeborn men, a fourth of annual income. Isaac Comnenus imposed a tribute upon villages; Pertinax received revenue from lakes and rivers. There was also a ground rent, when houses had been built upon public soil. More severe was the tax of thirds, when a third part was paid from fields. A tribute for the dead was as profitable as it was wicked. Cicero, book 2 *To Quintus His Brother*, admits that the tribute of the aediles was unjust and heavy. The *siliquaticum* was imposed upon all merchandise. The *sextarius* paid in Apulia and Calabria seems to belong here. The tribute for the furnishing of recruits was great. Tenants also brought twelve drachmas into the treasury.

Add to these all revenues, tithes, pasture-dues, poll taxes, the income of the meat market, and saltworks, and an immense quantity of money will result. There are so many other names which I have omitted that in a short time the state drew everything to itself.

CHAPTER VIII

Personal Services Are No Less Useful Than Tribute

§ 1. There is another kind of tribute, little used but nevertheless more useful than a monetary contribution, and not very burdensome if applied moderately. For by labor that is not difficult, subjects accomplish what would otherwise have to be done at great expense through hired workers.

The customary works are chiefly these: 1. that for restoring public buildings, fortresses, hospitals, and churches, and for building new ones when necessary, they convey the materials; in this matter care must be taken that the labor is divided among many. 2. That they repair roads, banks, and bridges. 3. That each group repair the walls in its own cities. 4. That they cut down forest. 5. That they plant forests. 6. That they cultivate common land, or the land of the state. 7. It is harsh to employ them in mines, but nothing prevents imposing the easier operations, such as removing the earth that lies upon the surface.

§ 2. Legitimate causes are also required for these impositions when labor is exacted: they must proceed from a legitimate prince, from public necessity, and without great burden upon the subjects. Samuel shows the right of the king chiefly in these matters, 1 Kings 8:11:

> This will be the right of the king who is to rule over you. He will take your sons and place them in his chariots; he will make them horsemen and runners before his four-horse chariots; and he will appoint for himself tribunes and centurions, plowmen of his fields and reapers of his crops, and makers of his weapons and chariots. He will also make your daughters perfumers, cooks, and bakers for himself. He will also take your fields, vineyards, and best olive groves and give them to his servants. He will also take a tenth of your crops and the revenues of your vineyards, to give them to his eunuchs and servants. He will also take away your male and female servants, your best young men, and your asses, and put them to his work. He will likewise take a tenth of your flocks, and you will be his servants.

Many formerly abused this right or power. And it has been shown above that this very right is unjust. Many kings, I say, used this labor tyrannically, and, so far as I know, no one surpassed Pharaoh, except perhaps the Rasuani, who oppressed not only the children of Israel but also the Egyptians; for they too were compelled to build the pyramids. But the work was deliberately contrived so that it might appear like a miracle.

First, from its sheer size: the Pyramid covered eighty *iugera*, as Herodotus reports. Pliny and Theodorus assert that 360,000 men were assigned to this work and completed it in twenty years. It was made from the hardest stones, intended to remain forever, yet dressed with the greatest art although difficult to handle, and joined together with the utmost firmness. He says that none was less than thirty feet. They were cut from the Arabian mountains, dragged over land for a very long journey as far as the Nile, placed upon boats there, carried to the African mountain, and built there in earth sandy on every side.

[Printed page 638]

Afterward no trace either of the embankment or of the fragments of the cut stones appeared, as though the gods themselves had heaped together so great a mass. The money expended in building it upon parsley, onions, and garlic alone exceeded 1,600 talents, which amount to 9,060,000 crowns. Herodotus relates that this was inscribed upon the mass in Egyptian letters. At the bottom was a mound upon which these great structures were imposed; the Nile was let into it through a trench.

Asychis, the fourth king of Egypt after Cheops, wishing to surpass his predecessors in the glory of achievements, built a pyramid of brick. Herodotus testifies that he inscribed these words upon its side: “Do not compare me with the other

pyramids; I surpass them as greatly as Jupiter surpasses the other gods. For men struck the bottom of a lake with a pole; gathering the mud which adhered to the pole, they formed me and brought me to such a size."

The hanging gardens of Babylon and walls of immense size were made by compulsory labor, although an innumerable multitude of laborers was driven to it. For it is said of Nebuchadnezzar that he did not open the prison to those who were bound. But he so enlarged and fortified Babylon that he could be considered its builder. Therefore, formerly the first part of tyranny was to oppress subjects with works and to exact the performance of labors as though from slaves.

In the statue of Nebuchadnezzar, the Babylonian kingdom is gold, the Persian silver, the Greek bronze, the Roman iron. The comparison among the monarchies is not such that the Roman is as much worse than the Babylonian as iron is worse than gold; nor indeed is the distinction between the Persian and Babylonian the same as that between gold and silver. For gold is tenfold, as Pollux teaches from Menander and the letter to Commodus, or twelvefold, as Plato in the *Socrates*, and as our Villalpandus attempts to prove from 2 Kings 24 and 1 Chronicles 21:24--25. But the Babylonian monarchy could not equal twelve Greek monarchies. The principal point, therefore, was that in its manner of ruling or its power, the Babylonian was greater, more powerful, more glorious, and, as it were, more imperious.

In that barbarism this was sought above all: not so much that they might collect gold as that they might hold nations in servitude. Nor did Nimrod, author of the tower of Babylon, seek money, but the glory of a name from so celebrated a monument. Individual families did not depart to found houses and cities, but remained intent in mind upon that most insane substructure. They therefore thought that this was truly to reign: to possess the labor and bodies of subjects. Hence Sesostris drove his chariot upon the necks of kings, and in no other spirit that Roman rustic emperor said that he preferred to command the rich rather than to be rich. Hence Nebuchadnezzar rendered the lands of the nations desolate and gathered captivity as the sand of the sea.

I indeed think false the things which Berossus, Abydenus, and others report concerning the works, but those very hyperboles indicate that the greatest things were accomplished by them. Berossus relates that Nebuchadnezzar added a new Babylon to the old, placed three περιβόλους within and the same number without, of brick and bitumen, and adds:

> πλὴν ὄντα γε ὑπερβολὴν ὡς μεγάλα, καὶ ὑπερήφανα
>
> "Except that they were exceedingly great and lofty."

He then describes the hanging gardens, in which he had made mountains, forests, and rivers, for the sake of his wife, who, born in Media, desired upon the plain of Shinar a likeness of the hills of her homeland. They say that Babylon was laid out in a square, each side of which was 120 stadia, that is, fifteen German miles. The width of the walls was fifteen royal cubits and their height two hundred; the royal cubit exceeds the common cubit by three digits. Now, considering the size of present empires, all the kings of Europe could not build so great a city, much less in so short a time. For the work required three million craftsmen, besides carriers, diggers, and others, who must have been twice as numerous, where there was so great a height of walls and mountains and the diversion of streams and rivers. Others employed people in mines; the Romans employed them both in other works and in hunting, namely the most dangerous hunting of lions, tigers, and leopards.

But Tarquinius Priscus, vainly numbered among the good kings, surpassed the cruelty of all tyrants. Pliny, book 36, chapter 15, says of him:

> But then the elders marveled at the vast area of the embankment and the insane substructures of the Capitol; besides these, the sewers, the greatest of all works to describe, with mountains tunneled through and, as we related a little above, the city suspended and navigated beneath. When Marcus Agrippa was aedile after his consulship, seven rivers were diverted through channels and, being forced by their headlong course to seize and carry away everything after the manner of torrents, and in addition being stirred up by the mass of rain, they beat their beds and sides. Sometimes they receive the waves of the Tiber poured backward. The opposing currents of the waters fight within, and yet the stubborn strength resists. Internal masses of such size are dragged along, while the fabric of the

> work does not yield. Collapses that fall of themselves or are caused by fires strike it; the ground is shaken by earthquakes; nevertheless, for eight hundred years from Tarquinius Priscus they have endured almost impregnable.
>
> A memorable example must not be omitted, especially because it was omitted by the most celebrated founders of histories. When Tarquinius Priscus made the work by the hands of the plebs, and the labor was uncertain whether it was longer or more dangerous, weariness was aroused everywhere, and the Roman citizens escaped it by suicide. The king found a new remedy, never devised before or afterward: he fastened to crosses the bodies of all who had died in this way, to be viewed by the citizens and at the same time mangled by beasts and birds. For this reason the shame proper to the Roman name, which often saved desperate battles, then too brought assistance; but at that time it imposed a constraint, since the living were ashamed when they thought that the dead would feel shame. He is said to have made the size of the passages such that a wagon heavily laden with hay could pass through.

That tyranny was excessively cruel and unjust, and no prince ought to imitate it.

§ 3. A prince will act humanely and piously if, where an exaction of money is just, he converts it into labor, but on this condition: those who are unwilling to perform the labor should pay a fixed amount as its price, which should go to those who labor. That is the mildest form of tribute and is frequently employed in fortifying cities. It is easy for the rich to pay something and for the poor to labor with some profit.

Although Valens and Valentinian decreed that care must be taken lest anyone think this personal service should be assessed at a price, Code, book 10, title 47: “This precaution is fitting: let no one think that this service, which is personal, should be assessed at a price. The pinnacles of the greatest dignities, also the counts of the consistory, our notaries, all chamberlains and former chamberlains, are to be freed from all base services. But a similar privilege is then to cover the rest, who are protected by a palatine or military prerogative within the palace, only if they have shown under the earlier statutes that they belong to an exemption of this sort; so that such benefits may be shown to have been granted not to individuals but commonly to a dignity or body, while the ancient custom concerning rhetoricians and grammarians of both branches of learning remains in force.”

[Printed page 639]

§ 4. Formerly many private persons took care of public works at their own expense, and therefore inscribed their names upon them. The magnificence of Pericles and the Athenian people in this matter is well known. They rightly honor the man who confers honor upon the state itself.

“One who, through generosity and not the necessity of a debt, has granted his own revenues in the interim for completing works is not through envy to be prevented from receiving the fruit of his munificence through the inscription of his name upon any works he has made. The superintendents of works have dealings with the contractors, but the state with those whom it has appointed for accomplishing the work. Therefore how far, who, and to whom one is bound is for the governor of the province to assess. And lest the name of the man through whose generosity the work was built be erased and the names of others inscribed, and for that reason similar generosity by citizens toward their native lands be withdrawn, let the governor of the province interpose his authority.”

What may cause still greater wonder is that sometimes that generosity had to be restrained. Thus in the same place: “A private person may make a new work even without the prince’s authority, unless it pertains to rivalry with another city, supplies material for sedition, or is situated around a theater or amphitheater. But the constitutions declare that a new work may not be made at public expense without the prince’s authority. It is not permitted to inscribe upon a public work the name of anyone other than the prince or the person by whose money that work was made.”

A law in the same place shows that money was also bequeathed for public works, and prefers that it be converted to the maintenance of those already existing: “The deified Pius rescribed that money bequeathed for new works should rather be converted to the maintenance of works which exist than expended upon beginning a new work--namely, if a city has enough works and money cannot readily be found to repair them. If someone, with the consent of the people,

has promised to adorn with marble or in another manner a work made by someone else, and to inscribe the title of his own name while the titles of the earlier men who made those works remain, the Senate decreed that this ought to be done. But if private persons add any sum of their own to works made with public money, it is provided by the same commands that they should use the title of inscription in such a way that they write how great a sum they contributed to that work."

If the prince could stimulate this manner of public benefit, so that private persons would contribute for honor's sake toward building and maintaining towers, bridges, fortresses, and other structures, the state would be relieved of great expense. He will attain this if he is sparing in tributes and receives only so much as is given through persuasion. Now great riches are spent upon those works and the labor of very many is exacted.

Much greater vigilance must be used lest he employ the labor of farmers in hunting. For they weary themselves and their beasts of burden; farmers are harshly treated by nobles and curse the prince. But how can a recreation please a prince amid the groans of the wretched and the curses of the angry?

§ 5. Meanwhile, exemption cannot be granted except to one who has deserved well, and rank does not exempt, Code, book 8, title 12: "All must strive through a contribution of labor to restore or construct harbors, aqueducts, and walls; nor may anyone be excused from a share of this kind by privileges of rank." Those who use common goods will rightly all assist in their preservation.

This must be done now, for formerly they were maintained from the estates of the state, as the emperors Arcadius and Honorius decreed, Code, book 8, title 12, *Lest the Most Splendid*. Yet soldiers are exempted even after the completion of their service by Valentinian, Theodosius, and Arcadius, Code, book 10, title 48, *On Exemptions*; likewise illustrious persons, but only from base services; likewise students, those older than fifty-five years, Code, book 10, title 49; and, in title 50 of the same book, a blind father and those suffering from disease of the ears or gout.

CHAPTER IX

Good Household Management Is an Honorable Road to Wealth and Troublesome to No One

§ 1. Kings and all princes are rich enough if they are good household managers, and if they employ frugality, but royal frugality. The saying of Chilon in Laertius, book 1, is prudent: "One who does not rightly govern his own house cannot govern the state." For a household is exceedingly like the city that is governed.

But here Megalonymus Parophaeus stands ready as a formidable adversary. He removes all household management from a generous prince. "Why do you make a money-changer out of a king, so that he looks around anxiously like Euclio and offends all his friends? Will you lead him to the granaries, the wine cellar, and the valuation of onions and garlic? Let the prince's mind be free for the loftier heights of affairs. Let him administer wars, peace, treaties, and justice; let him rejoice that there are many things which perish to his loss. From his sublimity let him cast the lower cares upon others. Let there be a distinction between the prince and his procurator."

§ 2. That flattery brings more evil to the state and ruins the prince more than can be imagined. I wish the prince to be great-minded and, as follows from this, liberal. But it belongs to liberality not that he pour out wealth rashly, but that he receive from those from whom he ought, at the place, time, and manner in which he ought; that he preserve, expend, and give according to right reason. I say that no prince can do these things unless he possesses an exact system of household management.

For if he neglects his affairs, these disadvantages arise. 1. When he has himself been reduced to the last extremity, the cleverest thieves lend him money at interest. 2. Then, unknowingly, he enriches enemies and makes them most hostile. Beware of believing that those who, abusing your sloth, have committed various forms of embezzlement ever wish you well; as long as they fear, they wish you dead.

Nor do I occupy the prince with private labors, but show him the necessity of attending to them. Amid so many eyes of petitioners, hands of plunderers, and tongues of liars, you set the prince like a golden sheep and order him not to know by whom he is plundered. Nor do I listen when you say that good men should be placed over the household management. For the prince's sloth will make them evil: great gains and greater impunity recommend nothing moderate.

Third, the prince's household management is easy; neglected, it increases his cares and, what is unworthy of a prince, makes them anxious. For he who has abundantly enough upon which to live and from which to give to others passes his life pleasantly. He whose debt increases daily is compelled to submit his mind to biting anxieties. Indeed, if he knows that very many things are being lost to him, yet neither grieves nor commands them to be spent better, he is scarcely worthy of the name of man. If you do not know what he has received, what he possesses, or what has been given to each, but know only the bread he eats and that which he gives to a parasitic embezzler, he is a prince only in title, a laughingstock to foreigners, a burden to subjects, a source of profit to ministers,

[Printed page 640]

the slave of his own slaves and the prey of purple-clad thieves.

§ 3. Since I have seen and known men who, while apparently doing the same things and using the same care, administer their affairs with very different results, I began to consider within myself why this should happen. I learned from Scripture to refer increases in household property to the divine blessing and losses to the curse. Yet because miracles are not ordinary, I discovered that such contrary effects proceed from the means and diligence of men.

Gaius and Titius practice agriculture and animal husbandry: one accumulates wealth, while the other's estate always slips backward. Two men trade: one man's affairs increase, the other's decrease. Two possess instruments for carrying

on their affairs: one immediately draws out for use what has been placed in order; the other spends the time for acting in searching. Some build at great expense houses which are useless because the principles of architecture have been neglected; others at lesser expense arrange houses suited to every use, in which no corner is not most suitably adapted.

The reason, therefore, is that some conduct affairs by a certain art, order, and method, while others complete everything rashly, just as it comes to hand. Those who learn to play upon organs scarcely produce a slight harmony with great labor and readily damage the very instruments which they do not know how to tune. In the same way private persons injure their patrimony, and princes their province, with great losses while they are ignorant of or despise household management.

§ 4. Household management is fourfold, as Aristotle distinguishes in book 2 of the *Oeconomica*:

> Οἰκονομίαι τέσσαρες δὲ εἰσὶν ὡς ἐν τύπῳ διελευστέον· τὰς γὰρ ἄλλας εἰς τοῦτο ἐμπιπτούσας εὑρήσομεν· βασιλική, σατραπική, πολιτική, ἰδιωτική. τούτων δὲ μεγίστη μὲν καὶ ἁπλουστάτη, ἡ βασιλική· ποικιλωτάτη δὲ καὶ ῥᾴστη, ἡ πολιτική· ἐλαχίστη δὲ καὶ ποικιλωτάτη, ἡ ἰδιωτική. ἔστι κοινωνεῖν μὲν τὰ πολλὰ ἀλλήλαις ἀναγκαῖον· ὅσα δὲ μάλιστα δι᾽ αὐτῶν ἑκάστῃ συμβαίνει, ταῦτα ἐπισκεπτέον ἡμῖν ἐστιν.

There are four forms of household administration, so that the matter may be distinguished by a certain outline, for we shall find the others falling within these: royal, satrapic, civic, and private. Of these, the royal is the greatest and simplest. The civic is more varied than the others and the easiest. The private is indeed the smallest, but it too is exceedingly varied. It is necessary that there be many things common among them; but those things which occur by themselves in each must be considered by us.

He divides the royal into coinage, ἐξαγώγιμα καὶ εἰσαγώγιμα, καὶ ἀναλώματα--exports and imports, and expenditures. Those things which are imported and exported were treated in the chapter on tributes; expenditures will now be discussed.

But if it is royal to establish a standard for denarii and gold pieces, to impose tributes upon all things great and small, and if not even the buyer of roasted chickpeas or the poor man selling trifles can defraud him, why should it be contrary to his dignity to guard what has been collected in this way, demand an account, and know where it goes?

They therefore betray themselves as impostors who suggest to kings every pocket and every name for plunder: hundredths, fiftieths, fortieths, twentieths, tenths, fifths, taxes on columns, taxes on doors, the *Chrysargyron*, and smoke taxes; yet, after these have been collected with so many cares, they forbid the king to attend to them, repeatedly saying that it is unworthy for Jupiter to be present at small matters. As though it were worthy for Jupiter to be present when poor men are scraped together door by door and handful by handful, his granaries stuffed from all their baskets and his treasuries from all their purses, and then, lest those griffins, who are ἁρπακτικώτεροι γαλῶν, “more rapacious than cats,” lack an opportunity for seizing, to close his eyes.

But what of Aristotle? Does he not expressly posit τὰ ἀναλώματα, expenditures and expenses? Unless I am mistaken, these men will lead their prince under the appearance of magnanimity to be mad by calculation. For they consume him in the most foolish labor: that he should strain every sinew to collect, but not preserve what has been collected. This is just as if he poured water into a perforated cask with wicked labor. What the poets feigned to be the punishment of the Danaids in the lower world, these men interpret as dignity, so that no one can doubt that they desire this: that the prince, at his own danger, labor, and odium, should squeeze money from his subjects, which they afterward, without the prince’s knowledge, turn to their own profit.

§ 5. Satrapic management also pertains to the king, that is, as Aristotle warns, those things which arise ἐκ τῆς γῆς, “from the land,” concerning which he should calculate the most exact account. When all matters have been brought together into one, this is the sum of household management: no more should be spent than is received. From exceeding that limit come borrowed money and pledges, and all the ornament of majesty is surrendered to the ostentation of the rich.

But it is too little not to spend more than you receive if you do not diligently set aside something to be taken up for the uncertain emergencies of the times. Since they possess great revenues, they can also heap up great treasures without diminishing princely splendor, provided order is established. Once order has been brought into use, it makes the accounts balance without any labor. Xenophon says many things about order in λόγῳ οἰκονομικῷ, "the discourse on household management"; if order is applied, the numerous phalanx of a palace will be governed as easily as a small house.

§ 6. First, effort must be made to have faithful ministers. This indeed will be attained in few, for amid so many peoples there is scarcely one fidelity. Yet the faithful hearts of a few will be able to resist the rapacity of many. Next, let no one be idle; let his own duties be assigned to each, an account of which most should be bound to render on the same day, and very many in the same week. Third, let the prince purge and contract his court, and free it entirely from a useless crowd of men who neither benefit the prince, defend him, nor increase his splendor.

Great kings and princes did this, preferring to have a great, dignified, royal court rather than a populous one. I judge useless a crowd such as exists at the court of the Turkish emperor. First, there are three hundred court tailors in the palace, a sign of great luxury in clothing; likewise three hundred smiths; five hundred new Janissaries assigned to cleansing the citadel and base services; four hundred who care for dogs and falcons; and thirty wrestlers. He could reduce these and other refuse of men to a moderate number.

Antoninus Pius formerly did this. Julius Capitolinus says: "He withdrew salaries from many whom he saw receiving them in idleness, saying that nothing was more sordid, indeed more cruel, than for those who contributed nothing to the state by their labor to gnaw it away. Hence he also diminished the salary of Mesomedes the lyric poet. He knew particularly well the accounts of all the provincials and revenues. He transferred his private patrimony to his daughter, but gave its fruits to the state. He sold superfluous imperial furnishings and estates, and lived upon his own farms, differently according to the seasons. He undertook no journeys except that he went to his estates in Campania, saying that the retinue even of an exceedingly frugal prince was burdensome to provincials."

Golden words: "The retinue even of an exceedingly frugal prince is burdensome." For a retinue is costly, and that concerning which magnificent cruelty is practiced publicly is tyranny in private. What is poured out splendidly is exacted with the utmost bitterness.

[Printed page 641]

Alexander Severus used to say that it was an evil thing for a prince to feed from the entrails of provincials men who were neither necessary nor useful to the state. Let the prince look around his court, and let him persuade himself that, in proportion to the number of men whom he maintains for idleness and delights, he is maintaining a plague for the state.

§ 7. In every matter let him avoid immoderate expenditures, as upon gems, building, and similar things. Let him despise gems like childish locks of hair. Alexander Severus acted excellently, as Lampridius reports: "Whatever he had in gems, he sold, and brought the gold into the treasury, saying that gems were of no use to men; that royal matrons ought to be content with one hair-net, earrings, a necklace set with pearls, a crown with which they performed sacrifice, a single cloak sprinkled with gold, and a ceremonial robe which did not contain more than six ounces of gold." In his own times he plainly performed a censorship based upon his own morals. Great men imitated him, and most noble matrons imitated his wife.

Caligula, on the contrary, neglected nothing upon which money is customarily squandered. Accordingly, when he had found two hundred and thirty hundred-thousands of gold pieces, he dissipated them before the third year, as Dio says in his *Caligula*. These amount to sixty-six millions of our gold pieces, for the Roman pieces were twice as large. This was the more marvelous because money at that time was rarer and dearer, and one gold piece accomplished more than ten now do; for they could buy an ox for a gold piece.

Some also deliberately lost everything, like that monster of whom Cornelius speaks: “He himself, from the sole concern of wasting, built stables for charioteers; filled the environs with spectacles of gladiators and beasts; as though amid the greatest abundance of money he made sport of it.” Indeed, Caecina and Valens celebrated the birthday of Vitellius by exhibiting gladiators district by district throughout the whole city, with immense preparation unprecedented before that day.

But this occurred under that fourth beast, that is, the Roman Empire, so that it might break in pieces and trample the remainder underfoot. Therefore there was always public want, both of men and of money. Take an example from Vopiscus in his *Probus*:

> The kind of spectacle was as follows. Strong trees, torn up by the roots by soldiers, were fastened to beams joined far and wide; earth was then thrown over them, and the whole circus flourished like a forest through the charm of new greenness. Then through all the entrances were let in a thousand ostriches, a thousand stags, a thousand boars, a thousand fallow deer, ibexes, wild sheep, and other grass-eating animals, as many as could be fed or found. Then the common people were admitted, and each seized what he wished.
>
> On another day he added in the amphitheater, in one release, one hundred maned lions whose roars aroused thunder. All of them were killed from the rear gates; they did not afford a great spectacle when they were killed, for they did not possess that onset of beasts which they customarily have when emerging from their cages. Moreover, many beasts which the people were unwilling to seize were killed with arrows. Then one hundred Libyan leopards, one hundred lionesses, and three hundred bears were exhibited together. The spectacle of all these beasts is known to have been greater than it was pleasing.
>
> In addition, three hundred pairs of gladiators were exhibited, most of them Blemmyes of enormous size who had been led in triumph, many Germans and Sarmatians, and some Isaurian robbers.

But I shall speak later of the expenses fabricated for gifts and donations. Now let us look at other things.

CHAPTER X

Commerce Must Be Increased

§ 1. A twofold question is raised concerning trade. Some would prefer commerce to be prohibited altogether in a state, for it imports vices; others prohibit only the state itself from trading. They have their reasons. It is excellent not to seek foreign things, but to be content with one's own. Cicero, *Brutus*. Next, when things pertaining to luxury have been imported, spirits grow languid and virtue is relaxed. Caesar, book 2, *Gallic War*. It is agreed that:

> πλούτου κακίας μᾶλλον, ἢ καλοκἀγαθίας ὑπηρέτιν εἶναι.

Wealth is the handmaid of vice rather than of virtue.

Next, commerce makes a city poorer because it makes it more extravagant. A great mass of gold and silver is brought from Spain and Peru, yet nothing else has resulted than that, from the abundance of money, the prices of things have risen. For this reason, after Indian gold reached us, the ancient tables of rents which prescribed the payment of grain and wine were changed.

Next, before cochineal, anil, xylon, sandarac, sugar, cassia fistula, pearls, and quicksilver, we felt no want; now ambition has made it a law that cities must be filled with those delights and poisons. Guevara, book 3, chapter 4 of the *Dial of Princes*, beautifully introduces a Danubian farmer speaking about this question:

> That you say there is no state in our country, no polity, but that we live like wild beasts, rests upon no greater reason than those statements above. For in our land we scarcely endured lying and turbulent traders, or those who import from foreign places the instruments of vice and luxury. Therefore, since we were honorable in clothing and rejoiced in sobriety in food, we had no need of much commerce.
>
> Although there are in our country no Carthaginian merchants, no oil of Mauritania, merchants of Tyre, Cantabrian steel, Asiatic spices and ointments, Spanish gold, British silver, Sidonian amber, Damascene silk, Sicilian grain, Cretan wine, or Arabian purple, nevertheless we are not beasts in that land, nor are we wholly without a state. For those things, and others of that kind, are incitements to vice rather than spurs to virtue for men.

The same Guevara, book 3, chapter 28, introduces Marcus Aurelius severely reproaching a nobleman because, having abandoned public honors, he had cast himself down to plebeian trade: "I cannot wonder enough, Cincinnatus, why you have ceased to attack enemies in the manner of a Roman knight and have become a merchant, as though made one of the plebs."

He indeed judges it unbecoming, but nevertheless speaks of unjust trade, by which, while foreigners are left unharmed, fellow citizens are injured. For he says thus:

> Hold this as certain, Cincinnatus: commerce and merchants are not condemned by me, nor are the contracts of buyers and sellers censured. For just as war cannot be well conducted without cavalrymen, so a city cannot stand without merchants. But I find no other cause for abandoning military service and undertaking trade than that, sitting at leisure, you may plunder in the market-place because through old age you can no longer rob in the forests.
>
> Therefore, most wretched Cincinnatus, buy cheaply and sell for more; promise many things and perform few; use one measure in receiving and another in giving; keep watch--indeed, be exceedingly watchful--lest anyone deceive you, as is customary for those who practice commerce in matters of this kind. But I affirm upon oath that the measure by which your life will be measured will be more just than the ell of your shop.

§ 2. I judge that legitimate trade, of the kind divine and human laws permit, must be preserved and increased with every effort. In Genesis 37:23 the Ishmaelites trade without censure, carrying resin, stacte, and other spices into Egypt.

Indeed, in Genesis 34:21, the Israelites also do so: “Those men are peaceable and wish to dwell with us. Let them trade in the land and cultivate it, for it is spacious and broad and needs cultivators.” Although this can be understood of cultivation, the Hebrew word nevertheless signifies trade; therefore even the patriarchs were merchants.

Indeed, in 1 Kings 10:16, merchants and sellers of wares bring gold to Solomon. In 2 Chronicles 1:16 they are called the king’s merchants. In 2 Esdras 3:32 craftsmen and merchants build at the Sheep Gate. At Tyre, however, the merchants were princes, and the traders were renowned men of the earth, Isaiah 23:8. Babylon also was a merchant, Isaiah 47:15. In Ezekiel 17:4, a city of merchants in Canaan is mentioned. Yet rich Tyre surpassed all of them. Ezekiel 27:8:

> The inhabitants of Sidon and Arvad were your rowers; your wise men, Tyre, became your pilots. The elders of Gebal and its wise men had sailors for the service of your various equipment; all the ships of the sea and their sailors were among the people of your commerce. Persians, Lydians, and Libyans were warriors in your army; they hung shield and helmet in you for your adornment. The sons of Arvad with your army were upon your walls round about; and the Pygmies who were in your towers hung their quivers upon your walls on every side; they themselves completed your beauty.
>
> The Carthaginians, your merchants, from the multitude of every kind of riches, filled your markets with silver, iron, tin, and lead. Greece, Tubal, and Meshech were your traders; they brought slaves and bronze vessels to your people. From the house of Togarmah they brought horses, horsemen, and mules to your market. The sons of Dedan were your merchants; many islands were the commerce of your hand; they exchanged ivory teeth and ebony for your price.
>
> The Syrian was your merchant because of the multitude of your works; they offered gems, purple, embroidered cloth, fine linen, silk, and *chodchod* in your market. Judah and the land of Israel were your traders in the finest wheat; they offered balm, honey, oil, and resin in your markets. Damascus was your merchant in the multitude of your works, in the multitude of various riches, in rich wine and wool of the finest color.
>
> Dan, Greece, and Mosel offered wrought iron in your markets; stacte and cane were in your commerce. Dedan were your traders in carpets for sitting. Arabia and all the princes of Kedar were the merchants of your hand; your merchants came to you with lambs, rams, and kids. The sellers of Sheba and Raamah were your merchants; with all the choicest spices, precious stone, and gold they offered their goods in your market.
>
> Haran, Canneh, and Eden were your merchants; Sheba, Asshur, and Chilmad were your sellers. They were your merchants in many kinds of things, with wrappings of violet cloth, embroidered work, and precious treasures which were wrapped and bound with cords; they also had cedars in your commerce. The ships of the sea were your princes in your commerce; and you were exceedingly filled and glorified in the heart of the sea.

Indeed, vast Nineveh made its merchants more numerous than the stars of heaven. Therefore, those who seek renowned cities and kingdoms must increase commerce.

I admit that morals suffer loss through commerce and riches, but these are vices not of things but of men. Otherwise it would be wrong to seek the fertility of the earth, for it too is a fertile mother of vices; nevertheless God gave his people the most excellent land, not unaware that very many would abuse that liberality for wickedness. I report these things as though the reasoning of those men were certain, because they attribute those evils to commerce; nevertheless, in this matter they seem to me to err not slightly.

For no less deceit and fraud--and even more envy and spite--are found in the huts of the poor. The vices of barbarous peoples to whom merchants did not travel were not lighter, nor are they found lighter even today. For above all they departed farthest from humanity, destroyed natural law, sanctioned man-eating and other horrors by laws, and, as now appears among the Brazilians and other peoples of America and histories teach, almost became brutish. Yet there is no less hatred, arrogance, and lust among them than among all the richest people: those beneath rags are inflamed no less than these beneath silk.

§ 3. Acquisition, or χρηματιστική, is twofold. One kind agrees with nature and arises from nature itself. For ἡ κτητική is the faculty, implanted in us by nature, of procuring what is necessary for life, just as in all animals both appetite and the acquisition of food are innate in most diverse ways, and instruments are given by which each may feed itself, as Aristotle demonstrates in *Politics* 1, chapter 8.

Beasts possess one method of obtaining a necessary thing: they pursue and seize the thing itself, as an ox hay, a dog bones, a lion a stag. But another method has also been given to human beings: when one has a surplus of what another lacks, they exchange with one another. This occurs in two ways. First, when one thing takes the place of another: a shoe is exchanged for a cap. If Spain exchanges wine for Polish grain, that is simple exchange. Second, when one thing is exchanged not for another thing but for money. This was invented from necessity and by the law of nations, because things cannot always be transported; money was therefore created, which by a moral law contains the power of all things.

Next, it rarely happens that one man has, in the same number and value, what another needs; thus money makes all those things liquid. Nor does it differ from other things because the use of other things is twofold: we use wine to extinguish thirst and exchange it for other merchandise, whereas every use of money is perceived in exchange.

> Τὸ νόμισμα γὰρ στοιχεῖον καὶ πέρας ἐστὶ τῆς ἀλλαγῆς.

For money is the element and end of exchange, as Aristotle says in *Politics* 1, chapter 9.

From this it is evident that artificial commerce is also very close to nature. For just as a Pole sows wheat not only to bake bread but also to exchange it for money and with that money procure other safeguards of life, so also a merchant carries wine bought in Spain into Poland in order to purchase other necessities with the money. Each expends labor; each undergoes danger. There is less labor but more danger in the merchant. Nature, therefore, taught this method of sustaining life.

For my part, I do not at all doubt that Abraham was a merchant. He had sheep and camels, silver and gold. I do not believe that, while wandering continually, he mined the latter, but that he acquired them through the exchange and sale of livestock. Therefore he raised livestock for this purpose: to sell it, purchase a household, and accumulate money.

§ 4. That method is therefore honorable, just as when sustenance is sought from a mechanical art, from labors upon the earth, or from the pasturing of livestock, which is movable and living agriculture. Nor is there disgrace in selling at a higher price a thing bought more cheaply, although it has not been made better. For it is in the interest of the state that this be done, and therefore a thing is ordinarily considered better by reason of place, time, and other circumstances, especially by reason of expenses. If none of these exists, the trade will not be legitimate, as when money is given and received no worse than before, yet its price is nevertheless increased.

It is honorable to sell a thing for a price; all kings also do this when they possess something in abundance. It is no less honorable to sell for a higher price a thing bought and made better, as when you raise foals and sell them dearly. But this is the work of merchants; therefore their art and practice are honorable.

[Printed page 643]

A thing must be considered better even if it has sometimes been made worse. For the price of every thing is found where its use is. Rhine wine in Sweden is better by moral valuation, although, having endured transport and the sea, it is physically worse than in its native soil. For the expense and dangers of carriage are valued at a great price. As in truth he who seeks profit must incur expense, so he who has incurred expense deservedly receives profit. This is true profit because it is just; that iambic poet therefore said prudently:

> Τὸ κέρδος ἡγοῦ κέρδος, ἐὰν δίκαιον ᾖ.

Regard profit as profit if it is just.

But you will say that it is shameful to risk oneself from desire of profit and that this does not befit a great man. Then look at an army for me, and from thirty legions select one cohort of men who do not daily put on the garb of death in hope of profit and plunder. Why do you praise these men and censure merchants?

§ 5. Therefore those who removed merchants from the state did not act prudently. The Thebans did not admit men to the helm of the state unless they had abstained from trade for ten years. This was also received in the customs and laws of the Lacedaemonians, but through the error of both cities. It is not worth the trouble to summon the Thebans to counsel concerning the state:

> You would swear that a Boeotian was born in the thick air.

Through the courage of Epaminondas alone they gained strength in a short time like a torrent, and with him they ceased. The Lacedaemonians, who at first professed military courage and poverty alone, became the most avaricious of robbers. Although that city possessed some good things, it possessed very many evils, so that they could not readily resist a powerful adversary.

I demonstrate that merchants must be admitted to counsel concerning and administration of the state. First, from the nature of the thing: exchange is a part of money-making, τῆς χρηματιστικῆς; ἡ μεταβολικὴ, καὶ τῆς μεταβολικῆς μέγιστον ἡ ἐμπορία. The greatest means of producing wealth is exchange, and the principal part of exchange is commerce. It follows that this is a principal instrument for establishing a household, and thus also a state, which arises from well-established households. If anyone considers these things, he will see that Venice, Florence, Messina, Nuremberg, and other commercial cities both abound exceedingly and possess a very well-established state. Formerly merchants were held in such honor that they were inviolate even in time of war. Indeed, in our own times, when war raged between the Belgians and the Spaniards, commerce was nevertheless not abolished.

Second, the more numerous and powerful merchants are in a city, the more numerous are the resources of the state and the methods of preserving the city. For it is exceedingly useful to possess an abundance of various things against every event. It possesses profit, but profit is an aid to need, as Aristotle warns in *Ethics* 8: profit, that is, with benefit to the state, without another's loss, or even with his profit.

Third, merchants are also more useful to the state if rich and distinguished merchants preside over it. For thus judged the Tyrians, Carthaginians, and other exceedingly wealthy states. 2. Their diligence brings great benefits, both because they know the characters, resources, and conditions of various nations and because with easy business and at a moderate price they obtain the things pertaining to the defense of the state, including arms, gunpowder, and engines of war. 3. They also excel in dexterity of action and civility; for wherever they go, they introduce these too. Among the reasons why the ancient Belgians were less civilized, Tacitus adduces the fact that merchants rarely migrated among them.

§ 6. Among humane and civilized peoples--that is, those who employ true prudence and moderate sustenance, as all must live, and who retain the true worship of God--commerce is necessary. For what now protects the Christian state and the dignity of kings except the diligence of merchants? Seville alone brings together the wealth of one kingdom; Lisbon alone, the wealth of a great kingdom. Therefore, where there is commerce, there are also great cities, such as Seville, Lisbon, London, Antwerp, Hamburg, Lübeck, and Amsterdam. Hence, when the multitude of people overflows, many can be retained and hired for the defense of the country.

Indeed, if we wish to confess the truth, without merchants kings can neither wage war nor even conveniently maintain a court. Merchants also conciliate foreign nations by importing things pleasing and opportune. Three things acquired the Indies for the king of Portugal: religion, war, and commerce. Religion was the head; God deigned to employ the others as instruments. Meanwhile, the Indies themselves are now held by their tribute. Innocent VIII said that the Spaniards were born to govern, so that they might commit no error in this respect; therefore they now hold so many

nations in obedience. But that is public praise; after that saying they perhaps committed private errors, not by public counsel but through the desires of governors.

For my part, I think that they were born to trade. For princes, marquises, and nobles trade through others with such decorum that they preserve their dignity above all nations and increase their estate. Indeed, when I compare everything with the flourishing Roman Empire, I assert that that kingdom stands more through opportunities for commerce than through force of arms. Rome too could not stand without trade; its foremost citizens traded throughout the world, and now the Spaniards pursue the same path.

§ 7. Not only must individual merchants be fostered, but it is also honorable, according to ancient custom, for kings, states, nobles, senators, and distinguished and wealthy citizens acting in their name to trade publicly and privately. Sidon, Tyre, Nineveh before them, Babylon, and afterward Carthage teach that this was customary among the ancients. Yet they do not equal the Romans, a martial people whose rank depended upon the census, while the census of merchants is ordinarily the greatest.

Let us look at the Roman state. The Senate held the first place--the council of the world, judged even by hostile testimony to be an assembly of kings. At first there were one hundred, then three hundred, finally six hundred through the action of Livius Drusus, and at last one thousand in the time of the civil war; Augustus reduced them to six hundred. They were the heads of the empire and lights of the provinces, chosen by the censor. Although they were not free of the reproaches of enormous vices, they nevertheless compensated for these by many virtues, until the vices conquered and abolished liberty.

In the second place stood the equestrian order, certainly noble and in great part drawn from senators. It was itself also a nursery of senators, as Emperor Alexander called it. But a great part of these men traded. Crassus, who possessed a name derived from his riches, had as many as five hundred architects and craftsmen among his slaves; he hired out their labor in a city exposed to collapses and fires.

[Printed page 644]

Livy is the authority that a guild of merchants was established at Rome; it was formed when Appius Claudius and Publius Servilius were consuls. At Rome there was a most powerful association of tax-farmers. They were Roman knights because they possessed influence in a province. Cicero, in letters to Lentulus, Appius, and Quintus his brother: these same men were merchants and traded throughout the province.

What of Caecina, a man of such rank, birth, and ability? Does he not write to Cicero, *Letters to Friends* 6.7: “As to the journey to Asia, although the greatest necessity pressed, I did as you commanded”? Cicero’s letter indicates that he sought counsel whether he should remain in Sicily or proceed to the remnants of his Asian business. Caecina was therefore an Asiatic merchant. Cicero also commends Cuspius to Valerius, a man who had presided over the greatest affairs of the association in Africa, book 13, letter 6.

But why do we doubt concerning the Romans? Let us venture to hear Cicero *For Fonteius*:

> They say that, while this man was praetor, Gaul was overwhelmed with debt. By whom do they say the refinancing of such great sums was made? By Gauls? Nothing less. By whom, then? By Roman citizens who trade in Gaul. Why do we not hear their words? Why are none of their account-books produced? I pursue them of my own accord and press the accuser, judges; I pursue him, I say, and demand witnesses. I consume more labor and effort in this case in demanding witnesses than other defenders do in refuting them.
>
> I say this boldly, judges; I do not affirm it rashly. Gaul is filled with merchants; it is full of Roman citizens. No Gaul conducts any business without a Roman citizen; no coin is moved in Gaul without the account-books of Roman citizens. See how far I descend, judges, how far I seem to depart from my custom, caution, and diligence. Let one account-book be produced in which there is any trace signifying that money was given to Fonteius. Let them produce one witness from the whole number of merchants, colonists, tax-farmers, farmers, and stock-raisers.

Here he puts merchants in the first place, and Roman merchants at that. What happened in the other provinces? Were the affairs of the Romans fewer? Mithridates, by a single edict, killed 80,000 Roman citizens in Asia, among whom the foremost were knights; nevertheless, not all were killed, for hiding places protected many and friends many. Plutarch in *Sulla* numbers 150,000 men killed; Appian is authority that their children too were killed. These men, therefore, traded and turned every gain to their own advantage, and for this reason they were hated by the provincials.

Cicero, seventh speech *Against Verres*, greatly commends the affection of the Sicilians toward Rome because they did not hate tax-farmers and merchants: "Indeed, they so love our men that among them alone neither a tax-farmer nor a merchant is hated." Why "among them alone"? Therefore they were hated by all others. They were hated because they enjoyed the greatest liberty, because they had magistrates who were citizens and those whom they had favored by their votes, and because they had been commended to them through friends, so that it was difficult to obtain justice against a Roman.

Anyone who considers these things will find that there was more commerce than warfare in the provinces. For what does it mean that no business was conducted without a Roman citizen and that no coin was moved? In these affairs plebeians, knights, and senators engaged; and, what was most serious of all, they practiced usury. The case of Seneca is well known. Verres lent public money at interest. Pompey oppressed the provinces more through interest than through war. Nor could the immense wealth of the Romans have stood in any other manner, for how could the luxury and splendor of so many knights and patricians have endured without commerce?

§ 8. Let us also consider the trade of great princes in our own time. The first is in Portugal, concerning which Botero writes, book 7, discourse 12. Each year immense heaps of pepper are carried from the East Indies. These and all spices were customarily the king's, for he was accustomed to buy them together at a fixed price in Malacca and other islands. Their price is increased in the House of India at Lisbon so greatly that what is bought for three gold pieces is sold for forty.

Ginger, cinnamon, mastic, cloves, and nutmegs, to a sum of 200,000 gold pieces, are brought at every arrival of ships. They are carried to the fulling-house of Eudolius for a sum of about 100,000 gold pieces; and because in Spain they began not long ago to use them in dyeing cloth, they are sold at a dearer price, equal to that of spices. Borax, camphor, sandalwood, aloe, ebony, condiments, and other spices are brought severally for 40,000 ducats. Bales of various kinds of cotton are leased to private persons for a price of 60,000, from which a profit of eighty for every hundred is made. Ambergris and musk are brought for 20,000 gold pieces.

No moderate quantity of pearls, gems, amethysts, and diamonds is brought, but how much is unknown, because private persons hold them secretly so that they may not pay the king the duty of five for each hundred. From China, Malacca, the Moluccas, Bengal, Pegu, Lambaca, and other places in those regions are brought white silks, porcelain wares, and many most delicate trifles, which at Lisbon are called *brincos*, in great number. Small pearls are also brought from China, and most delightful and minute works which at Lisbon are sometimes valued at one hundred gold pieces each and are worn by the Portuguese like upper garments, as Italian priests are adorned with their rochets and dalmatics.

From China are brought certain couches, tables, chairs, and stools made from a certain wood black and shining like ebony, skillfully worked and gilded, and other most beautiful objects. From this we understand that the Chinese peoples abound in delights and possess the keenest ability. From Persia are brought most elaborate carpets worked from silk, gold, and the finest wool. The ships which come from the Indies carry in place of ballast certain small white shells found upon particular shores; these are afterward sold at Lisbon to certain merchants trading within the kingdom.

How great a profit could be prepared if the king possessed faithful ministers and drew the whole profit publicly to himself? What shall I say of exceedingly wealthy Venice? Do not both the state itself and its citizens and nobles trade? That state certainly owes to commerce the fact that it has often resisted the most powerful monarchs, for it possessed at

home the sinew--money. If the power of others did not stand in the way, it would long ago have prepared a great empire; but it is difficult to rise against such powerful men.

The States of Holland protect commerce as the life and blood of their provinces, and defend voyages to the Indies with no less care than their native walls, although with great losses to private persons. For if they cease, the sailors will go elsewhere and die off, so that it will be necessary to cease altogether. The cities of Germany either trade or are partners of those who trade. The fact that some practice usury through Jews is certainly an execrable crime. I do not know whether any cities are governed more rightly than those marts, especially those in which all citizens can be participants in the public council.

§ 9. There is nothing among these things which cannot be done most honorably. If the treasury is exhausted, if debt has also been contracted, will money not be collected more honorably through commerce than through urine and other things? Nor is the question difficult for a wise man: is it more honorable to press subjects with tributes, or through diligence in trading to assist the state and spare the poor? But who will be a faithful trader for the prince? What does this matter? Who is a faithful exactor of tributes?

[Printed page 645]

No one, by Hercules, no one--either two men, or no one. Trading requires less care than collecting everything individually. The rapacity of collectors is constrained by so many laws, yet no force sufficiently opposes their desires. Let the prince employ the tax-farmers whom he now employs.

But what is worse than tax-farmers? Chrysostom asks: “What is worse than a tax-farmer? Tell me. He is the minister and trader of the misfortunes of others. He divides the labors of others and, although he has no part in the sweat, receives profit from another’s labor. For a tax-farmer is nothing other than violence raging under license, a lawful injury, avarice beneath an honorable pretext.”

Now all the chests and bundles of merchants are searched so that part of great riches may be brought into the treasury; by the same labor, complete profits can also be acquired. Τελώνης, says Suidas:

> ἀλλοτρίων πραγμάτων μεριστής, πεπαρρησιασμένη βία, ἀνεπιτίμητος ἁρπαγή, ἀναίσχυντος πλεονεξία, παραγγελίας λόγον μὴ ἔχουσα, ἀναιδὴς ἐμπορία.

A tax-farmer is a participant in and divider of the business of others; free and permitted violence; unpunished plunder; shameless avarice; business lacking reason; commerce without modesty. Let him exchange this for a somewhat more modest trade and carry the prince’s merchandise. Employ him, therefore, in merchandise. He will be capable of less evil in trade than in collection, for there he prevails by cunning alone, but here also by force; there he deals with Cretans, here with Boeotians.

§ 10. The end of commerce is to procure necessary things and sell superfluous things without fraud or deceit. If a prince does this through his agents, I do not see why he does not preserve his dignity. The merchant despises everything beneath the burning sun and sea-monsters, and

> The African wind wrestling with Icarian waves.
>
> The merchant, fearing them, praises the leisure and fields
>
> Of his own town; soon he repairs his shattered ships,
>
> Unable to endure poverty.

It also belongs to kings and princes to undertake dangers for their country; to die is not the part of the timid. To stand in the first battle-line, move among weapons, keep watch, dig a rampart, walk through frosts, and commit life to a fragile ship which enemy beaks will soon assail is judged the highest honor amid such majesty. To feed the soldier from enemy territory and establish colonies belongs to a provident commander. This appears greater, but in truth it is

wiser and more right if through diligence he acquires wealth and protects the kingdom, if India and Asia increase the treasury.

Solomon's ships certainly went to Tarshish, and they did not bring back royal merchandise without commerce. "For his fleet went by sea with the fleet of Hiram once every three years to Tarshish, bringing thence gold and silver, elephants' teeth, apes, and peacocks. King Solomon was therefore magnified above all the kings of the earth in riches and wisdom," 1 Kings 10:22.

Without doubt the gold and silver were bought by the commander of the fleet with other merchandise carried there. Next, why would elephants' teeth be enumerated unless they were brought in great number? Nor do I see why the king should convey so great a quantity of ivory. Therefore the ivory was sold through royal traders, just as pepper and Indian spices once were in Portugal. Why too would apes and peacocks be mentioned if they were procured for the royal household alone and not for the whole kingdom, into which they were sold? I will not believe that playful animals were brought without profit, but that those flocks were sold throughout the richest marts of Asia.

But if some think it sordid to increase resources through commerce, they are mistaken. For wherever it is not sordid to receive revenues from merchants, countrymen, gardeners, and poor people, neither is it sordid to make a profit by exchanging things, provided that the public good is sought.

They carry the magnanimity of Theophilus in their mouths. When a cargo ship arrived with his wife's merchandise, Theophilus, although he had commanded that the property of private persons be exempted, burned it with Greek fire, pursuing the empress with insults and curses. Commerce, he said, belonged to private persons; their profits were not to be snatched away by princes but permitted to men of slender fortune. An illustrious speech in appearance, in reality empty.

Let us therefore consider Theophilus, and we shall assess his deed. Curopalates wrote his life, and the others drew from that source. 1. He feigned justice:

> After Michael's death his son Theophilus, who had now reached manhood, received his father's empire in the month of October, in the eighth indiction. In words he sought to be called a vehement lover of justice and a perfect observer of the civil laws; but in truth, guarding himself from outsiders who were hostile to him, lest anyone perhaps venture some crime against him, he feigned these things.
>
> Therefore, immediately at the beginning, he took care that all who had conspired with his father in the murder of Leo be removed from their midst and put to death. He accordingly issued an edict that all who had received any benefit from the emperor, and in addition all who had been made participants in any imperial dignity, should assemble in the Magnaura or the Pentapyrgium. When this had been done and all had assembled as he ordered, as though he had previously hidden his savagery in darkness, he addressed those gathered together in a mild and submissive voice:
>
> "My father, O people," he said, "wished and intended to bestow many benefits and other honors upon those who had assisted him and undertaken the contest for obtaining the empire. But overtaken by fate, and lest he seem ungrateful to those who had deserved well of him, he left me, his successor in the empire, as their debtor. Therefore let each man separate himself from the multitude and show himself openly to us, so that, once our friends are known, we may reward them with worthy prizes."
>
> Deceived by these words and led out of their minds, the wretched men, each of whom had devoted his effort to Leo's murder, identified themselves.

That statement, therefore, belonged to a dissembler, and to an avaricious dissembler who hunted for the reputation of magnificence. For in truth he was an iconoclast and a most bitter and avaricious persecutor. Thus the *Acts of Saint Joannicius the Anchorite* relate:

> Theophilus held the scepter of the Romans. But he was wholly intent upon heaping up gold and was overcome by it; moreover, unable to bear being a Christian and behaving impiously toward the divine images, surpassing others both in power and in the dogma of the icon-fighters, he concealed such a snare for all Christians. With scribes and exactors he occupied an entire village at once, wishing to do two things which are the worst: both to gratify his avaricious spirit by exactions of tribute and to make manifest to himself every person who followed orthodox doctrine, so that he might seize them by force and cause them, even unwillingly, to be joined to the heresy of the icon-fighters.

Do you not wonder that so rapacious an exactor of the poll tax was so severe toward commerce? But he was angry with his wife Theodora, an excellent woman. Her mother Theoctista also did not consent to iconoclasm, as Curopalates relates. Hence came his anger, and from any cause he sought an opportunity for vengeance. Curopalates tells the story concerning Bender, a new Thersites.

Therefore Theodora must be praised, a heroic empress of great virtue and the wife of that monster, who bore up under servitude to a husband who stripped all temples of images and filled all prisons with bishops, pastors, and monks. Mountains and caves were full of men killed by hunger and thirst. He enclosed Saint

[Printed page 646]

Methodius alive in a tomb; delighted with magic himself, he made John the Magician patriarch of Constantinople. A cruel and avaricious man, raging even at death itself, ought not to have been brought forward as an example of liberality and magnificence. These things had to be warned because many writers judge serious affairs from some single ambitious or even feigned statement.

Greater authority resides in an edict of the emperors Honorius and Theodosius: “We prohibit those more noble by birth, conspicuous in the splendor of honors, and richer in patrimony from practicing merchandise pernicious to cities, so that the intercourse of buying and selling may occur more readily among plebeians and merchants.” Code, book 4, title 63, law 3. They are not excluded because commerce is unlawful, but because it is more difficult for men of slender means to contract with them in the same city; there is now no danger of this.

Commerce, however, seems afterward to have been permitted to nobles, rich men, and those holding magistracy. For Harmenopulus, book 2, title 5, §19, testifies that it is lawful for all to practice commerce. Certainly law 1, title 63, book 4 of the Code, teaches that it was formerly customary among the powerful: “Merchants, if any belong to our household, and the men of powerful persons, are to be admonished to acknowledge the obligation of payments owed, as honor demands, so that among all who take profits from commerce the disposition of acknowledging a tolerable duty may arise.”

In the time of the Henries and afterward, a great part of the German nobility had turned to robbery and plunder, as histories and the castles still lying in ruins teach. The cause of so great an evil was that commerce was either prohibited to nobles or made a reproach to them. Even now many among the nobility prefer to be in need and defraud their creditors rather than trade, although the magnates of Spain and Italy, as also those of Belgium, practice commerce with great zeal and continually. They do this in rivalry with the marts in which they live, for they see that they are despised if only birth is in their possession and property is in the possession of others. Birth and virtue, unless joined with property, are viler than seaweed in the opinion of men--an evil opinion indeed, but one which possesses very great weight in governing a state.

The imperial laws make it manifest that commerce is not condemned in a noble and military man. For it is prohibited to soldiers, who possess a particular military oath, title 35, Code, law 12. But the reason is added in book 15:

> Soldiers, who are armed and maintained by the state, ought to be occupied with public utilities alone, and ought to labor not for the cultivation of fields, the care of animals, or profit from merchandise, but at the duties of their own military service. Let your greatness not allow any soldier hereafter to be free from the aforementioned services, but

> order them to be present frequently in their own unit, so that through daily exercise in arms they may prepare themselves for wars.
>
> But if any military judge believes that any soldiers should be assigned to divine, royal, or private households or possessions, or to various other services, contrary to the prohibition of our serenity, let him know that from the one who acted contrary to the prohibition and from the one who dared to receive the soldier, one pound of gold for every soldier is immediately to be exacted.

Behold, it places merchandise and agriculture in an equal position and prohibits both, because soldiers are maintained by the state and must be prepared for wars through daily exercise in arms.

§ 11. Various goods are prohibited. At the present time all things by which the Turks could be aided against us are prohibited from being sold to them, such as every kind of weapon and things pertaining to weapons. Formerly it was also unlawful to export gold. Thus Gratian, Valentinian, and Theodosius, title 63:

> Not only is gold by no means to be furnished to barbarians, but even if any is found among them, let it be taken away by subtle ingenuity. But if gold has moreover been carried to barbarian lands by merchants in exchange for slaves or goods of any kind, they shall be subjected not so much to losses as to punishments. And if a judge does not reclaim what is found, he hastens to conceal it like an accomplice in the crime.

Now in Sicily and Spain the export of military horses is prohibited.

§ 12. Let goods by which those of the country and native goods become cheaper not be permitted to be imported. Thus in Germany princes should not permit Cretan or Spanish wine except with an immense customs duty, nor English cloth, since the Germans themselves weave so great a variety of garments. Since the French possess much silk, they will readily permit domestic silk to be sold but burden foreign silk with customs duties.

§ 13. Finally, that prince seems to me likely to act most prudently who incites every most honorable man to commerce rather than permits him to be idle; who summons those who increase wealth through business to public duties; who furnishes merchants not only with immunities and privileges but also steadfastly provides for their safety; who orders his own people, when they travel to various kingdoms, to learn everything; who administers justice accurately and swiftly to foreigners; who grants them their own consuls and magistrates if they are numerous; and who diligently prevents frauds, monopolies, and other things which obstruct the public good.

§ 14. This too has often been asked: is it lawful for clerics to trade?

First, unlawful trade is forbidden by canon law and divine law not only to clerics but to all Christians. Thus Distinction 88, chapter 11:

> By casting those who sold and bought out of the temple, the Lord signified that a merchant can scarcely or never please God. Therefore no Christian ought to be a merchant; or, if he wishes to be one, let him be cast out of the Church of God, as the Prophet says: “Because I did not know commercial dealings, I shall enter into the powers of the Lord.” For just as one who walks between two enemies, wishing to please both and commend himself to both, cannot avoid much speaking--for it is necessary that these men speak evil of that man, and those men evil of this one--so one who buys and sells cannot avoid falsehood and perjury.

And canon 13:

> What else is trade but to wish to sell more dearly what can be bought more cheaply? Those merchants, therefore, are considered abominable who, paying no regard to the justice of God, are polluted by an immoderate pursuit of money, burdening their merchandise more with perjuries than with prices. The Lord cast such men out of the temple, saying: “Do not make my Father’s house a house of trade.”

Second, dangerous commercial dealings are dissuaded for all, *On Penance*, distinction 5, canon 2:

> The character of the profit either excuses or accuses the trader, because there is both honorable and shameful gain. Nevertheless, it is more useful for a penitent even to suffer losses than to be bound by the dangers of trade, because it is difficult for sin not to intervene in the intercourse of buyer and seller.

Third, trade is prohibited to clerics just as other secular affairs are. Thus Distinction 88, chapter 2, *Consequent*; chapter 8, *Useless*; and chapter 9: "Flee as a kind of plague a clerical merchant who becomes rich from poverty and glorious from obscurity." And chapter 10: "Fornication is never lawful for anyone; trade, however, is lawful at one time and unlawful at another. For before someone becomes an ecclesiastic, it is lawful for him to trade; once he has become one, it is not lawful." And Cause 14, question 4: "Let clerics know that they must abstain from unworthy gains and cease from every design or desire for any kind of commerce;

[Printed page 647]

or, if, in whatever rank they have been placed, they are unwilling to cease, let them immediately be compelled to abstain from clerical offices."

Fourth, a cleric can expend some time upon business if he acts not from cupidity but with the intention of aiding the wretched. Thus Distinction 88, chapter *The Holy Synod Decreed*:

> The holy synod decreed that henceforth no cleric should lease estates or involve himself in secular business, except for the care of wards, orphans, and widows, or if perhaps the bishop of the city commands him to have concern for ecclesiastical affairs.

Here it is plainly evident that some affairs are secular and others ecclesiastical. Was not Moses in the world when he repeatedly entered and left the tabernacle--one who, within, was carried away in contemplation, but outside was pressed by the affairs of the weak? And chapter 7: "Let the bishop conduct the administration of widows, wards, and strangers not by himself but through the archpriest or archdeacon."

Just as in the preceding book we spoke about the secular dominion of clerics and their hearing of cases, so we must reason about commerce. Nor is there danger in this respect. For one who involves himself in business in order to relieve the poor, since the matter is indifferent by nature, makes it holy by a good end; nor will one whom piety rather than avarice has led to commerce readily commit fraud or lie.

Fifth, if commerce is permitted for the cause of wards and the poor, much more is it permitted for a cleric's own cause if he is poor; it is better for him to trade than to burden others by begging. Hence it is evident that Plato, when he thinks cities must be removed farther from harbors lest an unregulated crowd rush in and they be deformed by vices, is ἀεροβατεῖν--walking on air--and constructing separate Ideas, Chimeras, and Utopias. He does not accommodate himself to human pursuits and affections or teach that which can be put into practice.

For if a city is situated at a convenient harbor, so that cargo ships can enter the bridges and be brought into the middle of the city, why should I withdraw it to a mountain, so that ships must be unloaded with great labor and merchandise conveyed at great expense? Aristotle rightly reproaches this in his teacher, for convenience in human affairs is not to be neglected.

For my part, I think that such a city, situated rather far from a harbor, will be more vicious than one which receives into its bay fleets laden with wealth. For that more distant city needs an immense supply of sailors, boatmen, carriers, grooms, beasts of burden, and wagoners, who infect the city with great vices and receive those arriving at their very first approach. This counsel for excluding commerce seems to me like one by which someone should attempt to persuade our inhabitants of the Rheingau, who inhabit the happy hills beside the Rhine, to migrate to the neighboring mountains and carry their wines there, lest their morals be corrupted through the easy arrival of foreigners. But these things belong not to one who wishes to establish a state, but to one contemplating metaphysics.

I approve the action of an emperor who in his time was considered the best. For he had previously governed four consular provinces, lived moderately, and was most skilled in military discipline; men judged him most worthy not only of honor but also of veneration. When he was designated, the barbarians, through fear of his tested courage and confidence in the justice they knew to be in him, voluntarily surrendered themselves to him. In the greatest danger he said or did nothing that was not worthy of an emperor. When he was killed by the injury of the Praetorians, the people and Senate bore it so bitterly that they ran about like madmen and filled everything with tumult and mourning. Herodian and others relate these things concerning him.

This was Pertinax, who as a private man taught grammar, led military units, and was considered rather frugal--a fact which was also a cause of his death. Julius Capitolinus relates of him: "He was so frugal and so desirous of profit that, at the fords of Sabaria, as emperor he practiced commerce through his agents no differently than he had been accustomed to do as a private man."

Capitolinus says this with little sincerity, for he is plainly convicted of falsehood when he says that Pertinax "was nevertheless not greatly loved." How was one not greatly loved at whose elevation as emperor the Senate and people so rejoiced that there had been no altogether so sincere rejoicing over anyone? Whom they mourned as greatly as any mother mourned a son? Capitolinus himself says that the people bore his death with the greatest indignation. The soldiers and courtiers indeed hated him, and the cause of their hatred was most unjust: because he restrained their plunder and lusts. Finally, his successor Severus adopted the name Pertinax so that he might seem likely to emulate the morals of a good prince. He would not have done this unless Pertinax had been dear.

I do not excuse him from avarice. He himself defended himself when he was refusing the empire:

> Besides, all those who have become accustomed to the enormous and immense largesses of tyrants, if you begin to act a little more frugally or temperately because of a lack of money, do not attribute it to moderate administration and prudence, but immediately reproach you with avarice and sordidness. Nor do they consider that no one can distribute great gifts to everyone if he abstains from violence and plunder. But one who administers rightly and according to each person's rank not only unjustly takes nothing from anyone, but also teaches others to be frugal and to spare what has been acquired.

His deeds were performed according to this rule. Herodian says:

> He entirely remitted all the revenues which tyrants had devised for collecting money upon riverbanks, in city harbors, and along roads and journeys, and restored them to their ancient liberty. He seemed likely to do many other things according to the same example. For he had also driven informers from the city and commanded that they be punished wherever they were found, taking care that no one suffer injury or have danger raised against him from empty accusations.

The deed was excellent if rightly weighed. Commodus had squandered everything; Pertinax found ten hundred-thousands of sesterces, that is, scarcely 30,000. Nevertheless, he had to distribute donatives, govern the state, and establish a court. Amid these things he abolished tyrannical revenues and sought lawful methods of acquiring wealth. Among them he included commerce, which he had practiced as a private man; nor was it charged against him as a fault that, after so many wars successfully completed and provinces administered, already a senator of the highest rank and sixty years old, he traded. He was venerable to the people and Senate and dear to emperors and the army--worthy to become an emperor from a merchant.

This history sufficiently shows what I said above: that martial people cultivated Mercury even more zealously than Gradivus, whom they thought the father and founder of their race.

Hence came the wealth of Crassus, with which he could maintain an army. Pliny nevertheless records that freedmen were richer than Crassus. Lucius Domitius promised the soldiers four *iugera* each, which, according to the number of

soldiers, were forty-eight thousand. Pliny, book 18, says that six landowners possessed half of Africa. Therefore the Romans were not only soldiers but also plowmen and merchants, and both amid arms.

Guilds rightly established are bonds and supports of democracy. Therefore Solon established and strengthened them. For they prepare wealth, possess counsel, are bound together by a certain hidden compact, and accomplish everything in order. Therefore they are like certain legions or cohorts, not a crowd,

[Printed page 648]

and are most tenacious of their rights and privileges. From them arise practical experience and prudence that are not subject to tribunes and agitators. Nor do they harm monarchy: since they possess privileges from the king, practice requires them always to seek new ones and to have the old confirmed. Let there be among them men who preside in the king's name and report everything. Let there also be a fixed time at which statutes and rights must be reread and approved afresh. A certain jurisdiction and power of correction are customarily granted, final law, Code, *On Jurisdiction*. See Gaill, book 2, observation 2; Hippolytus, singular law 560, no. 2.

The preservation of guilds and associations therefore pertains greatly to commerce, since an association of several persons who do and profess the same things is established; they also call it one body. See law 4 at the beginning, π., *On Guilds*. Bodin has much concerning guilds, *Politics* 3.7. See also book 11 of the Code. It was an institution of Numa; Plutarch, in his life; Dionysius, Book 2. Solon likewise had this care; Plutarch.

CHAPTER XI

Agriculture Must Above All Be Cared For and Honored

§ 1. Agriculture holds first place among all arts, for the first-formed man was placed in Paradise to cultivate the garden, and Noah, a husbandman, began after the Flood to till the earth and planted a vineyard. The reason is that agriculture is the foundation of all arts. Πρῶτον μὲν οὖν, says Aristotle, *Politics* 7.8, ὑπάρχειν δεῖ τροφὴν, ἔπειτα τέχνας. Food must first be supplied, then arts.

He discusses it more explicitly in book 1, chapter 2 of the *Oeconomica*: "This, then, is the provision that must be made, and what its character ought to be. The first care concerning possessions is that which follows nature. In the order of nature agriculture is first, and those things which bring forth something from the earth hold the second place, such as the art of mining and any other of that kind. Agriculture is certainly especially just, for it does not depend upon men--either willing men, as do innkeeping and those who hire out their labor, or unwilling men, as does all warfare. Moreover, it is especially natural. For nourishment is naturally supplied to all by their mother, and therefore to men by the earth. In addition, agriculture contributes very greatly to courage."

This part, therefore, must be cared for in every kind of state, whether it possesses fertile land or very little; for even sterile land becomes useful by cultivation and is loved by its own people. Therefore Ulysses, who is represented as prudent, loved rugged and rocky Ithaca. Agriculture must therefore be pursued because it is especially natural and just.

Aristotle, *Politics* 1.10: "Therefore that method of acquiring money which proceeds from fruits and animals is consonant with nature for all. Since it is twofold, as we have said, one part is commercial while the other pertains to maintaining the household; and since the latter is necessary and praised, while the former, which consists in the exchange of money, is deservedly censured--for it is not consonant with nature, but in it one man hunts profit from another--the method of lending at interest is with the best reason hated by all, because gain is made from money itself and it is not used for the purpose for which it was prepared. For it was created for the sake of exchange, but interest increases and multiplies it. Hence it also found this name among the Greeks--for τόκος derives from giving birth, which they call τίκτειν."

Turkish barbarism has also judged thus. For although the Ottomans render life unlivable for farmers--concerning which error I shall speak later--they nevertheless value agriculture greatly. This is evident from the accepted custom that the emperors live from their garden. Leonicenus relates it thus, *Turkish History* 1.20:

> In the emperor's palace there is a very large and pleasant garden. Those who care for it are called *Bostangieler*, that is, gardeners, and there are two hundred of them, young men from their fifteenth through their twentieth year. Their office is to cultivate and irrigate the garden by digging and watering. They receive a daily stipend of three or four aspers and annual clothing. The first who offers to the prefect a fruit when it has ripened, to be presented to the emperor, is given one thousand aspers.
>
> The prefect of the gardeners is called the *Bostangi Bascia*. His stipend is two hundred aspers each day. He is by no means equal in rank to the other eunuchs but is merely the emperor's slave. The fruits collected from that garden are sold by the prefect of the gardeners; the money is offered to the emperor and is applied to no other use than that food for the emperor's own table be purchased from it.
>
> For the emperor judges profit received from the fruits of the earth honorable and divine, precisely because it is collected not from the burdens of subjects but from the divine blessing. Therefore he forbids food for his table to be purchased from the money acquired through revenues, tithes, and exactions.

§ 2. All who prudently established or governed a state gave first place to agriculture. I shall begin with those whose glory is secure. Joseph enriched Pharaoh through cultivation. David himself took the greatest care of this matter. For after Scripture enumerated his riches and power, it also described his care for rural affairs, 1 Chronicles 27:26:

> Over rural labor and the farmers who tilled the earth was Ezri son of Chelub; over the cultivators of vineyards, Shimei the Ramathite; over the wine-cellars, Zabdi the Shiphmite. Over the olive groves and fig groves in the plains was Baal-hanan the Gederite; over the storehouses of oil, Joash. Over the herds that grazed in Sharon was Shitrai the Sharonite; over the cattle in the valleys, Shaphat son of Adlai; over the camels, Obil the Ishmaelite; over the asses, Jehdeiah the Meronothite; and over the sheep, Jaziz the Hagrite. All these were chiefs of the property of King David.

Josiah seems to have been no less zealous for agriculture. He gave the people for a feast 30,000 head of small livestock and 3,000 oxen from the king's property. The princes of the temple gave 2,600 head of livestock and 300 oxen. Then Conaniah and his other brothers gave the Levites 5,000 head of livestock and 500 oxen.

It is not lawful to doubt concerning Hezekiah, 2 Chronicles 32:28: "He also built for himself storehouses of grain, wine, and oil; stalls for every beast of burden; folds for livestock; and cities, for he possessed innumerable flocks of sheep and herds, because the Lord had given him exceedingly great substance."

Uzziah also devoted himself to agriculture amid the cares of war, 2 Chronicles 26:10: "He also built towers in the wilderness and dug very many cisterns, because he possessed much livestock both in the plains and in the expanse of the desert. He also had vineyards and vine-dressers in the mountains and in Carmel, for he was a man devoted to agriculture."

He was plainly an excellent king, to be compared with the best, had he not fallen through the arrogance familiar to powerful men and lost his kingdom while grasping at the priesthood. The Romans also were farmers from the beginning, for Romulus prescribed to them the laws of cultivation and warfare. Hence consular and triumphal farmers: the Cicerones, Fabii, Marcii, Dentati, Catones, Serani,

[Printed page 649]

and even, among emperors, Diocletian and others.

§ 3. God himself commanded that land be divided among his people. He established laws lest possessions be confused, and made sacred the fiftieth year, in which they returned to their original owners, lest a few men seize great estates and the poor be driven out. For it is expedient that a field be divided into small parcels so that it may be cultivated better.

Aristotle, *Politics* 6.4, reports the praiseworthy custom of the Aphytans: "Now we must direct all these things by the law of the Aphytans. It is useful for what we are saying. For although they are numerous and possess narrow land, all are nevertheless farmers. Whole possessions are not assessed, nor do they report entire estates in the census, but divide them into so many parcels that even the poor can surpass the rich in assessments." After that multitude which consists of farmers, that people is best in which there are shepherds and those who sustain life from livestock.

This was also the rationale of the agrarian laws among the Romans, by which they contended that public lands should be divided individually, both to assist the necessities of citizens and so that the fields might be cultivated more diligently. Lycurgus also divided fields among all, so that each might share in the labors and fruits of the earth; the Athenians followed the same method.

The Romans gave lands to their veterans as a support for life. Many used this occasion for sedition, and Caesar for stirring up the soldiers, when he complained that the lands which our veteran plows were denied, although Pompey the Great had given lands to conquered pirates:

> Will pirates, Magnus, become better colonists?

Hence they also ordered conquered peoples to depart from their lands. There are innumerable examples. Cicero testifies concerning the Gauls in *For Fonteius*:

> Marcus Fonteius--as I said--presided over this province, which consisted of such a variety of peoples. Those who had been enemies he subdued; those who had been near them he compelled to depart from the lands of which they had been deprived; from the others, who for this reason had often been conquered in great wars, so that they should always obey the Roman people, he demanded large bodies of cavalry for the wars then being waged by the Roman people throughout the whole world, large sums of money for their pay, and a very great quantity of grain for sustaining the Spanish war.

Colonies were established after lands were divided. We know only the Thracians and Thespians as haters of agriculture. Herodotus relates concerning the Thracians that among them it was considered praiseworthy to be idle and that the cultivator of fields was most despised. But it is evident that they were barbarians and robbers and possessed no state, but lived by slaughter and plunder.

§ 4. Beyond the fruit which the earth returns at great interest, the state should promote cultivation of fields and vineyards first by reward and punishment. Among the Romans, if anyone permitted his field to become squalid, he was made a treasury-class citizen. Gellius, book 4, chapter 12. I would certainly advise that fields, gardens, and vineyards be inspected twice each year; that praise and sometimes remission of part of the tribute be given to diligent cultivators; that the idle be censured; and that good but negligently cultivated land be burdened more heavily.

Valentinian and Valens acted prudently when they established thus, Code, book 11, title 58:

> Whoever shall have obtained deserted estates under a fixed immunity shall not be permitted to enter into possession of what has been granted before they have firmly secured by a suitable guarantee--either by giving suitable sureties at the risk of the decurions or by obligating the most productive lands of their own patrimony--that the possession undertaken by them will be relinquished with no public loss.

This latter provision arose from distrust. Formerly it was enough to be a cultivator, when farmers were publicly favored. Thus, to have cultivated a field well was held in great glory; to maintain a great household was royal. Abraham and the other patriarchs, and that rich Job, exemplar of patience, possessed pastoral armies of remarkable strength.

It was therefore a matter of great honor. Eumolpus Petronianus is said to have possessed so great a household scattered through Numidia, according to Roman custom, that it could capture Carthage. Why scattered? Was it not for agriculture and pasturage? The Romans assuredly plowed, grazed livestock, lent at interest, and traded. By these arts they sustained war.

§ 5. New fields, or newly broken lands, should be established by cutting down thorn-brakes, draining marshes, sometimes felling forests, and conducting streams and drainage channels. Formerly this was easy, when spacious land offered a choice of itself to few inhabitants; now, when the best places have been occupied, it is difficult to sweat upon sterile soil. But I exhort the prince to look about for what is neglected and what can be cultivated.

For through the sloth of cultivators and discontinued use, much fertile land lies uncultivated and rough. What was more cultivated than Egypt? Yet Augustus, by cleansing the channels of the Nile which had become silted, made it more fertile, so that he might possess a more certain grain supply at Rome.

Cultivated lands were not always assigned even to veterans. Thus the seditious soldiers in Tiberius's time complained that swampy pools were assigned to them under the name of fields. In this way he should assign deserted fields with immunity, as Constantine did, Code, book 11, title 58, law 1:

> Since the deified Aurelian, our father, ordered the councils of cities to be summoned concerning deserted possessions and, for those estates for which owners could not be found, commanded those who had received them

> under a three-year immunity from the same possessions to satisfy the customary obligations, we command that this rule be preserved: if it is established that the councils are insufficient to undertake those possessions, the burdens of those fields are to be divided among the possessions and territories accepted.

§ 6. Above all, let the prince himself do this: following Uzziah's example, let him dig cisterns in the desert, build towers, raise flocks, and cultivate fields. Pertinax is a distinguished example among rare princes. Herodian writes thus concerning him:

> At last, before two months of his rule had been completed, after he had already given an undoubted specimen of his integrity and raised all men to the best hope, evil fortune, which overthrew everything from its foundations, suddenly envied him, so that those excellent undertakings, which would have greatly benefited all, fell as it were in the middle of their course. For first he assigned to occupation and cultivation whatever uncultivated land lay vacant in Italy or among the other nations, even under kings, and granted farmers ten years' immunity and perpetual liberty of ownership.

A golden law is that of Valentinian, Theodosius, and Arcadius, Code, book 11, title 58, law 8:

> One who hastens to cultivate, for private and public advantage alike, fields deserted because their owner has ceased, fields lying far away, or fields situated along the frontiers, shall know that our rescript supports his will, yet on this condition: if a new cultivator has settled upon vacant and abandoned soil and the old owner wishes within two years to recall it to his own right, after first restoring what is established to have been expended, he shall obtain possession of his own place. But if the period of two years has elapsed, the man who kept silent shall lack every right of possession and domicile.

With such care good and prudent emperors insisted upon the cultivation of fields.

§ 7. Our Germany teaches how greatly it matters to be zealous for agriculture. Formerly rough in cultivation, it possessed neither cities nor bread; its people used porridge. Caesar, Tacitus, and Strabo, book 7, may be consulted.

[Printed page 650]

Procopius writes that deserted regions are watered by the Danube. The Suebi regarded it as a source of praise that the regions all around should lie vacant for the greatest distance. Thus, in Caesar's time, six hundred miles lay squalid without a cultivator--Caesar, *Gallic War* 4. Now, however, Germany is so thoroughly cultivated and possesses so many cities that it yields to no region.

Nor can it be said that all the best places are occupied, for this also seemed to be the case formerly, when Germany was one single forest. What some have said concerning plants can even now be applied to Germany: the best are trodden upon. The best clods are trodden upon, not cultivated. I have seen private men, nobles, prelates, and others who, after clearing hills, planted vines or sowed crops and made luxuriant pastures. How great a wealth could a prince prepare for the state if he either caused such lands to be cultivated at his own expense or assigned them to private men for cultivation in exchange for tithes?

What prince is there who could not collect several thousand *iugera* in a territory of moderate size? Let him grant liberty to his subjects so that, if they occupy in suitable places land fit for cultivation, they may retain it for themselves and transmit it to their heirs after paying an annual rent to the state.

The ancient Germans did not pursue agriculture. Strabo, book 7: "The nation of the Suebi, as I said above, inhabits partly within and partly beyond the Hercynian forest, adjoining the nation of the Getae. The nation of the Suebi is exceedingly extensive, for it reaches from the Rhine as far as the River Elbe. A portion of them also grazes the places beyond the Elbe, as do the Hermunduri and Langobardi; but now those beyond the river have been driven into flight and destroyed.

"It is common to all who inhabit this region that they migrate readily elsewhere, both because of the scantiness of sustenance, because of their sloth in cultivating fields, and because of their poverty of money. Since they inhabit huts, they possess furnishings only for the day and draw most of their nourishment from livestock. Like nomads, carrying their household implements upon wagons after their manner, they turn with their herds wherever fortune and opinion have carried them. There are also other peoples of Germany suffering still greater want: the Cherusci, Chatti, Gambrivii, Chattuarii, and, reaching to the Ocean, the Sugambri, Chaubi, Bructeri, Cimbri, Chauci, Chaulei, Gampsiani, and very many others."

They also changed fields every year, which supplied a cause of great negligence. Thus Julius, book 6: "The Germans do not pursue agriculture, and the greater part of their sustenance consists in milk, cheese, and meat. Nor does anyone possess a fixed measure of field or his own boundaries; but the magistrates and princes assign each year to peoples and kindreds of men who have assembled together as much land, and in whatever place, as seems good to them, and in the following year compel them to move elsewhere. It is the greatest praise for states to possess around themselves habitations as widely as possible with the borders laid waste. They consider this proper to courage: that neighbors driven from their fields depart and no one dare settle nearby." Cultivated peoples must hold the contrary method, so that fields for cultivation are sought everywhere.

§ 8. We can readily see and enjoy what the diligence of earlier men accomplished. Caesar, book 3, speaks thus concerning our Belgians: "Where the Rhine approaches the Ocean, it flows into several branches and forms many immense islands, a great part of which is inhabited by wild and barbarous nations, among whom there are some who are thought to live upon fish and birds' eggs." But could one now find in the whole world a more cultivated place? Cultivation accomplished this. Formerly the whole territory of Fulda was forest; now it yields to no part of Germany except the regions of the Rhine and Danube.

Sustenance in Belgium and Germany was formerly most wretched, nor was it thought that another kind was possible. Tacitus, *Germany*:

> In every household they grow up naked and filthy into those limbs and bodies which we admire. Each is nourished at his own mother's breasts and is not delegated to maids and nurses. You could not distinguish master and slave by any delicacy of upbringing. They live among the same livestock, upon the same ground. The covering of all is a cloak fastened with a brooch or, if that is lacking, a thorn; otherwise uncovered, they spend whole days beside the hearth and fire.
>
> I doubt whether I should assign the nations of the Peucini, Veneti, and Fenni to the Germans or Sarmatians. Although the Peucini, whom some call Bastarnae, act like Germans in language, cultivation, settlement, and dwellings, there is squalor and lethargy among all. Through mixed marriages of the nobles they are somewhat deformed into the appearance of the Sarmatians.

And soon afterward: "Among the Fenni there is astonishing savagery and foul poverty: no weapons, no horses, no household gods; grass for sustenance, skins for clothing, the ground for a bed."

There were scarcely any houses, but caves and caverns. Tacitus: "Each surrounds his house with an open space, whether as a remedy against accidents of fire or from ignorance of building. They do not even use rubble or tiles. They use rough material for everything, without appearance or delight. They coat certain places more carefully with earth so pure and shining that it imitates painting and outlines of colors. They are also accustomed to open underground caves and heap much dung over them, as a refuge from winter and a storehouse for crops."

And Seneca: "The Germans wander with no fixed habitations. There are perpetual winters among them, infertile soil, and no houses; they live by hunting. Wherever night overtakes them wearied by labor, they lie beneath branches, or in caves and pits. They do not possess houses, but huts covered with leaves and stalks. The inhabitants are driven about in the manner of dancers upon the frozen sea, living on the flesh of wild beasts, a naked nation clothed only in the skins of beasts, and therefore cheap and despised by all."

These things remained until Christian times, until Charles and Boniface, when cultivation showed that every soil is fertile. I have introduced these things so that we may learn that places for cultivation still remain. For just as those places which are now most cultivated and fertile were formerly thought unproductive, so even now there are remarkable fields which plows have not yet violated; there are marshes which the diligence of many has shown can be drained.

§ 9. Not only weather and war but chiefly civic burdens render fields sterile. In some places herds of deer graze them; in others, a friendly but extortionate soldier; in very many, tributes also, so that cultivation gives no pleasure. Indeed, compelled by the magnitude of tributes, the cultivators themselves feign sterility so that they may avoid exactors. We gather that this occurred from a law of Gratian, Valentinian, and Theodosius, Code, book 11, title 57:

> Whoever has cut down a vine or damaged the growth of fruitful branches in order to evade the good faith of the census and feign the character of cunning poverty shall, as soon as he is discovered, be subjected to suitable indignation. That person, however, shall avoid accusation who is perhaps discovered to have labored for abundance and the restoration of the produce of the fields, and not to have procured sterility or poverty. Given the day before the Nones of January at Constantinople, in the consulship of Eucherius and Syagrius.

For what care will there be for fields if sterility is considered better than the cruelty of thieves who rage under evil but specious law? Hence by law *Those Who Are Burdened* and law *Equalizers*, assistance is kindly given to the wretched. In civil wars great care was also taken for farmers, but later times turned everything for the worse.

§ 10. The ancient law concerning the peace of farmers, which Xenophon attributes to Cyrus in book 5, must be recalled:

> When he had considered that those who had defected to him, because they were neighbors of Babylon, would be afflicted by evil unless he himself were always present, he ordered all the enemies whom he released to tell the Assyrian, and he himself sent a herald to say this to him: that he was prepared to permit the farmers to cultivate the earth and afflict them with no injury, if the Assyrian likewise wished to permit the farmers of those who had defected to Cyrus to cultivate their land.
>
> "Although you," he said, "even if you could prohibit it, would prohibit only a few men--for the land of those who have defected to me is small--I shall permit a large region to be cultivated for you. As to gathering the fruit, if there is war, the one who is superior will gather it; but if there is peace, it is evident that you will gather it. If any of my soldiers carries weapons against you, or any of yours against me, we shall each take vengeance upon them to the extent of our strength."
>
> When he had commanded the herald to say these things, he sent him. When the Assyrians heard all of them, they urged the king to concede these things and leave as little of the war remaining as possible. The Assyrian, whether persuaded by his people or because he himself wished it, conceded them; and a treaty was struck so that there should be peace for those cultivating the earth, but war for those bearing arms.

The Belgians, at least by public counsel, also imitated this policy. For many farmers who lived upon the borders possessed the protection of both parties, but by public counsel; for they suffered losses from the soldiers of both. Indeed, kings used this humanity even before Cyrus. Nebuzaradan, prefect of the Babylonian king, left vine-dressers and farmers. Arrian, book 5 *On the Deeds of Alexander*, and Diodorus Siculus, book 2, chapter 10, are authorities that the Indians also possessed this custom. For the labor of farmers is necessary to victor and vanquished alike.

This class of men is now exposed first of all to plunder. Therefore, at the rumor of war, the dearness of grain increases. Farmers, compelled by necessity, take up war themselves or turn to robbery.

§ 11. It will also be an act of great prudence to preserve farmers immune from the injuries of courtiers, nobles, powerful men, and pettifoggers. Those injuries cause them neither to cultivate their fields diligently nor to consider increasing their property, like that man while

> There was neither hope of liberty nor care for private property.

Therefore, let them not feel several masters in their villages, nor be dragged from the country into the city. Let provision also be made for their simplicity when they bring necessary goods into ungrateful cities. Clement V and Pius V thus established it; the latter forbade revenues to be exacted from farmers importing grain. Hence those excellent rules: that it is not lawful to take an ox used for plowing as a pledge, and that it is not lawful to molest farmers by way of reprisals.

Formerly powerful city-dwellers transferred their burdens to countrymen. Emperor Constantine prohibited this, Code, book 11, title 57: "Since the account-keepers of cities, through collusion with the more powerful, transfer the burden to their inferiors, we command that whoever proves that he has been burdened shall acknowledge only his former possession. Given on the fifteenth day before the Kalends of February at Rome, in the third consulship of Constantine Augustus and the consulship of Licinius."

Farmers are also vindicated from the harassment of soldiers, Code, book 11, title 60:

> It is pernicious or dangerous for the meadows of our provincials, and especially those of our private estate, to be wearied by the harassment of soldiers. Therefore, by a law promulgated to the most ample prefecture, we decree that this practice shall not be employed hereafter. Let your Magnificence not delay to summon all whom the matter concerns, and let it not permit possessors or tenants to be harassed by any importunity on account of their meadows. Given on the Nones of September, in the tenth consulship of Honorius Augustus and the sixth of Theodosius Augustus.

§ 12. It is very expedient that each person cultivate his own property and not another's. Among the Romans the amount of field beyond which no one might possess was so often defined, yet those laws were always violated, even by the legislators themselves. For from this farmers are oppressed, and afterward, when farmers have been driven out, workhouses occupy all possessions; when servitude has been introduced into noble land, sterility follows, such as now exists among the Turks.

For there is so great a sterility and lack of cultivators throughout vast expanses of fertile land that their emperor can in no way sustain a war at home. Because the subjects of the Turks have been persuaded that all their property belongs to the emperor, and because he employs this right, the land is deprived of agriculture and therefore of people, that is, the foundation of strength. First, the Europeans are treated tyrannically and live in the greatest despair. Nothing except an opportunity is lacking to stir them to rebellion against so great a tyranny. This empire, therefore, is uncultivated, waste, solitary, and weak. It is said in a proverb that where the Ottoman horse plants its foot, grass never grows. There are many causes, but the principal one is that either the people are removed from their estates or the estates from them, at the judgment of those who rule.

§ 13. Pasturage is simpler and easier than agriculture; shepherds lead the easiest life. Aristotle, *Politics* 1.8: "For sustenance comes to them without labor from tame animals, even while they rest. Since it is moreover necessary for livestock to change place because of pastures, they themselves are compelled to follow with them, as though devoting their labor to living agriculture. Others live from hunting, but in different ways. For example, some from robbery, others from fishing--those who dwell near lakes, marshes, rivers, or a sea suitable for fishing--others from fowling or the capture of wild beasts. But most men live from the earth and from cultivated fruits."

This received the greatest care among eastern peoples and is plainly royal. It is now most despised; but the prince will add dignity to it if he desires to become rich easily and without injury.

§ 14. It is suitable for rural peace and pertains to security that people in farms and villages possess their own judges. Many advantages arise from this: they are not compelled to go into cities, are not called away from labor, settle a dispute more easily, and justice is administered by a shorter course. Nor can inexperience be objected. Their lawsuits

are not intricate, and they possess few laws from which they pronounce sentence; but if a more difficult matter is agitated, it is sent to neighboring cities for counsel.

It is just that, as merchants' cases are entrusted to merchants, so countrymen's should be entrusted to countrymen and craftsmen's to craftsmen, provided that they are directed by a skilled person so that they do not depart from the common law. For in truth many now shake down the wretched διασείσει, by extortion, and terrify them by the authority and threats of magistrates. Formerly governors, tax-farmers, their staff, and soldiers, when they could not openly plunder peaceful soil, customarily oppressed people through calumny. This was formerly the cause of the Varian disaster, when the Germans accepted Roman rule but could not endure Roman customs. They raged especially against advocates. Holding the tongue cut from one of them in his hand, a German said, "Aha, viper, even now you hiss."

§ 15. The fertility of all fields would indeed be desirable; but because God for a just cause was unwilling to give it, even dry land must be plowed. Every state would choose for itself land such as Aristotle describes in *Politics* 7.5: "The reasoning is similar concerning the nature of the land. As to what character it ought to possess, certainly all would praise land which is filled and furnished with an abundance of all things and is content with its own goods. Such land must be productive of all things. For to abound in all things and lack nothing is to be content with one's own goods and to be filled and furnished with an abundance of all things. In population and size, however, let it be such that those who inhabit it can live liberally and at the same time temperately while free from every labor."

[Printed page 652]

But land of this kind is rare; not every soil bears everything, and some bear very few things. Therefore the laws which established agriculture commanded that lands be mixed, so that one who disdained infertile land should be deprived of fertile land. Thus the laws concerning public lands, Code, book 11, title 58:

> Whoever is found to be the lessee and possessor of a fertile estate which descends from public or temple ownership shall have a less useful field joined to it. But if he thinks that he must resist this, let another possessor be sought under the same payment. Or, if no voluntary lessee is found, then let the places of the aforesaid ownership, with the useless parcels attached, return to their ancient possessors--that is, the decurions or any others--after suitable sureties have been furnished.

§ 16. Indeed, sagacious antiquity also provided that the borders could be fortified and cultivated lest the fields lie uncultivated. If soldiers wished to cultivate them, the law ordered them to be immune. Thus Theodosius and Valens, Code, book 11, title 59:

> We will that all frontier lands, together with marshes and every right, which frontier soldiers under the ancient arrangement were accustomed to tend and plow for their own advantage, free from every service, shall, if they are cultivated at present, be firmly retained by them without any burden from an extortioner; and, if they are possessed by others--with prescription from any lapse of time ceasing--shall be reclaimed from all possessors and assigned to the same soldiers without any burden whatever of contribution, as was anciently established. Against those who attempt to oppose our commands, the penalty of proscription shall also prevail. For if anyone perhaps possesses the lands of the aforesaid right under a title of purchase--a thing he ought by no means to have dared--his competent action against the seller shall be preserved unimpaired.

Imitate this with spirit, Prince; you will strengthen your wealth and kingdom. Behold, the masters of nations cultivated through soldiers the frontier lands exposed to incursions by enemies. Nor were veterans then ashamed of plowing: they awaited fields as their final reward and knew that the greatest emperors had returned after the *trabea* to the triumphal plow-handle. In short, act so that everywhere the field and livestock may appear yours.

I marvel at Roman diligence. In the reign of Augustus, when Gaius Asinius Gallus and Gaius Marcius Censorinus were consuls, Gaius Caecilius Claudius Isidorus declared in his will, as Pliny says in book 33, chapter 10, that although he had lost much in the civil war, he nevertheless left 4,116 slaves, 3,600 yoke of oxen, 250,000 head of other

livestock, and in ready money six hundred fifteen hundred-thousands of *Philippei*, according to Lipsius's calculation. These were the possessions of a private man who had suffered war. Why could a prince not attain the same if he sought every opportunity?

I refer to agriculture fishponds, forests, and everything produced by earth and water. If the prince pursues their fruits, there will be no need to impose new revenues and new tributes every day. The earth itself will be fertile enough to maintain dignity and repel an enemy. If the Turk, who possesses so much deserted and fertile land, undertook seriously to cultivate even some thousandth part in Greece, Asia, or Palestine, he could readily raise such flocks as Jehoshaphat, Hezekiah, and Jonah possessed for the expense of his army. But God was unwilling to add political prudence to so great a savagery, lest through his strength he occupy the whole world.

CHAPTER XII

That the prince must seek out the valuable products of things dug from the earth

§ 1.

Tacitus doubts whether the gods, propitious or angry, denied silver and gold to our Germans. Certainly they now possess a very great quantity of gold, silver, and gems. Many also greatly censure the grievous labor--τὸν μετὰ πόνου, "that accompanied by toil"--of those who search for mines. They say that gold, had it not been discovered, would have been better placed, and they grieve when

> Riches, the incitements of evils, are dug out.

Pliny, in Book Thirty, assails the same pursuit that they condemn: "Now mines themselves, and wealth itself, and the values of things, shall be spoken of, while anxious care searches the earth within in many ways. For in one place it is dug for riches, as life seeks gold, silver, electrum, and bronze; in another for luxuries, gems and pigments for walls and fingers; in another for rashness, iron, more welcome even than gold amid wars and slaughter. We pursue all its fibers and live above an excavated earth, marveling that at some time it yawns open or trembles, as though this too could not be expressed as the indignation of our sacred parent. We go into its entrails, and in the abode of the Manes we seek wealth, as though it were insufficiently kind and fertile wherever it is trodden. Amid these things we search for the sake of remedies least of all. For to how many is medicine the cause of digging? And yet it has given these too on its highest surface, being nowhere sparing and readily accessible in all things that are beneficial. The things that crush us, the things that drive us to the lower world, are those which it concealed and submerged, those which do not come into being: so that a mind suddenly soaring into emptiness may reflect what at length will be the end of exhausting it through all the ages, how far avarice will penetrate. How innocent, how blessed, indeed how luxurious life would be, if it desired nothing except what is above the earth and, to speak briefly, nothing except what is with it!

"Gold is dug out, and chrysocolla beside it, so that it may appear more precious by retaining a name from gold. For it was too little to have discovered one plague of life, unless even the corruption of gold were held at a price. Avarice was seeking silver; meanwhile it counted it a good thing to have found minium, and devised a use for red earth. Alas, monstrous talents! In how many ways have we increased the values of things? The art of painting was added, and by engraving gold and silver we made them dearer. Man learned to challenge nature. Incitements of vices also increased art. It pleased men to engrave lusts upon drinking-vessels, and to drink through obscenities. Thereafter these things were cast away and began to be regarded as sordid; and there was too much gold and silver. From the same earth we dig murrhine and crystal vessels, to which fragility itself was to give value. This was judged a proof of riches, this the true glory of luxury: to possess what could immediately perish altogether. Nor was this enough: we drink amid a host of gems and weave our cups with emeralds; for the sake of drunkenness it is pleasing to hold India, and gold is now merely an accessory."

§ 2.

All these things are reproaches against avarice, not against resources, as I said at the beginning. For God gave these things also for the use of the human race, which he wished to abound and to shine. Nor are subterranean riches censured in any way different from those which the earth itself brings forth outside: wine and crops, the delights of animals, and the beauty of forms; for folly abuses all these things. Therefore a wise prince will seek out the wealth of mines, and with it will assist the state. To seek gold through wars is wickedness; through seas, danger; through falsehoods, disgrace; but in its own natural place it is justice, as Cassiodorus admonishes.

There is a threefold method of finding it. “Among us,” says Pliny in Book Thirty, chapter 4, “it is obtained in three ways: from the scrapings of rivers, as in the Tagus of Spain, the Padus of Italy, the Hebrus of Thrace, the Pactolus of Asia, and the Ganges of India; by another method it is dug out through shafts of pits, or by the collapse of mountains. Although that found in rivers is said to be the most excellent and most perfect, polished by the very current and friction, nevertheless it is now no longer found--or rather, it is not sought.”

Since, however, enormous advantages arise from mines, gems, marbles, every kind of mineral, and the exudation of metals, they must not be neglected, but must be employed with thanksgiving as benefits given to the state. But if veins appeared long ago, they must be investigated further; new ones too must be considered diligently. Nor must it be thought that God distributed matters in such a way that the ancients dug everything out. Immense riches lie hidden beneath the masses of mountains, some in deep places, others almost in the open. So great is their variety that they appear to contend with those things which grow. “In the uppermost earth, during Nero’s principate, gold was found in Dalmatia which yielded as much as fifty pounds on individual days, although it was found in the very topmost turf,” says Pliny.

§ 3.

It must be established without qualification that very many veins of metals, which are neglected, lie scattered throughout Europe and Asia. A sign of this is the golden sand of rivers, which indicates that the neighboring banks abound in gold. Nor do I think there is any prince who does not possess those riches, but diligence in searching for them is lacking. I do not affirm that gold is everywhere, but that there is some kind of metallic or fossil substance: gold, silver, electrum, bronze, iron, tin, lead, quicksilver, sandarach, minium, cadmia, alum, sulfur, bitumen, Samian, Eretrian, Elian, Selinusian, Pignitis, Ampelitis, Cimolian, Sardian, and Umbrian earth, and so many kinds of stones. For new things of this sort are found every day, which is a sign that they exist. In ancient times none of these was present in this northern Europe of ours; now very many exist in several places, because the cares of mortals were formerly directed elsewhere, whereas now these things are sought. Tacitus denies that silver exists in Germany, but now both it and gold are found.

There is no part of Germany in which some such things are not dug out. Those endowments are present in the County of Tyrol, Bohemia, Saxony, Pannonia, Transylvania, Poland, Hesse, and the Eifel. Indeed, in Norway itself, beneath the arctic cold, there are veins of silver near Ringarike and an abundance of copper in Sunnhordland. In Sweden also mountains of gold, silver, copper, and lead are counted beneath the sixty-second degree. Britain itself produces tin that is almost the rival of silver. Prussia sends electrum, and the Hercynian Forest gems. The cause why less effort is expended in this class of things is either a change of masters and governors, wars, or certainly the magnitude of the expenses. Hence it is scarcely a work for private persons; formerly public contractors leased them, several together, and wealthy men.

There is now rarely a digger for gold in Spain, because New Spain and Peru are more fertile. We nevertheless cannot deny that there are metallic mountains in Spain, since Scripture and experience have shown it. Near New Carthage no fewer than forty thousand men were continually occupied in the work, as Polybius is the authority. Who would believe that the neighboring mountains contain no gold, or that the Carthaginians exhausted them altogether?

Nevertheless, I think that no prince possesses more mines of metals than the emperor of the Turks. Although he is most thirsty for gold, he does not use that advantage, both because of a scarcity of skilled men and by the providence of God, lest he be furnished with such great resources against the remnants of the Christians.

In Deuteronomy 8:9 God promises “a land whose stones are iron,” ברזל אבניה (*abaneha barzel*), “and from whose mountains metals are dug,” נחשת תחצב ומהרריה (*umehararеha taḥṣob neḥosheth*). He indicates a great abundance when he says that its stones are iron, as though its abundance of iron were equal to that of stones; and although this is remarkable, the same reasoning applies to silver, as I said above. He also signifies a multitude of bronze when he says “you shall hew out,” as though bronze were hewn from the mountains in the manner of rocks.

That there was an abundance of gold is shown by Deuteronomy 1:1: “These are the words that Moses spoke to all Israel beyond the Jordan, in the level wilderness, opposite the Red Sea, between Paran and Tophel and Laban and Hazeroth, where there is very much gold.” Here our translator and the Chaldaic translate זהב ודי (*wedi zahab*) as “an abundance,” or “a sufficiency, of gold”; the Septuagint has καὶ καταχρύσεα, or, as others read, καὶ κατὰ χρύσεα, “toward the gold mines.” Whether one truly understands it as a sufficiency of gold or rather as the name of a place makes little difference against what I have said. For if it is the name of a place, the name was imposed from its abundance of gold; or if Scripture says that gold is very plentiful, we prove that there is a multitude of mines.

In that tract is the city concerning which Genesis 36:39 says זהב מי (*me zahab*), “waters of gold,” although it can be the name of a woman. And in Deuteronomy 33:25 iron and bronze are called its “footwear,” or ὑπόδημα, which they interpret as mines of bronze and iron--as though it said, “iron and bronze are your treading-place”; that is, mines of iron and bronze are everywhere beneath your feet. Hence Zarephath of the Sidonians is named from צרפת (*tsaraph*), “to smelt.”

But let us return to the καταχρύσεα, concerning which the Christian Adrichomius writes as follows in his *Theater of the Holy Land*, under Pharan, number 16: “The gold mines, called *Dizahab* in Hebrew and *catachrysea* in Greek, are the place where there is very much gold. They are gold-bearing mountains in the desert, an eleven-day journey from Horeb, near which Moses is said to have written Deuteronomy. But they also think that the mine of bronze which collapsed in our own time, and mountains formerly full of veins of gold, were nearby.” Deuteronomy 1; Jerome on the Hebrew place and in his Letter to Fabiola, Station 42.

It is also agreed that Arabia is exceedingly rich in gold. “It so abounds,” says Adrichomius under Manasseh, number 12, “in veins and lumps of gold and silver that almost all the furnishings of this nation shine, some with gold, others with silver. They also sell gold to their neighbors at three times the price of bronze, and silver at twice the price; and once, as Ezekiel teaches us, they used to offer in the markets of Tyre wares of the most excellent spices, gold, and precious stones, which were carried from there into the whole world. For the soil of this fortunate Arabia is exceedingly fertile in the most precious and select gems, namely sardonyxes, diamonds, pearls, beads, and other stones of different color and shining brightly. Nor does the land alone, but also the sea adjacent to it, abound in stones of this sort. For here oysters or shells are caught in which pearls are born and mature. Because no two of them are found indistinguishable, they are also called *uniones*. Their nature is so noble that it cannot be equaled by any price. Hence it is read of Cleopatra, queen of Egypt, that she purchased a pearl found here for two hundred and fifty thousand gold pieces.”

Yet now there is neither great concern nor power to procure those riches, for everything is full of brigandage, devastation, and fear of tyranny.

§ 4.

It is appropriate for every kind of mineral substance that it indeed be administered by suitable men, but that the greatest part of the labor be completed by persons condemned to the works. Thus it was done wisely in former times by the Romans and others, and there was no sin except in the unjust sentence of a judge, by which Christian bishops, priests, and faithful laymen were condemned to the mines for their piety. Those who through crimes have deserved such treatment by right and justice are to be subjected to this punishment; and it is often lawful for the penalty of death to be commuted to this one.

As the Egyptians accomplished the barbarous works of the pyramids and the channels of the Nile through condemned persons and captives, so also they assigned the wicked to dig for gold. Diodorus writes in Book One: “All their kings assigned to the digging of gold persons condemned for a crime, likewise those captured from enemies, or, if anyone had offended the king, sometimes both him and his whole kindred; at once exacting the penalty for their crimes and receiving a rich profit from their labor.”

I am not unaware that very many innocent persons, crushed by great tyranny, underwent every dreadful thing. But I admonish the prince to banish into those dark places persons truly guilty, not truly innocent, either for their whole life as slaves under punishment, or for a fixed time according to the measure of their offenses. For it is remarkable how greatly that exercise assists modest conduct, when complete exhaustion must be exacted from the body. Nor is guarding them difficult, both because they are confined in caverns and because this whole class is held in irons. What then? Let the punishments of those whose crimes harmed the state benefit it.

At present many are kept in prison for many years at public expense; they are mutilated in their ears, publicly scourged, and punished with exile. Meanwhile, since the opportunity to live a civil life is denied them, they again equip themselves for thefts and brigandage; for nowhere can they establish themselves because of their infamy. Other men must nevertheless be placed among them, both supervisors and persons hired for wages, so that there may be no opportunity to flee. Prisons today contain many hundreds of wretched persons who have not committed offenses so atrocious that they are to be punished with death.

§ 5.

To this industry I refer all the other workshops, such as those for crystal, glass, stone, and other things. For it is superfluous to name saltworks and other works, since even the use of acidulous springs has now begun to bring profit and water is drunk for a price. Ancus Marcius first established saltworks at Rome; he also gave six thousand modii to the people in a distribution. Pliny, Book Thirty, chapter 7. Once this was a rare and difficult thing; now it is readily available. Yet nowhere, so far as I remember, is there that abundance which exists in Italy, where the Tarentine lake is dried by the summer suns and is transformed wholly into salt.

CHAPTER XIII

Thrift Is the Greatest Revenue

§ 1. Where I discussed the prince's liberality, I also commended thrift, which is the source and support of liberality. The same matter had to be discussed where household management was treated. Now, however, thrift itself must be treated, which is necessary τῇ χρηματιστικῇ, "for the art of acquiring wealth," and bestows gifts with judgment and moderation. For many princes pour out everything in certain largesses which they have scraped together by care, household management, and agriculture. I should like them to weigh these things with themselves and dispense everything according to right reason.

§ 2. Let them consider the nature of men, greedy to receive and to possess, and let them establish this as certain: gifts will never satisfy avarice. It is an oracle of Aristotle, *Politics* 2.7:

> Furthermore, the wickedness of men is something insatiable. At first they consider it enough to receive only two obols; but when this has become ancestral and hereditary, they always desire more than it, until they have advanced into immensity. For the nature of desire is infinite and immeasurable, and most men direct every effort, and indeed all the plans of their lives, toward satisfying it.

§ 3. No prince, indeed, seems sufficiently liberal to flatterers; yet no one gives equal offense to the prodigal man, who, as they say, gives with his eyes closed and weighs neither the merits nor the dignity of those receiving. For one who is unworthy of a benefit is also ungrateful, while more worthy persons who have received equal or lesser things think themselves injured.

§ 4. Prodigal men have generally perished badly. Galba promised enormous things to the courtiers and Praetorians and destroyed himself and many others. Plutarch writes wisely:

> And for this reason he promised to the courtiers and to the soldiers whom they call Praetorians seven thousand denarii individually, and to those serving in the provinces 1,250. He could in no way have procured this money unless he had afflicted the whole human race with more crimes than Nero.

That promise first destroyed Nero and soon afterward Galba: they betrayed the former in hope of receiving it, and killed the latter because he did not pay it. Afterward, while seeking a man who would give the same amount, they themselves perished amid defections and betrayals before obtaining their desire.

§ 5. If the prince wishes to give something liberally, let him rather take it away from unjust and unworthy persons--for example, Jews, moneylenders, and similar Christians--and give to those who deserve well the fines exacted from wicked men. For thus there will be not only rewards but also punishments and examples for cultivating virtue. Galba acted splendidly, as Plutarch relates: "He ordered the gifts which Nero had given to actors and athletes to be exacted rigorously, leaving them only a tenth part." If he had done this with most of Nero's largesses, he could have collected money to maintain a great army.

§ 6. I have said that many princes go astray in this matter; nor is it remarkable. Solomon himself, the richest of kings, who made silver like stones in Jerusalem, after he had already been corrupted in old age by women, afflicted the province by this matter alone. He had seven hundred queens and three hundred concubines. What largesses shall we say were necessary to adorn seven hundred queens, furnish their courts with annual revenue, and build temples for them? Hence those complaints were deserved: "Your father placed a very hard yoke upon us," 1 Kings 12:4. For no wealth could have been sufficient for the courts of seven hundred luxuriant queens. Therefore he unjustly exacted what he spent most wickedly; those two things are accustomed to accompany one another: to have been acquired badly and to be spent badly.

§ 7. This also occurred in the Roman state. For however politically its other things may have been established, certainly the wealth of so great an empire was spent most disgracefully. Justus treats this matter in Book Two *On Roman Greatness*, chapter 10 and the following chapters. He divides expenses into necessary and discretionary. The necessary expenses were for the soldier and the magistrates. To Piso, when he was going into Macedonia, one hundred eighty hundred-thousands were given under the name of traveling allowance. One hundred hundred-thousands of sesterces are 50,000 *Philippei*. Grain was given to the people first at a lower price, then free under the Clodian law, from which arose a great corruption in the state. Those receiving it were at one time 320,000. From Egypt each year they carried two hundred hundred-thousands of modii of grain, and twice that amount from Africa: therefore six hundred hundred-thousands of modii, or 164,383 each day.

[Printed page 655]

These were such great expenses that the greatest armies could have been maintained by them, yet they were expended for the most part upon the wicked and seditious rabble beneath the rostra; sixteen hundred thousand men could have been maintained by it. Aurelian also distributed pork, as Vopiscus says, and Severus oil.

Next came individual largesses, not merely marvelous but astounding, as Lipsius says. Suetonius relates that Caesar sometimes gave individual slaves and estates to the soldiers, man by man. As to slaves, I do not wonder: eleven hundred thousand. Τέρας, that monster, killed that number and reduced more to servitude. As to estates, it is a great thing; nevertheless he assigned the possessions of idlers to his own men. In this way he was liberal toward the Senate. Suetonius writes:

> With a great part of the Senate bound to him by gifts or loans at light interest, he also followed with a most abundant distribution persons of the remaining orders who came to him either when invited or of their own accord.

With no less zeal he enticed kings and provinces throughout the world: offering some thousands of captives as a gift; sending to others auxiliaries wherever and as often as they wished; and adorning the most powerful cities not only of Italy, the Gauls, and Spain, but also of Asia and Greece, with principal works.

These things came from plunder. For in Gaul he despoiled shrines and temples of the gods filled with gifts and sacked cities, more often for the sake of booty than because of an offense.

Hence fifteen hundred talents were given to Lucius Paulus the consul, that is, nine hundred thousand *Philippei*. More was given to Curio, as Appian relates: he received six hundred hundred-thousands of sesterces, that is, fifteen hundred thousand *Philippei*. Beyond their pay, Caesar expended fifteen millions upon soldiers in the civil war, as Lipsius proves. To each member of the grain-receiving populace he gave ten modii of grain, the same number of pounds of oil, three hundred coins, and a further hundred because of the delay. At that time those who were fed from the public store numbered 320,000. In a single donative Augustus, when he had prepared arms against Antony and the issue of supreme power was already at stake, promised one hundred and fifty millions, as Lipsius calculates. There were many largesses of other emperors. Those donations overturned the whole empire and transferred the wealth of entire nations to others.

The Roman Empire was prefigured by that horrible beast which is the fourth in Daniel. It is called “devouring and breaking in pieces and trampling the remainder under its feet.” The last pertains to the games. It consumed and devoured by plundering, collecting revenues, and founding colonies; it trampled with its feet when it wasted wealth through wantonness and luxury. So much money was expended upon stage shows, circuses, and gladiators that the whole empire could have been defended by it.

What apparatus was there upon the stage? In the *Agamemnon* there were six hundred mules. Nero covered the theater of Pompey with gold for one day. Caesar made the apparatus of the stage silver at his father's funeral, and at that time he was not yet Caesar. Pliny also teaches in Book Thirty-three that there were silver stages everywhere in towns and colonies. Heliogabalus, according to Lampridius, exhibited circus games in canals full of wine; and since ships raced

in unmixed wine, I wonder whether one year's wine sufficed for such madness. Add next the awnings floating above the full theater, and Arabians drenched at Rome by showers of their own produce.

Add also the gifts thrown among the people--of every sort of thing on every day: each day a thousand birds, a manifold store of every kind, grain-tokens, clothing, gold, silver, gems, pearls, painted panels, slaves, beasts of burden, and even tame wild animals; finally ships, islands, and fields. Not even the Ocean appears capable of sufficing for donations so blind and so harmful, and every most wicked man received these gifts.

The greatest resources of the empire were also poured out upon gladiators alone. Lipsius thinks there were two hundred or three hundred thousand. I think there were altogether more, if we join to them the beast-fighters and the beasts; and these were properly called *munera*, “gifts.” Let us now consider the cause of the Roman treasury's repeated exhaustion. First, most gladiators had to be bought; next, fattened; third, trained; fourth, guarded; fifth, nobly armed.

For the hunting, guarding, and feeding of beasts I reckon sustenance sufficient for a hundred million men. Gordian supplied one hundred Libyan beasts and a thousand bears in one day; others supplied other things; Severus supplied four hundred beasts from a collapsible ship. Let us establish that ten thousand beasts were always fed: they consume as much as thirty thousand men. Let us suppose that five thousand were captured each year. How many thousands of men shall we judge to have been occupied in hunting lions, bears, and tigers? I do not ask how many perished, since it is difficult to capture even one lion.

But the work of hunting was more laborious and dangerous because the beasts were not to be killed with arrows and hunting-spears, but captured alive in pits and nets, placed upon ships, and sent to Rome across long distances, with keepers and tame animals on which they might feed added. Thus so great expenses appear to have been made upon the capture and sustenance of beasts that they would have sufficed for an entire army. Hence came the public poverty of the treasury, and very often the wealth of entire nations was exhausted and the nations themselves sold, but the money was poured out in largesses and *munera*.

Thrift, therefore, does not suffer want. Xenocrates received Alexander's envoys, who brought fifty talents, with a slight supper in the Academy. When they asked the following day to whom he would order the money to be counted out, he said: “What? Did you not understand from yesterday's supper that I do not need money?”

Thrift fills the treasury with the greatest speed. Antoninus Pius drove away useless men; Alexander Severus did the same, as Lampridius and Capitolinus testify. It follows, therefore, that nothing better happened to Heliogabalus than that Alexander Severus was justly his heir.

CHAPTER XIV

Power Is Marvelously Increased by Sumptuary Laws

§ 1. I call those laws sumptuary laws by which moderation in expenditure is prescribed. I reduce them to three heads: for some command modesty in banquets, which Cato called alimentary laws; others regulate the prices of clothing; others regulate building and the household. I judge that not only the most useful part of thrift but also the safety of the state is contained in these laws. For if the prince fixes laws for himself and his own people, and his subjects follow them, abundance and riches must arise publicly from the thrift and frugality of all, and there must be fewer disputes and crimes, very many of which arise from prodigality, while that which is poured away through wantonness is sought through injustice. By these laws, moreover, peace and tranquility, the distinction of orders, and propriety are preserved, and poverty, the counselor of evil, is averted. For in truth most men go beyond their means in expenditure and cast themselves into extreme necessity. There was great foresight in former times, when expenditures were defined.

[Printed page 656]

Numa, otherwise exceedingly superstitious, enacted a law: “Do not sprinkle wine upon a funeral pyre,” lest the gods be worshiped by expense rather than by disposition. For since luxury always increased and found no limit, there was need of the barriers of laws, by which men might be contained within bounds and a fixed course.

§ 2. We should with the best right marvel at the most malicious complaints of the human race, if they were not by now customary. Whatever adversity befalls a man according to his deserts, each accuses the times, the magistrate, sometimes God--in short, everything rather than his own vices. If blight has burned the crop, if the meadows have withered, if frost has struck the vine-shoots, if a soldier has driven away the cattle, if the prince has imposed taxes, everything resounds with querulous, bitter, mournful, and sometimes seditious voices: the times are hard; everything is falling; life is scarcely supportable; no citizen can rise; farmers are oppressed and drained on every side; the nobility is near destruction.

Yet in the lands where such frequent complaints are repeated, who are they that cry that they are oppressed and drained? The very men who themselves bring about the cause of their losses. The fact itself speaks; at this very hour I shall show a hundred examples. The farmer whose grandfather furnished his private table, banquets, and weddings with provisions that were not bought is no longer content with beef, lamb, veal, goose, and chicken: he heaps together foreign fish, exotic wines, Italian and Spanish fruits, preparations and adulterations made from every spice, and he teaches rustic hearts, unaccustomed to delicacies, to consume the plow together with the very clod of earth.

Citizens who seek their livelihood by their hands indulge in banquets; they omit none of the costly things which they have seen upon the tables of the rich and noble; at a wedding banquet they contract a debt upon which their children, when already grown, are compelled to pay the interest. What shall I say about clothing? The sons of villagers and craftsmen, who carry all their goods upon themselves, imitate and surpass the attire of the rich and noble.

They do these things in large part through perverse rivalry, so that they may appear rich. I do not yet dare to accuse that madness as it deserves and ask why, by feigning opulence, they hasten toward want, when by frugality they could acquire an estate. I am not yet treating that point, but I rebuff the impudence of those who disparage their own times when they themselves are a great stain upon the times. The rustic, the citizen, the tailor, and the smith complain that they cannot rise because of the difficulty of the times. Yet the same man is clothed like a nobleman, feasts like a rich man, builds like a prince, maintains a household like a magistrate, and does not perceive that the cause of his poverty has been derived from his habits.

You praise past years, despise the present, indeed curse them, and enumerate the causes of poverty; but, rustic though you are, arrayed in silk and rings, in a painted house, amid pheasants, thrushes, partridges, costly wines, tortoise shell, and courtly music, and perhaps drunk as well, you lay down your complaints. I do not listen unless your habits are changed. No times are so happy that they can make such a man prosperous; not even prosperity itself could preserve you.

My most reverend prince, Johann Schweikhard, Archbishop of the Holy See of Mainz, published sumptuary laws in the year 1615 and stated their causes in the preface: that he had already learned by the experience of several years that his subjects in the upper and lower diocese, in towns and villages, especially at baptismal banquets, feasts of godparents, and wedding banquets, were burdening themselves with great expenses in this matter; that no one wished to hold the last place; that those of slender means emulated the wealthier; and that many were consequently sometimes so oppressed and burdened by debt that they could not rise, nor render the services owed to the magistrate.

It is plainly so: they contend with one another in expense; all are defeated; whoever has surpassed the others is most gravely harmed. Then, when their own affairs have become desperate, they are neither faithful to their country nor obedient to the magistrates. Those vices are ancient, and unless the ruler's severe hand resists, they break loose. Sammonicus Serenus, speaking of the Fannian law, relates nearly the same things:

> The Fannian law came before the people with the great agreement of all the orders; and it was not the praetors or tribunes, as with most other laws, but the consuls themselves who proposed it upon the counsel and opinion of all good men, since the state was suffering greater losses from the luxury of banquets than can be believed. For matters had come to such a pass that very many freeborn boys, enticed by gluttony, sold their chastity and their liberty, and very many of the Roman plebs came to the Assembly soaked in wine and, while drunk, deliberated upon the safety of the state.

Thus Sammonicus. The law of our prince also was enacted to the applause of all. Frugal heads of households rejoiced that they could be sober and frugal without disgrace and the objections of gourmands, and that not only had the danger of profusion been shaken off by law, but the necessity of thrift had also been imposed. Yet there are not lacking those who strive against it: rich only in luxury, poor in assisting the state.

§ 3. The laws of Mainz defining expenditure consist in prescribing the number of guests and dishes, the time, and gifts; certain banquets, however, they abolish altogether.

Concerning these things the edict reads as follows.

I. At the making of a betrothal contract, no banquet shall be held in villages; but those who were present to settle the contract shall be given a slight refreshment of bread and wine. In cities, however, if the bridegroom and bride are wealthier, ten or twelve guests may be invited at the expense of both families, provided that the banquet is not prolonged beyond three hours. The penalty for transgressors is ten pounds of denarii, article four, §3.

II. Fifty wedding guests are permitted to citizens and craftsmen; seventy-four to academics, those who belong to a council or serve in courts, and also wealthy merchants; ninety-four to court counselors and assessors of the court tribunal, article 4, §§4 and 5. A fine of four pounds of denarii is prescribed for each person exceeding the number. In villages, however, only forty are permitted even to the wealthier and thirty to the rest.

III. The power of dispensing anyone from this law is removed from all; it must therefore be sought from the prince alone, or, in his absence, from the one holding his place, §7, article 4.

IV. The measure of dishes at a baptismal banquet is defined in the following manner. First, those who are of the first or middle station may send the woman in childbed, upon the first day of the baptism, a breakfast--that is, one measure of wine and two white loaves, or as much bread of fine flour--where breakfasts are customary. Where it is not customary to take them, it is lawful to send two measures of wine and two white loaves; this, however, is not permitted to craftsmen and hired laborers. A fine of ten pounds of denarii is imposed upon the transgressor, article 3, §7.

V. If anyone after the baptism wishes to invite the midwife or other women who attended the childbirth, he shall set before them nothing except broth with meat, roast meat, and cheese, not cakes or anything else. The fine is six pounds of denarii. Nor shall the women spend more than two *Batzen* upon the refreshment.

[Printed page 657]

VI. These are the wedding dishes. Citizens and craftsmen shall set out only four dishes: first, broth with boiled meat or a hen; second, vegetables with boiled meat, or ham, or sausages, according to the season; third, fish; fourth, roast meat, to which may be added either gudgeons, or crabs, or curds--one of these, not several. A second roast is permitted to persons of the middle station, such as academics and rich merchants; but two other dishes to court counselors and assessors of the court tribunal. The fine is ten pounds of denarii. But if someone of great dignity is present, somewhat more may be set upon his table alone by way of honor, provided, nevertheless, that molded representations of foods are altogether abolished, article 4, §19.

VII. When the baptism is finished, there is no banquet for men, article 3, §10.

VIII. The time also is defined. In villages they must rise from the table about the second hour; in cities, at the fourth or fifth--not because more license is granted to townsmen, but because they are accustomed to sit down later. All, however, are ordered to return home honorably and decorously.

IX. On the following day they may assemble again, but at the eleventh hour; in villages, however, at the fourth hour after noon, provided that everything is ended at the eighth hour. Meanwhile neither children nor other uninvited members of the household shall be brought, nor shall anything be sent outside.

X. The measure of gifts is as follows. Citizens and craftsmen may give godparents only half a *Philippicus*; academics and the richer, a whole *Philippicus* or a gold florin; court counselors, a ducat. Other little gifts shall be omitted altogether, under a penalty of ten pounds of denarii. If anyone gives gilded or silver cups, he shall be fined four hundred pounds of denarii.

They shall offer the midwife two white coins as her honorarium, and the same amount to the sacristan. The rich may give four and one-half.

XI. Presents or New Year's gifts among godparents shall not exceed an eighth of a florin. Cakes and all other sweets are abolished altogether, under a penalty of five pounds of denarii.

XII. At confirmation also, a gift shall not exceed three *Batzen*. If they prefer to give a prayer book, its price shall not exceed five or six *Batzen*, and this shall be granted only to persons of the first rank.

XIII. At weddings, shirts shall be given only to parents, and handkerchiefs only to the best man and the nearest agnates. The penalty is five pounds.

XIV. Guests shall not exceed the appointed value, nor shall young men and maidens exceed half a *Philippicus*.

A pair of spouses of the middle station: an imperial thaler.

Persons of higher rank: a gold florin.

Prelates of the second rank of the clergy, and secular persons in honorable offices: a ducat. Whoever gives more shall be fined ten pounds of denarii.

XV. It is permitted to the very wealthy to give a silver cup as a memorial, but only to parents, brothers, and sisters, and to no one else, under a penalty of fifty pounds of denarii.

XVI. Free weddings, at which nothing is paid, are abolished altogether. If, however, one of the principal counselors wishes to hold one, he shall invite only fifty or sixty guests; he shall furnish the meal not in a public house but in a

private one; and he shall receive gifts only from parents, brothers, and nearest agnates. Whoever acts otherwise shall be fined one hundred pounds.

XVII. To the inviter, where there are six tables, two florins shall be given; where there are more tables, three florins. No other little gifts shall be given.

To the musicians, two florins; if they demand more, a fine of ten florins is prescribed. Badges shall not be given to the young men, under a penalty of eight florins. To the cook, where there are six tables, five florins; where ten, seven florins; to the dishwashers, three white coins; to the one turning the spit, two white coins. For one demanding more, a fine of four pounds is established. If an orator, musician, or cook is unwilling to serve at that price, he shall not be employed at weddings for an entire year; if obstinacy appears in them in these matters, they may even be deprived of civic rights and banished from the city. The sacristan shall be given broth with a portion of meat and two measures of wine. The same food, with one measure of wine, shall be given to the trumpeter who keeps watch in the tower. Those who carry the wedding wine into the cellar shall receive nothing beyond their ordinary wages; only one measure may be given to them. To the watchmen also they shall give only two measures of wine and two loaves.

Finally, costly gifts, handkerchiefs, and other things between the bridegroom and bride are prohibited. Accordingly, citizens and craftsmen shall not exceed five florins; persons of the middle station, eight; persons of greater dignity, ten. A fine of forty pounds of denarii is prescribed for offenders.

§ 4. And those are laws concerning weddings, which it would be worthwhile to extend also to other banquets. Our ancestors acted in this way.

For first they prescribed thrift in common foods and condemned costly and exotic ones. “There survive censorial laws,” says Pliny in Book Thirty-six, chapter 1, “forbidding sweetbreads, dormice, and other things too insignificant to mention from being set upon dinners.” And in Book Eight, chapter 57, he says that mice were removed from dinners, which the censorial laws--the princeps Marcus Scaurus being consul--removed from dinners no otherwise than shellfish and birds conveyed from another world.

What then? They forbade as delicacies things which now are despised as rustic food. Pliny, treating of swine in Book Eight, chapter 51, says:

> Nor does any other animal supply more numerous material for the eating-house: nearly fifty flavors, whereas the others have one apiece. Hence the pages of censorial laws and the prohibition from dinners of belly, sweetbreads, testicles, wombs, cheeks, and boar-meat; nevertheless, after Publilius, the poet of mimes, had cast off slavery, no dinner of his is recorded without belly, and even the name “udder” was imposed by him. Late-farrowing sows also found favor. Already the speeches of Cato the Censor reproach people for the calloused flesh of boar. Nevertheless, when it had been divided into three parts, the middle part, called the boar's loin, was set out. Publius Servilius Rullus was the first of the Romans to set out a whole boar at banquets; he was the father of that Rullus who promulgated the agrarian law in Cicero's consulship. So recent is the origin of a thing now daily. And the Annals noted this, evidently for the correction of the morals of those for whom, though the dinner was indeed noted at its beginning, two and three boars together are now commanded.

He relates the same concerning hens in Book Ten, chapter 50:

> The Delians began to fatten hens; thence arose the plague of devouring plump birds and birds made fat with their own bodies. I find this first excepted in ancient prohibitions of dinners, already by the law of the consul Gaius Fannius, eleven years before the Third Punic War: that nothing belonging to birds should be set out except one hen, and one that was not fattened. This provision was afterward transferred and passed through all the laws; and an evasion of them was devised by also feeding cockerels with food soaked in milk, by which they are approved as much more pleasing.

[Printed page 658]

Will you persuade our age that after the Punic War, when Italy, Sicily, Spain, Greece, and a great part of Asia served the Romans, there was such thrift that they enacted by law that nothing belonging to birds should be set out except one hen, and one that was not fattened? O men worthy to be masters of the world, who, though ruling most widely, did not even taste the delicacies of our rustics! The same author shows that the law was observed, because this provision passed through all the laws and because cockerels were substituted in place of their mothers.

As for Pliny's mention of the Fannian law, it was added to the Orchian law, which prescribed the number of guests; for the Fannian law regulates expense. At the Roman and Plebeian Games, the Saturnalia, and certain other days it permitted one hundred asses to be spent on each single day; on ten other days in every month, thirty; but on all other days, ten. Because it permitted one hundred asses, the law, which was received with the enormous favor of all the orders, was called the “hundred-as law” by Lucilius.

But how much did the law permit when it permitted ten or one hundred asses? An *as* is the smallest thing: “I do not value you at an *as*” occurs in the proverb of those expressing contempt. Thus the *as* is the smallest coin when the matter concerns counted money. Epicurus boasted that he was fed for less than an entire *as*; Metrodorus, who had not yet made so much progress, for an entire one. Seneca, Epistle 18. But he ate, as he himself boasts, only bread, ὕδατι καὶ ἄρτῳ χρώμενος, using water and bread. Seneca indicates that the bread was barley bread; for water and porridge, or a piece of barley bread, is not a pleasant thing. Epicurus calls it μᾶζαν, which Pliny calls *polenta*. The same Seneca shows that this was great thrift: “The provisions of a prison are more liberal; a man who is going to kill those set apart for capital punishment does not feed them so narrowly.” The provision of a prison was a pound of meal for each day.

It was scanty, however, as Sallust says: it prevented death, but nevertheless strength grew feeble upon it. Seneca says: “You will exult when filled for two asses.” They therefore spent two asses to fill the belly with bread. From this appears the severity of the Fannian law, which upon a feast day permits only one hundred asses to be set out at banquets--a sum that appears incredible, for one hundred asses make an imperial thaler less its fifth part; they make approximately nineteen *Batzen*.

At this price, for the whole day--two parts upon food and drink, three upon seasoning--not only citizens but the leading men of the Senate were ordered to be content on the greatest festivals. We cannot restrict banquets in that fashion, but it is nevertheless useful to know what was done. I am not ignorant that there was at that time great cheapness of commodities; but by any valuation the thrift is great and the law severe. Let us grant a head of household five guests, so that he is the sixth and his wife the seventh. I reckon fourteen asses for bread, so that each may be filled for two asses; for wine--which was rare at that time, since vine-dressers had been driven away by wars--twenty-eight asses: now you have forty-two asses. Nor can it be less. For those who were most frugally filled with barley bread spent an *as*, and Seneca requires two asses, that is, a dupondius, at a banquet, where bread matching the festival in whiteness and bright with fine flour was required. Wine also easily exceeded twice the price of bread; nor were the sons of Romulus ignorant of drunkenness, for the Quirites came drunk to the Assembly and cast their votes. From this fact I also conclude that drunkenness at that time was not exceedingly disgraceful, since it was public and thrust itself into the assembly. For the remaining provision there are fifty-eight asses, of which twenty-nine must be spent upon the remainder of the midday meal and as many upon dinner.

But what were ten asses for one day? They are not two of our *Batzen*. If some similar law were now in use, how many thousands of annual revenue would it bring? Yet I do not approve one so severe and stringent, because it is not easily observed.

Didius enlarged the Fannian law so that all Italians were bound by it; then he enacted that not only those who had made lunches or dinners at greater expense, but also those who had been invited to them, should be subject to the penalties of the law.

Licinius Crassus, who was called Rich, himself also enacted a sumptuary law not very different from the Fannian. It differed from it in this: on the Kalends, Nones, and Roman market days, each man was permitted to consume only

thirty asses on each day for the sake of eating; but on other days, which were not excepted, no more was to be set out than three pounds of dried meat and a pound of salted fish. Those things, however, which were born from the earth, vine, or tree it granted without restriction. This was received with the greatest zeal and agreement; but soon it was relaxed by the dictator Sulla, who permitted thirty sesterces for dinner on the Kalends, Ides, Nones, games, and festivals, and on other days no more than three. Antius followed, but the obstinacy of luxury resisted his law.

Augustus attempted somehow to restrain luxury after morals had been corrupted. For two hundred sesterces were permitted on ordinary days, three hundred on festivals such as the Kalends, Nones, and Ides, and one thousand at weddings and the feast on the following day. See Macrobius, *Saturnalia* 3.17, and Aulus Gellius 2.24 concerning these matters.

After these things luxury grew powerful; poverty and the destruction of all followed, until the scepter was taken away and necessity taught sobriety. The same will happen to us also unless the license of ruining oneself is restrained by laws. For if we consider the things set upon the tables of private persons, they will easily equal the dinner of Metellus the pontiff, which Macrobius treats as sumptuous in *Saturnalia* 3.13.

§ 5. The second part of sumptuary laws is that luxury of dress be removed. It is now so great that it removes the distinction of all orders and confounds everything. Lest we suppose it a slight madness or a slight injury to the state, I have seen hired laborers and craftsmen diligent for an entire year, defrauding their own bodily comfort, so that they might be clothed like nobles. Now a village dresses at greater expense than a great city formerly did. I said something about this matter in Book Six; but now I require a courageous prince who will provide paternally for his subjects, lest they exceed their means in expense. For many millions are spent upon accessories and the adornment of clothing which can be applied to useful things.

The prince can attain this in two ways. First, if he himself is dressed modestly and shows that the prices, variety of colors, and other such things displease him. For since all courtiers wish to please the prince, and many also flatter him, without any command he will see the court decorous and grave, without extravagance of clothing. Once it is thus ordered, if nobles and others come there for business, at first they will feel shame when they perceive that they are more ornate than everyone else; afterward they will incur the jests and mockery of the courtiers.

[Printed page 659]

For pride in clothing is the vilest pride, because it is womanish and shows a mind occupied with little things. Hence, if you unexpectedly catch a youth or a man arranging himself elaborately and studiously, he blushes, as though he had committed something shameful and had unbecomingly cast aside a manly spirit, no less than if he were found playing with nuts or riding upon a long reed. Satraps and praetors will imitate the prince, and those among the subjects whom they observe to exceed the limit they will punish with contempt. Who, indeed, will not blush to be more ornate than his lord? Who, his fingers burdened with costly gems and rings, will dare to shine at a banquet when he perceives the governor's hands to be bare? No one can be ignorant of how important this is, for so much gold is now worn away upon the fingers of craftsmen, hired laborers, and rustics as is sufficient to maintain great armies. And in this matter rivalry is most destructive, and the evil flies over to everyone with the greatest speed.

The second method is easy and profitable: the prince should prescribe to each order the material and manner of clothing and sanction the law with a heavy penalty. First, those who violate the law should be subject to a monetary penalty. Then, if the right of wearing a ring or a linen garment is granted to anyone, let him purchase that privilege with a definite sum of money.

Both are equitable, for no one will violate the law except a boaster of his riches; for that very reason the adornment will be despised and shunned by prudent men. From this the prince will have one or the other of two advantages: either pride will assist the treasury, or obedience will enrich the city. Let there be, to be sure, a city containing one hundred thousand souls. All are clothed more expensively than accords with their station, and indeed ostentation exults in the

cradle and amid infant cries. I reckon ten florins for each person, which they spend beyond what respectability requires; nor does that luxury cost less, although some do not offend, for most lose greater sums and some squander hundreds and thousands. Behold: if that city were governed by laws, it would now be richer by a whole million. Let the prince therefore sanction discipline by sumptuary laws.

§ 6. The Roman emperors displayed great severity in forbidding costly clothing. For first Valentinian, Valens, and Gratian did not wish such garments to be woven for private uses, Code, title 8, chapter 11:

> We prohibit the weaving and making, for private uses, of men's gold-embroidered garments or silken borders interwoven with gold, and we command that they be made only in our imperial weaving establishments.

He specifies only men's garments here, for the Theodosian Code also forbade women's garments, which Justinian permitted. But afterward Gratian, Valentinian, and Theodosius mitigated this same law--or rather made it harsher--when they granted those garments to the prince's ministers; for the concession invited others. The law reads:

> Let no one have golden borders either upon tunics or upon linen garments except only those to whom this has been conceded because of imperial service. For whoever has not divested himself of a forbidden and undue garment will be punished by no light chastisement.

Theodosius forbade purple, as owed to the prince alone, and all silken garments:

> Let all persons, of whatever sex, dignity, craft, profession, and family, refrain from possession of a material of this kind, which is dedicated to the prince alone and his household; nor let anyone weave or make silken cloaks and tunics at home. Let those garments which have been dyed with the purple shellfish and which have been woven without any admixture of another material be brought forth from houses; and let tunics or cloaks whose texture has been infected throughout with the blood of the shellfish be handed over. Let no threads dyed with the shellfish be woven beneath, nor let fibers of the same dye run down to be compacted by the sounding comb. Whole-purple garments must be returned to the treasury; men's garments must immediately be offered. Nor is there cause for anyone to complain about the forfeited price, because impunity for the violated law is sufficient. But lest anyone now incur the snares of the new constitution by concealing a thing of this sort, otherwise he will sustain danger after the likeness of injured majesty.

Here purple is forbidden to private persons, and there is a grave penalty, namely danger after the likeness of injured majesty. Then it must be returned to the sacred treasuries without receipt of a price. Under the same title the markets in purple also are prohibited, and Theodosius and Valentinian command that the workshops of the Tyrians or Phoenicians be inspected.

It is equitable, however, that the law forbids counterfeiting purple, for purchasers are defrauded at great prices. Theodosius, Arcadius, and Honorius forbade “dipping fleeces painted with a counterfeit color into an imitation of the sacred murex.” If, therefore, to wear clothing similar to the prince's was the crime of majesty, punished by laws and death, why should the prince not prescribe modesty to his subjects, so that he may cut away a cause of debt, poverty, disturbances, and rivalries?

§ 7. Nor is there need of new laws. Laws which ought to have been observed were decreed long ago, provided that soul and vigor against vices be imparted to the laws by the magistrate.

The matter of clothing has been treated in many diets of emperors and princes, already for one hundred and fifty years; but luxury has always increased in opposition to all the edicts. The very senate of the princes is witness. In the year 1500 it was decreed under the emperor Maximilian as follows:

> Since in past diets the superfluous luxury and prices of clothing have been treated in many ways, especially in the assembly at Freiburg, and laws and constitutions have been made but not yet published, we have now again renewed and accepted these through ourselves and the orders of our empire, while we have also more fully explained, enlarged, and corrected them, as the things following indicate.

> We ordain, command, establish, and will, earnestly commanding all and singular princes, electors, dukes, and other magistrates, of whatever dignity, family, and estate they may be, under penalty of our indignation and punishment, that they themselves, and each of them, command their subjects and those belonging to them to observe this constitution of our empire and the law written below concerning the superfluous prices of clothing after mid-Lent, upon the next Sunday *Laetare*, and to bring it into constant use. But if any of the electors, princes, or magistrates shall be slow and negligent in the business or penalty of this matter, then, after the royal fiscal officer has admonished the electors, princes, and magistrates concerning that cause, he shall have power to summon and punish the violators; nor shall the magistrates to whom the transgressors of the law are subject have a right to interpose or obstruct. We also, as authors of the law, shall be the first to institute this constitution in our court and hereditary provinces, and shall take care that it is firmly observed.

The laws themselves are these:

> First, therefore, we judge, ordain, institute, and will that which was also decreed and sanctioned in the Diet of Freiburg: that the common sort of rustics and laborers, both in towns and elsewhere in villages, shall not put on cloth whose ell exceeds half a florin. Furthermore, we forbid every kind of gold, silver, gems, velvet, silk, and embroidered clothing to all of them, their wives, and their children. By this decree, however, we will that princes, prelates, counts, lords, and nobles, together with their satraps or officials, be exempt; indeed, let it be lawful and right for them to clothe these annually according to custom, as also their other servants.

[Printed page 660]

> Likewise, craftsmen, together with servants and all other hired laborers, shall use for hose or bands cloth whose ell does not exceed three quarters of a florin. For gowns and cloaks they shall be content with native cloth whose ell does not exceed half a florin. Nor shall they wear gold, silver, pearls, silk, velvet, watered, or embroidered clothing. Let the same rule concerning clothing apply to the wives and children of craftsmen.
>
> Likewise, knights shall have neither gold, silver, nor silk, indeed neither a breastpiece nor anything interwoven with gold and silver, nor shall they distinguish their garments with silk.
>
> Likewise, we prohibit to all and singular persons pleated shirts, breastpieces ornamented with gold and silver, and both silver and golden bands, excepting princes, magnates, counts, lords, and nobles, whom we will to be free from this decree. But let each cherish moderation or modesty according to his station, and avoid superfluous luxury. And especially let nobles who have not obtained the name of knight bachelor or doctor not cover their shirt-fronts with pearls or gold. We grant, however, to nobles distinguished by the title of knight bachelor or doctor that they may display upon their caps two ounces of silver and no more.
>
> Likewise, to citizens in towns who are not nobles, knights, or doctors, we prohibit the use of gold, pearls, velvet, purple, and linings of costly furs; we permit, however, silken and velvet doublets or damask cloth as clothing. Similarly, let it be lawful to ornament the clothing of their wives and children with velvet and silk, but not with golden and silver borders. Furthermore, let their unmarried daughters not be forbidden circlets, gems, and various pearls, yet under this law: that they not transgress the laws of modesty and moderation.
>
> Likewise, nobles not yet made knights bachelor or inaugurated with the title of doctor shall wear neither gold nor pearls openly, nor clothing of diverse colors, nor clothing excessively worked with the needle; yet if they have a mind to procure such work, let there be nothing excessive.
>
> Likewise, nobles, knights bachelor, and doctors shall abstain from Attalic cloth; nevertheless, we give even them the opportunity to use doublets of this kind.

In the year 1530, during the reign of Charles V, it was established as follows:

> **CONCERNING THE IMMODERATE SPLENDOR OF CLOTHING**

Since it is honorable, becoming, and equitable that everyone, of whatever order and family he may be, use clothing and attire suitable to his station, dignity, fortune, and wealth, so that each man's station may be discerned more easily and certainly, it has pleased us to confer, agree, and conclude with the electors, princes, and estates concerning the following ordinance of clothing, which we will to be observed in every respect under the chastisement and penalty annexed.

CONCERNING RUSTICS DWELLING IN THE COUNTRY OR IN VILLAGES

And first we sanction, ordain, and decree that the common sort of rustics, laborers, and hired workers dwelling in villages or the countryside shall employ for clothing not foreign cloth, but cloth woven within Germany and customarily used of this kind--excepting London, Mechlin, and Lierre cloth. Let their tunics not reach the ankles and not be gathered, but extend only as far as the calves and have no more than six pleats. Hose of London, Mechlin, or Lierre cloth shall, however, be suitable; indeed, it shall be lawful to procure a cotton doublet without looser sleeves, provided that slashed and cut garments are always avoided.

Furthermore, we decree that they shall not wear gold, silver, gems, silk, embroidered collars sewn to their undergarments and worked either with gold or silken thread, nor breastpieces, plumes, silken bands, slashed shoes, or doctoral caps, but hats and bands.

Likewise, nothing more or further is granted to their wives and children; and we forbid them all collars, breast-coverings, caps bordered with golden fringes, gold, silver, or linen girdles, corals, all gold, silver, gems, and linen. Only to daughters and unmarried women let a silken hairband be conceded.

Likewise, wives may make and wear an outer garment at most from London cloth and no other, but mantles from linings of lambskin, goatskin, and skins of this sort of a cheaper quality and price, without coverings and fringes.

CONCERNING CITIZENS AND INHABITANTS OF CITIES

Likewise, since in cities and towns there are principally three classes of citizens and inhabitants--namely common citizens and craftsmen; merchants and traders; and others of the senatorial and patrician order, or of more honorable family and descent, living from their own property, revenues, and substance--we establish, ordain, and decree that the common people, craftsmen, and merchants shall not use gold, silver, gems, velvet, silken, eyeleted, slashed, cut, or bordered garments, nor a doctoral cap; nor shall they line their attire with marten or shrew furs, or the costly furs of animals of that kind, but shall be content with the cheaper furs of ferrets, foxes, lambs, and that sort, in moderate and becoming apparel.

The same rule applies to their wives and children. Nevertheless, there is permitted to them a gold ring worth only six florins without a gem; a collar bordered with linen; a cap with a small golden fringe two fingers wide; a damask or silken outer garment; and a girdle worth not more than ten florins, ornamented only with silver bosses, not gilded. It shall be lawful for unmarried women to display a velvet hairband ornamented with silver, not gold.

Likewise, we forbid apprentices of craftsmen and servants already discharged from apprenticeship the use of gold, silver, linen, a plume, a cushion, or a slashed garment; nor shall they carry themselves in any other attire than was most recently stated concerning craftsmen and mechanics in cities.

But if anyone from the tribe and number of craftsmen should be chosen into the senate, it shall be lawful for him to use no other apparel than that of the merchants which will next be described.

CONCERNING MERCHANTS AND TRADERS

Urban merchants and traders shall not put on gowns of velvet, damask, silk, or linen. Let them avoid gold, silver, gems, and golden and silver ornaments for the hair. Watered gowns, silken doublets--not of velvet and not dyed with murex, and not bordered--and likewise gold rings, are permitted.

Let them not use cloth exceeding two florins in price. Let them, together with their wives, abstain from marten, shrew, or other furs of that kind that are more noble and rare.

Likewise, let their wives have equal ornament in clothing, and let them spend no more than two ells of velvet, linen, silk, or damask upon any garment; it is not forbidden to sew fringes upon its upper part.

[Printed page 661]

Likewise, there is forbidden to them a girdle exceeding twenty florins in price.

Likewise, a fringe or fold in a veil or cap more than five fingers wide.

Likewise, a velvet or linen outer garment with a golden clasp or brooch exceeding twenty florins.

URBAN CITIZENS WHO ARE OF THE SENATORIAL OR PATRICIAN ORDER, OR OF A PRINCIPAL FAMILY, AND LIVE FROM THEIR OWN REVENUES AND PROPERTY

Let all these be in precisely that clothing and apparel which was indicated above for merchants and traders, except that they may use watered gowns bordered with three ells of silk, and likewise marten furs--but not the choicer kinds--as well as doublets of velvet and linen, not dyed with murex, and linen hairbands.

We likewise permit them gold rings, but not exceeding thirty or forty florins in price.

Let their wives be in attire not unlike that of merchants' wives, except that it is lawful to spend four ells of velvet or linen not dyed with purple in distinguishing and varying their garments. We likewise grant a gold necklace worth thirty, forty, forty, or fifty florins, and a girdle worth thirty florins.

NOBLES

Furthermore, we forbid nobles velvet or silk dyed with murex; at most damask cloth or linen of this sort is conceded, which they may variegate with no more than six ells. Similarly, it shall be lawful for them to display gold rings, ornaments for parting the hair, and a necklace not greater than two hundred florins in price, but let them wrap or distinguish the latter with a band, according to ancient custom and usage.

One who is prefect of the court, chancellor, marshal, or counselor of some prince, yet not noble, may use attire not different from that of nobles.

Knights bachelor, however, are excepted. Let it be lawful and right for them to wear necklaces publicly without a band, but let no necklace exceed four hundred florins in price.

We do not prohibit them the furs of shrews and of that kind.

Wives of nobles may procure for themselves four linen tunics and use them openly: namely, one of velvet and the other three of damask cloth or linen of that kind, and no more than four apiece. Yet let them be without gems, silver, and gold. But if it pleases them to ornament these with borders and fringes, this indeed shall be lawful with gems or silver upon the upper part, and not beyond the width of a quarter of an ell.

The wife of a knight bachelor may sew this fringe with gold upon the upper part, but with the same width. And if any have a greater number of garments than we have just mentioned, let them keep them with their daughters and children; it shall not be forbidden.

It shall be lawful for them to use golden bands or caps whose circlets and ornaments do not exceed forty florins.

Likewise, a noblewoman may wear necklaces, brooches, clasps, pendants, and female ornaments of that kind, all of which--rings excepted--shall not exceed two hundred florins.

Likewise, golden borders and girdles shall not be greater than forty florins.

CONCERNING DOCTORS

Doctors and their wives may display ornate clothing, gold rings, and other insignia according to their station.

CONCERNING COUNTS AND BARONS

> Counts and barons shall not use Attalic clothing, but only velvet, purple, and other linen and silk, not interwoven with gold, unless they are knights bachelor.
>
> It shall be lawful to wear necklaces worth five hundred florins.

§ 8. The last subject of a sumptuary law is the construction of houses and the household; for to build houses and maintain many persons, εἰς πενίαν ἄτροπος ἐστὶν ὁδός. It is a straight road to poverty. The prince must take great care that citizens do not so contend in the splendor and magnificence of houses that they are reduced to want. For since the expenses of building are uncertain, accounts are never drawn so exactly that greater expenditures than those intended need not be made. And this is the customary error of those who build ostentatiously: that they are compelled to abandon their houses and move away. It is therefore expedient that a fixed rule for public buildings exist, lest, while men dwell spaciously and magnificently, they restrict their patrimonies and their means of subsistence.

§ 9. If laws of health can be prescribed for this error or disease also, the following must be observed.

1. Let the prince and the state restrain themselves. Let the council-house, palace, and all things be beneath their majesty, lest they kindle rivalry among the citizens.

2. Let them omit harmful, temporary, and useless works. Such are theaters, circuses, pyramids, colossi, hanging gardens, triumphal arches, and whatever of that kind barbarous ostentation has devised. In this matter the Romans certainly offended. What benefit was the theater of Scaurus, concerning which Pliny writes in Book Thirty-six, chapter 15?

> We shall not suffer the two Gaiuses or the two Neros to enjoy even this glory of fame; and we shall teach that even their madness was surpassed by the private works of Marcus Scaurus, whose aedileship, I know not whether, most of all overthrew civic morals, and whether Sulla's evil was greater in the power of so mighty a stepson than in the proscription of so many thousands. In his aedileship this man made the greatest work of all that were ever made by human hand, not for a temporary stay but even with a view to permanence. This was a theater. Its stage had three stories in height and 360 columns, in that city which had not endured six Hymettian columns without reproach to a most eminent citizen. The lowest part of the stage was of marble, the middle of glass--a kind of luxury unheard of even afterward--and the highest of gilded panels, as we have said. The lowest columns were thirty-eight feet high. The bronze statues between the columns, as we have indicated, were three thousand in number. The seating area itself held eighty thousand persons, although Pompey's theater, after the city had been multiplied so many times and its population had become so much greater, amply sufficed for forty thousand. But the remaining equipment also, of Attalic fabric, painted panels, and the rest of the theatrical apparatus, was so great that, when those things which remained for the luxury of daily use had been carried back to his villa at Tusculum, the villa was burned by angry slaves and property worth one hundred million sesterces was consumed.

What benefit was Curio's theater, except to make citizens suspended in the air? What benefit was Heliogabalus' bridge? All those things were made for the destruction of resources. If that money had been spent upon fortification, could Rome not have been made invincible?

3. Useful works--such as fortifications, mills, aqueducts, harbors, and navigable channels of rivers--he shall make with judgment and in proportion to expenditure. Such are the works which Quintus Marcius Rex made, which Pliny recounts in the same place:

> Ordered by the Senate to repair the conduits of the Appian, Anio, and Tepula waters, he introduced a new aqueduct, called from his own name, by driving tunnels through mountains within the term of his praetorship. Agrippa, however, in his aedileship, after adding the Aqua Virgo and bringing together and repairing the others, made seven hundred basins; in addition, 105 fountains and one hundred and thirty distribution reservoirs, very many also magnificent in ornament. Upon those works he placed three hundred statues of bronze or marble and four hundred marble columns, all of them within the space of one year. He himself adds in his commemoration of his aedileship that games were held for fifty-nine days and one hundred and seventy baths were supplied free, which have now

> increased at Rome to an infinite number. The most recent costly work, begun by Gaius Caesar and completed by Claudius, surpassed the preceding aqueducts. For from the fortieth milestone the Curtian and Caerulean springs flowed in at such an elevation that they might be raised to all the hills of the city. Three hundred million sesterces were expended upon that work. But if anyone should estimate more carefully the abundance of water in public places, baths, pools, houses, canals, gardens, suburban properties, and villas, together with the length of its approach, the arches constructed, mountains pierced, and valleys leveled, he will confess that nothing in the whole world was more marvelous. I should indeed reckon among the most memorable works of the same Claudius--although abandoned through the hatred of his successor--the mountain pierced in order to discharge the Fucine Lake, certainly at an indescribable expense and with a multitude of laborers through so many years: since either the collecting of the waters, while a four-mile mountain was being excavated from its summit by machines, or the cutting of flint, and all things within being done in darkness, are things which can neither be conceived in the mind except by those who saw them nor recounted in human speech. For I pass over the work of the harbor at Ostia; likewise roads cut between mountains; the Tyrrhenian Sea shut off from Lake Lucrinus by breakwaters; and so many bridges made at such expense. And among the many other marvels of Italy, Papirius Fabianus, most experienced in nature, is authority that the very marble grows in the quarries; the contractors also affirm that those wounds of the mountains are filled spontaneously. If these things are true, there is hope that luxury will never be wanting.

[Printed page 662]

4. Let there be a fixed measure for private houses. Augustus restrained ambition in building; for since men raised them too high, so that they constructed the danger of collapse, intercepted the air, and excluded the light, he defined the limit as seventy feet, according to Strabo. Nero also did the same; Trajan permitted sixty.

5. Let him altogether prohibit expenditure upon useless features of buildings, which contribute neither to stability nor convenience. For the madness of building has no end. The house of Marcus Lepidus was the most beautiful; but within thirty-five years it was not among the first hundred. Thus Pliny in Book Thirty-six, chapter 15:

> Let whoever wishes reckon in this valuation the mass of marbles, the works of painters, the royal expenditures, and the hundred houses contending with the most beautiful and most celebrated, and afterward those houses surpassed by innumerable others down to this day. Fires certainly punish luxury; yet it cannot be brought about that morals understand anything to be more mortal than man himself. But two houses surpassed all those.

By this law three things especially are restrained: foreign marbles, sculptures, and paintings.

Pliny's complaint concerning marble in Book Thirty-six, chapter 1, is hardly empty:

> We cut mountains and drag them away for no cause other than delights--mountains which it was also a marvel merely to have crossed. Our ancestors considered it almost a prodigy that the Alps were surmounted by Hannibal and afterward by the Cimbri; now they themselves are cut into a thousand kinds of marble. Promontories are opened to the sea, and the nature of things is reduced to a level. We carry away the things which had been established as boundaries for separating nations; ships are made for the sake of marbles, and across the waves, the most savage part of the nature of things, mountain ridges are carried this way and that, with even greater madness than when a vessel is sought from the clouds for cold drinks and rocks closest to heaven are hollowed out so that one may drink with ice. Let each consider within himself what prices he hears for these things and what masses he sees carried and dragged.

Scaurus brought 360 marble columns together for a theater lasting one month, but from his father's plunder of the provinces and Sulla's proscription lists. Lucullus gave his name to a marble as a memorial of vanity, and some of those columns were thirty-eight feet high. We see the swift triumph of vices. Lucius Crassus the orator was the first to possess columns of foreign marble, but they were Hymettian, only six in number, and no longer than twelve feet--and not without reproach, for Brutus therefore called him the Palatine Venus.

Much greater care must be taken that the workmanship not exceed the material. Sculptures, paintings, incrustations, and gildings must be forbidden. For to what purpose are such expenses and care? Why is clay polished with gold? Or what more can be bestowed upon royal palaces than that they be adorned with marble, bronze, ivory, electrum, silver, and gold? Deservedly will the prince make such great ostentation by private persons liable to servitude, so that they may be compelled to receive ambassadors or foreigners and, just as elsewhere tax is paid from hearth and tiles, so here it may be paid from gold.

The ancients had households that were armies, and retinues reduced many to solitude. Even now provision must be made lest those whose station is middling maintain a useless household at home. Gaius Caecilius Claudius Isidorus had 4,116 slaves, but most of them useful; others had more without cause. At Rome there was so great a passion in this matter that both private persons and the state suffered extreme things from it. The Servile War arose from herds of slaves; Rome was in perpetual danger.

“An opinion was once delivered in the Senate,” says Seneca in *On Clemency* 1.23, “that slaves should be distinguished from free men by their dress; then it appeared how great the danger would be if our slaves began to count us.” Demetrius, Pompey's freedman, who was not ashamed to be richer than Pompey, had a great household, as Seneca says in *On Tranquility of Mind*, chapter 9: “The number of his slaves was reported to him daily as that of an army to a commander; yet two deputy slaves and a somewhat more spacious cellar ought long since to have been riches for him.”

Plutarch relates the following about the parade for Demetrius in his *Cato the Younger*:

> Cato was going to Antioch and saw outside the gate, standing in orderly ranks along both sides of the road, men, youths, and boys, divided according to age, all in festive attire and clothing; in addition there were magistrates in white robes and even priests themselves wearing crowns. Cato was vexed and thought that this had been done for the sake of honoring him; he was angry with those whom he had sent ahead, as though they had given notice. And so, when he drew nearer, he descended from his vehicle and ordered his men to do the same and go on foot, as though he were to be greeted and led in by that procession. But behold, a certain old man, distinguished by a crown and staff--for he was the master of ceremonies--without even offering a greeting, asked where they had left Demetrius and when he would come. This Demetrius was Pompey's freedman and had great influence with him, upon whom all mortals then had their eyes fixed. Therefore Cato's companions were both indignant and dying with laughter; Cato said nothing other than, “O wretched city!” and entered it.

A multitude of slaves, clients, and attendants is the rock of destruction for nobles and princes. Yet foreign nations generally desire that petty glory more eagerly, such as the Turks; for the more barbarous any nation is, the more it delights to command many persons at home. And these things suffice concerning sumptuary laws.

CHAPTER XV

Other Honorable Means, Useful to Subjects, by Which the Resources of the State Are Strengthened

[Printed page 663]

§ 1. I have taught that resources are necessary to the state. They are gathered honorably either with inconvenience to the citizens, or without detriment to them, or, finally, with advantage to them. I treat the last method, and shall present certain other means, each of them indeed not of great consequence by itself, but several together powerful and abundant.

§ 2. The purchase of slaves and their lawful use tempered by humanity contributes greatly to gathering resources. Paul exhorts slaves to obey their masters, “not serving to the eye.” Nor is it contrary to Christian gentleness to use the labor of slaves. Abraham certainly had very many slaves, as did other holy men, for whose slaves that subjection was even more useful than dangerous liberty. Indeed, the laws of Moses concerning servitudes are most equitable, Exodus 21:2 and the following verses, and Leviticus 25:6, 42, and 44. For if they can lawfully be killed, they can therefore also be reduced to servitude.

Next, the civil laws and the perpetual practice of Christians attest this, nor does Paul command Onesimus to be manumitted, but restores him to Philemon. For servitude is nothing other than to be in another's power, to be governed by his counsel and will, to furnish labor to him, and to possess nothing of one's own unless the master concedes it. Servitude, however, ought to arise from a just cause and to be equitable and mild, according to that maxim:

> What you do not wish to be done to yourself, do not do to another.

This is useful in common. For since many persons are by nature, through neglect of instruction, or by the efficacy of seduction wicked and stubborn in vices, it is plainly useful for those who cannot bear liberty to serve in servitude. How many myriads of vagabonds and wanderers burden the state and betray it when there is an opportunity? Would it not have been better for them to serve moderate masters, be exercised by labors, gather a private fund, and await manumission by the praetor's rod? If they are not well-behaved, let them be ruled by δεσποτικῷ command; if they are prudent and moderate, like Abraham's servant, let them acquire liberty. For Christian laws long ago abolished that harsh and cruel servitude of the ancients, who usurped the right of life and death over the wretched, cast the sick or old out of the house, and sold them to the beasts. It is therefore a just and lawful means, and it burdens no one in the state except him who deservedly is a slave; indeed, it also strikes fear into enemies, while they flee wars through fear of servitude.

Furthermore, the advantages which arise from it are several.

1. Great works can be completed publicly and privately with the greatest speed. For what would Clodius not do with his laborers, or Crassus the Rich with five hundred workmen? The cause is that they are subject to power: they can be pressed, compelled, and flogged, although in this matter account must be taken of justice and clemency. Nor were cities and great substructures formerly made in any other way than by servile hands. Thus the children of Israel built Pithom and Rameses for Pharaoh, cities of tabernacles. Those who are free come and go at their pleasure, drink, and neglect their work.

2. They accomplish everything at lesser expense. Hired labors are costly, undertake the work more slowly, and live more lavishly. Therefore one who uses slaves gains half the price. He pays them no wages and feeds them more cheaply than free men.

3. In mines, trenches, aqueducts, laying walls, cutting wood, and cultivating fields, even private persons can conveniently accomplish many things through slaves; and it is expedient for the prince to have public slaves, or for there to be certain rich men who hire out the labor of slaves to private persons.

4. Pharaoh teaches us that very many advantages are attained from this, since after so many plagues he still preferred the useful to the honorable: "Why have we released Israel, so that it should not serve us?" With what great savagery do the Turks press on, so that they may carry off Christian captives? Why do we not in turn use their servitude? I always speak of just and mild servitudes. Why should it not be lawful or advantageous for us, when we see the Italians and Spaniards gather riches from slaves?

5. Past ages have taught how many slaves were talented and suited to great arts, to governing the state, in necessity to military service. Manlius, Antiochus, Taberius, Eros, and others were learned. Others were trained in every kind of craft; indeed, they can also be instructed so that they may be useful to their masters and sold at a higher price.

§ 3. The cultivation of all mechanical arts which are necessary or useful. The state will accomplish this if it renders craftsmen honored and confers privileges, and that in imitation of the ancient laws. For thus Constantine to Maximus, Code 10, title 64:

> We command that craftsmen of the arts comprised in the list appended below, residing throughout the individual cities, be free from all public duties, since leisure must be afforded for learning the arts, so that they may desire all the more both to become more skilled themselves and to instruct their sons.

From the *Notitia*, however, he enumerates them thus: architects, physicians, painters, makers of statues, marble-workers, makers of couches or chests, locksmiths, chariot-makers or stone-squarers, whom they call by the Greek term πῆκτας; masons, that is, builders; wood-carvers, mosaic-workers, gilders, white-metal workers, whom the Greeks call κοιλάτα; silversmiths, embroiderers, openwork craftsmen, braziers, founders, seal-makers, workers in iron, makers of armlets, makers of beams, and levelers; potters, who in Greek are called κεραμεῖς; goldsmiths, glass-workers, plumbers, mirror-makers, ivory-workers, furriers, fullers, wagon-makers, sculptors, plasterers, coiners, makers of three-horse chariots, makers of light carriages, and beaters of leaf, that is, πεταλουργοί.

Constantius and Constans confirm the same immunities under the same title:

> By our pronouncement we summon mechanics, geometers, and architects, who preserve the divisions and sections of all parts and bind those making works to measures and rules, and those who reveal the conduits of waters and the methods discovered by skillful leveling, to an equal zeal for teaching and learning. Accordingly, let them enjoy immunities and receive persons to be taught, those who are capable of teaching.

Aristotle indeed excludes them from the state, but unjustly, since they possess practice and prudence and have the means necessary for life. For today their condition is such that they do not break their bodies by labors but strengthen them, at least those guilds of craftsmen that are most honorable in cities; and this has been instituted according to the standard of the ancients and of the sacred state. For in the Israelite state God himself honored craftsmen, Exodus 31:

> Behold, I have called by name Bezalel, son of Uri, son of Hur, of the tribe of Judah, and I have filled him with the spirit of God, with wisdom, understanding, and knowledge in every work, to devise whatever can be skillfully made from gold, silver, bronze, marble, gems, and different kinds of wood. And I have given him as companion Oholiab, son of Ahisamach, of the tribe of Dan. And in the heart of every learned man I have placed wisdom, so that they may make all things which I have commanded you: the tabernacle of the covenant and the ark of the testimony, and the mercy seat which is over it, and all the vessels of the tabernacle, the table and its vessels, the most pure lampstand with its vessels, and the altars of incense and holocaust, and all their vessels, the laver with its base, the sacred vestments for the ministry of Aaron the priest and his sons, and so forth.

[Printed page 664]

Once this foundation of the arts had been laid, the dignity of craftsmen was always great, as also were their resources. This very time of calamities shows it, for when the Babylonian carried away the princes, the strong men, and the craftsmen with King Jehoiachin, he left only the poor, 2 Kings 24:14:

> And he carried away all Jerusalem, and all the princes, and all the strong men of the army, ten thousand into captivity, and every craftsman and smith; and nothing was left except the poor of the people of the land. He also carried Jehoiachin away to Babylon; and he led the king's mother and the king's wives, his eunuchs, and the judges of the land into captivity from Jerusalem to Babylon. And all the robust men, seven thousand, and craftsmen and smiths, one thousand, all strong men and warriors; the king of Babylon led them captive to Babylon. And he appointed Mattaniah, his uncle, in his place, and imposed upon him the name Zedekiah.

Smiths and craftsmen, therefore, were among the rich and the princes, to such an extent that he is said to have carried away all Jerusalem because he led the principal men into captivity. The Hebrews call a smith המסגר, and the Septuagint συγκλείοντας; some call him a doorkeeper, others a guardian, others one who fastens swords, and others men skilled in laying out a camp. The same things are found in Jeremiah 24:1 and 29:2. But I prefer that a skillful craftsman be called this, one who makes מסגרות, artful joints of buildings, columns, and instruments. Thus some interpret it as a metalworker. Those, however, who call them great or highly esteemed, as Rabbi David in the *Book of Roots*, although they seem to derive it from סגור, which is refined, pure gold, or from מרוק, which is melted gold, nevertheless take it in the same way; for such men were held at a great price. Therefore Rabbi David also calls them wise men and counselors in his commentary; nor is this remarkable, for God calls Bezalel such. What we see done here, Isaiah had already foretold: that God would "take away the wise man from among the architects," chapter 3, verse 3. Solomon also esteemed these things, 1 Kings 7:14:

> King Solomon also sent and brought Hiram from Tyre, the son of a widowed woman of the tribe of Naphtali, whose father was a Tyrian, a worker in bronze, full of wisdom, understanding, and learning, to make every work of bronze.

The descendants of Othniel, a most noble and brave man, through his son Seraiah and grandson Joab, were craftsmen. For "he was the father of the Valley of Craftsmen, for craftsmen were there," 1 Chronicles 4:14, where the Hebrew has simply היו חרשים כי, and the Septuagint ὅτι τέκτονες ἦσαν, "because craftsmen were there." Craftsmen also build Jerusalem, Isaiah 2:3, 33. Nor were they less esteemed at Rome, for they were both admitted to magistracy and, after the faction of the patricians had been overcome, obtained the right of citizenship, which was the highest right. Romulus distributed the citizens into curiae or brotherhoods; Numa Pompilius, as Plutarch says, in order to remove the hateful distinction of nations, instituted a division of arts and associations and colleges of craftsmen and architects.

Craftsmen bring the greatest supports to the state, for they attract merchants, flee idleness, import riches, and are useful in war.

If their industry is honored, they will flourish much more. For since there are economical methods of conducting affairs which prevail in the arts, they will assist the state with less care and labor.

§ 4. The first thing, therefore, is that the arts be honored; the second, which follows from this, is that certain arts be regarded as so honorable that even the rich and nobles practice them. Plato says that the arts are deserted for two causes: riches and excessive poverty; for the rich dissolve in idleness and luxury, while the poor lack instruments and material.

Nor will arts be lacking, provided the prince wills it. In the East the pastoral life was considered most honorable and royal; agriculture and the planting of groves and vines were held in great esteem. Now equestrian exercise and hunting almost entirely occupy the nobility. Other pursuits, however, can also be added, especially those which are liberal, such as painting, sculpture, architecture, the polishing of muskets, bows, axes, and swords, and everything pertaining to distillations of medicinal waters and the treatment of herbs. For if so many labors are expended upon alchemy with

fruitless endeavor, why should they not rather be expended upon useful things with certain outcome? Finally, whatever pertains to the polishing of gems, gold, and silver befits the wealthy. I spoke above about the liberal arts.

As for the poor and those of middling means who cannot live from their annual revenues, I repeat the law which I stated elsewhere: all must be examined as to the art by which they seek their livelihood; no place must be given to idleness. Boys must immediately be applied to lighter crafts, so that no one is idle; vagabonds must be restrained; those, however, who lack not the ability but the will to labor must be compelled to work. If this is done, the number of the poor will be ten times smaller. Some of them, although weak, will nevertheless be able to perform certain sedentary occupations. The rest, who are truly poor, will be maintained by alms without difficulty. And what was formerly said to the Israelite people will be capable of observance: “There shall be no beggar among you.” Work, however, will never be lacking if the prince cultivates fields and establishes newly broken lands. The things that are done teach what can be done. The Belgians engage in wool-working and weave woolen and linen cloths and tapestries, with which they clothe Germany, Gaul, Spain, Africa, Asia, and both Indies. Why do the princes of Germany not imitate both this and other things? From here they buy up wool, carry it away, and bring it back, and double the expenses of customs and carriage. This, finally, is a great disadvantage in a state: because things made by art are bought from foreigners, everything is sold at a higher price and the city is drained.

Next, an abundance of craftsmen easily devises marvelous things, such as Curio's invention when he made a suspended theater. Pliny, Book Thirty-six, chapter 15:

> He made two very spacious theaters next to one another out of wood, each suspended upon the revolving balance of hinges. In both of them, after a spectacle of games had been exhibited before midday while they were turned away from one another, lest their stages disturb each other, they were suddenly revolved so that they stood opposite; afterward, while the panels were now descending and the corners were coming together, he made an amphitheater and exhibited spectacles of gladiators, carrying around the Roman people itself, bound by a still greater gladiatorial contract. For what should one first marvel at in this affair: the inventor or the invention? The craftsman or the author? That anyone dared to devise this, or to undertake it? To obey, or to command? Above everything will be the madness of the people: that they dared to sit upon so untrustworthy and unstable a seat. Behold, here is that conqueror of lands and master of the whole world, who distributes nations and kingdoms, sends laws to foreign peoples, a certain portion of the immortal gods for the human race, hanging upon a machine and applauding at his own danger. What worthlessness of lives is this! Or what complaint about Cannae! How great a calamity could have occurred!

Lead these men into camps if a town must be defended by machines: what will they not accomplish? Let their talents exert themselves upon useful things.

[Printed page 665]

Contempt for the mechanical arts arose from the pride of the Greek philosophers and orators. And now also they are regarded by many as contemptible and sordid, although they were the first occupations of the human race after agriculture. The industry of the Indians pleases me more. They permitted individuals to practice individual arts, but permitted several to philosophers in honor of wisdom. From this we gather that Indian philosophy was not a follower of idle subtleties, but wisdom taking counsel for common and civil life.

§ 5. The method of collecting money in necessity which Sabellicus, Books Six and Seven, says the Venetians followed was also honorable and useful. For they publicly proclaimed that from those who had assisted the state with money, thirty would be chosen into the number of senators and that this dignity, once ratified, would remain for their descendants; to the rest, when the war was ended, five thousand coins apiece would be distributed each year. The wealthy gave in competition, and the treasury increased through rivalry. This was done prudently by the state, and there is no public rivalry between the old and new families. Why should kings not imitate it? Certainly the king of Spain, a few years ago, while ennobling some of the richest Italians, obtained great subsidies for wars. The honor of

nobility, however, must be conferred upon men of resources, ability, and industry, lest, if they fall back into want, they be a reproach to the order. No injury is inflicted here upon the state or upon private persons. But if it is objected that nobility ought to be a matter only of virtue, the reply is easy: those who assist their country with money are not inferior to others who boast of smoke-darkened ancestral images; for account is taken not of money alone but also of virtue. We learn that those men are of great spirit even from this: that they value great sums of money less than a moderate honor. I would recommend this to those princes to whom the nobility is subject and where it also conducts commerce. But if the old nobility becomes cheapened by the multitude of new men, that is a lesser evil, since it can recover dignity through virtue. This was also done in Gaul, and men purchased immunity with a great sum. It was also done formerly, when the right of Roman citizenship was given or sold to entire nations: an immense increase for so great an empire. Acts 22:28: ἐγὼ πολλῷ κεφαλαίῳ ταύτην τὴν πολιτείαν ἐκτησάμην. “I obtained that citizenship with a great sum.” If many thousands were given citizenship, but for a great sum, there is no doubt how much money many thousands of great sums made. Thus the prince will also be able, for some moderate sum of money, to grant the right of citizenship and other things which are honorable, yet do not prejudice the advantages or liberty of others.

Not unlike this is what the Byzantines did in necessity. For since there was a law that no one should enjoy the right of citizenship unless born of two citizen parents, they proclaimed that if anyone contributed thirty pounds to the state, although born of only one citizen parent, he would be regarded as a citizen with the same right as the man who possessed citizenship upon the best terms.

§ 6. Tamerlane's device was one of barbarous cunning. He sent merchants with costly furs into a city which he intended to besiege, and commanded them to sell them at an easy price so that they would be bought; then, when he had occupied the city, he recovered the furs, which could not conveniently be concealed. An honorable method: for thus he maintained his army from the enemy's money and afterward recovered the merchandise to be sold to others. Thus Hayton the Armenian.

§ 7. Edward IV, king of Britain, asked his friends voluntarily to contribute money to him for military expenses, saying that he would measure his goodwill from the deed of each; wherefore the contribution itself was named “benevolence.” Henry VII imitated the same thing. Polydore, Books 26 and 27. If great necessity presses, it is a proper method; but care must be taken that he in turn benefits them. Otherwise nothing is harsher than the prince's private entreaties among friends; for if they refuse or give sparingly, they think ruin has been prepared for them. If anyone either is unwilling or unable to give, he becomes the prince's enemy because the prince judges that he has been gravely offended by him.

§ 8. Antoninus the Philosopher, in order to obtain money, publicly sold all his vessels of gold, silver, murrine, and crystal, his gems--in a word, all his household furnishing--and his wife's ornaments, so that he might raise money. Not unlike this was the act of the Ephesians, who, as Aristotle relates in *Economics* 2, when they were in need of money, enacted by law that women should not wear gold, and then that they should lend it to the city. Some consider these things sordid; I judge it magnificent, for to despise external adornment is royal. Then the subjects are spared, and the spirits of the nobles and powerful are inflamed to assist the state. For who will drink from a rich jeweled vessel if he sees the prince's earthenware furnishing?

The matter turned out less in accordance with expectation for the Venetians when they wished to extort money from the citizens. For they proclaimed that whatever wrought gold or silver there was should be carried to the two commissioners so that coins might be struck; that those who brought it would receive the profits of a tenth part; and that the goods of those who did not bring it would be sold. But when they delayed, they were compelled by the seizure of pledges and by prisons. This was done in the war against Julius II. Bembo, Books Seven and Ten of the *History of Venice*. This indeed would have been less harsh if there was good faith, for a great profit was promised, and they could not refuse the state if it could furnish sufficient security. But they, cursing the war and the causes of the war and holding the Senate's good faith suspect, clung to their property. Nevertheless, the prince can use this method and must not be reckoned among the hateful if provision is made concerning the principal and the profit. For it does not befit

anyone to be so pleased with himself that, while the prince is in danger, he wishes to drink only from gold, especially when it is lawful to expect profit from the benefit.

CHAPTER XVI

Methods of Collecting Money Recounted by Aristotle in Book Two of the Economics, and Other Similar Methods

§ 1. Aristotle judges it worthwhile to know how the ancients raised money. I have determined to pursue his narrative in the order in which it is presented by him. Some methods must be condemned; some, but few, are worthy of praise; necessity renders several just.

When Cypselus of Corinth had made a vow to Jupiter that, if he gained possession of that city, he would dedicate all the resources of the Corinthians, he ordered a census to be recorded. When they had declared their property, he took away from each a tenth part of his goods, and ordered them to trade and acquire property with the remainder. When the year had turned, he did the same. It therefore happened that in ten years he himself possessed all the goods of the Corinthians and dedicated them, while the Corinthians in the meantime sought and acquired others.

[Printed page 666]

A wicked man's vow ought not to have been fulfilled; yet it was fitting that it should be carried out humanely. Julius acted similarly when, after swearing that he would crucify the pirates, he first killed them.

§ 2. Lygdamis of Naxos, after driving certain men into exile, when no one wished to buy their property except at a very low price, sold it to the exiles themselves. He also sold, both to the exiles and to others, those things which lay in workshops, not entirely finished, so that they might be consecrated as gifts to the gods, permitting the purchaser's name to be inscribed upon each.

The reason why men wished to buy at a low price was that possession assigned by a tyranny appeared uncertain and hateful to the common people. The exiles preferred to redeem it at a moderate price rather than lose everything. If he expelled them justly, he was not unjust in the sale; the sale also brought it about that the exiles were set against one another, while one bought another's goods.

§ 3. The Byzantines, in want of money, sold public groves and sacred places: productive ones for a fixed time, but unproductive ones as perpetual property. Likewise they sold both the things which associations possessed and those which belonged to ancestral rites, including those situated in private fields. For these were bought at a high price by the men who possessed the remainder. They gave the associations other public properties which were around the gymnasium, forum, or harbor, and also market places where something was sold. In addition, they sold the sea saltworks and the trade in salt. Likewise they ordered sleight-of-hand performers, diviners, sellers of drugs, and others of this kind, wherever they made profit, to pay a third part of their profit. They then leased out only one counter for exchanging money. It was not lawful to buy anything from one person or sell anything to another with any other coin. If anyone did so, he was fined that money. Since there was a law among them that one who had not been born of two citizen parents was not to be regarded as a citizen, when they needed money they enacted that one born of only one citizen parent should be regarded as a citizen if he paid twelve thousand coins. During a scarcity of grain, when they suffered from want of money, they brought ships down from the Pontus. When the merchants bore this with resentment, they paid them interest of a tenth. Those who then bought from them exacted that tenth from them beyond the price itself. When certain inhabitants had placed money at interest upon security of goods, and there was no source from which those loans could be repaid, they enacted that whoever contributed a third part of the debt or loan as tribute should retain those goods as his own.

Many things in these χρηματιστείαις of the Byzantines are worthy of note, and some perhaps of imitation in necessity. First, they sold τὰ τεμένη, that is, all places consecrated to the gods, such as groves, open areas, temples, and chapels.

Second, they sold productive places, such as groves and fields, for a fixed time; unproductive ones, such as open areas and chapels, in perpetuity. Otherwise they would not have found a purchaser; for who would buy unproductive properties, only to render them productive and surrender them again? Third, they sold τὰ θιασωτικὰ, that is, places which belonged to sacred assemblies or associations; for those who entered an association for the sake of religion, such as Bacchic and Eleusinian initiates, are called θιασῶται, and θιασωτικά are the things which belong to them, especially houses and banqueting places. The rites were either πατριωτικὰ, ancestral, or, as some read, φρατριωτικά, rites of a brotherhood; and then τὰ ἐν τοῖς ἰδιωτικοῖς, those situated in private fields. Pollux in Book Six calls the houses themselves φωλητήρια, caves and dens in which they drank deeply. There were many things of this kind in private gardens and fields which nevertheless belonged to the associations, not to the men in whose possessions they were found. Therefore the owners bought them at a high price so that they might have their fields free. Fourth, they gave the associations other things which were not productive publicly. Fifth, they sold the saltworks. Sixth, when there was need of exchanging money, they appointed only one man to do so at a fixed price, namely to pay out coin at a high price and receive it at a low price. This was manifestly unjust, especially since they could not use another coin. It was therefore easy to exchange gold pieces for a single denarius. The law concerning interest was no less unjust. All these measures took their beginning from the bad administration of the state.

§ 4. Hippias of Athens sold upper projections of houses extending into the public roads, likewise stair-steps, fortified vestibules, and doors which turned outward when opened. The owners of the properties therefore bought these things, and thus a plentiful sum of money was collected.

These things could have been done lawfully if the projections and steps were contrary to law; for since they occupied public space, and it was contrary to law for private buildings to make roads more obstructed, the state could lawfully have claimed them for itself. The cunning of Hippias was conspicuous in this: that he punished a concealed transgression of law under the supreme pretext of justice; for the owners of the houses were compelled to redeem these things at a high price unless they wished, by alteration and deformation of the whole building, to incur greater expenses. What Aristotle calls καὶ θύρας τὰς ἀνοιγομένας ἔξω--doors which open outward--was also forbidden formerly among the Romans. This was not readily granted to anyone, not even to triumphal houses, except those whose triumph had been attended by exceptional glory. Pliny, Book Thirty-six, chapter 35:

> The thought arises, however, what portion of these were those sites upon which they decreed that houses should be built publicly for unconquered commanders. Their highest honor, as in the case of Lucius Valerius Publicola, who was the first consul with Lucius Brutus after so many merits, and his brother, who twice defeated the Sabines in the same magistracy, was that it was added to the decree that the doors of their houses should open outward and the doorway should be thrown back into public space. This was the most illustrious distinction even among triumphal houses.

Hippias acted dangerously and hatefully, however, for this appeared to belong to a malicious and crafty tyranny. He sold προφράγματα, or, as another reading has it, περιφράγματα--although I prefer προτεράσματα, for these are places before a stage or an enclosure, and in this place defenses of houses and enclosures extending into public space--which, unless they were redeemed, as I said, would have required the houses to be entirely destroyed.

§ 5. He ordered the coin then in use at Athens to be declared invalid, and commanded that all money be brought to him at an established price. When those who wished to mint with another device had assembled, he leased the same silver back to them.

Here there was pure fraud and deception by the tyrant, so that he might gather money by fraud and then approve anew what he had previously rejected. Even now many frauds are practiced in minting and reminting money, but generally under some pretext of justice.

§ 6. Furthermore, from those who were obliged to furnish the expenses of a trireme or a tribe, or the games, or to make expenditure upon another public service of this kind, he ordered that, upon establishment of a moderate sum, whoever wished to pay it should be enrolled among those who had discharged their office.

This was badly established concerning triremes and necessary things, but orderly and rightly concerning games, banquets, and other things. For if a thousand drachmas were to be spent upon games, it was better that six hundred should be given to the public and the games omitted. Here is a great opportunity for imitation, so that our princes may turn all expenditures made upon empty displays toward true and useful things. Nor did the man act foolishly, although avariciously, who, when crowns, statues, and empty honors were being considered, showed his hollow hand and wished them to be placed in it.

[Printed page 667]

§ 7. He also commanded that two sextarii of barley, the same amount of wheat, and one obol--that is, two asses--be brought to the priestess, ἱερεία, of Minerva who was consecrated on the citadel, for each dead person, and the same amount from those who had been increased by offspring.

The translator renders χοίνικας as two sextarii; more correctly, our Villalpandus, in his apparatus on Ezekiel, shows from Fannius that χοίνικα contains four sextarii:

> This measure, taken four times, is called a *choenix* in Greek.

He judges, however, that five pounds of bread are contained in it.

In a populous city this produces a great contribution, but one that is tyrannical and sordid: to assess the dead and those being born. Yet it is not unlike the Roman poll tax, which brought it about that many did not rejoice that sons were born to them, as certain cities have also done.

§ 8. When the Athenians at Potidaea needed money for war, they ordered everyone to declare the valuation of his property, not all together in his tribe, but so that each possession should be declared in whatever place it was situated, so that the poor might submit an assessment. If anyone possessed absolutely nothing, the valuation of his person was two minae. From this, therefore, the tribute exacted from each was contributed in full. Nothing unjust was done in this matter; precaution was taken against the fraud of those who did not make a true declaration.

§ 9. A citizen of Antissa, when his city was oppressed by want of money and they had a custom of celebrating the Dionysia or Bacchanalia splendidly--upon which they made great expenditures from the provision of the entire year, on other things and on costly victims--and that feast day was then at hand, persuaded them to make a vow that they would render double things to Liber in the following year and to sell all the things which they had prepared together. Thus no small amount of money was collected for their present use. He acted rightly; and what was promised to an idol can also be done in the cause of God, for in a public necessity the ornaments of temples can be torn away and sold; those of idols ought to be. Saint Maternus admonishes the emperors to convert the ornaments of all temples consecrated to demons to the use of the state.

§ 10. When the arrival of many triremes was expected, and six modii of barley-meal sold for four denarii, the Lampsacenes ordered the men trading in the market to sell those six modii for six denarii. To a *congius* of oil which sold for four denarii, they ordered three obols, or six asses, to be added. They ordered the same to be done with wine and other things. Private persons therefore received the former price; the city, retaining what exceeded it, thus obtained an abundance of money.

This was an immense and inimitable tax, for they received a third part of all things offered for sale. Although they did not bring ruin upon the sellers, they nevertheless increased the losses of the citizens and of those who were in the triremes.

§ 11. When the Heracleots sent forty ships against the tyrants in the Bosporus and did not abound in money, they bought up from the merchants all the grain, oil, wine, and other goods offered for sale. A time was appointed at which the price would be paid; and since it was advantageous for the merchants not to have their wares distributed by the *hemina*, but to have them sold all together, the Heracleots themselves, since they would pay when opportunity permitted, carried not pay but merchandise in cargo ships, and placed one quaestor in charge of each ship. When they had now arrived in the enemy's land, the soldiers bought everything from them. Money was collected, and the commanders gave the pay. Thus it happened that the same money was given repeatedly until they returned home.

That commerce was just if they paid the merchants at the appointed time. From the trade they maintained the army until they could dissolve it altogether. For the state did what was difficult for the merchants, namely κολλυβίζειν, that is, to sell by retail.

§ 12. When the Samians asked the Lacedaemonians to contribute money to them for the recovery of their country, they decreed that on one day both masters and household, and the beasts of burden, should fast, and that each should contribute to the Samians as much as he would have spent if they had not fasted.

This was a small but just subsidy, by which they showed that the state can easily be defended if each person is prepared to assist. Nor do I doubt that, if a thousandth part of the things which perish through luxury were expended upon the Turkish war, the Pannonias, together with Greece and Thrace, could be recovered in two years.

§ 13. When the number of foreign soldiers among the Carthaginians increased and they had no source from which to pay the wages owed them, a proclamation was made that, if any citizen or inhabitant had a right to seize either the city or any private person, and wished to make a seizure, he should declare it. Since very many made declarations, they thus seized ships sailing into the Pontus, putting forward some plausible cause and appointing a fixed time at which they affirmed that they would plead the cases. When a great abundance of money had then arisen, they dismissed those soldiers and adjudicated concerning the seizure. The city made satisfaction from its revenues to those upon whom injury had been inflicted by the seizure.

It was a Libyan deed and Punic fraud, which can nevertheless be excused by necessity. First, the foreign mercenary soldiers were numerous and, unless they received their pay, would have plundered the city and even the harbor. Second, they seized the ships and ἐσύλων, plundered them, as the Greek has it, not in the manner of brigands, but with witnesses brought in and a written record of how much each man had taken--indeed, with it deposited with the state. Third, judges or recoverers were then appointed; and to those from whom property had been unjustly taken it was restored gradually from the revenues of the treasury, namely by giving a loan for the present.

§ 14. When sedition arose among the Cyzicenes and the plebs was victorious, and the rich had been oppressed and captured, because money was owed to the soldiers they decreed that the captives should not be killed, but that after money had been exacted they should go into exile.

Here also mercy intervened, if the city could justly have killed the rich.

§ 15. Since there was a law among the Chians that debts should be registered publicly, when they needed money they enacted that the debtors themselves should pay their loans to the city, while the city should pay the creditors interest from the revenues until the amount paid equaled the principal. Injury was inflicted upon the debtors because they were compelled to pay at their own loss. The moneylenders were deservedly punished in this way, for it would have been lawful to take away the principal itself.

§ 16. Mausolus, tyrant of Caria, when the king of Persia requested through ambassadors that he pay tribute, summoned the wealthiest men in that land and showed them that the king was requesting tribute, but that he himself by no means abounded in money. Certain men who had been suborned then immediately promised that they would contribute and stated the sum. When this had been done, the wealthier men, partly from shame and partly from fear, both promised and contributed more.

There was nothing unjust here, if tribute was truly being exacted, if the matter was not conducted by armed entreaties, and, finally, if Mausolus was not able to pay.

§ 17. Again needing money, he summoned the Mylassans and showed them in a speech that their city, the chief city of the kingdom and the one from which he himself had arisen, was not enclosed by walls, while the king of Persia was bringing an army against it. He therefore ordered the Mylassans to contribute as much money as each could, affirming strongly that by means of the things which they contributed then, they would preserve the rest of their resources. When great resources had been contributed, he himself retained the money, but declared that the god did not wish the walls to be constructed at that time. Now he openly plays the impostor and brings it about that no one will thereafter believe anything from him, even when he is placed in true dangers.

§ 18. Condalus, the prefect of Mausolus, if anyone brought him a gift of a pig or calf when he was making a journey through his province, ordered that the name of the giver and the day be recorded and that the animal be led to his house and fed until he returned. When a sufficiently long time seemed to have passed, he demanded back what the other man had fed, with an account of its produce also calculated. A slave like his master. Τὴν ἐπικαρπίαν λογιζόμενος: that is, calculating the produce--if a sheep had given birth, if it had been shorn, he exacted all these things. But the man played the impostor and stage-player, as is clear from what follows.

§ 19. Likewise he sold the fruit of trees overhanging or falling into the royal roads. If any soldiers had died, he also sold for a denarius the opportunity to carry the body outside the gate. From this he at once received silver and was not deceived by the commanders' report of the time at which any soldier had died. That man would gather coins from the lower regions themselves and from Pluto.

§ 20. What he judged concerning the Lycians is witty: that they could be milked of their coins by a jest. Aristotle relates the matter thus. Seeing that the Lycians delighted in wearing long hair, he said that royal letters had been brought in which it was commanded that their hair be brought to the locks. He therefore said that he had commands from Mausolus that they be shorn. He promised that, if they wished to contribute a fixed sum per head, he would take care that hair was brought from Greece. They gladly furnished what he demanded, and a plentiful sum of money was collected from a great multitude.

The translator renders τριχοκομίαν or τριχοτροφίαν, “locks,” which has either no meaning or an obscure one. Aristotle says in Greek that they wore Τρίχωμα, that is, that they were long-haired; then that Condalus said that it was necessary ὑποστείλαι εἰς ἀκροκόμια, or προκόμια. What κόμας ὑποστείλαι εἰς τὰ προκόμια means--whether it is to let the hair down to the forelocks, or where it was to be sent--is not very difficult to conjecture, since he says that they ought τὸ κείρασθαι, to be shorn. The cut hair was therefore sent to προκόμια, or perhaps προκομεῖα, places where it was dedicated; for no one is ignorant that there was enormous superstition in this matter. In place of their hair he promises to bring from Greece artificial locks in exchange for the Lycians' hair. Their hair, therefore, was to be sent somewhere; but where would it be sent except to certain places where it was customarily consecrated to the gods?

§ 21. Aristotle of Rhodes also acted wickedly. Aristotle relates the following about him. Aristotle of Rhodes, holding authority at Phocaea, when in want of money and seeing that there were two factions of the Phocaeans, secretly spoke to one of them, indicating that the others were offering him money so that he would incline affairs toward them, but that he preferred to receive it from themselves and to deliver the administration of the city to them. Upon hearing these things, they immediately gave him as much money as he had ordered. But he in turn showed the other faction what he had received from the first. These men gave no less. Having thus received money from both parties, he reconciled favor between them.

Not a few imitate this, and a Roman arbiter also did it formerly.

§ 22. When the same Rhodian observed that there were many controversies among the citizens, and great injuries in them because of the war, he established a court and proclaimed that, if any had not proceeded at law within the prescribed time, judgments concerning their earlier charges would no longer be granted them. Then, drawing to himself the collection and appeals in a great many causes and disputes, after many terms had been proposed, and receiving something from both parties through different persons, he amassed no small amount of money. Another fraud, and one also too customary. For why is the matter conducted with such vehemence that cases are drawn to specified tribunals, unless because advantages also are drawn there?

§ 23. When the Clazomenians lacked money during a scarcity of grain, they decreed that those who possessed oil should lend it to the state at interest. This produce was plentiful in their region. When the oil had thus been lent, they hired ships and arranged that it be carried to places where markets were held, from which grain came to them, the price of the oil having been given as security. That commerce--the exchange of oil for grain--was lawful; but it was unjust that they commanded those who possessed oil to make a loan to the state.

§ 24. Their other device was much more ingenious. When, Aristotle says, they owed the soldiers forty and eighty sesterces in the name of pay and could not discharge it, each year they paid the commanders ninety-six sesterces in interest. But because by this agreement nothing was deducted from the principal and they themselves continued to make expenditure in vain, they struck iron coin to the value of silver, in the amount of 480 sesterces. They then gave this money to the wealthiest men in the city, in the proportion suitable to each, and received the same amount of silver from them. Private persons therefore had what they might spend upon daily uses, and the city was freed from debt. Then from the revenues they both paid them interest and, always dividing it, distributed it to each according to his share, and received the iron coins back. Aristotle says that they owed twenty talents but paid φόρον τέτταρα τάλαντα, four talents as interest. The citizens could trade with the iron money no less than with silver, since it had force by command of the magistrate, while the Senate exchanged the coins themselves for silver until it received all of them within the fifth year.

Many in necessity have followed this method. Enicus Lupides did so, as Tolosanus relates from Nebrissensis, Book Three, chapter 6, number 26. Thus Enicus Lupides, count of Tendilla, a distinguished commander placed in charge of the city of Alhama in the war of Granada, in extreme desperation concerning money, while awaiting money from King Ferdinand and Queen Isabella, made little notes from cardboard with his own hand and marked them with his signature, calling some gold pieces, others silver coins, bronze asses, halves, thirds, and quarters. Purchases and commerce were conducted among them with these, after he had promised that he would give true money for those fictitious pieces after its receipt.

At number 27, Sabellus relates that Domenico Michiel, doge of the Venetians, did the same when he was far from home, besieging Tyre with a fleet in the Asiatic expedition. Since because of a lack of money pay could not be rendered to the rowers and naval allies, he marked leather money with the public stamp; distinguishing it by fixed symbols as gold and silver, he paid it as wages to the naval companies, promising that soon at home gold and silver coins would be presented in equal number to the possessors in exchange for the leather ones. This also was done.

[Printed page 669]

Since this form of money is held valid not by the value of the metal but by valuation alone, which arises from the faith placed in the one establishing it, it must not be used if everything is in doubt; for in that case it introduces despair, much less if no faith is placed in him, for men think themselves mocked. Accordingly, if Mausolus or Condalus should strike coins from leather or lead, no one would accept them. For that money is not properly money but rather a token that true money is to be given, or a promissory note, which we value at nothing if it is given either by an impostor or by a needy man.

§ 25. When the Selymbrians were in want of money, and there was a law that grain should not be exported in time of famine, while old grain remained to them, they decreed that private persons should deliver their grain to the state at an

established price, so that each retained sustenance for himself for one year. Afterward they granted to anyone who wished the power of exporting at an established price, which appeared equitable.

There was already famine. Therefore, since it was not lawful to export it, they appeared with a certain right to be able to demand that what remained beyond necessity be sold to the state. The state itself then exported it and sold it at a higher price, which was unjust, for it received the property of private persons, traded with it, and took from them the opportunity of making profit.

§ 26. Because the land of the Abydenes was uncultivated through sedition, and the inhabitants spent nothing further upon it because other debts were still owed, they decreed that whoever lent money to farmers so that they might perform work in the country should receive the fruits produced first, and the others only those which remained.

The zeal for agriculture is praiseworthy, in which those who furnish expenditure to the cultivators are preferred to the owners.

§ 27. When the Ephesians needed money, they enacted a law that women should not be permitted to wear gold, and that whatever gold they had at that time they should entrust to the city. After also establishing a sum of silver which was to be paid, they permitted the name of the man who had paid that silver to be inscribed upon the columns of the temple as though he had consecrated the column.

This was equitable, for they ought to lend to their country rather than, by loving their ornaments excessively, lose both their country and the ornaments themselves. The provision concerning inscription of the name upon the columns was certainly prudent, for by it defense of the country was obtained without injury to anyone--unless perhaps the names of others had already been inscribed.

§ 28. Dionysius possessed various arts of defrauding and gathering money; Aristotle recounts them. Dionysius of Syracuse, wishing to heap up money, summoned an assembly and said that Ceres had appeared to him and commanded that women's ornaments be brought to her shrine, and that he himself had done this with the ornaments of his own women. He therefore demanded that the same be done by others also, lest the goddess be angered. He pronounced that whoever did not do it would be guilty of sacrilege. When all had brought the things they possessed, both out of regard for the goddess and for him, after the sacred rite had been performed he took away the ornaments as though they had been lent by the goddess herself.

This was a foul deception unworthy of a king, abusing the superstition of wretched women for profit.

§ 29. But the device that follows for chastising female φιλοκαλίαν, love of adornment, was not incapable of imitation, provided superstition were absent. “When some time had passed,” says Aristotle, “and the women again wore ornaments, he proclaimed that the woman who wished to wear gold should dedicate in the temple something of equal value.”

§ 30. When he was about to build triremes, he knew that he would need money. He therefore summoned an assembly and said that a certain city was being betrayed and that he needed money for that affair. He demanded that the individual citizens contribute two gold pieces. They contributed this money. After an interval of two or three days, as though the affair had been frustrated, he praised the citizens and returned to each what he had contributed. By doing this he reconciled their goodwill to himself. Afterward, in the same hope that they would receive it back, they contributed again. Dionysius, however, retained what he then received for building the triremes.

Thus they build up trust in small things so that they may deceive in great ones.

§ 31. When he did not abound in silver, he struck a coin from tin and, summoning an assembly, commended that coin in an abundant speech. The Syracusans, although unwilling, approved it by their decree, and each preferred to regard himself as possessing silver, not tin.

Since neither he himself nor others afterward accepted the tin coins, private persons necessarily suffered this loss contrary to right. For it was just as if he had exchanged χρύσεα χαλκείων ἑκατόμβια ἑπταβοείων: gold for bronze, things worth a hundred oxen for things worth seven.

§ 32. This also belonged to a crafty defrauder mocking his citizens. Again, when in want of money, he asked the citizens to contribute to him. When they denied that they possessed any, he brought out his own utensils and offered them for sale, as though he were doing this through want. When the Syracusans bought these things, what each had bought was recorded. But when the price had been paid, he ordered each man to carry back to him the utensil which he had bought.

§ 33. This too was tyrannical. Because of frequent tributes the Syracusans had ceased to raise livestock. Then Dionysius affirmed that enough had been contributed to him for that use, and that those who thereafter acquired livestock would be exempt. But when many had acquired many animals in hope of immunity, he seized the opportunity, ordered an assessment of what each possessed, and imposed a tribute or payment. Then the Syracusans, resentful that they had been deceived, began to slaughter and sell their livestock. When Dionysius had by edict fixed the number of animals to be slaughtered each day, they claimed when slaughtering them that they were sacrificing. Then Dionysius prohibited the killing of a female animal.

§ 34. This, however, was cruel, although it found imitators. Again, when in want of money, he ordered a declaration to be registered with him of the property of every household whose children were bereft of parents. Once this had been done, he himself used the money until each came under his own guardianship.

§ 35. There is also what he did at Rhegium. After occupying Rhegium, he summoned an assembly and said that he could lawfully plunder their city, but that he wished to release them if only he recovered the expenses made upon that war and three minae for each person. Then the Rhegians brought into view whatever they had concealed. Even the needy borrowed money from wealthier persons and foreigners, and thus they paid that sum. But after Dionysius had received it, he nevertheless both sold them all under the auctioneer's spear and took away all the household furnishing which they had brought out from concealment.

Here he was a thief and breaker of treaties. But nothing is sacred to avarice.

§ 36. He had borrowed money from the citizens which he was to repay. When they demanded it back, he ordered each to bring him as much silver as he possessed, under penalty of death if they did not do so. When the silver had been brought, he struck coin in such a way that one denarius was valued at two, and with it paid both what he owed and what they had brought to him.

§ 37. When he had sailed with one hundred ships into Tyrrhenia, he took from the shrine of Leucothea a very great quantity of gold and silver and no small quantity of other ornaments.

[Printed page 670]

But because it did not escape him that the sailors also possessed much, he ordered a proclamation to be made that half of what each had taken should be brought to him, and that the man who had taken it could retain the other half. He proposed the penalty of death for anyone who did not bring it. The sailors, judging that if they brought half they would safely retain the rest, brought it. But when Dionysius had received these things, he ordered them again to bring half of what remained.

Thus did that tyrant use not only power but falsehood and frauds to milk men of money.

§ 38. The Mendaeans used the proceeds rendered by the harbor and other taxes for the administration of the city. But they did not exact what was received from land and buildings, and recorded only the names of the occupiers. Whenever the city needed money, these men paid what was owed. They therefore made profit from the past time, having used that money without interest.

That method was most just, for those who occupied the buildings could use the money and thus become rich. If money was not needed for a period of twenty years, they paid nothing; and even then they paid not as much as they owed, but as much as the city needed. Nor did the state suffer loss from this, for they leased those properties at a price higher by as much as they saw that they could profit from the proceeds not paid. Nevertheless, lest they become bankrupt, everything was recorded each year.

§ 39. When the same people needed money in a war against the Olynthians and abounded in a great number of slaves, they decreed that each should retain only two, a male and a female, and sell all the rest, so that private persons might possess money which they could lend to the city.

Without doubt a great sum of money was collected from the numerous and costly slaves. Yet the cause of the edict was that, while the Mendaeans were occupied with war, the multitude of slaves should not be dangerous and occupy the city after expelling their masters, as they had done elsewhere and attempted elsewhere; and then that resources might remain for sustaining the burdens of war.

§ 40. Callistratus, when the customs duty in Macedonia generally sold for 280 sesterces, brought it about that twice as much was received. For when he observed that the wealthier men always bought it because sureties were required, and that sureties worth a talent had to be appointed for those 280, he proclaimed through a herald that whoever wished was given power to buy it and to appoint sureties for a third part and for whatever sum anyone could show that he possessed.

I judge that a prince should frequently employ this method, so that properties are leased in various ways; for in truth men are often persuaded that a thing is of less advantage although it can bring an immense sum.

§ 41. Timotheus of Athens, waging war against the Olynthians, when in want of money, struck a bronze coin and distributed it to the soldiers. When they bore this with resentment, he showed that all things offered for sale by merchants and in the marketplace would be sold to them for the same coin. He showed the merchants, however, that with the bronze coins they received they must in turn buy things offered for sale in that region and booty that had been taken. If any bronze remained, they were to bring it to him and receive silver for it.

We have seen the same practices of creating money above. Here only the difficulty arising from it is removed. From this it is clear that the method has no force unless the money is accepted and there is hope that it can be redeemed.

§ 42. But when he was waging war at Corcyra, suffering from want, while the soldiers demanded pay, refused his command, and threatened that they would pass over to the enemy, he summoned their assembly and said that storms had prevented silver from being carried to him. For he abounded in such plenty that he wished to give them as a gift three months' pay now, before its time. The soldiers, judging that he would by no means have undertaken so great a loss unless he truly expected the money to reach him, thus acquiesced concerning their pay until Timotheus completed the things which he wished to accomplish.

Aristotle does not explain whether he gave it afterward. Certainly the soldiers believed him, and it was dangerous not to give. A man who refuses just things to one bearing arms gives him everything.

§ 43. His method during the siege of Samos was excellent. When he was besieging Samos, he sold the crops and whatever was in the fields to the Samians themselves, whence an abundance of money was available for paying the soldiers' wages. But afterward, when many persons came and money for necessities began to circulate in the camp, by edict he forbade the sale of grain or flour in a measure smaller than six modii, and of all liquids in a measure smaller than ten *congii*. The centurions, therefore, and those who led companies, buying all things in quantity, distributed them to their soldiers. Those arriving brought their own sustenance with them, and when departing sold whatever remained, so that the soldiers now abounded in a plentiful supply of food.

The first point worthy of praise is that, since he could not conquer them by famine, he voluntarily sold them crops which they bought dearly from fear of scarcity, since the field lay uncultivated because of the war. This is an example for illustrious commanders: things captured from enemies which cannot be of use to themselves can be sold back even to the enemies so that pay may be obtained for the soldier. Then, since those who came to the camp wished to procure provisions for only one or two days and could not buy small amounts, they brought them with them, and somewhat more than they needed; when departing they gave the remainder away or sold it cheaply in the camp. Yet merchants and retailers were not thereby turned away from the camp, since they sold many things together without κολλυβισμῷ, minute division.

§ 44. The Persian Didales could furnish daily sustenance to the soldiers whom he had from the enemy's land, but he did not possess money to pay them. When the day of payment arrived, he devised the following. Summoning an assembly of the soldiers, he said that he was not destitute of money, but possessed money in a certain place, which he also indicated. Breaking camp, he proceeded there. Then, when he approached that region, he advanced into the place itself and took from the shrines there whatever silver vessels he found. Soon he loaded the mules and made the journey as though they carried nothing but silver, while those vessels that projected could be seen. Observing this, the soldiers, judging that whatever the mules carried was all silver, were of good courage, as though about to receive their pay. But he said that they had to reach Amisus and that the silver had to be coined there. The road to Amisus was several days long and difficult because of the cold. During that entire time, therefore, he made use of the army while furnishing nothing except sustenance. Likewise he kept with him in the camp all craftsmen, innkeepers, and exchangers, nor was anyone else permitted to practice any of these occupations.

A stratagem not unworthy of a great commander, provided that he afterward discharged the debt in good faith from the royal treasury.

§ 45. Chabrias of Athens taught Taos, king of the Egyptians, various methods of raising money. Aristotle recounts them thus. When King Taos of the Egyptians was leading out an army and lacked money, Chabrias advised him to show the priests of both sexes that, because of the expenses of the war, it was necessary for him to reduce their number. Upon hearing this, both those priests and each person wishing the administration of the rites to remain his own gave money individually to the king. When he had received it, Chabrias advised the king to order in addition that the priests should thereafter spend only a tenth part of the expenses which they had hitherto made upon the rites and themselves, and lend him the remainder until the war against the king of the Persians was ended. He also advised him to impose a fixed sum upon each settlement as tribute, and likewise upon individual persons. As to grain brought to market, two asses beyond the price were to be exacted from both buyer and seller for each *artaba*; and upon ships, workshops, and every other business in which profit was made, a tenth part of that profit. When the king was now about to lead the forces outside the land, he advised him to command that each person bring to him whatever uncoined silver or gold he possessed. When it had been brought, he likewise advised the king to use it and to commend those who had lent it to the naval commanders, who would discharge the debts from the tributes.

[Printed page 671]

§ 46. Iphicrates of Athens gave Cotys better advice: that he should command all subject to his dominion that each should recognize a portion of his own land exempted for the king, sufficient for eighteen modii. When this had been done, a great abundance of grain was collected. When it was exported to those places where markets were held, an abundant sum of money was obtained.

Thus he bore the expenses of war from agriculture. If he had listened to Iphicrates beforehand in peace, he would have prepared heaps of grain and money for the uses of war.

§ 47. The deed of Cotys the Thracian was full of treachery. He sought a loan from the Perinthians to enlist soldiers. The Perinthians were unwilling to give it. He therefore asked them at least to send to him some of their citizens to serve as garrisons in specified places, so that he might use elsewhere the soldiers who were then guarding them. The

Perinthians quickly did this, judging that those places would thereby be in their own power. But Cotys detained as captives those who had been sent to him, ordered the money sought as a loan to be sent to him, and thus ordered them to receive their citizens back.

§ 48. Mentor, after capturing Hermias and also occupying the places which he had held, did not remove the administrators appointed by Hermias. Accordingly, when all were now secure and again possessed whatever they had long concealed or deposited with foreigners, he captured them also and took away everything which they possessed.

§ 49. Memnon of Rhodes, after gaining possession of Lampsacus, in want of money prescribed a great sum which the wealthiest were to pay, and showed that they themselves would recover it from the tribute of the other citizens. But when the others also had contributed, he ordered that this sum likewise be lent to him for a time, and fixed the time at which the money would be restored. Needing money again, he ordered them to contribute and to recover from the revenues what they had given. They, hoping that they would recover it quickly, contributed. The time was now at hand for the revenues to be received, but Memnon showed that he still needed money then and that he would afterward return what had been received with interest. From those whom he had in the army he also deducted grain and pay for six days in each year, assuring them that on those days they would undertake neither watches nor marches and would spend nothing, because those duties had of course been removed from them.

§ 50. At an earlier time also, when he measured grain to the soldiers on the second day after the new moon, in the first month he passed over three days, in the next five, and proceeded in this manner until he reached thirty. Those who in our time made a military month of five or seven weeks have imitated this.

§ 51. Charidemus of Oreus, holding certain places in Aeolis, when Artabazus was bringing an army against him, lacked money to be paid to the soldiers. At first they contributed something. Soon they said that they possessed nothing more. But Charidemus ordered the inhabitants of the place which he judged richest to send elsewhere any coins or costly vessels they possessed, saying that he would add escorts. It was manifest that he was doing this very thing.

Accordingly, when they trusted him, once they had been led not far outside the city he searched them for anything they possessed, took as many things as he needed, and led them back to the same place. He also proclaimed through a herald that no one in that city subject to his dominion should possess weapons in his house; whoever possessed them was to pay a stated sum of silver. But immediately he himself neglected the matter and showed no concern for it. The men, judging that the proclamation had been made rashly, retained in its place what each had possessed before. But Charidemus, suddenly searching their houses, exacted the established fine from those with whom he found any weapon.

The first had been plunder, the second fraud. For a law ought not to be enacted so that a fine may be imposed upon transgressors. Our princes could collect plentiful money daily in this way, for their laws are generally neglected. Accordingly, if those who violate sumptuary laws concerning meals or clothing were secretly noted, and penalties were exacted when they thought everything safe, the treasury would be increased with great advantage. But it does not belong to a good prince to place laws like snares and traps for his subjects.

§ 52. A certain Philoxenus, a Macedonian satrap in Caria, when in want of money, showed that he was going to celebrate the Dionysia. He enrolled the wealthiest inhabitants of Caria to furnish the choruses, prescribing the things to be prepared by them. Seeing that they were burdened, he suborned certain men to ask what they would give to obtain exemption from the office. They promised that they would give even more than they appeared likely to spend, so that they would not be interrupted and drawn away from their business. When he had received what they gave, he enrolled others until he received from these also what he wished; thus he received something from each.

This mockery was indeed shameful, but nevertheless profitable and customary in another sphere, when those who desire in every way to avoid military service are summoned to it and therefore buy exemption at any price.

§ 53. Euaeses also added avarice and mockery to cruelty. This Syrian satrap in Egypt, when he perceived that the governors of the provinces wished to revolt from him, summoned them to the palace and hanged them all. He ordered their households and relatives to be told that they were being kept in custody. Each therefore labored for his own man and wished to redeem the captive with money. After bargaining over each and receiving the amount agreed upon, he returned each man dead.

§ 54. Cleomenes, the Alexandrian satrap in Egypt, when there was a great famine in other places but a moderate one in Egypt, prohibited permission to export grain. The governors of the provinces said that they could not pay tribute unless it were lawful to export grain. Then he permitted exportation but imposed a great tax upon the grain. It therefore happened that, although not much grain was exported, a great tax was received and the governors were deprived of the pretext which they had put forward.

[Printed page 672]

When famine pressed Egypt, he rightly prohibited the exportation of grain; but when tribute was refused, he found a method by which there would be no pretext for refusing, and nevertheless little grain would be exported.

§ 55. What he determined concerning crocodiles was ridiculous. When at one time he was passing by ship through the province in which the crocodile was regarded as a god, one of his boys was seized by a crocodile. Then, summoning the priests, he showed that, since he had first been injured, he wished to avenge himself upon the crocodiles responsible for it, and gave orders that they be captured. But the priests, lest their god be despised, gathered as much gold as they could and gave it to him.

§ 56. But what he next did was malicious. King Alexander had given him commands to found a city at Pharos and to transfer there the market for merchandise from Canopus. He himself then approached Canopus by ship and showed the priests and wealthy men in that place that he had come for the purpose of transferring them elsewhere. The priests and citizens gave him money which they had contributed so that he would leave the market among them. After receiving it, he departed at that time. Later, when everything had been prepared for building, he again approached Canopus by ship and demanded a vast quantity of money from them, for the difference between having the market there and elsewhere was now so great. When they affirmed that they could by no means pay so much, he transferred them.

§ 57. He nevertheless ingeniously circumvented an unfaithful trader. After sending a certain man away to make a purchase, when he perceived that the man had found cheap goods and wished to enter as expenditure a greater price, he told the man's associates that he had heard that their friend had bought merchandise at an excessively high price and that he would therefore not approve it. At the same time, with feigned anger, he attacked the man's idleness. Upon hearing this, they said that he ought not to trust those who said something against an absent man until he returned and rendered his account in his presence. When he returned, they related to him what they had learned from Cleomenes. Wishing to demonstrate everything both to his own associates and to Cleomenes, he reported the price which he had expended in trading.

§ 58. The following was similar. When grain sold in that region for ten denarii, he summoned those who made profit by selling grain and asked how much they wished to receive from him. When they said that they would give it to him for less than to other merchants, he ordered grain to be delivered to him at the same price as to others; but he himself fixed the price of grain at thirty-two denarii and sold it for that amount.

§ 59. Summoning the priests, he said that very unequal expenses were made upon sacrifices in that region, and that therefore the number both of shrines and priests ought to be diminished. The priests gave him both their private and public sacred monies, judging that he would truly do what he said, since each wished his own shrine to be safe and himself to remain a priest.

§ 60. Antimenes of Rhodes, after Alexander had entrusted to him the oversight of the roads around Babylon, obtained an abundance of money in the following manner. There was an ancient law in the region of Babylonia that a tenth part

of the things imported had to be paid. No one had used it for a long time. But he observed the time when the arrival of all the satraps was expected, and likewise of soldiers and not a few ambassadors, as well as craftsmen summoned and bringing others, and men traveling in a private capacity, at which time many gifts also were customarily brought. He then exacted the tenth according to the law which existed.

§ 61. Again suffering from want, he ordered that the names of the slaves in the camps be registered by those who wished, and that they be valued at whatever amount seemed proper; they were to pay him eight denarii for each for one year. If anyone's slave fled, he promised that the slave's price would be restored. When the names of many slaves had therefore been registered, no small amount of silver was raised. But if any slave fled, he ordered the satrap into whose territory it had come either to arrange its return to the camp or to pay its price to the owner.

§ 62. Ophellas of Corinth, after a procurator of the province of Athridis had been appointed, when the governors of that place's districts approached him and promised that they would pay much more tribute and asked that he remove the appointed procurator, asked whether they could fulfill their promise. When they affirmed that they could, he did not remove the procurator from his place, but ordered the tributes which they had submitted according to their own valuation to be exacted. Thus he seemed neither to detract honor from the man appointed by him nor to impose greater tribute upon the governors than they themselves had established, while manifold money came to him.

§ 63. Pythocles of Athens gave the Athenians counsel that the state should receive Tyrian lead from private persons at the price for which it sold, namely two denarii, and that the city should then sell it at the established price of six denarii.

That fraud belongs to forbidden monopoly; for the state ought not to trade in such a way that private persons are compelled to buy.

§ 64. Chabrias, having compelled a number of men sufficient for 120 ships to assemble, although he needed no more than sixty, ordered the remainder to pay two months' wages to those who were in the sixty ships or themselves to sail. Desiring to remain with their own affairs, they gave what he had commanded. Antimenes ordered the supplies customarily stored for the royal roads to be furnished by the satraps according to the law of that region. Whenever either the army or another multitude suffered want in the king's absence, he sold some of the supplies that had been stored for a little less than half price.

§ 65. Cleomenes defrauded the soldiers of one month. When the new moon approached and pay was to be given to the soldiers, he deliberately arrived by ship. Then, when the month departed, he sailed away after paying the wages. Afterward, in the following month, he deferred payment until the next new moon. Because the soldiers had received their pay a little before, they remained quiet. Thus, by passing over one month in a year, he withheld one month's pay from the soldiers.

§ 66. Stabellius, when he owed the soldiers pay, summoned the commanders and said that he had absolutely no need of them personally; and that whenever he needed soldiers, if he gave each of them silver, they could thus be sent away to hire foreign soldiers. He said that he would more willingly give them the wages which he was compelled to pay to the soldiers. He therefore ordered each to dismiss his men, so that they would depart from that region company by company. The commanders, judging that they would make some profit from the affair, dismissed the soldiers as Stabellius had commanded. After a short interval, when they had assembled, he said that neither a flute-player without a musical company nor a commander without soldiers was of any use, and ordered them to leave that region.

§ 67. Dionysius, going around the shrines, whenever he saw a little golden or silver table set out “of Good Fortune,” ordered wine to be poured into it and commanded that it be carried away. As for statues of such a kind that they held out a bowl in an extended hand, he ordered it to be removed, saying that he accepted it. He also stripped golden cloaks and crowns from the statues, saying that he wished to give them things both lighter and more fragrant; and thus he wrapped them in a linen cloak and crowns of violets.

[Printed page 673]

CHAPTER XVII

Unjust Methods of Amassing Money

§ 1. Everything that has thus far been said about gathering wealth tends to this end: that equitable methods should be approved and inequitable ones rejected; for to grow rich through injustice is the greatest evil. Indeed, nothing is so sacred that wickedness does not violate it. Every industry which is occupied in so slippery a business easily totters and is made unjust from just. For, as I have shown, there are many exceedingly inequitable things among taxes, as in the *chrysargyron*, in the tax upon lions, and in Caligula's brothels. Nor is it sufficient to have abolished former taxes unless you refrain from imposing new ones. Anastasius indeed abolished the *chrysargyron*, but introduced the χρυσοτέλειαν, a tribute much heavier than the former one, Nicephorus, book 16, chapters 40 and 41.

And so we shall now recount other methods by which the poor and the rich are oppressed in the state.

§ 2. The first method, in addition to those already stated, consists in diminishing and increasing the public coinage--not by that ancient fraud, which was evident, but by a new and subtler one. For who imitates Hippias, or Leucon, concerning whom Polyaenus relates in book 6 of the *Stratagems* that he ordered everyone to bring coins to be struck with another design? When they had brought them, he restruck them and ordered the new coinage to be worth twice as much, and thus retained half for himself. But he inflicted loss upon the citizens, because among foreigners the coins were accepted only at their customary value; nor could an ordinance so far removed from the common valuation endure for long.

Necessity compelled the Roman state sometimes to deprive its citizens of almost half, and sometimes of precisely half, Pliny, book 33, chapter 3.

No one now attempts such things, and the attempt would be vain; for among so many minters account is taken not merely of the stamp but also of the weight and fineness. There is therefore need of an artful fraud in mingling metals in various ways.

They also gather pure silver, even through the agency of Jews, and mingle it in such a way that they sometimes make the value greater by half. Hence there are so many adulterated coins and petty coins, which are everywhere prohibited and forced upon people. Yet our Mariana, in chapter 22 of his book *On Weights and Measures*, says that the kings of Castile imitated the Romans. And indeed I found that want of money in the treasury was the cause of so great a variety; for, in order to replenish it, kings often diminished the weight and fineness of the coin while retaining its old value. This is inequitable and should not be employed except in the harshest times of the state, especially since trade is impeded by adulterated coinage, and there is no lasting respite but only the briefest one from the value of the new money, since its weight or fineness is soon diminished as well. We observe that this has happened in every age and among every nation.

But, to speak about the coinages of our own people, many laws enacted against continual frauds do not so much prevent them as reveal that they are evil. Nor perhaps do they accomplish anything else than that one may very freely censure certain magnates' ἀδόκιμα τέχνα (*disapproved devices*). Concerning these matters there were laws of the diets at Frankfurt in the year 1442; at Augsburg in 1512; at the same place in 1500; at Cologne in 1512; at Worms in 1511; at Nuremberg in 1521; at Speyer in 1526; at the same place in 1529; at Augsburg in 1530; at Regensburg in 1532; at the same place in 1555, and in 1559 and 1566 and 1582; at Speyer in 1570, and in 1570. The following are approximately the points worthy of notice:

1. In the Golden Bull, the right of striking coinage is granted to the king of Bohemia and the electors.

2. In the year 1442, Frederick III at Frankfurt ordered only gold coin of one weight to be struck. He ordered silver coin to be struck correctly, and imposed penalties upon those who acted otherwise or received such coins.

3. In the year 1500 it was decreed that a fixed and constant system of coinage should be instituted at Nuremberg, and that meanwhile all mints should cease working.

4. In the year 1512 it was decreed that neighboring peoples should strike coinage of the same kind.

5. Since great frauds were committed in striking *Batzen*, and bad coins were mingled with good, it was decreed at Nuremberg in the year 1524 that no new ones should be struck before a system of coinage had been established.

6. In the year 1551 many things were rightly established at Augsburg, and the values of the coins were defined.

7. Those who possess the right of coinage are not to entrust the mints to others.

8. The adulteration of coinage is prohibited under penalty of being burned alive.

9. After various delays, a system of coinage was at last established by Ferdinand in the year 1559, by which precautions are taken against all frauds. Yet they remain in practice even today, so that there is now need only of penalties to restrain subtle thefts.

§ 3. Allied to this is the fraud and wickedness of usurers. This has been an ancient evil of the state, and is now a very great one; it rages most freely under the name of profit ceasing, loss arising, and the cloak of money-changing.

It must, however, be established that all usury, when

> Coin begets coin through interest,

is illicit. Yet the purchase of an annuity is not usury; for the ownership of the money is transferred to another, and the right to an annual return is received. A loan for consumption, however, exists when the right of demanding repayment of the sum remains with the lender; whatever is exacted on account of it is theft. Something may nevertheless be exacted when a loss arises from a benevolent concession made to another--a true loss which cannot be met in another way. Or it may be exacted if a true and legitimate profit, which the person was about to make, ceases. For no one is bound to care for another's advantages to his own detriment; and here there remains that equality and justice which does not wish what is profitable to another to be injurious to me.

§ 4. Usury is altogether forbidden in Exodus 22, Deuteronomy 25, Leviticus 25:3, Psalm 15:5, and Ezekiel 18:17. In canon law, 14, question 3, and question 4, *If Any Cleric*, usury does not consist in money alone but in every kind of thing, 14, question 3, *They Think*; even in commerce itself, 14, question 3, *Of the Canons*. Whether one lends at interest through oneself or through another, let those who practice usury through Jews not think themselves less disgraceful. Finally, it is forbidden to everyone. A clerical usurer is not to be admitted to orders, distinction 33, *A Husband*, and distinction 46, *Seditious Men*, and throughout distinction 47. If he possesses orders, he is to be deposed, distinction 47, *A Bishop*, and what follows. Indeed, to accept a loan at usury is not free from crime except in a time of necessity, distinction 83, *He Errs*; 24, question 3, *Not to Be Inflicted*; 26, question 1, *He Who*. Finally, one who has received usuries does not truly repent unless he restores the usuries. One who denies this is judged a heretic, chapter *It Has Determined*, chapter *Upon*.

[Printed page 674]

§ 5. They are also prohibited by the civil laws, concerning which the very learned Gregory Tolosanus should be consulted in his *Syntagma of Universal Law*, as should others--a matter which I do not think I must debate. For not many now defend usuries, but more practice them.

> Thus, among so many thousands of thieves and embezzlers, you would scarcely find one who approves the deed:
>
> But they approve the better and follow the worse.

I must therefore admonish the prince to abolish them. The first reason is his office; for he ought to prevent brigandage, robbery, theft, calumnies, and the wrongs of tribunals, and therefore also the thefts of usury. The Romans punished a moneylender more severely than a thief, for they condemned the latter to twice the amount, but the former to four times the amount. From this cause, therefore, the prince will justly collect money; for if he condemns Jews and Judaizers to fourfold restitution, money cannot fail him. The vices of the times will make him rich.

From this it is evident that those princes and cities which thus protect Jews or Christian usurers, and permit subjects to be oppressed so that Jews have easy access to them and are managers of their financial affairs, bind themselves by a grave crime. Indeed, they are liable for the losses contracted through their neglect. This obligation of office therefore arises from the nature of princely rule, but much more in Germany. For all magistrates have been commanded not to permit moneylenders. In the year 1500 at the Diet of Augsburg, Maximilian issued the following decree with the consent of all the Estates, in the section *Concerning Usurious Contracts*:

> Since, moreover, through usurious and other dangerous and unbecoming contracts which, as we have learned, Christians and Jews have hitherto practiced, great losses have been inflicted upon provinces and peoples, we establish, ordain, and will, seriously commanding all Estates of the Empire, that they prohibit contracts of this kind--usurious and dangerous--within their duchies, provinces, dominions, territories, and everywhere else, under an appropriate penalty, and that they also punish violators seriously. By these presents we likewise command ecclesiastical and secular judges, arbiters, and benches of judges that, if usurious, unsuitable, and dangerous contracts of this kind are brought before them, they adjudge and declare them invalid, void, and in no way binding, and permit or assist no execution of them.

Nor can an excuse be advanced: in the year 1530 everything is repeated in the same words, the enormity of the crime is demonstrated, and this is added:

> Since we have learned that manifold usurious contracts, not only immoderate but also contrary to the Christian religion, have been conducted and are still being conducted in the Holy Empire against divine and civil laws--as when eight hundred florins are lent, a sum of one thousand florins is entered in the instruments of annuity, and thus they pay more than five per hundred; while others, for the delay of a short time, receive immoderate interest, increase the sum, and change the contract.

These provisions, then established and renewed in the years 1532 and 1548, did not have sufficient strength to remove so great a wrong; for in the year 1576 the same complaint remains:

> The laws have not been observed; the common people have for a long time, by inequitable contracts and dealings in usury, contrary to divine and imperial laws, and especially in contempt of the political order, been reduced, distressed, and driven in many ways to extreme poverty.

The same things were again inculcated in the year 1577, so that no magistrate can excuse himself.

The second evil is sedition born of poverty and the weakness of princes. For although bodies are firm and full of nourishment, if the feet are weakened by gout or for another reason, we cannot stand. In the same way the state is weak when the people lie oppressed by usuries. When the people withdrew to the Sacred Mount, the state was weak; if it had had even a trifling enemy, its dominion would have been finished. But the cause of the secession was that the people were exhausted by the robberies of usurers and one part of the citizen body oppressed another. Many examples are readily available, nor do we lack examples from our own day. I shall touch upon the matter briefly; let the magistrate weigh it according to its own importance.

In the Roman Empire there are free cities and princes. The free cities are not only afflicted by the wrongs of usurers, but have citizens so disposed that, if they did not fear the emperor, they would either cast out the Jews, the Christian usurers, and those magnates whom they regard as their patrons, or even deprive them of life if there were an instigator. And although the people would do this neither in orderly fashion nor by any right, the magistrate would nevertheless

be judged to have given the occasion by not restraining usuries--indeed, by urging their execution against divine and human laws and against so many laws of the imperial diets. Nor are those princes safe whom they know to receive money from Jews in return for protection, and especially those whose treasurers are seen to be intimate with those usurers.

§ 6. When usuries are approved, this occurs by reason of some legitimate contract, but not by reason of a loan for consumption; when they are permitted, this occurs in order to avoid greater evils. Thus Tolosanus, book 22, chapter 3, §20:

> Moreover, throughout all law we find that usuries have sometimes been permitted in certain matters, causes, persons, and methods of doing business. Yet for that reason it is not proper to say that they have been approved, just as God permitted divorce to the Jews because of their stiff neck, but did not approve it. For the wickedness of men is so great that it cannot be so thoroughly amended or purged by the lawgiver that some dross does not perpetually remain; or, if he wishes to remove it altogether, he cannot do so without its degenerating into a worse vice. In this danger the worse evil must be avoided and shunned.

In this way, in the matter of usuries, if they are altogether forbidden, the worst avarice and cruelty, or mercilessness, of the rich causes them to prefer to consign their coins in a chest to rust rather than to aid the needy without charge; or, if they lend without charge, they demand repayment so savagely that they harass their debtors with every kind of unrest. Consequently, a certain manner of lending at interest has been permitted because of the obstinacy of creditors and in order to assist the poverty of debtors. We therefore consider, in the permission of usuries, the things, the persons, and the assessment. The things in which usuries are said to be permitted are comprised in these verses:

> Fiefs, a surety, for a dowry, stipends of the clergy;
>
> The sale of fruits, one whom you would wish to suffer loss by law;
>
> A seller under uncertainty, one paying the price after a time;
>
> A penalty, and not in fraud, a forfeiture clause, one giving without charge;
>
> Partners, pomp: in these ways more than the principal is given.

All these things are explained and proved at length by the gloss and by Henry Bohic, on chapter *A Complaint*, *On Usuries*; John Faber; Angelus de Clavasio; Baldus; Fulgosius; Jason; Hostiensis; and Chassanaeus. Nevertheless, these cases do not properly pertain to a loan for consumption, and therefore neither to that illicit usury of money from such a loan, but either to just commerce and the reckoning of that which is of interest, or to a penalty, that is, to punishing the delay of debtors in a way other than by a loan for consumption.

§ 7. Remedies for so great, ancient, common, and pernicious an evil were sought long ago and established by laws; but the power of the usurers, the conflicts of others, the wars and dissensions of princes, and the poverty of certain nobles and leading men prevailed against the laws. Yet laws and penalties must nevertheless be opposed to it. First, usurers must be driven from the fatherland. This is the most efficacious method. Provision was made in the laws of the Twelve Tables that no interest should be paid except the *unciaria*, that is, the hundredth part, as Tacitus says; afterward the rate returned to the two-hundredth, the half-*unciaria*.

[Printed page 675]

Afterward it was entirely forbidden, and it was resisted by many decrees of the Senate. The hundredth was regarded as the highest rate, because on each Kalends a hundredth part of the principal sum was given--that is, the whole in one hundred months. But if ἀνατοκισμός occurred, so that unpaid usuries were reckoned into the principal, the principal sum would be recovered much more quickly. But this is a matter which scarcely admits moderation: the evil must be cut out. And so I judge that the Jews must either be expelled or occupied in other matters, and that they must not be permitted to receive even the smallest interest. But I myself think that the Jews must be expelled; nor am I moved by

the fact that many princes retain them, because many have most justly expelled them. I therefore do no injury to those who retain them, because those who judge that they should be retained do not offend those who have dismissed them.

The reasons are many and grave.

1. Those whose one and only pursuit is to live from thefts, robberies, frauds, and impostures, and who have no manner of living honestly--or can have none while that condition of the state remains--must be cast and driven out from the entrails of the state as poison and plagues. But the Jews are such persons; therefore they must be removed from the state. The major premise is most true and is denied by no one, except when a greater danger arises from their exile, as if they should be so strong in multitude and power that they could stir up sedition or war. But here that danger is so far from existing that the prince, whoever should expel the Jews, would attain the greatest glory, and the people would carry him in their eyes and hands. Experience teaches the minor premise. For, first, they persecute Christians with so bitter a hatred that, in whatever matter they can, they are detrimental to them. Next, they judge it lawful for themselves to circumvent Christians with every kind of fraud; and although they sometimes benefit them, they nevertheless do this so that they may harm them more grievously, just as condemned spirits also offer certain apparent advantages to most wretched men so that they may cast them headlong into true destruction. Third, the ability to live honestly or to make a profit from lawful work is denied them in Germany. They cultivate neither fields nor vineyards; they practice no crafts; they do not trade. What, then, remains except frauds? Hence they are intent upon every opportunity for defrauding; and, as Johannes Pfefferkorn says, “They examine everything and, like dogs, smell out profit from anything whatsoever.” Johannes Pfefferkorn, who had dealings with them, sets forth their methods and practices; he not only saw them but also practiced them.

2. Those who by their own wickedness are the objects of the greatest hatred among everyone, and who also make their princely protectors hated if they furnish protection to their contracts, must be cast out. The experience of every age has taught that the Jews are such. Nor are the present examples different: the most renowned cities have risen against the Jews. Nor was the magistrate safe except through fear of Caesar. When that fear is removed through civil wars and other occasions, the Jews are in the most immediate danger not only of their fortunes but also of their lives. Indeed, a hard necessity falls upon the magistrate either to abandon them contrary to the agreements made, or to defend them against every hatred. If therefore he is wise, he will promptly drive out public usurers; he will restore to their true owners those of their goods which consist of usuries, and will retain the rest for himself as belonging to the fisc. For theft is punished by restoration and confiscation.

3. Further, the reason why that plague is retained to so great a detriment of the state can be threefold: (1) the advantage of princes and of the treasury, because the Jews are burdened with taxes; (2) the advantage of subjects, because they have need of borrowed money; (3) the advantage of the Jews themselves, so that they may be converted to the true religion.

But princes are deceived in every reason. For, first, if the Jews and moneylenders were absent, the citizens could contribute more assistance; for even that which the Jews contribute now comes from the injury of citizens whom they exhaust by deceit and fraud, and the citizens are compelled in addition to support and enrich the Jews themselves. For what city is there which would not willingly furnish twice the amount that the Jews pay to the fisc, if the magistrate were to expel the Jews? It therefore does not pertain to the public advantage to nourish those cunning thieves so that, when they have contributed ten gold pieces, they may steal a thousand--and in a thousand ways. This, therefore, is an enormous error of government: to connive at the robberies of public moneylenders, that is, at weekly, monthly, and annual returns, and by this method to extort their fortunes from subjects so that they pass into the possession of the moneylenders and the treasury is sprinkled with some portion. Let all things pass away, I say, as formerly at Rome. And what Gregory Tolosanus warns is most true: “Thus the mercilessness of the rich rages, interest is piled upon interest and profit upon profit, so that, if the matter were conducted at the discretion of the moneylenders, it would soon come about that all resources and inheritances, and the persons themselves, would pass into their ownership.” Hence prudent men, not estimating their own advantages but judging truly concerning these men, were severe toward

moneylenders. Agis, an Athenian leader, burned their account-books, Alexander ab Alexandro, book 1 of *Genial Days*. Oh, would that we now had many men like him! Gaul was more severe: it formerly expelled the Jews from the boundaries of the kingdom and cut off the thieving right hands of monstrous moneylenders. Cato expelled all usurers from Sardinia, Livy, book 32. I certainly cannot in any way disapprove the opinion of those jurists who judge that usurers should be punished criminally; thus Molinaeus, *On Usuries*, number 156, and others. I would not wish their condition to be better than that of a manifest thief. The injury is the same, except that this one assumes the appearance of law. A poisoner is punished more severely than a robber; why, then, are artful thieves retained? Nor is it sufficient that all usurers and their assistants are infamous, for they think that infamy is well compensated by riches. Now

> Very great honor comes from gold.

Through the people and reputation they gather coins, and they applaud themselves when they contemplate them in the chest.

Therefore not even those who receive money at a lower rate of return and then place it with the Jews at a higher rate provide for their treasury. For there are said to be Christians whose brokers and retailers of usuries are Jews. They receive money from Christians under a lawful rate and security, five per hundred each year; then they place the same money with Jews and receive eight or ten, while the Jews also claim their own small profit for themselves, so that fifteen or twenty per hundred are often given. Yet they do not thus escape infamy, for the Jews openly and clearly confess that the monies belong to Christians and that they themselves are only administrators of the usuries. Those men do not provide for their own treasury, because they oppress cities and gather hatreds, although they could make more profit through honorable commerce. Nor is their method dissimilar to that which belonged to the emperor Tiberius. He appointed needy, cunning, avaricious, and rapacious governors, whom he afterward slaughtered when they had grown rich with the spoils of provincials, and he brought the spoils into the fisc. In this affair he long remained concealed at first as a just and severe emperor; but when the fraud had been perceived and people saw that everything returned to Tiberius, they said that he used governors like sponges: he sent them dry into the resources of the provinces and squeezed them when full. In the same way, certain men of our Germany freely permit Laverna's men and rapacious raiders--the Jews--to range about, and afterward squeeze those same men in order to furnish the treasury with unjust wealth.

[Printed page 676]

The second reason, that they provide for the necessities of the poor, is not merely false but plainly contrary to the truth. For the poor are overthrown together with all the goods which remain to them. Nor do I hesitate to affirm that every year in Germany several thousand citizens are exhausted by interest, and that this evil is greater than if some notable city were destroyed each year. For now they are gradually consumed, as if by a fever. Lucullus removed usury from Asia because he saw that a most fertile province was about to be reduced to the possession of a few. How, therefore, is that useful to subjects by which there is introduced

> Poverty prone to crime?

More than one hundred thousand Jews in Germany harass Christians with every kind of fraud. Among them there is scarcely anyone who does not reduce someone to extremity; and though a particular person may not do so, many nevertheless afflict several persons. Therefore one hundred thousand are circumvented by them. How, then, are the poor provided for through the Jews?

How was the payment of interest useful to Otto, when he publicly confessed that he could not stand unless he were prince, and that it made no difference whether he fell in battle under the enemy or in the forum under his creditors?

But the savagery of the ancients did not equal the monstrousness with which the marrow of Christians is sucked out today. Hence those complaints of many: the Jews therefore lend at interest because no one offers gifts to princes so that they may prohibit this crime. Julius Clarus, *Received Opinions*, book 5, § *Usury*, number 7. Covarruvias, book 3,

chapter 1, number 8, should also be consulted. This too is the opinion of the canons: the resources of Christians are exhausted through the usuries of the Jews.

The third cause was that they might be converted to the faith. But by this method they are rendered most obstinate. There are three causes of this.

The first is hatred, which separates the human race and excites wars and quarrels. This endures perpetually between Christians and Jews because its cause is not removed. The cause of hatred among the Jews is that they hate Christ above all things and curse him each day; next, because they see that they are hated by Christians. But it is natural to hate one's enemies. And every day that fire is kindled by new torches, since they are received and harassed by Christians with scoffs, jeers, and abuse. Nor do the hatreds of Christians cease. For when every day they see before their eyes men exulting, grown sleek from the spoils of the poor, and gaping after their own possessions, they can no more love them than a lamb loves a wolf or a dove a hawk. And so Christians do not speak of their conversion, nor do the Jews endure hearing of it. If they are exercised by other labors, both they themselves will return to a sound mind and Christians will attend them with mercy.

The second cause is that now, by the permission or connivance of princes, they have the crimes of lending at interest, deceiving, and plundering unpunished. Indeed, the greater the hatred and the opinion of wickedness in which they are held among Christians, the more they glory among their own people. Just as that soldier is most pleasing to the emperor and his fellow-soldiers who harms the enemy most, from this comes that most atrocious deed which histories relate concerning the capture of Jerusalem: that Jews bought Christian slaves from the victors, not for use and service, but so that they might delight themselves with the most cruel pleasure in torturing them and killing them by a lingering death. Hence their monstrous cruelty toward Christian boys, when in the year 1236 at Fulda, in 1380 at Hall in Swabia, in 1429 at Ravensburg, in 1475 at Trent, and at other times elsewhere, they cut innocent boys with many small wounds, so that they might show that their hatred was not directed against our vices, which are surpassed by their crimes, but against our race and religion. Although Christian princes do not tolerate these things, other acts are nevertheless not punished when, by lingering hunger and shameful wasting, they kill not only the poor but even noble families. Reputation, disgrace, separation, and excommunication at least recall a Christian from a public crime; all these things incite the Jews to daring, and they even rejoice that the crimes of lending at interest are in public view, because they see that the crimes bring them glory among wicked men.

The third cause is the gravest of all. If it were removed, a great multitude of them would receive the Christian rites: namely, the restitution of ill-gotten goods. Neither baptism nor religion permits the retention of things belonging to others. "If I have defrauded anyone of anything, I restore fourfold," says the converted Zacchaeus. It therefore seems a hard condition to the Jews to surrender the treasures which they have amassed either in great part or altogether through injustice. If they gained everything by lawful works, after receiving the religion they would retain their own possessions, and only unbelief would have to be put off; but now the wealth on account of which many fall away from faith and piety must be cast aside. Here, therefore, is the hindrance which holds back a great part of them. Those who permit this consequently bind them with more chains of unbelief and obstinacy. For the Church cannot concede that they need not restore what was taken away, because this is God's commandment.

Alexander III truly says to the bishop of Palermo, in the appendix to the Third Lateran Council, part 16, § *On Usuries*, chapter 1:

> Concerning what your discretion has asked of us--whether a dispensation can be made in receiving money at usury, so that the poor who are held in Saracen captivity may be freed by means of that same money--we have judged that you should be answered by the present letter that, since the page of each Testament detests the crime of usuries, we have not seen that any dispensation should be admitted in this matter. For, since Holy Scripture prohibits even lying for the life of another, much more must it be prohibited that anyone should become involved in the crime of usuries in redeeming the life of a captive.

In the same way, the Council of Basel, session 19, nevertheless permits a Jew in favor of conversion to retain goods whose owner is uncertain, when in good faith he does not know to whom they are to be restored:

> If any of them wishes to be converted to the Catholic faith, let whatever movable and immovable goods he possesses remain intact and undisturbed for him. But if goods of this kind were acquired from usury or illicit gain, and the persons to whom restitution ought by law to be made are known--because the sin is not forgiven unless what was taken is restored--they must altogether be restored to those persons. But if those persons do not exist, because such goods would have to be converted to pious uses through the hands of the Church, this holy synod, acting in the place of the universal Church, grants in favor of the baptism received that they ought to remain with those persons as for a pious use. Under penalty of divine anathema, it forbids both ecclesiastical and secular persons to inflict any disturbance upon them in these matters under any pretext sought, or to permit it to be inflicted; rather, let them judge that they have made a great gain when such persons have been gained for Christ. And since it is written, "Whoever has the substance of this world and sees his brother have need, and closes his bowels to him, how does the love of God remain in him?" if at the time of their conversion they are poor or needy, through the bowels of the mercy of our God this holy synod exhorts everyone, both ecclesiastical and secular, to extend helping hands to the converts.
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> *[Printed page 677]*
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> Let the diocesan bishops themselves also not only exhort Christians to assist them, but, as they are able, let them not neglect to support neophytes of this kind both from the revenues of churches and from those things which devolve upon them to be converted to the uses of the poor; and let them defend the converts with paternal affection from disparagements and insults. And since through the grace of baptism they are made fellow citizens of the saints and members of the household of God, and it is far more worthy to be regenerated by the spirit than to be born by the flesh, by this edictal law we establish that they enjoy the privileges, liberties, and immunities of the cities and places in which they are regenerated by sacred baptism which others obtain solely by reason of birth and origin. Furthermore, let the priests who baptize them, and those who receive them from the sacred font, diligently instruct them both before and after baptism in the articles of the faith, the precepts of the new law, and the rites of the Catholic Church.

§ 8. I shall add what the holy canons further establish in this practice, for the sake of magnates and those who serve them as counselors.

1. No one can without crime compel anyone to pay usuries. The reason is natural: because, when no legitimate cause has been given, I am not bound to deliver to another what is mine. The ecclesiastical law is as follows, in the appendix to the Third Lateran Council, part 16, chapter 4. Alexander III says:

> Debtors ought not to be compelled to pay the usuries by which they had bound themselves, unless they are bound by an oath to pay them. But if they have made an oath concerning their payment, they must be compelled to fulfill their oath to the Lord, so that they may be released by their creditors; and when the usuries have been paid, the creditors, if necessary, must be compelled by ecclesiastical severity to restore them.

And chapter 15:

> Since, as you assert, you have ordered manifest usurers--that is, those who died in that sin--to be deprived of communion at the altar and ecclesiastical burial, in accordance with our decree recently promulgated in the Council, until they restore what they wickedly received, some of them say that their own resources are insufficient to pay the usuries received. Others promise that they will restore the portions of the usuries which they have at hand, but declare that they cannot restore other usuries which they extorted, since possessions were acquired from them and delivered to their sons or parents. Others, in order to make excuses for excuses in sins, imprudently affirm that only those usuries which were received after our prohibition must be restored, and that no one should be compelled to pay the usuries which he received before the prohibition. Concerning these matters we answer your discretion that, whether they received usuries before or after our prohibition, they must be compelled, under the

> penalty which we established in the Council, to restore them to those from whom they extorted them or to their heirs; or, if these do not survive, to distribute them to the poor, provided that they possess the resources from which they can restore them, since, according to the word of blessed Augustine, the sin is not forgiven unless what was taken away is restored. But those who do not possess resources from which they can restore the usuries ought not to be punished with that penalty, since their known poverty excuses them. Possessions which were acquired from usuries must, however, be sold, and the prices themselves restored to those from whom the usuries were extorted, so that they may thus be freed not only from that penalty but also from the sin which they incurred through the extortion of usuries.

And chapter 6, to the bishop of Winchester:

> Concerning the matter upon which you wished to consult us--whether a cleric should be compelled to pay usuries to a creditor--we answer your prudence in this manner: since it is dangerous for all the faithful of God to receive usuries, no Christian is to be compelled to pay them unless he is bound by oath or pledged faith to pay them; rather, creditors ought to be restrained from exacting usuries by an ecclesiastical sentence.

Finally, more extensively, to the archbishop of Canterbury:

> You should know that it has come to our hearing that, when Peter of Ursiton, during the war which occurred between our dearest son Henry, the illustrious king of the English, and his sons, had lent a fixed sum of money to certain men for the protection of the kingdom of the Franks, he received from them certain possessions and revenues as a pledge. He also bound them to himself by the sanctity of an oath that they would inflict no disturbance or burden upon him concerning those possessions and revenues until they paid him the money lent. Although the aforesaid Peter, as he asserts, has not yet received his principal from those possessions and revenues after expenses have been deducted, nevertheless, brother archbishop, because you bound him with the bond of excommunication on this account, we are consequently compelled to direct our letters to you, especially since he himself, as he asserts, perhaps wishes to be content. Hence it is that, in answer to your consultation, etc., after receiving sufficient security from the aforesaid P. that he ought thereafter to obey your command, you are, by our authority, to absolve him completely from the sentence under which he is held, all contradiction and appeal ceasing. Then, if it is so, you are by ecclesiastical censure to compel the debtors, who are said to have taken the aforesaid possessions and revenues from him contrary to their oath, to restore those possessions and revenues to the said Peter, all appeal ceasing; and they are thereafter to inflict no disturbance upon him contrary to their oath until the money is paid to him. For it is not safe for anyone, but rather dangerous, to violate the sanctity of an oath. But when they have paid the aforesaid P. his money, as they swore, you are to take care diligently to admonish and induce him to restore whatever it is established that, after expenses have been deducted, he received beyond the principal. If, when admonished, he does not do this, you are to return him to the same sentence of excommunication, the obstacle of appeal being removed; for just as it is dangerous for debtors to violate their oath, so it is no less dangerous for creditors to retain what they have received as usuries, since the crime of usuries is most detestable and horrible and condemned by the page of each Testament.

It is most certain that these penalties apply to magistrates and states which compel usuries to be paid. Indeed, the magistrates themselves are bound to restitution. For whoever, contrary to my law, gives what is mine to another, or by his power defends another from being compelled to restore it, is liable to compensate the loss. But princes have been commanded not to permit Christians to be burdened, by the civil laws and by the command of the entire Church. The Lateran Council under Innocent III, chapter 67:

> The more the Christian religion is restrained from the exaction of usuries, the more grievously the perfidy of the Jews grows strong in these matters, so that in a short time they exhaust the resources of Christians. Wishing therefore in this respect to provide for Christians, lest they be monstrously burdened by Jews, we establish by synodal decree that, if henceforth under any pretext Jews extort grave and immoderate usuries from Christians, Christian participation is to be withdrawn from them until they have made suitable satisfaction for the immoderate burden. Christians also, if necessary, are to be compelled by ecclesiastical censure, all appeal set aside, to abstain

from commerce with them.

But we enjoin princes not to be hostile to Christians on this account, but rather to endeavor to restrain Jews from so great a burden.

And we decree that by the same penalty Jews are to be compelled to make satisfaction to churches for the tithes and offerings due which the churches were accustomed to receive from Christians from houses and other possessions before they passed to Jews under any title, so that the churches may thus be preserved unharmed.

[Printed page 678]

This command is also repeated in the Council of Vienne under Clement IV:

Adding that, if henceforth under any pretext Jews extort grave or immoderate usuries from Christians, Christian participation is to be withdrawn from them until they have made suitable satisfaction for the immoderate burden. Hence Christians, if necessary, are to be compelled by ecclesiastical censure to abstain from commerce with them. But we enjoin princes not to be hostile to Christians on this account, but rather to endeavor to restrain Jews from so great a burden. If, however, the Sacrament of the altar happens to be carried before their houses, upon hearing the preceding sound the Jews themselves are to withdraw within their houses and close their windows and doors; they are also to be compelled by the prelates of the Church to do this on every day of the Parasceve. They are not to presume to dispute concerning the Catholic faith with simple persons; nor are they to dare to detain against their will the sons and wives of Jews coming to the Christian faith. They are not to entice Christians to Judaism or circumcise them by any rash attempt; nor are they to visit sick Christians or practice the works of medicine upon them. They are not to erect a new synagogue; and if they have erected any, they are to remove or take them down. If necessary, they may repair an old one, but are not to make it larger, more costly, or higher. During Lent, when Christians abstain from meat and fast, they are not openly or publicly to carry meat. We command the bishops to compel the Jews, by withdrawal of the communion of Christians, to observe every article of all these provisions. We also admonish their princes and judges more strictly not to extend the favor of any protection or defense to Jews unwilling to observe our statutes, but faithfully to execute whatever may be enjoined upon them by ecclesiastical prelates; otherwise, let them know that entry into the church and participation in divine offices are forbidden them. We also will and command under penalty of excommunication that the lord-elect of Salzburg and his suffragans, and also the bishop of Prague, possess these our constitutions sealed with our seal; that they cause them to be recited each year in episcopal synods and in the provincial council, and to be observed more diligently; and that they cause those provisions which concern the laity to be published through the parish churches of their dioceses.

But John XXII pursued all these matters even point by point in the Fourth Council of Ravenna, rubric 15:

Wishing to restrain in our province the abyss of usuries, condemned by the page of each Testament, we announce or declare, with the approval of this holy council, that all manifest usurers, until they have made full satisfaction for usuries as their resources permit, or have furnished suitable security for making satisfaction according to the strength of their resources, shall be deprived of communion at the altar and ecclesiastical burial; that their offerings ought not to be received, nor can they themselves be absolved; and that their testaments are not valid but void by the law itself. We also decree or declare that all who deliver communion at the altar and the body of Christ to usurers of this kind, or admit them to ecclesiastical burial before they have made satisfaction according to the judgment of the ordinary of the place, are suspended from the execution of their office. We add that all who absolve such usurers, admit them to communion at the altar, or participate in their testaments or burial are subject to penalties of this kind. Notaries also who knowingly compose or receive instruments concerning loans and usurious contracts, or contracts entered into in fraud of usuries, are by that very fact subject to the penalties imposed upon usurers.

Moreover, in receiving from penitent usurers the aforesaid security concerning the restoration of usuries, we will the following precaution to be employed and observed. First of all, through the confession of the usurer, his book or books of accounts, witnesses, an instrument, or some other method, let the quantity of usuries received be made

certain and manifest, if it can be--not only those which were extorted from unknown persons but also those from fixed communities and persons. If this is not possible, let the person who by force of the present constitution is to receive security of this kind assess and moderate the amount of it according to a right conscience, to be informed by report, the testimony of neighbors, or other probable conjectures.

Where, however, it does not appear through entries in the usurer's book that usuries were paid by the person seeking their restoration, if the petitioner possesses original instruments, or copies taken from the originals of the community of the city or of the place in which the debt of a loan received from the usurer was contracted, or of another obligation contracted with him or with another on his behalf, and an instrument of payment, release, or acknowledgment, payment of usuries is to be presumed and adjudged. From the loan itself or obligation, from the day on which the debt or obligation was contracted until the day on which the instrument of payment was drawn up, the usurer is to be adjudged to have extorted from him as usuries for each month as many denarii per pound as the diocesan bishop, his vicar, or penitentiary may wish to declare, if the usurer himself did not declare in the said security and state how many denarii per pound he received each month. But when no instrument or writing of payment appears, the usurer is then to be adjudged to have extorted usuries from him for six months from that loan or obligation, according to the aforesaid reckoning and assessment for each month, provided that it appears through entries in the book or by another lawful method that the loan or obligation was contracted.

When this has been done, let the usurer solemnly promise and swear to the person who, as is permitted, has received this security for the court of the ordinary of the place where the usurer resides, in the name of all whose interest it is or will be, that he himself, personally if he can, or through another or others, and in the presence of the aforesaid ordinary's vicar, his penitentiary, or another person with the court's permission, without any difficulty, will make satisfaction, up to the assessed amount--and even a greater amount if a greater is established--for the usuries received by himself, by his party, and by other persons whose inheritance has passed to him, and for other things wrongly taken and illicitly acquired through usurious wickedness, to those from whom he or they received them, or to their heirs, if they can be found. The remainder, concerning which it is not established to whom it ought to be restored, he will freely assign to the ordinary, the vicar, or the ordinary's penitentiary, to be distributed to the poor according to the ordinary's judgment, without the noise and formality of a trial.

He shall say, allege, or do nothing, personally or through another, by which the proceedings, sentences, or commands of that court may be impeded or in any way delayed concerning the restoration, in the aforesaid manner, of the usuries and things illicitly acquired; binding himself, his heirs, and his goods to the aforesaid provisions by a special compact, and expressly renouncing, specifically and generally, all exceptions, rights, and defenses according to the will and expression of the person receiving security of this kind. But for attending to these matters and making the restitution and assignment, as set forth above, let him bind all his goods, constituting himself as possessing them at sufferance in the name of the said court; granting every license and free power to that court and to the recipient of the aforesaid security on its behalf, by their own authority and notwithstanding anyone's opposition, freely and without penalty to seize, sell, and alienate from his goods whatever, how much, and wherever the court wills, until full restitution and satisfaction of the aforesaid matters.

[Printed page 679]

On their account, let him also renounce usuries, remit those promised to him, and release, return, or at least promise to return the oaths made to him for paying them, or for not recovering or demanding them back. Let him swear that, without deceit or fraud, diminution or removal, he will personally or through others give and consign to the ordinary, his vicar, or a specified messenger the books and registers of his accounts and the usurious instruments which he possesses or can possess for the same matter. Let him also assign the money which he possesses, or make a deposit, if he can, according to the judgment of the ordinary, his vicar, or his penitentiary; and we judge that this provision is to be included in the security itself.

Let him also bind his future heirs, under penalty of forfeiting the inheritance, to do the same things. If those heirs are present, let them promise and swear under penalty and under the sanctity of an oath that they will do the same.

> Furthermore, if he can, let him give pledges, or at least suitable sureties, who in the same manner and under the same penalties and terms shall bind themselves and their goods principally to the aforesaid matters, constituting themselves principal debtors in them, renouncing the epistle of the Divine Hadrian, the benefit of the new constitutions concerning sureties, and every other defense and right, according to the judgment of the recipient of that security, by a special compact, and furnishing a similar oath. We command these things to be done before the parish priest, trustworthy witnesses, and a public notary, by command of the ordinary, his vicar, or his penitentiary. The notary is to receive the aforesaid promise, obligation, renunciation, security, and the other things stated above, and draw up an instrument concerning them.
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> Finally, throughout the individual dioceses of the ordinaries, where the ordinary or vicar is not present, let the rector of the parish church in which the usurer lived receive the security itself, or, in the absence of a priest, a public notary, who shall be bound to report these matters within a month to the ordinary of the place or his vicar. But in a city let no one at all, without special permission of the ordinary, his vicar, or his penitentiary--except perhaps the parish priest when, upon the sudden occurrence of a case of death, the ordinary's attention cannot be sought for these matters--presume to involve himself in receiving that security; otherwise he shall incur the penalty of ten Ravenna pounds, not to be remitted without due satisfaction. For with respect to the aforesaid matters we declare those persons manifest usurers concerning whom there is a report throughout the parish in which they lived or where they died that they extorted usuries, or for whom this appears through their own confession, suitable proofs, or another lawful means. Let all rectors of parish churches, even if they are collegiate, possess, read, and understand the present constitution, publishing more frequently in their churches the aforesaid penalties of usurers and more cautiously avoiding their own penalties, if they desire to escape divine vengeance and ours.

Many things concerning these matters were also established in Germany. The Council of Salzburg under Bishop Eberhard in the time of Martin V established the same things and renewed the notable statute of Lord Bishop Pilgrim. Usurers, after they have been admonished by name three times by their rectors, incur by that very fact the sentence of excommunication if they do not desist within a month. Rectors and prelates of churches are bound to admonish and induce their subjects who are manifest usurers to desist from wickedness of this kind within a month and to make effective satisfaction for what they received. If they do not do so, the rectors are to announce them as excommunicated, nevertheless informing them that, if they die in this sin, they will lack ecclesiastical burial. If the rectors knowingly bury them, they likewise are by that very fact bound by the sentence of excommunication. Those are called manifest usurers concerning whom there is public voice and report, and certain indications and proofs, that they lend money at usury and receive the usuries, or by agreement or otherwise put into their own purse the fruits of the pledged property and do not reckon them toward the principal of the money lent.

It also relates and condemns a new method of lending at interest:

> We know sufficiently that usurious acts are reproved by divine and human law, and the most recent constitution of the Council of Lyon established carefully devised penalties against those who practice usuries; we do not see that anything must be added to them. But because, under a newly devised appearance of lending at interest, some persons practice usuries under the title of sale, buying a pledge for the quantity sought as a loan and selling it at the same time of redemption for a quantity increased by the amount of the usuries, we have provided that this fraud be met in the following manner. Let the constitution of Pope Gregory X of holy memory, issued against usurers in the Council of Lyon, together with these present constitutions of ours, be published in every cathedral and collegiate church, once each year in Lent, publicly before the people immediately after the Gospel has been read. Then let moneylenders of this kind, and others who practice usuries contrary to the tenor of the said Council of Lyon, and those who retain them in their own houses, be publicly announced by name as excommunicated. If the prelates of churches are negligent or remiss in this publication, which they ought to make personally and through others, and the publication itself is not made at the appointed time, we consign them to the vengeance of the eternal Judge. If a usurer who secretly practiced usuries closes his final day, and it is established by the testimony of three or two trustworthy witnesses that he practiced usuries, let no one receive him for ecclesiastical burial unless satisfaction has been made on his behalf for the usuries received. Otherwise, if the contrary is done, in addition to the penalty

> enacted against such persons in the Council of Lyon, we will that the place or church in whose cemetery the bodies of such persons were buried by the will of the prelate or chapter shall by that very fact lie under ecclesiastical interdict for as long as those bodies have not been exhumed by them.

§ 9. These laws also seem to me to aim at this result: that the Jews should be expelled altogether. For, first, those who foster their unbelief are excommunicated by the Fourth Council of Toledo and the Council of Meaux, chapter 58:

> So great is the cupidity of certain men that some, pursuing it, according to what the Apostle says, have even wandered from the faith. For until now many priests and laymen, receiving gifts from the Jews, fostered their unbelief by their protection. These men are known, not without cause, to belong to the body of Antichrist, because they act against Christ. Therefore, henceforth, whatever bishop, cleric, or secular person gives them support by gift or favor against the Christian faith, let him, as profane and sacrilegious, be struck with anathema and made a stranger to the Catholic Church and the kingdom of God; for it is fitting that one who becomes a patron of the enemies of Christ should be separated from the body of Christ.

But one who assists and defends their usuries, takes a portion from them, and compels others to pay, fosters their unbelief--if not another form of it, certainly this one by which they persuade themselves that lending at interest is lawful. For why should they regard as unlawful for themselves what they have observed to be conceded so liberally by the highest authority?

Next, the laws forbid a Christian to serve Jews, as Gregory, book 7, letters 13 and 111, and the Council of Meaux, chapter 56. Pope Gregory to Theuderic and Theudebert, kings of the Franks, and Queen Brunhilda:

> We have wondered that in your kingdom you permit Jews to possess Christian slaves. For what are all Christians except members of Christ?

And a little later:

> In this especially we ask that you show yourselves worshipers of God: that you release his faithful from his enemies.

Likewise the same Gregory to Bishop Fortunatus:

> Christian slaves who are brought in or possessed by Jews are either to be delivered to agents, or certainly sold to Christian purchasers within forty days; and when this number of days has elapsed, let them not remain among the Jews in any manner. But if any of those slaves should perhaps incur such sickness that they cannot be sold within the appointed days, care must be employed so that, when they have been restored to their former health, they are likewise sold by every means, and thus every occasion of fraud is removed, lest Christian slaves be permitted to dwell in the house of a Jew.

[Printed page 680]

Christian slaves bought by Jews are therefore to become free. Thus Constantine Flavius, Emperor Augustus:

> If any Jew buys and circumcises a Christian slave, or one of any other sect, let the slave be removed from the power of that Jew and remain in freedom.

Theodosius and Valentinian, Augusti:

> We deny Jews or pagans permission to litigate or serve in public office, since we do not wish persons of the Christian law to serve them, lest through the occasion of a master they change the sect of the venerable religion. We therefore command that all persons of that unhappy error be excluded, unless timely amendment assists them.

Likewise the same Emperors Augustus:

> By this law, which shall endure for all time, we decree that no Jew may attain honors and dignities, that the administration of civil service shall be open to none, and that none may discharge even the office of defender. For

> we do not believe it right that enemies of the supreme Majesty and of Roman laws should dare, under the appearance of any office, to harass Christians or even priests with injuries under any pretext, or presume either to condemn or adjudicate anyone under our law. Nor are they to preside over the custody of prisons, lest Christians who are sometimes shut away, as commonly happens, suffer a second prison through the hatreds of their guards. Let them not dare again to build any synagogue; for if they do, let them know that it will profit the building of the Catholic Church and that the authors of the building are to be fined fifty pounds of gold, permission being granted them only to repair the ruins of their synagogues. Any Jew who turns a slave or free person, against his will or by punishable persuasion, from the worship of the Christian religion to an impious sect or rite shall, after losing his resources, be punished capitally and consigned to the most just penalty of blood, since by perverse doctrine he attacked the faith of another. Whoever of these has crept into honors is to be regarded, as before, as belonging to the lowest condition, lest we seem to have furnished to execrable men the insulting benefit of immunity.

Childebert, king of the Franks:

> From the Lord's Supper until the first Easter, Jews are to be denied permission to walk through the streets or forum as if for the sake of insult.

These provisions too are renewed in the same Council of Meaux. Priscus, bishop of the Church of Lyon; Artemius of Sens; Remigius of Bourges; and Saint Syagrius, bishop of Autun, with many others, renewing ecclesiastical statutes, determined as follows:

> Jews are not to be appointed judges over Christian peoples or permitted to be tax collectors, through which Christians might seem--may God avert it--to be subject to them. From the Lord's Supper until the first Easter, according to the pronouncement of the lord King Childebert of good memory, Jews are to be denied permission to walk through the streets or forum as if for the sake of insult. They are to show reverence to all priests and clerics of the Lord, and they are not to presume to have a seat before priests unless ordered to do so. If they should perhaps presume to do this, let them be constrained by the judges of the places according to the person's condition. No Christian is to presume to participate in the banquets of Jews. If any cleric or secular person should presume to do this--which it is impious even to say--let whoever has been polluted by their impieties know that he is to be restrained from the fellowship of all Christians.
>
> And although it was long ago established, not only by canonical provisions but also by the benefits of the laws, what rule ought to be observed concerning Christians who, either by an incursion of captivity or by any frauds, become entangled in service to Jews, nevertheless, because the complaint of certain men has now arisen that some Jews dwelling throughout cities or towns have broken out into such insolence and wantonness that Christians, even when protesting, cannot be released from their service even at a price, therefore, by the authority of God, we decree in the present Council that henceforth no Christian ought to serve Jews. Upon payment of twelve solidi for any slave, any Christian shall have permission to redeem that slave either into free status or into service. For it is impious that those whom Christ the Lord redeemed by the shedding of his blood should remain entangled in the chains of persecutors. If any Jew is unwilling to acquiesce in what we have established, for as long as he delays accepting the established money, the slave himself shall be permitted to live with Christians wherever he wishes. We also specially decree that, if any Jew is convicted of having persuaded a Christian slave to adopt the Jewish rite, he shall both lose that slave and be punished by legal condemnation.

Third, familiarity and banquets with Jews are forbidden. Thus in the same Council the pronouncements of the ancients are recounted. Saint Alcimus Avitus, bishop of the Church of Vienne; Saint Apollinaris of the Church of Valence; Saint Gregory, bishop of the Church of Langres; and Saint Viventiolus, bishop of the Church of Lyon, assembled in the name of the Lord with twenty other bishops, enacted as follows:

> If a cleric of superior rank participates in the banquet of any heretic, he shall not possess the peace of the Church for the space of a year. If junior clerics presume to do this, they shall be beaten. Our constitution has also prohibited laymen from the banquets of Jews; and whoever has been polluted by a Jewish banquet is not to eat bread with any

of our clerics.

The same precaution is taken by the Council of Basel, session 19:

> Further renewing the sacred canons, we command both diocesan bishops and secular powers to prohibit by every means Jews or other unbelievers from possessing Christian men or women as household members or servants, or as nurses of their children; and to prohibit Christians from associating with them at their festivals, weddings, banquets, or baths, or through excessive intercourse. They are not to appoint them as physicians, public matchmakers for marriages, or mediators of other contracts; nor are they to place them over other public offices or admit them to any scholastic degrees. Estates or other ecclesiastical revenues are not to be leased to them. They are also to be prohibited, under penalty of loss of the object, from buying ecclesiastical books, chalices, crosses, and other ornaments of churches, or, under penalty of loss of the money lent, from receiving them as pledges. Under grave penalties they are also to be compelled to wear some manner of dress by which they can be plainly distinguished from Christians. In order that their excessive concentration may be avoided, they are to be compelled in some places in cities and towns to live separately from Christians, and as far as possible at a greater distance from churches. On Sundays and other solemn feast days they are not to presume to keep their shops open or to work in public.

The same provisions are established in the Council of Vienne under Clement IV.

Fourth, a distinctive dress and residence are prescribed for them, so that it may be evident that they do not belong to the state. The Council of Salzburg:

> It is not a matter of doubtful law that the Hebrew nation ought to be separated from the faithful people of the Crucified by some outward mark of distinction. Hence Guido of holy memory, cardinal priest with the title of Saint Lawrence in Lucina and legate of the most holy Apostolic See to this our province, prudently decreed and established that Jews appearing in public ought to wear a horned hat. We command those who do not wear it to be punished with a monetary fine. But we, wishing so far as lies in us to bring the good intention of the aforesaid legate into effect, command and strictly enjoin, under sentence of excommunication, all secular powers, of whatever condition and preeminence they may be and by whatever name they may be called--whether they are communities or individual presidents of a state--that, personally or through their own servants, they immediately punish with a monetary penalty, to be assessed according to their judgment, every Jew who does not wear such a hat in public, notwithstanding any condition, appeal, or frivolous excuse.

[Printed page 681]

This cannot be a matter of doubtful law, because it had already been decreed in the Lateran Council under Innocent III, chapter 68:

> In some provinces a diversity of dress distinguishes Jews or Saracens from Christians, but in certain places such confusion has grown up that they are distinguished by no difference. Hence it sometimes happens that through error Christians have intercourse with the women of Jews or Saracens, and Jews or Saracens with Christian women.

And the Council of Vienne under Clement IV:

> Likewise, since the Jews have grown to so great an insolence that the purity of Catholic holiness is already said to be defiled through them among very many Christians, we strictly command--not so much coining new provisions as renewing the ancient statutes of the Supreme Pontiff--that Jews, who ought to be distinguished in dress from Christians, resume the horned hat which some in these regions were accustomed to wear and which they have presumed to set aside through their own obstinacy, so that they may be plainly distinguished from Christians, as was formerly determined in a general Council.

The Council of Vienne prescribed a horned hat; Ravenna, according to rubric 23, prescribed that men wear a wheel of yellow color upon their outer garments and that women wear the same sign upon the head. Paul IV confined the Jews

to one part of the city and forbade them to practice usury. He willed that they wear a hat of yellow color by which they could be distinguished from the rest. Thus in his life.

I can by no means omit setting forth the most salutary statutes concerning Jews of the First Council of Milan under the most holy man Charles Borromeo:

> In order that, as far as we can, we may take from Jews the opportunity to corrupt the morals of Christians and to take their goods from them by fraud, and endeavor to lead the Jews themselves to the way of salvation, we decree, also from the ordinances of the sacred canons:
>
> That Jews, always and wherever they make a journey, shall wear--the men a hat or cap of yellow color; the women a cloth of the same color placed upon the rest of the covering of the head.
>
> That Christians are not to attend the banquets, weddings, feast days, or synagogues of Jews; nor are they to play with them or, what is more detestable, dance with Jews.
>
> That Christians cannot be in the service of Jews.
>
> That if Christians hire their labor to Jews for a day or an hour, they are not to take food among them.
>
> That Christian women cannot under any agreement be nurses of Jews in their houses; nor outside their houses unless necessity, to be approved by the ordinary, demands it.
>
> That Christians are not to summon Jews to themselves for the sake of medical treatment.
>
> That they are not to employ their services in joining marriages among themselves.
>
> That Christian women are not to employ Jews for the sake of cosmetics, pigments, or arranging their appearance.
>
> That fields or ecclesiastical estates may not be leased to Jews, nor vestments, vessels, or other sacred objects or things destined for the use of the Church be sold or given to them as pledges.
>
> That Jews are not to dwell in houses situated near a church; and if any now dwell in them, they are to be compelled to move altogether within a fixed time.
>
> That Christians are not to dare to contract with Jews on feast days, whether in the name of purchase, sale, or anything else.
>
> That during the three days before Easter Jews are not to go out in public or dare to do anything openly or secretly in contempt of the Christian religion.
>
> That Jews are not to possess any dignity or public office which can in any way concern Christians.

Let bishops, princes, and magistrates, each according to the function of his authority and after establishing more severe penalties against Christians and Jews, take care that these and the remaining provisions which are established by the sacred canons concerning the intercourse of Christians with Jews are preserved inviolate.

We also earnestly ask princes to establish in each city a fixed place where Jews may assemble to dwell separately from Christians. If Jews possess any houses of their own in the city, let them order that within six months they be sold to Christians by a true and not a pretended contract.

In addition, princes, in accordance with their piety, will have to establish that Jews, in recording in their books any contracts and transactions which they have with Christians, use the letters and vernacular language of our people, and not Hebrew language or characters. If they act otherwise, let them be severely punished, and let no right of action or defense arise for them from it.

Finally, it will be equitable for them to exert every diligence to repress and restrain the fraudulent and treacherous manner in which Jews contract with Christians, and the avarice which gapes after their resources.

But we admonish bishops to take care that the Christian faith and doctrine be preached to Jews by pious men skilled in the Hebrew language and Jewish rites, or, if such men cannot be found, by other learned and good men.

Let all Jews be ordered to assemble for those sermons; but let the boys and girls hear the preacher separately from their parents and from those who are older. Let him instruct them familiarly and respond kindly to those who ask questions.

Let anyone in whom some sign of conversion is recognized be separated from the others and led into a house of catechumens prepared for this purpose, where he may be taught more diligently everything which a Christian ought to know.

Let catechumens not be baptized unless they have first been diligently instructed and examined, especially if they are older.

After they have been baptized, let them be entrusted for at least a year to the care of some upright man, who may rule and regulate their life by these provisions:

> That on feast days they attend Mass, sermons, and Vespers.
>
> That on other days they employ some craft by which they can seek sustenance.
>
> That they have no association whatever with Jews.
>
> Nor with Christians whose life is disgraceful.

Let the bishop take care that a Jew who converts to the faith possesses all his goods; and, if he is a son under paternal power, that the legitimate and every other part of the goods due to him by law be given to him even while his father lives.

[Printed page 682]

Or, if the convert is a woman, let her dowry be restored to her by her husband or established by her father, from which she can be supported according to the prescription of the constitution of Pope Paul III, especially in those matters which he established concerning resources acquired by usuries.

Fifth, public offices also are forbidden to them. This is a sign that they are altogether foreign to the state. Thus the Lateran Council under Innocent III, chapter 69:

> Since it is exceedingly absurd that a blasphemer of Christ should exercise the force of power over Christians--a matter concerning which the Council of Toledo made prudent provision--we renew it in this chapter because of the boldness of transgressors, prohibiting Jews from being preferred to public offices, since under such a pretext they are exceedingly hostile to Christians.
>
> But if anyone commits such an office to them, after an admonition has first been made, let him be restrained by the provincial council--which we command to be celebrated every year--with the constraint which is fitting. But let communion with Christians, in commerce and other things, be denied to an official of this kind until whatever he acquired from Christians through the occasion of the office thus assumed is converted to the use of poor Christians according to the providence of the diocesan bishop; and let him relinquish with shame the office which he irreverently assumed. We extend this same provision to pagans.

Since, therefore, their clothing, habitation, and all the other things collected here tend to this end, that Christians should have no dealings with Jews; and since all judge that this concerns the state and the Church, this cannot be obtained better than if they are entirely expelled. Poisonous beasts are never in a house without danger, even if they do not always bring forth their poison; for they do not do so either because they fear or because they are torpid. I do not believe that one can be indebted to Jews, associate familiarly with them, banquet with them, or have them move about in the courts of princes, consuls, and senators without great detriment to public safety, honor, justice, and morals.

CHAPTER XVIII

Those Who Need a Loan Should Be Assisted in Another Manner

§ 1. In a great multitude of rich and beneficent men there would be no lack of one who would liberally offer money as a loan to the needy, but negligence and the removal of trust make everyone timid.

> If anyone makes a loan, it is lost as though it were his own;
>
> When you now seek repayment, through your benefit you find a friend an enemy.

Nothing is easier than to make enemies from a benefit.

> For the greatest part of mankind possesses this custom:
>
> While they seek what they desire for themselves, they are good; but when they now possess it,
>
> From good men they become the worst and most fraudulent.

Plautus, *Trinummus*.

The obstinacy, perfidy, and ingratitude of certain debtors cause all those whom poverty oppresses to suffer punishment. A creditor is sometimes troublesome and burdensome, premature and savage, which is forbidden by law. More often, however, the debtor is fastidious and a defrauder. For those to whom something is owed generally ask for it humanely; but debtors, however gently you address them and whatever delay you grant, are indignant. If they are poor, they proclaim the creditor a tyrant; if they are magnates, they threaten as if by their own right. Especially in this matter, nothing so closes the fountain of doing good as the abuse of benefits. Nor can sufficient precaution be taken, nor is it customarily taken, although there is a mortgage and there are judges. Yet is it not burdensome to recover by force of arms what you gave to a friend? These matters must therefore be established seriously by the magistrate; clear debts must be judged quickly and summarily, and an obstinate debtor must be punished.

§ 2. Let the prince, or each city, make a loan from the treasury to its citizens, after fixing the day upon which it must be repaid and receiving a mortgage. This is exacted without envy and hatred; it does not permit the debtor to be negligent through hope in judicial proceedings, and it binds those who are in need. Many princes have attained great praise from this and fortified themselves with the firmest defense of majesty, that is, love.

§ 3. A perpetual remedy for usuries is the institution which they call a mount of piety. This, therefore, was also a special object of care for Charles, archbishop of Milan, in the First Council:

> Let bishops apply all their care and labor to erecting and instituting, by authority of the Supreme Pontiff, in each city and more notable town, the pious establishments which are called mounts of piety, from which the poor can receive borrowed money. Let them take care that both these and those already established are administered diligently and faithfully. We beseech princes and magistrates to assist the zeal and diligence of the bishops in this matter by every means. In them let nothing beyond the principal be received except for the maintenance of the ministers and other necessary expenses, and this by authority of the Supreme Pontiff.

Leo X ended the controversy which had arisen concerning the mounts. His edict reads as follows:

> Leo, bishop, servant of the servants of God, for perpetual remembrance of the matter, with the holy Council approving. Among the manifold cares of our solicitude, in accordance with our pastoral office we ought especially to undertake this one: that those things which in our time are salutary and praiseworthy, consonant with the Catholic faith and conformable to good morals, should not only be unfolded but also propagated to posterity; and that things which could furnish material for scandal should be completely cut down and torn out by the roots, and

not permitted to sprout anywhere. Thus we permit only those things to be cultivated in the field of the Lord and the vineyard of the Lord of Hosts by which the minds of the faithful can be spiritually fed, after the tares have been eradicated and the sterility of the wild olive cut away.

Indeed, since we have learned that formerly a certain controversy arose, not without scandal and murmuring among the peoples, among some beloved sons, masters of sacred theology and doctors of both laws, and that it has recently been renewed in these days concerning the relief of the poor by loans made to them under public authority, which are commonly called mounts of piety; these have been established in many cities of Italy by the magistrates of cities and other faithful of Christ to relieve by such a loan the poverty of the poor, lest they be swallowed by the abyss of usuries, and they have been praised and advocated by holy men who preach the divine word, and have also been approved and confirmed by some Supreme Pontiffs, our predecessors. The question is whether the aforesaid mounts disagree with Christian doctrine or not, with each party thinking and preaching differently.

For some masters and doctors say that those mounts are not lawful in which, after a fixed time has elapsed, something beyond the principal is exacted per pound by the ministers of the mount from the poor themselves to whom the loan is given; and that consequently they do not escape the crime of usuries or injustice, or some certain appearance of evil, since our Lord, as Luke the Evangelist bears witness, has bound us by an open command that from a loan given we ought to hope for nothing beyond the principal. For this is the proper interpretation of usuries: namely, when one endeavors from the use of a thing which does not beget to acquire profit and offspring without any labor, expense, or danger.

[Printed page 683]

The same masters and doctors also added that in these mounts neither commutative nor distributive justice is satisfied, although a contract of this kind ought not to exceed the limits of justice if it is to be approved. They also endeavored to prove this because the expenses owed by many, as they say, for the preservation of mounts of this kind are extorted only from the poor to whom the loan is given; and because sometimes several things beyond the necessary and moderate expenses are furnished to certain other persons, not without an appearance of evil and an incentive to offend, as they seem to imply.

But many other masters and doctors assert the contrary, and in many schools of Italy proclaim by word and writing, in favor of so great a good and one so necessary to the state, that, provided nothing is sought or expected by reason of the loan, nevertheless, for the indemnity of those mounts--that is, for the expenses of their ministers and of all things pertaining to their necessary preservation, without profit to mounts of this kind--something moderate and necessary may lawfully be exacted and received beyond the principal from those who receive an advantage from a loan of this kind; for the rule of law holds that one who receives an advantage ought also to bear the burden, especially if apostolic authority is added. They show that this opinion was approved by the Roman Pontiffs of happy memory Paul II, Sixtus IV, Innocent VIII, Alexander VI, and Julius II, our predecessors, and was also preached by holy and God-fearing preachers of evangelical truth who were held in great esteem because of their reputation for holiness.

Wishing to make suitable provision in this matter, as has been granted to us from on high, and commending the zeal of each party--the former from zeal for justice, lest an abyss of usuries be opened; the latter from love of piety and truth, so that the poor might be assisted--since these things seem to pertain to the peace and tranquility of the whole Christian state, with the holy Council approving we declare and define that the aforesaid mounts of piety, established by states and hitherto approved and confirmed by authority of the Apostolic See, in which, for their expenses and indemnity, something moderate is received beyond the principal solely for the expenses of ministers and of other matters pertaining to their preservation, as stated above, and solely for their indemnity, without profit to those mounts, neither display an appearance of evil nor furnish an incentive to sin; nor are they to be disapproved in any way. Rather, such a loan is meritorious and is to be praised and approved, and is by no means to be regarded as usurious. It is lawful to preach their piety and mercy to the peoples, even with indulgences granted for that reason by the holy Apostolic See; and henceforth other similar mounts may also be erected with the approval of the

> Apostolic See.
>
> Nevertheless, it would be much more perfect and much holier if such mounts were established altogether free of charge; that is, if those who erect them assigned certain annual revenues from which, if not all, at least half of the expenses of the ministers of mounts of this kind might be paid, so that through this means the poor would happen to be burdened with a lighter portion of the money to be paid. We decree that the faithful of Christ are to be invited by greater indulgences to erect mounts for them, with the assignment of revenues of this kind for bearing the expenses. But we will that all religious, ecclesiastical, and secular persons who henceforth dare to preach by word or writing contrary to the form of the present declaration and sanction shall incur the penalty of excommunication already pronounced, notwithstanding any privilege whatever, the aforesaid matters, apostolic constitutions and ordinances, and all other things whatsoever to the contrary. Therefore let no one at all be permitted to infringe this page of our declaration, definition, decree, and excommunication, or to oppose it by a rash attempt. If anyone should presume to attempt this, let him know that he will incur the indignation of Almighty God and of his blessed apostles Peter and Paul.

In those mounts, therefore, the following things are necessary:

1. The loan must be given altogether without charge.

2. Something is to be given for the maintenance of the ministers, who do not render their services without charge.

3. A house must also be established and pledges preserved, which cannot be done without some expense.

4. Those expenses must be equalized, so that the poor are not burdened more than the rich.

5. There is nothing usurious in these things. For if a person gives a loan, employs witnesses and a notary, and orders a pledge to be inspected or brought in, it is not equitable that these things be done at the expense of the person who gave the loan.

6. Nevertheless, one must endeavor to establish the mounts altogether free of charge, for thus every cause of suspicion will be removed. This can be done by either of two methods, or by both. First, let an annual revenue be purchased by which the necessary expenses may be borne. Second, let great, trustworthy, and rich men discharge without charge the offices of scribes, tellers, and custodians. Nor, in so pious a matter, is the labor beneath anyone’s dignity. For if in Italy and Spain, and now also in Gaul and Germany, noble and senatorial men go to seek alms for the poor, and it is not contrary to their reputation to be ambassadors of the poor, but adorns their dignity more than any purple; indeed, if it redounds to the great glory of Christ that men clothed in purple and the rich of this age are vicars and procurators of his poor, that they are not high-minded but fear, and that they do not regard poverty, preferred in the life of their Lord to every scepter, as disgraceful--if kings and princes minister to the poor, why should a rich man not also act as a scribe and doorkeeper of the poor? What they do for one of the least of these, they do for Christ. Every office rendered to Christ is above every dignity and is altogether royal, because to serve God is to reign.

CHAPTER XIX

Other Methods of Collecting Money, as Customary as They Are Condemned

§ 1. Suetonius relates the following concerning Nero. But when his hope deceived him, and he was abandoned and now so exhausted and needy that it was necessary even to postpone and defer the soldiers' pay and the veterans' rewards, he turned his attention to calumnies and robberies. Before all else, he established that from the goods of deceased freedmen three quarters, in place of one half, should be exacted for him from those who, without a probable cause, bore the name of any family with which he himself was connected.

This was an immense increase of plunder. For whereas the fisc had previously claimed one half, that is, half the inheritance, Nero received three quarters--that is, nine ounces out of twelve. If the inheritance was twelve thousand, the emperor entered upon nine and the heir three.

§ 2. He established that the testaments of those ungrateful to the prince should pass to the fisc, and that the learned men who had written or dictated them should not go unpunished.

An immense abyss under a robber prince. The prince was named in the testaments of all men, especially the wealthy, which was a great thing. Next, no small portion had to be assigned to him, lest he be placed after private persons. Third, he rescinded as ungrateful the testaments of former chief centurions, even of those who had made their wills under Tiberius; thus Suetonius, chapter 38. The chief centurions whose inheritances he seized were rich. From this it is clear that those of whom he was not himself the heir were called ungrateful.

[Printed page 684]

§ 3. To kill those by whom he had been named heir. This was the invention of Gaius, Suetonius. When fear had thereby been instilled, and he was now openly named heir both by strangers among their friends and by parents among their children, he called them mockers because they persisted in living after naming him, and sent poisoned cakes to many.

§ 4. To take rights away from citizens and compel them to purchase them again. Suetonius. He denied that those whose ancestors had obtained Roman citizenship for themselves and their posterity possessed it by right, unless they were sons, for he said that "posterity" ought not to be understood beyond this degree. When the diplomas of the deified Julius and Augustus were brought forward, he lamented them as old and obsolete.

There was more profit in this than even anyone acquainted with Roman affairs could understand. For in this census there was a part of the Romans which, if not the greatest, was certainly immense and consisted of many myriads who possessed citizenship by gift or purchase, not by birth. It was purchased for a great sum, especially under that robber, and from others by those who already enjoyed it; nor was it safe not to purchase again what they possessed, lest they lose life itself.

§ 5. He also accused those census declarations as falsely made to which any increase whatsoever had afterward accrued for any reason. He rescinded as ungrateful the testaments of chief centurions who from the beginning of Tiberius's principate had left neither Tiberius nor himself heir; likewise, he rescinded as invalid and void those of all others whom anyone said had intended to die with Caesar as heir.

But why did he do this? Because much had accrued to many; and fraud in a submitted census declaration was punished by death, exile, loss of liberty, or certainly confiscation. Consider that among so great a multitude something had accrued to ten thousand men: that monster therefore devoured as many estates through a single calumny--but a most carefully devised calumny.

§ 6. To turn judicial inquiry toward profit. Suetonius. He heard cases of this kind only after first fixing their price; and, impatient of delay, on one occasion condemned more than forty defendants from different charges by a single sentence, and boasted to Caesonia, when she awoke from sleep, how much business he had conducted while she took her midday rest.

For he obtained forty inheritances by one judgment, and apparently splendid ones; for calumnies were contrived against the rich. Next, it is credible that the defendants in whose trials Caligula himself sat were distinguished men.

§ 7. To compel men to buy worthless things at an immense price. Suetonius. After announcing an auction, he offered and sold the remnants of all the spectacles, demanding the prices himself and extending them so far that certain men, compelled to purchase some things for an immense price and stripped of their goods, cut their veins. The affair of Aponius Saturninus is famous. While he was sleeping among the benches, Gaius warned the auctioneer not to overlook a man of praetorian rank who was repeatedly nodding his head to him; nor was an end made of bidding until thirteen gladiators were knocked down to the unaware man for nine million sesterces.

§ 8. To mingle every fraud with a sale. Suetonius. In Gaul also, after he had sold at immense prices the ornaments and household goods, slaves, and even freedmen of his condemned sisters, he was enticed by the profit and demanded from the city whatever belonged to the equipment of the old palace. Even hired vehicles and mill animals were seized for carrying it, so that bread often became scarce at Rome and many litigants, because they were absent and could not appear for their recognizance, lost their cases. In selling this equipment he employed every kind of fraud and allurement: at one time reproaching individuals for avarice and asking why they were not ashamed to be wealthier than he; at another time feigning regret that he was giving private persons the opportunity to possess things belonging to princes.

§ 9. To deduct a portion of sums in litigation. Suetonius. For lawsuits and judgments begun anywhere, he deducted a fortieth part of the sum concerning which the litigation was conducted; nor was anyone without penalty if he was convicted of having settled or given up the business.

How great was that plunder from all the lawsuits in so great an empire? Those times abounded in lawsuits between the greatest and richest men, so that I judge, not without cause, that the sum of all property in litigation was equal to a great kingdom. Indeed, I think it is so even now. By that law, therefore, he seized a fortieth part of some kingdom.

§ 10. To pursue every disgraceful profit. From the daily earnings of porters he took an eighth part; from the takings of prostitutes, as much as each earned from one act of intercourse. It was added to the heading of the law that both those who had practiced prostitution and those who had practiced procuring were held liable to the public treasury, and that marriages also were subject to it.

It is a small matter to relate, but because of the multitude of porters it was a great tax throughout the whole empire. Shame prohibits speaking about the prostitutes' takings. Yet no one ought to doubt that, in blind paganism and amid so great a corruption of morals under Augustus, Tiberius, and Caligula, many legions could have been supported from the lusts of criminals. At Corinth, in the single temple of Venus, four thousand prostitutes earned money. But it is better that this Camarina remain unmoved.

§ 11. To impose these things and not publish them, so that transgression might occur through ignorance of the law. Suetonius. After taxes of this kind had been imposed but not posted, and many offenses were committed through ignorance of the writing, at last, when the Roman people demanded it, he indeed posted the law, but in the smallest letters and in the narrowest place, so that no one could copy it.

These things were imposed but not posted; yet the people's demand shows that enforcement was at hand and that penalties were imposed upon those who violated the law.

§ 12. To establish a domestic brothel. Suetonius. Lest he fail to try any kind of booty, he established a brothel in the palace; and, after a number of chambers had been divided and furnished in accordance with the dignity of the place, matrons and freeborn youths stood in them. He sent nomenclators around the marketplaces and basilicas to invite young and old to lust. Money at interest was furnished to those who came, and men were stationed to record their names openly, as though they were assisting Caesar's revenues.

§ 13. To play at dice and perjure oneself. Not scorning profit even from the game of dice, he gained more by falsehood and even perjury.

§ 14. To confiscate the wealthy. Once, after entrusting his own turn to the player next to him, he went out into the atrium of the house. When he had ordered two wealthy Roman knights who were passing by to be seized and their goods confiscated without delay, he returned exulting and boasted that he had never had a more prosperous throw of the dice.

§ 15. To compel contributions. When his daughter was born, complaining of his poverty and of the burdens not only of an emperor but now also of a father, he received contributions for the maintenance and dowry of the girl. He also proclaimed that he would receive New Year's gifts at the beginning of the year, and stood in the vestibule of the palace on the Kalends of January to catch the contributions which a crowd of every kind poured before him with full hands and folds of their garments.

§ 16. To conduct the harshest levies. Caligula also did this, and it was customary to force onto the rolls those young men who would purchase exemption at a great price. Nor are those who compel countrymen to take up arms now ignorant of these arts.

[Printed page 685]

§ 17. How great were the robberies produced by that law of Nero. Suetonius says that then all deeds and words for which only an informer was not lacking were held liable under the law of treason, chapter 32.

How monstrous and barbarous that law was! For men were deprived of life for every word, not merely for deeds; and the goods which the avaricious and needy tyrant sought fell to the fisc.

§ 18. He also recalled the rewards of crowns which cities had ever conferred upon him in contests.

Thus he demands back, as though it were a debt, what had once been given in friendship. Lipsius treats most learnedly of crowns and crown-gold in book 2 of *Roman Greatness*, chapter 9. At first it was given to victorious commanders for the sake of honor; afterward it was severely exacted and contributed on various occasions, not for a triumph alone, as is clear from the same Lipsius, for two thousand were contributed for Sulla's funeral. But all the cities had sent Nero crowns of great price for his theatrical contests. He demands these back, or their gold.

§ 19. By calumny to despoil the shops of merchants. Suetonius. When he had prohibited the use of amethyst and Tyrian colors and had secretly sent a man to sell a few ounces on market day, he shut up all the merchants.

How great that spoil was can be considered by one who has estimated the Roman markets.

§ 20. To strip the rich of their goods for a single transgression. Indeed, he is believed, while singing, to have noticed among the spectators a matron dressed in the forbidden purple and pointed her out to his procurators; she was immediately dragged away and stripped not only of her garment but also of her goods.

§ 21. To impel all intermediate magistrates to robberies. Suetonius. He delegated an office to no one without adding, "You know what I need"; and, "Let us see to it that he possesses nothing."

§ 22. Suetonius. At last he took gifts from many temples and melted down images made of gold or silver, among them the images of the household gods, which Galba soon restored.

§ 23. To beg monies from allies; thus Julius in Spain. Suetonius, chapter 54. He displayed self-restraint neither in military commands nor in magistracies. For, as certain men testified in their memorials, when proconsul in Spain he received from the allies monies begged as assistance toward his debt.

§ 24. To plunder towns without cause. Suetonius on Julius. He plundered in hostile fashion certain towns of the Lusitanians, although they neither refused his commands nor closed their gates when he approached. In Gaul he despoiled shrines and temples of the gods filled with gifts; he destroyed cities more often for plunder than for an offense. Hence it came about that he abounded in gold and sold it throughout Italy and the provinces at three thousand sesterces per pound as merchandise.

§ 25. To steal. Suetonius on Julius. In his first consulship he stole three thousand pounds of gold from the Capitol and put back the same weight of gilded bronze.

§ 26. To sell the property of others. Suetonius. He gave alliances and kingdoms for a price, as one who took nearly six thousand talents from Ptolemy alone in his own and Pompey's name.

§ 27. To seize without a pretext. Suetonius. Later, by the most evident robberies and sacrileges, he bore both the burdens of civil wars and the expenses of triumphs and public entertainments.

§ 28. Not to pay creditors. Thus Vitellius, as Dio of Nicaea relates. Then, when a man whom no one had previously been able to see in the forum because of the multitude of his creditors ascended the Capitol with so great a body of soldiers--and when at last everyone worshiped a man whom previously no one had even wished freely to embrace--those who laughed could not restrain themselves. But when those who had lent him a great sum as he was departing for Germany pressed him and scarcely permitted him to depart after sureties had been given, they then not only did not laugh but, moved by pity, even concealed him. Vitellius, however, afterward sought out his creditors, said that he had returned safety in exchange for the money lent, and demanded back the instruments of the contracts.

He frequently came to the theaters in order to attract the affections of the plebs to himself. He dined familiarly together with the leading men so that he might bind them to himself to a greater degree. He often mentioned his old companions and held them in honor. For he did not think it disgraceful or unworthy if he appeared to recognize anyone from among them--a thing which most men do who, raised to the greatest and unexpected honors, hate those by whom they understand that they were known when previously humble and abject.

§ 29. To proscribe the friends of enemies. Thus Severus. For when he had defeated Albinus, he proscribed the friends of Albinus's soldiers and commanders, and left to his sons as much money as no one else.

§ 30. To have the soldier himself as a source of revenue. Tacitus indicates the method. For the common soldier paid as though an annual tribute. Some wandered among the companies; others on furlough or in the camp itself, until they paid the fee to the centurion; and no one gave thought either to the measure of the burden or to the kind of profit. By brigandage and plunder, or by servile services, a soldier purchased freedom from military duty. Then every wealthiest soldier was worn down by labor and savagery until he purchased exemption. When, exhausted by expenses, he had miserably languished in idleness, he returned to the company, poor instead of rich and slothful instead of vigorous. And in turn one after another, corrupted by the same poverty and license, rushed into sedition and dissension and, finally, civil wars.

§ 31. To have a compact and partnership with pirates. The viceroy of Algiers is accustomed to do this.

§ 32. To kill those who have discharged magistracies. The emperor of the Turks possesses this custom. His principal revenues come from confiscations and gifts. Thus the *Political Treasury*, concerning the empire of the Turks:

> And although the ordinary revenues in the Turkish Empire do not exceed the sum which we have stated, it can nevertheless scarcely be believed how much accrues extraordinarily to the prince's treasury, especially from confiscations and gifts. For pashas and other Turkish ministers suck out the blood and fortunes of the subjects like

> swallows, and accumulate inestimable treasures, which in the end generally pass to the prince's fisc. Ibrahim Pasha is said to have carried away from Cairo sixty times one hundred thousand gold pieces, that is, six million. Mehmed the vizier had acquired for himself a much greater sum. Occhiali possessed, in addition to other immense riches, three thousand slaves. The sultana, sister of Selim II, received each day two thousand five hundred sequins or crowns, and began to conduct an aqueduct for the convenience of pilgrims from Cairo all the way to Mecca--certainly an incredible work. It is easy for the sultan to find some cause for taking away from anyone, at his pleasure, life together with fortune.

The gifts also are great and immense. For no ambassador dares to approach him without a gift. No one can obtain any office or dignity unless money intervenes. No one comes into the sight of so great a prince from a province over which he presided, or from an expedition which he conducted, with empty hands. Nor are trifles or farthings given to so great a prince. The voivodes of Moldavia, Wallachia, and Transylvania redeem and preserve their principalities by gifts. The princes of Moldavia and Wallachia are changed very frequently; for those principalities are given to those who offer more. In order to fulfill their promises, these men do not shear but flay their peoples and reduce their provinces to poverty.

Nevertheless, in an earlier period we saw the treasuries of the Turks exhausted by the Persian war and almost all their treasures consumed. In recent years, both at Constantinople and throughout the whole Turkish Empire, the price of gold was increased beyond what can be believed, so that a gold coin was worth twice as much as previously. Moreover, the very substance of the gold and silver was so adulterated that the Janissaries, seizing an occasion from this, set fire to the city of Constantinople and struck immense fear not only into the citizens but also into the sultan himself. At that time, sixty thousand gold pieces had indeed been sought as a loan in the sultan's name from the merchants of Aleppo.

[Printed page 686]

§ 33. To sell honors and judgments. Thus Vespasian, Suetonius, chapter 16. The only thing for which he is deservedly blamed is his desire for money. For, not content with having recalled the taxes omitted under Galba, added new and heavy ones, increased the tributes of the provinces, and even doubled those of some, he openly practiced dealings which would have been shameful even for a private person, buying up certain things only so that he might afterward sell them for more. Nor did he hesitate to sell offices to candidates and acquittals to defendants, the innocent no less than the guilty.

§ 34. To sell the possessions of the rich. Dio on Caligula. There it was a public crime to be rich; and when he himself sold their possessions, he obtained much more money from them because everyone was compelled to buy for more than the things were worth.

CHAPTER XX

The Defense of the Nobility Makes a Prince Powerful

§ 1. A question much debated both formerly and now is whether it is advantageous for a powerful prince to have no powerful prince beneath him, and to leave nobles and commoners undistinguished, so that the sole nobility is to have been honored by the king; or whether account is indeed to be taken of nobility by birth. Nor is the matter debated only in words, but is conducted in deed, as the disagreement of rulers shows. To leave other things unmentioned, in Europe most affairs are conducted through the nobility, and especially in Germany a strict distinction of marriages is observed. On the contrary, however, the emperor of the Turks holds even all the highest pashas as slaves, nor is any nobility acknowledged except being pleasing to the master--which is properly the good fortune of a slave. For since he belongs wholly to his master, both in use and in ownership, he can rely on nothing other than his master's goodwill. This administration, therefore, has pleased many, and it has seemed safe that after the prince all should be slaves or equals, that no one should be accounted noble--a practice which obtains also among the Chinese. If there are no nobles, let none be made; if there are, let them gradually be reduced to the ordinary rank. I shall therefore also set forth my own opinion concerning this matter, so that it may be made clear what is to be followed amid these varieties of ruling.

A prince is not of great spirit if only ignoble and servile men attend him, nor is he of proven judgment if boorishness and stupidity win men a place among his ministers.

§ 2. I am not unaware that no Appian or Lentulan lineage is to be preferred to virtue, and that virtue is the sole and only nobility. We are all born with an equal lot; we are distinguished by virtue alone, as Minucius admonishes: "He who boasts of his lineage praises what belongs to others." What is best is also noblest. Indeed Euripides rightly says:

> πολλοὶ γὰρ ὄντες εὐγενεῖς, εἰσὶν κακοί.

Many nobles are wicked. Hence Nazianzen also says most excellently:

> Κακὸς δ᾽ ἀκούων, αἰσχύνου, μηδὲ δυσγενής,
>
> γένος γὰρ εἰσὶν οἱ πάλαι σεσηπότες.

If you hear yourself called wicked, blush; do not blush if you are called ignoble. For the lineage which is esteemed consists of those who rotted long ago--perhaps men who were thieves, adulterers, and robbers.

> οὐδὲ ἵππον ταχὺν ποιεῖ τὸ ἐκ τῶν ταχυτάτων φῦναι.

Nor does descent from the swiftest make a horse swift.

Agapetus therefore gives a golden precept:

> Ἐπὶ προγόνων εὐγενείᾳ μηδεὶς ἐναβρυνέσθω· πηλὸν γὰρ ἔχουσι πάντες τοῦ γένους προπάτορα· καὶ οἱ ἐν πορφύρᾳ καὶ βύσσῳ τρυφώμενοι, οἱ δὲ ἐν πενίᾳ καὶ νόσῳ τρυχώμενοι, καὶ οἱ διαδήματα περικείμενοι, καὶ οἱ διὰ δώματα προκείμενοι. μὴ τοίνυν εἰς πηλὸν καυχώμεθα, ἀλλ᾽ ἐπὶ χρηστότητι σεμνυνώμεθα τρόπων.

Let no one insolently exalt himself on account of the nobility of his ancestors. For all have clay as the founder of their lineage: both those magnificently and gloriously clothed in purple and fine linen, and those worn down by poverty and diseases; both those upon whom diadems have been imposed, and those who are stationed before houses for the sake of guarding them. Let us therefore not boast of our clay-born lineage, but let us render ourselves venerable and commendable by innocence and uprightness of conduct.

And indeed Charlemagne preferred the nobility of virtue to smoke-blackened ancestral images; from this comes the nearly most ancient nobility of Germany--he preferred the former.

Henry Mutius, book 8 *On German Affairs*, and Aventinus, book 4 of the *Annals of the Bavarians*, report that the emperor entered the schools of Paris and, having learned that the poor were making great advances in their studies while the nobles languished in idleness, placed the former on his right, promised them bishoprics and civil dignities, and neglected the nobles--an action truly worthy of a king. For to what purpose is a boorish and idle nobility? There is need of prudence, labor, and vigor.

I therefore do not dispute how highly nobility is to be valued, but rather this point which pertains to the matter: whether it is advantageous for the nobility to be fostered and advanced to dignities while commoners are neglected, or whether the nobility ought instead to be pressed down, commoners raised on high, and all things made equal.

§ 3. In the Turkish state there are only distinctions of offices; all other conditions are servile, so much so that even the emperor's concubines are not accounted free, and the principal strength rests with men of the lowest condition. In the Roman Empire, besides offices, there are hereditary or elective dignities.

The order of nobility is duke, count, baron, noble. I say of nobility, not of dignity or of offices. For the nobility of emperors can rank below that of a duke; furthermore, the dignity of electors and archdukes is not defined by nobility alone. The dignity of counts also varies: some are called counts simply, others margraves, others landgraves. From men noble by birth, and also from others, knights of the golden spur are made when they have conducted themselves bravely in battle; for then they attain that dignity. From these barons are made, in consideration of their virtues and power. One who conducted himself heroically in a first battle is created a noble; in a second, a military tribune; after a third, a baron. Then follow count, margrave, landgrave, duke, and king.

But what they say--that a noble must be wealthy and a knight still wealthier; that a military tribune ought to be able to lead forth at his own expense a troop of fifty nobles; that a baron must possess lower, middle, and basal jurisdiction, together with four castles of nobles; that a count-margrave must possess three baronies; that a landgrave must possess four baronies in one duchy; that a viscount, or princely count, must possess five counties; that a duke must possess four principal counties, and a county or barony annexed to each--this assuredly is not observed. A king is crowned if he has four contiguous duchies, and in each one four cities in which no one else possesses any right; in these cities one archbishop, and under four archbishops forty episcopal provinces. But--

[Printed page 687]

--these things have been received neither by firm law nor by custom. Among these men there is no equality of nobility, for the emperor is the fountain of nobility, chapter *De decurionibus*, law *Imperatores*, and the lineage of dukes is greater than that of counts. Nobility is therefore, as it were, recognizability, too narrowly called by the Greeks εὐγένεια, because men are well-born; for a man can be noble who by virtue gave a beginning to his own stock, who has borne offices, or who without administration attained nobility through honorary codicils. Nor is nobility solely in descendants; rather, it is often better in its first root. For descendants sometimes possess nothing from their ancestors except their images, empty of virtues and deeds; their nobility is cheaper than seaweed to the ancient poet.

§ 4. Kings and princes must act so that they have lesser princes, petty rulers, counts, and nobles whose continual service they may employ at home and in war; for this is a firm defense of the state. When between the royal summit and the son of the maidservant who sits at the mill there is no one in the middle, there is a great gap advantageous to the enemy. My reasons, insofar as reasons can be given in these matters, are strong.

The first reason. This was the form of all rightly constituted states: that the nobility possessed its own dignity. For one who is engaged in the state and debates concerning it, this consideration ought to be of great weight. I am not establishing a Platonic or ideal city, but one such as can and customarily does exist.

Certainly, in Numbers 1:16 I read that men newly emerged from servitude were called most noble princes, קריאים, "called men"; and in Deuteronomy 1:15, nobles, וידעים, "known men." Nobility therefore arose at once within the same nation and house. In 1 Samuel 9:6 a man is called ἔνδοξος, נכבד, honorable and weighty. So too Psalm 149:8; Job

14:21; Proverbs 31:23; Isaiah 3:5, 5:13, and 34:12; and Jeremiah 39:6. Indeed, Joseph too is praised as a noble councilor in Mark 15:43:

εὐσχήμων βουλευτής.

But let us not labor over the name. Whenever we hear of the princes of Israel, we ought to understand noblemen and leading men. There were also princes of Egypt of great dignity, and likewise those of the Persians, and before them of the Medes. The matter is clearer concerning the Roman state, which only late gave way to monarchy. Nebuchadnezzar, after living the life of a beast for seven years, was at last restored to his kingdom. "My leading men," he says, "and magistrates sought me," Daniel 4. Those who governed everything for seven years after their king had been lost were not of a servile disposition. The matter is established most clearly concerning the monarchy of the Medes from Daniel 6:12 and 15, and especially verse 7.

The kingdom of the Macedonians had many great princes and nobles. Nor was it generally otherwise in Greece, a region most fond of liberty. At Athens, as Plutarch relates in his *Theseus*, this distinction existed: for he named the nobles εὐπατρίδας and entrusted to them the care of discharging the magistracies. The nobility of Germany is the emperor's one support; and, if there were concord, he could quickly obtain from it several thousand of the most select cavalrymen. Matters have reached such a point that even princes can accomplish nothing without the nobility. In Gaul they wage wars and administer the state; in Spain the principal roles in so vast an empire are also theirs. The nobility has grown to a remarkable degree, increased by the offices of so many dukes, counts, prefects, and admirals, so that, unless newly ennobled men had come to its aid, the ancient nobility would have been unequal to so many affairs.

The kingdom of Britain also stood through the labor and care of the nobility, but especially Poland, where the nobility is very numerous and possesses great eminence in the state. It is not surprising that the Venetians foster nobility, for they have an aristocracy. No voyage is permitted without a company of nobles. By an ancient law of the Venetians, says Gregory of Toulouse, book 4, chapter 2, §13, it has been observed even from antiquity down to the present that the captain of every galley or trireme, wherever he journeys, should take with him eight sons of poor nobles, with a stipend of seventy gold coins. Necessary provisions of the kind nobles ought to have are to be furnished to them; and at the same time he is to permit each of them to import four thousand pounds of spices without payment of any naval duty and free of charge. Nevertheless, by votes of the senate these nobles are chosen from among many poor petitioners.

This is a great privilege of the nobility; for that reason it seems all the more remarkable to me that there should be poor nobles among them when there is so great an opportunity to become rich.

Since these things are so, the nobility must be defended and increased in every way. Nor are those political writers to be tolerated who suggest otherwise, for it belongs to a good man to preserve the condition of the state which exists and, if it did not exist, to recommend it.

The second reason. If, on the contrary, we examine the customs of disordered or perishing states, we shall observe that nobility is hateful to those who contrive to introduce either the tyranny of one man or the confusion of the multitude. To cut down the ears of grain that rise above the rest is an ancient maxim of tyranny. Nor is any concern greater for the Turk than to extirpate the nobility in conquered regions. At Rome also, those who stirred up seditions under the free state made it their policy to oppress the nobility. But after affairs had fallen under the decision of one man through the royal law, no men were more cruel toward the senate than those who proved to be the most oppressive tyrants--so much so that some began attempts to destroy the entire senate.

There are two reasons, arising from the different purpose of each, why a tyrant hates the nobility while a legitimate prince loves it. A tyrant wishes to be feared and considers it equitable that all others should be slaves, in accordance with the maxim: "Remember that everything is permitted to you, and against everyone." The nobility especially obstructs him in this, and therefore he fears and reveres it. For generous and martial spirits do not suffer themselves to

be subjected slavishly; nor can a tyrant be so shameless that he does not blush for his crimes before weighty, prudent magnates. Since he does not wish there to be any whom he either fears or before whom he blushes, he desires the nobility to be removed from his midst.

A prince, however, because he has resolved to be an observer of law and equity, loves noblemen as the most faithful advocates of justice. He places his government before the eyes of men such as Paetus, Thrasea, Corbulo, and Seneca. Moreover, he judges it more honorable for the principate itself that his administration should be confirmed by the testimony and approval of such great men. Hence that magnificent and royal preface to edicts: “By the judgment of the kinsmen of princes, of the nobility, and of our counselors, we establish,” and so forth. Nero killed Seneca lest shame before his teacher burden his disgraceful life. Great is the authority of a good and great man over a ruined spirit. Nero could despise the present and posthumous reputation of the human race; he had learned to suppress his conscience and to hear flatteries of all his vices; before Seneca alone he blushed.

The third reason. Nobility is necessary in war; without it neither fidelity, courage, nor military prudence is furnished. I do not deny that there are some who have obtained nobility for themselves through war, but I deny that this is lasting. A state must be established so that it stands amid the great and moderate vices of the great, the middling, and the lowest, and does not perish through the fall of one man, as happened at Thebes when Epaminondas died.

[Printed page 688]

Above all nations the Romans exhibited fidelity to their fatherland, and this through the defense of tribunes, chief centurions, and knights--that is, nobles. Servile hands do not readily fight for their master through every danger. First, they acquire nothing for themselves except perhaps a more tolerable servitude. Second, they often experience an even harsher master when, exulting in victory, he treats more bitterly and insultingly those by whose wounds he conquered. Third, those raised in servitude esteem neither the good of a name nor that of a lineage; they are therefore easily conquered by fear or price. In this matter, then, the Turks err most of all: everyone encounters dangers through fear; no one does so through hope or love of his lord.

But where the honor of nobility is held in esteem, men rush into death through the desire to receive, preserve, and increase the distinction of their lineage. The daily pugnacity of the nobility supplies proof of this--vicious indeed, but suitable for demonstrating what I have proposed. If you call a nobleman a liar, faithless to his lord, a scoundrel, unwarlike, timid, or a fugitive, he immediately challenges you to a duel; men decide the dispute by the sword and regard it as disgraceful for the challenged man to evade it. Whence comes so great a desire for reputation and honor? From ancestral training and the discipline of military life, in which faithlessness and timidity are the greatest disgrace. Hence they regard it as contrary to their honor not to stand in battle, to desert the ranks, or not to aid the wounded; and their concern for honor and fidelity is greater than their concern for life.

Nobility therefore preserves fidelity and is consequently courageous, for those two qualities always cling together in war. No one preserves fidelity in difficult circumstances, amid flying javelins, unless he is courageous; and no one fights courageously and rises above dangers unless he has resolved not to violate his fidelity and oath even when death is set before him.

Trained by these rudiments, the nobility also cultivates military prudence above others, for this is, as it were, its craft, by which it renders service to the state. Those who in our age are judged to conduct wars most cautiously, the States of Holland, think no differently: for they place nobles, barons, and counts in command during war, although their domestic and civil council consists of commoners.

The fourth reason. Those who suddenly attain dignities without any hope of permanent nobility are readily carried away by insolence and conduct themselves without restraint in all things. They collect wealth most greedily, as though an opportunity had been granted only once. No men were richer than freedmen. Crassus was regarded as rich. “From the same nation,” says Pliny, book 33, chapter 10, “Marcus Crassus declared that no one was wealthy unless he could

maintain a legion from his annual income. He possessed two hundred million sesterces in his estates and was the richest Roman citizen after Sulla. Nor was this enough unless he should hunger for all the gold of the Parthians." And although he may have secured for himself the very record of wealth--for it is pleasing to assail this insatiable desire for possession--we afterward knew many men released from slavery who were wealthier, including at the same time three under the principate of Claudius: Pallas, Callistus, and Narcissus. Behold, the richest of the Romans were slaves. Whence did their riches come except from robberies? There were many such men, but it was peculiar that three existed under the one Claudius, and while Claudius behaved as he did. There is no need to say anything about Rufinus, Eutropius, and others.

The present times show us the fortunes of ignoble men increased through administration of the state. In order that the matter may be understood, I shall set forth the words of the most famous political figure of our time, Johan van Oldenbarnevelt, advocate of the States. In his *Apology* he writes as follows:

> From these five royal embassies and negotiations it happened that the aforesaid kings supplied the States collectively with more than twenty-five million pounds. By payment of these, the confederated provinces--chiefly through my foresight--were freed, and the obligations were restored together with the pledged cities and citadels.

And:

> When I entered my office, with the greatest labors and difficulties the lords States of Holland and West Friesland could scarcely raise annually one million eight hundred thousand florins for the generality, to sustain the burdens of war. But at present they pay approximately four million two hundred thousand pounds. Here, however, it must be noted that the burdens of war during these thirty-two years in which I have held office have been so great and enormous that at present it is necessary for you to provide more for the burdens of Holland and West Friesland alone than could be collected in 1586 both for the burdens of the generality and for Holland and West Friesland in particular: namely, more than two million florins each year. These nevertheless are deducted and paid from the revenues of the fatherland in addition to the aforesaid four million two hundred thousand pounds. And although it is more expedient to burden the fatherland than to lose it, one must nevertheless observe wisely and providently--as the colleges of the Supreme and Provincial Councils and the prefects of accounts taught in writing in 1604--that, while burdens grow beyond revenues, provinces must necessarily fall at last into utter ruin. And if during the last ten years expenses had been made equal to those made during the preceding ten years, at this time the burdens of Holland and West Friesland alone would easily have consumed about four million florins annually. The conclusion of the truce applied a remedy to this evil, after many other dangers and troubles, foreseen as well as unknown, had passed.

In these difficulties of the fatherland and amid so great a public debt, do you suppose the wealth of its rulers to have been diminished? See what he recounts:

1. He had received so much property from his wife that he could easily support himself.

2. At the beginning he received four thousand annually from his practice.

3. By inheritances he received four hundred Holland acres and two thousand florins annually.

4. He made a profit of four hundred acres by draining marshes.

5. He contributed a little more than five hundred thousand to the Indian Company.

6. He purchased estates.

Observe the swift increase of riches while the burdens of the fatherland grow. But in his case these things were tolerable; consider what follows:

> But if it should now please you to inquire into and assess the property of your subjects, I shall readily suffer it. For I have learned that those who in the general assessment of 1599 valued all their goods at no more than fifty or sixty

> thousand florins now dare to boast that they are twice as wealthy as I. Yet in that same year those same men, being more hostile, counted me among those upon whom the highest contribution was to be imposed and valued me at two hundred thousand florins.

Behold what ignoble men do in the extreme necessity of their fatherland, and how great the wealth they amass, so that it is not surprising that those for whom war is so fortunate hate peace.

First, Oldenbarnevelt's goods in 1599 were valued at two hundred thousand; those of certain others at fifty or sixty thousand. But those men now possess twice as much as he, namely four hundred thousand. Oldenbarnevelt's goods in 1599 were--

§ 4, continued. --two hundred thousand, valued unjustly, as he himself complains. Meanwhile he acquired many things for himself, so that in 1618 he possessed five hundred thousand besides his lands. But others who in 1599 possessed fifty or sixty thousand made so much profit in the space of seventeen years that they were twice as rich as Oldenbarnevelt. That is, each possessed sixteen hundred acres, a million in gold, and so forth; for Oldenbarnevelt possessed more than lands and Indian gold. Behold: the fatherland bestowed so great wealth not upon one but upon several such men; this is what they obtain by governing it. And this is that splendid liberty of the fatherland which exhausts the citizens and fills those conducting affairs and acting on behalf of affairs. For because the merchants obtained an opportunity from the fatherland, they conducted commerce, afterward intending to live cautiously elsewhere.

The fifth reason. Just as there ought to be a profession for the other arts in a city, so too there ought to be a profession of defending the fatherland from the enemy, governing it at home, and regulating it, and a definite class of men occupied in so distinguished an exercise: namely, nobles educated for wars and for the discipline of ruling. All historical records teach us that this was the perpetual occupation of the nobility.

From this comes the German name by which nobles are called *vom Adel*, from the eagle, because they follow victorious eagles and the Roman standards; and they take the name *Knaben von Schild* from the shield. Indeed, in preceding centuries they were called simply soldiers. Military service, moreover, is twofold: armed service, and the more peaceful service of those who possessed immunities and privileges. Lest they discontinue military exercises in time of peace, they produced imitations of war in various games and called them lance-games or tournaments. These were often forbidden because of their dangers; but if they provide exercise without bloodshed, they can be beneficial and arouse manly spirits.

It can neither be said nor believed how greatly that institution assisted the nobility, especially since most honorable laws were laid down for the contestants. For wicked nobles were excluded by a single word:

1. Enemies of the Christian religion, or transgressors and apostates.

2. One who had been guilty of treason.

3. One who had violated a virgin or widow, and adulterers.

4. Perjurers, deniers of written obligations and agreements, traitors, deserters from military service, and authors of flight in battle.

5. Men injurious to subjects, oppressors, and murderers.

6. The sacrilegious.

7. Despoilers of widows and wards.

8. Robbers, pirates, and assassins.

9. Authors of new taxes.

10. Those who had harmed the state.

11. Moneylenders, merchants, and artisans.

12. Those who were not nobles from their great-grandfather onward.

Those marked by any of these vices were not admitted to the mock battles. This was a great restraint upon audacity, ostentation, and desires; and among the nobles they were in some fashion infamous. Hence those marked with disgrace were called *Schelmen*, and they lost their order. How much it contributes to the defense of the fatherland that there should be many rich and prudent men in whom a great natural capacity for war is advanced toward justice and courage by domestic precepts, exhortations, examples, and the pursuits of their equals becomes apparent only when a soldier is ready at hand against sudden assaults.

The sixth reason. In war there is need of the highest authority. The first cause is that the most difficult things are commanded: to hold the assigned place in battle although certain death presses upon it, to climb the rampart against the enemy's weapons, and to go into death. The second is that great authority is needed in order to command armed men. Noble tribunes and centurions possess greater authority, both because they are of illustrious blood and because their whole family is occupied at home in dignities and command. More is also expected from them as fortunate men. But men who are fellow slaves and who all came forth from the same chamber or workhouse obey their equals--or even those subject to them in peace--more stubbornly. For this reason men generally seek nobles as commanders and centurions.

The incident in the time of Claudius is well known. Narcissus, Claudius's freedman, whom Rome revered and the Senate feared, was sent to mutinous soldiers. As he was already ascending the platform, they shouted: "Io Saturnalia!" So much greater was the liberty in the camp than in the senate-house.

The whole German nobility arose from command, specifically military command, and takes its name from the eagle: *der Adel*, *von Adel*, *Adelingi*. They were formerly soldiers, but noble soldiers, distinguished by the shield. There are two kinds of them: some are subject to the emperor alone; others to the princes in whose territory they dwell. The Swabian, Franconian, and Rhenish nobility possesses the highest liberty; in other places there are very few such men. Swabia came to the empire in 1269 when its heirs died, and thereafter there were no dukes of Swabia; therefore its nobility was not subject to one. In a manner not dissimilar, in eastern Franconia and along the Rhine that liberty was acquired through changes of lords and because many provinces were under the emperors. The Franks once had a secular duke. When the duchy was transferred to the bishopric of Würzburg, they say that the nobility remained subject to the emperor alone--although the immunity of many rests upon the individual grant and privilege of emperors, and prelates possess their own rights.

The seventh reason. When after the prince there is no one of dignity or esteem in the state, the whole state is endangered in one little body; but this is contrary to right reason. The Persian Empire in its old age had a corrupted nobility: all were slaves and all flatterers. Accordingly, when Darius was killed--and indeed by his own men--no one resisted. The Macedonian Empire, however, because it possessed many Alexanders, stood for a long time and had many kings, each of whom was powerful; and unless, having been set against one another, they had worn away their strength, each could have equaled Alexander.

Machiavelli himself, an enemy of nobility, admits that when the emperor of the Turks has been killed, no one remains who must be feared. Experience itself taught this. When Bayezid was captured by Tamerlane, none of the Turks conceived any hope of restoring the empire. For when Çelebi, Bayezid's son, had fled to Adrianople, it was not the Turks but the Greek nobles--hostile in arms to their own emperor Palaeologus--who equipped him with money and troops and, to the destruction and disgrace of their fatherland, gave him the empire when he was despairing. At that time there nevertheless remained some care for nobility; now, since all serve equally, there is none.

But because ancient histories possess great authority, let the political writer weigh the deeds of Philip of Macedon and Alexander the Great. Philip cultivated and adorned the nobility. Hence they accompanied his son into Asia and nevertheless preferred Philip. For when Alexander had rejected his own nobility and attached himself to the Persians and conquered nations, he was tossed amid many dangers; the princes and the whole nobility rejoiced at his death. Nor is there any doubt that, if he had lived longer with those customs, he would have been deserted or killed. Although the stronger authority of the histories relates that he died from Babylonian poison, it is established that his mother, son, and entire family were killed by his princes because he had already provoked them while alive.

[Printed page 690]

The eighth reason. Machiavelli says that a kingdom in which everyone serves is more easily held, but that a kingdom in which there is a multitude of princes is more easily occupied. Yet his discussion must be set forth and examined, for he mingles true things with false and finally deceives altogether. Chapter 4 of *The Prince*:

> Someone could be led to wonder, after considering the difficulties which seem to attend the retention of a newly acquired empire, whence it arose that Alexander possessed Asia within a few years and died almost as soon as he had occupied it--so that it could deservedly have seemed that the whole empire would fall into revolt--although his successors preserved it for themselves and labored under no difficulty in defending it except that which arose among themselves from their own particular ambition.
>
> I answer that the principalities whose memory still remains are found to be administered in two different ways: either at the decision of one prince, by whose favor and permission all the rest, who are slaves by condition, are employed like ministers in the administration of the kingdom; or by the counsel of a prince and nobles who obtain that rank not by favor but by the antiquity of their blood. Nobles of this kind possess dominions and peoples subject to them, who acknowledge them as lords and are affected toward them by a certain natural love.
>
> In principalities governed by the direction of one prince and the ministry of slaves, the prince presides with greater authority. For there is no one in the entire province who acknowledges any other superior besides him; and if anyone obeys another, he does so as a minister and appointed official, and those men are not affected by any particular love.
>
> Examples of these two kinds of governing a kingdom occur in our own times: the Turk and the king of the French. The whole supreme power of the Turkish Empire is governed at the will of one prince; the rest are slaves. Having divided his kingdom into prefectures, he sends different administrators and removes and substitutes them according to the will of his mind. But the king of the French is placed amid an ancient multitude of lords whom the peoples subject to them acknowledge and embrace with goodwill. They retain their authority, which the king cannot take from them without danger.
>
> Therefore, whoever considers the constitution of each kind will encounter difficulties in occupying the empire of the Turk; but once it has been conquered, there is no difficulty in retaining it. The reasons for the difficulty that prevents the Turkish Empire from being occupied consist in this: one who attempts to occupy it cannot be called there by the princes of that kingdom, nor be led to hope that he can more easily bring his undertaking to effect through the defection of those who surround the ruler. This appears to proceed from the reasons I touched upon above. For since they are all his slaves and bound to him, they can be corrupted with much greater difficulty; and even if they were corrupted, little benefit could nevertheless be hoped from it, since for the reasons given above they cannot draw the peoples with them.
>
> Accordingly, one who is to wage war against the emperor of the Turks must consider that he will find him united and that he must be conquered more by his own strength than by the efforts and seditions of others. But when he has been defeated and his battle-line routed so that he cannot restore his army, there is nothing besides the prince's stock which must afterward be feared. When that has been extinguished, no one remains whom anyone need fear, since the rest lack fidelity and authority among the peoples. And just as before victory the victor could place no hope in winning them over to himself, so after victory there is no reason for him to fear them further.

> The contrary occurs in the administrator of kingdoms constituted like that of France. For access into it will readily lie open to you if you win over one of the king's leading men. Among them there are always some who, offended in spirit, strive to cause revolutions. For the reasons stated above, these can open the way into that kingdom for you and render victory more expeditious. But afterward almost infinite difficulties arise in preserving it, not only with those who assisted you but also with those whom you oppressed. It is not enough for you to have extinguished the prince's blood; those leading men also survive who make themselves authors of new changes of state. Since you can neither satisfy nor extinguish them, you lose the kingdom whenever an opportunity offers itself.
>
> Now, if you consider to which kind of administration the kingdom of Darius belonged, you will find it very similar to that of the Turk. For this reason Alexander had to make an attack upon the whole of it and strip Darius of his camp. After that victory, when Darius was dead, that empire passed securely to Alexander for the reasons collected above. If his successors had been concordant, they could plainly have enjoyed it altogether at leisure; for no disturbance arose within it except what they themselves excited against one another.
>
> But dominions constituted in the likeness of the kingdom of France cannot possibly be possessed so peacefully. Hence came the frequent revolts of Spain, Gaul, and Greece from the Romans, because the dominions of princes were more numerous in them. As long as the memory of those dominions remained vigorous, the Romans were always uncertain of their possession. But when their remembrance had been erased by the power and duration of the empire, the Romans possessed a secure right of possession. Afterward, according as each of the Romans had acquired authority for himself in parts of the provinces, even when waging war among themselves, they could draw a part of those provinces with them; and this was because, after the line of the former prince had been removed, the peoples acknowledged no one except the Romans.

A kingdom, therefore, in which all besides the king are slaves cannot, once oppressed by an enemy, reclaim liberty for itself. Machiavelli admits this. But a state must be established in such a way that fortune possesses a means of return. In saying that such a kingdom is more difficult to occupy, however, he is mistaken.

Experience refuted this long ago. For regions in which there were many princes not only retain the yoke of a foreign empire with greater difficulty but also receive it with greater difficulty. The Romans attacked Gaul for many years and, after taking it piecemeal--now this part, now that--waged wars with the remainder. But when Antiochus was defeated, they very quickly occupied the principal part of his kingdom and ordered him to reign beyond the Taurus. The same thing also occurred in Greece: now the Aetolians, now the Macedonians resisted; at another time Lacedaemon under its Nabis resisted. In Asia, when Antiochus was defeated, his slaves went forth as degenerate slaves, while their master followed behind their backs. They think it matters little whom they serve; indeed, they desire a change of masters and hope for an alleviation of servitude.

The Turkish forces also, although their emperor was often defeated, did not occupy Greece except over a long period, because its princes, although not sufficiently, nevertheless resisted much. Do we not see the same in Hungary? Its greater part was long ago betrayed to and subjugated by the Turks, yet the remaining portion still resists through the courage of its princes and nobles and even preserves its liberty. Remove these men, and the rest, performing no deed of great praise, after bargaining for their little fields and cottages, will become an accession to that great empire.

Although the tyrant has attempted them in every way, he has nevertheless never conquered them.

But it is easy to entice some one prince to one's party, which is not practicable in a monarchy. Machiavelli therefore means that where there are nobles and princes, betrayals and rebellions are easier.

It seems otherwise to me, unless the king is changed into a tyrant--

§ 4, continued. --for reason and examples have taught that a man of servile disposition, avaricious and joined to his prince by no bond, can be driven to those crimes. Who betrayed Pyrrhus for money? Who wounded Darius? Who destroyed so many emperors? Were they not for the most part petty slaves? I pass over those men who, while the servitude of the state was still fresh, were killed by the lowest of the Romans. The betrayers of empires are men such

as Eutropius, Rufinus, Stilicho, and Andragathius: all slaves, and sprung from slaves or from the most sordid barbarians.

> Alas! Alas! By what slight causes great things perish!
>
> An empire sought with so much blood, preserved with so much,
>
> Which the labors of a thousand commanders produced,
>
> Which the Roman hand constructed through so many years,
>
> One idle traitor overturns in a brief time.

Priam was betrayed, and Agamemnon was betrayed--but by a vile adulterer; Pompey the Great by a eunuch; Rome by Curio, and the same city earlier by a girl; Ahasuerus by eunuchs. Phrynus and Philocrates the pimps were traitors. Eurybatus betrayed the king of the Persians, for he took money from him and handed it over to Cyrus. To put on the fox's skin belongs to sordid spirits, not to princes; for slaves possess many causes for infidelity, but princes few. If we weigh the examples, we shall understand that princes, cities, and kingdoms have generally been betrayed by sordid and indebted men.

Those who are entirely subject to masters cannot easily rebel and riot where the government is despotic, because they lack strength and possess no authority. On this account alone, therefore, danger can be created for a king who possesses many powerful princes. But if one is pleased to compare dangers with dangers and defenses with defenses, we shall understand that a multitude of princes and nobles is to be preferred. An emperor or king is one man; his safety, security, and power consist in the spirit and strength of others, and he is always in the power of others. If he does not possess princes chosen from distinguished stock, he is in the power of the lowest men, by whose arms he is surrounded. These are easily moved and watch for revolutions, judging that right is wherever the greatest reward is. If he possesses princes, the lowest men dare nothing. Moreover, the plots of princes are more easily guarded against than those of the lowest. Hence we see that, although there have been various disturbances in Gaul, the murderers of the kings were nevertheless vile men and were not suborned by princes. Finally, plots can be guarded against if men are governed moderately and equably and if everything is not entrusted to one man--a matter treated elsewhere.

The ninth reason. Finally, I judge that not every nobility but an energetic, upright, and uncorrupted nobility is to be admitted into partnership in government. I also judge that this is the support of empire and that it is especially effective against the ancient evil of nobility: pride and injuries. For just as trees fail with age, so do certain families over a long period. They retain neither vigor nor purity and possess nothing except their insignia. Frivolous, languid, and stupid men are often born from courageous and great men. Such was the appearance of the Roman nobility when Marius delivered his speech. Sallust, *Jugurtha*:

> You have ordered me to wage war against Jugurtha, a decision which the nobility has borne most grievously. I ask you to consider in your minds whether it would be better to alter this decision and send on this or some other similar enterprise someone from that crowd of nobles, a man of ancient lineage and many ancestral images but no military service--so that, being ignorant of everything in so great a matter, he may tremble, hurry about, and take some man from the people as the instructor of his duty. Thus it generally happens that the man whom you ordered to command seeks another commander for himself.
>
> But I know, Romans, men who, after they had been made consuls, began to read the deeds of their ancestors and the military precepts of the Greeks--men acting in reverse order. For discharging an office is later in time than being appointed to it, but in reality and practice preparation comes first.
>
> Now compare me, Romans, a new man, with their pride. What they are accustomed to hear and read, I have in part seen and have in part performed myself. What they learned from books, I learned by military service. Now judge whether deeds or words are worth more. They despise my newness; I despise their idleness. My fortune is cast as a

reproach against me; their disgraces are cast against them. I indeed judge that nature is one and common to all, but that every most courageous man is also the most nobly born.

And if it could now be asked of the fathers of Albinus or Bestia whether they would rather have had me or those men born from them, what do you believe they would answer except that they wished their children to be the best possible? But if those men rightly despise me, let them do the same to their own ancestors, whose nobility, like mine, began from virtue. They envy my honor; let them therefore envy my labor, innocence, and dangers also, since through these I obtained it.

Yet men corrupted by pride pass their lives as though they despised your honors, while they seek those honors as though they had lived honorably. Truly those men are deceived who expect contrary things at once: the pleasure of idleness and the rewards of virtue. Moreover, when they speak before you or in the senate, most of them extol their ancestors in their speech. By recounting their courageous deeds, they think themselves more illustrious; but the contrary is true. For the more distinguished the life of those ancestors, the more disgraceful is the sloth of these descendants. And assuredly the matter stands thus: the glory of ancestors is a light for their posterity and permits neither their good nor their evil deeds to lie hidden.

I suffer poverty in this respect, Romans. But what is far more distinguished, I am permitted to speak of my own deeds. Now see how unjust they are. What they arrogate to themselves from another's virtue, they do not concede to me from my own--evidently because I possess no ancestral images and because my nobility is new. Assuredly it is better to have produced nobility than to have received and corrupted it.

I am indeed not unaware that, if they now wished to reply to me, they would possess an abundantly eloquent and polished speech. But amid your very great favor, when they lacerate both me and you with reproaches in every place, I resolved not to remain silent, lest anyone interpret modesty as a guilty conscience. Indeed, in accordance with my conviction, no speech can injure me: a true one must necessarily speak well of me; my life and conduct overcome a false one. But because your counsels are accused--you who imposed upon me the highest honor and the greatest undertaking--consider again and again whether you ought to regret it.

To inspire confidence, I cannot display ancestral images, triumphs, or consulships of my forefathers; but, if the matter demands, I can display spears, a standard, horse-trappings, other military gifts, and, besides these, scars on the front of my body. These are my ancestral images; this is my nobility--not left to me by inheritance, as theirs was to them, but what I acquired through very many labors and dangers of my own.

My words are not polished. I make little of that. Virtue sufficiently manifests itself; they have need of artifice in order to cover their disgraceful deeds with speech. Nor did I learn Greek literature. It pleased me little to learn it, since it profited its teachers nothing toward virtue. But I am learned in those things far better for the state: to strike the enemy, to keep watch over defenses, to fear nothing except a disgraceful reputation, to endure winter and summer alike, to rest upon the ground, and to tolerate want and labor at the same time.

By these precepts I shall exhort the soldiers. I shall neither maintain them harshly while maintaining myself lavishly, nor make their labor my glory. This is useful; this is command suitable to citizens. For when you yourself live in softness, to compel the army by punishment is to be a master, not a commander. By doing these and similar things your ancestors brought glory to themselves and to the state. The nobility, relying upon them but itself unlike them in conduct, despises us who emulate them and demands all honors from you, not from merit but as though they were debts. Yet those most arrogant men are far mistaken. Their ancestors left to them everything that it was possible to leave: riches, ancestral images, and a distinguished memory of themselves. They did not leave virtue, nor could they; that alone is neither given nor received as a gift.

[Printed page 692]

They call me sordid and uncultivated in conduct because I adorn a banquet with little skill and possess neither any actor nor a cook of greater price than my farm steward. I am pleased to confess these things, Romans. For I received this teaching from my father and from other virtuous men: that elegance befits women, labor men, and that

all good men ought to possess more glory than riches; that arms, not household furnishings, are an ornament.

Why then do they not always do what pleases them and what they esteem dear? Let them love and drink. Let them pass their old age where they passed their youth: at banquets, devoted to their belly and the most disgraceful part of the body. Let them leave sweat, dust, and other such things to us, to whom they are more pleasant than feasts. But it is not so. For when the most disgraceful men have dishonored themselves by crimes, they go to seize the rewards of good men. Thus, most unjustly, luxury and idleness--the worst arts--do no harm to those who cultivated them, but are the ruin of the innocent state.

Now, since I have answered them as far as my conduct, not their crimes, required, I shall speak briefly concerning the state.

§ 5. I do not approve this nobility, for it is wicked; but I judge that the counsel of our Mariana must be followed. "Indeed," he says, book 4, chapter 4:

In my judgment the nobility must be protected by the prince, and something must be granted to descendants because of the distinguished merits of their ancestors--but only if they themselves add conduct not unlike the splendor of their birth, together with industry and virtue. Nothing is more disgraceful than an idle nobility: men who, swollen with the glory of their ancestors, consume the wealth received by inheritance in wickedness and frivolity; and who, trusting in the praise of their forefathers, themselves languish in idleness and sloth, striving to obtain the rewards of virtues by vices and, through the disguise of nobility, to occupy in sloth and inactivity the place of courageous men.

They are therefore to be repelled by the prince on two grounds and are foul with a twofold disgrace: because they both contaminate themselves with baseness and stain the distinction of their lineage with baseness. For the more illustrious their forefathers were, the more deserving of hatred are those who obscure the splendor of nobility by lust and impurity. And most especially, many from their number possess such rashness and madness that, proud of the emptiest names, they so despise in comparison with themselves men born in an obscure station, however industrious, courageous, and energetic, that they do not consider them human beings. Having been honored with many honors, they seek greater ones; and, ambitious and senseless through evil arts, they contend that all rewards owed to virtue are owed also to their nobility.

Moreover, not a few concessions must be made to the rich, since men of wealth constitute a great defense for the prince in every part of the state, and they can set many things in motion unless they are bound by the prince's beneficence. But they are finally to be held in esteem only if they devote themselves to good arts and direct their money and wealth toward the pursuit of honor. If the rich, although empty of every virtue, are increased by rewards and honors, avarice, insolence, and idleness will be sanctioned among the people; and they will believe that only those whose fortune is immense and whose possessions are extensive are blessed. The needy will lie perpetually in squalor without any hope of rising. Having therefore conceived despair, they will be incited to make an assault upon the rich. Quarrels, insults, and robberies will arise. The state, torn into opposing parties, will utterly perish.

Therefore, if the prince desires service to be rendered to his dignity and the public safety, he will not regard immense wealth if it is stripped of virtue, nor will he foster nobility of lineage if it is destitute of the light of honor. Rather, he will embrace virtue and industry wherever they are found; and, retaining liberty to establish what he judges, he will fear the empty murmuring of no man. He will not be moved by anyone's displeasure. No one will be supported by such great wealth or illustrious through such great nobility that he may impose laws upon the ruler and assume so much for himself that he dares to draw the prince away from the pursuit of ordering virtue.

The prince will nevertheless not cast aside illustrious families even when they are idle, but will arouse them to virtue by every means; and, just as he cares for the preservation and increase of ancient cities, so will he care for families.

He will especially employ the method which Plato valued most highly: namely, that he graft warlike men into peaceful families. There is a noble family in towns or citadels, a follower of pleasures but nevertheless rich and peaceful; from

it let him seek a wife for a noble admiral, tribune, or courageous and fierce man. He will add spirit to his relations by marriage and draw them with him into labors and the sweet honor of victories. Let him entrust to a military father-in-law a noble youth who hides at home or is occupied with courtly pageants; for thus the virtue of one man will arouse both sons-in-law and grandsons.

Next, let the prince have no nobles around him, and let him indicate that he esteems none, except those who delight in prudence, temperance, and labor. Most importantly, after a careful selection for virtue, prudence, and wealth, every year he will ennoble men who have deserved well and employ them in the state. From this he will obtain two things: first, that he possess nobles; then, that he possess suitable magistrates.

Many of the ancients often ridicule new men, or recently created nobles. Against them Cicero argues in book 3 of his *Letters* and shows that there can be εὐγένειαν--nobility of character--without hereditary nobility, and hereditary nobility without εὐγενεία. Euripides also expressed this excellently:

> ὁ μὲν γὰρ ἐσθλὸς εὐγενὴς ἐμοί γ᾽ ἀνήρ·
>
> ὁ δ᾽ οὐ δίκαιος, κἂν ἀμείνονος πατρὸς
>
> Ζηνὸς πεφύκῃ, δυσγενὴς εἶναι δοκεῖ.

A good man seems noble to me; but one who is not just, even if he was born from a father nobler than Jupiter himself, I account ignoble.

Let men acknowledge that these nobles are new, since their own ancestors were also new, while the descendants of these men will be called members of an ancient lineage. Seneca speaks prudently in Letter 44:

> If there is anything else good in philosophy, it is this: that it does not inspect a pedigree. All men, if recalled to their first origin, are from the gods. You are a Roman knight, and your industry brought you to this order; but, by Hercules, the fourteen rows are closed to many. The senate-house does not admit all; the camp also disdainfully chooses those whom it receives for labor and danger. A good mind lies open to all; we are all noble for this purpose. Philosophy rejects no one and chooses no one; it shines for all.
>
> Socrates was not a patrician. Cleanthes drew water and hired out his hands to irrigate a little garden. Philosophy did not receive Plato as a nobleman but made him one. Why is there reason for you to despair of being able to become equal to these men? They are all your ancestors if you conduct yourself worthily of them. You will do so if you immediately persuade yourself that no one surpasses you in nobility.
>
> All of us have the same number of generations before us. The origin of every man lies beyond memory. Plato says: “No king is not descended from slaves; no slave is not descended from kings.” A long succession of changes has mixed all these things, and fortune has turned them up and down. Who, then, is nobly born? One well fashioned by nature for virtue. This alone is to be regarded. Otherwise, if you recall matters to antiquity, every man comes from a point before which there is nothing. From the first origin of the world down to the present time, an alternating succession of illustrious and sordid ancestors has brought us forth.
>
> An atrium full of smoke-blackened ancestral images does not make a man noble. No one lived for our glory, nor is what existed before us ours. The spirit makes a man noble; from any condition it is permitted to rise above fortune. Consider yourself, therefore, not a Roman knight but a freedman.
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> *[Printed page 693]*
>
> You can attain this: that you alone should be free among freeborn men. “How?” you ask. If you distinguish good and evil without taking the people as your authority.

If we examine the whole nobility, few extend their insignia beyond two hundred years, fewer beyond three hundred, and very few beyond four hundred. For how small a proportion of nobles is found celebrated in records and histories

before those years? The little moons of the Arcadians are therefore laughable if they wore them upon their shoes as a boast of antiquity, as though they were older than the moon; they are praiseworthy if worn as a symbol of changes.

The promotion of new men brings a notable advantage to the state. For since the old nobility in part despises them and in part envies their advancement, the new men must necessarily look to two things: that they be beyond contempt and then beyond envy. They will be beyond contempt if in great, honorable, laborious, and costly matters they render faithful and energetic service to the prince and are accepted by him, as were Daniel and his companions in the court of the Chaldeans. These things, however, kindle the torches of envy. So it happened in Darius's court, Daniel 6:1:

> It pleased Darius, and he appointed over the kingdom one hundred and twenty satraps, that they might be throughout his entire kingdom; and over them three princes, of whom Daniel was one, so that the satraps might render an account to them and the king might not sustain trouble. Daniel therefore surpassed all the princes and satraps because a greater spirit was in him. Moreover, the king was considering appointing him over the whole kingdom. Hence the princes and satraps sought an occasion by which they might find fault with Daniel on the king's side; but they could find no cause or suspicion, because he was faithful and no fault or suspicion was found in him.

Envy clings to upright successes, but more strongly when others perceive that they are being obscured by their brilliance. They will escape or diminish envy by living modestly and courteously; accordingly, they will make no display either of pomp or expense. Their virtue will spur on the old nobles, as Miltiades' trophy spurred Themistocles, so that by the same path they may strive through good deeds for the prince's favor. Next, they will arouse others from the same family and from other families to dare likewise to raise themselves from the ground.

Nor will the estimation of nobility be cheaper, for men will be chosen who are an ornament to the state--not men whose nobility consists in cicadas or bordered togas, but men who bring learning, prudence, dexterity in action, and magnanimity to government. For them nobility is not a covering for vices and idleness but a whetstone and spur of industry. Thus a new nobility will grow up as a rival of the old and itself will soon become old. The old nobility will diminish; and, just as the most excellent medicines become the most harmful poisons when they have putrefied, so generosity of stock, when corrupted into degenerate conduct, gravely infects the state.

The prince will correct those vices seriously, especially if nobles inflict injuries, for the vices increase through toleration. Otherwise either the nobility, through fear of judgments, will disturb the state, as happened at Rhodes, or the people will rise up, as happened in Switzerland and a hundred years ago in many places of Germany. The same occurred in Hungary in 1514. In 1505 the Genoese expelled the nobility. King Casimir opportunely corrected the tyranny of the Polish nobles when the people were already disposed toward conspiracy. Cromer, book 6, *On the Deeds of the Poles*.

§ 6. Furthermore, for someone to be accounted noble means that he is distinguished from the condition of the common people, of which there are many degrees. Every supreme majesty possesses the right to ennoble. For the ordering of the ranks of citizens, the granting of rewards to virtue, and the exempting of worthy men from the common lot are in its power. This power has been given to certain others either by privilege or by usage.

Men of many pedigrees but degenerate and without virtue, prudence, or knowledge are nevertheless accounted nobles, both by opinion and by common law, which does not examine every particular circumstance.

If, however, a prince ennobles a man possessing no virtue, but solely by grace and favor or because of riches, Arumaeus judges that he does not become noble. Yet since experience teaches that many nobles are inferior in virtue and prudence to commoners, and since nobility is a dignity established by civil law, I judge it valid even when conferred upon an unworthy man. The prince indeed abuses his power when he lavishes the rewards of courageous men upon the unworthy; nevertheless, it does not belong to a private person to accuse the prince's judgment or render it void. Accordingly, just as an office, gift, praetorship, and other things conferred by the prince upon unworthy men are not to be revoked, so neither is nobility. For if the people must acknowledge an unworthy governor because the

prince appointed him, why should they not also regard as exempt the man whom the prince exempted? If an unworthy man receives a fief and transmits it to his descendants, why not nobility also--and its effects, privileges, honor, and immunity from the various burdens to which the common people are subject?

The reasoning is the same if nobility is granted for a crime: because a man devised new taxes, calumniated the innocent, committed slaughter by the prince's command, or pandered to his pleasures. For although the prince sins most gravely when he rewards vices of which he was appointed the avenger by God, and although all detest Tiberius, who willed the prefecture of the city to be the reward of drunkenness, the benefice of even an imprudent prince nevertheless remains unaltered. For if the merits of the recipients are weighed, perhaps few are worthy, and generally the worthier are passed over, since they flatter less. That man will therefore enjoy his nobility to his own and his lineage's everlasting disgrace. He will be exempt from the common people, but foul, infamous, and a reproach to the prince.

Nor ought this to seem surprising: prostitutes securely retain the payments given them for crimes. Many princes have also ennobled their concubines; noble families remain today whose nobility began from fornication. Nor is it surprising that the royal stock of the Israelites arose from incest.

They say that nobility is lost by practicing vile arts. They deny that bakers, smiths, carpenters, cooks, innkeepers, money-changers, pipers, harpists, and merchants remain noble. The laws indeed forbid servile and theatrical crafts, but most have now fallen out of use. Others do not so much deprive a man who practices them of nobility as demonstrate that they are unbecoming to nobles. If necessity drives someone to them, I do not see why he should cease to be noble, if lineage and virtue remain. I do not wish the man struggling with that difficulty to boast meanwhile of his nobility; if he emerges from it, let him defend and display his right and dignity. David assuredly was noble: at home a keeper of sheep, at court Saul's harpist. I have seen serious men of senatorial rank who were innkeepers and were themselves ennobled; elsewhere I have shown that many nobles engage in commerce. Would that idle, drunken, blasphemous nobles--oppressors of farmers, fornicators, adulterers, and unjust men--lost their nobility! Would that they preserved it by sedentary handicrafts rather than by robberies!

CHAPTER XXI

Power Is Stable When Provisions Have Been Collected for Use

§ 1. Men, arms, and other things must be discussed, but I shall more suitably transfer these matters to the book on war. Let us now treat the remaining matters, among which the foremost is that the prince make provision for granaries and the grain supply. Hunger subdues every power; want has handed many cities and kingdoms over to the enemy. Yet even in peace there is no firmer defense for a prince than provisions, and nothing is more dangerous than hunger if the prince cannot appease it. One who does not prepare grain and other foods in good time is conquered without a sword. Indeed, he is endangered even in peace: a hungry soldier is useful to no one; a hungry citizen is restrained by no reverence for majesty.

§ 2. The state will therefore establish public granaries and storehouses of grain, wine, and oil. It can do this without great expense if it possesses public fields and if, when grain is cheap, it buys wheat, as Joseph did in Egypt. A distribution of grain is powerful for attracting the common people. By this method Maelius was aiming more effectively at kingship, and would have drawn the Roman Empire to himself by the gift of bread, had the leading men not opposed him. A prince who neglects that opportunity takes little thought for himself.

It is incredible to relate how much grain was stored at Rome. Lipsius treats this beautifully and learnedly in *Admiranda*, book 2, chapter 10. Distribution of grain at Rome was therefore ancient and was practiced even by the senate itself. In times of scarcity and a restricted grain supply, like a kindly father taking pity on the plebs, the senate sometimes divided grain among them--though not at no price, but for a moderate sum. The tribunes immediately followed and claimed this thoroughly popular measure for themselves, passing various grain laws. Last in this matter, Clodius carried an annona law that the grain which had previously been given to the people for half an as and a third of an as for each modius should be given FREE OF CHARGE. Thus Asconius. This was the origin and afterward the continuation of free grain.

The senate had indeed already employed such a distribution immediately after Catiline's conspiracy, at Cato's instigation, but I do not know whether without any price. The matter is related thus in Plutarch, but in words which must be weighed. He says that Gaius Caesar, during his praetorship, had attempted revolution while the people were agitated and unstable because of those Catilinarian disturbances. Cato therefore, in order to forestall him:

> ἔπεισε τὴν βουλὴν ἀναλαβεῖν τὸν ἄπορον καὶ ἀνέμητον ὄχλον εἰς τὸ σιτηρέσιον, ἀναλώματος μὲν ὄντος ἐνιαυτῷ χιλίων καὶ διακοσίων καὶ πεντήκοντα ταλάντων.

He persuaded the senate to admit the needy and landless people to the distribution of grain, although the expense was one thousand two hundred and fifty talents. This is thirty million sesterces according to the Roman reckoning; according to ours, seven hundred and fifty thousand Philippics. You therefore see the expenditure made upon this matter in that age.

The institution remained thereafter under the emperors, except that, when during the civil wars the number of recipients had grown beyond measure, Julius Caesar reduced it. Suetonius says concerning him: "From the three hundred and twenty thousand who received grain from the public supply, he reduced the number to one hundred and fifty thousand"; or, if you listen to Dio, to one hundred and sixty thousand, because he says they were reduced by half. The difference is small. But Augustus afterward increased the number and made it two hundred thousand. Did Tiberius also increase it? Although he was very far from being popular, he nevertheless enumerates in the senate, in Tacitus, from which provinces and in how much greater quantity than Augustus he imported the grain supply. Therefore it was to be distributed to more people also, unless I am mistaken.

I have already condemned this type of distribution above. Here I wished only to show that it was always employed for winning the favor of the people. Nor can anyone safely wage war unless provision has been made concerning the grain supply. Caesar Augustus and Antony, because of the hunger of the people, were endangered although they were so much more powerful than Pompey. Dio relates the matter. Then the Romans--because Sardinia was occupied and the maritime region was being harassed--lacked grain. Therefore, when there was an immense famine and they were grievously afflicted by it, they exhorted Caesar and Antony to make peace with Sextus and raised a great clamor for that reason. But when they understood that they were accomplishing nothing, they hastened quickly to kill them. When Caesar perceived this, although his own men had already been wounded, he nevertheless tore his garment and, as a suppliant, began to entreat their good faith and implore their mercy. Antony resisted by employing greater force. At last they were compelled to send envoys to Sextus concerning peace.

Nor was provision made for the city thereafter. For near the end of Augustus's life there was so great a famine that Caesar himself was compelled to dismiss the crowd of his servants, and a greater one occurred under Claudius, although that Claudian famine was universal.

Therefore defenses against famine must be established in every suitable place, so that, when the fields have been devastated or cultivation impeded, the subjects may live from the stored grain supply. For if a kingdom labors under famine, it will be easily captured. For this reason all fortifications are perishable. Accordingly, if the Spaniard could divert the northern grain from Batavia, he would easily subjugate those dominions--even if he did not cut off all provision, but merely made it difficult for them. For no kingdom is secure in which there is not produced a quantity of crops sufficient to feed its inhabitants.

For this reason Roman strength at home was always weak. For if anyone had made the sea dangerous or brought Africa or Egypt under his dominion and power, the eternal city would have had to perish by hunger. The Roman princes knew that internal evil, and Rome herself acknowledges it in Claudian:

> Rome, already fearing destruction and wearied by crops denied her,
>
> Was making her way to the threshold of swift Olympus,
>
> Not with her accustomed countenance, nor as when she apportions laws to Britons
>
> Or subjects trembling Indians to the fasces.
>
> Her voice was feeble, her steps slow, her eyes downcast;
>
> Her cheeks had sunk inward; hungry wasting consumed her arms;
>
> On sick shoulders she scarcely sustained
>
> Her rusting shield; her loosened helmet revealed
>
> Her gray hair, and she dragged a spear full of rust.
>
> When at last she reached heaven and fell at the knees of the Thunderer,
>
> Sorrowful she began complaints such as these:
>
> "If my walls, Jupiter, deserved to be born in order to remain;
>
> If the Sibyl's prophecies stand unshaken;
>
> If you do not yet despise the Tarpeian citadel,
>
> I come as a suppliant--not that an exultant consul may tread upon Araxes,
>
> Or that the axes of the rostra may press quiver-bearing Susa,

Nor that we may plant eagles in the red sands.

These things, these things you formerly granted us; now I ask only food.

Have mercy, best of fathers, upon Rome, your own nation.

Ward off this final famine. We have satisfied your anger,

If there was any. We have drained what the Getae must lament and the Suebi bewail.

Parthia herself would shudder at my misfortunes.

Why should I recount pestilence and disease, tombs filled

With carnage, and frequent deaths beneath a corrupted sky?

Or the river wandering through roofs and threatening

The highest hills? Submerged, I carried immense ships,

Heard the sound of oars, and experienced the age of Pyrrha.

Alas for me! To what have Latian strength and the city's power

Fallen? Into what a shadow have we gradually flowed?

Once I flourished through armed peoples and the counsels of the Fathers;

[Printed page 695]

By my counsels I subdued lands and bound humankind with laws;

Victorious, I ran to each sun.

After fierce Caesar transferred the common laws to himself,

Conduct slipped away; and, unaccustomed to our ancestral arts,

I withdrew into the servile bosom of peace.

For so many merits they gave me Libya and the Nile,

So that they might feed the ruling plebs and the warrior senate

With summer fleets, and so that winds from opposite shores

Might fill my granaries in turn.

My safety stood assured: if Memphis should perhaps refuse,

I balanced an Egyptian year with Gaetulian harvests.

I saw crop-bearing ships contend, and far and wide

Punic canvas meet Nilotic sails.

When a Rome equal to me arose, and the divided Dawn assumed

Equal robes, the fields of Egypt

Passed to a new share. Libya remained our only hope,

And scarcely and painfully sustained us,

Carried by the south wind alone and never secure for the future;

Always needy, it demanded the fidelity of wind and year.

This also Gildo has now seized at the close of declining

Autumn. We measure the sea with a scant prayer:

Whether any ship may come, whether perhaps either shame has wrung anything

From our powerful master or plunder has left anything.

We are fed at the decision of a Moor. He boasts not that a debt is repaid,

But that he grants what is his own; and he rejoices to furnish daily

Food as to a maidservant. He weighs life and famine

With barbarian arrogance, exults in the tears of the crowd,

And holds suspended the fate of so great a ruin.

He sells Roman harvests and possesses fields

Acquired by my wounds."

Every state, therefore, will estimate its strength from its provisions and grain supply: what it possesses at home, what grows there, what is imported from abroad, and whether it can be impeded. Hence it is especially necessary for the Venetian state to possess a grain supply stored for many years. For the entire seacoast and the islands are so exposed to Turkish arms that, even if they cannot easily be occupied and reduced beneath Turkish dominion, they can at least be devastated, burned, and despoiled. Therefore no grain supply can be obtained from them in time of war. Even if they abounded most greatly, navigation can nevertheless easily be closed or, what is sufficient to produce famine, rendered dangerous; for fear of danger restrains merchants, and the prices of merchandise increase with the dangers.

Their exceedingly populous city cannot be fed from the regions subject to it, but consumes food imported from the fields of its neighbors. The wealth of both the state and its individual citizens consists in commerce. If it is removed or diminished, the multitude must necessarily diminish and the city be deserted; for the associations of artisans are maintained by merchants, and, if the merchants' profits cease, the industry of mechanical works will collapse for lack of a purchaser. Hence, unless provision has been made publicly and privately for the city's grain supply for several years, it cannot be powerful, however much it may excel in money, soldiers, or fleet. It can nevertheless prepare power if, while it possesses wealth, it keeps grain stored in public granaries for two years and orders individual senators to possess enough for their household for three years, and likewise the richer citizens, while artisans keep enough for two years or one.

The Belgian dominions are pressed by the same difficulty. If the Dane and the Spaniard enter one alliance, if the Pole is offended, if the Swede joins marriages with the Spanish nation, whence will they feed so great a multitude of populous cities? The enemy besets the Rhine; the regions beyond the Meuse are hostile; bread comes from the north. Are there not many means by which that apparent power can be crushed unless they have made provision long beforehand? And that seafaring people would be equal to the Roman people, which said:

Now without honor and needy, it displays the pitiable punishment

Of peace; although plainly surrounded by no enemy,

It endures the crisis of the besieged. Death hangs over me

At every moment, and a few days prescribe

A doubtful allowance of food. Alas, prosperous fates!

Why did you give me seven hills and a crowd

Which could not be fed by a little? I would be happier

With straitened resources; I would prefer to endure the Sabines

And Veii. I passed a shorter age more securely.

My very mass harms me. Would that it were permitted to return

To my ancient limits and the walls of poor Ancus.

The cultivated fields of Etruria and Campania would suffice for me,

Together with the harvest of Quinctius and Curius; when the fatherland asked,

A rustic dictator would bring in his own ears of grain.

CHAPTER XXII

The Principal Power Lies in Strong and Populous Cities

§ 1. No state is to be judged powerful unless it possesses the lofty and strong defenses of cities. Today, indeed, there is no one who doubts that cities and towns must be possessed and fortified; dispute concerns only the manner and method. For in former times the boast of the Spartans was ridiculed because they called the valor of their young men their walls: if shield should cling to shield and man stand close-packed against man. It was a great and ruinous error, even in the judgment of the Spartans, who afterward encircled their city with walls and then themselves judged those cities powerful which were surrounded by walls, towers, and ditches. For they stripped Athens, their rival city, of its walls: at Lysander's persuasion the ephors judged that this should be done, and, when it had thus been disarmed, they oppressed it with the Thirty Tyrants. They placed a garrison upon the citadel and the Piraeus. Why did they destroy the walls of that most renowned city, unless in order to enervate its strength?

Sparta, ungenerous and ungrateful, gave a notable monument of this same judgment, but one full of envy and injustice, as Nepos is the authority in his *Themistocles*, together with Plutarch, Diodorus Siculus in book 11, and Frontinus in book 1, chapter 1. For when Xerxes had been defeated at Salamis--the foremost glory and command in that victory belonging to the Athenians--and they returned to their fatherland and began to rebuild the walls, or rather to restore everything that had been thrown down, the Spartans, through envy of their glory and fear of their future power, sent ambassadors to explain that it would be contrary to the safety of all the Greeks if they constructed walls; for if the Persians returned and occupied the cities, from them the whole Peloponnese and all Greece could easily be harassed. They would have prevailed, had Themistocles not frustrated the attempts of these concealed enemies by counsel and artifice. I wished to say this on account of the young men in whose mouths that ecstatic oracle is always found:

ἀσπὶς ἄρ᾽ ἀσπίδ᾽ ἔρειδε, κόρυς κόρυν, ἀνέρα δ᾽ ἀνήρ.

Shield should support shield, helmet helmet, man man. Just as the ancients ridiculed this, so it is harmful even now; for at the present time a few cannon would scatter that wall. Therefore, one who intends to defend great wealth with a small force and without danger will build for himself fortified cities, equipped to the highest degree with every kind of provision and instrument of war. For he who has no defenses of cities is continually tossed about in danger and takes less thought for his safety than wild beasts in the forests and birds, which choose the safest forests and rocks for the protection of their offspring.

[Printed page 696]

§ 2. The care of building cities is most ancient. Cain built the first and called it Enoch after the name of his son. After the Flood Babel followed--for the times before the Flood are obscure--and very many cities were built thereafter, as is evident from the history of Abraham, who was born not yet three hundred years after the Flood. At that time there were not only cities, but destructions of cities, far-ranging wars of nations, and servitudes imposed by kings, Genesis 13. In the land of Canaan, strong cities walled up even to heaven, which especially terrified the children of Israel, had been founded in the time of Moses. David afterward built and fortified cities; Solomon even built distant ones, such as Palmyra in the desert; and Jehoshaphat, although in his army, apart from the garrisons of the cities, he numbered one million one hundred and sixty thousand most valiant soldiers, nevertheless built walled cities in Judah. If we look to our own times, the Spaniard holds the New World by means of cities that have been constructed. For he plants very many and very large colonies and possesses exceedingly populous cities; yet, if one considers the East Indies, he maintains supremacy in navigation over so vast an extent with very few fortifications.

§ 3. Care for and protection of cities procure for a prince a multitude of people, arts, wealth, and the other things by which power grows and is made secure--and, what is chief, love of the fatherland that is to be defended. In former

times there were no towns in Germany and Britain. The Britons call it a town when they have fortified tangled woods with a ditch and rampart. Strabo says in book 4 that, after constructing huts in groves, they stable themselves there with their herds. Therefore at that time the Germans had no power except when they were borne into battle by a single onrush; and if they were repulsed, they remained quiet. When sought at home, they lay hidden among forests and marshes.

For the same reason they suffered every extremity as the Vandals, Goths, and Huns passed through. When the Empire had been transferred to us, then abundance of wealth and power began to flourish. A German author speaks thus about this condition: "I hold it as most certain that in that age--the age of Caesar--there were no cities, and scarcely anything resembling country houses and villages. For when we read through the records of Strasbourg, endowed with even a modest antiquity, we see that in the times of the Ottos that city had scarcely as much space enclosed within it as an undistinguished town. The same account is commonly given of Mainz, Worms, Speyer, and Nuremberg, which nevertheless received their growth in the times of the Henrys. Trajan, as Dio of Prusa, a Greek author, testifies, began two exceedingly populous cities of Dacia which even today adjoin the Danube; and I am easily led to believe that those were the first cities of the Danube. Thereafter, in the times of Constantine and Julian, as trustworthy annals assert, towns were fortified indiscriminately by the dukes of Swabia; these now obey the Empire, and among their number are Ravensburg, Ulm, and others. Thereafter Attila, the destroyer of all Germany, utterly destroyed Basel, Worms, Strasbourg, Regensburg, Nuremberg, Salzburg, Cologne, Jülich, and other towns. These were restored in part by Saint Rupert the bishop under the auspices of Theodo, duke of Bavaria, and by other bishops. Thereafter Pepin and Charlemagne increased cities to such a degree and endowed them with so many bishoprics, just as Dagobert had done before them. Thus the greater part of all Germany, while it was under their Empire, received its beginning and increase from the kings of the Franks and from the line of Charles, as we shall pursue more fully concerning each city separately when mention is made of it. At the time when the Empire was transferred to us, the cities of Germany were also made more populous."

But now Germany abounds in so many fortified and wealthy cities that it yields utterly to no region and altogether surpasses them all--not only Asia and Africa, but also the rest of Europe. For neither Spain nor Italy could contend with us in the number of great and wealthy cities. For although no city of Germany surpasses Lisbon, Venice, or Paris, German cities nevertheless surpass those of other countries in number. For no kingdom has cities which it could set against these in equal size, wealth, and strength. They are Antwerp, Lille, Ghent, Cologne, Dordrecht, Amsterdam, Bremen, Hamburg, Lübeck, Danzig, Nuremberg, Augsburg, Vienna, Basel, and Strasbourg. I know many cities larger than these, such as Leuven, Lüneburg, Brunswick, Brandenburg, Erfurt, and Prague, and many equal to them; but I deny that in any kingdom there can be found as many equal to those fifteen which I named in the first place.

§ 4. In founding and adorning cities, those things which Aristotle advises in book 7 of the *Politics* must always be kept before one's eyes--in founding and arranging them, I say. Today few are founded, both because there are many already and because suitable places have been occupied, so that the preservation of cities must now be the chief concern. Advantageous fields, rivers, and harbors must be sought.

Therefore, when a prince observes opportunities of this kind, he will attend that city with privileges and benefits, so that in a short time it may become a great city. Thus the celebrated city of Lille grew in our time; thus Dunkirk can grow by means of its harbor, thus Gravelines, thus Goa in India. So Koblenz could grow, wealthy through the confluence of two commercially busy rivers; so could our Mainz, advantageously placed for the commerce of the upper and lower regions, filled also with the riches of Gaul and the lands beyond the Rhine, and abounding in wine and grain. Upon these, I say, labor is usefully expended; for cities which lack the advantages peculiar to their locations spend money in vain. Hanau long ago ceased to grow, separated as it is from the Main; and those who first built it paid for their rashness with their own loss. Frankenthal grew rapidly, but now it comes to a halt, being more widely separated from the Rhine; and when Worms and Speyer have increased their commercial enterprise, Frankenthal, caught between them, will lose the hope of growing.

§ 5. We shall easily judge those cities to have been built in an advantageous site which, after having suffered adversity rather often, have flourished again; for the place seizes men's affections and holds them by its advantages. Above all I require a fertile place, because poverty is the fountainhead of sedition, and God willed to give his people a fertile land. Dinocrates the architect foolishly contemplated an Alexandria on Mount Athos, to whom Alexander rightly said: “From where will it be able to obtain food?” As regards the quarters of the heavens, little consideration has been given to this matter in Germany. Although our Mainz faces east and north, consideration was given to its fields, rivers, springs, and mountains.

§ 6. Those two conditions can be obtained only with difficulty: that an advance into another's territory be easy, but an enemy's approach difficult. In former times many cities were situated on mountains: the descent was easy, the entrance difficult. But because the method of warfare, and also that of provisioning, has changed, cities which are on mountains and afford little convenience for provisions and all other things are not strong. Thus now also we see the castles situated on the hills of the Rhine and Moselle for the most part deserted.

[Printed page 697]

Now as to what some say--that the fortifications of cities are dangerous because enemies, once they have captured them, are secure in them--this has already been refuted above in the treatment of money. For a city ought to be defended by valor and prudence. Who doubts that the single city Tyre resisted Alexander more than the whole kingdom of Darius did? That same city closed its gates to Nebuchadnezzar and detained the conqueror of nations. Thus Ezekiel 29:18: “Son of man, Nebuchadnezzar king of Babylon made his army serve a great service against Tyre: every head was made bald, and every shoulder was made bare; yet no recompense was rendered to him or to his army from Tyre for the service which he performed for me against it.”

Therefore he took all Egypt--that is, hundreds of cities--more easily than Tyre, because it is easier to receive a reward than to earn it by laboring. Thus in the memory of our fathers one Vienna, but a faithful Vienna, resisted the Ottomans more than half of Hungary and more than the whole Peloponnese.

§ 7. They say that wealthy cities, once they have easily acquired means, rebel; for satiety and riches are followed by the desire for liberty and honor. But a remedy for this evil will be provided by the just and mild government of the prince, the election of trustworthy men to magistracies, and the binding of those same men to him by honors and benefits. Nor is this to be neglected: that those who might be the instigators of disturbances should possess properties in other places, so that through fear of losing them they may prefer the prince's favor to all things. He will also grant those privileges which, if the city should deserve it, he can immediately withdraw.

Aachen, a renowned city and royal seat, received immunity from tolls from Charlemagne--a vast benefit if one considers the citizens, but in turn a close obligation not to offend the emperor, who could overturn their fortunes with one word, one sheet of paper. Therefore citizens of this kind will listen to no Manliuses, no Clodiuses or Curios, not even Brutuses. Thus Frankfurt, a renowned emporium, is protected by the right to hold fairs, which it possesses by the favor of the emperors. That right is great and alone preserves the city; but the same right nevertheless makes it a city faithful to the Empire, for it can be stripped of it by a single edict. In no city of Europe are there greater riches than in Lisbon, which is the emporium of the whole world, distinguished for its harbor, buildings, and number of people. But there is no danger of defection, because by one edict its merchants' wares, dispersed throughout all the royal cities and ports, can be confiscated. For this reason also they detested Antony's rebellion, because they saw that, if they were impeded by a domestic war, they would easily lose the Indies.

CHAPTER XXIII

Fortresses Are Useful and Necessary for Preserving Power

§ 1. Political writers differ concerning the construction of fortresses; indeed, some demolish those which others have constructed. Machiavelli is uncertain. For this is his counsel in chapter 20 of *The Prince*:

> A custom had grown strong among princes that, in order to possess their principate more securely, they should erect fortresses which, as though with reins and bridles, would restrain those who contrived something against them, and that against every sudden assault they should have a secure refuge to which they might withdraw. Indeed, I would not wish to condemn this counsel, since it is now very ancient and customary. Nevertheless, in our age we have seen Niccolò Vitelli destroy the two fortresses which were at Città di Castello in order to retain that dominion. Guidobaldo, prince of Urbino, having been restored to the principate from which he had been expelled by Valentino, utterly overthrew all the fortresses of that province. For, when they had thus been overthrown, he judged that the province could be lost again only with greater difficulty. When the Bentivogli returned after Bologna had been recovered, they followed the same counsel. Fortresses, therefore, are or are not useful according to the condition of the times; but in whatever respect some good returns to you from them, in another they harm you exceedingly. This matter can assuredly be examined thus.

§ 2. I judge fortresses useless to free cities, but judge that every expense which would have to be spent separately upon a fortress should be devoted to walls, ditches, and bulwarks. Thus the Romans ought to have leveled the Capitol to the ground, and the Athenians to have demolished the citadel of Minerva; for it is advantageous to wicked citizens and slaves to occupy them and hand them over to the enemy. They must also be guarded in time of peace. When war is raging, it is a miserable consolation for citizens to abandon their houses and flee into the fortress, which nevertheless they cannot defend for long, since their multitude impedes them and there is a lack of provisions and danger of disease among a crowded multitude.

Hence fortresses are demolished as workhouses of slavery and supports of servitude as soon as men aspire to liberty. Simon Maccabaeus destroyed the fortress which the Greeks had occupied for thirty years. Fortresses are therefore hateful to cities as fetters upon liberty. As long as they remain, citizens judge that they have been placed beneath the blow; and although the garrison may do no harm, it is nevertheless an object of fear. A fortress nevertheless saved Rome, but those who preferred to die were men of great spirit. The Messenians also, after being defeated by the Lacedaemonians, defended themselves for twenty years in the fortress of Mount Ithome. Pausanias, *Messenian Affairs*.

§ 3. Those who have added some province to their empire by war ought to keep its people obedient by means of fortresses. Everyone now employs this method throughout the whole world; and if anyone undertakes to advise the contrary, he will appear to be acting so as to be mad with reason--and, if the truth must be said, he is mad. Therefore, when Machiavelli proclaims fortresses useless and harmful, he acts so as to strip his prince of dominion by means of exotic wisdom. The Spaniards would already have lost the West Indies a thousand times, and the Portuguese the East Indies, if they had been without fortresses. For a few fortresses impose a bridle upon so many peoples.

But the entire matter will be understood if we weigh Machiavelli's wisdom. In book 2, chapter 24, of his *Discourses on the Republic*, he reasons thus:

> It may perhaps seem remarkable to someone that, although the peoples of Latium, after being conquered and subdued, rebelled so many times, the Roman people did not construct any fortresses either at Privernum or in their other cities in order to restrain them and keep them obedient. For they certainly acted otherwise than our Florentines think one ought to act, since the Florentines judge that their own and other cities must be restrained by fortresses. Indeed, if the Roman people had been like our own men, they would have acted in the same way as ours. But because there was in that people another valor, another power, and another judgment concerning affairs, it

> therefore thought that one must act otherwise. While the state was free, it never constructed any fortresses either for restraining cities or for defending provinces; nevertheless, it preserved some of those which it occupied after they had been founded by others. Since these things are so, while the princes of our own time appear to think very differently, I have therefore judged that I would not act amiss if I inquired in this place whether structures of such great mass are useful or useless to their authors.

I reply that those who deny that the Romans possessed fortresses are gravely mistaken, for they held their whole empire by the garrisons of fortresses. I shall easily prove this matter, remarkable though it may be to antiquaries, to be true for political writers. It must be observed that some whom the Romans conquered were received into the city. Florus, book 1, chapter 1: “Thus peace was made and a treaty struck with Tatius. A thing marvelous to relate followed: the enemies abandoned their own seats and migrated into the new city, and joined their ancestral wealth to their sons-in-law as a dowry.”

And in chapter 3: “He incorporated the Albans. And so, after the enemy had been conquered, he tore apart Mettius Fufetius, guilty of breaking the treaty, after he had been bound between two chariots drawn by swift horses. He also destroyed Alba itself, although it was a parent city, because it was nevertheless a rival; but first he transferred all the wealth of the city and the people itself to Rome, so that the kindred city seemed not to have perished but in some sense to have returned again into its own body.”

They utterly destroyed some, sold others, and received others in surrender, so that they might either enervate them in this fashion and prevent them from rebelling or restrain them with garrisons. These garrisons were of two kinds: colonies and fortresses. They treated them according to the cause of the war, the obstinacy, or the obedience of the besieged. The Falisci surrendered voluntarily; the Fidenates were consumed by their own fire; the Veientes were seized and utterly destroyed; among the Sabines, and where the Nar flows around, a great number of men and a great extent of land were captured; the cities of the Samnites were so destroyed that Samnium had to be sought in Samnium. But I must speak of fortresses.

The first kind consisted of colonies, when in suitable places they fortified ancient towns or constructed new ones. Peoples about to rebel attacked these first of all. At the beginning they were like great fortresses; afterward they grew into great cities. Lipsius describes this custom in book 2, chapter 23, of his *Constancy*: “Let this one example concerning colonies stand for all exactions and robberies. Just as nothing firmer for the strength of empire was discovered, so nothing more grievous to subjects could have been devised. Legions and veteran cohorts were everywhere conducted into fields and towns, and the miserable provincials were in a moment cast down from all their goods and fortunes. They had dared nothing and deserved nothing; their wealth or fertile fields constituted their whole crime. In this there assuredly appears a kind of whirlpool of every calamity. It is miserable to be despoiled of money; what if one is despoiled also of fields and roofs? It is grievous to be driven from those; what if from one's whole fatherland, temples, and altars? Behold, several thousand persons were torn apart: children from parents, masters from their household servants, wives from husbands; and they were scattered into various lands according as each man's lot fell--some ‘to the thirsty Africans,’ as the poet says concerning this very matter, ‘part to Scythia, or to the Britons divided from the whole world.’ Octavian Caesar alone planted twenty-eight colonies in Italy alone; in the provinces he planted as many as he pleased. Nor, so far as I know, was any other thing more destructive to the Gauls, to us, and to the Spaniards.”

Colonies were towns of Roman or Latin citizens who had been conducted there. Sigonius relates these reasons for colonies: first, that the earlier peoples who had previously inhabited the places might be restrained; the second people was therefore military and was introduced as though into a fortification. Second, that neighboring enemies might be repelled. Third, that the urban plebs might be drained away. Fourth, that the Roman stock might nevertheless be increased. Fifth, that seditions might be removed. Sixth, that veterans might receive rewards. According to their original institution, therefore--for matters were afterward conducted in another manner also--the colonists had to deal with conquered peoples and neighboring enemies. Thus the colonists planted among the Ubii kept perpetual watch

against the unpacified Gauls and Germans. But we must treat of fortresses properly so called, of which I affirm that there were very many.

These were, namely, camps, from which our fortresses or castles also take their name; for in Italian they are called citadels because they are like small cities, as colonies generally were at the beginning. But I speak of camps, which I affirm were fortresses--temporary fortresses and sometimes permanent ones. I call military fortifications fortresses whether they are made of stone or of turf and timber, for even now fortresses of turf are more highly approved. Nicolas Bellus teaches this concerning his Gauls in volume 1 of *Political Matters*:

> As regards fortifications, there is no other region in which there is a greater number of them, which results from several causes. One is that, when the kingdom was divided into several dominions and principalities--namely Burgundy, Brittany, the Duchy of Anjou, and Normandy--each ruler fortified his own frontiers. The number of fortifications grew through the wars of the English, who ruled a great part of France. The situation and nature of places suitable for fortification, and no less the diligence and aptitude of the people for these matters, make the fortification of places easier. There is no other nation more industrious in fortifying or one which spares labor and expense less. Nor is France less strong within than on its outermost frontiers. Beauvais, Troyes, Orléans, Angers, the city of Bourges, Limoges, Saint-Flour, Carcassonne, and Soissons yield nothing in strength to Calais, Péronne, Narbonne, and other frontier places. Each part of this kingdom is fitted to serve as a frontier for the rest of the kingdom.

This is also proved in Belgium and Germany. Such were the fortresses of the Romans; for we are not disputing about the material of fortresses but about their purpose and manner. Let us therefore examine Roman fortresses. First, all Roman camps, even for the rest of a single night, were like fortresses. A place most suitable for prospect, watering, and foraging was chosen; it was surrounded with a rampart and ditch; everything was distinguished in the highest order, as Lipsius explains most learnedly. But like these camps were those which were permanent upon the frontiers. Next, there were permanent forces established by Augustus for the protection of the empire. Tacitus, *Annals* 1: “The legions, provinces, and fleets, all things joined to one another”; for the principal part of the soldiers was stationed on the frontiers.

Third, in the time of Augustus there were three legions in Spain, seven in Gaul along the Rhine, two in Africa, two in Egypt, four in Syria along the Euphrates, two in Moesia along the Danube, and two in Dalmatia. But afterward there were three in Egypt--one at Alexandria, according to Strabo--and likewise nine cohorts: three in the city, three at Syene, and three in other places. There were also two legions at Berytus, because it was the barrier of the sea. It is established that there were also cohorts of allies, auxiliaries, wings, and cavalry. In Raetia, Judaea, and other places there were cohorts alone; at Lyons in Gaul there was the Eighteenth Cohort; at Forum Julii of the Ligurians there was a cohort, the ancient auxiliary force of the place. In Gaul there were 1,200 soldiers, Agrippa says in Josephus. Afterward three legions were stationed in Britain by Claudius, two in Cappadocia by Vespasian, and two in Dacia by Trajan. Indeed, at Rome there were ten thousand--or nine thousand--and afterward more praetorians for the protection of the princes and against sudden emergencies. “These men,” says Lipsius, “had the Praetorian Camp at the Viminal Gate, so that they might be kept under closer restraint and discipline, separated from the citizens and the city.” Besides these there were three Urban and Watch Cohorts; Dio, book 4. Lipsius judges that there were fourteen cohorts.

§ 4. While I weigh all these matters with myself, I at the same time establish what they are accustomed to deny: the fortresses of the Romans. The Praetorian camps were enclosed with a ditch and rampart, and all those along the Rhine in the same manner. They differed in no respect from our castles except that their garrison was larger. Their fortification was of the kind which is now customary in our temporary camps, such as Ambrosius, the greatest of commanders, made along the Rhine. Indeed, those ancient winter camps of the Romans were stronger--stronger, I say, if you consider the times. For since men lacked cannon, it was necessary to climb with their hands, tear apart palisades and embankments, and level the breastwork. Thus at that time they were safer in their camps than men now are in fortresses. For although they were made with little labor, they were nevertheless easily defended.

[Printed page 699]

Sejanus established a camp at Rome and fortified it with a rampart. Tacitus, *Annals* 4: “He increased the power of the prefecture, previously moderate, by gathering into one camp the cohorts dispersed throughout the city, so that they might receive commands together and, through their number, strength, and the sight of one another, confidence might be given to them and fear to everyone else. He alleged that the soldiers grew wanton while dispersed; that if some sudden event should arise, aid could be brought more powerfully by all together; and that they would act more severely if their rampart were established far from the allurements of the city.”

Although, therefore, the Romans are not thought to have possessed fortresses, there is nevertheless no doubt that the camps themselves were like fortresses. For I define a fortress as a bulwark built for restraining peoples and repelling enemies; fortresses are accordingly named from repelling, and hence many towns have retained the name of camps. But let us hear Machiavelli further:

> Let this be the beginning of the discussion: fortresses are customarily constructed either to repel enemies or to restrain subjects and keep them obedient. I declare, however, that they are not necessary for the former use and that for the latter they are useless and harmful. I judge fortresses harmful for restraining subjects because the danger of rebellion which is feared customarily arises from hatred conceived by subjects against their lords. Subjects hate their princes and lords because of injuries received; princes are accustomed to injure their subjects and treat them badly especially when they hope that they can rule them according to their own decision and tame and restrain them according to their mind's desire. They think and hope this most of all when they possess in the subjects' midst exceedingly well-fortified citadels constructed in a vast mass, because they believe that no one will dare anything against them. Since these things are so, fortresses of this kind are not merely useless for keeping subjects obedient but also harmful, since princes, trusting in them more than is fitting, seize an opportunity for mistreating and punishing their subjects and thereby stir up their hatred against themselves, from which rebellions, slaughters, and infinite evils depend.

Machiavelli's argument can be concluded briefly thus: fortresses cause a prince to command securely; tyranny follows from security, by which subjects are harshly and insultingly treated; from this come hatred and rebellion; fortresses are therefore not to be built. But what prince will listen to this counselor? “Lest you become a tyrant, refuse to be powerful”? Rather, labor so that you may be powerful, so that you can protect the good and overthrow the wicked. Security is sought for a prince from a fortress, from resources, and from an army, all of which can give courage no less than fortresses can. I believe that security arises from fortresses. I therefore judge that they must be built, so that the prince, secure in himself, may administer justice without fear and may deter an enemy and a citizen of hostile disposition from rebellion through despair of victory. Otherwise, if security must be avoided, let the soldier be dismissed; let the prince walk alone without bodyguards; let him invite the wicked to parricide, which they will perpetrate without any danger. A prince without attendants and a province without the garrisons of fortifications equally invite the enemy.

I conclude to the contrary. A prince must act so that he is truly a prince, so that, secure in himself, he compels what he has commanded to be done and cuts off hope from those who contrive revolution. He can maintain this purpose especially by fortifying citadels; therefore citadels must be fortified.

Moreover, it is not rightly advised that a prince should not seek security but should pass his life in fear and anxiety in order that he may act more mildly. For in truth nothing is more cruel than a timid prince: he fears everything, believes everything hostile, and indulges suspicions. Hence the timidity of a prince is calamitous to leading men, and far more princes have been cruel through fear than through security. Augustus was most savage while he was afraid, and if he had died within the first twenty years of his rule, he would have been among the most hateful of princes. But when he had gained possession of affairs and dispelled his dangers, he put on gentleness. Let this remain stored deep in the mind: if he is timid, he is also cruel; if he fears, he rages. Claudius is a great example. Therefore, lest he fear and rage, let him build fortresses for his security. Machiavelli continues.

§ 5.

> But neither, when wars press upon us, do fortresses possess as much force as men customarily attribute to them. For there are only two methods of keeping subjects obedient and restraining them by force. One is that you should have ready at hand an excellent army, as the Roman people had, by which you may settle the waves once they have been stirred. The other is that you should utterly destroy and extirpate rebels, lest they be able to defect again or take up arms against you. For if you plunder their goods, arms remain to the despoiled. If you take away their arms also, fury supplies arms. If, after killing the commanders, you grant the rest the enjoyment of life, other commanders will immediately be reborn like the heads of the Lernaean Hydra. If you possess fortresses, in time of peace they will make you more audacious and unjust toward your subjects; when war comes, they will be attacked both by enemies and by your subjects, and it will not be possible for you to resist both.

I know that nothing is secure for a tyrant whom subjects and foreigners hate, and whom the very ministers of his cruelty detest.

Those two methods belong to the rich, powerful, and cruel. For to have an excellent army always ready at hand belongs only to a most powerful prince. Next, permanent armies must be maintained with great stipends; and when these are wrung from subjects, then at last they take up arms or flee to any nation whatever, and the cultivation of the province is abandoned. Next, a hundred deaths of emperors demonstrate how readily an army mutinies. Third, two thousand men in fortresses have greater power for restraining enemies than ten thousand in the open. Fortresses are therefore savings of expense.

But what he says--that fortresses do not greatly harm enemies--is false. For no one attacks a strong fortress equipped with soldiers and provisions unless he is prepared for the weariness of a long siege. Meanwhile relief forces can be assembled while the enemy fights against stones, turf, and wickerwork and pours out his strength and resources. But let us consider for a little while the fortresses of the most astute commander. In the year in which Caesar disturbed the Britons, there was a scarcity of crops because of drought, and he was compelled to station his legions in different places: one was led among the Morini, another among the Nervii, a third among the Aedui, a fourth among the Remi, three into Belgium, one among the Eburones, together with five cohorts. Caesar himself meanwhile determined to remain in Gaul until he learned that the legions had been stationed and the winter quarters fortified.

But how well fortified were the camps? The tribunes and centurions of the first ranks judge that forces however great, even those of Germans, could be sustained by fortified winter quarters. The matter itself bore witness, because they most courageously sustained the first assault of the enemy, inflicted many wounds in return, and were not pressed by want of grain. We cannot deny here that there were as many castles or fortresses as there were legionary camps. Caesar did not depart from Gaul until he heard that the winter quarters had been fortified. The fortification was such that the centurions and tribunes judged that it could be defended against forces however great; and Cicero defended his camp for many days against many thousands, although the enemies drove forward shelters and towers and in three hours completed a fortification ten miles in extent, and although on the seventh day they set the camp on fire after fire had been cast within the rampart. But the whole hope lay in fortifying and resisting.

[Printed page 700]

Caesar writes thus in book 5:

> On the next day, after the enemies perceived from the nocturnal noise and watches that the Romans were departing, they placed ambushes in two divisions in the forests, in a suitable and concealed place approximately two miles away, and awaited the arrival of the Romans. When the greater part of the column had descended into a great valley, they suddenly showed themselves on each side of that valley and began to press the rearmost men, prevent the foremost from ascending, and join battle in a place most disadvantageous to our men.

Had they not possessed strong camps, all the legions could have been destroyed in one day. Assuredly the Romans would have acted far more prudently at the beginning by doing what they were afterward compelled to do: fortifying

permanent camps, winter quarters, and even summer camps in fixed places. Hence Trajan placed castles beyond the Danube and built a bridge so that relief could be brought if they were attacked. Indeed, the conquered Decebalus was ordered to destroy his bulwarks.

Only this can be asked in this place: whether it is more advisable to possess temporary or permanent camps. But no prudent man can doubt that permanent ones are more useful. First, they are stronger, having been fortified by long labor. Second, there is no need to repeat the labor every year. Third, a conquered or routed army possesses a refuge. Hence the legions, concerning whose distribution I spoke above, and the cohorts passed their lives in their own fortifications. The regular legion at Alexandria possessed its own separately fortified camp, as though a fortress; the cohort at Jerusalem also possessed its own camp. What else was this than a fortress for restraining the city?

Herod himself, not contrary to Roman discipline, restrained the populous city hostile to him by three fortresses. Nor did the most courageous kings act otherwise. David fortified Zion and from it securely ruled the people. Besides the Cherethites and Pelethites, divisions of twenty-four thousand of the most select soldiers always served him as a garrison, as Holy Scripture testifies, 1 Chronicles 27. But let us consider our own times, concerning which Machiavelli speaks in this manner:

> If fortresses were ever useless for restraining subjects, assuredly in our age they are not only useless but also ruinous because of the use of engines of war, whose assault neither fortresses nor any confined places can sustain. To withstand them, it is necessary continually to fall back and to compensate inwardly with new ditches and embankments for the ruins of the walls which they produce. Since these things are so, consider further whether a people which was already previously under your dominion, or one which has recently been added to your empire, should be restrained by fortresses of this kind. Certainly, if you possess a principate received from your ancestors, fortresses will not benefit you in keeping subjects obedient, for the reasons already explained: since they make you and your descendants more audacious in inflicting injuries upon the people, and consequently expose you to their hatred, and cannot afterward defend you. For these reasons, and lest either he himself or his heirs have an opportunity to exercise tyranny, but instead endeavor to win the people's goodwill, a wise prince should never construct fortresses.

This argument repeats the preceding one and adds that fortresses are useless at the present time because they cannot long sustain the assault of engines. If this argument possesses force, no fortification whatever ought to be employed; nor should camps be surrounded with a rampart in the Roman manner, for they cannot long resist cannon. But kings and princes, as well as the most courageous commanders of our time--whom I judge in no way inferior to the ancients in strength of spirit and prudence--think altogether differently. For first, many fortresses fortified by the nature of the place and also assisted by art, if they possess an energetic soldiery, are impregnable and render rivers, harbors, and roads secure. Next, those which at some time yield to the enemy nevertheless, by delaying him, furnish time for assembling soldiers, exhaust the adversaries in expense and labor, and diminish their authority, while at times the treasuries of kingdoms are spent upon a single rock or marsh.

But if the enemy finds everything level and without fortifications, if he has gained one victory, uses it, and raises fortifications in various places, he imposes the bridle of perpetual servitude; for he finds an unarmed province. What prevented Albert of Brandenburg, as he raged with sword, pillage, and fires, from entering lower Germany except the fortress set at Koblenz? He neither dared pass it nor judged that attacking it suited his plans. The fortress was not the reason why the descendants of Sforza lost Milan, but their conduct, the hatred of the people, and the power of the French. If Milan had not possessed a fortress, it would have lost its dominion much sooner; and now for many years that fortress and others have been the protection of this duchy. The French fortified their kingdom with citadels better constructed than those of all other nations. Nicolas Bellus therefore speaks truly in volume 1 of *Political Matters*, concerning France:

> As regards fortifications, there is no other region in which there is a greater number of them. This results from several causes. One is that, when the kingdom was divided into several dominions and principalities--namely

> Burgundy, Brittany, the Duchy of Anjou, and Normandy--each ruler fortified his own frontiers. The number of fortifications grew through the wars of the English, who ruled a great part of France. The situation and nature of places suitable for fortification, and no less the diligence and aptitude of the people for these matters, make the fortification of places easier.

§ 6. What Machiavelli adds, however, contributes nothing to the matter. He says:

> To these considerations is added the fact that fortresses are easily lost, either through the fraud of those who command them, the force of enemies, hunger, or a long siege. But if you wish to recover a city which has been lost by the aid of a fortress which alone has remained faithful, you nevertheless need an army just as though you possessed no fortress, and indeed an army so much larger as it is more likely that the citizens will be more hostile to you because of injuries received from the fortress than they would have been if you had lacked one. Experience itself has taught that the fortress of Milan benefited neither the Sforzas nor the French at all in time of war and harmed them greatly in time of peace, because both, trusting in so great a mass of construction, did not consider some more humane method of preserving that principate.

I have already refuted a similar argument above concerning a treasury. For if fear of thieves means that treasure must not be laid aside, neither should a method of household management be recommended to the head of a household. But it is miserable to be despoiled, and most miserable to possess nothing of which you can be despoiled. I say most miserable in a prince and in a state; for I am not instructing solitary men and pupils of voluntary poverty but a state, which needs resources, fortresses, and the other necessities by which it may terrify and restrain the wicked.

Commanders of fortresses can desert and hand the fortresses over, but unfortified camps, towns, and villages can be handed over much more easily. Consequently, neither camps nor fortresses are beneficial without the fidelity of men. Sometimes a stronger enemy wrests a spear from a soldier and kills him after he has been struck down with his own sword; nevertheless, an army is not for that reason to go unarmed. But Guidobaldo, son of Federico, duke of Urbino, a man most skilled in military affairs, after he had been driven from his dominion by Cesare Borgia, son of Alexander VI, and had afterward recovered that same dominion through a certain chance, demolished all its fortresses and bulwarks. For since he possessed well-disposed subjects, he did not need them for restraining those subjects; and he saw that he could not defend them against enemies without an army.

[Printed page 701]

I do not deny that it is sometimes fitting for fortresses to be demolished: namely, if the goodwill of the subjects is so great that they are not necessary for restraining them; if money for maintaining a garrison is lacking; or if they cannot be defended. Nor are we disputing about that matter. We know that great commanders have consumed towns, villages, crops, and all other things which they could not defend with flames, lest they benefit the enemy. Guidobaldo did not hold the principate long thereafter, as experience taught. The favor of the people is changed more swiftly than a breeze. Peoples begin most swiftly to hate those princes whom they embraced most eagerly when, contrary to expectation, they see that tributes, taxes, and services are commanded.

He does not reason rightly concerning the fortress of the Genoese. Although that city could not be held, it does not therefore follow that all fortresses must be demolished. Otherwise cities should not be surrounded with walls, since prodigious walls did not defend Babylon and Nineveh; for there were other causes of their destruction. But let us refute Machiavelli from his own words and from history. He says:

> The event which occurred at Genoa a few years ago is both the most recent and the most evident example for demonstrating that the construction of fortresses is useless and their destruction useful. For we know that after that city defected from Louis, king of France, in the year of salvation 1506, and he came into Italy with a great army to recover it, the king, after recovering the city, founded a fortress of immense mass, such as it is established that no other then existed. For it seemed impregnable both by the nature of its location and by art. It rested upon the promontory of Gondega, projecting over the sea, so that from there the entire harbor and also a great part of the city

> could be struck with missiles. Nevertheless, when afterward, in the year of the Lord 1512, all the French were driven out of Italy, Genoa also, fearing the fortress not at all, defected to Ottaviano Fregoso. He surrounded it with a siege and in the space of sixteen months compelled it by hunger to surrender. After Fregoso had occupied it, despising the counsels of all who advised that he preserve it as a kind of refuge, he caused it to be demolished utterly. He judged the goodwill of the people and his own valor to be a better foundation for his dominion, which he still possesses, than any fortresses or bulwarks.

To me, however, the great usefulness of fortresses seems to be proved most firmly by this very example. For when the French, hated by the Italians and afflicted by diseases, hunger, and innumerable calamities, were being driven from all Italy, it was not surprising that the citizens of Genoa also--long free and princes of Italy--agreed upon liberty. The fortress caused them not to be the first to do so. This ought not to be esteemed a small matter, for the French held the fortress and harbor for sixteen months. If meanwhile they had assembled a strong army, they could have lifted the siege. Add that the fortress was compelled by hunger to surrender. Therefore, if adequate provision had been made for its supplies, a siege of two or three years would have been necessary; during that time the French could both have prepared relief forces and worn down the besiegers, and the dispositions of the peoples could have changed.

But Machiavelli proceeds:

> The same reasoning applies also to those fortresses which states are accustomed to found in recently occupied cities in order to keep those citizens obedient. If this is less evident from the example of the Genoese already adduced, it will become better known from the encounter between the Florentines and Pisans. For when the Florentines had seen the Pisans rebel so many times, they judged that by constructing a fortress they could restrain them. They paid too little attention to the fact that a city which had been accustomed to be free and had always been hostile to the Florentine name could be kept obedient by no other method than if, in the Roman manner, they either received it into partnership with themselves or utterly destroyed it. How much the fortresses benefited them toward their intended end became apparent from the arrival of Charles, king of France, to whom they were immediately handed over, without negligence of the commanders and without fear of a greater evil. If the Florentines had not previously founded them and had not attributed so much to them as to suppose that the city was preserved through them, they would assuredly have considered another method by which they could not so easily have been stripped of dominion over the city by the king.

Here too nothing is concluded against fortresses. Pisa and Florence were rival cities for a long time. At last Pisa succumbed; but because it was held neither by a sufficiently strong garrison nor by a fortress, when an opportunity was given it rebelled. They afterward restrained it by a fortress until the arrival of King Charles, to whom everything yielded. Since the fortress was defended by a garrison insufficiently strong, faithless, and feeble, the commanders preferred to surrender themselves to the king's favor rather than run risks without cause. If the Florentines had strengthened the fortress, placed a powerful garrison and provisions within it, and mollified the hostile spirits of the Pisans so that they preferred neighbors and kinsmen to distant masters, they could have sustained and worn down Charles's army for a long time, preventing it from gaining other successes.

The remaining methods were difficult: to transfer Pisa to Florence or to destroy it utterly. For they preferred to rule another city rather than that there should be no city. I do not excuse the Florentines if they sinned through pride of command or avarice. Against great hatreds no power endures, yet fortresses and armies resist for some time. If they had not constructed a fortress at Pisa, the Pisans would already before Charles's arrival have shaken off the yoke and harassed Florence with incursions and depredations.

§ 7. He concedes that cities have been recovered through fortresses but responds in this manner:

> If someone should object to us that either Tarentum in ancient times or Brescia in our own age was recovered by means of a fortress after the inhabitants defected, I reply that the fortress was by no means sufficient for recovering Tarentum, since the consul Quintus Fabius was sent with a very great army to occupy it; with that army he could without doubt have captured it even if they had possessed no fortress there. What, therefore, did the fortress benefit

> the Roman people if they nevertheless needed a consular army to recover the city? The Romans possessed no fortress at Capua, yet they recovered that same city by the valor of an army. In the rebellion of the city of Brescia something new and rare occurred. For it rarely happens that, when a city defects, those in the fortress remain faithful unless they possess a neighboring army whose aid they can implore. When the Brescian citizens defected, Foilleus, the commander, was at Bologna with the royal army. Having learned of the matter through swift messengers, he immediately prepared for the journey and, arriving there on the third day, recovered the city with the help of the fortress. Therefore Brescia could not be recovered by the fortress alone but needed the royal army; nor, even if it could have been recovered by that alone, [would this example suffice].

I reply that the fortress was of the greatest benefit. For although the city could not be recovered without an army, it could nevertheless be recovered easily because the fortress furnished the opportunity. The disorders of Belgium have shown how much importance lies in fortresses. Indeed, he admits that Brescia was recovered with the aid of a fortress. The very method of wars teaches this. How much danger and labor is expended by commanders so that, while they besiege a city, they may take one tower, one bulwark from the enemies! And when they have obtained this, they judge that their labor has been worthwhile.

When Jerusalem was besieged--and that was the most renowned siege among all those since the world was created--Titus first took the outer wall, then the second, finally the third, and this at intervals of time and with fresh slaughter of his own men; fourth, he took the fortress Antonia constructed by Herod; fifth, the Temple, which possessed the strength and position of a fortress; finally, Mount Zion, an altogether royal fortification. If the Romans had taken timely thought for themselves and occupied one of those fortresses before they were driven out, they would easily have obtained the city. The kings of the Greeks acted more prudently, therefore, because they held the fortress.

[Printed page 702]

§ 8. Nor do I approve every kind of fortress, but only three kinds. First are those which are separated from cities or possess small cities joined to them but were not constructed for keeping those cities obedient. Their purpose is the protection of rivers, harbors, frontiers, and roads; on this account the advantageous position of their locations renders them useful. Hence the Hermenstein fortress--Ehrenbreitstein--set over the confluence of the Rhine and Moselle, is useful. In the same way there is the fortress which they call Schenkenschanz at the division of the Rhine; for I have already shown above that it is properly called a fortress because it repels the enemy.

Second, fortresses are founded for restraining and defending great cities. There are three modes of these. Some can strike the city and divert provisions, such as the one at Genoa which the king of France constructed. These are to be approved most of all, because they constrain the spirits of the citizens by fear of two things: bombardment and a sortie into the city, and the prevention of provisions. Others prevail through fear of only one of these two disadvantages, such as those of Prague and Luxembourg, which can do harm by battering and invading the cities. Those situated in harbors generally serve to protect or impede imports. Such is the African fortification of Rachia, which the Spaniards brought under their dominion a few years ago by a courageous stratagem and which the Ethiopians besieged for a long time with their utmost strength.

The third kind of fortresses is that which princes and nobles are accustomed to construct, which does not come under the name of a fortification but is a somewhat more honorable dwelling fortified against sudden assaults. There is an innumerable multitude of these in Germany and Gaul. In former times many were very strongly fortified and set upon rocks; now most are deserted.

Machiavelli errs much more gravely concerning fortresses against enemies:

> But those fortresses which are constructed to repel foreign enemies and to defend your people and empire are not necessary either. If you abound in courageous men and energetic soldiers, they are not only unnecessary but altogether useless. For without an army they are of no benefit; an excellent army can defend you without fortresses. All who excelled either in political or military arts--such as the Romans and Spartans--understood this sufficiently

> from experience itself. The Romans never constructed any fortresses; the Spartans did not even wish the cities occupied by them to possess walls. They believed that the valor of soldiers alone constituted bulwarks. Hence it happened that when a certain Spartan was asked whether the city of Athens seemed furnished with beautiful walls, he replied, “Entirely so, if it were inhabited by women.” Therefore, for a prince who possesses a good army, only some fortresses situated upon the frontiers of the empire, especially in maritime locations, can be beneficial for sustaining the enemies for several days until the armies are made ready; but not even these are necessary to him. If he lacks a courageous army, fortresses on the frontiers of the empire either benefit him not at all or even harm him. For they are easily lost, and when the enemy occupies them, he will employ them against you. But if you grant that some fortresses are so strong and fortified that they cannot be occupied, the enemy nevertheless proceeds onward after leaving them behind him; for most powerful armies invade and overrun the enemy's frontiers without taking account of either the cities or the strongest fortresses which they leave at their back. It is established that this is so from both ancient and modern examples. Francesco Maria invaded Urbino a few years ago and was not at all concerned that he had left behind him ten cities, all hostile to him. Therefore, every prince who possesses a powerful army can easily lack fortresses; one who lacks it ought not to construct fortresses but to fortify as strongly as he can the city in which he dwells and to equip the citizens with arms, so that he may at least sustain for some time the assault of arriving enemies until he can either make an agreement with him or summon foreigners to his aid. Whatever other fortresses and bulwarks are built burden both princes and subjects with excessive expenditures in time of peace and are of no benefit in time of war. Therefore, just as in other matters the senate of the Roman people administered everything with the highest prudence, so here also it acted wisely, because it judged that the conquered and subdued Latins and Privernates were not to be restrained by any fortresses but kept obedient by another method, more advantageous and more consonant with valor.

I have already refuted these things above, nor do the Lacedaemonians move me, since in the judgment of all nations they acted with ἀφροσύνης--that is, with foolish simplicity--in not even surrounding their city with a wall. Nothing could be more foolish than this. For if a place lies open to every injury, watch must be kept with great forces, great labor, and danger. In every place, even one at peace, the Romans fortified their camp. For what wisdom is there in exhausting a citizen with watches when by interposing a small wall you can save so much labor?

But the walls of the Athenians were as though they were inhabited by women. This, however, was the jeer of a Laconian--and of one who feared walled Athens. We know that the most courageous men founded and defended the strongest walls, and that fortresses in Europe and India have in our own time been defended with remarkable valor. If we praise Roman strength, assuredly we ought to admire our own times; for the strength of soldiers who advance against iron cannon is greater than that of men advancing against arrows.

They object that Poland and England lack fortifications. But perhaps it would be better for those kingdoms to receive examples from many others than to give them. How often is Poland invaded with impunity by Turks, Tatars, Muscovites, and Swedes? How many thousands of people are carried away? If there were fortifications and garrisons at suitable places, if the crossings were occupied, the sudden assaults of the enemies would easily be repelled. England is girded by the sea: to have entered it is to have conquered it.

CHAPTER XXIV

Treaties Contribute Very Greatly to Power

A treaty is an agreement between states concerning mutual friendship and partnership in some matter. No kingdom is without a rival; therefore neither ought it to be without an ally, just as a private person ought not to be without a friend. To strike a treaty belongs to supreme majesty and, by its concession, to princes; without its consent, it is a conspiracy. Public defense pertains to the prince alone. Thus Besold, book 2, chapter 5, §12, on the law of treaties.

Treaties which are entered into among those who possess different ends and seek one thing are brief. If two rivals easily exclude a third after entering into a treaty, when that man has been cast out they turn against one another.

[Printed page 703]

§ 1. By treaties I understand covenants and agreements by which several parties bind themselves by mutual obligation, συμμαχίαν, and enter into partnership, so that they judge the same persons friends and enemies. Nothing is more effective than this for power. For more is accomplished by the treaties of allies than by wars, and the Romans performed no fewer deeds with the forces of allies than under their own auspices.

§ 2. Treaties with foreign princes establish security at home and confer authority. For everyone considers that prince great whom kings and magnates court and to whom splendid embassies frequently come.

§ 3. The covenant of treaties ought to be most sacred. For they are sanctioned publicly and by oath. Many forms of an oath accompanied by a curse are found everywhere among the historians. Next, because fidelity publicly pledged binds more than any private promise. Even if no one preserved fidelity, kings nevertheless ought to preserve it. Nothing, however, can harm a kingdom more than violation of treaties. Hence no one is a friend to the Turks, because they measure treaties by utility alone.

§ 4. When several parties enter into one treaty, it must be useful or necessary to both parties; otherwise it is not lasting. Indeed, the most grievous wars arise from the complaints of allies, as when the Rhodians complain that their military service and partnership with the Romans had been without honor. For almost everyone regards his own utility. This consideration so often prevails even over honor that allies oppose allies. When Xerxes had been routed and the victorious fleet of Greece stood at anchor, a wicked thought, worthy of exile, entered Themistocles' mind: that he should burn the fleet of the allies so that, once stripped of maritime power, they would be in the power of the Athenians. When Aristides declared that this was useful but not honorable, the Athenian people forbade it--and rightly, for it would have burdened itself with so much hatred that no equal power could have been imagined by which it might escape.

A most useful treaty was negotiated between the Venetians and the Spaniard in 1571. Agreement was reached later than was fitting, for Nicosia had been captured. It was altogether in the interest of the Venetians that the treaty be hastened and the auxiliary forces be decreed swiftly; for the Venetian could be defended only by a treaty, and if he were conquered all Italy would have been in danger. But the treaty was afterward rendered void for private reasons, because the Venetians saw that their commerce was being cut off and that they were consequently being reduced to poverty. Therefore one must always be vigilant to make an agreement with a man whom sudden necessity does not compel to make an agreement with the enemy. For after the greatest expenditures had been made, the Venetians, afflicted by losses in commerce, made a disadvantageous peace with the Turk.

§ 5. Treaties between dissimilar parties are not very secure--for example, between states and princes. For their interests are different, and for a long time no king was admitted into the city of Rome. Although the Roman people possessed allied kings, it nevertheless oppressed them especially.

Hence neither do the Venetians possess a secure treaty with any king, nor do they appear greatly to desire one; and in the most recent war they were defended more by the Hollanders than by any other prince. Nor do the Hollanders trust treaties with princes. One who in these days flattered the Belgians perceived this truly, although otherwise he was a most mendacious historian:

> Great hatreds will follow the alliances of kings, to which we owe a great part of our liberty, and aid from Gaul and Britain will cease when concord ceases. The allied cities toward the east, lest they submit to the factious commands of the Belgians, will soon restore themselves to liberty. Since through their own weakness they will be unable to retain it, they will submit themselves to the savage nation toward the north. The princes of Germany will feign a new endurance of Austrian commands. The Turks, Conscript Fathers, apart from mere commerce in the Mediterranean, and the nobles of Venice--who in these wars have squandered the flower of our blood--will open only their treasuries.

The cause of this matter seems to me to be that democratic or aristocratic states do not wish their magistrates to admire or desire royal splendor. For there is the greatest danger that those who seek annual commands with so much canvassing that they even pour out their entire patrimonies should strive with every effort for perpetual dictatorships and royal stability. I judge that there were scarcely three Romans who, if they had been able, would not have done what Caesar, Pompey, and Augustus did.

No less suspect to kings is the familiarity of their princes with the senators of a free state. For those senators obtain liberty while generally possessing less power, whereas princes are bound in many ways; therefore, from the senators' laws and custom princes can adopt plans for their own liberty. But, all things considered, there is more danger in a state. For those who preside over a state, as at Venice, in Holland, among the Alpine Grisons, and in Switzerland, readily accept gifts from kings and are accustomed to sell them their services. For where would you now find men such as Fabricius? And now in Holland and the Alps proceedings περὶ δωροδοκίας--concerning bribery--are conducted openly. For among equal senators of a state ambition is kindled more greatly as they succeed one another, court the popular breezes, and rescind deeds and laws. Hence comes their concern for resources and power. These are furnished by kings when the senators direct their counsels toward the kings' advantages or impede the counsels of others.

Nor can states so easily bind royal ministers to themselves with gold: private men do not do it because it exceeds their means, and the senate itself cannot conveniently do it because accounts must be rendered. Therefore such largesses cannot be secret and are consequently most dangerous.

§ 6. Honorable marriages with the powerful confer by far the greatest power and authority, which is the foundation of power. Therefore powerful fathers-in-law and sons-in-law, or men suitable for conducting affairs, must be sought for a prince. We see this happen: royal hatreds are ended by loves, and a bridesmaid has been the salvation of nations. Assuredly wars are ended more happily by no means than by marriages.

But care must be taken lest wars arise through the occasion of marriages. This is accustomed to happen when the parties are not joined in good faith. Daniel 2:43 describes such a kingdom for us: “But whereas you saw the iron mixed with earthenware of clay, they shall indeed be mingled with human seed, but they shall not adhere to one another, just as iron cannot be mixed with earthenware.” The cause must be sought from the nature of the matter. Metals cannot be mixed with earthenware either by heat or by cold. Earthen vessels are hardened by heat and made firm into stony hardness; by cold they are softened. Metals grow solid by cold; by heat they are dissolved and liquefied. What benefits one, therefore, harms the other. Metals easily coalesce with one another because, when heated, they flow together and, when cooled, are hardened together. This condition of kings must be regarded, so that treaties of marriage may produce the peace of provinces.

Hence a reason must be sought why the minds of kings bound by affinity do not cohere. Daniel speaks thus in Chaldaic: that the kingdom will be טינא בחסף מערב,

"mixed with earthenware of clay." ערב means to make a pledge, give security, conduct business, or mix. Marriages will therefore be mixed in that kingdom in the manner of merchandise, so that treaties are contracted not from conjugal love but for the advantage of ruling. They will also be mingled with human seed, but, as the Chaldaean says:

דנא עם דנא דבקין לֵהון ולא

"But not so as to exist glued one to another."

καὶ οὐκ ἔσονται προσκολλώμενοι οὗτος μετὰ τούτου,

as the Septuagint translates it. What, therefore, must be considered especially in these marriages?

§ 7. First, in these marriages it must be regarded that the end of marriage be true: marital union, the begetting and education of offspring, the spouses' mutual assistance, and perpetual love. For those who perversely employ this holy covenant, which God instituted, for deceptions acquire greater evils for themselves from it.

In this manner Saul promised his daughter to David, 1 Samuel 18:15: "Saul therefore saw that he was exceedingly prudent and began to beware of him. But all Israel and Judah loved David, for he went in and out before them. And Saul said to David: 'Behold my elder daughter Merab; I will give her to you as a wife. Only be a valiant man and fight the battles of the Lord.' But Saul was considering, saying: 'Let not my hand be upon him, but let the hand of the Philistines be upon him.'"

They did not adhere to one another; for Saul both persecuted his son-in-law and gave his daughter to another, while his other daughter was more faithful to her husband than to her impious father. Marriage therefore could not reconcile these men, since Saul sought nothing other than David's death; hence a dowry of one hundred foreskins of the Philistines was imposed.

Antiochus employed a similar fraud; concerning him Daniel 11:17 says: "And he shall set his face to come and take possession of his entire kingdom, and he shall make equitable terms with him, and shall give him a daughter of women in order to overthrow it; but she shall not stand, nor shall she be for him." When the guardians of the Egyptian king guarded against the plots of Antiochus, he betrothed Cleopatra to him, feigned peace, and gave her Coele-Syria, Judaea, Samaria, and Phoenicia in the name of a dowry. Yet he did not relinquish those territories altogether, for Josephus says that tribute was paid to each king. He had commanded his daughter to kill her husband by whatever means she could; but she supported the part of her husband more than that of her father. Polybius, to whom perhaps the king's murderous disposition toward his own kin was unknown, supposes another reason for the marriage: namely, that he might bind Ptolemy to himself by affinity, lest Ptolemy oppose him when he was about to fight against the Romans. All these things were the beginnings of immense calamities, while that most criminal man against the whole human race violated a father's right over his daughter, a father-in-law's right, and finally the fellowship of the human race.

§ 8. Marriages cannot establish concord when each party possesses a different purpose, although they do not fight by design. At last matters will reach the point that those treaties are broken. The first sedition of the state concerned marriages; from the mingling of patrician and plebeian blood arose an opportunity for the plebs to seek the magistracies, until all things devolved upon the plebs and, as customarily follows from this, upon one man.

Afterward the same thing was attempted under the triumvirate. Antony married Octavia, the sister of Augustus; Augustus married Claudia, Antony's stepdaughter. But the more powerful desire for ruling shattered all those bonds and set east and west against one another. Afterward Severus wished to stabilize the kingdom for his sons Caracalla and Geta through affinity with Plautianus, but the marriages were ruinous to both parties. The same thing was attempted in Stilicho and others, but with fruitless effort, because he employed marriages with imperial women to transfer the Empire. They could not be glued together because the exceedingly impious and faithless Stilicho sought anything rather than the safety of the Empire. Hence marriages under a dissimilar religious observance cannot long be enduring and useful.

§ 9. Treaties, whether of marriage or of any other kind, entered into with distant parties do not help greatly and offend neighbors. For if, while the state stood, some prince of the Romans had married a daughter of Antiochus or Ptolemy, allied kings, he could neither have been assisted by his father-in-law nor, being utterly hateful to the other citizens, would he have been admitted to any administration. Thus princes must now also beware lest through marriages with the powerful they appear to be contriving some revolution. Treaties with the Frenchman and agreements of betrothal were harmful to Wilhelm, duke of Jülich. The reason is openly known. For when neighboring princes are neglected and the splendor of foreign marriages is sought, hostility and suspicion arise, which always accompany power recently increased. At home, therefore, among his own people he has hatreds, alienation, and distrust ready at hand, but assistance far away.

The other things which contribute to power, since they are military, I shall discuss in their proper place.

ADAM CONTZEN

TEN BOOKS OF POLITICS

BOOK NINE

On the Internal Evils of the State

CONTENTS

Chapter I. That the Losses of States Are Many and Grave, and Which of Them Especially Pertain to the Statesman 5

Chapter II. That Sedition Is a Most Grave Evil 6

Chapter III. That Seditions Are Most Frequent 10

Chapter IV. Seditions and Conspiracies in the Time of the Monarchy 23

Chapter V. That the Empire of Constantinople Was Agitated by Sedition and Rebellion 28

Chapter VI. The Seditions of Other States 33

Chapter VII. The Seditions of the Osmanids 38

Chapter VIII. The Causes of Seditions and Tumults on the Part of Rulers 39

Chapter IX. The Causes of Seditions Arising from Subjects 51

Chapter X. A Fuller Discussion of Seditions Arising from Religion, and the Condition of the State and of Religion in the Year 1617 58

Chapter XI. The Condition of the European Religions, If One Considers Their Doctrine and Doctors 85

Chapter XII. The Unexpected Origin of Seditions, and Their Origin from Small Things 92

Chapter XIII. Chance Events Sometimes Furnish a Cause of Sedition 94

Chapter XIV. The Order and Method of Stirring Up Seditions 97

Chapter XV. Remedies against Seditions and Civil Wars 104

Chapter XVI. Various Methods of Restraining Seditions Employed by Different Men 110

Chapter XVII. Public Peace Has Been Disturbed Not by Catholics, but by the Seditions of Sectarians 114

Chapter XVIII. Civil Peace Can Scarcely Be Obtained in the Roman Empire So Long as the Preachers Disturb Ecclesiastical Peace 121

Chapter XIX. Experience Teaches That Religious Dissensions Disturb the Peace of the State 127

Chapter XX. Concord of Religions Commended to the Prince 129

Chapter XXI. The Sectarians Themselves Feel the Disadvantages of Their Discords 134

Chapter XXII. That Religious Peace Can Be Established in Germany . . . 140

Chapter XXIII. That Peace Cannot Exist in a Mixture of Religion and a Certain Political Moderation . . . 143

Chapter XXIV. That Seditions Arising from Religions Cannot Be Removed by Syncretism Is Taught from Its Nature and End . . . 146

Chapter XXV. That the Primary Aim of Syncretism Is That, Once the Peace of Religion Has Been Violated, Catholics Should Be Slaughtered . . . 153

Chapter XXVI. That the Secondary Aim of Syncretism Is Twofold: the Overthrow of the Lutherans and the Servitude of Calvinist Princes . . . 159

Chapter XXVII. That Syncretism Is Not Proved by the Examples of the Fathers, Catholics, and Lutherans . . . 175

Chapter XXVIII. That the Lutherans Condemn Syncretism and That Catholics Ought to Be Prepared to Endure Evils . . . 178

Chapter XXIX. That the Civil Alliance of Certain Princes Is Not to Be Adduced in Favor of Syncretism in Religion . . . 181

Chapter XXX. That for Peace It Is Necessary to Restrain the Insolence of Intellects . . . 185

Chapter XXXI. That Arbiters Free from Passions Must Be Chosen in a Negotiation for Peace . . . 189

Chapter XXXII. That Meanwhile, While Peace Is Being Negotiated, the Lies and Calumnies of Preachers Must Be Restrained . . . 195

Chapter XXXIII. That Colloquies Rightly Instituted Conduce to Peace . . . 199

Chapter XXXIV. That Writings Undertaken Concerning Controversies, Although Eristic, Are Nevertheless Useful for Peace . . . 202

Chapter XXXV. That a General Council Is the Most Certain and Compendious Way to Peace Is Shown from the Scriptures . . . 204

Chapter XXXVI. That It Is the Custom of the Church to Assemble Councils against Heresies, and That the Holy Fathers Think Thus . . . 208

Chapter XXXVII. That the Sectaries Themselves Think a Council the Most Advantageous Way to Peace . . . 211

Chapter XXXVIII. That the Sectaries of Our Time Cannot Possess a General Council . . . 214

Chapter XXXIX. It Is Shown Further That the Innovators Can Possess Neither a Synod nor Peace . . . 218

Chapter XL. The Form of a Council Assembled to Make Peace Must Be Taken from the Ancient Custom of the Church . . . 227

Chapter XLI. There Are Weighty Reasons Why Catholics, but Not the Adversaries, Approve a Council . . . 229

Chapter XLII. The Council of Trent Must Be Received, So That Peace May Be Restored to Germany . . . 237

Chapter XLIII. The Objections against the Authority of the Council Are Empty 244

Chapter XLIV. The Method of Entering upon Peace 253

Chapter XLV. Severe Punishments Have Been Established for Seditious Persons and Rebellions 261

Chapter XLVI. A Good Citizen Should Sometimes Join One Party, and Sometimes Neither 266

CHAPTER I

That the Losses of States Are Many and Grave, and Which of Them Especially Pertain to the Statesman

§ 1. Just as in the human body there are as many troops of diseases as there are joints and members, so also in the great system of the state and of kingdoms there are innumerable calamities and modes of perishing. Sometimes pestilence depopulates entire nations, as did that one in the time of Gallienus which traversed the whole world. Famine is accustomed to precede or follow pestilence, and it itself sometimes devours the remnants of peoples. The very earth is provoked by the sins of men and is shaken: in the year of Christ 366 almost the whole world was violated by an earthquake. Add to these floods and fires, and whatever evil has befallen anyone which may rightly be feared by all. Some cities have been overthrown by feeble creatures. Pliny, Book VIII, chapter 29: “Nor are there less famous examples of destruction even from contemptible animals. Marcus Varro is an authority that a town in Spain was undermined by rabbits, one in Thessaly by moles; that a city in Gaul was driven out by frogs, one in Africa by locusts; that the inhabitants of Gyaros, an island of the Cyclades, were put to flight by mice; that in Italy Amyclae was destroyed by serpents. On this side of the Dog-Milking Ethiopians a region lies widely deserted, its people removed by scorpions and solifuges; and Theophrastus is an authority that the Thrarienses were driven away by centipedes.” Although a wise prince may moderate and alleviate the gravity of these evils by diligence, humanity, and liberality, they nevertheless do not come under the consideration of politics, since they can be averted and governed by no means except prayers and the amendment of morals.

§ 2. But the losses of the state with which the prudence of the prince is occupied are twofold. For either they arise from the city itself and adhere in its entrails, as fever, dropsy, and pestilence do in a man; or they are brought in from elsewhere, as hail, lightning, and arrows are. The internal evils are hatreds, contempt, factions, treasons, seditions, and rebellions. The external evil is war. Although, however, the causes of discords and seditions can be forestalled and excluded by those things which I have taught, it has nevertheless seemed good to dispute in separate books about sedition and war, lest anything which pertains to the perfect government of the state appear to be lacking.

CHAPTER II

That Sedition Is a Most Grave Evil

§ 1. We call sedition, as it were, a separation or secession, when one part of the state rises against another part or against the prince; the Greeks call it **στάσιν**. It is a great evil and more calamitous than war. For the members of one body, which cannot be safe unless by agreement, clash among themselves and destroy themselves by their mutual pressure. Indeed, greater crimes are committed in sedition than in war. And so, in the judgment of all wise men, nothing is more detestable than civil war. Its causes are various, but the principal one is that civil hatreds are most bitter; for they seem to be stirred by great causes, and when they have grown strong, they are little removed from madness. Indeed, we openly say that those who rage against their own members are mad. And so kindred battle lines, when brothers and parents are on opposing sides, clash more fiercely. Hence even fables have handed down that the most burning hatreds were fraternal; hence the banquets of Thyestes and the smoke of the Theban funeral pyres tending in opposite directions; hence the deaths of Turkish brothers, now as if by law. With an external enemy the contest is about liberty, glory, and resources; with a citizen, about life.

Let the antiquity of Roman history be consulted. They received conquered enemies into the city, sent them under the yoke, and sold them into slavery; and when they exercised cruelty, they struck them down with axe or sword. But in civil war the conquered man counted it a gain if he were permitted to die without tortures and insults. They very often spared the leaders and kings of enemies; they killed their own commanders after torture and abused their corpses with every kind of mockery. Civil madness has given the world no example, so far as I remember, more horrible than that concerning Andronicus. Nicetas describes the history in Book I:

“And so Andronicus, having been captured, is cast into the fortress of Anemas with two heavy chains fitted with iron clasps placed upon his proud neck, and laden with fetters, as it is customary for captives to be treated. When he is brought in that condition to Isaac, he is assailed with insulting words, slapped, struck upon the nostrils, plucked by the beard, beaten out of his teeth, and torn by the hair. Publicly exposed to the mockery of all, he is even beaten with fists by women, especially by those whose husbands he had either killed or blinded. Then, after his right hand had been cut off, he is taken back into the same fortress without food, without drink, without any service from anyone. After some days, his other eye having been put out, he is set upon a mangy camel and led through the forum in the semblance of a triumph, his smooth bald head like a dry oak and barer than an egg, clothed in a short tunic--a pitiable spectacle which could draw streams of tears from eyes not inhuman.

[Printed page 706]

“But the most foolish and wanton inhabitants of the city--especially tailors, leather-workers, artisans, and the filthy rabble hanging about the marketplace, like flies in springtime flying to milk-pails and rich cups--paid no regard to the fact that only the day before yesterday he had been emperor, adorned with the royal diadem, praised, celebrated, and adored by all, and that they had attested by the most sacred oath their fidelity and goodwill toward him. Rushing upon him with savage minds and without any reason, they omitted no evil by which they might wickedly afflict Andronicus. Some drove keys into his head; others defiled his nostrils with dung; others squeezed upon his face sponges fouled with the excrement of men and beasts; others assailed his parents with obscene words. There were also those who pricked his sides with spits, and certain more shameless men, hurling stones, called him a rabid dog. A certain shameless harlot, having snatched from the kitchen a pot full of boiling water, poured it upon his face. Finally, there was no one who did not harm Andronicus.

“Thus, after he had been led ignominiously into the theater in that ridiculous triumph and taken down from the wretched camel, they suspended him by his feet, tied with a rope, beside two little columns upon which a stone rests

above, near a bronze she-wolf and hyena which stand with necks bent as though roused to rush one against the other. Having suffered so many evils and six hundred others which we have passed over, he nevertheless still bore the evils inflicted upon him with a noble spirit; and turning, with his mind unimpaired, toward the crowd pouring in while he lay there, he said nothing other than: 'Lord, have mercy; and why do you break a bruised reed?' But the utterly mad crowd of people did not spare the most afflicted Andronicus even then, after he had been suspended by his feet. Having torn away his bonds, they maltreated his genitals, and a certain wicked man drove a long sword through his throat as far as his intestines. Two men of Latin stock, leaning with both hands upon their swords, drove them into his buttocks in order to try which was sharper, glorying in dexterity of stroke. After so many hardships and disasters he ended his life with difficulty, his right hand brought painfully to his mouth, so that many thought that he was sucking from it the warm blood still dripping from the recent wound."

§ 2. This also shows the cruelty of civil wars in many ways: all the consolations of the victor are removed by his fear and hatred. In external wars the usefulness of slavery blunts the edge of cruelty; for men prefer to have from their enemies slaves, cultivators of fields, and superintendents subject to works rather than to tread upon corpses. And so avarice, by preserving men as slaves, makes those live to whom mercy does not grant life. Civil wars know no slavery. They station Persians and Getae at the wine-cups, make Ethiopians hall-servants, and Alemannic horsemen walk before the carriage; but no service of a captured citizen is valued: death alone renders the victor secure. He is not even sold abroad to enemies, because so long as he lives he is not believed likely to remain quiet. Hence Marius stained with civil blood; hence the Sullan vengeance, which was more ruinous than if the crimes had been left unpunished. Lucan, Book II:

> The remedy exceeded measure and followed too far
>
> those hands which led men to death: the guilty perished;
>
> but when now only the guilty could survive,
>
> then liberty was given to hatreds, and wrath, released
>
> from the reins of the laws, raged.

§ 3. Enemies are often accustomed to spare nobility and virtue. The cause is twofold. For either they pity the common lot of human affairs and judge that those whom they understand to have fallen back from the highest fortune to the lowest should be treated more gently. Nebuchadnezzar indeed admitted conquered kings to his table, and advanced Daniel and his companions, the sons of captive nobles, to honors. Alexander ordered the conquered Porus to reign; after consoling the daughters and mother of Darius, he ordered them to hope for a marriage not beneath their dignity. The Romans afterwards found those same nations to be their most faithful allies which they had had as their most hostile enemies.

Seneca, Book II *On Anger*, chapter 34, exhorts one by this consideration to conquer anger; but it is accustomed to avail in the case of an enemy, not in the case of a citizen: "Whom does the Roman people have as more faithful allies than those whom it had as its most obstinate enemies? What would the empire be today if a salutary providence had not mingled the conquered with the conquerors? Someone will be angry; do you, on the contrary, challenge him with benefits. The quarrel falls away at once when deserted by the other side. Unless there is an equal opponent, there is no fight. If the contest is maintained on both sides, the better man is he who first withdraws his foot; he who conquered is conquered. He struck you: withdraw. For by striking back you will give him both occasion and excuse for striking more often; you will not be able to tear yourself away when you wish. Would anyone wish to strike an enemy so heavily that he left his hand in the wound and could not draw himself back from the blow? Yet anger is such a weapon: it is scarcely drawn back."

The other cause is that many, revering the virtue of enemies, have granted life to those from whom they received the greatest disasters. The madness of civil wars is inflamed by these good qualities. No one is judged more hostile to

nobles and the rich than a conquered citizen; proscription is especially aimed at them, and riches are an incitement to the slaughter of citizens. In sedition they persecute virtue as though it were sorcery. Sedition persecutes the Catuli, Ciceros, Antonii, and Catos; the Clodii and Curiones enjoy security. The cause is that, where enmities and hatreds have occupied the mind, where spirits have been embittered by mutual injuries, nothing is easily believed or said except what is effective for increasing enmities. For those citizens whom men think their enemies they also judge to be injurious, and therefore unjust and impious. With this opinion another is joined: namely, that no pest is more effective for doing harm than a familiar enemy. And so whatever good appears in a citizen they suspect to be an instrument for harming themselves.

§ 4. Military discipline is utterly destroyed, since in both battle lines there are acquaintances and blood-relations, rewards for corruption, and fraud unpunished on both sides. The faith of citizens and country-dwellers is unstable in every kind of contract: for if a man does not wish to pay a debt or wishes to deny a deposit, he will migrate to the opposing camp, where he will be secure. The cause of so great an evil is that the generals can neither govern the soldier nor moderate victory, being beholden to every most loathsome man. Thus the Caesarian soldiers sing:

> Caesar was my leader in the waters of the Rhine;
>
> here he is my comrade: the crime which stains them makes them equal.

The soldier Gaius Antonius did not obey Augustus after Augustus had despised the Senate. Obedience must be given to those through whom he conquered. “Caesar demands money from me? Why rather than I from him? Did he conquer without me? Indeed, he was not even able to do so. I brought to him the cause of civil war; I proposed ruinous laws; I bore arms against the consuls and commanders of the Roman people, against the Senate and Roman people, against our ancestral gods, altars and hearths, against the fatherland. Did he conquer for himself alone? Since the crime is common, why should the booty not be common?” You demanded justice. Augustus was compelled to give Cicero to Antony, and Antony to give his maternal uncle to Augustus, because neither conquered without the other. Lepidus also, the last of the triumvirs, gave his brother Lucius to his enemies. In the civil war of his sons Suleiman purchased for a price the death of the one who had fled, although it would scarcely have befitted so great an emperor to purchase only his life with money.

[Printed page 707]

Nor is it wonderful that they give up their own people. Sedition is strong against every affection--of parents, sons, and brothers. To this pertains that famous fable about two enemies, one of whom was sitting in the prow and the other in the stern. When the ship was being torn apart by a storm and he learned from the shipmaster that the prow would sink first, the one who was sitting in the stern rejoiced because he would behold the destruction of his enemy.

§ 5. Finally, the end of wars and seditions is destruction through tyranny or an external enemy. There is scarcely any nation so small that it is conquered by an enemy unless it wears itself down by tumult and factions. There is no need of examples: the whole world is an example, so much so that crafty warriors especially desire discord among their enemies. Nor do men escape from sedition as warriors--a fact which has generally deceived the authors of tumults. For he who is keenest at stirring up sedition is useless in war. Few can fight; anyone can conspire. In contention the most cowardly prevails; in battle, the brave. And this is the reason why sedition, when a beginning has been made, grows most swiftly: because quarrels are intensified by the vilest and most worthless men, but when the true enemy is present, all flee away.

But if their strength is not worn away and consumed by an external enemy, nevertheless civil victory, after the war is already ended, rages more cruelly while enmities live on. When the Marian party despaired not only of victory but even of safety, they filled all things with slaughter of their own men and of others. Then Sulla entered the city as victor--Augustine says in Book III, chapter 28 of *The City of God*--who, while no longer war but peace itself was raging, had laid low in the public way seven thousand infantrymen gathered from every quarter and unarmed, not by

fighting but by ordering it. In the whole city, moreover, every Sullan partisan struck whomever he wished. Hence the deaths could not be numbered at all, until it was suggested to Sulla that some men ought to be allowed to live, so that there might be persons over whom those who had conquered could exercise command.

Then at last, when the license of cutting throats which was being sown madly here and there had been restrained, that tablet was posted with great rejoicing which contained up to two thousand men of both distinguished orders--the equestrian, namely, and the senatorial--who were to be killed and proscribed. The number saddened; the limit consoled. Nor was there so much grief because so many were being slain as there was joy because the rest did not fear. But in the case of certain of those who had been ordered to die, even that cruel security of the rest groaned at the exquisite forms of death. For the hands of men tearing at one man rent him apart without iron; men tore a living man more savagely than beasts are accustomed to do, and the corpse was cast away. Another, with his eyes put out and his limbs amputated piece by piece, was compelled amid such tortures to live for a long time--or rather, to die for a long time. Certain noble cities also were put up for auction as if they were country estates. One entire city, as though a single defendant were ordered to be led away, was ordered to be slaughtered.

These things were done in peace after war, not that the victory to be obtained might be hastened, but lest the victory obtained be despised. Peace contended with war in cruelty, and conquered. For war laid low armed men; peace, disarmed men. War existed so that the man who was struck might strike if he could; peace, not so that the man who had escaped might live, but so that in dying he might not resist. Sedition, therefore, is a great evil and--what must be lamented--also frequent and customary.

CHAPTER III

That Seditions Are Most Frequent

§ 1. So grave an evil is also frequent. The cause is that the human race is querulous, and because it is easy for every most wicked man to murmur. God led the people of Israel out of Egypt, out of the iron furnace, out of the house of bondage, through so many and such great miracles that Pharaoh himself was stupefied; and yet within the space of fifteen months it stirred up sedition against God ten times. Numbers 14:22: "Nevertheless, all the men who have seen my majesty and the signs which I did in Egypt and in the wilderness, and have tempted me now ten times, and have not obeyed my voice." It might seem wonderful that even one sedition could have been possible. There was no injustice of the magistrate. "You know," says Moses, "that I have not taken even anyone's ass." There was no want: their garments were not worn away; the miracle of manna was daily; the Red Sea had withdrawn and swallowed the enemies; waters had been turned to sweetness, and new waters brought forth. Amid these wonders they murmur against God and persecute Moses the leader and Aaron, neither mollified by benefits nor terrified by plagues.

By the testimony of God that sedition lasted forty years: "Today, if you shall hear the voice of the Lord, harden not your hearts as in the provocation, according to the day of temptation in the wilderness, where your fathers tempted me, proved me, and saw my works. For forty years I was near to this generation, and I said: They always err in heart; but they have not known my ways." That state, therefore, beloved and chosen by God--that people whom the Lord blessed in its very liberation, in its departure from Egypt and from a barbarous people, in the very procession and triumphal passage while God was present--stirred up sedition ten times within fifteen months, and more frequently throughout forty years. What shall we judge concerning the peoples of the nations? They too had their tumults and destructions.

And, lest I withdraw far from Palestine, at the very time when the children of Israel wandered in the wilderness the neighboring kings waged wars among themselves. Sihon the Amorite obtained the kingdom of the Moabites from the Arnon as far as the Jabbok. The kings of the Canaanites, whose possession had been assigned to the Israelites, clashed among themselves so that, their strength now broken, they might be cast before the chosen people. For if Adonibezek had subdued seventy kings who gathered crumbs beneath his table with the extremities of their hands and feet cut off, who can doubt that very many of those kings were his kinsmen, since he dwelt in the midst of the Canaanites? Who also can doubt that those kings were conquered through war and sedition, with the destruction of many? Since, however, that calamity befell the most cruel tyrant after the death of Joshua, it is altogether certain that at the time when the Israelites were under Moses and Joshua there were already such great wars in Palestine, which was soon to perish. See the Book of Judges, chapter 1, verse 6. Now also, while I write these things, Christians are fighting before the gates of the Turks--lest they should ever be able to deny that they wish to perish.

§ 2 (part 1 of 3). Moreover, if from one and the same most powerful and best-known Roman state I collect the more notable seditions, I shall display the clearest example of human malice, which can bear neither empire nor liberty, and shall give all kings an outstanding lesson, so that they may be exceptionally cautious and well equipped to settle discords and remove tumults. Let us therefore weigh the contentions and conflicts of one city divided against itself; and, that we may summon all the graver ones from the beginning:

> The first walls were drenched with a brother's blood.

With this disposition the city grew up, which the characters of those brothers imparted to it. Nor was the end of Romulus happier: the plebs believed that, because of his rather harsh character, he had been torn apart by the hands of the Fathers, they say, and was hostile to the Fathers.

[Printed page 708]

Then there was contention between the ancient Romans and Sabines as to from which faction the kings should be chosen, and it lasted for the year during which there was an interregnum, until the indignant plebs murmured: “Their servitude had been multiplied; a hundred masters had been made in place of one.” The words are Livy’s. Nor did they seem likely to endure thereafter any king unless created by themselves. When the Fathers perceived that these things were being set in motion, judging that what they were about to lose should be offered voluntarily, they thus entered into favor, and so forth. Sedition, therefore, was then begun, but it was dispersed by the prudence of the Fathers.

Under the rule of Numa no sedition is recorded. During the reign of Tullus the Roman colony of Fidenae revolted. Mettius Fufetius attempted treason. Thereafter most things were neither quiet nor turbulent down to Tarquin, who, after suborning the Senate, expelled his father-in-law Servius from the kingdom and killed him. For the sons of Ancus also arranged for Tarquinius Priscus to be killed, although they did not obtain the fruit of the crime, that is, the kingdom. The cause why the people stirred nothing was monstrous slavery; and when I weigh the matter, the condition of the Roman plebs at that time seems no happier than that of the children of Israel in Egypt under Pharaoh, and nevertheless he is numbered among the good kings by Livy, Florus, and the rest.

Livy says concerning him: “Works of peace were begun with a spirit greater than the mass with which he had waged war, so that the people might not be quieter at home than they had been in the field. For he prepares to encircle with a stone wall the city which he had not yet fortified--the beginning of which work had been interrupted by the Sabine war. And because the lowest parts of the city around the forum and the other valleys lying between the hills did not easily carry off the water from the level places, he dries them by sewers conducted down the slope into the Tiber. And, with his mind already foreseeing its future extent, he occupies with foundations the site for the temple of Jupiter on the Capitol which he had vowed in the Sabine war.” Thus Livy, serving the praise of his fatherland. But under what tyranny this was repeatedly done Pliny teaches in Book XXXVI, chapter 15: “An example not to be omitted from memory, all the more because it was omitted by the most celebrated founders of histories: when Tarquinius Priscus was causing that work to be done by the hands of the plebs, and the labor was uncertain whether longer or more dangerous, the Roman citizens everywhere escaping weariness by self-inflicted death, that king discovered a remedy new and unimagined before or afterwards: that he should fasten upon crosses the bodies of all who had thus died, to be viewed by the citizens and at the same time to be torn by wild beasts and birds.”

And this is the reason why the plebs remained quiet, oppressed by royal fear. Tarquin the Proud follows, whom they drove out after the city had been aroused to rebellion, having risen in tumult because of his adulterous son, whom perhaps it would not have been difficult to punish by the laws. But the occasion, the anger of those injured, and estrangement from the proud king set the sedition in motion by one impulse, pressed it forward, and completed what they had dared.

After the kings had been expelled, although great fear from them and diverse enemies threatened, the age was nevertheless not passed without sedition. The offspring of Brutus conspired against the fatherland with the noble youths and attempted to restore the Tarquins. Valerius came under suspicion of aiming at kingship, and was not safe until the house which he had begun was pulled down and the fasces lowered before the people. And indeed there was a fearful quiet at home from the year of the City 244 to the year 257; afterwards there were continual seditions or plans for seditions.

In the sixteenth year after the kings were driven out, the second after the death of Tarquin, an immense discord arose at Rome. Livy, Book II: “But the Volscian war was also impending, and the city, at variance with itself, was burning with internal hatred between the Fathers and the plebs, especially because of those bound for debt. They murmured that while fighting abroad for liberty and empire, at home they were captured and oppressed by citizens; and that the liberty of the plebs was safer in war than in peace, among enemies than among citizens. And a signal calamity of one man kindled that odium, which was growing of its own accord.

"A certain man threw himself into the forum with a great commotion, bearing the marks of all his evils. His garment was covered with filth; the condition of his body, consumed by pallor and emaciation, was fouler. In addition to this, his long beard and hair had made the appearance of his face savage. He was nevertheless recognized amid such disfigurement; they said that he had led companies, and the people, pitying him, recounted other distinctions of his military service. He himself displayed upon his breast the scars, witnesses of honorable battles in several places. When they asked whence that condition, whence that disfigurement, and a crowd had poured around him almost in the manner of an assembly, he said that while serving in the Sabine war, because, owing to the ravaging of his field, he had not only been deprived of its produce but his farmhouse had been burned, everything plundered, and his cattle driven off, and because a tax had been imposed at a time ruinous to him, he had incurred debt. That debt, swollen by interest, had first stripped him of his paternal and ancestral field, then of his other fortunes; at last, like a wasting disease, it had been drawn to his body, and he had been cast by his creditor not into slavery but into a workhouse and torture chamber. Then he displayed his back, foul with the recent marks of lashes.

"At the sight and hearing of these things an immense clamor arises. The tumult no longer confines itself to the forum but spreads everywhere through the whole city. Those bound and unbound for debt rush from every side into public and implore the good faith of the Roman citizens. Nowhere is a voluntary companion of sedition absent; in many columns everywhere, men run with shouting through all the streets into the forum. Those of the Fathers who happened to be in the forum fell into that crowd at great danger to themselves; nor would hands have been restrained had the consuls Publius Servilius and Appius Claudius not hastily intervened to suppress the sedition. But the multitude, turning upon them, displayed their chains and other disfigurement, each reproachfully declaring that this was what they had deserved, one here and another elsewhere, by his military service. Much more menacingly than as suppliants they demanded that they summon the Senate; and they themselves surround the senate-house as future arbiters and moderators of the public counsel.

"Very few of the Fathers, whom chance had presented, were gathered to the consuls; fear kept the rest not only from the senate-house but even from the forum. Nor could the Senate transact anything because of its sparse attendance. Then indeed the multitude began to think that it was being mocked and put off, and that those Fathers who were absent were absent not by chance or fear but for the sake of obstructing the business; that the consuls themselves were temporizing; and that their miseries were without doubt being made a mockery. Matters were now near the point where not even the majesty of the consuls could restrain the anger of the men, when at last, uncertain whether they would incur more danger by delaying or by coming, they came into the Senate; and even with the house at last well attended, there was not sufficient agreement, not merely among the Fathers, but not even between the consuls themselves."

There were in fact so many bound for debt that a good part of the army was composed from them. The discords increased to such a degree that the Sabines took up arms, not from confidence in their strength but from contempt for the citizens who were quarreling. For the plebs held nightly meetings on the Esquiline and assembled on the Aventine. At last they resisted openly and seceded to the Sacred Mount. This was done in the year 260, when they created the tribunes of the plebs, a perpetual seed-bed of discords, until they were oppressed first by citizens and then by barbarians.

Then, in the year 262, they expelled Coriolanus, who after two years brought war upon his fatherland. Nor was there a long interval between. In the year 267, after the Volsci had been conquered, Spurius Cassius, aiming at kingship by an agrarian law and by the repayment of money for Sicilian grain, was put to death when accused of high treason.

[Printed page 709]

Nevertheless, the sedition of the plebs did not cease; it aroused an external war in the following year and was ended by it. But soon after victory it grew raw again, as Livy warns. The sedition in the year 271 was most bitter. The army came to such a degree of madness that, when the cavalry had routed the approaching enemy, the infantry refused to

follow; and, without the consul's order, gloomy and cursing the cavalry's renewed exertion, they returned to camp. Nor, however, did the tumult cease in the year 273. Levies were obstructed, until by the counsel of Appius they set the tribunes against one another.

The Italian peoples describe most truly the condition of the city at that time. Livy, Book II: "The Roman resources were eternal unless they should rage against one another in seditions. That one poison, that plague, had been discovered for wealthy states, so that great empires might be mortal. That evil, long sustained partly by the counsels of the Fathers, partly by the patience of the plebs, had now reached extremes. Two states had been made out of one; each party had its own magistrates, its own laws. At first they had been accustomed to rage in the levies; nevertheless, the same men had obeyed their leaders in war. Whatever the condition of the city, so long as military discipline remained, it had been possible to withstand it. Now the custom of disobeying magistrates was following the Roman soldier even into camp. In the most recent war, in the very battle line, in the very contest, by the agreement of the army victory was voluntarily handed over to the conquered Aequi: the standards were deserted; the commander was left in the battle line; they returned to camp without orders. Certainly, if the matter were pressed, Rome could be conquered by her own soldier. Nothing else was needed than that war be declared and displayed; the fates and gods would accomplish the rest of their own accord." Who could say that Rome had been without sedition for any hour when in such a condition it raged against itself, when it preferred to be conquered and to lose everything rather than to conquer under a patrician leader?

Nor was it brought about by any means except deceit that they wished to fight, because they believed the commanders did not wish it. That estrangement and those contests between the orders persisted until, in the year 280, a tribune was killed at home and struck the others with fear. Yet it aroused greater hatred; they undertook the design of abolishing the consuls. Livy, Book II: "They said that it was all over." Then for the first time the tribunes were created in the tribal assemblies; Piso is an authority that three were also added, just as though there had been two before. He also names the tribunes Gnaeus Siccius, Lucius Numitorius, Marcus Duellius, Spurius Icilius, and Lucius Mecilius. The Volsci and Aequi, amid the Roman sedition, when war had arisen, had ravaged the fields, so that if any secession of the plebs should occur, it might have a refuge with them. Then, when matters were settled, they moved their camps back.

Appius Claudius was sent against the Volsci; the province of the Aequi fell to Quinctius. The same savagery of Appius was present in military service as at home, all the freer because he was without the bonds of the tribunician power. He hated the plebs more than with his father's hatred, because he saw himself conquered by it: and that with him alone chosen as consul a law had been carried against the tribunician power which earlier consuls, with less effort and by no means so great a hope of the Fathers, had prevented. This anger and indignation spurred his fierce mind to harry the army with a cruel command. Nor could it be tamed by any force, so deeply had they imbibed the contest in their spirits. They did everything sluggishly, idly, negligently, and contumaciously; neither shame nor fear restrained them. If he wished the column to be driven more swiftly, they deliberately walked more slowly. If he was present as an exhorter at a work, all of their own accord relaxed the industry they had set in motion. In his presence they cast down their faces; as he passed they silently cursed him--so that that spirit, unconquered by plebeian hatred, was sometimes moved. After every severity had been employed in vain, he no longer had any dealing with the soldiers; he said the army had been corrupted by the centurions, whom in mockery he sometimes called "tribunes of the plebs" and "Voleros."

The Volsci were ignorant of none of these things, and pressed on all the more, hoping that the Roman army would have the same contest of spirit against Appius that it had had against the consul Fabius. But it was much more violent under Appius than under Fabius. For it did not merely refuse to conquer, as the Fabian army had done, but wished to be conquered. Led out into the battle line, it sought the camp in shameful flight, and did not stand until it saw the Volscian bringing the standards against the fortifications and the foul slaughter of the rear of the column. Then force was wrung from it to fight, so that the enemy, already victorious, might be driven from the rampart. It appeared

sufficiently, however, that the Roman soldier had been unwilling only for the camp to be taken; some rejoiced in their own disaster and ignominy.

The fierce spirit of Appius was in no way broken by these things. When he wished to rage further and summoned an assembly, the lieutenants ran to him and the tribunes warned him not to wish at any cost to make trial of command, whose whole force lay in the agreement of those who obeyed. They said that the soldiers everywhere refused to go to the assembly, and voices demanding that the camp be moved from Volscian territory were heard on all sides: the victorious enemy had shortly before been almost at the gates and rampart, and not merely suspicion but the manifest appearance of immense evil was before their eyes. At last he yielded--since in any event they would gain nothing except time for punishment--and, dismissing the assembly, after he had ordered the march to be proclaimed for the following day, at first light he gave the signal for departure by trumpet. Just as the column was in the very act of deploying from the camp, the Volsci, as if roused by the same signal, attacked the rearmost. The tumult, carried from them to the foremost with such panic, disordered standards and ranks so that neither commands could be heard nor the battle line arrayed. No one remembered anything except flight. Thus they escaped in a scattered column through a devastation of bodies and spirits, so that the enemy ceased pursuing before the Roman ceased fleeing. This occurred in the year of the City 282.

While discord remained, in 284 the utmost violence was feared. Then the plebs refused to take part in the consular elections, always restless, always hostile.

In the year 286 there were renewed contests over the agrarian law, and Volscian land was granted for founding a colony at Antium, but most disdained it. Immense dangers brought some quiet; but after they had been discharged from them in the year 291, all domestic evils grew raw again, so that the consul had to be recalled. For in the absence of the consuls the tribunes sought time for their actions. The struggle became more bitter in the following year. The consuls held a levy; if they seized anyone, the tribunes ordered him to be released. Caeso, driven out by fear of trial, was soon followed by a thousand Caesos in place of one, but they eluded the tribunes by art throughout the entire year.

Thus far there had been dissensions; but in the year 293, when a servile band under the leadership of Herdonius had occupied the Capitol and affairs were placed in the utmost crisis, the tribunes called the people away from arms. It was evident that the utmost violence would follow and that the Roman sedition would be a spectacle to the enemies; nevertheless neither could the law be carried nor the consul go to the Capitol. Night suppressed the contests begun; the tribunes yielded to night, fearing the arms of the consuls. When the authors of the sedition had been removed from there, the Fathers went around among the plebs, thrust themselves into their circles, and sowed speeches suited to the time. They admonished them to see into what crisis they were bringing the state: the contest was not between the Fathers and plebs; rather the Fathers and plebs together were surrendering to enemies the citadel of the city, the temples of the gods, and the public and private household gods.

How astonishing that Roman citizens had been blinded by such obstinate discord that, although Manlius, dictator of the Tusculans, was coming to their aid, they were nevertheless not moved by their own danger and had to be entreated to be willing to defend themselves against their own slaves. But the fact that the tribunes even then protested surpasses all madness. Rightly, therefore, did the consul Lucius Quinctius Cincinnatus affirm in the following year that the tribunes were enemies worse than Herdonius. But nevertheless they attempt to obstruct the levy--

[Printed page 710]

§ 2 (continued; part 2 of 3). --and the plebs reelects the same tribunes.

In the year 295 Quinctius Cincinnatus, as dictator, dispersed the external dangers after the enemies had increased; the plebs reelected the same tribunes for a fifth time. And so in the year 296 they would have come to the most extreme contentions had not the Aequi and Sabines brought greater destructions. The garrison at Corbio had been lost through a nocturnal attack of the Aequi; the Sabines were ravaging the Roman fields. Nevertheless, the citizens had been

unwilling to serve unless they extorted permission to create ten tribunes. This obstinacy lasted into the year 302, when envoys were sent to Greece and decemvirs constituted, by whose labor the laws might be written. But not even thus did they have more than one halcyon year. The plebs, offended by the lust of Claudius and by a judgment given in favor of slavery against liberty, went up from the camp to the Aventine, then to the Sacred Mount; they compelled the decemvirs to abdicate and restored the consuls and tribunes. They demanded the decemvirs for the funeral pyre. There had been no greater sedition up to that time, for they were armed.

The plebs, sated by the punishment of the Fathers, became somewhat quiet, but there was nevertheless no concord; for while the plebs was quiet, the younger Fathers did not cease from injury. Livy describes it thus: “Then Geganius Macerinus and Gaius Julius were made consuls. They quieted the assemblies of the tribunes which had arisen against the noble youth without assailing their power, preserving the majesty of the Fathers. By postponing the levy decreed for the war with the Volsci and Aequi, they kept affairs free from seditions, affirming that when there was tranquility in the city all things abroad also were tranquil; concern for peace was also the cause of concord at home. But the one order was always burdensome to the moderation of the other. When the plebs was quiet, injuries began to be done by the younger Fathers. When the tribunes came to the aid of the humbler men, at first they had too little power; then not even they themselves were inviolate, especially in the last months, both because injury was done through coalitions of the more powerful and because all the force of the power was somehow more languid in the latter part of the year. And now the plebs placed some hope in the tribunate if it had tribunes like Icilius; for two years it had had only the name.

“The elders among the Fathers, on the contrary, believed that the young men were too fierce; yet if measure had to be exceeded, they preferred that courage should be excessive among their own men rather than among their adversaries. So difficult is moderation in protecting liberty: while each man, by pretending that he wishes to be made equal, raises himself so as to press down another; and by taking care lest they fear, men make themselves objects of fear in advance. And we impose upon others an injury repelled from ourselves, as if it were necessary either to do it or to suffer it. Titus Quinctius Capitolinus, for the fourth time, and Agrippa Furius were then made consuls. They inherited neither sedition at home nor war abroad, but both threatened. Discord among the citizens could now be restrained no longer, with the tribunes and plebs incited against the Fathers, when the appointment of a day for the trial of some noble always disturbed the assemblies with new contests. At the first uproar of these assemblies, as if a signal had been received, the Aequi and Volsci took up arms.” These things were done in the year 306, and the discord of the orders remained, as Cincinnatus then used to say--the poison of the state--“while neither with us is there a limit to command nor with you a limit to liberty.”

In the year 308 a new flame of sedition blazed forth. For Canuleius proposed a law concerning intermarriage between the Fathers and the plebs; and gradually mention was introduced that it should be permitted to make one of the consuls from the plebs, and the proposal was carried. This seemed so grave to the Fathers that they heard with joyful spirits that three wars were arising at the same time; for they hated the fortunate seditions of the plebs and the honored authors of seditions more than external wars. Most truly they said that more war was being stirred up at home than abroad.

At last, in the year 309, after bitter contests, military tribunes with consular power were created. When the state seemed more peaceful, Spurius Maelius suddenly aimed at kingship and relieved the people by a distribution of grain. He was killed by Servilius Ahala; in the year 314 Servilius was driven into exile. But when the tribunes and leaders of the plebs perceived themselves to be despised by the plebs, they set many things in motion in the following years, especially in the year 329, but with fruitless effort. For although what was done in the year 330 against Sempronius was done with an evil intention, I do not number it among seditions. Then, two years later, when the number of quaestors was to be doubled, a contest arose that some should be created from the plebs. Although they obtained this and plebeians were passed over, the tribunes, inflamed by the rejection, began to rage. In the year 334 the slaves had conspired against the city, but, having been detected, they paid the penalty.

In the year 336 matters again came to the utmost danger because of the agrarian laws. The Fathers dispersed them by drawing certain tribunes over to their own party; their colleagues accused those tribunes before the people as traitors to their interests. In all these years, therefore, either there was sedition or it was being prepared.

In the year 339 a sedition begun at Rome reached the camp, in which a military tribune was buried beneath stones by the army. The offense arose from the words of Titus Postumius: “Evil to my soldiers unless they keep quiet.”

The year 341, full of sedition, was rendered moderate by pestilence.

In the year 344 the partisanship of the Fathers and plebs blazed forth because three plebeian quaestors had been created, by which the hope of the plebs was raised and fear cast into the Fathers. Livy, Book IV.

In the year 347, when the booty taken at Anxur had been divided among the army and pay had been decreed, there was greater affection between the plebs and the Senate than at any earlier time whatsoever, although in the same year the tribunes had repeatedly declared: “The greatest war of the Fathers is with the plebs. It is deliberately to be harassed by military service and cast before the enemy to be slaughtered.” But when pay was decreed, Livy says in Book IV: “Nothing, it is reported, was ever received by the plebs with such joy. And so there was a gathering at the senate-house, and the hands of those departing were grasped; they were called Fathers in truth, the plebeians confessing that it had been brought about that no one, so long as any strength remained, would spare either his body or his blood for so munificent a fatherland; since it pleased them that their household property at least should rest during the time in which their body was bound and devoted to the state.” The tribunes nevertheless grumbled against it, but were despised.

But soon, when they were making huts at Veii in order to winter there, the tribunes of the plebs rose up, but in vain. For when a defeat had been received at that same Veii, through a great renewal of concord between the orders new soldiers were sent, with the cavalrymen promising that they would serve upon their own horses and then the infantrymen offering their labor. But while money was being contributed by the unconquered, the tribunes, having again found an occasion, attempted to contrive discords. Livy, Book V: “One war had now been protracted into a third year and was deliberately being badly conducted so that they might conduct it longer. Then armies had been enrolled for four wars by one levy, and even boys and old men had been dragged out. There was now no distinction of summer or winter, lest the wretched plebs ever have any rest. It had now even been made tributary to the final degree, so that when they had brought back bodies exhausted by labor, wounds, and finally age, and found everything at home uncultivated because of the owners’ long absence, they should pay tribute from an impaired estate and return manifold to the state their military pay as if received at interest.”

Then there was a new discord because of the tribunes of the plebs,

[Printed page 711]

and a greater one because of the military tribunes. For in the year 353, when the tribunes of the plebs forbade the payment of tribute and pressed that military tribunes be created from the plebs, they filled the city and almost the camp with seditions. One tribune was created from the plebs and then one patrician; by this it came about that in the year 355 the Fathers, as if about to lose the supreme command, all exerted themselves and obtained their object. At last, in the following year, agreement was reached that the greater part should be created from the plebs.

After Veii had been captured in the year 358, there was again an immense sedition, men continually saying that a colony ought to be led to Veii and demanding fields. This sedition was fouler than the rest. In the year 360 consuls were created and all things were conducted with the greatest bitterness; there was a greater war at home than abroad. And at last in the year 362 Camillus went into exile. Then followed the defeat at the Allia, the burning of the city, and the siege of the citadel. Not even by the very destruction of the city did they change their disposition, for it was urged with all their strength that they should migrate to Veii.

Then, in the year 368, when matters had come to extremes and the Senate stood as though in battle line against the plebs, Manlius was cast into prison, though nevertheless released; but when he was said to have aimed at kingship, he was cast down from the rock.

In the year 373 there was again sedition because of those bound for debt, which only the enemy near the walls suppressed. The plebeians now seemed oppressed and unable to oppose the Fathers in any way.

In the year 376 an immense contest arose from a small matter. For five years no curule magistrate was made, the elections being obstructed by the intervention of the tribunes. That sedition, therefore, lasted five years. At last, with Camillus as dictator and with Manlius and others resisting in vain, Lucius Sextius was made the first consul from the plebs. Livy, Book VI: "A triumph was decreed to the dictator Camillus by the agreement of the Fathers and plebs. When he had scarcely discharged the war, a more dreadful sedition at home received him; and through immense contests the dictator and Senate were conquered, so that the tribunician proposals were accepted, and the consular elections were held against the will of the nobility, in which Lucius Sextius was made the first consul from the plebs. Nor was even that the end of the contests, because the patricians declared that they would not furnish their authorization. The matter almost came to a secession of the plebs and other terrible threats of civil contests. Nevertheless, the discords were settled by the dictator upon conditions: the plebeian consul was conceded by the nobility to the plebs, and by the plebs to the nobility one praetor, who should administer justice in the city, to be created from the Fathers."

Then there was quiet for some time, until in the year 397 Gaius Marcius Rutilus, dictator from the plebs, named a master of horse from the plebs.

In the year 399 the contention was so great that Livy says: "They went down into the Campus several times in vain, and many electoral days were consumed by seditions. At last the grief of the plebs, conquered by the perseverance of the consuls, burst forth to such a degree that, while the tribunes shouted that liberty was at an end and that not only the Campus but even the city, captured and oppressed by the dominion of the patricians, must now be abandoned, the sorrowful plebs followed them."

In the year 401, however, spirits inclined toward concord, nor was there any great movement in the city until the year 411, when the soldiers who had been at Capua infected almost the entire army with their conspiracy.

But lest I pursue every individual thing, I shall send them all into a compendium. From the year 412 to 432 the Latins and Campanians rebelled and ordered that one of the consuls be chosen from their own body. The Privernates also rebelled; nor will you easily find so many years without sedition, but the causes were immense and the wars most bitter, and therefore they created very many dictators in those years. Nevertheless, because those wars were waged by subjects who were revolting, they can rightly be called seditions and rebellions.

In the year 439 an immense terror of factions and coalitions burst forth, not only at Rome but also at Capua and in other places, so much so that Gaius Maenius was designated dictator to conduct investigations. The result, however, was that the investigation was suppressed by the power of the faction against which it had been prepared. A rather long peace was then followed by a greater sedition. Few things are reported about it because its history has perished. It occurred in the year 467. Sigonius writes thus about it in the *Fasti*: "Zonaras adds that at this time a sedition was excited by a law concerning new account books promulgated by the tribunes of the plebs and obstructed by the creditors, and that it was not settled until the enemies invaded the city." Augustine, moreover, writes thus about the same affair in Book III of *The City of God*: "After grave and long seditions of the Romans, at last the plebs seceded to the Janiculum with hostile devastation. So dire was the calamity of this evil that for this affair the dictator Hortensius was created, who, after the plebs had been recalled, expired in that same magistracy, something which had happened to no dictator before." It must be noted that he says "after grave and long seditions," lest we suppose it a movement of only one year.

Down to the year 512 the wars of the Tarentines, Pyrrhus, Carthage, the Ligurians, and Sardinians diminished domestic seditions--although I think that writers were lacking for the seditions more than seditions for the Romans. There are certainly many and evident signs. What of the fact that not even when Hannibal was devastating Italy was there genuine peace at Rome? Livy, Book XXII: “In his interregnum elections were held amid a great contest of the Fathers and plebs. The populace was striving to draw even Gaius Terentius Varro to the consulship--a man of his own class, commended to the plebs by attacks upon the leading men and by popular arts, and shining through another’s unpopularity after the resources and dictatorial command of Quintus Fabius had been shaken. The Fathers resisted with their utmost effort, lest men accustomed to attacking them should be made their equals. Bibulus Herennius, a tribune of the plebs and kinsman of Gaius Terentius, by accusing not only the Senate but even the augurs because they had prevented the dictator from completing the elections, won favor for his candidate through hatred of them. Hannibal had been brought into Italy by noble men who for many years had sought war; when he could be utterly conquered, that war was being protracted by deceit by those same men.”

Nor were contests afterwards lacking, when the tribunes obstructed the elections lest Fulvius, the dictator designated, be made consul. In the eighth year after the battle of Cannae, twelve colonies refused auxiliaries, soldiers, and money, by which such great fear was cast into men’s spirits that most said that the empire was finished.

A tribune accused Marcellus and the whole nobility. Livy, Book XXVII: “By their deceit and delay it came about that Hannibal now had Italy as his province for a tenth year and had lived there longer than at Carthage. The Roman people possessed the fruit of command prolonged for Marcellus: his army had been cut down twice and was passing the summer under roofs at Venusia.” These things occurred in the tenth year of the Punic War, so that it may appear how entirely there was no concord in the state, unless the fear of the most cruel enemy effected some.

Hence it is that about the same time Livy introduces Marcus Livius full of anger against Hasdrubal. It has been handed down to memory, Livy says in Book XXVII, that when Quintus Fabius warned Marcus Livius, as he was departing for war still full of anger against the citizens, not to join battle rashly before he had learned the character of the enemy, he answered that he would fight when first he saw the enemy’s column. When it was asked what cause there was for haste, he said: “Either from the enemy I shall obtain outstanding glory, or from my conquered citizens joy--certainly deserved, even if not honorable.” What disorders would not such a spirit--

[Printed page 712]

§ 2 (continued; part 3 of 3). --would that spirit not produce, for which citizens and soldiers stood in the same place as enemies? Indeed, in a worse place: from enemies he was going to obtain outstanding glory; from slaughtered citizens, joy. For although Hannibal suppressed seditions, he nevertheless did not bind the citizens together by mutual affection. Certainly, in the year 549, when the Carthaginian had now been driven from Italy, the notable enmities of Marcus Livius and Gaius Claudius appeared in their censorship.

But that you may see that the tribunes had changed in no respect, read in Livy, Book XXXI, the things which they declaimed under a law against the Macedonian War in the year 552. Baebius, tribune of the plebs, entering upon the ancient road of accusing the Fathers, had charged that wars were sown from wars lest the plebs ever be able to enjoy peace. A sign of this also is that Scipio Africanus avoided tribunician harassments by exile; his brother Asiaticus was condemned in so great a sum that it was not found among his goods, when the praetor had sent quaestors to take public possession of them. Then followed the customary contests and the conspiracies and corruptions of the Bacchanalia, concerning which Livy, Book XXXIX.

It is also agreed that the same difficulties existed in levies, because the tribunes cast Aulus Postumius and Albinus into prison when they conducted the levy severely, because they were not able to obtain exemption for their kinsmen. And this is that age concerning which Florus writes in Book III, chapter 12: “The first hundred years of this age were holy, pious, and, as we have said, golden, without disgrace and without crime, while the integrity of that pastoral way of life was still sincere and harmless, and while the threatening fear of the Carthaginian enemies contained the ancient

discipline. But the last hundred years, from the destruction of Carthage to Caesar, were wretched and worthy of shame because of domestic calamities."

What I said concerning the preceding years, however, must be understood thus: revolts of allies, treasons, and dissensions were not lacking; but because greater care held their spirits, discord in the senate-house and city languished. For in Spain the matter was conducted against subjects for twenty years, and likewise against the Ligurians, the Alpine peoples, and the Illyrians. Indeed, Andriscus wrested away subject Macedonia, and Alexander then occupied another part of it. Then, in the year 606, there was discord because of the consulship of Scipio, who set out for Africa and destroyed Carthage, and afterwards Numantia--wars which certainly arose from the rebellions of subjects.

In the year 618 Eunus and Cleon waged a servile war in Sicily, and not without immense loss to the state; for they captured the camps of four praetors: Manlius, Lentulus, Piso, and Hypsaeus. What sedition, moreover, is greater and more hostile than when slaves rise against their masters?

In the year 620 the sedition began which furnished the causes of the evils that followed, by which the state at last utterly perished. Epitome, Book LVIII: "Tiberius Sempronius Gracchus, tribune of the plebs, when he proposed an agrarian law against the will of the Senate and equestrian order, that no one should possess more than ten *iugera* of public land, blazed forth into such madness that, after passing a law, he deprived his colleague Marcus Octavius, who defended the cause of the opposing party, of his power; and he created himself, his brother Gaius, and his father-in-law Appius Claudius triumvirs for dividing the land. He also promulgated another agrarian law by which, if anyone possessed land more widely, the same triumvirs should judge which was public land and which private. Then, when there was less land than could be divided without offense even to the plebs--since he had incited them to an ample desire by the limit of their hope--he showed that he would promulgate a law that the money which had belonged to King Attalus should be divided among those who ought to receive land by the Sempronian law. Attalus, king of Pergamum, son of Eumenes, had left the Roman people his heir.

"The Senate was gravely moved by so many indignities, and before all others the consul Titus Annius. When he had delivered a speech against Gracchus in the Senate, he was seized by him, brought before the people, and again addressed him before the rostra. When Gracchus wished to be created tribune of the plebs again, he was killed on the Capitol by the optimates upon the urging of Publius Cornelius Nasica, struck first with fragments of benches; and among the others who had been killed in the same sedition, he was cast unburied into the river."

After this calamity had been received, the following years were deadly. At Rome all things were dreadful because of investigations against the followers of Gracchus; in Sicily, because of the cruelty of the slaves. Then followed the Aristonicus war when a great part of Asia revolted, so that the state was harassed by an external and internal evil.

In the year 623, when Carbo proposed a bill that the people might reelect the same man as tribune as often as it wished, defeated by Scipio he was unable to carry it through. But in the following year all seditions blazed forth more sharply as the triumvirs for dividing the land stirred them up. Scipio, who spoke against it, was found dead on the following day; no one investigated the parricide. While the Gracchan sedition continued, Marcus Fulvius proposed other ruinous laws and incited the Italians to seek citizenship. Hence Fregellae was destroyed in the year 628; in the year 632 Gaius Sempronius Gracchus was killed, and the head of the slain man was purchased for gold.

In the year 642 Jugurtha prepared war; Nearer Spain rebelled. Amid these things the hatreds of the people and Senate remained, and a little later they poured themselves out upon Caepio, who had been defeated in the Cimbrian War. Cicero teaches in Book II *On the Orator* that it was a sedition, that in it there were violence, flight, stoning, and tribunician cruelty, in which Marcus Aemilius, leading man of the state and Senate, was struck with a stone.

In the year 650, amid the utmost fear of the Cimbrian War, Marius was designated consul for a fourth time through sedition. He had no other beginning of his rise than his persecution of the nobility; and so, as his consulships

proceeded, contests lasted throughout them. Marius had scarcely triumphed over the Cimbri when an immense sedition burst forth. It is narrated thus by Livy's epitomator, Book LXIX: "Gnaeus Apuleius, with the aid of Gaius Marius and after killing Aulus Nonius, his competitor, through the soldiers, was created tribune of the plebs by force and administered the tribunate no less violently than he had sought it. And when he had carried an agrarian law by force, he appointed a day for the trial of Metellus Numidicus because he had not sworn to it. Since Metellus was defended by good citizens, lest he should be a cause of evil contests, he set out into voluntary exile at Rhodes, and there was free from great cares by reading and hearing."

Assuredly Gaius Marius, author of the sedition, who had purchased his sixth consulship with money scattered through the tribes, forbade him fire and water. The same Apuleius Saturninus, tribune of the plebs, killed Gaius Memmius, candidate for the consulship, whom he especially feared as an adversary to his actions. The Senate having been aroused by these events against him, and Gaius Marius--a changeable man of shifting counsel and disposition, who had always passed over to prosperous fortune--being utterly unable to protect him, he was overwhelmed by arms and killed with the praetor Glaucia and other companions of the same madness by a certain Rabirius. Quintus Caecilius Metellus was recalled from exile with the immense favor of the whole state. Marcus Aquilius the proconsul brought to an end the servile war stirred up in Sicily. At the same time Athenion the fugitive waged war in Sicily. Amid these things there was contention at Rome, until the Italian War began in the year 658.

There was indeed immense discord because the equestrians administered judgments and condemned innocent men. "Publius Rutilius," says Epitome LXX, "a man of the greatest innocence, because as legate of Gaius Mucius,

[Printed page 713]

the proconsul, he had defended Asia from the injuries of the publicans, was hated by the equestrian order, in whose possession the courts were; condemned for extortion, he was sent into exile. Gaius Geminius fought unsuccessfully against the Thracians. Since the Senate was unwilling to bear the impotence of the equestrian order in administering judgments, it began to strive with all its force that the courts be transferred to itself, Marcus Livius Drusus, tribune of the plebs, sustaining its cause. In order to acquire strength for himself he aroused the plebs with the ruinous hope of largesse." These things at Rome were done against Mucius; the Asians instituted feast days for him which they called the Mucian days.

In the year 662 the Drusan sedition, which drew after it the Social War, was excited. Epitome LXXI: "Marcus Livius Drusus, tribune of the plebs, in order that the Senate might defend with greater strength the cause it had undertaken, solicited the allies and Italian peoples with the hope of Roman citizenship. With their help, after the agrarian and grain laws had been carried by force, he also carried the judiciary law, so that the courts should be in equal part in the possession of the Senate and the equestrian order. When the citizenship promised to the allies could not then be furnished, the angry Italians began to agitate for revolt." Epitome LXXII writes concerning it: "The Italian peoples revolted--the Picentes, Vestini, Marsi, Paeligni, Marrucini, Samnites, and Lucani--the beginning of the war having been made by the Picentes. Quintus Servilius the proconsul was killed in the town of Asculum with all the Roman citizens who were in that town. The people assumed military cloaks. Servius Galba, captured by the Lucani, was freed from captivity by the labor of one woman with whom he lodged. The colonies Aesernia and Alba were besieged by the Italians."

That war was most dangerous and most grave, with great defeats received and inflicted on both sides. When it was ended, a crueler civil war followed, than which nothing is better known in Roman history.

Nor were those parricides only among allies. Fimbria killed his commander Valerius Flaccus; meanwhile Asia was exposed to be devastated by Mithridates.

In the year 669 Sulla oppressed the Marian party; many perished. In the following year he entered Italy. In the year 671 there was that bloody dictatorship in which:

The guilty perished,

but when now only the guilty could survive.

Then there was the kingship of Sulla. He recovered Nola and Volaterrae, overthrew Mytilene, and distributed forty-seven legions among the captured lands.

In the year 673 the Sertorian War was waged in Spain. It arose from the remnants of the Sullan proscription, and in it Roman commanders were defeated.

Nor was there an end of factions when Sulla abdicated the dictatorship. Lepidus, his enemy and consul after his death, attempted to rescind his acts and recall the exiles, but was defeated. Even after Sulla died, sedition grew raw again. Sallust introduces a tribune complaining thus: "For you have understood that hope was vain. When Sulla, who had imposed a wicked slavery, was dead, you believed it the end of evil; there arose Catulus, far more savage. Tumult intervened in the consulships of Brutus and Aemilius; then Gaius Curio domineered to the point of destroying an innocent tribune. You have seen with how great a spirit Lucullus went against Lucius Quinctius in the preceding year."

In the year 676 Lepidus came with an army hostile to his fatherland, but was driven from Italy by Catulus and Pompey; and yet the Roman people hated Catulus more than Lepidus. In the year 678 this was the condition which Sallust describes. "You have made us consuls, Roman citizens," Cotta says, "when the state is most entangled at home and in war. For the commanders in Spain ask for pay, soldiers, arms, and grain, and necessity compels it, since through the revolt of the allies and Sertorius's flight through the mountains they can neither join battle nor prepare useful things. Armies are maintained in Asia and Cilicia because of the immense resources of Mithridates. Macedonia is full of enemies, and no less the seacoasts of Italy and of the provinces, while meanwhile the revenues, small and uncertain because of wars, scarcely sustain a part of the expenses. Thus we sail with a smaller fleet than before to convey provisions. If these things have been accumulated by our deceit or sloth, act as you please and exact punishment thus; but if our common fortune is rather harsh, why do you undertake things unworthy of you and us?"

In the year 680 the war of Spartacus began. In that same year Sertorius was killed and left Marcus as heir of the war. When these wars had been finished, in the year 683 Pompey the Great and Crassus the Rich as consuls restored the tribunician power entire and stabilized their own power. The matter came to such a point that in the year 687, through dissensions and ambition, certain men conspired--Piso, Catiline, and Antonius Paetus. At that time there was a great dissension among the army of the Mithridatic War between Lucullus and Pompey.

But the conspiracy of Catiline was detected in the year 690, when Cicero was consul. In the following year the conspirators were defeated. Nevertheless, seeds of war remained among the optimates.

In the year 693 a coalition was made among the three leading men Pompey, Crassus, and Caesar. For although they were enemies among themselves and powerful, and the people hated Pompey, the Senate Caesar, and most men Crassus, they equally mocked friends and enemies. Suetonius writes these things in his *Julius*: "Caesar courted Pompey with every service when he was offended by the Fathers because, after King Mithridates had been conquered, his acts were confirmed rather tardily; and he reconciled Marcus Crassus to Pompey, his ancient enemy from the consulship which they had administered together in the greatest discord. He entered into an alliance with both, lest anything be done in the state which displeased any of the three. In his consulship he gave Julia to Pompey and himself married Calpurnia, daughter of Piso, the future consul."

Caesar as consul carried agrarian laws, transferred Clodius to the plebs, and compelled his colleague Bibulus to keep himself at home. Clodius, now a plebeian and made tribune of the plebs, expelled Cicero; after Cicero's return Milo killed Clodius. The Roman people proscribed Ptolemy without cause. In the year 701 armed and contentious candidates for the consulship obstructed the elections. Then Pompey, having been made consul, scarcely suppressed the sedition.

He then carried a law that account should be taken of Caesar in his absence, which Marcellus attempted to break in the following year. These contentions afterwards became stronger in the years that followed, when on the occasion of the Parthian War two legions were led away from Caesar, until the civil war began in the year 704. In that war Pompey was driven from Italy; his lieutenants were defeated in Spain; Pompey was defeated at Pharsalus and killed by the Egyptian; the Pompeians were defeated in Africa; and at last:

> The final battles meet at deadly Munda.

But Caesar was killed in the year 710 and left behind the wars of Mutina, Philippi, Perusia, and Sicily, and the killings of the triumvirs, until, after Antony was conquered at Actium, Augustus alone obtained the Roman state. And such was the condition of the Roman state for more than seven hundred years: agitated by continual dissensions, it kept Senate and plebs exercised, and produced more evils at home than abroad. If princes consider these things and weigh the causes of seditions, they will procure great aids for settling or preventing them.

CHAPTER IV

Seditions and Conspiracies in the Time of the Monarchy

[Printed page 714]

§ 1. I have shown that seditions are the gravest and most frequent evil of the state, something that appeared in both the Roman aristocracy and the Roman democracy. But that I may more strongly arouse the prince to the protection of himself and his empire and to the avoidance of seditions, I have resolved to show this also in the Roman monarchy; for when these things have been read, a prudent prince who loves his fatherland will more easily attend to the cause, remedies, and outcomes of such great evils.

For among a thousand seditions there is none which does not make the prince more cautious, prudent, and moderate by some singular lesson. For the causes of each easily appear. Let us therefore look upon Augustus the prince, who passed the first twelve years in perpetual civil war or fear, and after the victory at Actium and in Egypt endured many seditions and conspiracies. Suetonius, chapter 19: “After this he suppressed tumults and even beginnings of revolutions, and several conspiracies detected by information before they grew strong--different ones at different times: that of the younger Lepidus, then that of Varro Murena and Fannius Caepio, soon that of Marcus Egnatius, then that of Plautius Rufus and Lucius Paulus, husband of his granddaughter. Besides these were Lucius Audasius, accused of forging records and impaired both by age and body; Asinius Epicadus, a half-breed of Parthian stock; and at last Telephus, a woman’s slave employed as a nomenclator. For he was not free from conspiracy and danger even from men of the lowest lot. Audasius and Epicadus had intended to carry off his daughter Julia and grandson Agrippa from the islands on which they were confined; and Telephus, as though dominion were owed to him by fate, had determined to attack both him and the Senate. Indeed, once at night beside his bedchamber a certain sutler from the Illyrian army was caught, after deceiving the doorkeepers, girded with a hunting knife. Whether he was not of sound mind or feigned madness is uncertain; for nothing could be wrung from him by examination.” Behold, besides foreign and civil wars, by how many enemies was the life of the reigning man sought?

Nor did he sustain few rebellions. The same author, chapter 21: “He never punished those who rebelled more frequently or perfidiously with a heavier penalty than that he sold the captives under the condition that they should neither serve in a neighboring region nor be freed within thirty years.” Dio teaches, moreover, in how great fear he lived, for when coming into the Senate he wore a breastplate beneath his clothing. The same Dio, chapter 17: “Many men made plots against Caesar, and especially Gnaeus Cornelius, the son of a daughter of Pompey the Great. Since he was unwilling to kill them, because he understood that he would not be more secure through their death, nor to release them, lest for that reason he incite the rest against himself, he came into so great a state of doubt that he was tormented by cares day and night.”

Since, moreover, we are dealing with a good prince, at least in the judgment of writers, I shall add what Pliny reports concerning him in Book VII, chapter 45: “In the deified Augustus also, whom the whole of mortality names in this assessment, if all things are carefully weighed, great volumes of human fortune are found: rejection in seeking office at the hands of his maternal uncle, and Lepidus preferred contrary to his request; the odium of the proscription; companionship in the triumvirate with the worst citizens, and not even in an equal portion, but with Antony having the weightier share; in the battle of Philippi, illness, flight, and concealment for three days while sick in a marsh--and, as Agrippa and Maecenas acknowledge, water flowing beneath him and his sides swollen; shipwrecks in Sicily, and there too another concealment in a cave; then, in naval flight with the enemy’s hand pressing, prayers to Proculeius that death be brought upon him; anxiety over the Perusine contest; solicitude over the battle at Actium; ruin and terror in the Pannonian war; so many seditions of soldiers; so many doubtful bodily illnesses; the suspected wishes of Marcellus; the shameful sending away of Agrippa; his life sought so many times by plots; the deaths of his children

laid to his charge, and griefs sad not merely through bereavement; the adultery of his daughter and counsels of parricide openly disclosed; the insulting secession of his stepson Nero; another adultery, that of his granddaughter. Then so many evils joined together: lack of military pay, the rebellion of Illyricum, a levy of slaves, a scarcity of youth, pestilence in the city, famine and thirst in Italy, a determination to expire and, through fasting for four days, the greater part of death received into his body. Close upon these were the Varian disaster and the foul bruising of his majesty; the repudiation of Postumus Agrippa after his adoption, regret for him after his relegation, then suspicion concerning Fabius and the betrayal of secrets; thereafter the designs of his wife and Tiberius, the final care of his life. In sum, that god--I do not know whether he more attained or merited heaven--departed with the son of his enemy as his heir." Seneca recounts similar things in *On the Brevity of Life*, chapter 5, where he indicates that those terrors remained into old age: "He had not yet escaped the plots of these men: his daughter and so many noble youths, bound as if by an oath in adultery, were terrifying his now broken age; and once more a woman was to be feared together with an Antony."

No small storms shook Tiberius in a marvelous manner. First, the Gallic legions disturbed his accession when they called Germanicus emperor and detained his son Caligula. While Germanicus lived, Tiberius restrained his vices, Dio says. At last Germanicus and Drusus were removed, when the seditions in Pannonia and Germany had been settled. Meanwhile Libo Drusus, in part convicted of revolution, was killed; Clemens, a slave of Agrippa, stirred up sedition. There was war and revolt in Africa. Piso and Sentius, governor of Syria, disagreed and fought a civil war. The whole life of Tiberius thereafter was a slaughterhouse, until, when sick, he was suffocated by Macro. Caligula, ruling for a brief time, removed tumults.

More seditions and treasons harassed Claudius. Suetonius, chapter 13: "Nor, however, did he remain altogether exempt from plots; rather, he was assailed both by individuals, by a faction, and finally by civil war. A man of the plebs was found at midnight beside his bedchamber with a dagger. Two men of the equestrian order were found awaiting him in public, one with a sword-cane and the other with a hunting knife: the one had conspired to attack him as he departed from the theater, the other while he sacrificed at the temple of Mars. Asinius Gallus and Statilius Corvinus, grandsons of the orators Pollio and Messala, had conspired to effect a revolution, having taken to themselves his own freedmen and slaves. Furius Camillus Scribonianus, legate of Dalmatia, stirred up civil war; but within the fifth day he was suppressed, and the legions which had changed their oath were converted by religious scruple to repentance after, when the march to the new emperor had been announced, by a certain chance and divine act neither could the eagle be adorned nor could the standards be pulled up and moved."

And chapter 35 shows from his fear the disposition of the Romans: "But nothing was so characteristic as that he was timid and distrustful. In the first days of his reign, although--as we have said--he was a boaster of civil liberty, he did not dare enter banquets unless spearmen with lances stood around him and soldiers performed the part of servants. Nor did he visit anyone sick unless the bedroom had first been explored and the mattresses and bedclothes felt and shaken out. During the remainder of the time he always set searchers over those who came to salute him, and indeed over all, and the most severe. For only late and with difficulty did he relax the rule that women and boys and girls wearing the bordered toga should not be handled, and that pen-cases or stylus-cases should not be taken from every attendant or secretary. When Camillus, in a civil movement, not doubting that he could be terrified even without war, ordered him by an insulting, menacing, and contumacious letter to yield the empire and pass an idle life in private affairs, he deliberated, after summoning the leading men, whether he should obey." Chapter 36: "Certain plots rashly reported terrified him so greatly that he attempted to lay down the empire. When a certain man, as I related above, was caught with a weapon beside him as he sacrificed,

[Printed page 715]

he hastily summoned the Senate through heralds and lamented with tears and shouting his condition, in which nothing was safe anywhere; and for a long time he abstained from appearing in public. He cast away even his most ardent love for Messalina, not so much because of the indignity of the insults as through fear of danger, since he believed that the

empire was being acquired for her adulterer's son. At that time, trembling in a foul manner, he fled to the camp, asking along the entire road nothing except whether the empire was safe for him."

Nero also, agitated by many seditions, at last, having been judged a public enemy, destroyed himself by his own hand. The first sedition blazed forth at Puteoli. Tacitus, Book XIII. Then there was a graver one in Britain because of the plunder and avarice of the governors, and another because of Octavia, Tacitus, Book XIII. Finally, amid many conspiracies he was killed almost while awaiting vengeance. The world was then thrown into confusion while Galba, Vindex, and Nymphidius sought the empire, and while Otho, Piso, and Vitellius attempted everything against the fatherland, until Vespasian was carried up to the empire.

At his beginning tumults received Vespasian as victor: Mucianus was a rival; Sabinus an aspirant to empire; Alienus and Marcellus, after forming a conspiracy, laid plots. The Batavians under the leadership of Civilis revolted, expelled the Roman garrisons, and overthrew fortresses. Piso was killed in Africa, and a tumult arose from it. In Gaul the Treveri and Lingones revolted; all Gaul wavered; the legions inclined to revolt and swore allegiance to the Gauls. The war in Judaea also, a province long since pacified, must be judged a civil war.

Scarcely any sedition afflicted Titus, who ruled for a brief time and was dear to the people; his brother had to be guarded against, by whom he is even said to have been killed. Domitian, always fearful, was killed by conspirators. Nerva saw no peace in his one year. At the beginning he was compelled to thank the brave men who had killed Domitian, to whom he was especially favorable; but when the soldiers had killed those men contrary to the emperor's command, he was compelled to thank the killers of his friends. And so he was so cast down in spirit that he himself pursued his lot with tears; therefore he declared Trajan Caesar and added: **τίσειαν Δαναοὶ ἐμὰ δάκρυα**. "May the Danaans pay for my tears." For he accomplished nothing in his command except to lament his unhappiness, elude the conspirators, and adopt Trajan.

Trajan, numbered among the best princes, had peaceful beginnings, except that it was necessary to fight rather frequently against the revolting Dacians; but his end was altogether pitiable. For when peoples revolted and stirred up sedition in Syria, Egypt, and Cyprus, and when the Jews raged monstrously against the Greeks, the whole empire, especially in the East, being disturbed, he died of more than one disease.

As soon as Hadrian obtained the principate, he killed those who plotted against him--Celsus, Nigrinus, and Lucius--because they were said to have laid plots against him during a hunt. When about to die he was also savage from suspicion and at the very end even greedy for death, fearing plots.

In the time of the Antonines the state was quieter; nevertheless Cassius, and then others, harassed the Philosopher, until he died by poison.

But the crimes and seditions of Commodus made compensation for this peace, whatever it was. Perennis attempted to remove him; Quadratus conspired; Maternus stripped him; at last he was killed by his most trusted men. Pertinax followed, who, betrayed by an associate, was killed through sedition. Soon Julianus, lest a cause of discords be lacking, bought the empire with money; Niger was chosen emperor; Severus removed them both. Although he was victor in the civil wars, he by no means administered the kingdom without disasters and seditions: Niger, Albinus, Plautianus, Britain, Saturninus, and finally his sons rendered everything turbulent and deadly, now by wars, now by deceits. He left the empire to discordant brothers, of whom one, Caracalla, soon killed the other, Geta, and was himself killed by Macrinus, in accordance with his deserts but with great loss to the state. Macrinus was killed by Elagabalus; the latter by a seditious army. Alexander, after treating the revolt of Ovinius lightly, was betrayed to Maximinus and indeed by the army.

Maximinus suffered the gravest seditions: from the Africans, Titus, Gordian, Maximus, Balbinus, and finally his own soldiers; he was killed with torture and mockery. The soldiers also butchered Maximus and Balbinus. Soon the Senate substituted Marcianus and Severus Hostilianus for Gordian; Philip killed Gordian, and Decius Philip. Thus at that time

there were more seditions, continuous and bloody. When Valens had harassed Decius, Gallus betrayed him to the barbarians. The soldiers slaughtered Gallus and Volusianus, and after three months of rule killed Aemilianus, whom they had chosen.

The state was no better or quieter under Valerian, and most wretched under Gallienus, under whom one body, divided into thirty battle lines, fought against itself. The tyrants were, on the authority of Trebellius: Cyriades; the elder and younger Postumus; Lollianus; the elder and younger Victorinus; Marius; Ingenuus; Regillianus; Aureolus; both Mariani; Quietus; Odaenathus; Herodes; Maeonius; Ballista; the two Valentes; Piso; Aemilianus; Saturninus; the two Tetrici; Trebellianus; Herennianus; Timolaus; Celsus; Zenobia; Victoria or Victorina; Titus; and Censorinus. The empire was publicly agitated by so many movements; for I omit the seditions of certain cities as private evils.

Claudius received these affairs, and through the revolt of the Egyptians came into danger of losing everything. He killed the tyrant Quintillus; Victorinus, and finally Aurelius as victor, were among the factions. Aurelian seemed more moderate, but because he was savage against the senators he was harassed by the greatest discords. The Palmyrenes revolted from him and were torn out by the roots, to the great grief of all because they had had grave causes for rebelling. Under the same emperor Firmus, Quintillus the brother of Claudius, and other traitors were butchered through the entrails of the state. The Alexandrians rebelled; and lest any evil be lacking, the war of the mint-workers arose, of whom about seven thousand were slain. It has sometimes come into my mind to marvel how men were able to live amid continual evils.

After Aurelian was killed by his intimates, Tacitus was made emperor and not long afterwards was slain; then came Probus and Florianus, of whom the latter was quickly killed. The former, harassed by the revolt of his familiar Saturninus, the sedition of the Britains, the madness of the Lydian robber, the tumult of Ptolemais in the Thebaid, the tyranny of the Franks in Sicily and the capture of Syracuse, the audacity of the Roman gladiators, and the treason of Proculus and Bonosus at Agrippina, was butchered by the army. Hence Carus for a short time, and then Numerian, seized the empire. Diocletian fought against these men; Carinus stood on another side, who had slaughtered the emperor Julianus and fell only after many battles. Diocletian, anxious at the multitude of seditions and rebellions, associated Maximian with himself. Meanwhile there were various tumults, but three principal ones: those of Carausius in Britain, Julianus in Africa, and Achilleus in Egypt. But what had been established for pacifying and protecting

[Printed page 716]

the state--that several men should be called Caesars--was almost its destruction. Never was the state torn more foully than by the wars among the three Galerii, Constantius, Maxentius, Licinius, Alexander, and Constantine; and unless the torn members of the empire had fallen back into the hands of a moderate and religious emperor, by whom they might be cherished, there would without doubt have been an end of so great a mass, so gravely shaken.

§ 2. Thus the empire was restless, turbulent, divided, and raging against itself down to Constantine and Christian times. Nor was it altogether pacified thereafter. Constantine, victor over all seditions and civil wars, by his authority and piety restrained the wicked somewhat, so that all could breathe again. But in the time of his sons it returned to its customs. Constans killed his brother Constantine; Dalmatius Caesar was put to death, and other famous and well-deserving men. Magnentius was declared emperor as a jest; Constans was killed. Nor was there one sedition or a simple evil: Vetranio seized tyranny in Illyricum; Silvanus in Gaul, which was wholly in tumult; Nepotianus at Rome put on the Augustan insignia. Julian carried off the palm among these, who, after Constantius died, striving to extend the empire which he had seized, almost betrayed it.

Then indeed under Jovian and in the beginnings of Valentinian there was peace from sedition through fear of the external enemy. But when Valens reigned impiously, Procopius brought the greatest disaster. Then in the times of Theodosius and Gratian followed the immense wars of Maximus and Eugenius. Under the sons of Theodosius, Arcadius and Honorius, amid the arms of the barbarians there were Stilicho, Rufinus, Eutropius, Gainas, Tribigild, Gildo, and Alaric; then, after Arcadius died, Attalus, Heraclianus, John the Notary, Castinus, Boniface, and the

seditions and revolts of Britain and Spain. Under the younger Valentinian there was Aetius and Maximus. The emperors who followed thereafter were the mockeries and chattels of their own men: Maximus, Avitus, Majorian, Severus, and Anthemius, who were the chattels of Ricimer; and they perished by sword and poison when they had scarcely tasted the sweetness of command.

And so the remnants of the Western Empire changed their emperor almost from year to year. For those who followed--Olybrius, Glycerius, Nepos, and Augustulus--were placed upon and cast down from the throne partly at the decision of Aspar and Ardaburius, partly at that of others; while meanwhile the state was worn down by the ambition of weak princes. For although they were unequal to conquering the enemy, they nevertheless stirred up the gravest seditions at home. This, therefore, was the appearance of the Roman Empire; this the constancy of discords and theater of seditions. It ought to warn all princes and counselors to take care that all seeds of tumults and hatreds be removed.

CHAPTER V

That the Empire of Constantinople Was Agitated by Sedition and Rebellion

[Printed page 716]

§ 1. I shall take my beginning from Leo the Great. For, when the empire of the West was now coming to an end or falling, he ruled the East, and in the beginnings of his reign, after suppressing a sedition, he killed Aspar and Ardaburius. Zeno thereafter, when he had thrown everything into confusion, was driven out by Basiliscus; nor did the betrayal go unpunished: Basiliscus, captured with his family, was compelled to die of hunger. Zeno, returning from exile to the empire and stained by the slaughter of illustrious men, was himself at last buried alive. Great seditions attended Anastasius. Having Longinus as his adversary, he was endangered as to his life. Evis the logothete and the prefect scarcely escaped the hands of the people, lest they be torn apart. When Justin had gained the empire by artifice, he had Amantius the eunuch, Theocritianus, and Andreas the chamberlain as plotters against him; the Constantinopolitans thereafter killed Vitalian, who commanded the emperor.

The empire of Justinian was renowned, yet it too was agitated by many civil wars. Gelimer revolted and drew Africa away. The Samaritans also stirred up hideous wars. A grave sedition arose at Constantinople. Ammianus recounts it: Hypatius, Pompeius, and Probus, cousins by birth and nephews of the emperor Anastasius, because each desired the empire for himself with unworthy ambition, on the Ides of January, together with very many of the nobles who had conspired and with the entire multitude of the seditious, enticed after arms and gifts had been supplied, attempted to invade it by treachery; and for five whole days, while they ran through the royal city with plunder, sword, and fire by means of criminal citizens, without any fixed ruler in the interval, they devastated it with hostile impiety, while in our palace they dissemblingly professed themselves faithful to the state. But on the fifth day of this impious crime, while Hypatius, wreathed with a golden necklace by the hands of the criminals accompanying him, and Pompeius the count, armored in his own garment, were ascending from the forum to invade and hold the palace, each of them was captured before the palace doors; and immediately, at the command of our most pious prince, each was put in chains and slaughtered and paid the penalty, losing the empire before he possessed it, while countless persons among the people and the associates of the tyrants were slain here and there in the Circus and immediately proscribed.

Afterwards, when barbarians occupied the East and the Franks Gaul, Artabanes conspired with Arsaces and others against Justinian, although the same Artabanes had recently killed the tyrant Guntharis in Africa. Justinian deservedly suffered these things, having changed for the worse, so far that he sought domestic and civic discords. Evagrius, Book IV: “I must also speak of another deed of Justinian. Whether it arose from a defect of nature or from apprehension and fear I am unable to say; yet it was of such a kind that it far surpassed every bestial savagery. It took its beginning from that popular sedition which they call *Nika*, that is, ‘Conquer.’ It pleased Justinian to incline so vehemently toward one of the factions, whose members are called the Greens, that they could slaughter their adversaries in the city at midday with impunity and not only fear no punishments but even be honored with offices; and so many murderers arose from among them. For they were permitted to break into the houses of others, plunder the treasures stored within them, and deprive men of their very safety and life; and if any magistrate attempted to restrain them, he created danger for his own head. Hence certainly a certain man who held magistracy in the East, because he wished to chastise with scourges some of those who favored us, so that they might become more restrained, was led through the middle of the city and severely beaten with scourges. Callinicus, moreover, prefect of Cilicia, when two Cilicians, Paulus and Faustinus, both murderers, made an assault upon him and intended to kill him, because he punished them with the penalty established by the laws, was driven to the cross; and he was subjected to this punishment for his upright conscience and observance of the laws. Hence it came about that those who belonged to the other faction, when they had fled from their homes and were received nowhere by anyone with hospitality, but were hunted like criminals, began to lay

ambushes for travelers, rob them, and commit murders, to such a degree that every place overflowed with premature death, plunder, and the other crimes of that kind. Sometimes, when his mind had changed to the opposite opinion, he killed men of that kind--

[Printed page 717]

--and permitted the power of the laws to extend even to those whom he had previously allowed, after the custom of barbarians, to perpetrate impious crimes in the cities. But for pursuing these matters one by one I have neither sufficient time nor ability of speech." For this reason Evagrius says that, when he had filled absolutely everything with disturbance and tumult, he was carried off to pay punishments among those below. Nicephorus says that he repented. A sedition was stirred up against him in his old age, and Belisarius is said to have been privy to it.

Justin, having first attempted to pacify the divided empire, suppressed the Alexandrian sedition at the beginning. He deprived Narses of his dignity, became angry with Marciana, and rendered everything untrustworthy toward himself; at last he was afflicted by magical enchantments. Tiberius, the colleague and successor of Justin and an excellent prince, suffered a plot on the first day of his coronation from Justinian, Justin's nephew; thereafter Sophia almost ensnared him in greater danger. Maurice followed, whom the soldiers killed. Phocas also paid the penalty of parricide: after a renewed conspiracy, Heraclius, a new emperor from Africa, killed and burned Phocas. During his reign the Persians came through Asia and Egypt as far as Africa and occupied Carthage, while meanwhile Caianus and other barbarians did not remain at rest. When the Persian had been conquered, the Saracens occupied Syria and the neighboring regions.

After him, Constantine, after four months, and Heracleonas, after a period of three months, were cast down, and Constans ruled; against him Valentinian the patrician soon attempted tyranny. But while he raged against the orthodox, he cast himself into the greatest danger: he lost Africa, Armenia revolted, and he became so hateful to his own people that, while dwelling in Sicily, he was suffocated in a bath. Constantine Pogonatus had bloody beginnings, the noses of his brothers having been cut off; he killed the rebel Mizizius and experienced everything as unsafe.

Justinian, receiving a harassed empire, was immediately agitated by the revolt of Sabbatius, praetor of Armenia. He incurred immense hatred and contempt for himself; the nobles conspired against him, and, after his nose and tongue had been cut off, he was relegated to Cherson. Leontius seized the empire; after Lazica was betrayed by Sergius, he was mutilated in the nose and handed over to Apsimar. The latter, ensnared by the plots of the exiled Justinian, was led in procession with Leontius and trodden under Justinian's feet. For Justinian raged against everyone with horrendous cruelty, as against the men of Ravenna and the nobles of Cherson and the Bosporus. Philippicus was chosen emperor and slaughtered Justinian together with Tiberius. Conspirators blinded Philippicus and drove him from the kingdom; Artemius was then driven out by Theodosius, and he yielded to Leo.

Leo suffered a conspiracy at the very beginning, and so ruled that Italy revolted from him and he divided the Church and the empire. Hence came civil wars and Italy's freedom from the yoke of the Greeks; because of iconoclasm the East was tossed by seditions. All these things raged more grievously against the empire under Copronymus. At the beginning he was in the most immediate danger of his life, and Artabasdus was saluted as emperor; his sons were partly killed and partly thrust into monasteries, while all men of sound mind detested the foul king. Hence there was a mournful civil war, in which Copronymus as victor produced examples of cruelty. But hatred of the victor remained; hence came the seditions of the Bulgarians, and at last a most wretched death carried him off in despair.

There followed the times of Irene and Constantine, not merely seditious but also savage against their own blood. For at the beginning there was a conspiracy against Irene; she reduced Constantine to the ranks of private men; the army restored him and abolished a woman's empire. But she was soon replaced upon the throne, suppressed the seditions of the Armenian legions, and at last, after her enemies had been oppressed, blinded her son through the soldiers, and likewise her kinsmen. Stauracius thereafter, while stirring up sedition, died of disease; his accomplices were killed; Aetius attempted tyranny. But Nicephorus, having ensnared Irene's guards by treachery, punished her with exile,

although he had affirmed by oath that he would not do so. Nor did Nicephorus thereafter long enjoy the kingdom obtained through crime: for, aroused by a sedition of the Bulgarians, he was annihilated with his army. His son Stauracius was soon stripped of the empire by Michael Rhangabe. Leo drove out Michael, Michael the Stammerer drove out Leo; hence came other seditions, especially that of Euphemius, who promised to betray Sicily to the African Emir.

The empire of Theophilus was somehow pacified, but bloody, to such a degree that Theophilus, already about to die, killed Theophobus, adding this pronouncement: “Now neither shall I be Theophilus, nor shall you be Theophobus.” Michael, the son of Theophilus, wicked toward his mother, was killed by Basil; Sabbatius and George plotted against Basil. Leo then followed, who implored the loyalty of the Turks against the rebellious Bulgarians; hence various slaughters ensued, even in a church. Constantine, Leo's son, succeeded him. When the deceits of Samonas had been exposed, Alexander, Constantine's guardian, was killed. Constantine the Domestic attempted to occupy the empire of the ward, but, having fallen from his horse in battle, was beheaded. Then the disagreements of the commanders afflicted the army against the Pechenegs.

But many then aspired to the empire, especially Leo Phocas, whom the emperor's tutor overthrew; then Romanus, but he reduced his son-in-law to the ranks of private men, although he was himself wearied by many machinations, such as those of Bardas and his associates, then of the Mystic, Micetas, and Pseudo-Constantine. Finally, the man who had been so faithless toward his ward was expelled by his sons. Another Romanus suppressed conspiracies, but, having died a little later, left the empire to Nicephorus Phocas, whom others compelled to undertake it. But the city was thrown into tumult for that reason, and as long as he lived he was in the greatest hatred; an occasion for vengeance was always sought, until his wife Theophano and Tzimisces accomplished it.

An eunuch removed Tzimisces by poison, after he had first scarcely suppressed the sedition of Phocas and Leo. Basil Porphyrogenitus then received the empire. Bardas revolted and became emperor; there was a battle between Sclerus and Peter the Eunuch; Contostephanus betrayed the army; Xiphias and Nicephorus, being seditious, were crushed. Constantine, the brother of Basil, followed, oppressive to the state through luxury and cruelty, without any memorable deed except that he cruelly avenged the sedition of the city of Naupactus.

Romanus Argyropulus, nearly an old man and deranged, labored under domestic evils and was agitated more by the laughter of the common people than by seditions. His wife Zoe suffocated him in a bath and advanced her adulterer to the empire; he soon reduced her to the ranks of private persons. Then came the sedition and disaster of the Antiochenes, many revolts and depredations, and Sicily was lost. Zoe attempted in vain to remove John, her husband's brother, from the midst; yet she compelled her husband to abstain from public affairs and adopted Michael Calaphates. He, cruel toward illustrious men, expelled Zoe, but was compelled by a tumult of the people to recall her and was at last blinded. Zoe and Theodora were restored to their former condition. Zoe recalled Constantine Monomachus and married him. Monomachus, ruled by his wife, experienced George Maniaces as a valiant enemy; thereafter he was attacked by the plots of Theophilus, Eroticus, the Orphanotrophus, Leo Tornicius, Aplespharis, and Romanus Boilas.

The empress Theodora designated Michael Stratioticus emperor. He ruled for one year--

[Printed page 718]

--and was severe toward the soldiers; hence sedition arose. Theodosius, its instigator, was relegated; the Easterners, repeatedly driven by various injuries, aspired to the empire; Bryennius was blinded; Isaac Comnenus at last occupied the empire. Since he was hateful to everyone, he laid down the empire and designated Constantine Ducas, whom plotters had resolved to drown, but he escaped by chance.

Constantine Ducas left three children with Eudocia, who wished Romanus Diogenes to be her husband, so that she might have him as emperor against the Persians. For a time he endured the woman's dominion; then, while waging wars courageously, he was deserted by Andronicus; John at last attacked him, and there arose the gravest civil war of

all, in which, captured and blinded, he ended his life through grief. Nicephorus the eunuch thereafter administered everything under Michael Ducas. John was therefore saluted as emperor; Nestor revolted; Nicephorus Bryennius excited a sedition; when he had been routed, Botaniates was at last created emperor. The Varangians stirred up a movement against him; Nicephorus Basilacius contemplated a more dangerous sedition; Constantine Ducas a very great one; the logothete likewise came under suspicion.

At last the Comneni aspired to the empire. Alexius was proclaimed emperor and by betrayal occupied and plundered Byzantium, and he procured more enemies for himself than others had. When he returned to Constantinople, the plots of commanders, senators, and commoners received him; thereafter those of Humbertopulus, Ariebes, Nicephorus, and Anemas with the commanders of the soldiery. When the emperor's wife attempted to bar everyone from access to him, the courtiers, Pseudo-Alexius, and the Cilician rendered life scarcely preservable for him.

John Calo succeeded Alexius against his mother's will. He pacified the conspiracies begun against him and reconciled his mother and sister. He also experienced his brothers as adversaries; indeed, his son Isaac revolted to the sultan. He was harassed by a tyrant at Trebizond and at home. Manuel Comnenus followed, who prevailed more against Christians than against barbarians. For he was renowned for the arts by which he frustrated the expedition of the Germans; he afflicted Conrad's army in every way, waged wars against Roger, and stormed the Corcyraeans, in whose siege a bloody sedition arose between Greeks and Venetians. There were hostilities between him and the commanders, and, if it could have happened, there would have been wars.

The boy Alexius perished through the wickedness of his ministers. Andronicus especially plotted against him, and there was not one form of evil. Maria Caesarissa conspired against the Protosebastus, who administered the empire, and aroused the people to arms; a bloody contest arose. Afterwards Andronicus openly sought the empire. The Protosebastus prepared a fleet against him, but all the leading men revolted from the latter; Andronicus seized the reins of the empire, and John Comnenus afflicted him. Andronicus's first plots against the emperor fell in vain; the second succeeded.

Andronicus, harassed by Isaac Comnenus and the king of the Sicilians, had the most sorrowful end among all the emperors. Isaac Angelus waged civil wars against the Sicilian, the Cypriot, the revolting Vlachs, and Branas, by whom he was besieged at Byzantium. He was captured and blinded by his brother Alexius. Nor did Alexius long endure the joys of treason. The sedition of the Cilician Pseudo-Alexius and of Isaac Comnenus, the Vlachs, and the Asens exhausted him. Alexius Angelus experienced nothing except seditions and fears.

Under Alexius Comnenus great disagreements concerning the Eucharist held the Greeks. Besides these, John Comnenus Crassus stirred up sedition, and many others rose up for sedition. Alexius Angelus, the son of Isaac, came as a companion of the Venetians to assault Constantinople; the city was besieged and deformed by fire; Alexius went into exile. The tyranny of Alexius Ducas was brief; Ducas, who was also called Murzuphlus, fled. Yet amid the ashes of the city a new contest arose between Lascaris and Theodore Ducas. At last the Flemings gained possession of affairs; Theodore Lascaris, however, was saluted emperor at Nicaea and seemed about to return to Constantinople, but his father-in-law Alexius hindered him through the Turks, lest the son-in-law recover the empire which he himself had been unable to hold.

Alexius nevertheless, after collecting forces, founded the empire of Trebizond, to which he added Cappadocia and Colchis. Michael Angelus received Thessaly; Michael Palaeologus afterwards occupied it, for seditions and wars were not absent even among the mangled members. Palaeologus recovered Constantinople, and the family of the Palaeologi ruled--Michael, the two Andronici, Manuel, John, and Constantine--and did so amid great fear and the wars of the Turks, and with moderate concord. If, however, they had been fortified by the aid of their neighbors, they would not with difficulty have withstood the Turk.

Behold how difficult it is to rule man, how great things fall in upon themselves. The whole care of the prince, therefore, must be directed to this: that he guard against sedition, whence the greatest wars arise. For who will judge himself safe when he beholds these butcheries?

CHAPTER VI

The Seditions of Other States

[Printed page 718]

§ 1. Scarcely any city has been moved by seditions so Roman in character as Louvain; for all things are similar--the causes, methods, and effects--because, of course, the vices and passions of men are the same. Justus Lipsius recounts them in Book II, chapters 10, 11, and 13.

“I note,” he says, “that the first disturbances occurred in the year 1340, when most of the nobles--until that time they alone had governed the state--were at the siege of Tournai, rendering this service as a favor to the English king. But while, I say, they were absent, the plebs, judging that its time had come, seized the state; and, while altering other things, above all it recalled certain exiles of its own body who had been driven out by the laws in the preceding year. When the patricians had returned, there were complaints, quarrels, and arms; a fierce battle was fought in the middle of the forum. But the patricians conquered, supported by the band of their clients and superior through long practice with arms. There was, nevertheless, more flight than slaughter, except that cruelty followed the victory: men dragged from their homes, and even from sacred places into which they had fled, paid the penalty by sword, prison, and exile.

“There was then quiet for twenty years, but untrustworthy quiet, since men's spirits were ulcerated and the murmuring of the plebeians was not concealed. At the beginning of 1360 they burst forth again into movement and the trumpets of war, from a place whence it was not feared. Peter Couterel was mayor, a man who, although noble and one of the patricians, nevertheless, through perversity of character or ambition, already from his first mayoralty--which he had held for nine years--sought every opportunity to provoke or injure the Fathers. One was offered, or he seized it, in the year already named. A certain citizen, bringing fish for sale into the city by cart, when the cart had become stuck in the mud, suddenly brought a horse out from the pastures, harnessed it, and drew out the cart; and immediately--

[Printed page 719]

--returned the horse in good faith and unharmed. Couterel cast the man into prison as guilty of theft. The aldermen were appealed to; they took cognizance of the matter and pronounced him innocent. And when the mayor would not release him, they forbade him the exercise of jurisdiction because he held a citizen in chains contrary to the laws.

“The mayor immediately went to Brussels, to the prince, who was then Wenceslaus, husband of Joanna, a Bohemian by nation and brother of the emperor Charles IV, whom they relate to have come into the light when his mother's womb was cut open. It is permissible to say that this man was the best neither in peace nor in war, and certainly not the most fortunate; and the people of Louvain have no cause to love him greatly. To the matter: he lent credulous ears to the mayor as he slandered the power of the patricians and asserted that it ought, for the prince's own good, to be restrained by him. Nor could supporters of such counsels be lacking at court; among them was a certain Schoonvorst, a very powerful man, but little upright in spirit or counsel. He openly said that the horns of the patricians--these are his words--must be diminished, since they were now too insolent. The prince could do this without his own exertion or ill will, if the plebs were permitted to rise. The prince did not state his judgment openly; Couterel nevertheless readily saw that he had been heard with ears and minds not unfavorable.

“And so he returned home in high spirits, reported the matter to his followers, and put torches beneath every most factious person. Sedition was now at the point of breaking out; nor could the Fathers be ignorant of it, but they acted too remissly, whether expecting to mitigate it by kindness or through that fatal indolence which is usual. Gerard Vorselaer happened to be present during these days, a noble man and soldier, with a chosen troop of horsemen. He offered his service to the Fathers of his own accord and advised them to use it; they dismissed him. But Couterel did not dismiss his undertakings. On a certain day appointed for holding the Senate, he commanded his followers

gradually to assemble in the forum, and that with arms. They came, and now there was a crowd; and he himself, in the manner of one haranguing an assembly, incited them and impressed upon them both the pride of the Fathers and their harsh commands. These were the men who alone occupied the state, who made its honors and money their own, who commanded so many most valiant men as slaves. Had so many innocent men of their own body, punished a few years before by sword, noose, and exile because of certain freer words and deeds, fallen from their memory? The same things awaited them unless they were men; but they were men, and whom did they fear?

"'It is in your hand,' he said, 'to make an end of your evils. Only dare: many against few, prepared against the unprepared, the injured against their assailants; God and men will favor you. By divine kindness we have the prince himself mild in spirit, and he will bear it calmly if you cause them to suffer anything. Keep your injuries before your eyes and liberty upon your lips; and let this be the watchword: go, assert the latter and repel the former.'

"He had spoken, and, while he was still speaking, there were murmuring, shouting, and threats; and, turned toward the senate-house, they directed hands and voices against it. Let the oppressors of the citizens, the plunderers of the treasury, come forth to pay the penalties for their crimes or injuries. And now each began to encourage the other, and they prepared violence. The senate-house was closed, and the Fathers were terrified and unequal to resisting, when Couterel rushed forth and, as though from kindness, counseled surrender and affirmed that they would suffer no further evil. It was prudent to yield to this storm. They yielded and surrendered themselves. But immediately he rushed in, laid hands and chains upon them, and they were led as captives into the citadel.

"Then they broke or unlocked the cabinets and archives of the Senate, plundered the armory likewise, tore apart what was there or carried away whatever was useful to them. The names and number of the captives survive: a little fewer than two hundred, and among them twenty-five knights; the rest had scattered into the neighboring cities or were hiding on their estates and in their country houses. When the tumult had been settled, and so that there might be some form of state, Couterel chose a new senate mixed from the plebs and patricians; for he also found among the latter certain pliant or indolent men suited to his counsels, who would exchange the common injury for a present honor.

"Then he sent men down to the captives to announce danger from the plebs; he sent certain men of the plebs themselves, who, with turbulent voices around the citadel, demanded them for slaughter. Thus, terrified, they became suppliants to Couterel; and at last, each making a separate compact for a great sum of money, they were released. Wenceslaus was in Luxembourg while these things were being done--distant by chance or counsel--but the exiles immediately approached him, made known what had been done, and demanded a remedy and vengeance. They were received coldly, although most of the nobility favored them, as did those among the counselors who had some care for equity and honor. Couterel himself also came, who had made many men his own through gold; and the matter was deferred until the prince should return. This was done in the following year, and meanwhile Couterel continued his command.

"Wenceslaus had now come to Brussels, and there the nobles approached him in a body, begged and urged him to avenge a matter of the worst example and not to open a field to sedition or licentiousness. Separately the people of Brussels pressed him and strove keenly on behalf of their allied city. At last they impelled him to move toward Louvain after gathering hired troops into one body. He came to the Banck. While he was there, the Couterelians, who had neither strength nor spirit against the prince, immediately came to him and promised that they would do what was commanded. Thus the prince, having been admitted, recalled the exiles, but displayed no anger or vengeance against the disturbers. He created Couterel himself, the head of the evils, an alderman in the new Senate, merely removing him from the mayoralty; and according to his institution he chose the Senate itself indiscriminately from Fathers and plebs--a nursery of later disturbances. Love of peace and concord was put forward as the pretext; but by this deed it became evident to the more prudent that the preceding affairs had been administered with the prince not unaware, and certainly not unwilling.

“Thus quiet, but quiet neither very certain nor long, was restored to the city. For the plebs exulted and insulted the patricians as conquered; Couterel himself exercised and increased his domination, until, from weariness with present conditions and fear also of future ones, most of the patricians voluntarily withdrew from the city. This delighted Couterel. His rivals having been removed, he now acted freely and designated himself consul for the following year together with Geldolph Rogge, a weaver. And because he knew from experience that protection lay in gold, he sought it from every quarter--not only at home, but also among foreigners, borrowing it upon the public faith of the city, for the seal was in his hand. He attained so great wealth and power that he gave his daughter in marriage to Henry, lord of Hoogstraten, with a great dowry, as great as Henry had demanded.

“But envy also accompanied him, and complaints before the prince were frequent; neither his son-in-law nor Schoonvorst could sufficiently excuse or protect him. Matters came to such a point that the prince again moved his camp toward the city. The same things happened again: they admitted the prince; he compelled both parties by oath to make peace and even took hostages--twelve from the patricians and forty from the plebs. Couterel retained the consulship, and nothing was changed in the sharing of honors. Yet he himself, frightened by conscience and because he perceived that the prince was now more alienated from him, voluntarily fled, after gathering his possessions, together with several standard-bearers of the factious, into the territory of Liège.

“There, since he kept the roads dangerous and halted or cast into chains merchants going from Louvain to Germany in order to extort money, he seriously stirred the anger of Wenceslaus, who proscribed him and twenty-five weavers. Not even then--

[Printed page 720]

--did he remain quiet, but he attempted, with the secret aid of conspirators, to break into the city and make it his own. He had no success, and punishment was exacted from the conspirators. Thus, his affairs being desperate, he turned to prayers and, chiefly through the work of the lord of Hoogstraten, obtained pardon from exile and returned to Louvain in the year 1369, where he ended an inglorious life under public execration. You may marvel either that he dared such things with so great a spirit or that he ended so meanly.”

In chapter 11 Lipsius says: “Now the deadly sedition must be narrated which, nine years later, flowed from that fountain. Wenceslaus, as I said, had shared honors with the plebs, and had kept matters so for several years, until in the unfortunate war of Jülich he himself was captured and many of the nobility, including those of Louvain, were slain. In this war, therefore, since the patricians had proved their loyalty and spirit, while the plebs had been slow or refractory and had furnished only sixty archers, the prince, returning from custody to Louvain, restored their former honor and magistracy to the patricians, except that thereafter twelve senators should be from the plebs. The plebs bore it with difficulty, but bore it for six years, down to the elections of the year 1378.

“At those very elections, when the Senate had been created according to the stated formula, but the Fathers were openly acting in discord among themselves, the plebs, having long watched for an opportunity, seized it. On the holy day of Mary Magdalene itself, three or four weavers from each district, running through the whole city with shouting and the din of basins, aroused the rest: ‘To arms, to arms!’ They assembled; the senate-house was immediately seized, and the consuls with the aldermen were put in chains. Walter Leidanus, a weaver, was named prefect of the city. Soon it pleased them, after the example of the people of Ghent, to assume white caps or hoods as the badge of the faction. It was done; and men were then carried so readily into novel and turbulent affairs that not a few patricians did not refuse but placed that same badge upon their heads and the faction in their hearts.

“Meanwhile Wenceslaus, returning from France--for he had gone there--and informed of these things, came to Louvain; and, once again to placate the plebs, he changed the order of the Senate and admitted them to one half. You may marvel at his inconstancy, and more if, believing the writers, you judge these concessions to have been made not only to the circumstances but also to money, of which he assuredly received some considerable sum from the public treasury. Moreover, he compelled the citizens by oath to deal peacefully with one another, as befitted members of one

body. Certain patricians nevertheless refused this and chose to lack a fatherland rather than be subjected to the injuries or insults of the plebs.

“Thus most of these, living at Aarschot or Namur, harassed the plebs and carried off any of them caught in the fields or roads, and demanded ransoms. The latter in turn set fire to their estates, likewise seized those whom they could, and subjected some to the sword of the executioner. Finally, in the city itself those patricians who remained conducted themselves suspiciously or were suspicious, especially after the murder of Walter Leidanus, who was among the leaders of the White Caps. He happened to have been sent to Brussels on behalf of the state and, returning at night from dinner, was killed, as is thought, by the ambushes of John Calster and William Wilre, patricians who were then staying in that city.

“When the news was brought, Louvain was thrown into confusion; the plebs threatened and murmured; the optimates feared. And these, in order to show themselves innocent and unaware, sent envoys to Joanna--for her husband was still absent in Gaul--to ask that the authors of the murder be investigated and punished. When she delayed, the plebs, judging that they were being mocked or that the matter was being conducted by agreement, seized arms and came into the forum. The Fathers also were summoned into the senate-house. Some of them came; others, foreboding something sorrowful and deadly, changed their clothing and fled the city. Immediately a guard was placed at the Senate, and the seditious rushed to the doors with furious spirit and stood beside them; a part even entered, with no one preventing them. There voices were heard: ‘Give us that man, and that man--at once, at once!’ And those who had been admitted seized them one by one as their names were called and cast them headlong from the windows--I shudder to say it--while the plebs below received them upon lances and darts and tore them to pieces. About seventeen perished in this madness; and one man of the plebs was added to them because, taking pity on Platuotius, his former patron, he had hidden him beneath benches and covered him with his garment.

“These things were done on the sixteenth day before the Kalends of December, and those of the Fathers who remained and were found at home were put under guard. After the deed came coldness, and soon repentance or fear entered. For how would the prince receive these things? He would return shortly and exact punishments from guilty and innocent alike.

“And so they prepared as intercessors the people of Léau, Tienen, Diest, Lier, and Brussels, and also those of Liège and Tongeren; and behold, sooner than expected, Wenceslaus came to Brussels. He was preparing arms and engines, intent upon vengeance, when envoys from the aforesaid cities came to him and humbly sought pardon, offering whatever expiation of the slaughter he might wish. At last, after long deliberation, it was prescribed that fourteen principal authors from the plebs should be relegated to Cyprus and that a fixed sum of money should be given to the kinsmen of the slain. It seemed to everyone a mild settlement, falling short of the magnitude of the crime; then there was this disgraceful thing, that money for the journey was assigned to the exiles themselves from the state as though they were envoys.

“And so it did not serve to placate their spirits. For the patrician youth murmured that they did not regard the blood of their parents as for sale or as to be redeemed by that modest sum of money. And now, having occupied neighboring places or fortresses, they waged war upon their own citizens and drove off plunder from every quarter. Nor did the plebeians cease to return or augment violence and crimes; at last they went farther and struck secret treaties against the prince with the people of Ghent, who then bore arms against the count and ruled almost all Flanders.

“Finally, after mutual slaughters on both sides, Wenceslaus, at last taught that his indulgence to the plebs had been vain and rash, took up arms and besieged the city. They resisted, raised defensive works, and, being unequal by themselves, awaited aid from the people of Ghent. But when that aid failed, and the people of Ghent were themselves pressed by Count Louis and the French, recourse was once again had to prayers. Arnold of Hornes, bishop of Liège, coming into the camp himself, carried them to the prince and obtained pardon under fixed laws. A few were punished; more, through indignation or fear, changed their fatherland, especially the wool-workers, who went to England.”

Chapter 13 has it thus: “There is not yet an end: from the wool-workers we pass to the butchers; and from this body also there were men who disturbed the state. Paul Loenken, a butcher from the lowest plebs, after the slaughter of Charles the Bold and while deliberation was being held concerning the marriage of Mary with Maximilian, made himself and his plebs a part of the state. He spread rumors that Maximilian was being awaited falsely and that the senators were thus mocking them; it was better and safer for them to possess and exercise command themselves. He then aroused the aforesaid dregs of the people, unexpectedly seized and carried off certain men from the Senate, and was about to subject them to the sword, had not the public executioner withdrawn himself. The leaders of the Academy also now intervened and by their authority quieted the tumult.

“Mary herself came a little later to assume, according to custom, the auspices of the principate; the seditious neither admitted nor acknowledged her unless they had extorted new rights and immunities. Indeed, when she, in order to suppress them, had armed the archers of the city itself--the more honorable portion of the people--they made an assault and captured certain of the archers and four senators who happened to meet them. Only with difficulty could they be restrained even by Paul himself from punishing them in the same manner. Then they rushed into the citadel where Mary was staying, and compelled the maiden, trembling amid so many evils, to pardon what had gone before and to sanction other things according to their judgment.

[Printed page 721]

“Now, so that there might publicly be the appearance also of a new popular government, twenty guards were assigned to Paul for protection, together with a monthly stipend from the treasury. And thereafter they reveled at the expense of the same public money, drank, and held banquets as though to establish association and loyalty. But while they were carrying on these things, Maximilian arrived sooner than expected; as he drew near, Paul's power began to diminish, and his retainers were taken from him by the Senate. Yet Maximilian himself, although present, resolved to do nothing even as prince, nor to touch this ulcer, unless he became master of the marriage.

“Therefore, after his departure, the Paulians again began to swell up, demand back the retainers, and throw affairs into confusion. But Maximilian, at last informed concerning the whole matter and its danger, sent Engelbert of Nassau, seneschal of Brabant, ahead to Louvain with cavalry, and was himself soon to follow.

“Clouds and scoundrels scatter before the sun. Paul fled into Zeeland, and there, when recognized, paid with his head. Most of these things, and certainly their beginnings, were done in the absence of Louis Pinnoccius the mayor--for he had gone into Germany among the envoys--who, being the man he was, prompt in spirit and vigorous in hand, would have crushed or at least repressed them. God and fate judged otherwise.

“But, that I may finish, this sedition also diminished the city, since many not only of the plebs but also of the optimates scattered into the countryside or their strongholds and established their residence there from weariness with so many disturbances. You see the causes and the times by which a city once most flourishing lost its flower and possesses from its ancient glory and abundance nothing except this shadow.”

The first sedition arose through the absence of the aristocratic nobility, which ruled like the Roman patricians; so too did the Roman seditions, because many nobles had fallen in war, while the rest oppressed the citizens by an inequitable command. This also happened at Louvain; otherwise a just and innocent nobility would not have been hated.

Then the exiles were recalled. Hence came slaughter and flight, and the insolent victory of the nobility, which embittered the citizens. It grew raw again thereafter when the countryman was cast into prison, just as the Roman sedition once grew raw through the crime of Claudius when he gave judgment against freedom in favor of slavery; but here the more just cause was on the side of the nobility. Peace having been made, Couterel ruled; the nobility, after the slaughter of its members, prepared war. At last the seditions were ended by siege and punishment, through which they lost the power to rage.

CHAPTER VII

The Seditions of the Osmanids

[Printed page 721]

§ 1. I have very often made mention of the Turkish Empire and warned that those men err who contend that, because of the common servitude of all, it is free from sedition and tumults. The history of Turkish affairs itself refutes them, as does the nature of the monarchy, which, since it is savage and harsh, must necessarily also be engaged in perpetual fear and danger.

In the year 1328 from the Incarnation, Osman having died, his son Orchan took the prefectures away from his leading men and introduced that servitude which now exists; thereafter they struggled with great evils. For the leading men conspired against Gilderun and called upon the Egyptian. Indeed, deserted also by his Tatar auxiliaries, Gilderun came into the power of Timur and was cast into an iron cage, while the leading men were restored to their dignities.

Thereafter Musa, Suleiman's brother, harassed him, and the army declared Musa emperor. When Suleiman had been destroyed, there was war between Mahomet and Musa; Musa, deserted by his commander and fleeing his brother, was slaughtered by a servant. Meanwhile, while the brothers stirred up wars against one another, Caramanir the prefect revolted and brought hostile arms against Mahomet. But, after peace had been made with Caraman, Mustafa stirred up a greater sedition, and afterwards Torlac and Mustafa again; for it was very easy for them to entice rude men to themselves.

Murad thereafter, through Düzme Mustafa, and with almost all the leading men revolting, was not only cast down from the empire; but, when that Mustafa had been hanged, another Mustafa, the victor's brother, began new disturbances. And lest any evil should be lacking, the Wallachian revolted. Amid these events Ibrahim of Karaman also rebelled, whom Murad was compelled to receive into favor.

Mahomet ruled without many seditions; when he died, the Janissaries plundered Constantinople. The brothers Bayezid and Zizim fought; the Egyptian attacked the victor, not without a conspiracy of the leading men. But the victor over these and others was agitated by Chasan Calisa, a solitary man who feigned holiness; for by the pretense of holiness he easily enticed to sedition peoples who had suffered things deserved and undeserved. Scarcely had he been destroyed when Selim took up arms against his father; and, when the Janissaries conspired, the old man was compelled to lay down the empire. Selim also killed his brother Ahmed and ruled in great fear.

Ibrahim thereafter considered casting Suleiman down from the kingdom. Suleiman came to so great a depth of misery that, when discord arose between his sons, he obtained by great promises from Tahmasp, his host, that his son Selim should be killed together with his grandson--an act than which nothing more disgraceful could be conceived in a father and grandfather. Dragut also rebelled against him when he was now old. Nothing, therefore, is easier than to excite a notable sedition in that kingdom in which the subjects are oppressed and the leading men are in fear, something which we see that the basest of men have been able to do.

CHAPTER VIII

The Causes of Seditions and Tumults on the Part of Rulers

[Printed page 721]

§ 1. Daily losses show that disturbances and movements are frequent in the state. It is my intention to investigate their causes, so that they may be guarded against and, if perhaps no precaution has been employed, may be removed. Their causes arise either from the vice of princes and optimates, or of peoples, or of both; for if ever in any matter each party is guilty, it happens in tumults and civil wars. For there,

> In truth, guilt is committed within the walls and beyond them.

It is a sign of a state about to fall when the magistracy is ignorant of manifest vices or dissembles them; when those whom all men judge impious it holds in esteem as though they were upright.

There are, moreover, as many causes as there are vices. For although men are chiefly impelled to rebel by cruelty, avarice, and pride, nevertheless there have frequently been other causes also: fear, lust, luxury, and others. For just as every evil of the body, if it becomes severe, is capable of destroying life--

[Printed page 722]

--so whatever introduces hatred, envy, and contempt of others into the body of the state is accustomed to prepare discord, factions, tumults, and civil wars. The friends of princes destroy them more often than their enemies do.

§ 2. The first and most powerful cause of rebellion is the cruelty of magistrates. For since nothing is dearer to a man than life, men protect themselves in whatever way they can against the bloodthirsty and cruel. We always bear arms against lions, wolves, bears, and serpents, and fortify ourselves with the protection of others, for we know that their rage is always armed against us. The mind of an entire kingdom is no different when its people perceive that the king is cruel: clemency makes kings gods; cruelty makes them demons.

The impious and savage deeds of Mezentius are an ancient example. Hence:

> Etruria rises in righteous fury.

I have shown this sufficiently in the chapter concerning cruelty. For cruel men are feared most by those nearest them. Alexander of Pherae, whose savagery was celebrated, was killed in his sleep by his wife's brothers while she herself held the light before them.

We know that Augustus was agitated by many seditions; but when we consider his cruelty, we marvel that he escaped. Suetonius, chapter 27: “For ten years he administered the triumvirate for establishing the state. In it he indeed resisted his colleagues for some time, lest there should be any proscription, but when one had begun he exercised it more bitterly than either of them. For while they were often capable of being entreated by favor and prayers in the case of many persons, he alone contended earnestly that no one should be spared; and he proscribed even Gaius Toranius, his own guardian and the colleague of his father Octavius in the aedileship.

“Junius Saturninus relates this besides: that when, after the proscription had been completed, Marcus Lepidus excused the past in the Senate and held out hope of clemency for the future, because sufficient punishments had been exacted, Augustus, on the contrary, professed that he had fixed a limit to proscribing in such a way that he had left everything free to himself. Nevertheless, in repentance for this obstinacy, he afterwards honored Titus Junius Philopoemen with equestrian dignity because it was said that he had once concealed his proscribed patron.

“While in this same power he blazed with manifold odium. For when, while he was haranguing, he noticed that Pinarius, a Roman knight admitted among the soldiers with a crowd of civilians, was writing down certain things, he judged him inquisitive and a spy and ordered him to be stabbed before his eyes. And Tedius Afer, consul designate, because he had censured a certain deed of his with malicious speech, he terrified with so many threats that the man threw himself down to his death.

“And when Quintus Gallus the praetor, during the duty of salutation, was holding double tablets covered by his garment, Augustus suspected that he concealed a sword; but he did not dare investigate anything immediately, lest something else be found. A little afterwards, Gallus was dragged from the tribunal by centurions and soldiers and tortured after the manner of a slave; and although he confessed nothing, Augustus ordered him to be killed, first gouging out his eyes with his own hand. Augustus nevertheless writes that Gallus sought a conference and plotted against him; that he was cast by him into custody, then banished from the city and released; and that he perished by shipwreck or the ambushes of robbers.

“He received perpetual tribunician power, in which once and again, at each interval of five years, he chose a colleague for himself. He also received an equally perpetual governance of morals and laws; by this right, although without the honor of the censorship, he nevertheless conducted the census of the people three times--the first and third with a colleague, the middle one alone.”

It is monstrous how great a hatred the reputation of cruelty brings. Philippicus killed Justinian II amid the greatest joy of all because he had resolved utterly to destroy the people of Cherson, had even sent a fleet to kill the infants, and ordered a citizen to be slaughtered whenever, after his nose had been cut off, he blew it. Diaconus, Book XIX. The Locrians avenged the cruelty of Dionysius with greater savagery and injustice: for they prostituted his wife together with his daughters, killed them after piercing them with needles beneath the nails of their fingers, crushed their bones, and cursed those who did not taste their flesh. Aelian, Book IX. But enough has been done concerning this matter in the chapter on cruelty.

§ 3. A no less effective and much more frequent cause of seditions is the avarice of rulers. Aristotle noted this in Book V of the *Politics*, chapter 3:

> **Τούτων δὲ ὕβρις μὲν καὶ κέρδος τίνα ἔχει δύναμιν καὶ πῶς αἴτια, σχεδόν ἐστι φανερόν· ὑβριζόντων τε γὰρ τῶν ἐν ταῖς ἀρχαῖς καὶ πλεονεκτούντων στασιάζουσι καὶ πρὸς ἀλλήλους καὶ πρὸς τὰς πολιτείας τὰς διδούσας τὴν ἐξουσίαν.**

What force insult and gain have among these things, and how they are causes of seditions, is almost manifest. For when those who bear magistracies are insulting toward private persons and take more and greater things for themselves through injury and avarice, they excite sedition both among themselves and against those forms of administering the state which offer and permit this license.

If you weigh everything in the Roman state, you will find that most seditions arose from the avarice of the nobility. Hence the tribunes of the plebs were instituted, so that they might assist the weaker against the injuries of moneylenders. Hence the agrarian laws were attempted so often, when the plebs, conqueror of nations, wasted away from want while the nobility possessed vast estates.

There are exceedingly many Cleons today who have

> **τὴν χεῖρ ἐν Αἰτωλοῖς, τὸν δὲ νοῦν ἐν Κλωπιδῶν**,

their hand among the Aetolians, or in petitioning, but their mind in the district of Clopidae, or among thefts. Caligula stirred up everyone when he compelled wills to bequeath property to him and set a price upon foodstuffs. Galba, because of the reputation of avarice, was betrayed by the army. For the same cause Didius Julianus was deserted and killed in the palace. His own men betrayed Maurice for that reason when they neglected the protection of the

avaricious prince, and they raised up Phocas the parricide for the same reason. Constantine was killed by his own men in Sicily because of the same sordidness and rapacity; his plunder was diverted by the Saracens into Africa. Perseus, king of the Macedonians, deserted by soldiers defrauded of their pay, was captured with his gold and led in triumph by Paulus Aemilius. Heraclius also, while depriving the Saracens of their pay, lost the empire of the East.

§ 4. Unjust exactions of tributes pertain to avarice; they rarely enrich princes, frequently bring destruction to them and profit to their officers. Darius, who first ordered the tributes of the Persian kingdom, was called **κάπηλος**, or a huckster; he also corrupted morals and was hated by the nation. The Lydians suspended King Achaeus by his feet for avarice in exacting tributes, so that his head emerged into the Pactolus and its gold-bearing water might thus satisfy his thirst.

Bato the Dalmatian freely reproached Tiberius that the Romans supplied the cause of war because they sent not dogs but wolves as guardians of the flock. If we consider present affairs, the exaction of tributes produced the war in Belgium, or furnished its occasion. One must therefore take great care that people not be burdened beyond measure or custom, for when they perceive that they are being despoiled they rise up grievously. For although there are extraordinary necessities, so that a prince is sometimes compelled for the public utility to impose assessments and superassessments, the people are nevertheless so disposed that they interpret what is done for their safety as being given to others. But the most bitter seditions are those which arise when tribute is refused and which assail the ministers above all. Thus the fury of the Israelite people raged singularly against Adoram, who was over the tribute, and stoned him.

[Printed page 723]

A king will therefore act most safely if he exacts small tributes in portions, with the estates consenting after the necessity of the kingdom has been demonstrated; if he preserves the ordinary ones and does not readily command new ones. In the time of Charles VI, new taxes almost overthrew king and kingdom, for the plebs, having risen in tumult, obtained their abolition after the most illustrious men of the magistracy had first been killed. For the same cause the French were expelled from all Flanders after the people of Bruges had made the beginning. The plebs indeed serves humbly and remains quiet so long as customary things are commanded; when it understands that it is being despoiled by unaccustomed methods, it turns to arms.

§ 5. Injustice is either that which truly opposes laws and right, or that which those living in a worse condition judge to be injustice. For although all demand right, that is, what is equitable, and put it forward as a pretext, they nevertheless do not acknowledge true equity. For those who are equal in some respect wish to be peers in all things, and by this reasoning violate justice, that is, equity itself. Although the people and the optimates are equally free, nevertheless equal honor is not therefore owed to a plebeian and a nobleman; for the former is **κατ' ἀριθμὸν ἰσότης**, "equality according to number," not **ἰσότης κατ' ἀναλογίαν**, "equality according to proportion." Again, those who are superior in some respect are willing to bear an equal in no respect, and they judge this just. Thus, when nobles are exempt from civil burdens, they judge it equitable not to pay their creditors, not to appear when summoned to judgment, to display honor to no one, and to exact the services of lesser men.

When, therefore, they perceive that right is denied to them or judgment rendered inequitably, they turn to force. The great commander Julius Caesar never entered greater danger than when, chosen as judge between Cleopatra and her brother and indulging his love of the queen, he pronounced an inequitable judgment against her brother. For then the Egyptians, turned to sedition and almost madness, rose against him with one mind, to such a degree that he was compelled to entrust himself naked to the river and thus escaped to his own men; nevertheless the Alexandrians carried his garments around in mockery. For the sacred writings teach us that a kingdom is transferred from nation to nation because of injustice.

§ 6. Fear is also a great incitement to sedition. For when men have sinned and fear the vengeance of the laws, or when innocent men foresee injuries, they prefer to anticipate them. Thus Aurelian was slaughtered by his own men, partly deserving punishment and partly innocent.

"It happened," says Flavius Vopiscus, "as events conduct themselves fatally, that he rendered a certain Mnesteus, whom he had as secretary of secrets--a freedman of his own, as some say--more hostile to himself because he had suspected I know not what concerning a certain matter. Mnesteus, who knew that Aurelian was accustomed neither to threaten in vain nor to pardon if he threatened, wrote a brief list of names, mixing those with whom Aurelian was truly angry together with those concerning whom he contemplated nothing harsh, and adding even his own name, so that he might impart greater credibility to the anxiety he had aroused. He read the brief to the individuals whose names it contained, adding that Aurelian had resolved to kill them all, but that they, if they were men, ought to come to the aid of their lives. These men--those who deserved his displeasure having blazed up with fear--mingling resentment with the benefactions and services for which Aurelian seemed ungrateful, suddenly attacked and killed the prince as he made his journey in the aforesaid place."

Rightly, therefore, Aristotle, Book V, chapter 3:

> **Διὰ δὲ φόβον στασιάζουσιν οἱ ἠδικηκότες, δεδιότες μὴ δῶσι δίκην, καὶ οἱ μέλλοντες ἀδικεῖσθαι, βουλόμενοι φθάσαι πρὶν ἀδικηθῆναι.**

On account of fear, however, those who have inflicted injury rise in tumult lest they pay the penalties, or those who suspect that they are about to suffer injury; for they prefer to anticipate it. Thus the Rhodians conspired against the plebs through fear of judicial proceedings. For vehement fear, when it produces despair of pardon, is the strongest of all passions. See that heroine:

> I would have cast myself upon them.
>
> What did I have to fear, being about to die?

Those whose life, fortune, and reputation are in another's power think more often about what their master is able to do than about what he ought to do. But if they are so conscious within themselves that they judge that their master not only can but also rightfully can and ought to act more harshly, and they now see him ready and prepared for torments and destruction, they will attempt everything in order to escape. If many are afraid, no force of command is so great that it can long endure under the pressure of fear. Hence arises swift and unconsidered rebellion, and indeed rebellion by many, because no one is faithful to the man whom he fears.

When Athens summoned Alcibiades to the tribunal because the affair in Sicily had been badly conducted, it overthrew the city. For he, despairing that he would obtain pardon from the hostile plebs for the disaster received, when he saw that those who had deserved best had suffered the extremity, preferred to entrust his safety to enemies rather than to citizens. Having set out for Lacedaemon, he was the author of the counsel that Gylippus should be sent to the aid of the Syracusans, that war in Attica should be renewed, and that assistance should be brought to the Chians, Lesbians, and others who had revolted from the Athenians; sailing to Ionia himself, he was successful in alienating cities from the Athenians.

Yet there was no loyalty for him among the Spartans either. Their insult and injury reconciled Alcibiades to his fatherland; for when the ephors commanded the commanders to kill Alcibiades, he again brought the Lacedaemonians into hatred, both among the cities and with Tissaphernes the Persian. Thereafter he defeated Mindarus and Pharnabazus in a mighty battle and, after wresting the empire of the sea from the Spartans, handed it to the Athenians. When he had again been reduced to the ranks of private men by them, he was compelled as an exile to see his fatherland captured.

[Printed page 723]

§ 7. Hope is akin to fear. For both those who struggle with adversity hope for better things and those whose affairs proceed prosperously hope for the best. Thus for a long time the Roman Empire was sold, when seditious men impelled military spirits, filled with hope, to crime, and the same men, when frustrated in their hope, deserted the princes.

Dio reports concerning Vespasian: “He was nevertheless not pleasing to the Alexandrians, who were so gravely hostile to him that they mocked and cursed him both privately and publicly. The cause was that, although they had hoped to receive from him, whom they had made emperor first of all, some great gift, he not only bestowed nothing upon them but even exacted money from them; and he collected so much, omitting no kind of tribute, that he did not spare even beggars and made money from divine and human affairs. For he renewed many taxes which had now ceased to be paid and increased many of those which were in force; and he did this in the other provinces subject to Roman command and afterwards in the city. For this reason the Alexandrians hurled many reproaches against him and said, among other things, that he exacted six obols.”

Hope, therefore, aroused the Egyptians, and when disappointed it raged. Those who attempt innovations know this: nothing impels spirits more toward sedition than to inflate them with hope of better things. Thus Cyrus induced the Persians to revolt from the Medes. Antiochus, in like manner, when he was besieging Cypsela, ostentatiously adorned with necklaces and silver arms the nobles of Cypsela whom he had in his camp. And so their kinsmen revolted to him and, as followed, betrayed the city.

Fear and the consciousness of an evil deed are cruel.

[Printed page 724]

Bagoas, through fear of cruelty, killed Ochus, king of the Persians. He raised his son Arsames to the kingdom and killed him in the same manner lest the latter avenge his father's slaughter, and he transferred the empire to Darius. Thus Marcus Duillius, tribune of the plebs, consulted no more for the Senate than for the state when, after the decemvirs had been condemned and all were afraid, he proclaimed that in that year no one should be permitted to appoint a day of accusation against anyone. But hope is sharper because it makes men active, fear sluggish.

§ 8. The license of magnates and princes toward women has excited many seditions. External wars also arose from it; a royal wife, foreign marriage beds, and the carrying off of betrothed women were the cause of many wars. But we are treating seditions.

Livy, Book IV, says that at Ardea civil discord arose between the plebs and the optimates because of the marriage of a certain maiden who was indeed of plebeian birth but most distinguished in beauty. Two young men sought her, one a plebeian and the other a nobleman. The former relied upon her guardians; the latter upon both the favor of her mother, who wished the girl to be joined in the most splendid marriage possible, and that of the optimates. Since the affair could not be completed within the walls of the house, they went to law. After the claim of the mother and that of the guardians had been heard, the magistrates awarded the right of marriage according to the will of the parent.

But force was more powerful. For the guardians, having harangued the men of their party in the forum concerning the injustice of the decree, formed a band and carried the maiden off from her mother's house. Against them arose a more hostile battle line of optimates, which followed the young man inflamed by the injury. A fierce battle took place. The armed plebs, driven from the city, went forth, occupied a certain hill, and made incursions with sword and fire upon the lands of the optimates; it prepared to besiege the city itself. No disaster of war was absent. It seemed to each party that too few arms were present in the city and for war; the optimates summoned the Romans to come to the aid of the city, while the plebs summoned the Volscians to storm Ardea with them.

The lust of Roderic, king of Spain, so inflamed Julian of Tingitana, whose daughter he had dishonored, to vengeance that he called the Saracen Mamolinus into Spain. Thus the intemperance of one man brought first rebellion, then war and the servitude of many centuries, upon the most noble kingdoms.

The people also expelled the Roman kings, despairing that they could otherwise avenge chastity. They also avenged themselves upon the decemvirs for this reason. The tyrant Pandulf, because the daughter of Bellantius had been carried off, was crushed by a conspiracy of her kinsmen.

Aristotle also numbers this among causes that are small but frequent. Assuredly among the people of God lust was expiated by the destruction of almost one entire tribe. Xerxes, the most powerful of kings, while violating his brother's wife and household with unspeakable lust and slaughtering his most beloved brother, was killed by his uncle Artabanus. But nothing was fouler than the contest between Artaxerxes and his son Darius over a concubine. Artaxerxes loved Aspasia and created Darius king. It was the custom that on the day of inauguration it was not lawful to deny the son a gift, requested separately, of whatever he wished. The shameless and ungrateful Darius sought Aspasia. Artaxerxes gave her according to the laws and, a little afterwards, overcome by desire, took her away. Darius plotted his father's death; when detected, he paid with his head. Just as the abductions of maidens and matrons are the most ancient causes of wars, so also the rivalries of leading men have thrown whole states into confusion.

§ 9. Desire for honors and ambition are scarcely absent from any rebellion; but of very many they are the sole causes. The matter seems clear to Aristotle, Book V, chapter 3:

> **Δῆλον δὲ καὶ ἡ τιμή, καὶ τί δύναται καὶ πῶς αἰτία στάσεως· καὶ γὰρ αὐτοὶ ἀτιμαζόμενοι καὶ ἄλλους ὁρῶντες τιμωμένους στασιάζουσι· ταῦτα δὲ ἀδίκως μὲν γίνεται ὅταν παρὰ τὴν ἀξίαν ἢ τιμῶνταί τινες ἢ ἀτιμάζωνται, δικαίως δὲ ὅταν κατὰ τὴν ἀξίαν.**

It is clear what honor can do and how it is a cause of sedition; for those who are without honor, seeing others honored, rise in tumult. This happens sometimes justly, sometimes unjustly. The desire to dominate is assuredly the torch of seditions just as it is of wars.

At Rome the Senate was burdensome to the plebs, and the plebs to the Senate. The younger men among the Fathers insulted the plebs; the older men judged their own young men too fierce, yet preferred, if a limit had to be exceeded, that courage should abound in their own men rather than in their adversaries. At first men wish to be made equal; then, lest they lose liberty and equality, they wish to cast others down and command others, and so to repel injury in order that they may inflict it upon others. This throws everything into confusion. For they do not think themselves safe unless they have so prostrated others who are rightfully their equals that they cannot rise again.

Good princes also perished in this way, but after being changed. Pausanias, an example of modesty and of a temperate spirit in victory, being raised up by prosperity, was preparing a Persian peace and had contracted for a royal marriage so that he himself might become king of Greece. For this reason, when he fled into a temple, he was walled in and there perished from hunger, after his mother Alcithea had placed the first stone in the blocking of the entrance.

In the Roman city very many seditions were excited by hope of domination. Whether you examine sacred or profane history, you will find very many things of this kind. Almost all the kings of the Israelites were killed by plotters, and the kings of the Jews also endured conspiracies. Sennacherib was killed by his sons, and other men by others; for those who come to a kingdom through slaughter are generally cast down in the same manner. This, therefore, is what they labor to effect: that no one be their equal and no one their superior, and that they be masters of some; with the outcome uncertain, they kill innumerable men.

§ 10. Overthrows of the state occur for the most part when the excessive power of one man is nourished and made firm. This has been treated rather often, but the evil clings with the greatest tenacity. The preeminence of one man is equally harmful to the liberty of peoples and to the majesty of kings. Aristotle prudently says: “Moreover, sedition arises because of preeminence when one man, or several, obtains ampler resources and greater power than the city or the power of the administration of the state can bear; for monarchy or dynasty is accustomed to arise from such conditions. For this reason in certain places they are accustomed to relegate the more preeminent men for a fixed time by means of a potsherd, which the Greeks call **ὀστρακίζειν**, as at Argos and Athens. And yet it is better to provide

from the beginning that men so preeminent cannot arise in the city than afterwards to remedy an evil born from sufferance and negligence."

Hence Rome, through the conspiracy of three leading men, was made common to three masters. Hence come oligarchies, conspiracies, and the other plagues. If one man can do everything with the prince, he is unable to bear the envy; if a few obtain control of affairs, they are unable to agree among themselves and betray the prince rather than preserve him, because they turn the prince away from the friendship and society of others. Finally, out of so many thousands concerning whose power the provinces complained, scarcely ten used power moderately; rather, they turned it to the destruction of the plebs, the nobility, the prince, and at last themselves. The cause is that they possess hope neither in the will of the people or leading men nor in that of the king.

§ 11. The error of rulers is equal when they dishonor great men.

[Printed page 725]

For since these men are powerful, bear great spirits, and are unaccustomed to insult, they do not easily let an opportunity for vengeance escape. When Ish-bosheth charged Abner with embracing the royal concubine, he offended a man of great spirit and a support of the kingdom, so that he immediately revolted to David. David likewise, while attempting to reduce Joab to the ranks of private men by substituting Amasa in his place, gave Joab a man to fear not without reason, had Amasa not fallen by treachery.

Coriolanus would have avenged the disgrace of his judgment by the destruction of his fatherland, had his mother's prayers not stood in the way. The Athenians expelled Hippias, who had thus deserved it, but shuddered when he returned with one hundred thousand infantry and ten thousand cavalry. Miltiades nevertheless defeated him, furnished with eleven thousand men; yet toward Miltiades they were most ungrateful, and after fining him an immense sum of money they compelled him to die in prison. If he had wished to flee to the Persians, he could have overthrown Athens with small forces; for what would not the man who defeated one hundred and ten thousand with eleven thousand have done if he had possessed one hundred and ten thousand against eleven thousand? A foolish city, therefore, which, always inequitable and malevolent toward illustrious men, deprived itself of its own defenses.

Baldilus the Gaul, because he had been unjustly beaten by Childeric, killed the king himself and his pregnant wife. Colas the tutor incited three pupils to the murder of Galeazzo Sforza because he had repaid the blows which the boy had received from that tutor. Andrea Lampugnani killed Galeazzo Sforza because Galeazzo had not favored him against the bishop of Como.

Whole states sometimes commit an offense of this kind. Matho, punished with exile together with the army, set out for Carthage and besieged his ungrateful fatherland; he was mitigated only by prayers. The great man preferred to occupy and destroy his fatherland rather than, innocent, to pay the penalty of adverse fortune together with so many brave citizens.

There are, moreover, two ways in which offense is committed in these matters: when a prince admits excessive honors or contemns the other leading men. By that arrogance Caesar alienated his once most friendly and faithful soldiers and armed the leading men for his own destruction. Suetonius, in *Julius*, chapter 76 and those following:

"Yet his other deeds and sayings outweigh these, so that he is judged both to have abused domination and to have been slain rightfully. For he not only received excessive honors, such as a continuous consulship, perpetual dictatorship, and prefecture of morals, besides the praenomen *Imperator*, the surname Father of the Fatherland, a statue among those of the kings, and an elevated seat in the orchestra; he also allowed greater honors than were fitting to human eminence to be decreed to him: a golden seat in the senate-house and before the tribunal, a ceremonial carriage and litter in the procession of the Circus, temples, altars, images beside the gods, a sacred couch, a flamen, Luperci, and the naming of a month from his own name. And he took and gave certain honors according to his own caprice.

"He bore his third and fourth consulships in title only, content with the power of the dictatorship decreed together with the consulships; and in each year he substituted for himself two consuls for the final months, so that in the intervening time he held no elections except those of tribunes and aediles of the plebs. He appointed prefects in place of praetors to administer urban affairs in his absence. On the day before the Kalends of January, when the office of consul had become vacant through the sudden death of the consul, he gave it for a few hours to a man who sought it. With the same license, after despising the custom of his fatherland, he appointed magistrates for several years; he gave consular ornaments to ten men of praetorian rank; and he received into the senate-house men given citizenship and certain men from among the half-barbarous Gauls. Besides this, he placed his personal slaves over the mint and public revenues. He entrusted the care of three legions which he was leaving at Alexandria to the son of his freedman Rufinus, his own catamite.

"Chapter 77. He publicly uttered sayings of no less unrestrained power, as Titus Ampius writes: that the state was nothing, merely a name without body and form; that Sulla did not know his letters, since he had laid down the dictatorship; that men ought now to speak more considerately with him and to regard what he said as laws. And he advanced to so great a degree of arrogance that, when a soothsayer once pronounced the entrails sorrowful and without a heart, he said that they would be more favorable when he wished, and that it ought not to be taken as a portent if a beast lacked a heart.

"Chapter 78. But he especially aroused against himself the chief and inexpiable odium from this. When all the Conscript Fathers approached him with many most honorific decrees, he received them while seated before the temple of Venus Genetrix. Some think that he was held back by Cornelius Balbus when he attempted to rise; others that he did not attempt it at all, but even looked with a less friendly countenance upon Gaius Trebatius when he admonished him to rise. And this deed of his was regarded as all the more intolerable because, when he himself was triumphing and passing by the tribunician benches, he had been so indignant that one man from the college, Pontius Aquila, did not rise for him that he cried out: 'Then reclaim the state from me, Aquila, as tribune!' Nor for continuous days did he cease promising anything to anyone except with the reservation, 'If, however, Pontius Aquila permits it.'

"Chapter 79. He added to so signal an insult in despising the Senate a deed much more arrogant. For when, as he returned from the Latin sacrifices amid modest and novel acclamations of the people, a certain man from the crowd had placed upon his statue a laurel crown bound with a white fillet, and the tribunes of the plebs Epidius Marullus and Caesetius Flavus had ordered the fillet to be pulled from the crown and the man led into chains, grieving either that the mention of kingship had been moved with too little success or--as he claimed--that the glory of refusing it had been wrested from him, he severely rebuked the tribunes and deprived them of their power. From that time he was unable to cast off the infamy even of having aspired to the royal name, although he both answered the plebs when it saluted him as king that he was Caesar, not king, and at the Lupercalia, before the rostra, repeatedly repelled from his head the diadem offered by the consul Antony and sent it to the Capitol, to Jupiter Best and Greatest.

"Indeed, a varied report also spread abroad that he was about to migrate to Alexandria or Ilium, transferring there at the same time the resources of the empire, exhausting Italy by levies, and entrusting the administration of the city to friends. At the next meeting of the Senate a report spread that Lucius Cotta, one of the Board of Fifteen, was about to declare the opinion that, since it was contained in the books of fate that the Parthians could not be conquered except by a king, Caesar should be called king."

These things seemed intolerable in a new and raw servitude; afterwards they began to be regarded as virtues. There would assuredly be no end if I were to recount examples of brave men who, indignant at contempt of themselves, excited civic movements. Coriolanus, Belisarius, Narses, and others are witnesses. Victor Pisani indeed, when he had been cast into chains by the Venetian Senate and freed by the plebs, was admonished by a distinguished man to avenge the injury; he struck him with a slap and added a declaration greater than all his deeds: "Have I ever contemned the decrees of my fatherland?" But so great a virtue is rare; and if it exists elsewhere, nevertheless the fatherland cannot or ought not trust that it exists, because it can also easily be changed.

[Printed page 725]

§ 12. Many princes have been overthrown because of threats, as I taught above concerning Aurelian. Therefore a magistrate ought not readily to threaten unless it is so that an offense may be avoided; for he exposes himself to the most certain danger. If a prince threatens someone with death, that man considers either fleeing or causing death, and he labors so that the prince rather than he himself may perish. I do not doubt that this pertains to fear. Yet because threats produce the most powerful and violent fear, are very easily carried abroad among the common people, and are augmented, one must abstain altogether from threats.

[Printed page 726]

It is safer to have killed a guilty man than to threaten him with death. For threats are either those of a powerful man, which you cannot escape, and thus they are premature; or those of a weak man, and thus they are vain. In either manner they render execution more difficult. If the one threatening is powerful, his atrocity is odious; if weak, his authority is nothing. He who threatens admonishes his enemy; he does not harm him. For it is easiest for him to inflict upon you the evil which you threatened against another.

I add this also: the man against whom you have threatened evil appears to have an authorized cause to defend himself and to prepare himself for defense as though war had been declared. How imprudent was the declaration of the Roman emperor who was then a tribune with military power: “Evil to my soldiers unless they remain quiet!” For, inflamed by this word, they committed slaughter. He who threatens appears to be carried away by passion and anger and to judge when he has not yet taken cognizance of the matter.

§ 13. Opposing magistracies in the state must be guarded against. Thus the Romans acted most ignorantly when they gave tribunes to the plebs, a perpetual nursery of all seditions; they would have acted much more wisely had they created one of the consuls from the plebs. For the tribunes of the plebs first drove them to such a point that they were compelled to elect military tribunes with consular power; next they extorted intermarriage, thirdly one of the consulships, at last both, and finally the censorship, the dictatorship, and everything. Thus it befell the Romans that they perished through **Δημαγωγούς**, demagogues, and their own tribunes, something which Aristotle relates to have befallen many peoples in Book V, chapter 5.

“Democracies, therefore, are changed chiefly because of the petty wantonness of the tribunes. For in part, by burdening the wealthy with calumnies, they cause them to come together and conspire--for common fear reconciles and joins even the most hostile--and in part by collectively inciting the multitude against them. One may see that this has occurred thus in many cases. For at Rhodes also the democracy was changed when wicked demagogues arose within it. The nobles came together; for the popular haranguers furnished pay to the soldiers and forbade the commanders of the triremes to pay it out. But those commanders, compelled by fear of grave judicial proceedings--which they were to undergo if they did not sail according to law--formed an association and overthrew the power of the people.

“At Heraclea also the power of the people was broken and scattered immediately after a colony had been sent there by the Athenians, through the fault of popular and frivolous demagogues. For when the nobles were injured by them, they were compelled to depart from the city; then those who had been cast out, after assembling and gathering their forces into one body, returned from exile into the city and removed the democracy.

“Likewise the democracy which existed at Megara was dissolved and convulsed. For the demagogues, in order that they might confiscate the goods of private persons, banished many nobles from the city, until they had made a great number of exiles. But the latter, desiring to return from exile into the city, joined battle, overcame the people, and made an oligarchy from the democracy. The same thing, moreover, also happened at Cumae; in that city Thrasymachus utterly destroyed the democracy.

"And in almost all other cities, if anyone wishes to observe and consider them, he may see that the conversions and changes of states take place in this same manner. For sometimes, in order to enter into favor with the people, by inflicting injuries upon the nobles they impel them to make agreements and associations--whether they divide their goods among the people by agrarian laws and introduce an equalization of possessions, or exhaust them with taxes and the discharge of public burdens. Sometimes, by bringing them to judgment on false charges and summoning odium against them, they seek to confiscate the fortunes and resources of the rich. In ancient times also, when the same man became demagogue and commander, democracy was turned into tyranny; for almost all the ancient tyrants were made from demagogues."

§ 14. Very many men have also lost dominions when they admitted foreigners into the city. Aristotle, Book V, chapter 3: "That which is not of the same nation and stock also has force to excite sedition, until it has come to agreement and conspired together. For just as a city is not made from any multitude offered by chance, so neither is it made at any time whatever. Therefore those who received resident aliens or newcomers into a city have almost all, or certainly very many, struggled with seditions.

"For example, when Achaeans dwelt with the Troezenians at Sybaris, the Achaeans, having thereafter increased in number, cast out the Troezenians. Hence arose the Sybaritic pollution. At Thurii, when the Sybarites unjustly injured the peoples dwelling together with them and received into the city, and claimed the greater part of the territory as their own and indeed all superior things for themselves, they were driven out. When the Byzantines discovered that newcomers were plotting against them and caught them manifestly, as if in the very act of theft, they joined battle, conquered them, and banished them. When the Antissaeans perceived that the exiles of Chios whom they had received into the city were attempting revolution, they joined battle and cast them out. When the Zanclaeans received the Samians into their city, they themselves were conquered and expelled by them. When the Apolloniates who dwell upon the Euxine Sea invited certain newcomers, they excited sedition among themselves. After the tyrants had been driven out, the Syracusans, having made foreigners and mercenary soldiers citizens, dissented and disagreed among themselves and joined battle. And when the Amphipolitans received colonists from Chalcis, most of them were cast out by these men."

The Romans therefore prudently ordered the Gauls who had crossed the Alps without injury to withdraw. The Gauls plead their cause in Livy, Book XXXIX: "They had been compelled by the excessive multitude in Gaul, want of land, and poverty to cross the Alps in search of a dwelling place, and had settled without injury to anyone in places which they saw uncultivated through solitude. They had also begun to build a town, which was an indication that they had come to bring violence neither upon any territory nor upon any city. Marcus Claudius had recently been sent to them with the message that he would wage war with them unless they surrendered; preferring a certain, although inglorious, peace to uncertain war, they had first committed themselves to the good faith, then to the power, of the Roman people. A few days afterwards they were ordered to depart from both territory and town; they had intended to depart quietly to whatever place in the world they could. Then their arms, and lastly all the other things which they carried and drove, were taken from them. They begged the Senate and People of Rome not to rage more bitterly against harmless men who had surrendered than against enemies." The Roman people returned their arms and ordered them to depart.

Nations do not easily grow together unless they are gradually rendered similar by marriage, dress, and language. The Bebryces admitted the Phocaeans into the city. When the latter flourished in arms and resources, their hosts began to envy them and considered removing them from the midst. When this became known, the Phocaeans killed the Bebryces, conquered by a notable stratagem, and alone possessed the city.

Would that those who first called the barbarians into the empire and gave them lands had done this, and likewise those who afterwards let the Turks into Europe. And now also, while I write these things, what else are those men doing who, after gathering auxiliaries of foreigners from every quarter, rebel against the emperor Ferdinand--and do so in the sight of the Turks, aided even by a friend and vassal of the Turks--than bringing the tyrant into possession of

Germany? But the sins of those who are perishing produce these discords of princes; and nevertheless those same discords will be quieted by the servitude or destruction of the princes.

§ 15. Arms given to the people for defense easily overthrow the state unless it is administered cautiously. Therefore they must be permitted not to all but to certain selected persons. When the rebels of Aachen had been armed, they expelled the Senate. This once befell many cities of the empire; indeed--

[Printed page 727]

--even countrymen sometimes took up arms. Justinian's Novel 85, under the title *Concerning Arms*, must therefore be restored to force:

"Always invoking our great God and Savior Jesus Christ and his aid, we are zealous to guard unharmed and without calumny all our subjects, whose government God has entrusted to us, and to restrain wars which they, undertaking them according to their own judgment against one another, carry on to their sorrow, thereby bringing a double punishment upon themselves: both that which they inflict upon themselves and that which they suffer from the laws punishing their madness.

"Chapter 1. Wishing, therefore, to free men from movements of this kind, we have provided that no private person engage in the work of manufacturing arms, but that only those make arms who are appointed in public armories or who are called *fabricenses*; and that those who manufacture arms sell them to no private person. Nor do we permit those armorers who are enrolled in the military units--whom they also call *deputati* and who receive rations from the fisc--to manufacture or sell arms to anyone, but only to exercise care over the arms of the soldiers enrolled in the unit in which they serve. If, however, they make anything new, it shall be taken away from them and brought into our sacred arsenal, to be added there to the public arms deposited within it.

"Chapter 2. We wish those who are in the orders of ballista-makers, whom we have stationed throughout various cities, to observe this also. We ordain and decree that they make arms in such a way that they themselves repair and renew only the public arms deposited in the public arsenals of each city. If any of them fashion any new weapon, they shall likewise furnish this among the public arms and shall sell it to absolutely no other person.

"Those appointed over the ballista-makers shall also guard this, at the peril of the fathers of the cities under whom we have stationed the ballista-makers themselves and established the care and custody of the public arsenals. Thus, if either the *deputati* or the *fabricenses* are seen selling arms, the judges in the localities shall take care to subject them to punishments and, in addition, to take the arms without payment from those who purchase them and claim them for the public.

"Chapter 3. Therefore, with God governing this counsel of ours, by the present law we decree that in no city or province of our state shall private persons or anyone else have license to make or sell arms, or to purchase them by any means whatever; rather, those alone who are enrolled among the *fabricenses* shall fashion them and convey them to our sacred arsenal. We decree that this be guarded by Your Highness and by those who shall receive the girdle after you.

"We appoint certain chartularies who are established under Your Highness in the bureau of the *fabricenses*, at the peril of the five chief men among them, men possessing a good reputation and fit for the task. Seeking out those who make arms in this most fortunate city and in the other cities of our state, they shall prohibit private persons or any others besides those who are appointed among the *fabricenses* from conducting the business of manufacturing arms; and in whatever places they discover private persons daring this, they shall cause these arms to be brought forward and applied to the arsenal of the fisc.

"If, however, they are able to find among private laborers artisans fit for the work, they may, if they wish, establish these men in the service, enter their names in a register, and send us the register of artisans, so that by our sacred

rescript they may be stationed in those places in which there are public manufactories, and so that, while manufacturing arms, they may receive rations from the fisc.

“For when this has been done and has been scrupulously observed by the aforesaid persons, license will be given to absolutely no one--neither to private persons dwelling in cities nor to countrymen inhabiting villages--to use arms against one another, to presume to commit murders, and thereby to kill very many men, while public duties perish because cultivators of the land, fearing to lose their lives, resort to flight.

“Therefore those who are directed by Your Highness from the aforesaid bureau of the *fabricenses* to prohibit private makers of arms must receive a sworn declaration also from the local judges and the offices subject to them, and from the defenders and fathers of the cities, that henceforth they will have no power to do anything among those things forbidden by us, but will guard the things decreed by the present law, fearing a punishment both in money and upon the head itself.

“For we decree that the negligent judge of great Alexandria shall pay a penalty of twenty pounds of gold for the things decreed by us, shall fall from the girdle of office, and that his office shall likewise pay a penalty of twenty pounds of gold and undergo capital punishment. The judges of the other provinces, however, shall sustain a loss of ten pounds of gold; they and their offices shall likewise be subject to loss of the girdle. The defenders and fathers of cities shall be fined a penalty of three pounds of gold and shall sustain peril to their heads if, upon discovering any such deed, they do not punish it, or do not report those wishing to do it, but permit it to remain concealed.

“Chapter 4. So that the things which we have forbidden to be done by private persons and certain others besides those who are enrolled among our sacred *fabricenses*, or the arms forbidden to be sold to private persons, may be manifest, we have taken care that this also be signified through the present law. For we prohibit private persons from manufacturing and buying bows and arrows, broadswords and swords which they are accustomed to call *semispathia*, and those which are called *zabae* or cuirasses, and pikes and lances made in any manner or shape whatever, and those called *monocopia* among the Isaurians, and the things called *sitinnes* or missiles, and, in addition, *aspides* or shields, and *galeae* or helmets. For we permit none other to fashion these things besides those who are appointed among our sacred *fabricenses*. We permit only smaller knives, which no one uses in battles, to be made and sold by private persons and to private persons. Therefore Your Highness shall promulgate the present general law in this royal city and also throughout the other cities of our state, so that all, recognizing what has pleased us, may observe it.”

The kingdom is finally done for when things that are crimes are called remedies by cunning men and are judged necessary, as Antonio de Leyva was accustomed to boast.

Those, moreover, who must be trained are better trained with public arms, as was done among the Romans.

CHAPTER IX

The Causes of Seditions Arising from Subjects

[Printed page 727]

§ 1. The origin of seditions, just as that of diseases arises from the constitution of the body, so arises from the extent of the empire and its diverse parts. Augustine, Book XIX, *The City of God*, chapter 7: “Although enemies are lacking, nevertheless the very breadth of the empire has produced wars of a worse kind, namely allied and civil wars, by which the human race is shaken more miserably, whether war is waged so that at some time men may come to rest, or whether it is feared that they will rise again.”

Discords of the people therefore frequently arise from no cause, but only from the wickedness and wantonness of the people and of those who lead the people. Of this kind were the seditions of the Israelite people in the desert, directed against Moses and Aaron and against God himself. For what was more equitable and benign than Moses? What was more propitious than God, who overwhelmed the ingratitude of the rebels with daily miracles and benefits? Nor was there any cause of sedition in Samuel, and yet those who rose up rejected him and sought a king. What moved the madmen to follow Absalom and then Sheba as leaders and to bring impious arms against David? I can think of nothing other than the successful wars of the holy king and the spoils of neighboring nations, and thence the luxury which had engulfed very many. Hence Absalom was more suited than David to the vices of the people, and Sheba, as a man of Belial, subject to and a patron of every most shameful man, would permit everything.

[Printed page 728]

To this class I refer the most foolish spectacles on account of which frequent seditions were raised. Actors and pantomimes were expelled from Italy by Nero because various factions arose on their account, to such a degree that soldiers had to be stationed at the theater to restrain the quarrels of their supporters. Thus says Suetonius. Nerva restored them badly; Trajan again removed them well.

God often, on account of the sins of peoples, does not preserve the state even when the prince is excellent.

The Romans rose against Leo III without cause and occasion; the Venetians against Vitalis Michael, alleging that a plague had invaded the city after the fleet had returned; the Bolognese against their own magistrates and Neapolio the legate. Thus seditions frequently arise for which there is no cause in the rulers and no pretext of a cause at all.

§ 2. The cause of Sheba's war, indeed, was faction and envy, because the tribe of Judah had brought the king back while the others were not present. “Why,” they say in 2 Kings, chapter 19, “have our brethren the men of Judah stolen you and brought the king and his household across the Jordan, and all the men of David with him?” And: “I am greater by ten parts in the king, and David belongs more to me than to you. Why have you done me an injury, and why was it not first reported to me that I might bring my king back?” But the men of Judah answered the children of Israel more harshly. What is here other than pure love for the king? And yet see the changeable disposition of the people. In chapter 20, Sheba son of Bochri sounded the trumpet and said: “We have no portion in David, nor inheritance in the son of Jesse. Return to your tents, Israel.” And all Israel separated itself from David and followed Sheba son of Bochri. So easily does contentious envy change men's minds. The part that had been slighted at once attaches itself, not to some noble and brave leader, but to Sheba son of Bochri, a man of Belial. They therefore envied the tribe of Judah--whose perpetual kingdom had been promised--its good fortune, and through the contagion of one man they go mad; for when he had been slain, all came to rest.

The malicious common people, indeed, always behold the good fortune of the nobles with sidelong eyes and, when they can, oppose it. That rust sucks the state dry, and no one can break and lay it low; then it hands the bloodless state over to its enemies to be torn apart.

Such was that famous sedition of the peasants in England: for they complained not so much that they were oppressed as that they were not equal to the nobles. In the year 1381 the men of Kent refused every yoke and said that the nobles must be removed from their midst. They said that all had been born without distinction from the same Adam and that all were equal. And so, after taking up arms, the faction killed many of the magistrates and nobles, plundered their goods, and compelled the king to accept unjust conditions, until at length its authors were punished. Of this kind were the assemblies of the Athenians when they punished with exile illustrious and eminently deserving men.

§ 3. Another customary cause of seditions is when powerful men have consumed their patrimonies. Aristotle most wisely noted this cause in Book V of the *Politics*, chapter 6: "Changes also occur in oligarchies when a few powerful men who govern the state have consumed their family property by living intemperately. For such men are eager for revolution and either themselves seize a tyranny or prepare another man as tyrant: in this manner Hipparinus prepared Dionysius at Syracuse, and at Amphipolis a certain man whose name was Cleobinus brought the Chalcidian settlers into the city; and when they had come, he rendered them hostile to the wealthy and incited them against them. And at Aegina, the man who conducted that business which concerned Chares attempted to change the form of administering the state for such a cause."

Sometimes, therefore, they attempt to move and innovate something; sometimes they steal public money, from which either they disagree and quarrel among themselves or those who oppose and resist these men as they plunder the state do so--something which happened at Apollonia, I mean the city in Pontus. There is no need to recount modern examples after these ancient ones: those whose resources at home are bad or nonexistent, while their hope is far richer, are seditious. They seek abroad the means of living. In general it is accustomed to happen thus: they attempt to soothe their own evils by the common destruction. They are cheerful in disturbed affairs because some hope shines upon them; in peace their own troubles oppress them. Hence they prefer tumult and uncertain dangers to the certain evils of their own household.

Let the magistrate therefore hold it certain that there are as many enemies in the state as there are men who have ruined their property through wickedness and lust. Julius needed a royal fortune merely in order to have nothing, for he had poured everything out in largesses. There are Catilines and Cethegi for whom the disgraces of poverty arising from luxury are an incitement to crime. Demades, an Athenian orator, formerly very wealthy, was at length expelled from the state as a poor man, having been accused of falsehood seven times. But there is no need to seek foreign examples: the histories exhibit Curio, Milo, and the other wretched disturbers, and especially Julius Caesar and Antony the triumvir.

§ 4. The state is also overthrown when matters gradually reach the point that the power of the magistrate is diminished and those whom the laws command to obey are more powerful. For they do not obey the command unless it pleases their mind. Hence the Roman Empire is rendered weak when there are two or three princes who, if they oppose the emperor, would without doubt bring great difficulties upon the state. The cause is that power without strength is despised.

Thus, Aristotle testifies, the state of the Thebans was changed because there were more and better and stronger men who were not admitted to the administration of the state. The same thing happened to the Megarians, the Syracusans, and the Rhodians. Nor did anything else destroy the empire of Constantinople than princes dissenting from the emperor and possessing such power that he could not reduce them to concord. For in this way it happens that the power of the rich is such as utterly removes the vigor of the magistrate; and in a great empire the power of princes does the same.

Indeed, magistrates elected by lot and commoners destroyed the state of the Athenians. For it is shameful that those should be elected to command others whose relatives, parents, and children no one would dare to name because of shame. Hence noble men endowed with a great spirit, through contempt for base rulers who are mocked even by the common people, can easily conspire and transfer the power to themselves.

§ 5. Dissimilarity also can easily stir up seditions, as when different nations are under one king and some cannot endure the others. Aristotle records that this happened at Clazomenae and Athens. In our own time also we have frequently seen armies collected from various nations mutiny among themselves. We have also seen most illustrious cities agitated by the seditions of admitted foreigners. At Aachen especially the Belgian settlers, who had left their homeland because of errors and rebellion and were already practiced in civil evils, caused disturbance and expelled the Catholics. They did the same at Wesel and Bremen after the Lutherans had been reduced to order.

[Printed page 729]

In former times there was greater danger from this circumstance, when colonies were sometimes led out from different peoples, especially if they were mingled with the old citizens. Thus we frequently read that the beginning of slaughter occurred in colonies. Diversity of regions, however, has more force toward discord than diversity of nations.

§ 6. But if we regard the matter itself, the same cause of seditions arises from the people as from rulers, since, just as men possess the same nature, so also their vices have an affinity. Florus admits this concerning his own Rome in Book V, chapter 12: “For what other thing produced civil madnesses than excessive prosperity? Conquered Syria first corrupted us, and soon thereafter the inheritance of the king of Pergamum in Asia. Those resources and riches ruined the morals of the age, and cast the state, drowned as in a sewer by its own vices, into destruction. For whence would the Roman people have demanded lands and provisions from the tribunes, unless through the hunger which luxury had made? Hence, therefore, the first and second Gracchan seditions and that third, the Appuleian.

“Why was the equestrian order commanded by the Senate to rule through the judicial laws, unless from avarice, so that the revenues of the state and the very courts might be held for profit? Hence again citizenship was promised to Latium, and through this came the arms of the allies. But what of the servile wars? Whence did they come to us, unless from the abundance of households? Whence came armies of gladiators against their own masters, unless lavish largesse, when it indulges the favor of the plebs with spectacles, makes an art of what were once punishments of enemies?

“Now, that we may touch upon the more specious vices, was not canvassing for honors incited by the same riches? Yet thence came the Marian, thence the Sullan tempest. Or did not the magnificent provision of banquets and costly largesse arise from opulence, soon to produce poverty? This drove Catiline to become an enemy of his own fatherland. Finally, whence did that very desire for principate and domination come, unless from excessive wealth? Yet this armed Caesar and Pompey with the torches of the Furies for the destruction of the state. Therefore we shall pursue in order all these domestic disturbances of the Roman people, separately from external and lawful wars.”

All these things are assisted and intensified when they rage among the people: both because they are spread abroad among very many and because the people do not readily resist vices. There is more spirit than counsel in them; they are unstable and change their opinions as the breeze changes storms. They are desirous of movements and changes because there are many agents among them, many who desire revolution. For just as every land is welcome to sailors suffering from hunger and thirst, so every change seems likely to bring something better to poor, restless, afflicted men. This is Plato's oracle in the *Axiochus*: “The people are ungrateful, easily wearied of things, changeable, cruel, envious, unlearned, since they are collected from the dregs of the plebs and from violent impostors. They regard as honorable that which is praised by the majority.”

§ 7. The greatest and almost incurable kind of sedition is that which arises from superstition. For its principle arises from the innermost mind and drives men to every deed, lawful and unlawful, nor does it cease so long as superstitions occupy their minds. It is pleasing in this place to repeat the warning which Justus Lipsius, a most illustrious man and

the great glory of our age, gives in his book *Against the Dialogist*. His words are these: "Therefore I warn you princes earnestly: beware. From nothing does greater danger come to empires and scepters than from an innovated or deceitfully simulated religion. For such men move especially the minds of the plebs and under the appearance of piety impel them where they wish.

"Shall I give examples? Behold these few. Eunus formerly lived in Sicily as a slave (Florus, Book III, chapter 9, and Diodorus Siculus in the *Fragments*); after feigning fanatical madness, while he tossed about the hair of the Syrian goddess, he stirred slaves to liberty and arms as if by command of the gods. Having gathered an army of more than sixty thousand, and openly bearing himself as king, he had subdued all Sicily, had Roman arms not with difficulty restrained him.

"What of that Egyptian false prophet under Claudius, who in Judaea (Josephus, Book II of the *Jewish War*, chapter 12), through this very appearance of piety, attached to himself as many as thirty thousand men? With them he sought Jerusalem, intending to possess that citadel and seat of kingship, had he not been met by the governor Florus and defeated and slain in battle.

"Was not the deed of that Maricus under Vitellius very similar? He, the 'liberator of the Gauls and god'--for he had given himself that name--after stirring up eight thousand men, was drawing the nearest villages of the Aedui with him and was himself about to dare greater things, when the fanatical multitude was crushed or scattered by picked soldiers.

"What of Elmaheli in Africa? He, as Johannes Leo relates in Book II, having won over the people by a marvelous reputation for holiness, openly brought war upon his own king, the king of the Moroccans--Abraham then held that office--defeated him in battle, and deprived him of kingdom and life.

"A different impious man in the same Africa--called Chemen Mennal--practiced a fraud and met a fate not unlike his (the same Leo, Book III). He stirred against the king of Fez a people enticed by the vanity of rites and religion, forbade tribute to be paid, and finally drove the king by open force to the point that by agreement he handed over to him the kingdom of Tlemcen.

"Among the Turks themselves, as the Turkish annals relate, were affairs not stirred several times under this pretext? There was a certain Schaecoculis, a man of simulated holiness, who for this purpose generally dwelt in solitary places; the Turkish prince Bayezid himself, from veneration for his piety, was accustomed to send him annual little gifts in his cave. When the time seemed ripe, after seven years he came forth, disseminated a new sect, and found patrons and followers. With these he invaded and plundered several cities of Asia and defeated the pasha of Anatolia himself in a regular battle. Indeed, a little afterward he also defeated Corcut, son of Bayezid, and soon Ali Pasha, who came against him with strong and veteran forces.

"Why say more? He had brought the Turkish state into the greatest danger when it seemed good to him to turn toward the borders of the Persians, whose king belonged to that same sect. For this is the sect of the Sophilarians, which even now is a chief cause of war between those two peoples. But when on the journey his soldiers attacked and plundered a certain Persian caravan--for thus they call a company of travelers--and killed most of the travelers, Ismael Sophi, king of the Persians, bore it so ill that he immediately exposed the man himself and all his commanders to his guards to be slaughtered, while the rest of the multitude was adjudged and distributed into servitude. This just Nemesis overtook that scoundrel.

"In the same Asia, very recently under Prince Suleiman, as the Turkish annals relate, a certain Calender Zelebis rose up to make a revolution, covered with this very veil of piety. With some number of dervishes he routed several sanjaks and called all Anatolia to arms. But Ibrahim Pasha, sent under the authority and auspices of Suleiman, destroyed him and his faction after a battle of uncertain issue.

"What of the island of Crete--for we must come to ridiculous matters? How wickedly and dangerously did a certain Jew impose upon his own people under the emperor Theodosius, as Socrates relates in Book VII of the *Ecclesiastical*

History, chapter 37? He pretended that he was present as a new Moses, sent from heaven to rescue them from long servitude. He therefore went about from town to town and exhorted them to leave wealth and friends and to follow him into that land of promise; and he added, after the example of the ancient Moses, that he would lead them across the sea itself. They believe him; they assemble; an immense multitude, every age and every sex, proceeds to the promontory under his leadership; they set out for the blessed land. He orders them to leap down, and this was done by very many with insane confidence. They were immediately drowned, with only a few of them caught up by fishing boats.

[Printed page 730]

"The chief author of the crime appeared nowhere, whether he was a man or an evil spirit in human appearance. Finally, were there not such monsters in our own age or that of our fathers? That famous John of Leiden, the welt and stain of his city, a tailor by trade, dreamed of kingdoms and scepters and would have attained them after the city of Münster had been captured, had not the princes of the empire besieged and recovered it with a powerful army and visited him and his followers with condign punishments. Thus I may rightly conclude these things with Livy's saying in Book XXXIX: 'Nothing is more deceptive in appearance than corrupt religion, when the divine power of the gods is put forward as a pretext for crimes.' But if you seek the madnesses of religions and superstitions, read the histories of our age: you will understand that nothing is more efficacious for tumult, slaughters, and tortures."

[Printed page 730]

§ 8. Guilds and associations also are frequently accustomed to be the seeds of discord, when, not as members of the whole state but as certain independent cities inserted into a great city, they arrogate to themselves more power than is expedient for the common good. Hence **ἑταιρίαι** ("associations") and assemblies are prohibited in the laws of the empire, and on this occasion persecution sometimes raged against the churches of the Christians.

Augustus, as Suetonius is our authority, abolished all guilds except the ancient ones. All, that is, except the ancient ones; for those established by Numa remained, as Plutarch is our authority. The various artisans had been distributed into groups, as is accustomed to happen now in cities. There was one law common to all: "That associates who possess the right of assembling shall have power to establish for themselves whatever compact they wish, provided that it does not impair anything in the public law."

This law must especially be maintained, and all associations must be judged unlawful which have not united under the authority of the magistrate; they must therefore be dissolved, as Marcian laid down. But when others too are rendered suspect in any manner whatever, they must immediately be prohibited, as was done in Italy to the guilds of the Pythagorean philosophers. Yet in former times these men were dealt with barbarously: by a public judgment the philosophers were burned together with their schools--unless perhaps most of them were magicians, which indeed seems probable to me.

Guilds, therefore, must be governed by laws so that they may serve the public good; or, if anything is done privately against the public good, the law of Marcian, Digest 47, title 22, must be observed: "Provincial governors are instructed by imperial mandates not to permit guilds or associations to exist, nor soldiers to have guilds in the camps. But men of slender means are permitted to contribute a monthly payment, provided, however, that they assemble only once in a month, lest under the pretext of this sort an unlawful guild assemble. The deified Severus also declared by rescript that this has place not only in the city but also in Italy and the provinces. They are not, however, prohibited from assembling for the sake of religion, provided that by this means nothing is done contrary to the senatus consultum by which unlawful guilds are restrained.

"It is not lawful, however, to belong to more than one lawful guild, as was established both by the Deified Brothers; and if anyone shall belong to two, it was declared by rescript that he ought to choose in which one he prefers to be, and that from the guild which he leaves he shall receive that which belongs to him by reason of the property that was held in common. A penalty has been established: whoever assumes an unlawful guild is held by the penalty by which those are held who have been judged to have occupied public places or temples with armed men.

"Concerning guilds not specially authorized the law is: If any guilds shall be unlawful by mandates, constitutions, and senatus consulta, they are dissolved; but when they are dissolved they are permitted to divide the common funds, if they have any, and to distribute the money among themselves. In sum, unless a guild or any such body has assembled by authority of a senatus consultum or of Caesar, its members hold a guild contrary to the senatus consultum, the mandates, and the constitutions."

§ 9. No war in Greece was more destructive than the Peloponnesian War. It was civil; the victors over the Persians contended among themselves; it lasted twenty-seven years; many cities were destroyed, all were made mournful by slaughters, fields were ravaged by flame and sword, and the destruction of Athens was deliberated. But what was the cause of the war? The Megarians had burned a grove. Moved by this deed, the Athenians barred the Megarians from their own harbor and from Attica. The Megarians refer the matter to the Spartans; the Spartans desire the law to be repealed. Pericles admits that the cause is of no great importance, but says that liberty is at stake and the patience of Athens is being tested. For if they accept the command now, it must thereafter be endured. He persuaded them of this not only as the greatest orator but also as a trusted counselor. For in truth the Lacedaemonians were threatening the liberty of all, and the other cities sought dominion, for which reason they also destroyed them all.

§ 10. A most slight sedition in Otho's time is famous, arising from an inconvenient distribution of arms. Tacitus, Book I of the *Histories*, recounts it in this manner: "A sedition which under Otho arose from a small beginning, from which nothing was feared, nearly proved the destruction of the city. Otho had ordered the Seventeenth Cohort to be summoned into the city from the colony of Ostia. The care of arming it was given to Varius Crispinus, a tribune of the praetorians. The more freely to execute his orders while the camp was quiet, at the beginning of night he ordered the wagons of the cohort to be loaded after the armory had been opened.

"The time became a ground of suspicion, the reason an accusation, and the pursuit of quiet grew into tumult. The sight of arms among the drunken stirred a desire for them. The soldiers roar and accuse the tribunes and centurions of treason, as though the households of senators were being armed for the destruction of Otho. Some were ignorant and heavy with wine; every worst man sought an occasion for plunder; the common people, as is customary, desired any novel disturbance; and night had removed the obedience of the better men.

"They cut down the tribune who resisted the sedition and a most rigorous centurion; the arms are seized, swords drawn, and, mounted upon horses, they seek the city and palace. Otho was holding a crowded banquet; he himself fears and is feared by his guests. Magistrates and old men and women scatter through the darkness and seek uncertain hiding places by diverse routes through the city. The onset of the soldiers was not restrained even by the doors of the palace from breaking into the banquet, while they demanded that Otho be shown to them. Julius Martialis the tribune and Vitellius Saturninus the prefect of the legion were wounded while they resisted those rushing in. On all sides were arms and threats, now against the centurions and tribunes, now against the entire Senate, their minds frenzied by blind fear; and because they could designate no one man for their anger, they demanded license against all, until Otho, standing upon the banquet couch contrary to the dignity of imperial command, with prayers and tears restrained them with difficulty. They returned to camp unwillingly."

Otho did this in a sedition most dangerous to the city of Rome: after the first disturbance he entered the camp of the mutineers, calmed or rebuked the soldiers with a gentle speech, and ordered that punishment be taken upon no more than two, who were corrupt and drunken. This measure of severity was gratefully received, and for the present the soldiers who could not be restrained were pacified.

§ 11. Ill-considered liberality of princes also frequently gives cause for discords. For when something is given to one man which another contends is his own, the disputes grow to such a point that not even the giver can quiet them. Thus it happened in the Low Countries in the year 1007. Baldwin the Bearded, count of Flanders, after many services to the emperor Henry II and after winning his favor, obtained from him as a gift Walcheren together with the other islands of Zeeland--and at the same time the material of discord, quarrels, and wars between the Flemings and Hollanders. These

were so bitter and protracted that at intervals they lasted for the space of four hundred years, the Hollanders referring their right and the liberal donation to Emperor Louis, son of Louis the Pious, while the Flemings in no way yielded because of Henry's more recent donation.

[Printed page 731]

§ 12. It also seems difficult to me to preserve liberty where there is indeed one duke, but one whose power is small and, as it were, held on sufferance, whom, while they elect him for the sake of honor, they guard as if suspect, so that neither they themselves nor the duke appears safe. Marino Faliero, elected duke by the Venetians, resolved to destroy the Senate; and had the affair not been revealed through accomplices, he would have perpetrated the crime. Baiamonte Tiepolo had also undertaken to do this through treachery and, after a great slaughter had been committed, was finally defeated. Egnatius, Book IV. Hence it is advisable either to elect no duke or such a one as through guards can accomplish nothing throughout his lifetime; for laws are not sufficiently strong to restrain ambition, and the minds of men are insufficiently steadfast.

§ 13. A marvelous contention about empty things is a cause of seditions and war. Gaspard de Coligny judged it a just cause of war that a place more honorable than that of the French envoy had been given to the Spanish envoy before Maximilian. A greater controversy between the Englishman and the Spaniard obstructed serious business in the year 1598. There was a similar quarrel between the Florentine and the man of Ferrara. Opportunities to wage war against the Turk have sometimes escaped through those trifles.

CHAPTER X

A Fuller Discussion of Seditions Arising from Religion, and the Condition of the State and of Religion in the Year 1617

[Printed page 731]

§ 1. A great part of wars, calamities, and seditions arises either from religion or under the pretext of religion; wherefore the matter must be treated at greater length. Although I treated it in my book *On the Peace of Germany* and in the conclusion to the *Jubilee of Jubilees*, nevertheless this book demands the same subject for itself here. For I think that posterity will be so eager to know about no other matter as about what was done in our most celebrated age. If anyone desires fuller details, let him consult the *Jubilee of Jubilees*.

§ 2. There are altogether two kinds of men who judge the affairs of religion. Some, considering the multitude and variety of opinions and their frequent change, utterly despise every religion; nevertheless they procure and read contentious books and disputations, so that they may feed their minds upon the quarrels of others. Having experienced their sneers and mockeries, Sibrandus Lubbertus avenges himself and describes them thus in his preface *Against Faustus Socinus*:

"The greatest part of men judges perversely concerning the labors and cares which doctors expend in explaining and defending Christian doctrine. For many laugh and scoff at Religion as empty fables and terrors contrived to strike the minds of men. These think that all controversies concerning the dogmas of Christian doctrine are merely disputes about words; and because in their own heart they laugh at every Religion and profess it for no other end than that they may rise in position, they measure the minds of others by their own. They are indignant and rage when they see that there is anyone who refuses to serve their desire and applaud their judgment.

"These men, swollen with worldly glory, complain that the common tranquility is disturbed by diversity of religion, although they themselves are often of so wanton a disposition that they suborn crafty men to forge new dogmas, so that, while pious doctors oppose them, they themselves may take pleasure in these spectacles and render hateful to the people the doctrine which they hate and nevertheless wish to appear to favor. It also happens that, when they intend in their mind to turn everything upside down, they stir up doctrinal disputes, or favor those who stir them up, and prevent the controversies raised in doctrine from being settled or decided by lawful judgment.

"And what is most miserable of all, although they are ignorant of the dogmas of Christian doctrine, they arrogate to themselves supreme judgment concerning them, just as if a blind man could judge rightly concerning colors. Those who are a little more moderate indeed take pleasure in purity of doctrine, but do not think it of such importance that for its sake we ought to undergo such great controversies and contests."

§ 3. These men indeed are impious and abominable to God. The prophet David in Psalm 1:1 calls them **לצים**, "mockers." They are more pestilential than all heretics; for heretics drive men into one error or more, but these despise every faith and every error and pass entirely into atheism. Thus they are **χλευασταί**, "reproachers, mockers," as Aquila of Pontus translates it; they are **παράνομοι**, "transgressors," as the fifth and sixth editions translate it; and **ἐπηρέται**, "impostors," as Symmachus translates it.

Rabbi David says that **לצים** are men crafty in knowledge for evil, and cunning, and speaking evil above the sons of men, and placing reproach and evil upon the sons of men. For this reason the ancient translator of the Bible rendered the word "pestilential," when he said: "And he has not sat in the chair of pestilence." So also the Seventy translators: **καὶ ἐν καθέδρα λοιμῶν**, "and in the chair of pestilential men." Indeed, Symmachus also says in Proverbs 20:1, **λοιμὸς**

ὁ οἶνος, “wine is a pest.” And in Proverbs 9, where our translator renders **לֵץ** as “mocker,” the Seventy have **κακός**, “evil”; Symmachus says **κἂν λοιμὸς γένῃ**, “even if you become a pestilential man.”

Holy Scripture wished in so many ways to restrain mockers, so that it might be firmly established that nothing is more pestilential, especially in the cause of religion, than mockery and contempt. For they violate all the laws of nature, spread their poisons most swiftly, and oppose the truth more than any heretics. There are two causes of this.

§ 4. The first is the difficulty of the matters proposed for belief and their profundity, which is liable to the sneers of the ignorant. The gentiles formerly mocked Jews and Christians when they related the innocent nakedness of the first-created humans, the deceit of the serpent, and the flood of the world; they evaded all these things with sarcasms and blasphemous taunts. When had serpents ceased to speak? With what knife had God cut a rib out of Adam? Hence they wished either their own fables to be believed in the same manner or these things not to be believed. In our religion, how many things have mockers impiously jested against the most holy Trinity, the Incarnation, and the Cross of the LORD?

The other cause is that every true religion has certain laws and ceremonies by which humility of mind and patience are gravely and religiously exercised, and which appear to oppose liberty and human pride, which is most tenacious of its own dignity. Of this kind among the Jews was circumcision, on account of which they were a mockery to the gentiles. By way of insult they were called *verpi*, *Apellae*, and *recutiti*. Hence in Aristophanes, after a little slave had uttered many taunts against an old man, he closes them as if with a crowning flourish and swears that he thinks him **Ἀπολίκωτον εἶναι**, “to be circumcised.” Among Christians there are more such things, as to be baptized, anointed, to confess, to wash the feet of the saints, and other things which, as they are the power of God to us, so are foolishness to mockers.

[Printed page 732]

Bitter sayings and jokes, however, possess great force to break men's spirits. Hence many Jews who were ashamed of the sign of the covenant drew forward their foreskins, so that in any manner they might withdraw themselves from the impious witticisms of unbelievers.

Among these I also number those who profess a definite religion, but only for the sake of their own advantage; yet another religion, from which they know that their associates differ in the most fundamental way, they sometimes persecute with the greatest hostility and at other times acknowledge as true. Thus Bucer and others formerly acted.

§ 5. The year 1617 gave innumerable examples of **τῆς χλευαστικῆς κυβείας**, “derisive imposture”; for the subjects of all the jubilee sermons pertain to mockery of Catholics, by which nevertheless the entire Church of the martyrs together with the holy Fathers is treated with insult. But concerning that inconstancy in censuring and praising the same religion, reader, receive two notable demonstrations: Abraham Scultetus of Heidelberg and Matthias Hoe von Hoenegg, the Dresden preacher.

In an epistle to the Most Illustrious Louisa Juliana, widow of the Most Illustrious Frederick IV, Abraham numbers among the Evangelical princes the Most Serene Christian, king of Denmark; the Most Illustrious John George, elector of Saxony; likewise the Most Illustrious John Casimir and John Ernest, dukes of Saxony; likewise the princes of Brunswick and Württemberg and other princes who are Lutherans and would not tolerate Scultetus himself in their dominions. But in his sermon he enumerates many princes who expelled from their dominions that faith which the Dane, the Saxon, and the others profess, and proscribed Lutheran preachers; and on this account he praises GOD and insults the Lutherans.

Matthias Hoe practices altogether the same imposture upon both his prince and his helpers. For in his epistle to the Most Illustrious John George, elector of Saxony, page 2, he speaks thus:

> *Ja Ew. Churf. Gn haben vngezweifelt mit ihrem Christ=Löblichsten Exempel veil andern Potentaten/ vnd furnehme Euangelische Stände und ausserhalb dess Römischen Reichs angereitzet/ dass in underscheidenen Könichrichen/*

Chur= vnd Furstenthumben/ Landen und Herrschafften/ die Euangelischen eben umb die Zeit/ ihr Jubelfest auch aussgeschrieben/ vnd mit grosser Andacht gehalten haben. Dann so viel nun mit der Zeit Nachrichtung zukommen/ so ist dergleichen geschehen/ in den beyden Königreichen Dennemarck vnd Schweden/ dergleichen ist geschehen in der Chur=Pfaltz/ vnd Brandenburg.

"Yes, Your Electoral Grace, by your most Christian and praiseworthy example, has undoubtedly incited many other potentates and eminent Evangelical Estates within and outside the Roman Empire, so that in various kingdoms, electorates and principalities, lands and lordships, the Evangelicals at the same time also proclaimed their jubilee festival and held it with great devotion. For, so far as reports have now reached us in the course of time, the same occurred in the two kingdoms of Denmark and Sweden; likewise it occurred in the Electoral Palatinate and Brandenburg."

Behold, he calls the Palatine and Brandenburg jubilee Evangelical and says that it was completed with great devotion. Is it so, Matthias? Do you too Calvinize? Does the Calvinian jubilee seem to you Evangelical and devout? If it is so, it is therefore true; if Evangelical, if devout, then yours is false. Or are you one of those concealed Calvinians whom the Saxons fear?

"By no means," you will say. "I hate the Calvinists; I **ἴσον ᾄδω σύμπαντι**--'sing the same song to everyone'--for in my third sermon, page 15, I placed the Sacramentarians among the fanatics. These are my words":

Hieher gehören insonderheit die Sacramentirer/ Zwinglianer/ vnd Calvinisten. Dieses Geschmeiss/ ihr meine geliebte im Herren/ hat in Warheit grosse Zerrüttung vnd Verwürrung/ hat ein grosses Gestenck in die Hochzeit Gottes gemacht/ vnd der reinen Göttlichen Lehr sich bösslich muthwillich vnd halssstärrig widersetzet.

"To this class belong especially the Sacramentarians, Zwinglians, and Calvinists. This dreg, my beloved in the Lord, has in truth brought great disturbance and confusion, and also a great stench, into the wedding feast of God, and has maliciously, wantonly, and stubbornly opposed itself to pure divine doctrine."

These things indeed you say, and in the same sermon you approve everything whatever Luther said against the Zwinglians. But your cunning and cold words, coming from the same mouth, prove you an impostor and a mocker. The Calvinists celebrate a jubilee; in the court, as a political man, you profess that they do so piously, but in the church you condemn them. If in the Palatinate and the province of Brandenburg they maliciously, wantonly, and stubbornly oppose pure doctrine, then they cannot piously celebrate a jubilee amid so great an evil. It is the supreme degree of malice to glory in malice. These, then, are pests and mockers, one of whom speaks one way in the palace and another in the church.

§ 6. The other kind of men is vehement, harsh, zealous, ruinously in love with its own opinions, and eager to propagate the religion upon which it has fallen. Of this kind today are generally the Lutherans, who defend ubiquity, and the Calvinians whom they call the Rigid; for others generally call these men Zealots. But Sibrandus, in an epistle to the church which is in London, page 2, nevertheless depicts for us such men also among the "Soft" in the Low Countries:

"There are also arrogant and proud men who measure everything by vainglory and empty pomp and honor. When they see that it is reckoned a praise to learned men if they discover something new in other disciplines, they think that it will likewise be praiseworthy for themselves if they can innovate something in sacred Theology. Because they are ignorant of true Theology, they despair of being able to gain glory and a name by explaining or defending orthodox doctrine; yet because they swell with vainglory and burn with desire for praise, they disturb everything in order to become known. They prefer to become renowned by disturbing churches rather than to grow old without glory in the true and orthodox Religion.

"When they perceive that learned men are preferred to them, they are indignant; and because they can surpass those men neither in knowledge, nor piety, nor learning, nor eloquence, nor skill in action, nor any honorable art, they turn themselves to evil arts. They insinuate themselves into the court, so that they may crush, by the assistance and aid of

courtiers, those whom they cannot conquer by virtue. And what is most shameful of all, they feign the orthodox religion, display zeal for defending sound doctrine, swear to the received confessions and catechisms, and attest this very oath by the signature of their own hand; and nevertheless with all their strength they attack sound and publicly received doctrine, cunningly instill a depraved and new doctrine into their disciples, denounce orthodox pastors and doctors through calumny, stir the civil magistrates against them, expel them from their seats, and substitute in their place pupils of their own errors, which they have sown."

Religion, therefore, is tossed about between these men, for both parties threaten the pious and orthodox: the zealots press them with quarrels, calumnies, and war; the mockers rejoice inwardly, secure concerning the outcome.

§ 7. I showed in my books *On the Peace of Germany* that there is a great affinity between religion and political government. For the one draws the other with it and frequently changes it. All are led by religion, but in Germany among many men the ordinance of princes is more venerable than that of God. Hence religion has more frequently been changed in most parts of Germany, even in certain free cities of the empire, which nevertheless, because they do not depend upon the will of one man, are generally more persevering in their resolution than the others. Bremen, Wesel, and some other cities, after greedily drinking in Lutheranism, shortly afterward cast it out in disgust, not without a convulsion of the government and exiles among the leading men. Other cities, to the contrary, after initially professing Zwinglianism--as Memmingen, Lindau, Strasbourg, and Orlamünde--later inclined toward Lutheranism. But of these matters elsewhere and at another time. In order that you may see as if in a synopsis the condition of the princes with respect to religion, understand it thus: all the kings and princes of Europe, if you except the Turk, profess either the ancient faith, the Lutheran, or that which they call Reformed, whose leading standard-bearers were Carlstadt, Zwingli, and Calvin. Abraham Scultetus enumerates the Evangelical kings and princes in the following manner in his epistle to the Most Illustrious widow Louisa Juliana.

[Printed page 733]

§ 8. At Heidelberg, 11 November 1617, at which time the following Evangelical kings, electors, princes, and magnates were alive and retained their dominion:

James, king of Great Britain.

Christian IV, king of Denmark.

Gustavus Adolphus, king of Sweden.

Frederick V, count palatine of the Rhine, duke of Bavaria, elector.

John George, duke of Saxony, elector.

John Sigismund, margrave of Brandenburg, elector.

The archbishops of Magdeburg and Bremen.

John, count palatine of the Rhine, duke of Zweibrücken.

John Casimir, duke of Saxony.

John Ernest, duke of Saxony.

George William, margrave of Brandenburg, duke of Jülich, Cleves, Berg, Prussia, etc.

John George, margrave of Brandenburg, duke of Prussia, Silesia, etc.

Joachim Ernest, margrave of Brandenburg and Ansbach.

Christian, margrave of Brandenburg and Kulmbach.

Frederick Ulrich, duke of Brunswick.

John Albert and his lord brother, dukes of Mecklenburg.

John Frederick, duke of Württemberg and Teck, count of Montbéliard.

Louis Frederick, duke of Württemberg and Teck, count of Montbéliard.

Frederick Achilles, duke of Württemberg and Teck, count of Montbéliard.

Magnus, duke of Württemberg and Teck, count of Montbéliard.

The dukes of Holstein, Pomerania, Lüneburg, and Lauenburg.

Maurice, landgrave of Hesse.

Louis, landgrave of Hesse.

Philip, landgrave of Hesse.

George Frederick, margrave of Baden.

John George, prince of Anhalt.

Christian, prince of Anhalt.

Augustus, prince of Anhalt.

Louis, prince of Anhalt.

Rudolf, prince of Anhalt.

Henry Wenceslaus, duke of Münsterberg and Oels, duke of Silesia, Berg, and Liegnitz.

Charles Wenceslaus, duke of Münsterberg and Oels, duke of Silesia, Berg, and Liegnitz.

John Christian, duke of Münsterberg and Oels, duke of Silesia, Berg, and Liegnitz.

George Rudolf, duke of Münsterberg and Oels, duke of Silesia, Berg, and Liegnitz.

Lord Maurice, prince of Orange.

Lord William, count of Nassau, governor of Frisia.

IN FRANCE, the chief lights and pillars of the Reformed Religion were:

Henry, duke of Bouillon, supreme marshal, father of two sons, of whom one was Frederick, prince of Sedan, the other Henry, viscount of Turenne.

Henry, duke of Thouars and La Trémoille, together with his brother, the lord de Soubise.

The duke de Sully and his son, the marquis de Rosny.

The duke de Lesdiguières.

The marquis de Candale, elder son of the duke d'Épernon.

The count de la Suse.

The count de Russy.

The lord vidame de Chartres.

Lord Philippe de Plessis Mornay.

The lord de la Force. And many other leading men, not to mention nobles in great number.

THROUGHOUT HUNGARY AND TRANSYLVANIA, patrons of the Reformed Churches:

Gabriel Bethlen, prince of Transylvania, lord of parts of the kingdom of Hungary, count of the Székelys.

Stephen Bethlen, captain of Huszt, prefect of Máramaros.

Francis Rhédey, count of Bihar county, captain of Várad.

Francis Perényi, count of Abaúj county.

George Perényi, count of Abaúj county.

Gabriel Perényi, count of Abaúj county.

Stephen Török, count of Hunyad, heir and captain of Pápa.

George Rákóczi, count of Sáros, captain of Ónod, and his brother,

Sigismund Rákóczi.

Francis Batthyány, count of Sopron county.

Nicholas Zrínyi, count of Zala county.

George Zrínyi, count of Zala county.

Paul Nádasdy, count of Vas county.

Thomas Nádasdy.

Stanislaus Thurzo de Bethlenfalva, count of Szepes.

Emeric Thurzo, count of Árva.

Peter Révay, count of Turóc.

The widow of Stephen Illésházy with her son, count of Trencsén.

Peter Forgách de Ghymes, free baron.

Nicholas Forgách de Ghymes, free baron, captain of Szécsény.

Michael Károlyi, free baron.

Stephen Nyáry, free baron.

Stephen Thököly, free baron in Késmárk.

Thomas Széchy, free baron, and his son George Széchy.

Sigismund Prépostváry, free baron.

John Lisztius, free baron.

Stephen Lisztius, free baron.

Nicholas Bocskai, free baron in Kővár.

Francis Bánffy de Losoncz, free baron.

Stephen Kákonyi, free baron.

David Zólyomi, free baron in Székelyhíd.

The widow of Francis Paczot.

Sigismund Máriássy.

Paul Máriássy.

Andrew Kapi.

Stephen Korlát, captain of Szendrő.

John Bakos in Osgyán.

Ladislaus Barkóczy, vice-count of Zemplén county.

Stephen Pétnéházy, count of Szaránd, captain in Jenő.

Wolfgang Kamuti.

Caspar Pető, captain of Gesztely.

Balthasar Kovács, captain of Galánk.

Thomas Oknai, captain of Szodény.

[Printed page 734]

And very many other nobles and most distinguished citizens of cities and towns, Orthodox men.

IN THE KINGDOM OF POLAND, the following professed themselves followers of Evangelical truth:

Lord Rafał, count Leszczyński, castellan of Wiślica; the counts Ostroróg; the lords Łaski.

The lords Firlej, Sienieński, Urowiecki, Gorajski, Zbąski, Przyjemski, Orzechowski, Gołuchowski, Rej, Sieniuta, Broniewski, Dunikowski, Potocki, and innumerable others.

IN LITHUANIA, the most praiseworthy princes Lord Janusz and Krzysztof Radziwiłł were putting spurs to the course of the Gospel; for in other respects also they rendered helpful service to the Evangelical Church.

IN BOHEMIA, the baron Lord Wenceslaus of Budovitz.

IN MORAVIA, the baron Lord Charles of Zierotin.

IN SILESIA, the baron Lord George of Schönaich.

§ 9. Yet it must be particularly observed among these that those princes and provinces are partly Lutheran and partly, as they call it, Reformed. Next, a great part of the subjects of Reformed rulers are Lutherans and judge themselves to be placed under great persecution. Hitherto they have indeed awaited deliverance from the Evangelical Lutherans in vain; now they are compelled to condemn their hope and gradually receive the bridle. The Saxons bear witness to their vain hope in motive 12, why peace should not be made with the Calvinians:

“The Protestants would earn little gratitude--indeed, they would rather stir curses and groans against themselves--among those who live among the Calvinians and confidently and earnestly expect that they will shortly be liberated by the Estates of the Augsburg Confession and that Calvinism will be abolished, if those men should hear that the Protestants now play the same pipe with the Calvinists and concede, as the saying is, that five is even. If this were done, an occasion and cause would assuredly be furnished for no slight disturbances and movements in the Church of God among weak Christians.”

[Printed page 734]

§ 10. The following princes cultivated and defended the Catholic Religion and celebrated a true Jubilee of constancy.

IN GERMANY, FROM THE HOUSE OF AUSTRIA:

Matthias, august emperor.

Ferdinand, king of Bohemia and Hungary.

Maximilian, archduke of Austria, grand master of the Teutonic Order.

Albert, archduke of Austria, duke of Brabant, etc.

Leopold, archduke of Austria, bishop of Strasbourg and Passau.

Charles, archduke of Austria, bishop of Brixen and Breslau.

John Schweikhard, archbishop of Mainz, elector, etc.

Ferdinand, archbishop of Cologne, elector, etc., duke of Bavaria, etc.

Lothar, archbishop of Trier, elector, etc.

William the Elder, duke of Bavaria, count palatine, etc.

Maximilian, duke of Bavaria, count palatine, etc.

Albert, duke of Bavaria, count palatine.

Wolfgang William, duke of Bavaria-Neuburg and Jülich, etc.

Emmanuel Philibert, duke of Savoy.

Henry of Lorraine, etc.; Francis of Lorraine, etc.

Very many bishops in Germany:

Mark, archbishop of Salzburg, legate of the Roman See.

John Gottfried, bishop of Bamberg and Würzburg, duke of East Franconia.

Philip Christopher, bishop of Speyer, supreme judge of the Imperial Chamber.

The reverend bishop of Chur.

George Gottfried, bishop of Worms.

Theodore, bishop of Paderborn.

James, bishop of Constance.

Henry, bishop of Augsburg.

William, bishop of Basel.

I omit the other princes, counts, barons, and magnates, as also the free cities and states in Germany and Switzerland.

IN ITALY:

Paul V, pontiff of the first See and of the Church, the mother of all, together with what they call the Ecclesiastical State. Next, the kingdom of Naples with Sicily, Sardinia, Corsica, and Liguria. In these there is a great number of dukes, counts, and nobles.

If we add to these the noble and wealthy city of Venice, its dominions, and its islands, we shall produce such a great army of Roman blood and illustrious men that from one state we shall equal half the opposing party.

But what if I enumerate Etruria and the grand duke of Florence and his sons, and the family now grafted into the House of Austria? Their distinguished piety in defending the faith and religion is illustrious, and the Ottoman forces are cut down by their fleets.

In France the greater number are Catholics. These names were sent to me by a friend:

The King.

My lord the King's brother.

The prince de Condé, prince of the blood.

The count de Soissons, prince of the blood.

OTHER PRINCES:

The lord de Guise.

The lord du Maine.

The lord de Nevers.

The lord de Longueville.

The lord de Vendôme.

The chevalier de Vendôme.

The lord de Saint-Paul.

The lord de Nemours.

The prince d'Auvergne.

The lord d'Elbeuf.

The prince de Joinville.

The lord de Chevreuse.

The count d'Harcourt.

The lord d'Alès.

The lord de Lauragne.

The duke de Retelois.

The duke de Fronsac.

[Printed page 735]

DUKES:

The duke d'Épernon.

The duke d'Angoulême.

The duke de Montbazon.

The lord de Candale, duke d'Halluin.

The duke de Montmorency.

The lord de la Valette, colonel-general of France.

The Grand Esquire of France.

The duke de Ventadour.

The duke de Retz.

The duke de Roannez.

The duke d'Uzès.

MARSHALS OF FRANCE:

The marshal de Roquelaure.

The marshal de Brissac.

The marshal de Bois-Dauphin.

The marshal de Souvré.

The marshal de Vitry.

The marshal de Thémines.

The marshal de la Châtre.

MARQUISES:

The marquis de Rouillac.

The marquis de Mirebeau.

The marquis de Mortemart.

The marquis de Trans.

The marquis de Canisy.

The marquis de Vieuville.

The marquis de Villaine.

The marquis de Ruffec.

The marquis de Thémines.

The marquis de Sablé.

The marquis de la Verdin.

The marquis d'Éternel.

The marquis de Beuvron.

The marquis de Cœuvres.

The lord de Saint-Chamond.

The marquis de Moüy.

The marquis de Villeroy.

The marquis de Cortaubau.

The marquis de Villars.

The marquis d'Oraison.

The marquis de Marigny.

The marquis de Portes.

The marquis d'Allègre.

The marquis d'Estin.

The marquis de Ravel.

The marquis d'Omtesort.

The marquis d'Alluy.

The marquis de Sidul.

The marquis de Fimarcon.

The marquis de Mirepoix.

The marquis de Timbrune.

The marquis d'Araigny.

The marquis de Bressieulx.

The marquis de Cessac.

The marquis de Gimolz.

COUNTS:

The count de la Rochefoucauld.

The count de Saint-Aignan.

The count de Gramont.

The count du Lude.

The count de Lauzun.

The count de Torigny.

The count de Termes.

The count de Grampe.

The count de la Marque.

The count Chombere.

The count de Treme.

The count de Sancerre.

The count de la Voute.

The count de Curson.

The count de Carton.

The count de Mauleurier.

The count de Cars.

The count de Tonnerre.

The count de Cremail.

The count de Susse.

The count de Grignan.

The count de Vertu.

The count de Breme.

The count de Pegnillem.

The count de Tournon.

The count de l'Estrange.

The count de la Vedan.

The count de Frasque.

The count de Mauret.

The count de la Roche-Guyon.

The count de Carsses.

The count de Crisse.

The count de Gransay.

The count de Maille.

The count de Maran.

The count d'Aubigon.

The count de Sanzay.

The count de Chantel.

The count de Chasteau-Vilain.

The count de Chasteau-Neuf.

The count de Monranel.

The count d'Ax.

The count de Chiverny.

VISCOUNTS:

The viscount Duza.

The viscount de Pompadour.

The viscount de Brigul.

The viscount de Polignac.

The viscount d'Ambeterre.

The viscount de Pomy.

The viscount de Foncande.

The viscount de l'Arboust.

The viscount de Saint-Girons.

The viscount de Bordes.

The viscount de Poise.

The viscount de Cere.

The viscount de Chanemy.

The viscount de Clere.

The viscount de Marcossy.

The viscount de Dune.

THE CARDINALS:

Cardinal de Guise.

Cardinal de la Rochefoucauld.

Cardinal de Sourdis.

Cardinal du Perron.

Cardinal de Verneuil, bishop of Paris.

Cardinal de Verneuil, bishop of Metz.

The duke de Joyeuse, son of the lord de Guise, abbot of Fécamp and coadjutor of the archbishop of Narbonne.

BISHOPS:

The archbishop of Toulouse, son of the lord d'Épernon.

The bishop of Agde, son of the count d'Auvergne.

[Printed page 736]

The bishop of Lodève, son of the lord de Ventadour.

The bishop of Comminges, son of the marshal de Souvré.

The bishop of Le Mans, son of the marshal de la Verdin.

The bishop of Viviers, son of the count de Suze, nephew of the lord du Maine.

The bishop of Marseille, brother of the lord de Saint-Luc.

More than forty knights of the Holy Spirit.

Moreover, many lords of rank bearing the titles of the King's lieutenant in all the provinces of France, whom I would not know how to number for you, such as the lords de Goudrin, de Cregny, de Pralin, Bassompierre, d'Orlame, d'Alincourt, Montauban, who is prince of Guéméné, de Bordeille, d'Ambleville, de Montpessart, Denis the brother of

the lord du Maine, de Liancourt the King's first equerry, d'Andelot de Saint-Géran, and de Saint-Luc; and more than four thousand, if it were necessary to set down the whole.

Moreover, all the Parlements of France, which are all Catholic: namely, the Parlement of Paris, the Parlement of Toulouse, the Parlement of Rouen, the Parlement of Bordeaux, the Parlement of Rennes in Brittany, the Parlement of Dijon, the Parlement of Aix, the Parlement of Grenoble, and Sens.

But if one has a mind to proceed also westward from France and to behold the great kingdoms beyond the Pyrenees--kingdoms now allied to France by a double marriage--we shall find very many cultivators of the ancient religion. First, Philip III, the Catholic king, his three sons and two daughters. Next, the most powerful princes, whose catalogue, in the same manner in which it was transmitted to me by a most learned and most friendly man, I shall gladly render here to you, reader.

A Report of the Titles of Spain, the Amount of Each Man's Annual Income, and Where Each Man Has His Estate

THE DUKE OF FRÍAS, marquis of Berlanga, count of Haro, lord of the house of *los Siete Infantes de Lara*, lord of the seven daughters, constable of Castile and great presiding judge, head of the house of *los Velascos*. His ancestral house is in Burgos; his estate is in Old Castile, the forests of Biscay, and Soria; annual income, 80,000 ducats.

THE DUKE OF MEDINA DE RIOSECO ("of the torrid river"), count of Módica and Melgar, viscount of Esterlin, admiral (*thalassiarch*) of Castile. He was born of royal blood from Don Fadrique, master of Santiago, who was a son of King Alfonso XI and natural brother of King Peter, surnamed the Cruel. He is head of the Enríquez family; his house is at Valladolid; his estate is in the province of Campos, Catalonia, and Seville; his income is 100,000 ducats.

THE DUKE OF ALBA and Huesca, marquis of Coria, count of Salvatierra, viscount of Saldires, lord of Valdecorneja ("valley of crows"), head of the house of Toledo. His ancestral house is at Salamanca; his estate is in Old Castile, the kingdom of Granada, and the borders of Portugal; his income is 80,000 ducats.

THE DUKE OF INFANTADO, marquis of Cenete and Santillana, lord of *el Real de Manzanares*--of the royal domains which derive from apples and the things pertaining to them--head of the house of *los Mendozas*. His house is at Guadalajara; his estate is in the kingdom of Toledo, the mountain forests of Old Castile, and the province of Álava; income, 80,000 ducats.

THE DUKE OF ALCALÁ DE LOS GAZULES, marquis of Tarifa, count of Burno and Villamartín, *adelantado mayor* of Andalusia, head of the house of *Riberas*. His ancestral house is at Seville; his estate is in the same kingdom; income, 150,000 ducats.

THE DUKE OF ALBURQUERQUE, count of Buendía, head of the Cuevas family. He has his estate in Alburquerque and a house in Extremadura and Old Castile; 40,000 ducats.

THE DUKE OF ESCALONA, marquis of Villena and Moya, count of Saint Stephen, head of the Pacheco family. His house is at Toledo; his estate is in the kingdom of Murcia; he has 130,000 ducats annually.

THE DUKE OF OSUNA, marquis of Peñafiel, count of Ureña, head of the house of Girón. He has his house or seat at Peñafiel, and his estate in the kingdom of Seville; 100,000 ducats yearly.

THE DUKE OF ARCOS, marquis of Zahara, count of Marchena, head of the Ponce de León family. His house is in Seville, and his estate there also; 80,000 ducats yearly.

THE DUKE OF BÉJAR, marquis of Gibraleón, count of Benalcázar, head of the Zúñiga de Sotomayor family. His house is in Seville; his estate is there and in Old Castile; 70,000 ducats annually.

THE DUKE OF GANDÍA, marquis of Lombay, head of the Borja family. His house is at Valencia, and his estate in the same kingdom; 60,000 ducats.

THE DUKE OF SESSA, count of Cabra and Baena, head of the Córdoba and Aguilar families. His house is at Córdoba and Granada; he has his estate in the same kingdom of Granada; annual income, 70,000 ducats.

THE DUKE OF MEDINACELI, marquis of Cogolludo, count of El Puerto de Santa María, head of the Cerda family. He has his house at Medinaceli and his estate in the kingdom of Toledo; 50,000 ducats.

THE DUKE OF MEDINA SIDONIA, marquis of Sanlúcar de Barrameda, count of Niebla ("cloud or vapors"), head of the Guzmán family. He has his house in Seville and in the port of Sanlúcar, his estate in the kingdom of Seville, and an annual income of 130,000 ducats.

THE DUKE OF MAQUEDA, marquis of Elche, head of the Cárdenas family. He has his estate in the kingdoms of Toledo and Valencia; 40,000 ducats yearly.

THE DUKE OF NÁJERA, count of Treviño, Valencia, and Don Juan, head of the house of Manríquez de Lara. He has his house in Nájera, his estate in the province of La Rioja, and an income of 50,000 ducats.

THE DUKE OF FERIA, marquis of Zafra, head of the Figueroa family. He reports his estate in Extremadura, his house in Zafra, and 50,000 ducats.

THE DUKE OF CARDONA AND SEGORBE, marquis of Comares, lord in Lucena, *alcaide* of *los Donceles*, joined by blood to the kings of Aragon and to the house of La Cerda. He has his house at Valencia, Cardona, and Barcelona, his estate in the kingdoms of Valencia and Catalonia and at Córdoba, and an annual income of 110,000 ducats.

THE DUKE OF SOMMA, marquis of Palamós, Neapolitan admiral from the house of Córdoba. He has his house at Belpuig and an income of 40,000 ducats.

THE DUKE OF VILLAHERMOSA (**καλοπόλις**, "beautiful city"), count of Ribagorza, from the family and blood of the kings of Aragon. He has his house at Zaragoza, his estate in the kingdoms of Aragon and Valencia, and 25,000 ducats annually.

THE DUKE OF PASTRANA, prince of Éboli, head of the Silva house of the kingdom of Portugal, whence Ruy Gómez de Silva came into Castile. He has his house at Madrid and Pastrana and an income of 50,000 ducats.

[Printed page 737]

THE DUKE OF FRANCAVILLA, prince of Mélito, from the house of Mendoza. He has his house at Toledo, his estate in the same kingdom, and reckons 40,000 ducats yearly.

THE GREATER MARQUISES:

THE MARQUIS OF ASTORGA, count of Trastámara, lord of the house of Villalobos, head of the Osorio family. He has his house at Astorga, his estate in the kingdom of León and the province of Campos, and 50,000 ducats.

THE MARQUIS OF AGUILAR, count of Castañeda, from the house of Manríquez de Lara. He has his ancestral house at Carrión and Aguilar de Campos, his estate in the mountains and the province of Campos, and an income of 40,000 ducats.

THE MARQUIS OF DENIA, count of Lerma, head of the Rojas family. His house is at Denia and Valencia, his estate in the same kingdom and in Old Castile, and his income 25,000 ducats.

THE MARQUIS OF MONDÉJAR, count of Tendilla, from the house of Mendoza. He has his house at Mondéjar, his estate in the Alcarria, and an income of 36,000 ducats.

THE MARQUIS OF NAVARRÉS, master of Montesa, chief and head of the Borja family. He has his house at Valencia, his estate there, and an income of 20,000 ducats.

THE MARQUIS OF PRIEGO, lord of the house of Aguilar and Córdoba. He has his house there at Córdoba, his estate in the aforesaid kingdom, and an income of 50,000 ducats.

THE MARQUIS OF SARRIA, count of Lemos and Castro, lord of Villalba and Ulloa, head of the house of Castro. He has his house at Lemos and Sarria, his estate in the kingdom of Galicia, and an income of 80,000 ducats.

THE MARQUIS OF LOS VÉLEZ, *adelantado* of Murcia, from the house of Fajardo. He has his house at Los Vélez, his estate in the kingdom of Murcia, and an income of 60,000 ducats.

THE MARQUIS OF SANTA CRUZ, from the house of Bazán, created a judge with supreme authority on 23 January 1584. He has his house at Granada and 36,000 ducats annually.

THE MARQUIS OF VILLAFRANCA, from the house of Toledo. He has 30,000 ducats annually.

THE MARQUIS OF VELADA, from the Ávila Toledo family. He has his house at Ávila and Velada and an income of 20,000 ducats.

THE LESSER MARQUISES:

THE MARQUIS OF AYAMONTE, from the house of Zúñiga. His ancestral house is at Seville, his estate in the same kingdom, and his income is 26,000 ducats.

THE MARQUIS OF ALTAMIRA, from the house of Rojas. He has his house at Altamira and an income of 12,000 ducats.

THE MARQUIS OF VIANA, from the Pimentel family. His house is at Valladolid, his estate in the kingdom of Galicia; 14,000 ducats.

THE MARQUIS OF CAMARASA AND SABROSO, count of Ricla, *adelantado* of Cazorla, from the house of Cobos and Mendoza. His house is at Valladolid, his estate in Catalonia, and his annual income 50,000 ducats.

THE MARQUIS OF CORTES, from the house of Toledo. His ancestral house is at Cortes, his estate in the kingdom of Navarre; 16,000 ducats.

THE MARQUIS OF MONTEMAYOR, from the house of Silva. His house is at Montemayor, his income 15,000 ducats.

THE MARQUIS OF LA GUARDIA DE SANTA EUGENIA, head of the Mexía family. His house is at Salamanca, his estate in the kingdom of Jaén, and his income 40,000 ducats.

THE MARQUIS OF MONTESCLAROS, from the house of Mendoza. His house is at Guadalajara; 16,000 ducats.

THE MARQUIS OF LAS NAVAS, head of the Ávila family. His house is in the city of Ávila, his estate in its neighboring district; 16,000 ducats annually.

THE MARQUIS OF POZA, from the house of Rojas. His houses are at Valladolid, Poza, and Madrid, his estate in Old Castile; 20,000 ducats.

THE MARQUIS OF ESTEPA, from the house of Centurión of Genoa. His house is at Estepa, his estate in the kingdom of Seville; 25,000 ducats.

THE MARQUIS OF TÁBARA, from the Pimentel family. His house is at Valladolid, his estate in Old Castile; 16,000 ducats.

THE MARQUIS OF VILLAMANRIQUE, head of the Portocarrero family. His house is at Seville, his estate in Extremadura; 16,000 ducats.

THE MARQUIS OF VILLANUEVA DEL RÍO, head of the Enríquez family. His house is situated at Seville; 25,000 ducats annually.

THE MARQUIS OF LA ADRADA, from the house of la Cueva. His house is situated at La Adrada, his estate in the kingdom of Toledo; he has 10,000 ducats annually.

THE MARQUIS OF CAÑETE, from the house of Mendoza. His house is at Cañete, his estate in its district and borders; 15,000 ducats annually.

THE MARQUIS OF FRÓMISTA, from the houses of Benavides and Enríquez. His house is at Frómista, his estate in the province of Campos and Old Castile; he has 10,000 ducats annually.

THE MARQUIS OF FALCES, head of the Peralta family. His house is in the city, his estate in the kingdom of Navarre; 8,000 ducats.

THE MARQUIS DEL VALLE, from the house of Cortés. His house is at Seville, his estate in New Spain; 50,000 ducats.

THE MARQUIS OF ARDALES, count of Teba, head of the Guzmán family. His house is in the city of Málaga, his estate in the kingdom of Seville; 16,000 ducats.

THE MARQUIS OF ALCALÁ DE LA ALAMEDA, from the Portocarrero family. He has his house at Seville and 1,000 ducats each year.

THE MARQUIS OF ALCAÑICES, from the Enríquez family. He has his house at Alcañices and his estate in its district; 16,000 ducats.

THE MARQUIS OF AGUILAFUENTE, from the house of Zúñiga. His house is at Ráfales, his estate in Old Castile, and his income 12,000 ducats.

THE MARQUIS OF PIOZA, from the Ulloa family. His house is at Valladolid; 12,000 ducats.

THE MARQUIS OF VILLAMANRIQUE, from the house of Zúñiga. His house is at Seville, his estate in the same kingdom; 16,000 ducats.

THE MARQUIS OF AUÑÓN, from the house of Herrera. His house is at Madrid, his estate in the Alcarria; 25,000 ducats.

THE MARQUIS OF MOLINA has his house in the same place and an income of 6,000 ducats.

THE MARQUIS OF CERRALBO, from the house of Castro. He has his house at Ciudad Rodrigo, his estate in its borders or jurisdiction, and 8,000 ducats.

COUNTS OF THE FIRST CLASS:

THE COUNT OF BENAVENTE, head of the Pimentel family. He has his house at Valladolid, his estate in the region of Campos, and an income of 100,000 ducats.

THE COUNT OF ALBA DE LISTE, from the Enríquez family. He reports his house at Zamora, his estate in Old Castile, and an income of 40,000 ducats.

THE COUNT OF MIRANDA, head of the house of Acuña and Avellaneda. He reports his house at Peñaranda--

[Printed page 738]

--his estate in Old Castile, and an income of 35,000 ducats.

THE CONSTABLE OF THE KINGDOM OF NAVARRE, from the house of Toledo. He has his house at Pamplona, his estate at Aoiz in the kingdom of Navarre, and an income of 25,000 ducats.

COUNTS OF THE SECOND CLASS:

THE COUNT OF SALINAS AND RIBADEO, from the houses of Avellaneda and Mendoza. The ancestral seat is at Burgos and the estate in Biscay and its mountains. On account of the brave deeds of his ancestors for the king of Castile in the conquest of the city of Toledo, he has the privilege of dining together with the king of Castile on the days of Easter and the Nativity; and the royal garments fall to him, likewise the horse and drinking vessel which the king uses on those days. He has 20,000 ducats.

THE COUNT OF AGUILAR, head of the Arellano family. He has his seat in the city of Demanda, his estate in La Rioja and the jurisdiction of Cameros, and an income of 15,000 ducats.

THE COUNT OF ARANDA, from the house of Urrea, lord of Almormo. He has his seat or family--that is, ancestral--house at Aranda, his estate in Aragon, and an income of 16,000 ducats.

THE COUNT OF ALCAUDETE, from the house of Córdoba. He has his ancestral seat at Alcaudete and reckons 8,000 ducats in annual income.

THE COUNT OF AYTONA, from the house of Moncada. He has his ancestral seat at Barcelona, his estate in Catalonia; 14,000 ducats.

THE COUNT OF ALTAMIRA, from the house of Moscoso. He has his seat at Altamira and an income of 8,000 ducats.

THE COUNT OF BUENDÍA, lord of Dueñas, from the house of Acuña. He has his seat at Dueñas, his estate in the land of Campos, and reckons 20,000 ducats annually.

THE COUNT OF AYLLÓN, from the houses of Ayllón and Córdoba. He has his seat at Ayllón and an income of 8,000 ducats.

THE COUNT OF BELCHITE, from the house of Híjar. He has his house at Zaragoza, his estate in Aragon, and an income of 10,000 ducats.

THE COUNT OF CASTELLAR, head of the Saavedra family. He has his seat at Seville, his estate in the same kingdom, and an income of 14,000 ducats.

THE COUNT OF CASTRO, from the houses of Mendoza and Manríquez. He has his house at Castro and 10,000 ducats annually.

THE COUNT OF CHINCHÓN, head of the Bobadilla family. He has his seat at Madrid, his estate in the kingdom of Toledo, and 40,000 ducats annually.

THE COUNT OF CIFUENTES, head of the Silva family. He has his house at Toledo, his estate in the same kingdom of Toledo; 25,000 ducats.

THE COUNT OF CORUÑA, from the house of Mendoza. He has his house at Guadalajara and an income of 20,000 ducats.

THE COUNT OF FUENSALIDA, head of the Ayala family. He has his house at Toledo, his estate in the same kingdom, and an income of 20,000 ducats.

THE COUNT OF CANIMO has his house there at Canimo and 6,000 ducats.

THE COUNT OF GELVES, head of the house of Portugal. He has his house at Seville and his estate in the kingdom of Seville; 22,000 ducats annually.

THE COUNT OF GOMERA, from the house of Ayala. He has his house at Gomera; 16,000 ducats annually.

THE COUNT OF OLIVARES, from the house of Guzmán. He has his house at Seville, his estate in the same kingdom, and an income of 40,000 ducats.

THE COUNT OF COCENTAINA, head of the Corella family. He has his house at Valencia, his estate in the same kingdom of Valencia; 14,000 ducats.

THE COUNT OF FUENTES in Aragon, head of the house of Heredia. He has his estate in that kingdom, his house at Zaragoza, and 10,000 ducats.

THE COUNT OF MEDELLÍN, from the Portocarrero family. He has his house at Medellín, his estate in Extremadura, and 35,000 ducats.

THE COUNT OF MONTEAGUDO, marquis of Almazán, from the house of Mendoza. He has his house at Almazán, his estate in the kingdom of Aragon, and 18,000 ducats annually.

THE COUNT OF MONTERREY, from the house of Acevedo. He has his house at Salamanca, his estate in the kingdom of Galicia, and an income of 18,000 ducats.

THE COUNT OF OROPESA and of La Deleitosa ("the delightful"), lord of Segulla, from the house of Toledo. He has his house at Talavera, his estate in the kingdom of Toledo, and an income of 35,000 ducats.

THE COUNT OF ISERNO, from the Manríquez family. He has his house at Valladolid, his estate in Old Castile, and an income of 20,000 ducats.

THE COUNT OF OÑATE, head of the Guevara family. He has his house at Oñate, his estate in the province of Álava, and an income of 10,000 ducats.

THE COUNT OF MORATA, from the house of Luna. He has his house at Morata, his estate in Aragon, and an income of 12,000 ducats.

THE COUNT OF ORGAZ, from the house of Mendoza. He has his house at Orgaz and 12,000 ducats annually.

THE COUNT OF LA PUEBLA, from the house of Cárdenas. He has his house at Llerena, his estate in Extremadura and the kingdom of Granada, and 18,000 ducats.

THE COUNT OF PRIEGO, from the houses of Carrillo and Mendoza. He has his house at Guadalajara and Priego, his estate in the mountain forests of Cuenca, and 12,000 ducats.

THE COUNT OF PUÑONROSTRO, head of the Arias family. He has his house at Madrid, his estate in the kingdom of Toledo, and an income of 20,000 ducats.

THE COUNT OF PAREDES, from the Manríquez family. He has his house at Paredes, his estate in the province of Campos, and 14,000 ducats.

THE COUNT OF RIBADAVIA, from the house of Avellaneda. He has his house at Valladolid, his estate in the kingdom of Galicia, and 10,000 ducats annually.

THE COUNT OF SÁSTAGO, from the house of Alagón. He has his house at Zaragoza, his estate in Aragon, and an income of 18,000 ducats.

THE COUNT OF SAINT STEPHEN, head of the Benavides family. He has his house at Úbeda, his estate in the kingdom of Aragon, and an income of 15,000 ducats.

THE COUNT OF GELVES, from the house of La Cerda. He has his house at Gelves and 8,000 ducats annually.

THE COUNT OF BARAJAS, head of the Zapata family. He has his house at Madrid, his estate in the kingdom of Toledo, and an income of 12,000 ducats.

THE COUNT OF LA PUEBLA DE MONTALBÁN, from the houses of Girón and Pacheco. He has his house at Puebla de Montalbán, his estate in Extremadura, and an income of 20,000 ducats.

THE COUNT OF BAILÉN, from the house of Ponce de León. He has his house at Bailén, his estate in the kingdom of Jaén, and 16,000 ducats.

THE COUNT OF NIEVA, from the Velasco family. He has his house at Nieva, his estate in La Rioja, and reckons 12,000 ducats from his annual income.

THE COUNT OF SALVATIERRA, from the house of Ayala. He has his house at Salvatierra, his estate in the province of Campos, and 10,000 ducats from his annual income.

THE COUNT OF LUNA has his estate in León and his house there, and 20,000 ducats.

[Printed page 739]

THE COUNT OF LA GUERRA, from the house of the Carrillos, has an income of 60,000 ducats.

THE COUNT OF UCEDA, from the house of the Mexías, has his house at Ávila and reckons 10,000 ducats from his annual revenue.

THE COUNT OF FUENSALDAÑA has his house at Valladolid, his estate in Old Castile, and 8,000 ducats from his annual income.

THE COUNT OF LODOSA, from the house of ... has his house in the kingdom of Navarre, together with his estate, and has an income of 8,000 ducats.

THE COUNT OF SANTA GADEA, *adelantado* of Castile, from the house of the Padillas and Acuñas, has his house at Santa Gadea and an income of 20,000 ducats.

THE COUNT OF ALMENARA, from the house of the Próxitas, has his house at Valencia, his estate in the same kingdom, and an income of 8,000 ducats.

THE COUNT OF OLIVA, head of the family or house of the Centellas, has his house at Valencia and his estate in the same kingdom; 18,000 ducats.

THE COUNT OF ALBAIDA, head of the family, or chief of those bearing the surname of Milán, has his house at Albaida, his estate in the kingdom of Valencia, and an income of 10,000 ducats.

THE COUNT OF ELDA, chief of his family, of the house of the Colomas, has his estate in the kingdom of Valencia and his house at Elda; 8,000 ducats.

VISCOUNTS:

THE VISCOUNT OF PERALTA has an annual income of 6,000 ducats.

THE VISCOUNT OF GUEBULI has an income of 8,000 ducats.

THE VISCOUNT OF CHELVA has an income of 6,000 ducats.

ADMIRALS, OR COMMANDERS OF THE SEA:

THE ADMIRAL OF CASTILE has an income of 40,000 ducats.

THE ADMIRAL OF ARAGON has an income of 80,000 ducats.

THE ADMIRAL OF VALENCIA has an income of 10,000 ducats.

ADELANTADOS:

THE *ADELANTADO* OF ZARAGOZA, 12,000 ducats.

THE *ADELANTADO* OF GALICIA, 8,000 ducats.

THE *ADELANTADO* OF CANANA, 10,000 ducats.

THE *ADELANTADO* OF CASTILE, 12,000 ducats.

PRIORS OF SAINT JOHN:

THE PRIOR OF SAINT JOHN OF THE KINGDOMS OF CASTILE AND LEÓN has an income of 100,000 ducats.

THE PRIOR OF SAINT JOHN OF CATALONIA, 14,000 ducats.

THE PRIOR OF SAINT JOHN OF VALENCIA, 7,000 ducats.

THE PRIOR OF SAINT JOHN OF ARAGON has an annual revenue of 6,000 ducats.

THE PRINCE OF ASCOLI, head of the Leyvas, has his house in the city of Santo Domingo, his estate in the province of La Rioja and in a duchy of the kingdom of Naples, and an income of 50,000 ducats.

MASTERS:

THE MASTER OF SANTIAGO, who is the king himself, has 200,000 ducats annually.

THE MASTER OF CALATRAVA has 100,000 ducats.

THE MASTER OF ALCÁNTARA, 100 ducats.

His Royal Majesty claims these three masterships for himself.

ARCHBISHOPS:

The archbishop of Toledo, 200,000 ducats.

Of Seville, 100,000 ducats.

Of Santiago, 60,000 ducats.

Of Granada, 50,000 ducats.

Of Zaragoza, 50,000 ducats.

Of Valencia, 60,000 ducats annually.

Of Tarragona, 20,000 ducats.

Of Burgos, 40,000 ducats.

BISHOPS:

Of León, 16,000 ducats.

Of Úbeda, 12,000 ducats.

SUFFRAGAN BISHOPS UNDER THE ARCHBISHOPRIC OF TOLEDO:

Of Sigüenza, 40,000 ducats.

Of Cuenca, 36,000 ducats.

Of Córdoba, 40,000 ducats.

Of Segovia, 20,000 ducats.

Of Palencia, 30,000 ducats.

Of Osma, 20,000 ducats.

SUFFRAGAN BISHOPS OF THE ARCHBISHOPRIC OF SANTIAGO:

Of Plasencia, 40,000 ducats annually.

Of Salamanca, 20,000 ducats.

Of Coria, 25,000 ducats.

Of Astorga, 20,000 ducats.

Of Badajoz, 20,000 ducats.

Of Ciudad Rodrigo, 14,000 ducats.

Of Orense, 8,000 ducats.

Of Tuy, 7,000 ducats.

Of Mondoñedo, 7,000 ducats.

Of Zamora, 16,000 ducats.

Of Lugo, 6,000 ducats.

SUFFRAGAN BISHOPS OF THE ARCHBISHOPRIC OF ZARAGOZA:

Of Pamplona, 16,000 ducats.

Of Calahorra, 16,000 ducats.

Of Huesca, 12,000 ducats.

Of Barbastro, 8,000 ducats.

Of Tarazona, 16,000 ducats.

SUFFRAGAN BISHOPS OF THE ARCHBISHOPRIC OF SEVILLE:

Of Cádiz, 14,000 ducats.

Of Jaén, 30,000 ducats.

Of Ávila, 20,000 ducats.

SUFFRAGAN BISHOPS OF THE ARCHBISHOPRIC OF VALENCIA:

Of Cartagena, 12,000 ducats.

Of Orihuela, 8,000 ducats.

Of Segorbe, 8,000 ducats.

Of Albarracín, 8,000 ducats.

Of Majorca.

SUFFRAGAN BISHOPS OF THE ARCHBISHOPRIC OF GRANADA:

Of Málaga, 30,000 ducats.

Of Almería, 13,000 ducats.

Of Guadix, 12,000 ducats.

SUFFRAGAN BISHOPS OF THE ARCHBISHOPRIC OF TARRAGONA:

Of Girona, 10,000 ducats annually.

Of Lérida, 10,000 ducats annually.

Of Urgell, 8,000 ducats annually.

Of Elna, 7,000 ducats annually.

Of Urque, 6,000 ducats annually.

Of Barcelona, 8,000 ducats annually.

Of Cerdanya, 4,000 ducats annually.

Of Tortosa, 12,000 ducats annually.

But if one should also choose to traverse in thought the kingdoms of the Indies, their nations and powerful peoples, we shall produce a number twice as great as that of those who are scattered among the various sects. So many names of praetors, governors, and naval commanders--

[Printed page 740]

--would have to be recounted that I think I would produce weariness and resentment.

But now let us revisit the North and enter Poland, noble in men, arms, and--what is chief--in cultivated nobility. There first come before us King Sigismund, of pious and courageous spirit and experienced in achievements, his son Vladislaus, the emulator of his father's virtue, and the rest of the royal offspring.

There follow the princes and lords of the court of the Most Serene Archduke Albert.

The prince of Orange, who died most steadfast in the Catholic faith in the year of the Lord 1618, on 20 February.

The duke of Aerschot, count of Azenberg, knight of the Golden Fleece.

The duke of Chimay, count of Beaumont, lord of Avesnes and count of Zevenbergen.

The knight of Arenberg.

The duke of Croÿ, marquis of Havré, count of Fontenoy, knight of the Golden Fleece.

The baron of Fénétrange, brother of the duke of Croÿ.

The prince of Ligne, knight of the Golden Fleece, governor and captain of the county of Artois.

The marquis of Roubais, his son.

The count of Egmont, knight of the Golden Fleece, governor and captain-general of the county of Namur.

The prince of Gavre, his son.

Frederick, count of Bergh, count of Boxmeer, knight of the Golden Fleece, governor and captain-general of Guelders, the duchy, and the county of Zutphen.

Count Henry of Bergen, lord of Stevensweert, his brother.

The count of Berlaymont and of Lalaing, knight of the Golden Fleece, governor and captain-general of the duchy of Luxembourg and the county of Chiny.

The count of Champlitte, knight of the Golden Fleece, vice-captain-general of Burgundy and Charolais.

The marquis of Varambon, knight of the Golden Fleece.

The baron of Balançon, his brother.

The marquis of Marnay, count of Pont-de-Vaux, knight, etc.

The count of Solre, knight of the Golden Fleece.

The count of Hoogstraten.

The count of Bossu.

The count of Bucquoy, knight of the Golden Fleece, lieutenant and captain-general and grand bailiff of Hainaut, and count of Hautekerke.

The prince of Barbançon.

The count of Reulx.

The count of Megen.

The marquis of Renty.

The marquis of Trazegnies.

The count of Vertain.

The count of Hénin, duke of Bournonville.

The count of Beaurieux.

The count of Frezin.

The count of Sainte-Aldegonde, governor and captain of the duchy of Limburg, of Valkenburg, Dalhem, and Rode-le-Duc.

The count of Noyelles.

The count of Warfusée.

The count of Middelburg.

The count of Enghien.

The count of Falais.

The count of Croix.

The count of Estaires.

The count of Willerval.

The count of Bailleul.

The count of Bassigny, baron of Boxtel.

The baron of Grimbergen.

The lord of Bredam.

The lord of Marle, in whose hands is the highest charge of the treasury.

The lord of Coppigny, who also is a treasurer.

The marquis Spinola, captain and commander, governor-general of Belgium in the name of the Catholic king and of the archduke.

The count of Añover, prefect of the archduke's court and stable.

The marquis of Belvedere, commander-general of the cavalry.

The count of Fürstenberg.

The marquis of Malaspina, an ordinary officer in the court of the Most Serene Archduke.

When I showed Abraham Scultetus's catalogue to a noble and learned man born in Poland, he wrote back to me in this manner; for I thought it advisable to set down his own words:

“Of all those families which the heresiarch cites on his own behalf, some persons have denied the faith; nevertheless, the chief heads of those same lines have remained uncorrupted from the ancient time when the Roman Catholic faith was brought in, and they persevere steadfastly to this day. For of the Lesnow family of Lesno, and of their line, which he cites on his own behalf, even at the present time there exist as many ardent Roman Catholics as neither the man who cites them nor the man cited by him can number the hairs upon their heads.

“Moreover, all the counts of Ostroróg--with the exception of the one cited--exist not only as defenders of the Roman Catholic religion but also as its most vigorous champions, distinguished for faith, wisdom, and power. Their head and chief, the palatine of Poznań, in a recent judgment at the public disputation at Lublin, condemned the new Gospel and its followers with a most weighty judgment.

“Of the very numerous progeny of the Firlejs, if only two, enveloped in the deadly darkness of the new Gospel, are unable to break forth into the discharge of public office in religion or in the state, to the supreme grief of their kin, the whole family is not therefore to be judged from them. From that family as many princely men, palatines and bishops, and as many other powerful senators, have flourished in the Roman Catholic faith at every time, and flourish now, as are recounted in the annals. Among them now the Most Illustrious and Most Reverend bishop of Płock, a little before vice-chancellor of the kingdom, so restrains the defenders of the new Gospel by doctrine and power that throughout his entire diocese they are permitted neither to open schools of the new Gospel nor even to open their mouths.

“Moreover, Nicolaus Firlej, a most worthy senator of the kingdom, publicly suppressed the seducers of the new Gospel by his authority and prudence in the aforesaid disputation at Lublin.

“The others whom the heresiarch reports as entangled in the errors of his Gospel are such that, in the very numerous families and ranks of their lines, which have always professed and now profess the Roman Catholic religion, they are not even noticed.

“But as for the heresiarch's adducing one or another of the princes and counts on his own behalf, his very poverty is readily proved by the fact that out of the almost innumerable number--

[Printed page 741]

--of princes, dukes, and counts he was able to recount a sufficiently scanty supply.

“For our part, against those adduced we can present to his eyes, in troops, as many men of the Roman Catholic religion as he has never seen, nor will ever be able to see, with eyes darkened by the shadows of his Gospel.

“First of all, Lesser Poland offers itself, in which the whole house of the marquises of Mirów and of the Gonzagas maintains and defends the Roman Catholic faith from antiquity.

“The whole family of the Komorowskis, counts of Árva and Liptó.

“The entire, very ancient line of the counts of Tęczyn.

“The whole family of the Lubomirskis, counts of Wiśnicz.

“The palatine himself and the castellan of Cracow, princely men in power and authority, together with all the senators, profess and maintain the Roman Catholic religion.

“In Greater Poland, moreover, the count of Górka, general of Greater Poland.

“Count Stanislaus Karnkowski of Górka, together with all the ranks of his family, professes the same religion.

“The palatine of Poznań, count of Ostroróg.

“The counts of Tarnów. All the senators, too, as many as are found in that duchy, declare themselves by daily proof to be the most ardent defenders and champions of the Roman Catholic religion.

“From the duchy of Masovia it is not expedient to recount any of the princes, senators, or nobles, since all and each of them so cherish and defend the Roman Church, embraced from antiquity, that the seducers of the new Gospel experience not only that they cannot flow in with crafty words, but that not even the journey there is safe.

“From the grand duchy of Lithuania we do not deny that two Radziwiłłs have rather frequently applied spurs to the new Gospel; but we know that far more powerful dukes of the same line, by applying the same spurs, have so driven and goaded that very new Gospel as to dispatch it, together with its defenders, all the way to hell.

“From the same duchy, those men would now gladly remove the applied spurs if they could, lest through the disturbance of the whole duchy, and with the spurs of the new Gospel applied to them, they themselves should be driven forward and trampled down. For Duke Radziwiłł, palatine of Vilnius; Duke Radziwiłł, palatine of Troki; Duke Albert Radziwiłł in Ołyka and Nieśwież; and Duke Nicolaus Radziwiłł not only have been of the Roman Catholic religion from antiquity, but have also built very many splendid churches and magnificently endowed them; they also erected a college of the Society of Jesus worthy of their name and religion.

“In the same duchy, all the dukes of the royal Jagiellonian family.

“All the dukes who derive their origin from the line of the grand dukes of Lithuania disdain even to look upon the darkness of the new Gospel down to the present day.

“Count Chodkiewicz, commander-general of the forces of that same grand duchy, persecutes the new dogma of the pestilential Gospel as vigorously as he does the enemy of his country, together with the power of his very extensive family and the whole order of senators, of whom not one is found in that duchy to be a follower of the new Gospel.

“From the duchy of Volhynia and Ruthenia: Duke Janusz Ostrogski, lord of Cracow.

“Duke Janusz Ostrogski of the same name, palatine of Volhynia.

“Duke Alexander Ostrogski, palatine of Bracław.

“Duke George of Zasław.

“All the Sanguszko dukes.

“All the Czartoryski dukes in Czartorysk.

“All the Wiśniowiecki dukes.

“Duke Constantine in Jarosław.

“Duke Janusz in Jarosław.

“All the Korecki dukes, of Korets.

“All the Koszyrski dukes.

"And the remaining ducal families deriving their origin from the grand dukes of Lithuania, Ruthenia, Masovia, Halicz, and Volodymyr--to recount their number would be idly to fill innumerable leaves--profess the Roman Catholic faith. They oppose the invaders of the new Gospel in actual fact no less than the faithless incursions of the Turks and Tatars, and, together with His Royal Majesty and all the orders of senators and dignities, strengthen and champion the Roman religion by piety, zeal, arms, and, whenever it is expedient, by life itself."

Nor are there lacking in the most noble kingdoms of Hungary and Bohemia those to whom the ancient Catholic religion and piety are dear and who have defended it with great constancy. The diets themselves, the labor and expenditure lavished for their princes, and faith preserved amid disasters demonstrate this.

Since, therefore, this is the condition of the religions, if one attends to their defenders, one will not easily be able to overpower another by force and arms. But if arms and wars should in some measure press the Catholics, nevertheless the victors will not be able to enjoy a lasting peace, since they disagree bitterly among themselves, and there are not lacking those to whom a partnership in victory will prove burdensome.

CHAPTER XI

The Condition of the European Religions, If One Considers Their Doctrine and Doctors

[Printed page 741]

The following, for the most part, are the doctors and prelates of the dissenting sects whose names especially I found in the catalogue of the spring fair of the year 1618 and whose writings I acquired--although the writings of some could not be obtained, either because they had not yet appeared or because their printers were ashamed of them:

The academics of Strasbourg.

Andreas Finnolot.

An anonymous author, *Unbekant gegen Christian Gottliebs*.

The preachers of Strasbourg.

An anonymous author on the Jubilee.

Andreas Cramerus.

Abraham Scultetus.

Adrianus Smoutius.

The Arminians and Gomarians in Holland.

Balthasar Meisnerus.

Caspar Holstenius.

Caspar Melissander.

Caspar Finckius.

Christophorus Schleupnerus.

Christophorus Zieglerus.

Conradus Dietericus.

Christophorus Adolphi.

Christophorus Walpurger.

The Danish preachers.

Daniel Angelocrater.

[Printed page 742]

David Pareus.

Ehrhardus Lautterbach.

Aegidius Strauch.

Fridericus Helbachius.

Friderich Franck.

Fridericus Balduinus.

Georgius Engelman.

Georgius Zeaeman.

Gaudentius, on the celebrants of the Jubilee.

Guilielmus Barret, an Englishman.

The academics of Heidelberg.

Hartmannus Braun.

Henricus Altingus.

Henricus Eckardus.

Henricus Hopffner.

Henricus Hirtzwigius.

Iacobus Martini.

Ioannes Gisenius.

Ioannes Simonius.

Ioannes Grocius.

Ioannes Tarnovius.

Ioannes Affelmannus.

Ioannes Staden.

Ioannes Schröder.

Ioannes Heinrich Hiemer.

Ioannes Schneider.

Ioannes Pandocheus.

Ioannes Salmuth.

Ioannes Ioachim Beutherus.

Ioannes Michael Beutherus.

Ioannes Leibius.

Ioannes Georgius Siegwart.

Ioannes of Rochester, against Robert Bellarmine.

Ioannes Schreiter of Annaberg.

Ioannes Sharpius.

Maximilianus Rittern.

Martinus Rober.

Matthias Hoe von Hoheneck.

Matthias Haffenreffer.

Melchior Schaererus.

Michael Mulingus.

The *Popish Market*, by an unnamed author.

M. M. D.

Nicolaus Hartkopfius.

Nicolaus Martini.

Nicolaus Pomeranus.

Nicolaus Grevinchovius.

Paulus Laurentii.

Polycarpus Leyser.

Fourteen sermons by various authors concerning the Jubilee feast.

The academics of Rostock.

Robertus Sarisburiensis.

Sibrandus Lubbertus.

Sigismundus Evenius.

Simon Gediccus.

The scholastics of Neuhaus.

The academics of Tübingen.

Thomas Weinrichius.

Thomas Tuke the Englishman's *Index of Faith and Religion*.

Vincentz Schmucken.

Wilhelmus Alardus.

The professors and doctors of Wittenberg.

The preachers of Württemberg.

Wolffgangus Frantzius. And

Others whom obscure fame conceals.

Their multitude forbids the naming of the Catholic doctors of this time. The academies themselves, and the colleges both of canons and of religious, would fill many pages.

As regards doctrine, it is one and the same among all Catholics, namely that which was explained in the Council of Trent and in other synods. Once you depart from it, you will behold a vast multitude of all the sects, each of which claims for itself the most certain truth and the most thoroughly tested sanctity, and most boldly condemns the others. Since, therefore, a later age will marvel at the variety, absurdity, and blasphemies of the heresies, something must be said briefly about their authorities and opinions.

Saint Augustine, Philastrius, and, before them, Epiphanius once compiled catalogues of the various heresies; in our own time Lindanus, Prateolus, Sanderus, and, in an abridgment, our own Iacobus Gualterus in his chronological table, in which he compared the new heresies with the old, have done so.

Martinus Lutherus was the first to begin the innovation and to seek liberty for ambition and lust. The proclamation of indulgences furnished him the occasion, but internal evils--which have always disturbed peaceful affairs--avarice, illicit loves, and the pride of an unquiet disposition furnished the cause. But because he did not have all things settled, and because not only do true things conflict with false ones but false things also conflict with one another, he could never suitably weave and arrange that work without destroying one thing after another. So, if anyone should construct a great building without a plan, he necessarily has to tear down many things, because his hands were swifter than his counsel. Hence, at the very beginnings, not only sermons and writings but even the merriments and pleasantries of the table, about which the Lutherans have written entire books, were fruitful in new heresies. And indeed, as Lutherus himself and Matthias Hoe in his third Jubilee sermon confess, he himself encountered thirty fanatical spirits, just as that huge sow beneath the holm oaks lay after bringing forth a litter of thirty heads.

Ioannes Gisenius, professor at Giessen, admits this either candidly or when driven by the necessity of truth, in thesis 7: “Although in his first writings he defended certain things that manifestly favor the papists, in the following writings, nevertheless, he cast them off and condemned them. For successively, by assiduous prayer, meditation, and trial, he was led into the truth and learned to recognize and soundly refute the impieties of the papists.” Luther himself explains this in the preface to volume 1 of the Latin Jena edition: “Before all things,” he says, “I beg the pious reader--and I beg him for the sake of our Lord Jesus Christ himself--to read these things with judgment, indeed with much compassion, and to know that I was once a monk and a most insane papist when I undertook this cause.” And a little later: “Thus you will find in these earlier writings of mine how many and how great things I most humbly conceded to the pope, which at a later time and at the present time I regard as the highest blasphemy and abomination, and execrate. You will therefore ascribe this error, pious reader, or--as they themselves slanderously call it--contradiction, to the time,” etc.

Since, therefore, at the beginnings he did not speak by the Spirit of God or by heavenly grace, he contradicted himself. For if God had placed the word in his mouth, he would not have asserted with such certainty anything abominable or anything contrary to manifest truth. Saints and learned men indeed err at times; but one who condemned the whole Church and antiquity and professed himself to be a new Elijah ought not to have erred in all things and altered everything.

Furthermore, of those who altered the faith preached by Luther, some wholly defected from Luther and condemned him; others made little sects under a famous name that enjoyed favor--

[Printed page 743]

--among the Germans.

His most bitter enemy was the man who had promoted him, Andreas Bodenstein of Carlstadt, who was bought so that he might attack his client, as many celebrants of the Jubilee relate the history, especially Matthias Hoe in his third sermon, page 116. The Lutherans attribute the Sacramentarian and Anabaptist heresies to him, as Erasmus Alberus does in his book *On the Accursed Doctrine of the Carlstadtians*. Melanchthon, in his commentary on Colossians, says that he denied infant baptism. Others credit Zwingli with Anabaptism because in his book on baptism he writes that it is more useful for baptism not to be conferred upon children; indeed, Balthasar Pacimontanus, whom most affirm to be the father of the Anabaptists, defended himself by a writing of Zwingli that rejected infant baptism. But one ought not to labor greatly over the author of the evil; reasons for averting the evil must be sought. Thomas Müntzer and Nicolaus Storch held the leading parts in that tragedy.

The first branch of Lutheranism, therefore--though torn from the tree--was Anabaptism, and it was divided into very many sects. They deny that the Son of God took flesh from the Virgin; approve promiscuous intercourse; issue

commands; do not acknowledge the magistracy; seek a reputation for innocence through outward masks; indulge dreams; study magic; and think that those who do not follow their sect can be killed. They have many things in common with the others and many peculiar to themselves. Their leader was Christophorus Schaplerus, who incited the peasants to wars. Campanus, akin to this group, also added this: he denied the distinction of persons in the Trinity. I think the Scripturarians, Paulinians, Batenburgers, killers of pastors, Blood-men, Aegidians, Demoniacs, and Sabbatarians pertain to these, holding even wives in common; also the Sleepers and the Wailers, among whom there are as many sects as heads. With Carlstadt acting as midwife on one side, Zwingli giving birth, and Oecolampadius assisting, Sacramentarianism was born. The Lutherans are accustomed to call it Zwinglianism and Calvinism and especially detest it.

Zwingli imitated the errors of Berengarius, but added more; Carlstadt and Oecolampadius assisted him. With the Pelagians he rejected original sin and the necessity of grace. But all the Lutherans charge him with Nestorianism. Calvin followed Zwingli, adding many errors: that faith is not one; that it is not without unbelief; that there is no implicit faith; that Scripture is uncertain and easy to understand; that faith cannot be lost; that God predestined men to evils and sins; that there is a real distinction in the divine essence; that the Trinity is not to be adored; that Christ, according to his human nature, was ignorant; that he refused the office of mediator, despaired, and endured the punishments of a damned man; that he merited nothing for himself; that the glory of the pious is not granted before the last day; and that the Church can fail. Certain Lutherans enumerate three hundred and more errors of the Calvinists: Eckard's *Fasciculus*, Cramerus, and others.

The Sacramentarian heresy was divided into many sects, as Luther warned. From it arose the Bucerians and Melanchthonians, occupied in perpetual reconciliations, although they defended errors peculiar to themselves. Martyr likewise taught a singular opinion. Castellio permitted whatever religion each person wished. He removed the Song of Songs from the canon because he said that it was an immodest song.

Łaski wholly rejected baptism. Valentinus Gentilis mixed the Qur'an with the New Testament. Ludovicus Alemannus denied that the body of Christ is received even by faith. Petrus Richerius denied that Christ is to be adored in human flesh; at last he judged that the Father alone is to be adored. There are also others whom they call the Significatives, Tropists, Energetics, Arrhabonarii, Adessenarians, Metamorphists, Iscariotites, Metaphorists, Antipuritans, Pseudo-Irenics, Arminians, Sibrandians, Vorstians, and Venatorians. The polemical writings of the Netherlanders show the various and pernicious errors of these men, especially of the later ones.

And these are the men who wholly opposed Luther. Yet no fewer wage bitter wars among themselves under his name and hurl thunderbolts against one another. There were two parties, the Rigid and the Mild. The head of the latter was Melanchthon, together with the Wittenbergers and academics generally; the head of the former was Illyricus Flaccus. Their errors grew cruel even to exiles and proscriptions. Then the Brentians, or grosser Ubiquitarians, became strong. At the same time, especially in Prussia, arose the Osiandrians, who taught that we are justified by the essential righteousness of God. Stancarus so opposed him that he attributed the power of justifying to Christ's humanity alone and denied it to his divinity, being an Arian in this respect. Andreas Musculus, a distinguished Ubiquitarian, attacked both positions; for he attributed justification to both the divine and the human nature and, to make his position more vehement, said that the divine nature died on the cross. The Tübingen theologians adhered to Osiander in part, saying that the essential righteousness of God is imputed to us. Thereafter Nicolaus Amsdorff and the Mansfeldians tore Saxony apart in a great dispute, when they opposed the Majorists, the Antinomians, defenders of free will, the Adiaphorists, and the Stancarians concerning good works, and condemned them in a synod that had been held. Chytraeus, Functius, the Pastillarians, Interimists, Anti-Adiaphorists, Lutheropapists, Luthero-Zwinglians, Heshusians, and Hutites revived the errors in various quarters with various opinions and multiplied them so greatly that there is scarcely agreement among any of them.

The Concord of Berg was vaunted about the year of the Lord 1580, and in the following years most conspired to support it--but with the result that soon most Lutherans defected from it, and most provinces from the Lutherans.

Those who openly fight against the Lutherans, Calvinists, and Anabaptists are the Ostorodians--or, if you prefer, Socinians--deniers of Christ's merit, redemption, and divine righteousness, Arians throughout Poland, Hungary, and Transylvania; Servetians, who mingle Sabellianism, Eutychianism, and Anabaptism; the Effrontes, who shaved their foreheads until they drew blood, anointed them with oil, boasted that they were Christians without baptism, and said that the Holy Spirit was a certain motion and therefore could not be adored without the crime of idolatry; the Ochinists, who admit polygamy; the new Sabellians; the Bacularians; and those who form the greatest crowd, the Epicureans, atheists, and Libertines. This is the condition of the religions that contend most vigorously in Europe. A great part of the people either does not care about the controversies or is certainly ignorant of them. The more learned men are partly on others' sides and partly on their own, for by the vehemence of disputing they generally lose the truth and strike against some heresy. There are many Lutherans, and of various stamps; many Calvinists; and perhaps no fewer Anabaptists and Socinians--

[Printed page 744]

--but very many who have determined to fuse all the religions into one.

The Novatians once did this, as the author of *Heresy* 38 and Epiphanius in *Heresy* 59 attest. They declared that they and the Catholics were imbued with nearly the same faith, but that they nevertheless differed in doctrine; and they blamed the Catholics in the time of the Arian emperor Valens: “You contend on account of a trifling subtlety of doctrines.” There were also Rhetorians, who taught that all heresies walked on the right path and taught the truth. So Philastrius relates in his *Catalogue*, and Augustine in *Heresy* 72; and Augustine marvels that it could enter anyone's mind to judge thus. That opinion always gains strength when provinces fall into the manifold labyrinths of errors. For profane men are thereby led, provided only that they preserve the peace of the state, not to fear conspiring together in one error.

Zeno's peace taught this: his **ἑνωτικὸν πρόσταγμα**, his pacificatory or unitive edict, by which he wished the Eutychians, Dioscorians, and Catholics to remit something of their own opinion so that they might unite in one religion. That measure nevertheless produced greater dissensions, just as the Lutherans weakened themselves by nothing more than when they forced otherwise incurable errors together into the single Book of Concord. By a not dissimilar reasoning, Ioannes Sturmius in 1578 established a middle way: he wished a new religion to be fused from the opinions of Protestants and Catholics by the judgment of seventy men; but he aroused against himself the anger of all theologians. Our most learned Gualterus relates in his chronological table, page 380, column 2, that Ioannes Serranus, minister of Orange, said to a certain powerful Catholic lord that his religion differed from the Roman religion only in ceremonies, that his own had too few ceremonies and the Roman too many, and that it was not difficult to reconcile the one with the other, namely by increasing the number of the former and diminishing that of the latter. Prevented by death, he did not finish the book he had begun on this subject. A certain conciliator under the fictitious name Christianus Constans attempted the same thing. He asserts that the Roman and Calvinian religions are not two religions but one, if the matter is to be judged truly and genuinely, as Gualterus himself explains at length under the year 1600, page 8, column 4, section 1. If Gualterus had seen Pareus's *Irenicon* and the polemical writings of the Lutherans--all of which were published after his chronological tables--he would have marveled far more than Augustine did at the Rhetorians.

Since, therefore, there are so many heresies, and they increase day by day, draw states into factions by their increase, rend apart the members of Europe, set some against others and the whole before the Turks: recognize, O kings and princes, the condition of your religion; take thought for your own souls, for the salvation of your subjects, and for the state and civil order. A return must be made to one religion. For either each of you will obstinately defend his own opinions, and thus there will be as many dissensions as men; or you will give each person the power of holding and teaching opinions, and thus in one word you will overthrow the state. For men will come who will deny that the magistracy has any right, who will say that all things are common, and who, with pleasure pandering to the efficacy of their errors, will introduce them into morals.

This change of religion was brought into Europe by many seditions and wars; it cost altogether much blood, with which Africa, Asia, and India could have been acquired. From it, even now as I write these things, civil wars rage in many places, are being prepared in more, and are feared by all. Alas, will you descendants deny it? Amid so many faiths, will the Son of Man, when he comes, find faith?

CHAPTER XII

The Unexpected Origin of Seditions, and Their Origin from Small Things

[Printed page 744]

Aristotle gives a most true warning in *Politics* V.4:

γίγνονται μὲν οὖν αἱ στάσεις οὐ περὶ μικρῶν, ἀλλ᾽ ἐκ μικρῶν.

Seditions arise not concerning small things, but from small things; for men disagree and excite seditions concerning great things. In these cases, nevertheless, you will observe that, when a small matter has kindled a great fire, it has generally arisen from the corrupt morals of the people, or that great contempt and wickedness were displayed in a small matter.

Tarquinius was expelled from Rome because of his son's adultery. The chastity of wives is not a small matter but a great one, for which it is right that a husband fight as for a sacred thing; yet amid the lusts of gentile and barbarian kings it was not esteemed so highly that Brutus and Collatinus, if this alone had been the crime, could have stirred Rome and Collatia. But they had been embittered by the king's crime, pride, and tyranny. For Livy says of him in book I: “Then, conscious that from himself an example of seeking the kingship wickedly could be taken against himself, he surrounded his body with armed men; for he had no right to the kingship apart from force, since he reigned neither by command of the people nor with the senators as his sponsors. Added to this, since he placed no hope in the affection of the citizens, was the necessity of securing his kingdom by fear. In order to instill it in more persons, he conducted trials of capital charges by himself alone, without counselors. For that reason he was able to kill, drive into exile, and deprive of property not only those suspected and hated, but those from whom he could expect nothing other than plunder.” And when he was constructing the Capitol, the Great Sewer, and other works by the hands of the oppressed plebs, he was the object of great hatred, which lacked only an occasion.

Aristotle relates things not dissimilar. At Syracuse a tumult arose because of the crimes of two men, one of whom was guilty of adultery and the other of a more loathsome crime. But when each attached a part of the citizens to himself, they stirred up a sedition by which the form of the state was changed. Yet the sedition indicates the corrupt morals both of the magistrates and of the people: these fighting for adultery, those for **παιδεραστία** (*pederasty*). For in a vicious people, since each of the worst men is very prone to tumult, sedition arises most easily.

At Histaea a sedition arose from a dispute between two brothers over the division of an inheritance, as Aristotle attests. For when the wealthier brother injured the other and detained the paternal property, the other, poor brother called the poor citizens to his aid, while the former called the wealthy; and a battle of the poor against the rich was produced, which would never have occurred if even a shadow of justice had appeared in the courts.

It is established from the history of the Delphic sedition that there was an appearance of right on both sides. The sedition of the Mytilenaeans, moreover, had its origin in the neglect of justice. Timophanes left two wealthy daughters surviving him; Doxander sought them in marriage for his sons, suffered a refusal, and stirred the Athenians to an impious war.

The matter that made the consulship common to the plebs was also small: a sister married to a plebeian was mocked by her sister, who had entered a patrician house, because she was terrified at the unfamiliar sound of the lictor striking the door. Certainly that mockery would have had no power to produce a sedition if it had fallen in peaceful times of the state. But the tribunician disputes about making the consulship common to the plebs had already preceded it--

[Printed page 745]

--and an author was being sought who would renew the contests that had been broken off.

Suetonius, in his *Augustus*, reports a ludicrous cause of great danger. For when, at a spectacle of games, Augustus had ordered through an attendant that a common soldier sitting in the fourteen rows be made to rise, and a rumor had been spread by his detractors that he had soon afterward killed the same man under torture, he came within very little of perishing through the gathering and indignation of the military crowd. It was his salvation that the man who was being sought suddenly appeared, unharmed and without injury. From what a cause, small in appearance, did Philip the Macedonian perish! It was because he did not avenge an insult done to a young man. But it arose from a great fault and error of government, because the king, intent upon wars, was neglectful of justice and honor.

Trebellius Pollio relates that Regillianus was made emperor by a joke. "For when," he says, "certain soldiers were dining with him, Valerianus, a tribune, stood beside them and said, 'From what do we believe the name Regillianus to be derived?' Another immediately said, 'We believe it, because it comes from *regnum*, kingship.' Then a learned man who was present began, as though grammatically, to decline and say, '*Rex, regis, regi, Regillianus*--king, of a king, to a king, Regillianus.' The soldiers, since mankind is very prone to those things which it is thinking, said, 'Therefore can he be king?' Likewise another: 'Therefore can he rule us?' Likewise another: 'God has imposed upon you the name of king.' Why say more? After these words, when he came forth on the following morning, he was hailed as emperor by the officers." Thus jesting cleverness bestowed upon this man what either boldness or judgment bestowed upon others. It was plainly a ridiculous designation of a prince; but if you consider the condition of the state, you will understand that there was plainly nothing strange in the chief power being handled so lightly. For the soldiers regarded making and killing an emperor as a matter of sport. This was the time in which, under the rule of Gallienus, thirty tyrants tore apart the Roman world. By no dissimilar levity Claudius was once dragged forth and placed upon the throne while trembling and expecting death. And before this, two common soldiers undertook to transfer the Roman Empire, and transferred it, as Tacitus attests. Proculus was made emperor at dice: for when "emperor" had come up ten times, one man cried, "Hail, Augustus," and the rest of the crowd, with similar madness, hailed him as emperor.

Zosimus reports concerning Magnentius: "Magnentius, rising from the table as though for the sake of some necessary business, when he had withdrawn from the guests for a very short time, again presented himself for them to behold, wrapped in a royal robe as though upon a stage. There, when the guests had called him king, all the inhabitants of the city of Autun--where these things were done--likewise came to the same opinion. And because the fame of the matter extended farther, the rural plebs also streamed together from outside the city." But the state was sick at that time, and the soldiery gained profit from sedition; otherwise the entire vicinity would have mocked the masquerading king. Now, advancing with great power, he inflicted great disasters.

There are innumerable such cases. In a sportive contest at the castle of Treviso under Otto IV, when the Venetian standard was torn, a vast sedition was stirred up. At Florence, when the young men Donatus and Cerchi disturbed the horses of others at dances, the city received a great calamity from the tumult. But the causes had already preceded these incidents. For the minds of the Venetians and Italians had been embittered, and the factions of the Florentines thought any cause sufficient for oppressing their enemies. These, therefore, are signs of a state constituted in the worst manner: when states fall at the slightest impulse, it is proof that they had stood in a slippery place. For those things are prone to fall which, when an impediment has been taken away or any weight added to the other side, rush down.

CHAPTER XIII

Chance Events Sometimes Furnish a Cause of Sedition

[Printed page 745]

I call those things fortuitous which are not committed through the fault of princes or of the people and which by their own nature have no reason why they should stir up sedition. God has his own fixed reason why he brings them upon us or permits them to occur. Nothing is fortuitous to eternal providence, which numbered the hairs of our head before the foundation of the world. We judge something to have happened by chance because it was contrary to expectation. The fortuitous causes of seditions, however, are calamities, such as famine, fires, floods, and other things that make spirits sorrowful and imbue them with much hatred. For since there is a very great number of evil men in a state, they are embittered by calamities and grow savage, like wild beasts, rather than becoming tame. Thus provoked, they easily make an attack upon the magistracy and others, although these have not injured them. Prudent princes will assuredly attempt what Fabius did:

> Fabius, soothing these complaints, taught that it was shameful
>
> To rage against disasters, and kept the crowd from anger;
>
> For to be broken by adversities was not the part of men.

The Hebrews in the desert, if Pharaoh rages, if water is lacking, if they desire flesh, do not deal by prayers, but murmur against God and Moses and rage against their disasters. The good are tested by adversities as gold by fires; the evil are burned up like chaff. The cause of this fact is that the unhappy, since they bear evils impatiently, become angry, envy the fortunate by comparison with their own fortune, and grieve. Hence they are readily indignant at all by whom they are not assisted, and especially at the magistrates.

Among the other hardships from which seditions arise, famine is the chief. The cause of this is that, when bodies have been emptied, it stirs the humors and renders men malevolent and bilious. Léry, in his *History of the Voyage to Brazil*, relates that, when the Calvinian church, after its affairs among the barbarians had gone badly, was afflicted by famine on the return voyage, its members became fierce, morose, and irascible. These are his words, page 325:

“Before I put an end to this discourse, I should like to observe in passing something that I noticed in others, indeed most of all in myself, for I experienced two famines, and such that I believe no men ever escaped more horrible ones. When bodies have been weakened by want of food, nature is failing, the senses are disordered, and the spirits dispersed, men become not only fierce but also morose and irascible. Moreover, that irascibility may deservedly be called a kind of madness. Hence it comes about that in our vernacular speech one who is oppressed by hunger is aptly said to rage with hunger. Furthermore, because experience teaches all things more distinctly, I see that it is not without cause that God, when threatening his people with famine unless they obey his commandments, expressly declares that it will come to pass that the eye of the man who had been tender and delicate will be very evil toward his brother, his dearest wife, and his children, so that he will not give any of them some of the flesh of his children which he will eat. For, in addition to the examples that we have related from sacred history concerning parents who ate one of their children, and concerning certain soldiers who, after they had tasted the corpses of those who had died in war, declared that they had resolved to lay hands upon the living if that evil had lasted longer, I can affirm that during that famine at sea we could scarcely, indeed hardly at all, converse peaceably with one another, although we were restrained by the fear of God; indeed, that--may the Lord pardon us--we looked upon one another with evil eyes.”

From this, therefore, arise bitterness of spirits, complaints, and tumults. Under the emperor Claudius there was an immense famine in the Roman--

[Printed page 746]

--Empire. Dio recounts the tumult that arose from it at Rome; scarcity of grain, too, and the famine arising from it, was taken as a prodigy. There were not merely secret complaints: they surrounded Claudius while he was administering justice with turbulent shouts and, driving him to the farthest part of the forum, pressed him until he broke through the hostile crowd with a body of soldiers. It was established that no more than fifteen days' provisions remained for the city. By God's great kindness and the mildness of the winter, relief was brought to affairs at their extremity. Yet, by Hercules, in former times provisions were carried from the regions of Italy into distant provinces; nor is sterility the affliction now, but rather we put Africa and Egypt under exertion, and the life of the Roman people has been entrusted to ships and accidents.

Hence came the monstrous savagery with which men devoured one another. This happened in the siege of Jerusalem, when mothers themselves cooked their children. The army of Cyrus in Scythia had already raged against its own men in this manner, and, as Herodotus says in book III, the army of Cambyses ate every tenth man selected by lot. The seditious soldiers of the Carthaginians were subdued by famine alone, although before that they had consumed the bodies of captives and slaves. Sabellicus, *Enneads* IV, book 9: this happened also at Numantia, Saguntum, Calagurris, Tauromenium, and Rome at the time of the Gothic siege, when men cried out, “Set a price on human flesh.” Byzantines and Placentines suffered the same thing under Totila; the Nevomantini and Samanduni in the siege of Sinderovia gnawed their own hands. Cromerus relates that it happened in Poland in the year 1315, book XI. What wonder is it, therefore, that seditions arise from famine, since it changes men into beasts?

There is a second reason why men riot on account of famine: they think that by the providence of the prince grain could have been gathered in good time or brought from elsewhere. Thus Octavius, Antonius, and many others were endangered because of famine. Wicked citizens, however, abused that occasion to seize the state, as did Spurius Maelius and others. Tiberius and other princes therefore prudently assumed the care of the grain supply themselves, lest anything be neglected by ministers.

The whole Senate was never in greater danger than when it was unwilling that Pompey be put in command of the fleet against the pirates; for the plebs blazed up with such anger that it hastened to destroy the Senate. The cause was that navigation, obstructed by the power of the pirates, had produced famine. Dio, in his *Pompey*.

Disasters in war also stir up domestic seditions, either by fear or by contempt. When it was announced in Mithridates' camp that his commanders had been slain by Lucullus, so great a terror suddenly invaded the army that they departed from the camp, abandoning the king; and, reverence for his authority having been removed, they plundered from others as much as each could, pillaged the king's own precious furnishings, and killed a commander in order to take his costly garment.

A prince must always fear a sedition arising from contempt if a defeat suffered in war is announced, if it is serious, dangerous, and difficult to repair. For men think that a prince placed in danger and afflicted has fallen beneath them. But if they hated him before, they exult vehemently and cast off the yoke. When the city had been burned by the Gauls, the Latins and others moved war out of contempt for it. After the defeat at Cannae the allied cities defected. Once the prince's authority and the fear of him have been removed, hatreds break forth most freely; and when men have hope from the opposite side, they incline toward it.

Pertinent here is what Herodotus reports in book II concerning Apries, king of the Egyptians, when he was defeated by the Cyrenaeans. When Apries, having sent an army against the Cyrenaeans, suffered a great defeat, the Egyptians imputed it to him and rebelled, thinking that they had been sent down by him to manifest destruction so that, once they had been annihilated, he might rule the other Egyptians more securely. Both those who returned and the friends of those who had perished bore this most grievously and openly defected.

When Apries learned of this, he sent Amasis to pacify them with words. When Amasis had arrived and was rebuking them and dissuading them from doing such things, one of the Egyptians, standing behind him, placed a helmet around his head; and, when it had been placed upon him, he said that he had put it on him for the kingship. Nor was this done against Amasis's will, as he showed. For as soon as he had been declared king by the Egyptians who had defected, he prepared himself as though about to march against Apries.

When these things were learned, Apries sent to Amasis one of the Egyptians who were with him, a respected man named Patarbemis, with orders to bring Amasis to him alive. When Patarbemis arrived, he summoned Amasis to Apries. But Amasis--he was sitting insolently upon a horse to exhort his men--foolishly ordered him to take this to Apries; and when Patarbemis asked him to go to the king, since he had been summoned, he replied that he had long been devoting his attention to doing so, and that Apries would have no complaint about him, for he would both present himself to Apries and bring others with him.

Patarbemis, not ignorant of Amasis's purpose, both from his speech and from the preparations he saw, judged that it belonged to his diligence to inform the king as quickly as possible of what was being done. When he returned without bringing Amasis, Apries, moved by anger, without uttering a word ordered his ears and nose cut off. When the other Egyptians who until then had sided with Apries saw a man most highly approved among them treated so shamefully and unworthily, they did not delay even so long, but passed over to the others and surrendered themselves to Amasis. Having heard these things also, Apries armed his auxiliaries--for he had around him about thirty thousand auxiliaries from the Ionians and Carians--and advanced against the Egyptians. He had an immense royal palace in the city of Saïs, worthy of being seen. Thus the Aprians and Amasians took their stand against one another at the city of Memphis, intending to attempt the decision of battle.

CHAPTER XIV

The Order and Method of Stirring Up Seditions

[Printed page 746]

Since so great a wickedness has no need of instruction, I think it the act of an insane man to teach the art of stirring up sedition. But to set forth publicly the things that histories furnish and that princes must know is the task of the political writer; for in this way the prince will recognize the signs and indubitable prognostics of sedition and, when he perceives that matters are tending toward it, will meet it in good time. Therefore, when either the people itself, or the nobles, or some one man from the crowd does those things which inspire or reveal in the multitude or the nobles a hatred of the present condition, sedition is not far away. This generally is not believed until it has begun to rage.

And indeed, when the people itself inclines toward tumult, the contrivance cannot be secret. For free and ill-considered words against the chief men or the prince, heard with attention and applause, indicate that the minds of the people are estranged and that they will dare something if they find a leader. When the mime is ordered to repeat these words, “Magnus, you are our misery,” who could doubt that favor had already been transferred from Pompey to Caesar and that, when an occasion was given, Pompey would be cast down? But when a private person or one of the chief men attempts a revolution, he carries on secret counsels, and the treason is not recognized until everything has been prepared and arranged.

Those, therefore, who attempt to move the people or the chief men to sedition do this in order to bring them into hatred of the magistrates. Then, because hatred languishes when hope and fear are absent--for it ventures little besides abuse--they remove fear of punishments, but instill a fear of many hardships if men remain quiet. Finally, they bring hope of better things and fill light minds with empty things. Sometimes they also set forth money as the rewards of treason.

[Printed page 747]

They procure hatred of the magistrate by relating true things and by calumniating. Calumnies are of two kinds: either they artfully invent false things, or they increase beyond measure things that are true.

A sedition is most dangerous when it is born from true evils, for it never ends except with the destruction of one of the parties or with a change of the state. Scripture presents an example in 3 Kings 12. For they complain truly: “Your father imposed a most harsh yoke upon us; you, therefore, now lessen a little the rule of your father and the most grievous yoke that he imposed upon us, and we will serve you.” Nor does Roboam deny it: “My father made your yoke heavy.” This had been done by the old man when his expenditures upon seven hundred queens and three hundred concubines became immoderate. Jeroboam therefore easily led away ten tribes here, and, so that the defection might be ratified with blood, Aduram, Roboam's treasurer, was overwhelmed with stones. And in truth, seditions arise for the most part from a true beginning and from true evils, as what I taught concerning the causes of seditions has demonstrated. For either kings conduct themselves wickedly and tyrannically, or subjects unjustly oppose good kings.

But this is the worst thing: although sedition can be healed at its beginning, within a short time, when there is no measure in avoiding or avenging evils, the injury increases. And thus, while each party executes vengeance not by reason but by anger, it always inflicts a more grievous evil than it suffers. This customarily occurs because vengeance for a civil injury seems to provide two things: consolation to the man who received the injury and security for the future. It always provides the first for angry men, but not the second. It provides the first because to give back is sweet. For in anger there is a mixture of pain and pleasure. The man who returns pain thinks himself excused, even if it is greater than what he received. Truly and philosophically Homer says:

ὡς ἔρις ἔκ τε θεῶν, ἔκ τ᾽ ἀνθρώπων ἀπόλοιτο,

καὶ χόλος, ὅς τ᾽ ἐφέηκε πολύφρονά περ χαλεπῆναι,

ὅς τε πολὺ γλυκίων μέλιτος καταλειβομένοιο,

ἀνδρῶν ἐν στήθεσσιν ἀέξεται ἠΰτε καπνός.

But may contention and anger perish from gods and men--

Anger which compels even the wise man to blaze up,

Which is much sweeter than dripping honey,

Growing in the breasts of men like smoke.

They therefore do not weigh injuries with equal weight, but pain against pain, so that, as though they had equalized the law of retaliation, they inflict something greater in return for the offense. Like men who strike back a ball they have received, they drive it back more strongly, assisted by the impetus of its coming. So greatly has this seemed good to many that they think vengeance is well sought even by death:

Though the gods destroy me, nevertheless they desire that I be aided,

Because before I perish they will give me time to take vengeance.

This evil, therefore, is sweet; it increases with practice; and although "vengeance" is an inhuman word, the thing itself is most eagerly sought and grows beyond measure. Hence it is the custom not only of barbarous peoples but also of the most cultivated to take vengeance; so little do they differ from those whom vices close to those of beasts have brutalized far from every fellowship of human law. Amid laws and magistrates, each man is the avenger of his own pain, and continual precautions against crimes are thrown off, while vengeance not only imitates the crime but exceeds it, and while men hate all whom they have injured and by whom they are injured. But the second thing, that is, security, it rarely brings, because the defeated man rarely remains quiet. And we have seen slaughters go round in a circle until power was transferred to foreigners.

Sometimes there is need of the greatest art and diligence in order that a defection can be foreseen. The Ionians who inhabited Asia suddenly defected from Darius and, after auxiliaries had been assembled in Greece and especially at Athens, burned Sardis. The cause of the defection was given by a plan of Darius that seemed safe but was unjust: he had planned to transfer the Ionians to Phoenicia and the Phoenicians to Ionia, so that he might thus tear the Greeks away from intercourse with Greeks and from their **συμμαχία** (*alliance*), and place in the midst another nation friendly to neither. When Histiaeus the Greek learned this in Persia, he burned letters onto the shaven head of a messenger, by which he disclosed the matter to Aristagoras, leader of the Greeks. The latter, when the messenger's head had again been shaved and he had read the letters, began a savage war as though for altars and hearths. Darius could not have foreseen this sedition in any other way than by suspecting that his purpose would not remain secret. And Aristagoras indeed was killed, and Histiaeus was driven onto a cross; nevertheless Darius could not accomplish the migration of the nations.

They openly sow calumnies in order to disturb quiet men and stir up seditions. Tarquinius Superbus furnished an example in the council of the Latins. Another was furnished under Aurelian, when a secretary displayed a document upon which he said that the names of men destined for death had been written. Absalom also overreached his father by manifest calumny, 2 Kings 15: "Your words seem to me good and just, but there is no one appointed by the king to hear you." And Absalom would say: "Who will appoint me judge over the land, so that everyone who has a suit may come to me and I may judge justly?" Yet the greatest regard for justice was maintained by David. Thus Valerius came under suspicion of seeking the kingship because of the house he had built, nor could he dispel the calumny except by its demolition. Aulus Albinus was stoned by the army because of false suspicions his enemies had spread, Valerius

Maximus IX.8. These things have now become excessively customary in our own times, in which every deed and saying of princes is taken in the worse sense. Homer once presented Thersites as the example of those who railed against kings and moved sedition.

Enemies, too, when they could not calumniate brave men with words, disparaged them by the facts themselves. Coriolanus devastated the fields of the plebeians and left those of the patricians untouched, in order to kindle manifest dissensions. Hannibal likewise refrained from the fields of Fabius Maximus in order to render him suspect; but Fabius broke the force of the calumny by declaring the field public property. The Romans did not do these things without a precedent. The Lacedaemonians left the fields of Pericles untouched so that they might create resentment against him and a suspicion of treason. But he gave them as a gift to the state, by which act he obtained great praise and proved his fidelity more fully to the Athenian people.

Another kind of calumny occurs when all things that are vicious, or seem so, are raised to a greater degree, and good things are taken in the worse sense. This became so manifest at Rome in the tribunes of the plebs that there is no need of another proof. Nothing ever done by the Roman Senate was so pleasing as when it decreed pay for the soldiery, and nothing was received with such great joy: men flocked together, praised the senators, grasped their hands, and said that they had truly been called fathers. What did the tribunes do? Alone untouched by the common joy and concord of the orders, they denied "that this was as joyful to all the senators, or would prove as prosperous, as the senators themselves believed," Livy IV. "The plan was better in its first appearance than it would prove in practice. For from where could that money be raised except by imposing a tribute upon the people? From the property of some, therefore, they would be generous to others.

[Printed page 748]

"Nor, even if the others endured it, would those whose terms of service had already been completed suffer others to serve under a better condition than that under which they themselves had served, and the same men both to have made expenditures for their own pay and to make them for that of others."

But when they heard that the army was also to winter in the siege of Veii, they magnified everything and twisted it to the worse sense. They repeatedly said: "This was the thing for which pay had been established for the soldiers; nor had they been mistaken that this gift would be smeared with the poison of their enemies. The liberty of the plebs had been sold; the youth had been removed forever and banished from the city and the state, and now did not yield even to winter or the season of the year so as to see their homes and affairs. What did they think was the cause of this continued military service? They would surely find no other than that nothing might be done for their interests through the frequent presence of those young men in whom lay all the strength of the plebs. Moreover, they were harassed and subdued much more bitterly than the Veientes. For the latter passed the winter beneath their own roofs, defending a city with excellent walls and by its natural position; the Roman soldier endured under skins amid work and labor, buried beneath snow and frost, not laying down his arms even in the span of winter, which is a rest from all wars by land and sea.

"Neither kings, nor those proud consuls before the tribunician power was created, nor the grim command of the dictator, nor the oppressive decemvirs had imposed this form of slavery, that men should perform perpetual military service. The military tribunes exercised kingship over the Roman plebs. What, then, would those men do as consuls or dictators who had made their proconsular likeness so savage and cruel? But this happened not undeservedly: not even among eight military tribunes had there been a place for any plebeian. Previously the patricians had been accustomed to fill three places with the utmost contention; now they went eight abreast to obtain commands, and not even amid the crowd did any plebeian cling on who, if nothing else, might remind his colleagues that those who served were their free men and fellow citizens, not slaves; that at least in winter they ought to be led into homes and beneath roofs; and that at some time of the year they ought to see their parents, children, and wives, exercise liberty, and elect magistrates."

What could have been more shameful than for citizens thus to rage against the concord of their fellow citizens? But it was done, nor was it passed over by the senators. For Appius depicts for us the nature of these calumniators in its native colors:

“If it was ever doubted, Quirites, whether the tribunes of the plebs have always been the authors of seditions for your sake or for their own, I hold it certain that in this year the doubt has ceased. I both rejoice that at last an end has been made for you to a long error, and, because this error was removed especially amid your prosperous affairs, congratulate both you and, on account of you, the state. Is there anyone who doubts that the tribunes of the plebs were never so offended and agitated by any injuries done to you, if perhaps there ever were any, as by the senators' gift to the plebs when pay was established for those serving as soldiers? What else do you believe they either feared at that time or wish to disturb today except the concord of the orders, which they judge to be the thing most capable of dissolving the tribunician power?

“Thus, by Hercules, like wicked craftsmen they seek work: they always wish something in the state to be sick so that there may be something for whose treatment they are summoned by you. For do you defend or attack the plebs? Are you the adversaries of the soldiers, or do you plead their cause? Unless perhaps you say this: ‘Whatever the senators do displeases us, whether it is for the plebs or against the plebs.’ And just as masters forbid their slaves to have any dealings with other men and judge it right that others refrain equally from kindness and injury toward them, so you forbid the senators intercourse with the plebs, lest we call forth the plebs by our courtesy and generosity, and lest the plebs be attentive and obedient to us. How much more, if there were in you anything--I do not say of a citizen, but of a human being--ought you at last to favor and, so far as lay in you, to indulge instead the courtesy of the senators and the obedience of the plebs? If that concord should be perpetual, who would not dare promise that this dominion will in a short time be the greatest among its neighbors?”

No one doubts that such men must be eliminated from the state as pests. The reason is that even the best princes have many things that must be amended; their administrators commit many faults; the princes themselves seem to commit more, and they actually commit some. If all these are gathered together, exaggerated, understood with a hostile mind, and infected with the poison of a malevolent tongue, the state must necessarily collapse.

[Printed page 748]

Calumnies are indeed effective for stirring up hatred, but sometimes by the same means men produce fear, as in the death of Aurelian. Sosis of Syracuse contrived plots and a tumult against Dion by this art. Stained with blood and speaking in a lamentable voice, he delivered himself to the multitude, asserting that he had suffered these things from Dion and that all men must expect all the same things. The sedition was indeed composed at that time; its author afterward paid the penalty at Athens. Pisistratus had long before cast the Athenian people into the same fear. For in order to oppress Megacles and the wealthy, he inveighed bitterly against him in an assembly; on the following day he came wounded, complaining that he had been treated so unjustly and insultingly by the nobles. The people, agitated by anger and fear, since they believed that this savagery threatened the bodies of them all, gave Pisistratus three hundred bodyguards for the protection of his life; with these he seized the tyranny. Dionysius obtained bodyguards through the same fear and seized power. For since fear is a most effective passion, and one that makes men anxious and suspicious, it is easily employed for sedition.

They oppose all things, lest the adverse party should be rendered stronger in any manner. Herodian demonstrates this concerning Antoninus Caracalla and Geta. But their hatred and dissensions increased day by day. For whether certain commanders and magistrates were being chosen, each particularly favored his own friend; or whether they pronounced judgment, they always held different opinions, sometimes with great danger to the man whose case was at issue. For they valued their own partisan zeal more highly than right or equity. Even at the games themselves they always belonged to different factions. Besides this, they omitted no form of plots, repeatedly attempting to impel cooks and

cupbearers to poisonings. This was almost the perpetual work of the Roman tribunes: to obstruct levies, magistracies, and trials.

Those men act more criminally who bring the state and the army into danger so that they may make the magistrates hateful and overthrow them. By this fraud Philip, as Capitolinus attests, deprived the younger Gordian of both empire and life. First, through Philip's artifices, the grain ships were turned away; then the soldiers were led into those places in which a grain supply could not be obtained. Hence he immediately rendered the soldiers hostile to Gordian, for they did not understand that the young man had been deceived by Philip's artifices. But Philip also added this: he spread a rumor through the soldiers that Gordian was a young man and unable to govern the empire, and that it was better for the man who governed the soldiery and understood the state to rule. He also corrupted the officers and brought it about that Philip was openly demanded for the imperial power. In the same manner Stilicho spared the barbarians so that he might raise his son to the imperial power.

When magistrates see a prudent, active, and keen man doing this--that he may grow famous, come forward by means of expenditure, and lead clients--and when he does it neither from prodigality nor folly, they ought to determine with certainty that something greater is being constructed by these beginnings. Thus Caesar acted. Plutarch, in his *Caesar*: “In addition to these things, by the splendor of his dinners and table and, in sum, of the rest of his life, he gradually gathered power in the state. His enemies, judging that this power would soon vanish when his expenditures failed, securely permitted him to become famous in the state. But too late, when it had already become immense and overwhelmingly strong, and they perceived that it was openly breaking forth into a revolution, did they notice that no beginning of any affair is to be judged small, because continuation does not immediately render it great, and because, from the very fact that it is despised, it succeeds in not being impeded.

[Printed page 749]

“Accordingly Cicero, who was the first to regard Caesar's conduct in the state with suspicion and fear, and who, as in a calm sea, perceived the fierceness concealed beneath his humanity and flattery, used to say that in all Caesar's other undertakings and actions he discerned a tyrannical disposition. ‘But,’ he said, ‘when I see his hair so carefully arranged and the man himself scratching his head with one finger, on the contrary, that man does not seem to me likely to conceive so great an evil in his mind as to overthrow the Roman state.’”

This, too, was an art of the ancients. Manlius had freed debtors and bought favor by the loss of his wealth, which he thought he would recover when he had seized the state. Spurius won over the people by an agrarian law, Maelius by largesse. All were men of excellent spirit and not unworthy of command, and perhaps would have been most excellent kings if they could have come to the scepter without crime.

In addition to immense hopes, they also scatter money. Herodian, in his *Elagabalus*: “His mother also secretly gave money for him to distribute privately among the soldiers, so that he might possess their goodwill, increased also by the pledge of money--for this is what they chiefly regard.” Many Romans, so that they might hold the first place in a sedition and crush the opposing parties, poured out their patrimonies. Marcus Livius Drusus, tribune of the plebs, promised the courts to the Senate, the Senate to the equestrians, lands to the plebs, and citizenship to the Latins, so that he said he had left nothing for anyone else to bestow except heaven and mud. Agrippa also came under suspicion because he bestowed many things upon the people, adorned Rome, and gave oil and salt to all. Sejanus tested the dispositions of the citizens, and especially of the soldiers, by gifts.

It would be a long and unnecessary discussion to speak of those who overcame citizens and enemies by money; men give all things for money. When Seleucus had proclaimed a reward of one hundred talents for the head of Theodotus, who had charge of the treasury at Sardis, and now all things were full of suspicions, Theodotus himself opened the citadel to him. For when he saw that money was stronger than fidelity among his own men and observed that amid civil wars he was not safe, he preferred to hand over both the entire treasury and himself rather than to die honorably and prove his fidelity to his prince.

They are accustomed to make a show of zeal for peace so that all things may be received more gently. Tacitus: “A few days after the Kalends of January, letters were brought from Belgica from Pompeius Propinquus, the procurator: the legions of Upper Germany, having broken their reverence for the military oath, demanded another emperor and permitted the Senate and Roman People the decision of choosing him, so that the sedition might be received more gently.” We have seen the rebellions of France, the Low Countries, and Bohemia; nothing could have been said or done more gentle in appearance, more artfully colored, or more disguised. They said that they loved their kings, obeyed them in all things, acted against hidden enemies, and wished the royal majesty to be defended by all. “For king and law,” they inscribed upon their standards. Yet Caesar displayed nothing other than the safety of the state, nor did Pompey display anything else. And Cato deservedly reproaches the soldiers:

> You were Pompey's army,
>
> Not Rome's.

The shameless boldness of many has also raised itself up to stir peoples by inserting themselves into a favored and illustrious family. Smerdis pretended that he was the son of Cyrus and the brother of Cambyses whom Cambyses had killed, and, because of the hatred for Cambyses, who ruled most cruelly, he was eagerly received, until, when the fraud had been discovered, he was killed by seven nobles. Herodotus, book I.

In the same manner, the man whom they pretended to be the son of Antiochus Epiphanes was assisted by the cities. He grew so powerful that he killed Demetrius Soter; and if, corrupted by the kindness of fortune, he had not acted with excessive intemperance, he could have held the kingdom for a long time. Archelaus, Andriscus, Anarhates, Alexander, Herophilus, Chamaces, the false Neros, Scriboniani, Commodi, Frederici, Henrici, and Richardi practiced a similar kind of fraud. But men do not readily believe them unless a change is already desired. Thus these dangers hang over a state when its present condition is hated. Here also care must be taken that such men do not grow strong in power; for in this way they establish the belief more firmly, and those to whom that error is profitable maintain and defend it even knowingly and willingly.

Some states have been so constituted that they do not easily admit civil disturbances, as among the Chinese. For the people cannot easily move itself, since it is oppressed by the immense power of the governors; nor can the mandarins who govern do so, for they are from the common people, and, in the second place, they lack military force. Third, they have ministers assigned by the king, and the military magistrates are subject to the civil. Our Jarric describes these things in the *Indian Treasury*, volume II, book 2:

“The third good that arises from this form of state is that civil wars and internal disturbances, which rise here and there, are wholly cut off and removed. For the king's sons and brothers can stir up none while grasping at the kingdom. Although they are kept splendidly, nevertheless, in the place to which they are banished, it is unlawful for them to set a foot outside, under the appointed penalty of death, unless the king's permission has been obtained--a permission that he will never give. In addition, they govern no affairs, but power has been entrusted to the mandarins alone; nor is it easy for the mandarins to stir up any disturbances. For those who are permanent and military are subject to the civil officials, while the latter hold power for only three years. Moreover, because they generally reach this summit of honors through learning and virtue, and since most are plebeian and humble, they cannot therefore rely upon the aid of friends or blood-relations; and if perhaps relatives by marriage pressed them or suggested loftier ambitions, it would be in vain. For mandarins are always appointed on foreign soil.

“Furthermore, they are so distinguished from one another that those who preside over military affairs do not involve themselves in political and civil affairs; those who care for the state have no care of the royal treasury; and the prefects of the treasury do not concern themselves with either civic or military affairs. Finally, because magistrates are not permitted to attach to themselves any ministers other than those whom the king assigns, no handle is thereby given to anyone for secret disturbances or the stirring up of civil wars.”

Nevertheless, just as that arrangement, now tested in China, is praised during a long peace, so in European, Asian, and African kingdoms it is altogether useless, indeed very pernicious. For when the state is constituted in this form, no man of any ability and prudence devotes himself to military service. Hence they are by no means safe by their own strength. A proof is that the Japanese, whose resources do not equal a hundredth part of those of the Chinese, assembled one hundred and fifty thousand men and attacked the kingdom. Although they were repulsed after suffering a defeat, nevertheless everyone sees how greatly the Chinese are held in contempt if one considers military affairs, since the lord of that island dared to attack so great a kingdom with a fleet and thought that he could possess it. This hope would be no less foolish and wicked than if the king of Britain trusted that by the strength of his islands--

[Printed page 750]

--he could reduce all Europe, united under one king, into his power. The form of their state therefore renders the Chinese unwarlike; and if some one keen and able man rebelled with the aid of neighboring kings, he would easily seize or tear apart China. Thus one must not greatly praise a state that is composed of slaves and, as it were, women--certainly of men unwarlike and therefore more exposed to warlike nations.

Other states have been so constituted either by their laws or by the custom of the people that at a slight impulse they are borne up and down, as was the kingdom of the Egyptians. Therefore the disposition of the people must be known; for some have been so disposed that they cannot and will not act without sedition. Trebellius Pollio attests concerning the Egyptians: “And this is familiar to the people of the Egyptians: as though furious and mad, they are led by every trifling matter to the greatest dangers of the state. Often, because salutations were neglected, a place in the baths was not yielded, meat and vegetables were withheld, slaves' footwear was involved, and on account of other such things, they advanced through sedition all the way to the greatest danger of the state, so that armies were armed against them.

“Accordingly, in their accustomed madness, when on a certain day the servant of a certain governor who then ruled Alexandria had been beaten in military fashion because he said that his sandals were better than a soldier's, the assembled multitude came in uncertainty to the house of the commander Aemilianus and pursued him with every instrument and fury of sedition. He was struck with stones and attacked with the sword; no weapon of sedition ceased. Therefore Aemilianus was compelled to assume the imperial power, since he knew that he must perish from every quarter.”

Meanwhile the Jews who lived around Cyrene, under a certain leader named Andrew, slaughtered Romans and Greeks alike. They ate their flesh, girded themselves with their intestines, smeared themselves with their blood, and clothed themselves in their skins. They sawed many in two from the crown of the head, threw many to the beasts, and also forced many to fight one another, so that as many as two hundred and twenty thousand men perished. In addition, in Egypt and Cyprus under the leadership of Artemion, a similar slaughter of the Cypriots was perpetrated, in which two hundred and forty thousand men were lost. From this it comes about that a Jew is not permitted to enter Cyprus. If one should perhaps be driven to the island by the force of a storm, he is killed. But the Jews were subdued both by others and especially by Lucius, whom Trajan had sent. A prince, therefore, ought to know the nature and morals of his people.

CHAPTER XV

Remedies against Seditions and Civil Wars

[Printed page 750]

The remedies are altogether of two kinds. Some are prophylactic: they remove the causes and preserve beforehand. Others are applied when affairs have already been disturbed, in the midst of their heat. Of the former kind are those things already said concerning right instruction; for if they are observed, tumults will not easily arise and can be quieted with little labor. For if the prince preserves his authority and power and consults the safety of his subjects, he will easily regulate a quiet state by laws. To this pertains the enumeration of seditions and of the causes of tumult, so that by considering them a prudent magistrate may render his city immune from those evils by which he has seen others perish. But since plots are laid even against the holiest and most just magistrates, either from the depraved nature of the people or from the vices of certain men, we must treat of guarding against them and restoring peace.

The first and safest remedy is to meet the beginnings; for here plainly:

> Medicine is prepared too late
>
> When evils have grown strong through long delays.

The first movements subside under modest remedies; when they have gathered impetus, they devastate everything. And it is established that it is easier to exclude pernicious things than to govern them, and not to admit them than to moderate them once admitted. Nevertheless, admitted things, when they are small at the beginning and have not yet placed themselves in undisturbed possession, readily allow themselves to be cut back. The reason why all things are easily corrected at the beginning is that the contagion has not seized many; next, the few who are the authors conduct everything timidly; many are ignorant of the causes and attach themselves through folly.

Thus, in the affair of Saint Paul, when the city of Ephesus was filled with confusion, most did not know for what cause they had assembled, yet they cried for two hours, “Great is Diana of the Ephesians.” How easily did the town clerk restrain such great movements? Acts 19:35: “Men of Ephesus, what man is there who does not know that the city of the Ephesians is the worshiper of great Diana and of Jupiter's offspring? Since, therefore, these things cannot be contradicted, you ought to be quiet and do nothing rashly. For you have brought forward these men, who are neither sacrilegious nor blasphemers of your goddess. But if Demetrius and the craftsmen who are with him have a case against anyone, court days are held and there are proconsuls; let them accuse one another. If, however, you seek anything concerning another matter, it can be resolved in a lawful assembly.” If the magistrate had not met the affair at the beginning, it would have come to slaughter and plunder; then the mere investigation of questions and judgments would have hurled them into further evils.

Histories teach that very many seditions were suppressed at their beginning. For although many conspiracies were entered into and plots laid against individual emperors and kings, they were nevertheless removed from the midst only by the last of them; they therefore suppressed very many. The Spartans quieted a most dangerous sedition with a word. The Partheniae had established as their signal that they should throw mud into the middle of the forum to begin the tumult. When the ephors learned of it, they ordered it proclaimed by the herald: “Those of you who wish to remove mud from the forum, depart”; and thus the sedition was dispersed. Polyaenus IV. If they had begun to remove the mud, that tumult would have raged with the slaughter of the magistrates and the state.

All tumults indeed must be treated immediately, but they must not immediately be met by an assault; for when resistance is made to an evil that cannot be conquered, it is provoked and rages farther. When the people is in motion and fury, measures that soothe it must be taken, and the people must be questioned gently. Thus it was done in the

Roman secession. The counsel is no different in individual cases. Caesar, already supported by legions, secure through magistrates he had bought, pleasing to the people, and strong through his conspiracy with Pompey and Crassus, ought not to have been provoked; but he should have been permitted the powers which they could not take from him. Tiberius approached Sejanus cautiously and gradually. Nicolaus Utranus forbade anything to be done against Cosimo de' Medici once he had already been strengthened. Thus, when a sedition burns with a great cause, or when it has been strengthened through delay, it must be attacked not by engines but by mines.

Seneca puts it beautifully. They say that a physician, when he had to treat the daughter of a king and could not do so without iron, while gently warming the swollen breast, applied a scalpel covered with a sponge. The girl would have resisted the remedy if it had been applied openly; because she did not anticipate it, she endured the pain--the woman who is healed secretly only when deceived. This must be done in a fresh sedition when men have, or seem to themselves to have, great causes for rioting. For the first onset of the plebs must be guarded against; presently--

[Printed page 751]

--when it has subsided, individuals flee apart in fear, no one trusts another, and all are anxious for their safety.

Yet in this matter nothing is more pernicious than through delay and negligence to give men time to compare counsels, strengthen themselves, gather auxiliaries, and--what contributes most to breaking their hope of pardon and is an impediment to quiet and peace--to commit offenses. For the farther they advance, the more gravely they transgress, because they injure others more in order to protect their own position. By this slowness, too, while they fight for altars and hearths, they are rendered bold, contemptuous of dangers, and altogether warlike; for this reason they cannot be compelled to their duty except by great expenditures and wars. Caesar warned that dangerous and great things must be done, not deliberated about; this must be said especially of seditions. Here assuredly that saying has a place: the swifter an onset is, the stronger it is. Hence in the Capitol, in the forum, in the very gathering of the people, seditious men were killed by the Romans. Courts did not sit against violence; the sword was drawn.

Despair must never be cast upon rebels. He who hopes for nothing despairs of nothing and dares everything. He thinks anything preferable to perishing amid mockery and the insulting of enemies. Despair is always dangerous; for after a man has renounced safety, he seeks consolations for destruction and companions in death. Severity must therefore be used in such a manner that a hope which is not vain is shown to those who return to their senses. The Roman state was tossed by such savage wars because the defeated placed no protection in the mercy of the victor. They renewed the war in Africa, in Spain, at Pharsalus, and in Sicily because they preferred to drag out their life through unhappy wars rather than be slaughtered like sheep. They remembered the times of Marius and Sulla.

Alexander Severus overcame a conspiracy by kindness. Lampridius relates a witty history. When a certain Quintius Camillus, a most delicate senator of an ancient family, wished to rebel and aimed at tyranny, and when this had been reported to Alexander and immediately proved, Alexander summoned him to the palace and thanked him because, when good men declined it, he voluntarily undertook the care of the state that was to be imposed upon them. Then he proceeded to the Senate and called the man--who was afraid and wasted away by so great a corruption of conscience--a partner in the imperial power. He received him into the palace, admitted him to his table, and honored him with imperial ornaments better than those he himself used. And when an expedition against the barbarians was announced, he either urged him to go himself, if he wished, or to set out together with him. When Alexander made the journey on foot, he invited him to the labor; when Camillus held back after five miles, he ordered him to sit upon a horse; and when after two stages he was wearied even by the horse, he placed him in a carriage. When Camillus refused this too, whether from fear or shame--indeed, when he even abdicated the imperial power and was prepared to die--Alexander dismissed him; he commended him to the soldiers, by whom Alexander was singularly loved, and ordered him to go safely to his estates, where he lived for a long time.

In a similar manner the tyrant of Athens recalled his seditious friends. When the friends of Pisistratus had withdrawn from him, he came to them with his bedclothes. When they marveled, he said that he had come so that, if he persuaded

them, he might bring them back, but if not, he might remain with them. Severus certainly acted more rightly than if he had raged against a most delicate man unused to labor. For dangers and fears, when the counsels and examples of others are added, arouse even cowards. Otho was soft and ruined by pleasures, yet he fought bravely and accomplished death by his own hand--not bravely indeed, but nevertheless obstinately, and showing what more he could do when so prepared to die. Even Sardanapalus, an example of luxury, did not fear the flame of his burning palace.

Men must therefore not be reduced to despair, even when unarmed. Weapons remain to the despoiled; and if those are lacking, fury will furnish weapons. But if the fury has cooled, others will be inflamed for vengeance. The speech of a Campanian citizen sufficiently demonstrates this, Livy XXVI, where he introduces Vibius Virius speaking thus:

“What sort of surrender do you think that will be, by which we once surrendered ourselves and all our possessions to the Romans in order to obtain aid against the Samnites? Has it already departed from your memory at what time and in what fortune we defected from the Roman people? Have you forgotten how, in the defection, we killed with torture and insult the garrison that could have been sent away; how often and with what hostility we broke out against those besieging us; how we attacked their camp; how we summoned Hannibal to crush them; and, as the most recent act, how we sent him from here to attack Rome? Come, on the other side, review the hostile things they have done against us, so that from this you may know what you are to hope.

“When a foreign enemy was in Italy, and Hannibal was the enemy, and all things blazed with war, they omitted all else, omitted Hannibal himself, and sent both consuls and two consular armies to attack Capua. For a second year they keep us encircled and shut in and waste us with famine, themselves undergoing with us the utmost dangers and most grievous labors; often slaughtered around the rampart and trenches and nearly driven from their camp at the very end. But I omit these things. It is an old and customary matter to suffer labors and dangers in attacking an enemy city. This is the proof of execrable anger and hatred: Hannibal attacked their camp with immense forces of infantry and cavalry and captured part of it; they were not moved from the siege by so great a danger. He crossed the Volturnus and burned the Falernian territory; they were not called away by so great a disaster to their allies. He ordered hostile standards to be borne against the city of Rome itself; they despised even that storm hanging over them. He crossed the Anio and placed his camp three miles from the city; at last he approached its very walls and gates; he showed that he would take Rome from them unless they abandoned Capua--and they did not abandon it.

“If you go toward the lairs and cubs of wild beasts stirred by a blind onset of rage, you turn them aside to bring aid to their own. Rome besieged, wives and children whose wailing was almost heard even here, altars, hearths, temples of the gods, and the tombs of their ancestors profaned and violated did not turn the Romans away from Capua. So great is their eagerness to exact punishment, so great their thirst to drink our blood. And perhaps not unjustly: we too would have done the same if fortune had been given us. Therefore, since it seemed otherwise to the immortal gods, although I ought not indeed to refuse death, while I am free and master of myself I can escape by death the tortures and insults that the enemy hopes for, and by a death not only honorable but also gentle. I shall not see Appius Claudius and Quintus Fulvius supported by insolence in victory; nor shall I be dragged in chains through the city of Rome as a spectacle in a triumph, then in prison or bound to a stake, my back torn by rods, to submit my neck to the Roman axe. Nor shall I see my country destroyed and burned, nor Campanian mothers, virgins, and freeborn boys carried off for violation. They overthrew Alba, from which they themselves had sprung, from its foundations, so that neither the stock nor the memory of their origins might remain; much less can I believe that they will spare Capua, toward which they are more hostile than toward Carthage. Therefore, for those of you whose resolve it is to yield to fate before they see these many and great bitter things, a banquet has today been furnished and prepared at my house.”

Twenty-seven senators accompanied him and took poison after the banquet. How greatly could Rome have profited if it had conducted its wars more mildly! They rebelled for so long because they feared tortures.

[Printed page 751]

Furthermore, just as a sedition sometimes arises from fortuitous events, so at times it is quieted by them.

[Printed page 752]

The annals of Tacitus furnish an example. Chance softened a threatening night that was about to break forth into crime. For the moon was seen to grow dim in a clear sky. The soldier, ignorant of the reason, accepted this as an omen of present affairs and compared the failure of the star to his own labors, supposing that the things they pursued would turn out prosperously if brilliance and splendor were restored to the goddess. Therefore they made a din with sounding bronze and a harmony of trumpets and horns, rejoicing or grieving as it became brighter or darker. After clouds arose and obstructed it from view, and it was believed to have been buried in darkness, as minds once struck by superstition are changeable, they lamented that eternal labor was portended for them and that the gods abhorred their crimes. If such events obtain a true or skillful interpreter, they effect the greatest change in the rude crowd; if a malicious one, they customarily make it more savage.

It is customary, if the authors of seditions cannot be removed, to win them over by gifts and soften them with the hope of pardon. For if they hope for pardon and trust that they will obtain it by a lawful way, they will easily turn their sails backward and be reconciled to the state. If, moreover, they abandon those whom they have stirred up, all things will soon become tranquil; for when the wind has fallen, the sea lies placid. Nor is it contrary to the authority of the prince to strengthen public peace by the safety of one wicked man, to remove civil wars, and, so that many good men may be preserved, to preserve even some wicked men. No one treats this wound more easily than the man who made it.

Nevertheless, I would not wish this to be done in the manner in which the sophist spoke. For when the law was that whoever had moved a sedition should die and whoever had quieted one should receive a reward, and the man who stirred it up had himself quieted it, a question arose concerning the reward. The sophist replied: “Which comes first, to move a sedition or to quiet it?” When the answer was “to move it,” he said: “Let him first die, therefore, and then, if it can be done, let him receive the reward.” Far from the state be public fraud, by which the fellowship of the human race is altogether dissolved. Let the prince remember that it is much more beautiful and praiseworthy to make a friend from an enemy than to kill an enemy. The people drove Cimon into exile, but, when the necessity of the state pressed, it acted to have him recalled. Gracchus prevented Scipio from being led to prison, although before this they had lived as bitter enemies.

But at this point the man who has been injured must be warned to propose and maintain a reconciliation truly, not feignedly. Antigonus treacherously punished with death the man persuaded by his promises. Leucon likewise postponed his vengeance but exacted it grievously. Certain trierarchs were attempting treason. He ordered them to remain quiet, lest, if the enemy conquered, it should seem that a calumny had been constructed against them; meanwhile he adorned their relatives with dignities and prefectures, but when the war was ended he killed them all. Agathocles killed all the suspected men, up to five hundred, at a banquet, after he himself had played the flute and danced at the banquet. Polyaenus V.

If the authors of sedition can be recalled to duty neither because they are elated by prosperity nor through fear of punishments, occasions of discord and distrust sought among them disarm the seditious. It is exceedingly customary to render the enemy's commanders suspect. But it is a strong protection, especially when the rioters are governed by the command of several nobles or of the people. How easily did the envoys of the Tarquins incline noble young men, even the Brutuses themselves, toward the kings? Livy I: “A king was a human being, from whom one could obtain something wherever there was need of right or of injury; there was room for favor and for a benefit; he could both become angry and forgive, and knew the distinction between friend and enemy. The laws were a deaf and inexorable thing, more salutary and better for the needy than for the powerful; they had no relaxation or pardon if one exceeded the limit. Amid so many human errors, it was dangerous to live by innocence alone.”

This is more readily done in sedition than in war, for many reasons. Behold how great a crime: not merely to act so that kings might be brought back upon equal conditions, but, when a reward was offered from the other side, to betray everything. Behold: in that very year they brought themselves to betray their liberated country, their father the

liberator, the consulship that had arisen from the Junian house, the senators, and the plebs to a king who was formerly proud and was then a hostile exile. Rebels of other nations will do the same if there is a reward for the work. If they do not, nevertheless they can be rendered mutually suspect, when some nourish rivalries against others and exercise private enmities; when some come to honors through canvassing, others are rejected, and merits are not weighed, but wealth or affinities. Hence come the offenses and indignation of many men against kings.

When subjects seek from a magistrate something not unjust or wicked by nature, it must be granted in such a manner that he does not appear compelled by force or fear--or else one must yield altogether; for it is better to escape the blow than to be wounded. When the Roman Senate had granted the people the power of creating military tribunes, all those created were patricians; the bitterness of the plebs showed itself not so much in the execution as in maintaining the right. But if a king or Senate, when it sees some one man employing largesse, wishes to allure the people by its own beneficence, it will also render the attempt of others ineffectual. For several men can give many more things, and give them from the public treasury, than private persons can. Xenophon yielded his horse to a common soldier who murmured against him and ran up a mountain on foot. His fellow soldiers, indignant and stirred by the danger, urged Xenophon to preserve himself for the duties of a commander and execrated the detractor.

Those who desire revolution must frequently be confronted with this fact: the men whom they themselves place over affairs are not better than the others. If this is done suitably and opportunely, a bridle can easily be imposed upon all seditions. For since the most loathsome men stir up sedition, they can hardly be judged worthy of command. There is a remarkable example in Livy XXVI:

“Thence he turned his course to Capua, which was luxuriating in long prosperity and the indulgence of fortune. Above all amid all its corruptions, Pacuvius Calavius, himself a noble and popular man but one who had obtained wealth by evil arts, had rendered the Senate subject both to himself and to the plebs by the license of a plebs exercising liberty without measure. When he happened to hold the highest magistracy in the year in which affairs had gone badly at Lake Trasimene, he judged that the plebs, long hostile to the Senate, would dare a great crime when an opportunity for revolution arose: if Hannibal came to that place with his victorious army, it would slaughter the Senate and deliver Capua to the Carthaginians. Although a wicked man, he was not utterly ruined; since he preferred to rule over an unharmed rather than an overthrown state and believed that none could remain unharmed when deprived of public counsel, he devised a plan by which he might both preserve the Senate and render it subject to himself and the plebs.

“Having summoned the Senate, he first declared that a plan of defection from the Romans would in no way be pleasing to him unless it were necessary--for he had children by a daughter of Appius Claudius and had given his daughter to Livius in marriage at Rome. Yet a much greater and more fearful danger was at hand: the plebs did not aim to abolish the Senate from the city by defection, but wished by slaughtering the Senate to deliver the state, emptied of it, to Hannibal and the Carthaginians. He could free them from this danger if they entrusted themselves to him and, forgetting their contests in the state, trusted him. When all, overcome by fear, entrusted themselves to him, he said: ‘I shall shut you in the senate-house and, as though I too were a participant in the contemplated crime, shall find a way for your safety by approving counsels which I would oppose in vain. Receive from me whatever pledge you yourselves wish for this.’

[Printed page 753]

“When a pledge had been given, he went out, ordered the senate-house to be closed, and left a guard in the vestibule so that no one might approach the senate-house without his order or be able to leave it. Then, having summoned the people to an assembly, he said: ‘Campanians, the power you have often desired of exacting punishment from a wicked and detestable Senate you now possess safely and freely--not by storming the houses of individuals in a tumult, houses which they protect by guards of clients and slaves, with the greatest danger to yourselves. Accept them all, shut up in the senate-house, alone and unarmed. Do nothing hurriedly or perhaps rashly. I shall give you the right of pronouncing sentence concerning the life of each, so that each may pay the penalties he has deserved. But before all things you

ought so to indulge your anger that you regard your safety and advantage as more important than anger. For you hate these senators, as I think, but you do not wish to have no Senate at all. Assuredly either a king--which must be abominated--or a Senate, which is the sole counsel of a free city, must be possessed. Therefore two things must be done by you at once: you must both remove the old Senate and elect a new one. I shall order the senators to be summoned individually, and I shall consult you concerning the life of each; what you determine concerning each will be done. But before punishment is exacted from the guilty man, you will elect into his place a brave and active man as a new senator.'

"Then he sat down and, when the names had been covered in an urn, ordered the man whose name first fell out by lot to be summoned and brought out from the senate-house. When the name was heard, each man cried that he was evil and wicked and worthy of punishment. Then Pacuvius said: 'I see what sentence has been given concerning this man. He is cast out as evil and wicked; choose a good and just senator.' At first there was silence, from want of a better man to be proposed. Then, when someone, laying aside shame, named somebody, at once a much greater clamor arose: some said they did not know him; others objected now his disgraceful acts, now his lowliness and sordid poverty, or his shameful craft or manner of gain. This happened much more with the second and third senator, so that it appeared that the men repented of the senator himself, but lacked anyone to substitute in his place. For there was no purpose in naming the same men, who had been named for nothing other than to hear reproaches; and all the others were much more lowly and obscure than those who first occurred to their memory."

And indeed, among so many seditions and disturbances of all nations, this must especially be noted: the constitution of the state has very rarely been made better. For if those who rise against the magistrates and citizens are conquered, the ancient form of the state remains; if they conquer, since they are worse than the conquered, they administer it worse. This is the ordinary disaster of the seditious; and I appeal most freely to all history. Whoever considers the outcomes will pronounce it an oracle.

CHAPTER XVI

Various Methods of Restraining Seditions Employed by Different Men

[Printed page 753]

It has seemed good to join together the various methods by which princes have met seditions, and to stuff them, as it were, into a medley--not because they are all to be approved and employed, for some confound everything by malicious deceit, perjury, and cruelty, but because it is nevertheless permissible to fashion similar measures by imitation according to that manner, without crime, for the public safety.

Pompey, as Frontinus relates in Book II, chapter 11, when he regarded the people of Catina as suspect and feared that they would not receive a garrison, asked them to allow the sick among his men meanwhile to recover with them; thereafter, having sent the bravest men in the appearance of invalids, he occupied and held the city. It was indeed moderate in that he did not kill anyone; it was dissembling and fraudulent in that he sent strong men in place of sick men.

Dissembling and fraudulent also was Caesar, who discharged the seditious from service, and then, after the instigators had been killed, received those discharged men again. Hanno acted thoroughly wickedly and with Punic faith. Four thousand men had begun to riot because their pay had not been rendered; first he deceived them by promises, and then betrayed them to the Romans. For, having promised that he would compensate for the injury of the delay by liberality, he brought them back to quiet and obedience. Having done this, he sent them out for plunder and at the same time, through an agent under the guise of a deserter, informed Otacilius that the Gauls would go out to plunder. When ambushes had been placed by him, they were all slaughtered, and Hanno was freed both from the danger of sedition and from payment of their wages, but was bound by the greater crime of perfidy.

With equal perfidy Cassander entrapped Nicanor, who was estranged from him, when he was prefect of Munychia. Lysimachus was much more cruel, because he raged against innocent and pitiable men. Six hundred Autariatae had been stripped of their baggage. He suspected that, as men who had been exasperated, they would stir up a sedition; and so, after they had been led out by fraud, he slaughtered them all. Those of Enna who were killed by Pinarius can be judged to have been killed justly, since they were already contriving a revolt. For when they demanded the keys back, he ordered them to assemble in the theater and deliberate; when they persisted in their opinion there, he ordered them to be killed. Nor can the Spartans be accused of cruelty when, without fraud and falsehood, they sent a plotter into an ambush.

Cinadon had laid plots against the ephors. They sent him into a certain district of Laconia, ostensibly for the sake of a secret affair; there, after being tortured by cavalrymen sent ahead for this purpose, he disclosed his accomplices, whom the ephors immediately killed. Polyaenus, Book II. When three thousand men had revolted from Antigonus, he sent Leonidas to them under the pretense of desertion; Leonidas first persuaded them not to join one another, and thereafter betrayed them themselves.

When the Macedonians frequently rioted against Alexander but the Persians loved him, he elevated the latter, gave them Persian commanders and Persian reinforcements. Diodorus Siculus, Book XVII. By that transfer to the Persians he restrained open violence, but not the monstrous hatreds by which he was afterwards overwhelmed and drank poison.

Julius Caesar broke up a sedition by fortunate rashness, something which can be done only if the man against whom they rage possesses great authority. Pompey, Caesar's son-in-law, did the same. He was a man of great spirit. When the soldiers threatened that they would seize the money which was to be carried in the triumph, and when his friends advised him that he should instead divide it among them himself, he answered that he would die rather than succumb

to military license. After chastising the soldiers in a stern address, he threw the laurelled fasces before them so that they might begin their plundering with these. These men acted thus for their own safety, but Antigonus for another's. For he skillfully quieted a sedition of the soldiers against Antipater. They were demanding their pay from a man who was destitute, and very little prevented them from stoning him. Antigonus advanced over a bridge like a man about to address an assembly; they yielded from his path and followed to hear what he wished to say. Meanwhile, while he defended Antipater in a long speech, the latter escaped. Polyaenus, Book IV.

Hamilcar's stratagem against deserters and those contriving sedition was remarkable, especially because it was free of Punic malice. When Gauls in great numbers were deserting from him to the Romans, he ordered his most trustworthy

[Printed page 754]

men to feign desertion and to kill the Romans who came to receive them. Thus neither did others flee, nor did the Romans receive fugitives.

Eumenes also acted in a civic manner, for by borrowing money from his rivals he defended his own safety; for lest they lose their money, they protected him with great fidelity. In that way certain cities in Germany were drawn into an alliance in war, lest they lose what they had already expended. Leucon preserved himself in the same manner, but added a falsehood. For, being assailed by plots, he received money on loan from merchants, alleging that his enemies had been surrendered to him through a betrayal. After receiving the money, he acknowledged the plots and took the merchants as bodyguards; he defeated the plotters.

It seems more proper to impostors than to princes to meet seditions, both civil and military, by forged letters as though written by a counterfeiter's hand; yet many have also employed this. For commanders themselves are accustomed to invent false plans, ambushes, betrayals, flights for refuge, and panic terrors, so that the soldier may be prepared for everything and may become thoroughly acquainted with the thoughts of all. When letters concerning Eumenes' life had been scattered in his camp, he gave thanks because no one had sought the price of the crime, and added that he himself had scattered the letters for the sake of making a test. Besides, he said that Antigonus did not wish to conquer in such a way as to establish in his own person a most wicked example.

I marvel that Alexander the Great, who professed such strength of mind, cast himself down to such base things as to pry into the secrets of all his men who had written letters to Macedonia. For when, while stationed in Hyrcania, he had advised them to write letters to their people with the envoys whom he was sending into Macedonia, he arranged for the letters to be recalled from the journey and read them; and against those whom he found to have written anything against him he conducted himself as an enemy. It was an altogether dangerous business, and one which compelled the king to be cruel. Polyaenus, Book IV; Curtius and others.

Ingeniously, Iphicrates equipped a fleet in hostile attire and, when he was received with unrestrained eagerness by those whom he suspected, plundered the city. By an alien dress Datanes deceived both his own men and his enemies; for, when he knew that plots were being laid against him, he fought in another's dress in battle, and thus was able both to remain concealed and to mark the plotters.

The things tyrants have done in this kind are abominable. Augustus was defiled by adulteries with matrons; yet his friends excused him more disgracefully by saying that, because he was assailed by many plots, he sought out the secrets of husbands by means of those shameful acts. Dionysius was more cruel in this kind. For he enlisted female musicians and prostitutes, and, after they had been tortured, inquired what their lovers had said concerning the tyranny; he afterwards killed those who had spoken dangerously.

He also sometimes pretended that he was dead or ill, so that he might explore men's inclinations. Dionysius certainly spread a report among the soldiers that he had been killed; he then slaughtered those who had shown joy at the event. He also did the same when he had published abroad that he was in extreme danger; for, when many men rejoiced, he came forth with his bodyguard and ordered them to be slaughtered. By a theatrical device as well, after hearing an

itinerant performer, he avoided real dangers and terrified those who were contriving sedition. A certain man at Syracuse professed that he knew an art by which plotters could be recognized and guarded against. Having been admitted to Dionysius, he said, “If you say that you know plotters beforehand.” Dionysius, after giving great rewards to the teacher, boasted that he had learned a wonderful art of escaping plots, and was safer because of it. But this was the imposture of a madman; for that same man who taught Dionysius such a secret disclosed it to others also. Nor is it likely that it was betrayed by Dionysius, since by it he could be safer only so long as it was kept silent.

To impede a sedition it has often been profitable to conceal it or to show oneself trustful toward the very men involved. Frederick, having understood that the men of San Miniato were looking toward rebellion, indicated that he wished to place treasures and captives among them. In place of treasure he sent concealed weapons, and for captives, brave soldiers in bonds, who occupied the town and brought it back under Frederick's dominion. Thus Eumenes, when he was being neglected by Antigenes and Teutamus, commanders of the Argyraspids--for they did not come to his tent--lest this evil spread to others, said that he had been warned by a twofold dream to erect a tent for Alexander and to conduct all business in it. Thus he obtained the result that even his rivals were compelled to come. Polyaenus, Book IV.

Among men who have been stirred up and are powerful, too, it is advantageous to conceal what one knows. Antipater acted cautiously with the earlier army of the Naxians, who, when Alexander's death was heard, had assembled to assail his dominion. Pretending that he did not know with what intention they had come, he thanked them because they had assembled to bring aid to Alexander against the Lacedaemonians, and added that he would write this to the king. But because their service was not necessary to him at present, he urged them to depart for their homes; and by this assertion he dispelled the danger that threatened from the revolution. Frontinus, Book II, chapter 11. This has place especially when others are in danger of rioting after the example of those who desert. Agesilaus arranged for the shields of fugitives to be removed by night, lest it become known to the soldiers that there was so much perfidy and so great a multitude of deserters.

Although there is much importance in the discord of enemies, nevertheless they are not easily to be provoked, for they readily unite against a common danger. Therefore one must rather act so that they are separated, as Dionysius did when he wished to deprive the veterans of their pay. A sedition was stirred up, but he professed that he would employ the older men in guarding fortifications and composed the tumult for the present. Afterwards, when he had divided them among the garrisons, he took their pay away from them while they were separated.

It is also a wicked method of preventing seditions to break peoples by luxury, something which many kings have done. When Xerxes ordered the Babylonians to devote themselves to pleasures and lay down their arms, Croesus the Lydians, and Phalaris the Leontines, thought that they should be restrained by the same bond of pleasures. But it is not safe; for when morals have been corrupted by that manner of life, many squander their own property and are therefore compelled to undertake revolutions. In addition, they become unwarlike and poor, so that they are able to assist the prince neither by labor nor money.

A sedition has often been composed by the intervention of holy and religious men. When the inhabitants of Walcheren had obtained, with the aid of Saint Willibrord, a noble and miraculous victory against Robert the Younger, son of Baldwin, Count of Flanders, and then afterwards, in a civil and intestine war--the cause is not stated--had been divided into the parties of factions, they raged mutually against one another, so that they killed the more noble chief men of the island. No one had free opportunity of entering or leaving; no one had the ability to approach sacred buildings or sacrifices, even on the very day of Parasceve, without an array of arms, an assembly of fellow tribesmen, and a band of attendants. Nor was there an end or measure to such fury and discord until, after many funerals of their own people, by common counsel and embassy, the abbot Thiofrid, the lover of Christ--these are Victor's words--was summoned from Echternach and composed the minds of the citizens by miracles, prayers, and authority, and with great labor restored peace.

[Printed page 755]

Thus writes the Reverend Lord Abbot of Echternach, whose *Flowers of the Epitaph of the Saints* our Father John Roberti, after almost 550 years, first published at Luxembourg in the year 1619 and illustrated with his most learned notes; and they append the aforesaid history, described most copiously, to the life of Thiofrid. It is worthy to be read by the heretical and Catholic inhabitants of Walcheren, for the confusion of perfidy or the confirmation of faith. What religion could do among Christians, superstition could sometimes do among the gentiles. When the Egyptians had revolted through hatred of Persian cruelty, Darius came at the time when they were mourning the dead Apis and proclaimed that he would give one hundred talents of gold to the man who found a new Apis. Marveling at the king's piety, they returned to obedience. Polyaenus, Book VII.

Betrayals must be met by enticing suspected men with a price and a greater hope. Thus Marcellus drew over to himself Bantius of Nola, who inclined toward the Carthaginians and was agitating the minds of his fellow citizens. It is a matter of the greatest skill to turn betrayal to one's own advantage. Thus Arsames, himself a seditious man, met both betrayal and sedition. A prefect of cavalry had promised that in the engagement he would go over to the other side. Arsames, after holding an inquiry about him by night, discovered the crime; and so he clothed another man in the prefect's garments and equipped his most faithful soldiers with cavalry arms. When the signal was given by the enemy, he ordered them to cross over and cut down their rear; by this stratagem he obtained a distinguished victory. Polyaenus, Book VII.

It is especially important to impress hatred of a betrayer upon men's minds. Antigonus and Caesar loved betrayal but hated betrayers. Philip loved men who were going to betray, but when they had already betrayed, he hated them exceedingly. Indeed, he also hated those who were going to betray, but pretended to love them. Lysimachus rewarded Andragathus, the betrayer of Amphipolis, magnificently, but afterwards killed him by torture. For these words especially agree with such men:

> May no land, no seas be able
>
> To receive them.
>
> Men for whom there is nowhere a place among the Danaans, and the
>
> Dardanians themselves, moreover, are hostile and demand punishments with blood.

CHAPTER XVII

Public Peace Has Been Disturbed Not by Catholics, but by the Seditions of Sectarians

[Printed page 755]

Both my purpose and the bitterness of the times compel me to treat many matters concerning the composing of the seditions of our country. That there is so great a disturbance in the Empire, so great a distrust among the princes, and so great a mutual hostility toward the Imperial Majesty as there was not even in the most exasperated times is taught by the diets and public assemblies. The beginnings of almost all of them contain complaints about discord, contention, lawsuits, and distrust, while the negotiators have thus far sought remedies. Yet it appears marvelous to foreign nations, and posterity will scarcely believe it, that now for ninety years peace has been negotiated among princely colleagues and relatives, in the sight of emperors who are most desirous of peace, while alienation of minds and petty wars nevertheless endure--especially since war would be equally ruinous and mournful to either party, and since no one comes to those diets who does not profess that he is most desirous of peace.

I inquire into the cause of so great an evil; for just as in medicine it is necessary for the remedies to know the cause of the disease, so a certain harmful humor enclosed in this vast body of the most august Empire must be recognized. In various places and with diverse effect it disturbs the duly tempered harmony and concord of the limbs and members; some it inflames contrary to nature, some it wastes away, and some it tears apart by gnawing; and while it assails the individual parts, it infests all alike. I shall disclose in what part this evil is situated and reigns.

Accordingly, I determine as follows. The causes of all discords, hatreds, civil wars, and rebellion in the Roman Empire are the Lutheran and Calvinist preachers, by whatever name they are called and in whatever sect they live. Nor are the Anabaptists innocent; but because their audacity has once been broken, their malice now lacks force and arms. Therefore they now cover themselves with a fox's skin until they acquire a lion's and grow strong enough to carry the matter through. I ask the reader so to regard and weigh the reasons that he does not pronounce sentence from a preoccupied judgment.

The first reason. For conserving the Empire and preserving peace, the authority of the ruler is necessary; it is stronger against rebellions and contempt than all citadels and even arms. Majesty is the safeguard of empire. The preaching innovators, so far as lay in them, dissolved all its force, and attempted to bring the matter to such a point that there would be neither admiration nor fear of the highest power, the two things by which authority, which is the prop of governments, is sustained. They therefore undertook to cut the sinews of the Empire; thence audacity broke the peace in the hope of impunity, and that enticement gradually drew many men so that they now drew authority to themselves.

> οὐ γὰρ πεφύκασιν αἰδοῖ πειθαρχεῖν, ἀλλὰ φόβῳ· οὐδ᾽ ἀπέχεσθαι τῶν φαύλων διὰ τὸ αἰσχρόν, ἀλλὰ διὰ τὰς τιμωρίας.

For they have not been born in such a way that they obey shame, but so that they obey fear; nor that they abstain from wicked things because of their disgracefulness, but because of punishments and penalty.

But how shall I show that the innovators blunted the edge of august authority, detracted from majesty, and befouled it with the contempt of every most worthless man? This indeed will hardly be laborious. In the volumes of Luther there are entire invectives against princes, collected even by Catholics. It is not my intention to report all of them--indeed, scarcely any--because Luther's authority has not yet been abolished from the minds of all, and esteem for legitimate power is languishing more than it ought. It is sufficient to have taught the matter by one or two examples.

In his little book *On the War against the Turks*, he denies that the emperor is the head of the Christian state and defender of the Gospel or of the faith. The Church, he says, assuredly ought to have another defender than the emperor

and kings, for they are the worst enemies of Christianity and the faith. In the little book *On Secular Power*, he says that princes are for the most part either the foremost fools or the most abominable scoundrels.

But lest we attribute these things to Luther's fervor alone, behold that most timorous man Philip. In an epistle to Lord Burchard Mithobius: “Although I have often learned with great sorrow that the minds τῶν ἀρχόντων [of rulers] are exceedingly inconstant”--he speaks of his own rulers, whose diligence in plundering monasteries he also censures. “Most princes even before this time have been much more diligent in plundering monasteries than in establishing παροικίας [parishes] and schools. But let us await the coming year, which perhaps will shake from our heroes their lethargy, games, pleasures, loves, and quarrels. Thus far some have raged against churches, others have invented corruptions of doctrine,

[Printed page 756]

contended with obscene pamphlets, invented tasteless dialogues, delighted themselves with venereal pleasures, neglected churches and schools, and contended in ambition; now Nemesis draws near an enemy who is not to be despised.”

And in an epistle to Milichius, he says that cities have been deserted and betrayed by cowardly princes. What the Calvinists think about the princes of the Empire and the emperor himself I have already shown often enough: namely, that the Empire is the apocalyptic beast, the slayer of the saints; that to admire the Empire excessively and to call it August is to adore the Devil or Dragon.

But this doctrine was invented for overthrowing the Empire. Therefore the preachers endeavor to overthrow the Empire. But because that world cannot be inverted without a crash, and so great a body cannot be transferred without dissolution, so great a ruin must necessarily be preceded by many and most violent convulsions.

The second reason. Those by whose arts the power of the Empire is attacked and weakened furnish the cause of tumults and seditions. For what is anger without strength? What is the shadow of a great name? That Empire which rests upon the mere opinion of the multitude and esteem for antiquity cannot stand; power, wealth, arms, counsels, and alliances must be present, or else the first man who has dared to push the column dislocated from its base will overthrow it. But by the insidious and also open machinations, preparations, and battles of the innovators, the power of the Empire has been afflicted; and the fact that it has not yet fallen it owes to its emperors, to the Catholic princes, to certain Protestant princes as well as certain free states. It credits its preservation to no preacher.

What? Would those pitiable men disturb the Empire? As though there were no danger even to the strongest from the weak. For great frauds there is no need of a great spirit, but of an evil one. When affairs have been disturbed, Sinon as victor mingles fires. What lions and bears can do, vipers and blister beetles can do also. The acrimony of the poison compensates for weakness of strength. I prove that the preachers are implicated in this fault.

For first they attempted to divert, wear away, and ruin wealth--the sinews of war, the ornaments of peace, and arms.

For they converted the estates, possessions, and ornaments of very many churches to other uses and, as Melanchthon bears witness, were diligent in plundering monasteries. But that wealth was taken from the Empire, because old tenants who were faithful subjects of the Empire were ordered to migrate, without right and without legitimate process. Monasteries, canonries, prelatures, and bishoprics were the plunder of secular princes; names, places, and the valuation will tell to whose courts annual accounts are rendered concerning the spoil of the Lord. A double loss arose from this for the Empire. For neither were monetary subsidies sent by those despoiled, and the others, who were terrified by the example of those who had been plundered, while their fortunes hung in uncertainty and depended upon the disposition of their neighbors, were weaker for defending the state in which they saw themselves oppressed, having been deserted by the fellowship of their colleagues.

Much of its former power therefore departed in this way by the counsel of the preachers. Yet their own greed deceived them; for when they saw that they were heard with inclined ears by princes and cultivated by the people, they did not

doubt that they would be received into the dignities of the deposed prelates and would become prosperous after being begging and itinerant versifiers. But they were mistaken. When the matter came to the point, the treasury prevailed; they themselves were sprinkled with a slender little portion, lest they bark, not so that they might be satisfied.

By this convulsion, therefore, the tributes and revenues of the Empire were diminished, that is, the ornaments of peace and the supports of war. For neither can the repose of the Empire be possessed without arms, nor arms without pay, nor pay without tributes. But what system of tributes will there be if those who transferred the possessions of others to themselves have no will to contribute, while the despoiled are protected by πενίᾳ [poverty] and ἀπορίᾳ [want], divinities of ill omen?

Secondly, in so many diets and assemblies, which have now been multiplied for ninety years, so much expense has been expended upon lawsuits and contentions and upon mutual skirmishes as would have sufficed for a Turkish war. I appeal to the princes' very accounts and to the expenses made upon journeys, envoys, and diets.

Thirdly, with Luther as its author and Müntzer as its agent, the Peasants' War was kindled, in which fortresses, monasteries, and churches were overthrown, and at last the obstinate peasants were destroyed by slaughter. Whoever has not learned to reckon this among the losses does not know that fields and farmers are the foundation of the treasury.

Fourthly, Luther and his followers stirred up intestine wars; upon these was incurred expense and poured out blood with which Hungary and Thrace, even Constantinople itself, could have been acquired. To wit, after various disasters, almost all non-Catholic Germany conspired against the emperor. They record that there were eighty thousand infantry and ten thousand cavalry in the camp of the rebels, besides garrisons of towns and the remaining equipment. Why should I then relate other lesser things, such as the devastation of Brandenburg, the wars of Cologne and Alsace, and the rest? The beginnings of all those things were stirred up by the innovators while they attempted to wrest ancient possessions from the orthodox.

Nor yet does restless novelty, impatient of peace, stop here. How often has Belgium been aided with money and men? How often have the Huguenots in France been strengthened against their own kings? The fields of France and Belgium are still growing fat with the corpses of Germans. Who can wonder that the power and strength of the Empire, fighting against itself and letting blood so often, are drained away? Who can wonder that it has neither spirit nor resources against the Turks, when everything is expended at home?

Consider even the present condition: Germany must be drained by daily expenses. For behold the standards, equal eagles, and javelins threatening javelins. Adversaries intent upon an occasion have sometimes terrified Catholics by sudden expeditions; at last they conspired among themselves and entered into alliances with foreigners. And so, with the emperor approving, they impelled the Catholics mutually to bind themselves by a holy confederation necessary for protecting their affairs that remained. Movements therefore arise from both sides: war is prepared there, defense here; money is contributed even in peace; commanders for war are chosen; pay for future wars is given to centurions; provisions and equipment are procured. German felicity would have deserved congratulation if it armed itself in this manner against the enemy. Now, through fear of neighbors who, at the trumpet call of their preachers, clamor for wars and arms and promise priestly robes to the soldier, those expenses must be incurred.

The Empire therefore collapses beneath its own mass and is arrayed against itself; hence it is weak against foreigners and, its strength poured out in domestic conflicts, will be conquered by an unwarlike enemy unless caution is taken. But what is the origin of so great an evil? Whence comes so enduring a mutual hostility, sometimes making war, always threatening, never thinking rightly? From those who lie upon the goods of Catholics, for whom it is too much that bishops live, who, having been baited by the plundering of the Church, regard whatever is denied

[Printed page 757]

them as something snatched away.

The Empire of Germany was formerly strong not only by its own majesty and might, but also by the love and alliances of its neighbors. The innovators undertook to cut off these aids and altogether strip us of the assistance of allies. Faithful Italy and Spain have always furnished the strongest assistance against the Ottomans, kingdoms which scorn truces and peace with the Turks; we read that a ready force, and one especially feared by the Turks, came from Belgium; nor must there be doubt about a French force, since the kings have confirmed friendship by affinity.

What do the innovators do here? The pontiff is the beast; the Florentine, the Mantuan, and the Spaniard fornicate with the Babylonian harlot. You, Briton, burn Italy, kill, devour flesh. But what? While the pontiff, the princes of Italy, and the Spaniards in part oppose their own bodies for the Empire, in part support soldiers at their own expense, contribute money, and make vows, do you lay plots? The Lutherans accuse the Calvinists of inclination toward the Turk; they warn their princes to adhere to the Catholics rather than to the Zwinglians, because the pope wages wars for the Empire, while the Calvinists deny subsidies to Caesar and carry the Eastern Antichrist under their breast, as I proved in the book *On Syncretism, or False Peace*.

Who, therefore, disturbs the peace? Is it the man who says that the most faithful allies must be retained in friendship? Or the man who neither thinks of contributing to the war himself and seeks an enemy throughout the whole world for the defenders of the Empire?

[Printed page 757]

The third reason. Those are guilty of violating peace who have taught men to occupy the possessions of others by injury; or, if they allege some element of right and equity in that usurpation, who have entered upon possession by no judgment and no order, who flee the sentence of courts, and persuade men to possess and persevere by force or deceit. These have been the pursuits of the preachers, these their endeavors from their very cradle.

And concerning the Zwinglians, indeed, the matter is public: in the Diet of Augsburg itself they boasted of armies, alliances of foreign nations, and divisions of bishoprics, as is found in Melanchthon's epistle to Philip, Prince of Hesse. But what need is there of my proof? Let the acts of the Imperial Chamber at Speyer be inspected: supplications, formal declarations of right, appeals, pending suits, and inveterate suits. Catholics complain that possessions have been snatched from them wrongfully, by force and deceit, through the ministers; they wish to try the remedies of law; they are and have been the plaintiffs; they arraign their adversaries for extortion; Caesar assigns judges of recovery. There is therefore no doubt that those men gave the beginning to the suit who drove from ancestral estates a possessor in good faith, the peaceful possessor of an undoubted inheritance.

“But the Catholics were unjust possessors; therefore the lordships had to be vindicated and transferred to us.” I shall consider the question of right later. If they appeal to law, let them come under law to a formal joining of hands; let the matter be decided by law, and let them not proceed by force alone. But why were those possessors unjust who were possessors by the gift, foundation, and laws of Charlemagne, Henry, and other pious emperors and princes? There was a common interpretation of imperial laws, a common understanding of municipal laws, a common use and practice of law, and the decisions of tribunals. According to this law they were legitimate possessors, quietly and without challenge occupying dominion over their own property.

By the counsel of the innovators, right or the interpretation of right was changed, and the minds of princes were changed; with the new religion, the old form of the state ceased. By confiscation, fine, exile, and plunder, by a new and most unjust law, proceedings were taken against those whom the customary and long-enduring protections of the laws defended. The private treasury seized so many bishoprics, abbeys, colleges, monasteries, hospitals, and schools; for to the very ministers of the robberies, as to hunting dogs for sharpening their keenness, small particles from the plunder were divided.

Who moved the war? Was it the man who invoked the laws and the magistrate while he was being expelled? Or truly the man who drove an old tenant out without law? You snatch everything from its ancient owners because they did not

embrace a new opinion which fought against ancient laws and customs, and do you accuse them of violating peace? “Let them become Evangelicals,” you will say, “and they may keep their own property for themselves.” I do not know whether they could protect their possessions by changing their faith. This I know: it was provided by no ancient law that possessions were safe and preserved intact only for those who call themselves Evangelicals. This new law, therefore, which is opposed to all ancient rights, customs, and privileges, was the cause of the discords.

The fourth reason. Those men gave the cause of seditions and tumults whom the legitimate magistrate condemned for violating peace, for whose restraint assemblies were proclaimed, laws enacted, and judgments instituted--not those in response to whose tears and prayers these things were granted, for the relieving of whose calamities and the mitigating of whose exiles these protections were prepared.

You expelled me from my possession by your law, stripped me of my goods and annual revenues, and punished even my reputation. I lie at Caesar's feet; I implore the noble office of the judge and the assistance of the laws. What remains except that at your command Caesar should order me to be led away as a violator of public peace? I possessed by ancient law and faith; I was expelled by no law. I complain of this to Caesar, and behold, I hear that I am seditious.

What, therefore, of Caesar and the Roman Empire itself? The Pandects, the Code, and the Novels protect me; the Golden Bull of Charles IV, issued in the year 1356, protects me; the Reformation of Frederick III in the year 1442 protects me; the declaration made by Maximilian I in the year 1500 defends me.

But Charles V identifies you as the author of the discords at Worms in the year 1521, at Augsburg in the years 1521 and 1530, at Speyer in the years 1526 and 1529, and in the years 1542 and 1544, and in innumerable other places; he confirms the judgment of the Chamber and forbids plunderings and spoliations. A General Council is sought and awaited by all; meanwhile I was expelled before the Council and am not restored after the Council. Despoiled before I was accused, amid punishment and exile I await the sentence of the Council to which you too appealed. Let me be permitted to grieve over these things with myself. Why do you insult me as I lie fallen and attempt to transfer to me the fault for violated peace? You were unwilling to approach the Council, deservedly so, because you possessed without right. Invited to the Colloquy of Worms in the year 1557, you departed, overcome by the discord and mutual hatred of your own men; meanwhile each party lives upon my plunder, although opposed to the other. Am I the cause of the discord because I did not immediately die out?

The fifth reason. Let us look at the acts themselves. After they had occupied many goods of Catholics, in the year 1541, lest war arise, the Catholics were compelled to suspend the actions which they possessed against the invaders, as was established in the Decree of Regensburg--but under this law, that the hands of the Evangelicals should now stop and that they should not carry out new spoliations. But who could stop men hurrying toward other things, always with a new thirst? For what did princes not learn from those Harpies? Scenting gain from every occasion, the preachers advised that our wings be cut in such a way that they could not grow again; every fold and every designation for plundering was invented.

[Printed page 758]

For in the meantime the bishoprics of Magdeburg, Bremen, Halberstadt, Verden, Osnabrück, Minden, Lübeck, Utrecht, Cammin, Schwerin, Gdańsk, Brandenburg, Ratzeburg, Schleswig, Hamelburg, and Lebus were snatched away, and likewise both celebrated and small monasteries. Nothing else remained except that they carry everything away together with the dust. Priests were expelled and temples laid waste, contrary to the agreements and covenants and to Caesar's mandates issued at Speyer in the year 1544. Caesar therefore decreed that he would appoint commissioners because of the ecclesiastical jurisdictions and goods that had been invaded. Certainly they had not been invaded by us, but by the violators of peace.

The disaster of Germany then followed, when they openly rebelled against Caesar. We assuredly did not arm Saxony and Hesse. We neither impede reviews of the Chamber nor call Caesar's power into doubt, something repeatedly done

at the last diets by the envoys of the Correspondents. Concerning this matter, let the acts published by them be seen, and the author who wrote *On the Disturbed Condition of the Empire*.

The sixth reason. Those by whose counsel war, plots, and betrayals were made against Caesar violated the peace; but the years 1544, 1545, 1546, and those following teach that the innovators did this.

Deservedly, therefore, Catholics also wage war on their own behalf. For if the Landgrave rightly told Caesar at Frankfurt in the year 1546 that nothing else had been transacted among the Protestants except how they might both remain in their own religion and repel unjust force, who can doubt that Caesar necessarily had to wage war in order to repel unjust force from so many subjects? Who can deny that a just cause of war was given to the Catholics, when they experienced that they were stripped of goods contrary to Caesar's edicts and laws and deprived of the exercise of the ancient religion?

Did not certain princes deny Caesar the appellation of August Majesty? Otherwise, they thought it was not permissible to wage war against him. Sleidan, Book XVII. As though, truly, once you have taken away the name of authority, it is then permissible to fight against the magistrate. At the same time they stirred up both the king of France and the Swiss against Caesar, but they were mocked by the Frenchman and rejected by the Swiss.

But there is no need for me to transfer the fault for the wars to my adversaries, nor is it fitting for the innovators themselves to deny it, since the case of men who have confessed need not be pleaded. Ulrich of Württemberg implores Caesar's mercy and asks that for Christ's sake he pardon him. He does not place his protection in his own innocence, but in the fact that he has found Caesar's clemency to be certain, a clemency which Caesar is accustomed to employ toward suppliants; there was, he says, more than one proof of this fact, and indeed one produced a few years before in the case of certain men from the order of princes who perhaps had furnished Caesar with no little greater cause of offense than he himself had. And his envoys said that he openly confessed his fault and grieved vehemently over the crime committed. Sleidan, Book XVIII.

Frederick the Palatine also came to Halle to seek pardon. A little later the envoys of Ulm came to Caesar and, when as suppliants they acknowledged their fault and begged forgiveness, they were reconciled. But the envoys of Memmingen, Biberach, Ravensburg, Kempten, and Isny say that it happened partly by their own error and partly by the fault of others that they transgressed against Caesar. Indeed, the people of Strasbourg and others also seek pardon. Caesar's envoys at Ulm in the year 1547 accuse them of not only having rebelled themselves, but also of having impelled others to do the same and of having disturbed everything throughout Germany in violation of laws and right. Nor does the Landgrave, as Caesar's suppliant, deny it.

We therefore have the authors of the tumults now accused by their own judgment. But the cause of all the evils is the dissension of religion, concerning which the emperor rightly said in the year 1547: “Unless it is composed, peace cannot be established at all.” Thence it followed that right was not administered. The emperor deservedly judges that the fact that for some time no justice was administered pertains to the infamy and injury of Germany. But who is the author of the injustice except the man who distrusted his cause, except the man who, when the trumpet sounded, compelled the laws to be silent?

The seventh reason. A man is guilty of violating peace if he prevents justice from being administered and prevents justice from being able to have an avenger or executor. But how greatly the sectarian ministers labored to remove from their midst all tribunals except those they themselves erected! At the beginning, in the year 1521, Luther burned the canon law, as though he were free from every fear of judgments if he burned the parchments. Then they most earnestly demanded that the Imperial Chamber not pronounce against them; they impeded reviews, by which art they evaded very many sentences.

When appeal was made to Caesar's court, they denied its jurisdiction; they wished the causes of principalities and counties to be committed to the estates of the Empire. When the matter came to the diets, they were unwilling that the

greater number of votes should prevail, but rather those to which they attributed greater soundness. Which were those? The votes of the few who call themselves the Correspondents.

What, then, must pitiable Catholics do if someone from among the Calvinists invades them? Let a Catholic flee to the Chamber? A review will be sought and will not be granted. To Caesar's tribunal? They will deny that Caesar can decree without the consent of the estates. They will rescind the sentence, as the most unconquered Emperor Matthias declares was done in the affair of Aachen. Do you appeal at a diet of the Empire to the venerable Senate of the most illustrious princes? One will have to abide not by the greater part of the votes, but by the lesser or the least.

What if that least part, which wishes itself to be sounder, judges everything in the Calvinist manner: that Catholics are Antichristians, to be burned and devoured, and delivers us to Du Plessis, who would die from joy at our punishments? What if the greater part cries that this is contrary to the law of nations, while the lesser part thinks itself sounder? It is marvelous that they could propose these things without blushing.

Will you believe this, posterity--that there were men in the Roman Empire, founded upon so many laws and ordered by so many dignities, who wished to be exempted from all laws and judgments and, by an unheard-of oligarchy, to draw to themselves the jurisdiction of all the princes and indeed of the August Emperor himself? No one has anything to hope for in such a condition if he is not among the Correspondents; no one has anything to fear if he is going to have men of his own faction as judges. But if these things continue to hasten onward in their course, what at last will this sacrosanct Empire be except a great brigandage? For where the laws have been trampled down, judgments removed, and the authority of magistrates vanquished, what will be right and lawful hereafter except every act of the superior, every title of the stronger? For what the man who conquers has himself done will be judged lawful.

CHAPTER XVIII

Civil Peace Can Scarcely Be Obtained in the Roman Empire So Long as the Preachers Disturb Ecclesiastical Peace

[Printed page 758]

My discourse concerns true peace. I judge that this can scarcely be safe and enduring in Germany, my dearest country, among the diverse members of one Empire, without suspicions and offenses and without anxious expectation

[Printed page 759]

of war, unless the importunate and furious madness of the ministers, especially the Calvinists, is restrained and reduced to measure in its calumniating and disturbing of everything. For they disturb ecclesiastical peace in such a way that they remove civil peace from the midst. There are many and most weighty reasons for proving this matter.

The first reason. True religion and piety possess sharp goads and, when aided and ruled by divine grace, are victorious even over tortures and death. Superstition too is a vehement thing and, through its own timidity, headlong; when it grows strong, it engenders heresy and magic, always restless and, if opposed, savage. “All men,” says Cicero in the sixth action against Verres, “are moved by religion, and they judge that the ancestral gods whom they received from their forefathers must be diligently worshiped and retained by them.” All men without exception: not only those whom true piety joins to the true and only God who is to be worshiped, but also those whom error holds in bondage and charms with the images of false divinities, whom love of their own opinions blinds so that they do not behold the truth.

The cause is that all judge temporal or eternal salvation, and most judge both, to be at stake in a religious controversy. Therefore we see that, when religion is introduced, the populace is stirred up by the slightest impulse, and that seditions already stirred are composed by the same means. Peoples roar when they see a new religion imposed upon them, as recently at Berlin. Whenever they see religion changed, they believe that Christ is snatched from them, that they are delivered into the power of the demon, and that they are consigned to eternal fires--except where they have already become accustomed to changes and huckstering and hold faith among the *adiaphora*, dependent upon the will of their princes.

The preachers abuse this inclination of peoples and their zealous conviction, and they labor to bring everyone over to their own opinion: first by blandishments, then by general edicts and a change in the exercise and rites of the Church. How greatly did the Lutherans labor in the Palatinate to expel the Catholics? By what a fine stratagem did the Calvinists cast out the Lutherans? With what great anger did the Lutherans, returning from exile, proscribe the Calvinists? How skillfully did the proscribed Calvinists at last avenge themselves upon those who had proscribed them? And these things were transacted not by disputation alone, but by the authority and power of most illustrious princes.

In these disturbances, what confidence and charity could there be either among the Lutherans toward Frederick and Casimir or among the Calvinists toward Louis? Do they not judge those princes to be the enemies of their souls through whom they are most firmly persuaded that they are despoiled of true teachers and assigned to false teachers and seducers? Let the supplications of the citizens of Heidelberg to Casimir the Administrator be seen. Can it be that the Calvinists whom Louis the Elector expelled could have loved him and wished him to be powerful and secure? They cried that by his command and forces they themselves and the truth were oppressed, and they were persuaded that by his death salvation would return to them.

The ministers on either side, both Lutherans and Calvinists, each impelled the subjects toward his own opinion; they vociferated that a contest had been instituted concerning supreme salvation, concerning eternal life and death. They

openly hated the opposing counselors and preachers, at whose instigation the princes changed religion. Would they love the prince without whom those men could do nothing? Would they love the prince who would give away the salvation of his subjects, and indeed their eternal salvation, to the desires of others? Since, therefore, from year to year and day to day the meddlesomeness and vanity of the preachers seeks a change of religion, there cannot fail to be as many causes of alienation, discord, and distrust as there are attempted changes. Luther changed religion; Melanchthon, Flacius Illyricus, Osiander, Major, and the Ubiquitarians altered it yet again after it was changed--all with disturbances and a convulsion of the parts of the Empire.

The second reason. From that restless and perverse zeal of the ministers of the new Gospel arise a grave struggle and perpetual contentions. For what praiseworthy charity effects among the orthodox, that all should desire to come to knowledge of the truth, corrupted depravity attempts among tribunician agitators, so that they may infect everyone with their own contagion. Since they cannot do this by another way, despising mild remedies, they meditate exiles, confiscations, proscriptions, and tortures. The nine children of Arminius complain in a preface to the Estates of Holland that this occurs.

Let that sect which with more than human artifice feigns gentleness and innocence be our example. With what unbridled lust, with what barbarous cruelty did it exercise tyranny? How clearly did it demonstrate what madness lay hidden beneath the fleece of a gentle animal! What comparable deed did the infamous cruelty of the Arians or Circumcellions perpetrate? And yet that heresy, relying upon a single town, not only dared to hope for dominion over the world--which is excessively to the disgrace of the German nation--but, after sending envoys in every direction, attempted it.

To me, assuredly, that Anabaptist portent appeared not so marvelous when it decreed those crimes--for it had heretics and tyrants whom it might imitate--as when it applied itself with such ardor to the propagation of its sect. Every error possesses this quality, that it is fertile; every heretic is an importunate propagator of his opinion, and they do not easily cease unless they conquer. They all strive to dominate the body from which they have been cut off. They advance their hatreds with curses and, when they can, with the sword.

Behold within the Empire the soft Calvinists, the rigid Calvinists, the Socinians, Anabaptists of diverse superstitions, pure Lutherans, altered Lutherans, Ubiquitarians, Majorists, Osiandrians, and Flacians--all zealots of their own sect. There is no one among them who does not exceedingly desire the entire Empire to pass under the laws of his heresy, who does not attempt to accomplish this as far as he can. What peace, therefore, can there be when so many sects struggle with one another daily over life, fortunes, and the soul itself? Moderation must therefore be prescribed to the preachers, and precaution must be taken lest they bear and bring up some new monster.

Yet what would you prescribe to them? What laws would you establish? In the year 1530 the Augsburg Confession was presented to the Emperor Charles V, and many copies of it were then published. But how often was that confession changed? Indeed, how often did the assembled princes and cities act so that it would not be changed? Yet nothing was accomplished: one Melanchthon was more powerful than the whole body of Protestants. And so now no one maintains it intact.

The third reason. Foreign kingdoms will perhaps be able for some time to sustain a diversity of religions without disturbances. But while this insolence of the ministers, especially the Calvinists, remains, the connection of the estates with one another and civil association in the Roman Empire cannot endure without fear of danger and without suspicion. For the preachers attempt altogether to remove the Empire from the midst under the pretext of religion.

The Roman Empire is no less within the Church than the Church is within the Empire; and if we wish to confess the truth,

[Printed page 760]

the Empire in Germany exists through the Church. The principal members of the Empire possess their dignity because they are ecclesiastics. Three chancellorships of the Empire, and electorates, belong to churches. Therefore the peace of the Church is the peace of the Empire. The preachers who attempt to remove the ecclesiastical estate from the Empire therefore overthrow the Empire. But the Calvinist Puritans deny that bishops can be princes, and they proceed not only to snatch the government of their provinces from our bishops, but are also indignant with the English bishops because they obtain political dignities at the royal court.

They therefore remove the peace of the Empire, because from among so many archbishops, bishops, and abbots who are princes of the Empire by most ancient right, they acknowledge no one as a prince. They exhort their people to invade the sees of their colleagues as though they were vacant; they assert that this is not the least important head of their religion. This assuredly not only disturbs civil peace, but removes it altogether from the midst. Hence, when they wish, they will assail the emperor himself by the same art; for if those who elect him and proclaim the diets are not electors, then the election is not legitimate. Since these things are so, there is no doubt that the doctrine which labors, under the occasion of piety, to commit all the members of the Empire to a war of mutual destruction must be banished altogether from the territories of the Empire.

You will perhaps say that princes of a religion different from ours think otherwise. Deservedly so, indeed; they do not believe their own men, having often experienced them to be liars. But I do not consider what the generous spirit and prudence of the princes accomplish, but what whisperers--or, as the Lutherans call them in the history of the changed religion in the Palatinate, serpents--hiss into their ears. For what if at some time they obtain a prince upon whose youth they impose? Peace is not firm where the disposition and goodness of the prince, upon which alone it rests, are assailed by so many engines.

The fourth reason. A state cannot be undisturbed where it is administered by contrary wills and laws; but the intemperance of the preachers makes the Empire such a state. There will be perpetual spiritual war; how, therefore, can there be temporal peace if spiritual war also afflicts it? To wit, will the laws of the Church call men to the sermon, to the celebration of the mysteries, to a procession, to prayers and fasts? What will a prince do here if he hears the preacher as a πάρεργον [secondary matter]? To wit, he will compel men to attend the court and the hunt, to repair roads, to cut wood, and to do other things by which they are altogether called away from the church.

Here, which lord will the conscience of the oppressed obey? For if a subject neglects the prince's authority, political peace will now perish; if he postpones the law of the Church to the prince's edict, conscience will totter. Let us make the matter clear by an example. Let the prince be a Calvinist, the superintendent a Lutheran. Let the latter threaten anathemas; the former, exiles, prisons, and the sword. Let each draw a portion of the people; when the pursuits of the populace have been split in opposite directions, civil peace must perish utterly.

The prince will pronounce Lutheran doctrine impious, a diabolical heresy, and the superintendent a turbulent enemy of the truth, to be pursued, exterminated, and cut down with all one's strength. The superintendent will pronounce the prince's commands tyrannical and his deeds cruel; he will earnestly await the aid of foreign Lutheran princes. Court and Church will collide; the ὑπερεπίσκοπος [super-bishop] will impel men toward the Lutherans, while the magistrate's edict will compel them toward the Calvinists. The prince will not endure contempt of himself, nor indeed will the magistrate, who will be the more savage than so great a prince in proportion as his anger is more ignoble.

What remains here except that they bring forth arms, these men on behalf of the court and those on behalf of the church? If they obey the prince because religion has been commanded, it is worship not of God but of the purple, extorted from the unwilling. But what peace is there if you perceive that you are compelled to stake your life and salvation upon the prince's opinion? Therefore that is not concord of minds, but the groaning of the oppressed, execration and hatred of the victor, and a hidden contrivance of minds intent upon vengeance.

[Printed page 760]

The fifth reason. We see daily examples of the Preachers' War. For such is the constitution of the Roman Empire, such the intermixture of rights and jurisdictions, that it requires the highest concord between the ecclesiastical and political estates and can easily be torn apart by the machinations of turbulent men. Rights have been divided among different and often rival men, so that even when religion is one, peace can scarcely remain undisturbed. But now, when common rights and privileges are scattered among different religions, what convulsions of tribunals, what plagues of justice invade provinces with deadly contagion? How often are we compelled to see those disgraces of Germany?

This man possesses civil jurisdiction, that man ecclesiastical jurisdiction; another claims both. A Lutheran intrudes a Lutheran, a Calvinist a minister of his own communion; sometimes they do this by alternate turns. Hence come forcible installations, threatening convulsions, and, when the greater prelatures are at issue, bloody wars. Here there can be no concord of minds, no confederation, when with a savage and stern brow the preachers judge that every peace--indeed, any concession and inclination toward milder counsels--must be broken off as though contrary to conscience. Amid these things the most pitiable peoples, uncertain of everything, through the contest of those who rule bear an uncertain faith and a salvation held in suspense.

The sixth reason. The Calvinist ministers bind civil and ecclesiastical peace by so inseparable a bond and association that, if the matter is conducted according to their judgment, they can by no means be separated. For they adorn their kings and princes with pontifical authority and power, so that spiritual power may serve political power and political power may support spiritual power. For they endow the principate with the faculty of judging and conducting spiritual affairs and arm ecclesiastical jurisdiction with the laws and army of the age, so that they come formidable with a twofold force.

Pareus, in his preface to Hosea, after he had conferred all the offices and power of bishops upon the most illustrious Prince of Hesse, animates and incites him with these words: “Well done, DIVINE Hero; boldly perform the work of the Lord which you are performing.” That is: expel the Lutherans; substitute Calvinists. For the prince was then doing this, and indeed in earnest. The Calvinists judge that their princes must act by this power, by this doubled force of both temple and court and, if there is resistance, of the camp.

Therefore those who impel civil power toward the alteration of affairs and drive it to strip its principal subjects of offices and revenues, cast them from possession, and order them to go into exile cannot preserve civil peace. For what peace can exist between the violence of those driving men out and the groaning and complaints of those who migrate? “But the people of Marburg did not move a war.” Prudently, assuredly: they were not ignorant that they were weaker. The Berliners, however, did move one, whether through sudden fury or because they hoped for victory. And at some time the people of Marburg will move one too, if what the Saxon counselors report is true: that all Lutherans

[Printed page 761]

who live under Calvinists earnestly expect to be liberated by the estates of the Augsburg Confession. *Motive* 12. These are their words:

“The Protestants would enter upon slight favor--indeed, rather they would stir up execrations and groans against themselves among those who dwell among Calvinists and confidently and earnestly expect that they are shortly to be liberated by the estates of the Augsburg Confession and that Calvinism is to be abolished--if these men should perceive by hearing that the Protestants now play the same pipe with the Calvinists and concede that, as the saying goes, five is even. Once this was done, an occasion and cause would assuredly be furnished for no small disturbances and movements in the Church of God among Christians.”

The Lutherans who live among Calvinists therefore earnestly await liberation, and indeed liberation by the estates of the Augsburg Confession--a liberation which cannot occur without a violation of peace. They earnestly await the abolition of Calvinism; whether that abolition can occur without war, I leave to be discussed by the counselors of the princes. Conversely, the estates of the Augsburg Confession would groan and execrate them if they entered into peace

with the Calvinists; therefore they now execrate the Calvinists and groan against them. That on account of which each thing is such is itself more such. The Lutherans living among Calvinists execrate the Lutheran estates on account of the Calvinists; therefore they execrate the Calvinists even more.

Finally, peace between Lutherans and Calvinists would furnish an occasion and cause for no small disturbances and movements. But why? Because by that peace the Lutherans would fall from their own hope and expectation and would therefore seek counsel and assistance from themselves. The matter has been brought to this point: if the preachers are left to themselves, not even mention of peace can be made without danger of war. Moreover, what should we think those men who execrate their princes and expect to be liberated from them will do if they obtain an opportunity?

Nor would I believe that the Saxon counselors say these things rashly and by conjecture concerning Lutherans living among Calvinists, but that they have discovered the matter from secret alliances and, as they now love to speak, correspondences. These are the Lutherans. Moreover, when these things are known, what should we suspect the Calvinists are contriving? Calvinist ministers so vigilant, so keen avengers of injuries, so cautious in anticipating dangers, so swift to forestall crimes, so practiced in deceiving Lutherans? This, assuredly: that they may abolish those who wait and every expectation, and that as quickly as possible, lest they delay their own security and lest there be time for aid to be brought to the confederates. Indeed, for this reason they will execute everything more savagely, lest they seem to be slow amid the dangers of their princes.

The seventh reason. The ministers who today besiege the states which they call Evangelical, especially the Zwinglian states, endeavor by design to excite hatred and contempt of the Empire. These two causes are so effective for overthrowing the state that, unless God, the founder and guardian of order and magistrates, repressed their wicked and abominable endeavors, we would long ago have had no form of the Empire in Germany. Concerning the Anabaptists this shines forth more clearly than to require demonstration, for they attempt to wrest from all magistrates the sword which those magistrates do not carry in vain.

I demonstrate the matter concerning the Calvinists. Those men attempt to attach hatred and contempt to the Empire, and altogether to overthrow it, who teach the following consequences in words, writings, and, when they can, DEEDS:

1. The Dragon, or Demon, gave the Empire his own strength and great power.

2. The Church is necessarily afflicted by the Empire.

3. The fullness of diabolism dwells in the Empire.

4. The Empire which now exists is the seven-headed beast, Apocalypse 13:3.

5. To marvel at the beast is to marvel at the success and felicity of the Empire while proclaiming it august, holy, sacrosanct, and immortal.

6. The Dragon affixes his own ornaments to the Empire.

7. To marvel excessively at the majesty and felicity of the Roman Empire is to adore the demon.

8. While the pontiff defends the Empire, he retains men in the worship of the former apocalyptic beast.

9. To adore the beast is nothing other than to wish the Empire to be sacrosanct, august, and venerable, as it formerly was under the gentiles.

But the Calvinists teach these things: Graserus in *The Royal Plague*, Benedictus Aretius on Apocalypse 13, and others.

By design, therefore, they attempt to overthrow the Roman Empire.

Therefore, unless those agitators and Gracchi are restrained, peace cannot be stable in the Roman Empire. The minor proposition is evident from their writings; I cited the places in the little book *On the Increase of Heresies*, to which I

refer the reader. If anyone denies the major proposition, I do not doubt that all will judge him either insane or supremely shameless. Yet there is no need to prove it in any other way than by experience.

For if that doctrine is not insulting toward the August Caesars, if it is not seditious and exceedingly hostile to peace and concord, come then, let someone relate those things about other states after changing the name. Let him say that the Dragon or Demon gave his great power to the people of Zurich, the people of Bern, the Briton, the man of Bouillon, and the Dutch; that the Church is necessarily afflicted by them; that the fullness of diabolism dwells in them; that to marvel at the beast is to marvel at their success and felicity. Let him preach these and the other things at Zurich, Bern, London, Sedan, and The Hague, and publish them in print. Would not instruments of torture, stirred from the entire world, rush upon him? Would they not attempt to pour the Ocean itself through broken dikes upon that man as upon a pestilential torch of the state?

I scarcely seem safe to myself, who employ these examples for the sake of teaching--although what fault of mine is here? The Calvinists say these things against the Empire; I say that the statements are seditious, because if they were uttered against the Swiss, Dutch, and British, they would be judged seditious. Therefore they are also seditious when they are uttered against the emperors, electors, and princes of the Empire. That doctrine must therefore be removed if civil and ecclesiastical peace is sought. Those who show by these statements that their affairs cannot be safe except by the ruin of the Empire must not be tolerated.

The eighth reason. What emperor, at last, or what prince at all could beasts of this kind endure? Of what profession or faith could he be? But I finish and conclude. The peace of the German state, the civil peace of the ruling nation, cannot stand unless a bridle is placed upon those disturbing ministers; or, if any peace is established, it will be brief, unsafe, untrustworthy, full of suspicions, hatreds, and enmities, and will not be far removed from war, since there is a certain perpetual expectation and preparation for war. This is for the sole reason that the Calvinist ministers, not content with present things and not tolerating the laws and common right, watch attentively for every occasion to increase their own affairs, entrap the Lutherans, and burn and devour the Catholics.

[Printed page 762]

CHAPTER XIX

Experience Teaches That Religious Dissensions Disturb the Peace of the State

[Printed page 762]

With a design not merely insignificant but also foolish, and with a most sorrowful outcome, the kings of the Egyptians had introduced various monsters of gods and opinions so that, contending with one another in perpetual dissension and battles, their subjects could never conspire together. Diodorus Siculus, Book XI. It was altogether depraved and tyrannical to wish to stabilize the scepter by the blood of subjects and, as it were, gladiatorial spectacles, and for the sake of royal majesty--which was instituted for the safety and preservation of all--to overthrow the life and safety of the people. Truly they were ἀνδροφάγοι [man-eaters], kings who devoured their people, whose diadem could not stand without the blood of their own subjects. Indeed, pitiable were the nations which were compelled to fight so that they would not conspire. So many corpses were being snatched away lest the fatal band should fall.

That the design was also foolish and proceeded from the dizzying spirit which the Lord mingled with Egypt is evident both from the nature of the matter and from the outcome. They indeed endeavored by cruel cunning to render both factions subject to the kings, but they made the kings hateful to both; and while the factions disagreed with one another in perpetual conflicts, through that training they learned to conspire against the hated kings. For since a king cannot comply with the will of all, he must offend one party. But if he favors now this one and now that, depresses the victorious and raises the defeated so that strength and spirit are always available to the combatants, who can doubt that each will judge itself injured and will judge that the king weighs the fates of his subjects not by justice but by caprice?

Accordingly, in no kingdom were massacres of kings more frequent or more foul, until Egypt itself was divided into two hostile kingdoms and was always subdued with the greatest ease, although it surpassed all kingdoms in the nature of its location, the multitude of its warriors, and the abundance of provisions. Tyre alone resisted more than all Egypt; for in Ezekiel 26:18 Egypt is given as a reward to the army of Nebuchadnezzar for the labor which it endured at Tyre. Thereafter they were easily subdued and exhausted by the Persians, Greeks, and Romans; for to have entered Egypt was to have conquered it. This is the endeavor of the Stentors of this age: always to contrive something, always to harm the other party.

Xenophon judged much more wisely in his Cyrus, whom he described as an exemplar of a good prince, *Cyropaedia*, Book VIII:

> ἐλογίζετο ὡς εἰ πάντες οἱ κοινωνοὶ θεοσεβεῖς εἶεν, ἧττον ἂν αὐτοὺς ἐθέλειν περὶ τε ἀλλήλους ἀνόσιά τε ποιεῖν, ἢ περὶ αὐτόν.

Cyrus thought that, if all his associates were pious, they would be less willing to commit anything impious either against one another or against himself. Wisely indeed, and politically--indeed, even holily, if it had been granted to him to speak of the true God. For if a man judges and fears God to be the avenger of right and wrong, will he not readily restrain his hands from injury? But how will they spare their fellow citizens or kings if they judge them impious and patrons of the impious, against whom they regard wars as not only just and lawful, but commanded and holy?

And, lest I pursue every individual matter, religion first separated East and West, and then wars arising from disputes did so; and the Empire which we possess in Germany we received, upon the defection of the Greeks, by the prerogative of faith. From the time of Charlemagne there has scarcely been any stronger heresy which did not excite wars. What disasters did the Simoniacal heresy produce in the times of the Henrys? Thereafter the Albigensians and the rest, and within the memory of our great-grandfathers the Hussites--did they not afflict the Church even more?

It is better to be silent about our own evils than to renew the pain in words. The fury of the peasants was kindled and extinguished in their own blood; the war of the princes against Caesar, and their punishment; the desertion and betrayal of the free cities by their princes, as Melanchthon says; the devastation of Brandenburg; the wars of Strasbourg, Cologne, Belgium, and France; the cruelties of the Huguenots; the English and Scottish massacres; the Swedish rebellion; the devastations of Transylvania; the disasters of Hungary; and what ought to have been named first, the Zwinglian battle lines among the Swiss. We can expect nothing else, especially since Pareus, on chapter 13 of the Epistle to the Romans, and Braumbomus, in Book X of the *Flores Flaminiorum*, deny that there can be an alliance with the pope and papists: an eternal war commanded by God.

CHAPTER XX

Concord of Religions Commended to the Prince

[Printed page 762]

On this matter I treated partly in Book II, and partly it must be treated here. There I urged concord; here I treat the true and solid quieting of seditions born from discord, matters which I also urged concerning the peace of Germany. Hatred and aversion from one's neighbor are contrary to charity; from them arise other plagues and shameful acts, namely discord, contention, war, quarrel, sedition, and schism, which altogether remove peace from the midst and, when they have invaded a city, demonstrate by their own malice the goodness of peace. What is most excellent in our doctrine? Peace; I shall add, also what is most useful. Conversely, what is most disgraceful and destructive? The separation of wills. Gregory Nazianzen, on the moderation to be observed in disputations.

All those things come from the same source, namely hatred: discord is a conflict of wills, contention a conflict of words, and the rest are conflicts of things.

Discord is an altogether grave vice, for it is the disagreement of one's will from the will of one's neighbor concerning a divine good or the neighbor's good which we are bound to will and desire for him. It is an act of hatred, and indeed the primary act, when someone maliciously opposes, so far as lies in him--by his will, if he cannot by deed--that which his neighbor embraces with the best will and which he is bound to will, or even to bestow and procure, for him. Therefore the Apostle, Galatians 5:20, enumerates dissensions among the manifest works of the flesh which exclude men from the kingdom of heaven.

For whoever is found in discord is disowned by the Father, disinherited by the Son, and likewise made alien from the Holy Spirit. For he who has despised the good of the law that was given rejects the gift offered; he who has refused to observe the testament will not be able to attain the Lord's inheritance; and he who has wished to be discordant with a Christian cannot possess concord with Christ. For it is the crime of contumacy to despise what is commanded, to refuse what is prescribed, and to turn away from what has been enjoined. What do you have in common with discord, Christian? Why do you love mutual hostilities, something which could not please the author of peace? Why do you practice enmities which even the man who first invented them could not escape?

But if reason should be silent, nature itself commends concord to us most greatly and accuses dissensions. For nothing is so discordant by vice as this race--the human race--or so social by nature. Nor could human nature speak more fittingly for guarding against the vice of discord, lest it arise, or for healing it when it had arisen, than by recalling that parent whom God willed to create as one man from whom a multitude would be propagated, so that by this admonition a concordant unity might be preserved even among many.

[Printed page 763]

From a mind steeped and seething in hatreds, contention is a certain foam of boiling discord and a pestilential breath, when the man who is discordant disputes with his neighbor in order to assail the truth. Against the truth, I say; for a contest undertaken on behalf of the truth, if accompanied by modesty and a zeal for instruction, is not only praiseworthy but very often necessary, either lest justice be oppressed or lest religion be abandoned without defense.

No vice is more common today, none held in greater praise and value among our adversaries. For what are the innumerable defamatory pamphlets? What the pictures? What the other things, except contention and an assault upon truth? What else do they do than lose even the name of Christianity by disputing about religion? For who among them speaks peaceably with the divine Scriptures without contention, not striving to conquer another with empty and

childish animosity? In whose heart does peace conquer? But enough has been said concerning the contentions of heretics in the book *On the Union of the Evangelicals* and the other, *On Syncretism*.

When discord and contention grow strong, they produce wars, quarrels, seditions, and schisms. When the conflict is between princes and states, it is war; when between private persons, a quarrel; between citizens, sedition; in the Church, a schism, which almost always ends in heresy. Would that all these things needed to be explained in discourse. Would that there were such felicity in our times that we learned from books that they were evils rather than felt them in the deed itself.

The first care of a prince, or nearly so, is to protect sacred things and augment religion--not, however, so that he is the judge of controversies, but the patron of acknowledged and approved truth. For he ought not to possess the same power in the temple as in the praetorium, nor to dominate the faith of his subjects, but to persecute perfidy. Those who so form their prince that he is neither himself devoted to a definite religion nor undertakes the care of those of others place some Epicurean or Diagorean over the state. In the first place, they will never obtain what they propose to themselves, namely, that the people will love or accept an atheistic man. Thereafter this license which the prince permits will altogether disturb the peace of which we treat. For the prince's Politicism will render uncertain everything--sacred ceremonies and whatever ought to have been most certain.

Indeed, we deservedly judge pitiable those peoples whom the commands of their lords have drawn three or four times into various sects within the lifetime of one man, while the populace embraces the prince's errors partly voluntarily and partly through inducement and threats. For those whom the authority of princes alone moves or their power impels are necessarily without religion. Yet much worse is the condition of those whom a tyrant who despises the gods oppresses by the precepts of Machiavelli. A heretical prince harasses his subjects because of his error; a Machiavellian because of calculations of gain or loss. Avarice and ambition govern these; superstition governs those. No one can be secure in his religion when it depends upon so many chances; yet there is more mutability in a Machiavellian principate.

For men are generally more tenacious of superstition and heresies; but when they relate the religion of their people to their own advantages and dignity, then, if the condition or calculation of utility changes, a change of religion must follow also. For if a politician commands a Lutheran populace and himself agrees with his subjects not by faith but for the sake of his advantage, because it is expedient that a prince of Lutherans appear to be a Lutheran, everyone understands that, when the calculation of utility changes, he will change not his faith, which he does not possess, but his simulation of faith, which is moved by utility alone. Bring to such a man the hope of greater dignity and power: suddenly he will become not only a Calvinist and an atheist, but even a Turk.

Under such a prince there can be peace neither of the state nor of the Church, for no one can trust a man who refers everything to his own utility. When it is expedient for him, he will put on every form of religion; indeed, he will rage even against the associates of his own religion. Nor are peoples subject only to the danger of variety and inconstancy when true utility has twisted the prince in another direction, but also when a false appearance of it has been presented. Irreligious princes have therefore always held a kingdom to the greatest public evil and have overthrown themselves, God making foolish the wisdom of this world. Deservedly so: their subjects' souls are a source of gain to them, and God an object of mockery.

Such men are perfidious and abominable even in human society, for:

> ἀκύρων γινομένων τῶν συνθηκῶν ἀναιρεῖται ἡ πρὸς ἀλλήλους χρεία τῶν ἀνθρώπων.

When covenants are rendered void, mutual intercourse among men is removed. Aristotle, *Rhetoric*, Book I, chapter 15. But those men remove all these things when they deny that there is a divine power, namely:

> Οἷσιν οὔτε βωμὸς οὔτε πίστις, οὐδ᾽ ὅρκος μένει·

For whom neither altar, faith, nor oath remains firm. Aristophanes, *Acharnians*. They neglect everything right and honorable provided that they obtain power. They will never lack a cause for abjuring an old simulation and feigning a new one; it will not be difficult to seek hiding places in perjury once they have learned to impose the appearance of justice and honesty upon their own desires and frauds.

A prince must therefore be religious, hold a true understanding concerning God, offer true worship to God, and instruct and confirm the people entrusted to him not only by protecting them with arms, ordering them by justice, and cherishing them by clemency, but also by religion, which is the supreme good of the human breast.

For why should princes not worship God when they know that a kingdom was given to them by God and can be taken away by him when he wills? For by God:

> Things founded proceed,
>
> Each in its own order; and by the Prince of things the courses
>
> Remain fixed.

The same God is arbiter of great empires and huts; with as easy a nod he overturns marble palaces as humble cottages. Strong and weak things hang from the same thread, destined to fall if he who weighs mountains in a balance relaxes his hand. Hence kingdoms generally fall by an unexpected and unforeseen outcome, because they spurn the providence of the divine power. The creator of things willed that great things depend upon the smallest, lest anyone, elated by his own greatness, neglect small things--much less him from whom both great and small things come. Princes must therefore worship him through whom they reign and live.

Your dominion, therefore, O princes, rests upon the counsel of God alone, not upon human arts; neither caution nor anxious fear accomplishes the matter.

> Many came to their fate
>
> While they feared the fates.
>
> The very fear of coming evil
>
> Sent many into the greatest dangers.

God himself warns princes: “But now the Lord says: Far be this from me; but whoever glorifies me, I shall glorify him; but those who despise me will be ignoble.” 1 Kings 2:30. How noble was David by worshiping God; how ignoble Jeroboam? We therefore see that all things turn out prosperously for those who worship God and adversely for those who spurn him; for even calamities themselves are converted to good for the pious, while their prosperity is for the impious a cause of miseries.

[Printed page 764]

> For they are raised on high
>
> So that they may fall with a heavier fall.

It is not only necessary for a prince to be religious and to induce his citizens by example and edicts to worship the divine power, but also fitting to government and altogether royal.

> Δεῖ γὰρ τὸ ἄριστον ὑπὸ τῷ ἀρίστῳ τιμᾶσθαι, κὴ τὸ ἀγεμονεῦον ὑπὸ τῷ ἀγεμονεομένῳ.

The best--that is, the divine power--must be honored by what is best and most excellent among created things, while he who governs must be honored by those who are governed. But kings and princes are the best part of the world, through whom, even if they are evil, very many evils are nevertheless impeded, and who protect the society and safety

of the human race. They are nearest to God; for this reason they are also called gods, and deservedly gods if through them the divine Majesty is vindicated.

But if the safety of the citizens and the tranquility of the state are also truly a care to him, as they ought to be and ought especially to be, a Christian prince cannot fail to apply himself to it. Yet without religion that tranquility not only cannot exist at all, but cannot even be desired. To such an extent is this so that even impious deniers judged that fierce and rude peoples must be restrained by fear of religion; for without religion and fear of the gods they did not think that their own rights would be safe. Reason will therefore teach what a pious king and nursing father of the Church must do.

In addition, if religion is absent, the life of men is filled with foolishness, crime, and savagery; the truth of promises, the sanctity of oaths, and all fidelity in compacts and commerce are removed from the world. Lactantius, *On Anger*, chapter 8. This impiety and audacity at last rises against the very Mezentiuses and despisers of the divine power. For religion and fear of God alone guard the society of men with one another. Lactantius, *On Anger*, chapter 12.

The maxim of Maecenas to Augustus is golden, if it is transferred from superstition to true religion:

> Τὸ μὲν θεῖον πάντῃ πάντως αὐτός τε σέβου κατὰ τὰ πάτρια, καὶ τοὺς ἄλλους τιμᾶν ἀνάγκαζε· τοὺς δὲ δὴ ξενίζοντάς τι περὶ αὐτὸ καὶ μίσει καὶ κόλαζε, μὴ μόνον τῶν θεῶν ἕνεκα, ὧν ὁ καταφρονήσας οὐδ᾽ ἄλλου ἄν τινος προτιμήσειεν, ἀλλ᾽ ὅτι καὶ καινά τινα δαιμόνια οἱ τοιοῦτοι ἀντεισφέροντες πολλοὺς ἀναπείθουσιν ἀλλοτριονομεῖν· κἀκ τούτου καὶ συνωμοσίαι καὶ συστάσεις, ἑταιρεῖαί τε γίγνονται, ἅπερ ἥκιστα μοναρχίᾳ συμφέρει.

Worship the divine power in every way and at every time according to the ancestral rites, and compel others to its worship; but hate and restrain those who introduce any innovation concerning it, not only for the sake of the gods--since he who despises them will hold nothing else in high regard--but because those who introduce certain new divinities impel many toward revolution. From this arise conspiracies, seditions, and secret assemblies, things assuredly least conducive to monarchy.

If a pleasure-loving and impious man pronounced these things about the true worship of the true God, he would give counsel both prudent and holy. For nothing in human affairs is more excellent than true religion; therefore it must be defended with the greatest care.

How greatly atheists are hated, and always have been, not only by foreigners and neighbors but even by subjects and intimates who are participants in their tyranny, many ancient and recent events teach us. The entire family of Jeroboam was destroyed by King Baasha; all the lineage of Baasha by Zimri; the latter, despairing of kingdom and life, burned himself with his palace when the victor Omri approached, and Omri's family was wholly cut off. Jehu too, although his posterity reigned to the fourth generation, was at last punished in Zechariah; Shallum was killed by Menahem, Pekahiah son of Menahem by Pekah, and the latter was killed by Hoshea, who was the last of the kings of Israel.

Behold all the kings not of the Persians or Scythians but of Israel divided from Judah: every one impious, every one either killed or punished by the destruction of his posterity. They possessed faithless prefects and subjects because they had all violated faith with God. These things are sufficient for a prince; if anyone wants more, let him consult those whose commentaries on this matter survive.

These matters deservedly ought to move a prince greatly, especially because heresy is a restless thing and its assistants, the preachers, are turbulent enemies of truth. Their superstition perpetually increases until it issues into every foul thing, so that it cannot bear even itself. Hence came those monsters of errors in former times, hence the Circumcellions savage against their own blood, hence the Libertines and Anabaptists of our time. But I have treated these sufficiently in the little book *On the Increase of Heresies*.

Nor do occupations poured out upon governing the state and administering justice excuse princes, since the head of legitimate government is the piety and morals of the citizens. If they apply their mind to these as though they were secondary matters, and importunately favor or conceal those teachers who prefer to please by some novelty rather than

to edify by truth, as though these were not great injuries to the state, they entangle themselves in great calamities. Thus Constantine, a good prince, incautiously harmed the Empire and posterity; thus many in our time nourish serpents by which entire provinces, lethally poisoned, will soon fall. Did not Peucer alone, with two confessors of the Elector of Saxony, fill almost all Saxony with Calvinism without the prince's knowledge? Did not Crellius alone recently drench almost that same Saxony with the blood of citizens and nobles?

CHAPTER XXI

The Sectarians Themselves Feel the Disadvantages of Their Discords

[Printed page 764]

Concerning them, the man who endeavored even by a shameful act to urge concord sings thus:

Not if I had a hundred tongues and a hundred mouths

Could I recount the unspeakable sorrows of schism.

Deservedly, therefore, he concludes:

There is no safety in war; we all demand peace.

Indeed, while every anger conceived from inward hatred and from the heart, and every war born and waged from it, is foul and harmful, a dissension concerning religion is accustomed to be the most obstinate and furious of all. We have long perceived that it renders men utterly savage, especially in audacity, crime, and inhumanity; for they assign every crime to religion, and what the gentiles once judged barbarous in wars to the death, heretics consider holy in their disputes. Whoever does not rage is regarded as a deserter; if anyone dares to urge moderation and peace, he is accounted a fugitive. Hence:

Calvinists always practice eternal hatreds,

Nor does the fury once begun ever depart from their minds.

The fortunate keeps his arms; the unfortunate prepares them.

Wars leave nothing: now the field lies foul

With vast untilled lands; a lofty ash buries nations,

Entombed beneath the torch applied to their roofs.

But let us hear the Syncretist recount the disadvantages of the Evangelical war.

[Printed page 765]

The first disadvantage. Papists are deterred by the deadly dissensions of the Evangelicals from Evangelical doctrine as heretical, satanic, and seditious. This is perhaps a strong and opportune bridle upon heresy ranging through everything, and a great advantage for the Catholic Church. Although it is illumined by the revelation of eternal truth and does not judge the errors of those who perish to be the supports of its faith, nevertheless, in its estimation of the discord of others, it congratulates itself upon its own concord; and, having learned the wars of those who go astray, it embraces its own peace more eagerly, guards it more closely, and exacts it more severely. The goodness of our cause does not rest upon your evils, but is nevertheless made clearer and confirmed by them. We cannot approve the cause of the Evangelicals, which some part of the Evangelicals--often the principal and more numerous part--always execrates.

We acknowledge, O God, great judge and arbiter of furious contests, your benevolence toward us: you founded the Church with such solidity of faith that not only can the powers of hell not prevail against it, but you have permitted those gates to collide mutually against themselves and break their hardness, so that they may strike the walls of the Church with a lesser onset and gentler concussion. So it is, O uncreated, creative Wisdom: you blunt wave with opposing wave, so that, their fury mastered, they strike the sides of Peter's ship in such a way that they at the same time raise it. Nor is all heresy conspired into one Syncretism to be feared, because a heavenly oracle has promised victory to his Church.

Do you grieve that we regard your doctrine as satanic? Whence, then, such great angers, calumnies, execrations, killings, and massacres, if not from hell? But what will you do with Luther, who says that you are incarnate devils? What with Alberus, who says you are possessed by a demon? What with your doctors, who prosecute one another as guilty of atheism, Turkism, Manichaeism, and Borborism? Return to favor and recover your esteem in our minds. You carried the reproaches out of your own house; what we say abroad you always hear at home.

The Lutherans long ago rendered you suspected of sedition, for they accused your princes, as you yourself bear witness, of openly colluding with the Turk against the Empire. Dedicatory epistle to the *Eucharistic Controversy*. But it is not mine to treat the disturbed condition of the Empire, especially when you threaten the Lutherans with the sword. I prefer, therefore, to offer Luther--whom you call the defender of the Gospel and servant of God--as a witness against you. You must receive his testimony, since you yourself have praised the witness. Now an old man, namely at the age of sixty-one, he testified thus: “I, who already have one foot in the grave, shall carry this testimony and this boast to the tribunal of my Lord and liberator Jesus Christ: that with my whole heart I condemned and avoided the fanatics and enemies of the Sacrament--Carlstadt, Zwingli, Oecolampadius, Schwenckfeld, and their disciples at Zurich or wherever in the world they may be.”

The second disadvantage. What except the dissension itself placed a stumbling block before the Jews?

Long ago the refuse of various heresies brought a destructive offense to the unhappy Jews and gentiles. Their foulness rendered the entire Christian name hateful to the world from the cradle of religion. The disgraceful acts, paradoxes, sorceries, parricides, and enthusiasms of the Nicolaitans, Menandrians, Carpocratians, Marcionites, Montanists, and Manichaeans were imputed to all; and those who had proved their innocence to God burned among men under hatred for another's crime. Those stumbling blocks remain and revive among the new sectarians, and one always sins by example as by deed.

The Jews are hardened not more by your dissension than by the absurdity of your dogmas. They somehow acknowledge that God is one and continually repeat to that God, “Because he is good, because his mercy endures forever.” But when they hear from you that he is the decreer, procurer, mover, impeller, and compeller toward crimes, they immediately believe the Lutherans who say that this God is the bloodthirsty Moloch, the Devil himself. Again, when they hear that amid every crime you are just, holy, and dear to God, they suspect that you are beasts. They believe Arminius, Bertius, and the rest of your doctors, who say that rigid Calvinism is infamous among all nations because of its paradoxes.

The stumbling blocks therefore come from you--not so much from dissension in error as from the error itself. For they are not offended because you do not agree in so disgraceful an opinion; rather, they are altogether indignant that a man can be found either so mad as to believe those things or so audacious as not to fear uttering them. You ought not to have erred at the beginning; complaint is late amid ruin:

> τὸ πραχθὲν ἔργον ἀνυπεύθυνον.

What has been done cannot be corrected. They recognize that, having followed such diverse sects, you cannot wander together into one error. You run about groping in the darkness; how can you strike against one rock? You therefore place a stumbling block before the Jews not only by the diversity of sin, but by the very absurdity, gravity, and savagery of the crimes.

The third disadvantage. What sharpened the scimitars of the Turks and Tartars against the Christian world and drew them as far as the thresholds of Germany and Italy, except, on the one side, the horrible idol-mania of the Papists and, on the other, the sins of the Evangelicals and the fatal quarrels and conflicts allied to them? By these, fraternal charity was trampled, domestic peace disturbed, the raging Fury attracted, the minds of all estates divided and exasperated, salutary counsels dispersed, and at last the most afflicted Church betrayed to its enemies at home and abroad.

He adduces a twofold cause for Turkish strength and the victories obtained against the Empire: the "idol-mania," as he calls it, of the Papists, and the crimes and furies of the Evangelicals. We deny the first: we are conscious of no idol-mania. We not only detest idols, but with great dangers and continual labor endeavor to exterminate them from both Indies, Africa, China, and Japan. Since you yourselves confess the other, it is not ours to deny it; for why should I make a speech for defendants who have confessed and have been convicted by their own judgment? They have an internal witness continually lashing them within their fortification: conscience. It is neither part of my purpose to speak against it, nor can they suppress it or impose silence upon it. And if that domestic torturer sometimes ceases, nevertheless the Lutherans do not allow them to rest.

Among the Lutherans--as Pareus himself complains in the preface to the *Eucharistic Controversy*--a certain courtly Stentor recently did not blush to advise in a public writing that at the diets they should join themselves with the Papists rather than with the orthodox Calvinists. He adduced two reasons. One was theological: that the Lutherans agree with the Papists in more things than with the Calvinists, whom he calls Turks. The other was civil: that the pope contributes forces for protecting the Roman Empire, while Calvinist princes openly collude with the Turk against the Empire. The latter reason deserves to be refuted in a manner very different from my pen.

What reasons the Lutherans adduce to prove so grave and dangerous a matter need not concern me. I nevertheless remember reading the answer of the German princes to the embassy of Ségur: "The audacity of your men has now become known not only to Christians but even to the emperor of the Turks. Although he desires them to rage against the Spaniard for the destruction of all Christians, nevertheless, with the truth of the matter crying aloud, he cannot approve them." *Answer of the Protestants to the Embassy of Ségur.*

[Printed page 766]

And a little later the same princes say: "And have you ever seen one of the Calvinists who drew the sword for the Christian state, either in that naval fleet which the Roman pontiff, the Spaniard, and the Venetians prepared against the Turk, or when Malta was attacked by Dragut? Indeed, rather, they hastened to stir up the Moors so that they might cross into Spain, and to impel the Turks lest the Christian state find rest, and finally to slaughter kings by various arts." And a little later: "Whence shall we obtain protection against the Turk if the pontifical party, which has always assisted us in this matter, is absent?" And so forth. But what is to be expected from the Calvinists both N. has said and all readily understand: either that they provoke the Turks against the Christians, and so forth.

It is not mine to inquire upon what foundation these judgments of the princes rest; I know that conspicuous places must be avoided.

> A savage thunderbolt comes from a conspicuous citadel.

Meanwhile, it ought also to be permissible for me to bring into the midst, without deceit and harm, what the Calvinist ministers think. Frederick Braunbomus, in the prolegomena to the *Flores Flaminiorum*, after saying on page 15, "Even the sultan's arms are now about to depart from the Church," immediately adds: "Let us prepare ourselves for war--not so much the Turkish war; the sultan will never possess Hungary, because it was never among the Roman provinces under the dominion of Constantinople, Babylon, or Arabia--as for the approaching Roman war and the most bitter expedition of all."

Selim would wish this, and the Ottomans would purchase it at a great price. O safety of Germany, how you stand upon a slippery place, by what grave hatred you are assailed! What monsters do you embrace in your bosom? What vipers do you bring up? The Turk holds Greece, has enervated Transylvania, oppressed a great part of Hungary, strikes Austria and Styria, and threatens the Margraviate of Brandenburg; and the prophet of Phaehoff forbids us to arm against an enemy so savage, so restless, so cunning in disposition, so desirous of another's property, so hostile to the Christian name, so intent upon every opportunity to harm, playing with treaties as with knucklebones, and regarding

nothing as disgraceful which is profitable. Against this enemy, I say, he forbids us to arm, while he incites subjects against the pontiff, bishops, Catholic princes and kings, and the emperor himself. Who does not know

> What he constructs by these beginnings?

If fortune follows him, the Germans will expend their strength, arms, and blood mutually upon themselves, so that, when they are worn down, scattered, discordant, and half-wounded, the victor, exulting, may impose the Turkish yoke and carry away their wealth, wives, children, and even the faith which remains, without battle and labor. I grieve that these things had to be said; yet they could not be left unspoken, so that it might become manifest to the orthodox what the Lutherans think about the Calvinists.

The fourth disadvantage. Offenses to the weak. But I also add the gravest falls and horrible deaths of the strongest, whom either Zwinglian cruelty dragged into the battle line to die or Lutheran license broke down into pleasures. Hence stumbling blocks and depraved morals, luxury, avarice, fornication, contention, drunkenness, and vices of that kind range everywhere with the greatest disgrace to the Christian name, as the adversary himself complains in the preface to First Corinthians. Hence, as the same man acknowledges in the same place, come the ambition of teachers, the levity of hearers, a most profane life, security, contempt of God, contempt of every order, and Epicurean profanity.

The fifth disadvantage. The condemnations, exiles, prisons, persecutions, and killings of so many provinces and faithful doctors and confessors, and finally the devastation of graves.

Nemesis at last pursues and apprehends the proud. Heresy is assailed by its own examples. The Lutherans were cruel against us, the Calvinists more savage; for the former tempered their savagery with drinking cups, while the latter sharpened their angers with drunkenness and lust. But now they rush mutually against themselves and say and do to one another things which shame and Christian charity forbid us to say and do. At the beginning and thereafter, every most faithful man deserted Luther: Carlstadt, Oecolampadius, Cruciger, Melanchthon, and others. Zwingli fell in the civil war which he had urged. A host of diseases produced by an intemperate life overwhelmed Calvin in despair.

Thereafter, as discord increased, the Lutherans were oppressed. They were expelled from the Palatinate, Zweibrücken, Hesse, Ascania, Switzerland, Rhaetia, Holland, Zeeland, Friesland, and many counties of Germany. Now even the Brandenburgers have bitten the bridle and will gradually understand that they have no preacher except one of the Calvinist stamp. Nor are the Calvinists content with a Lutheran enemy. So long as they lived they waged civil wars most hostilely and perfidiously. Do we not still behold the battle lines of that nation fighting?

Hear those who even now serve in those camps, the nine orphaned children of Arminius, who was commander of one party, in their preface to the curators of the Academy of Leiden: “Good God,” they say, “to what lengths do we not break forth? We who within the same Christian religion follow opinions different from one another decide among ourselves more harmfully with pens than with iron. Nor are our disputes confined within dissensions, hatreds, and eternal enmities. Some of us exclude others from the practice of our religion; some adjudge salvation away from others; indeed, we advance our hatreds as far as ropes and from time to time even the most exquisite punishments, while magistrates of evil zeal assent to us. The memory of this matter is still far too recent for there to be any need to reopen it. To wit, in zeal for CHRIST, how often have we shed the blood of those who wholly devoted themselves to Christ himself, applied themselves to piety and salvation, always lived most innocently, and harmed no one--although Christ poured out his own blood for them so that the blood of others would not be shed.”

These are the contests of the Calvinists among themselves. All Britain swells with the same, and they would undertake some greater abomination unless they were restrained by royal power. In Holland they are carried on with so great an onset that they can scarcely be restrained by the edicts of the most illustrious Lords the Estates, as Peter Bertius, leader of the principal faction, bears witness in the *Hyperaspistes*. This man stands for Arminius, that man for Gomarus; to this man Calvin is holy, to that one a Borborite and Manichaean. All labor for their own opinion, no one for the whole

truth; for even those who defend true things mingle in many false things, lest this be for them an unmixed good. These things the Calvinists do among themselves; what will happen to the Lutherans?

The sixth disadvantage. The bloodthirsty theologians--the Lutherans--in tragic pamphlets written not with ink but with blood represented those who were killed by Catholics in France as martyrs of the Devil, to be refuted not by the pen of theologians but by the sword of butchers, and thus inflamed the Catholics against them. That disadvantage is of such a kind that, to one who weighs the matter, it brings many advantages with it.

[Printed page 767]

For first, the Catholics possess the Lutherans as approvers of their opinion. When the magistrate commanded proceedings according to law against the Huguenots, who were guilty of many killings and sacrileges, incendiaries and cruel torturers of the orthodox, men hardened in crimes and shameful acts immediately adorned with the praise of martyrs those whose crimes were capital, lest fear of punishments deter the rest from evildoing, whose audacity appeared likely to be of use to their desires. And when they attempted to stir and entice Lutheran arms into France as if to defend the cause of martyrs and confessors, the Lutherans in public writings and sermons did not indeed merely deny that they were martyrs, but declared that they were martyrs of the Devil. By this judgment they absolved the Catholics and condemned the Calvinists.

For this reason, when certain Lutherans through flattery called the Calvinists pious and holy martyrs of Christ, they were rejected by them with abuse. In an epistle to the Gallican Churches Danaeus complains about Osiander in this way, page 12: “For those whom this man, in his zeal to flatter you, calls pious and holy and martyrs of Christ, both he himself and certain of his associates most insultingly call martyrs of the Devil from the public pulpit.” And a little later: “Indeed, brothers, this is now the cruel charity of those men toward us and their compassion for your punishments: when recently they had most savagely anathematized all of us and our churches in a certain new formula of new discord, and were therefore warned by several most illustrious princes of Germany and by very many good German men”--that is, Calvinizing men--“to abolish it, because by this means they sharpened the swords of the pontifical party against our churches, they themselves answered and joked ridiculously, indeed cruelly, that they were only accidentally the causes of our punishments.” Finally he adds that this is Osiander's disposition, charity, and sincere love: that he does not fear to stir up against you the fires of most savage persecutions and flames. This, therefore, is the opinion of the Lutherans concerning the French martyrs.

Furthermore, because the cause, not the punishment, makes a martyr, it is worthwhile to inquire into the causes of the punishments, so that the name may be established. For if I state the cause for which each was killed, I shall submit the judgment concerning the designation to the reader so that he himself may determine whether they must be judged martyrs of the Devil or of Christ.

When the Swiss inflicted cruel war upon their blood relatives, they fell in battle with Zwingli their very gladiator, not as martyrs but as invaders of another's right. In the year 1562 they undertook by common counsel the crimes which they had already conceived and published at Geneva and elsewhere: to despoil the churches throughout the whole kingdom and everywhere perpetrate those deeds of which they left examples in several places. The beginning of their savagery was in Aquitaine; the fury wandered widely. At Paris, wicked men flew about with swords, rashly injuring everyone they met. Priests were slaughtered everywhere at the very altars; churches flowed with blood. Statues of the saints were shattered not from hatred of idolatry, which did not exist, but from avarice, which was immense. The bones of Francis II, king of France, were burned, so that no one could doubt with what disposition they would have treated him alive when they so raged against him dead.

But what would those men not dare, whom Poitiers saw burn the bones of Saint Hilary after they had been dug from their ancient tomb, and from whom neither the relics of Irenaeus nor those of the most celebrated bishop Martin escaped? The people of Lyon and Tours beheld with immense grief impious flames consuming sacred pledges. Why should I relate what cruelty Orléans endured from them? Neither age nor sex was spared, and this throughout the entire

kingdom upon which they bore down like a storm: old men killed amid mockery and tortures; tender youth burned with the towers in which they sought protection; men driven by torture to disclose the bones of martyrs; bells changed into cannon; baptisteries turned into sewers; wells filled with Catholics; bellies and genitals cut out. While they did these things, and attempted many more things worthy of a theater of Calvinist cruelty, they themselves were repressed and killed, and mark the Calvinist martyrologies and exceedingly inauspicious calendars. These are Calvinist martyrdoms.

But the Calvinists have no cause to be angry with the Lutherans over the designation of their martyrs; Bertius the Calvinist himself does not acknowledge those martyrs. His words in the *Hyperaspistes*, pages 172--173, are: “Nor indeed did that confession”--the Augsburg Confession--“cost your Germany less than this one, which, although it is said to have been confirmed by much Belgian blood, has nevertheless thus far been introduced into neither the state nor the churches by any authority of our nobles.” First, he says it is said to have been confirmed, not that it has been confirmed, and opposes to it the Augsburg Confession. But on the following pages he relates the articles of the Belgic Confession to the Manichaeans, who formerly experienced that severity.

CHAPTER XXII

That Religious Peace Can Be Established in Germany

[Printed page 767]

I do not mean that peace which, full of syncretisms, contention, distrust, and plots, awaits an opportunity for war, but a true and genuine peace which holds the same opinion concerning God and his worship. I confess that it is a great and arduous good, indeed a rare one, but nevertheless a good which we can attain.

It is a difficult good amid so great an obstinacy among dissenters and so great an audacity among those desiring contrary things; but because it is a gift of the divine power, it is permissible to hope that at some time, even among the unworthy, that immense mercy will command peace, agitated in so many ways, to stand firm. For since our nature was made for mutual friendship and peace, and since peace is sought even by war, human society would be frustrated of its proper end if there were no way to attain peace.

Indeed, the Scriptures would exhort us to concord and peace in vain if either by nature or by our fault we were enslaved to disputes. Since the Lord declares that he leaves peace to us and gives us his peace, John 14:27, and that he acted so that in him we might have peace, John 16:33; since the Apostle so often promises and desires for us the peace of GOD--Romans 1:7 and 2:10; 1 Corinthians 1:3; 2 Corinthians 1:2; Galatians 1:3; Ephesians 1:2; Philippians 1:2; 2 Thessalonians 1:2--since, I say, peace is promised so often, who can believe that Germany alone, deprived of peace for nearly a hundred years, possesses no return to its former peace?

The disposition and nature of the German nation also avail greatly for conciliating concord. For the Germans, both by their own nature and by training and custom, are courteous and kindly, abhorrent from disputes and wars, and quiet like a tranquil sea unless stirred by the blasts of winds. Thus they have frequently lulled even the greatest discords without blood and for the most part lay down their hatreds together with their arms.

Although heresies, when they have grown strong and armed themselves with secular powers, generally rage atrociously--as did the Arian and Monothelite--Germany has nevertheless been milder toward its own entrails.

[Printed page 768]

Let us consider only France or Britain, indeed Belgium: in one year it gave more Catholic blood, more martyrs to heaven, than Germany did in almost an entire century. Germany was indeed cruel in the rebellion against Emperor Charles and in the fury of the peasants, but religion alone was not alleged for those causes. The hatreds were civil, stirred up indeed by heretical agitators who preached, but not practiced by everyone for the propagation of heresy. Why, then, should we despair of our country, which is especially a pupil of peace?

Recent examples of provinces converted in Germany also raise us to great hope. For when we see Bavaria, Franconia, Styria, great tracts around the Rhine, and the best part of Belgium rescued from the darkness of errors into the liberty of the children of God; when throughout France we see many thousands restored and established each year in possession of the ancient religion, why should we not think that the rest will agree in the same unity? We perceive peace growing daily, and shall we cast away hope for its complete increase? Dawn already glows red, the herald of full light; why should we put aside confidence in a bright day?

Almost the same conviction belongs to those who err and follow heretics through ignorance, hope, fear, or some other affection--not because they judge that truth stands among them, but because they judge it levity and inconstancy to release what they have once seized. They think that by right of return they will go back to the ancient and apostolic faith of our forefathers, and that there will be no end of wandering until they return to the path by which the primitive Church ascended to heaven.

Thus we are taught by experience that now even threats, exiles, and confiscation of goods can scarcely impel the very few Catholics to desert their ancient piety, whereas at the beginning of the tumult a single Epicurean or tribunician sermon hurled whole flocks of peoples into Lutheranism or Calvinism. The heresies ranged abroad until they became recognized; now they have lost their strength, their onset has grown languid, they have completed their circuit, and now slide backward. Consider Lutheranism.

First, who is now a Lutheran in the opinion in which the Augsburg Confession stood? The Calvinists swear that all have departed from it. But let us omit these matters. Who is a Lutheran at all? Are the Ubiquitarians? The Synergists? The Osiandrians? The Flacians? Yet I do not inquire into these distinctions. I ask about the Lutherans' strength. No one approaches them; many depart from them. They possess only one electorate, and that one strongly altered by Calvinism--so greatly, indeed, that Zwinglian operations insinuated themselves not only into the academies and the prince's council but into the very secrets of conscience; for the elector's confessors, by his own testimony, were Calvinists. *Acts of Peucer*.

They have lost the Rhenish and Bavarian Palatinates, Zweibrücken, Hesse, the congregations of Switzerland, Rhaetia, Holland, Zeeland, Friesland, and the churches of England. Their numbers are diminished in Poland, Lithuania, Sweden, most of Hungary, and Bohemia. They have lost the Catholic portion of Belgium, Bavaria, Styria, Troppau, and Franconia; in the Catholic electorates they have been compelled to abandon splendid conditions. They labor over Brandenburg and Prussia. Certain Lutheran cities, such as Hamburg and others, have now admitted Calvinist religious exercise; others gradually slide toward it. They are therefore driven into a narrow place and will shortly pass into all other things.

But since no one among them embraces Calvinism unless compelled, or assuredly very few do, it must be hoped that by far the greatest part can be brought to knowledge of the truth. So too it was formerly: heresies held their course, then fell and expired. The Simonians, Nicolaitans, Cerinthians, Ebionites, Menandrians, Basilidians, Carpocratians, Cainites, Marcionites, Valentinians, Archontics, and others almost perished within the first two centuries. The Montanists, Manichaeans, Novatians, and Donatists raged longer; most gravely of all the Arians, and the Iconoclasts who even now have revived. But the times in which they flourished must be distinguished from those in which they secretly increased or lay hidden while decreasing. The fury and tempest of them all quickly spent itself; the remnants lived longer.

The cause must be taken from the very disposition and nature of heresy. For at the beginning, adorned with borrowed ornaments of the Scriptures and whitened with a certain antimony of truth, when it prostitutes itself to a world greedy for novelty and disdainful of ancient things, it easily entices minds ignorant of virtue by the image of good; for allurements draw more men than truth. But when, the flowing color and ornaments removed, it appears in its own skin like an aged and diseased prostitute, it makes its lovers flee far away and repels them.

How numerous were the lovers who knocked at the doors of the eastern Thais! But now how many desert the decrepit woman and transfer their loves elsewhere? With what great zeal and what exquisite blandishments does she retain a few? That heresy therefore tends toward destruction and would have perished long ago had it not from time to time struck curious minds with some novelty. Hence Osiander, Major, Flacius, and the Concordists added certain new pigments to the old and wrinkled woman; they even changed names so that they might hold by some novelty those whom they could not convince by truth.

Since, therefore, a certain old age of all the heresies appears, we are not far from peace. As for the fact that some think Calvinism is growing because by the cunning counsels of courtiers they place certain heralds of that sect in Lutheran chairs and mock the goodness of certain princes, they stray greatly from the truth. For by their importunity they stir hatreds and execrations and raise sluggish peoples to hope and desire for liberty. Thus the Saxon counselors affirm that the Lutherans who live under Calvinist lords earnestly hope and expect to be liberated by the Lutheran estates; indeed, all Lutherans who live among Calvinists confidently expect Calvinism to be abolished, as the same counselors say in

Motive 12. Therefore not merely inexperienced men but practiced and prudent counselors think the end of Calvinism is at hand.

Since it is manifest that Spain, Italy, France, and Germany were once cleansed of Arians, Pelagians, Priscillianists, Albigensians, and the other heresies which widely reigned, and that the peoples returned to unity, we deservedly ought now also, after an interval of almost one hundred years, after horrible blasphemies and bloody wars, to hope for this from divine goodness.

Nor do I think that our adversaries will deny it. Certainly, if they act consistently with their faith, they will also have to believe it. For Lutherans confidently and earnestly expect that they will soon be liberated by the estates of the Augsburg Confession and that Calvinism will be abolished, as the Saxon counselors say in *Motive* 12. The same men judge that the pontiff will perish; with their enemies removed, therefore, they fashion their own peace for themselves

[Printed page 769]

and have already devoured it in hope. The Calvinists think the same things and judge that they can impose their peace upon both Lutherans and Catholics. Indeed, some do not despair that union and a synod can occur among so many heresies. Why, then, should the pious and faithful not at last expect true peace?

Peace is rightly hoped for even by the enemies of peace; nevertheless, there cannot be peace in evil or concord in error. Although some sometimes conspire in it, that peace cannot be lasting, nor the peace of all, indeed not even of many. For no falsehood lies so hidden that it is not sometime revealed; no lie is concealed either forever or from everyone; nothing is colored so plausibly that it deceives all. Deception is at last detected when it is secure.

CHAPTER XXIII

That Peace Cannot Exist in a Mixture of Religion and a Certain Political Moderation

[Printed page 769]

Zeal for peace and concord sometimes leads prudent men who love the state to prefer even a disgraceful and dangerous peace to discord, and to judge that what they see done advantageously in political matters must also be adapted to religion. While arms have been laid aside and embassies concerning peace are conducted under a truce, at the first meeting each party generally seeks what it thinks it demands by the highest right; they often even demand unjust things so that they may obtain what is equitable. Yet by negotiating, yielding, conceding, and entreating they come to the point of making peace, when each party judges what was agreed to be just or tolerable, or at least such as must be preferred to war. The same method is observed in arbitral judgments and private agreements, and I do not know whether any pacification has been established without such moderation. They demand religious concord and unity in this manner: let this be conceded to the Lutherans, that to the Calvinists, another thing to the Anabaptists; and let them in turn concede many things both to Catholics and to others; let a rigorous examination of the questions be discontinued; let there be peace in our days.

They say that in this way the world can be reduced to concord; that by a remission of their qualities contrary elements are thus tempered into firm and solid bodies; that from dissimilar sounds a most delightful harmony is thus made; and that nothing becomes food for animals unless it has departed from its native rigidity and been tempered to an alien nature. If you strike hard things against hard things on both sides, they say, all are broken; gentleness and indulgence accomplish more among the obstinate. They will concede more if the beginning is made by you. The highest right is the highest injury; all extremes, even in good things, are dangerous.

These and other things are said either by malicious plotters, by simple men, or by men slightly instructed in piety and swollen with an opinion of their civil prudence. If theologians follow them, after the example of Marcion of Pontus they will abolish the whole of Christianity in a short time. Marcion selected from every heresy all that was foul, cruel, mad, and impious and forged one monster from so many evils. If we now mingle all things into one, it will be more detestable and destructive than the Marcionite monster in proportion as the heresies from which this poison will be compounded are fouler and more pestilential. Whatever is most capital and virulent in each heresy will pour all its corruption into this σορὸν φάρμακον [compound drug], and this will be the supreme evil of evils, sublimated from the marrow of all evils.

Let us see the matter itself. It must be conceded to the Calvinists that God destines, incites, impels, and compels us to sins; ubiquity must be conceded to the Lutherans; to the Osiandrians, that we are just by the essential justice of God; to the Memnonist Anabaptists, Anabaptism, and to the same men fornications and adulteries in nocturnal assemblies; to the Libertines, shameful acts, and it must be said, “Not I, but God did it.” I have named a few things; they themselves confess that they are infinite. What moderation, what religion will be made from these?

Musonius rightly says in Strabo, Discourse VII, that wicked men cannot nourish concord. Crooked wood does not fit straight wood, nor another crooked piece of wood; light does not agree with darkness, but as much light as approaches, so much darkness withdraws. That peace therefore cannot exist, nor that moderation which leads us away from the moderator of all things. We possess the true religion and cannot without crime pollute it with the errors of others. Shall I lie so that some Calvinist or Osiandrian may learn from my lie to speak truth? Shall I adore God as author of sin, confess an ubiquitous Christ, abjure with the Socinians the price of his blood, and deny ten articles lest they continue in their manner to trifle about purgatory, indulgences, and holy water? Shall I deny the whole Christ with Vorstius and Osiander so that by their kindness I may possess half a Christ--the whole of whom I possessed and betrayed to them?

Nor must the method observed in making treaties of kings be followed here. There, to remit one's own right, yield an estate, and relinquish things acquired by war belongs to humanity, and excessive firmness in retaining one's right is imputed to obstinacy. But when religion is disputed, it does not lie in the power of the litigants to bargain about victory; for the cause of truth is pleaded, and of that truth concerning which we possess the eternal decree of the highest and uncreated Truth. Whatever you alter from that truth is sacrilege; whatever you add is abomination. “For I testify to everyone hearing the words of the prophecy of this book: If anyone shall add to these things, God shall add upon him the plagues written in this book. And if anyone shall diminish the words of the prophecy of this book, God shall take away his part from the book of life and from the holy city and from the things written in this book.” These words must be received concerning the whole economy of Christian doctrine and rule of belief as well as concerning the Apocalypse of John, since they were dictated by the same authority. Whoever changes these things corrects the Holy Spirit; whoever moderates the sentence of the supreme judge by human ingenuity denies divine wisdom.

Therefore every true Christian who seeks the account of sacred dogmas from God and does not manufacture it from himself understands sufficiently that the least voluntary departure from heavenly truth is a fall into death, since he accuses God of error when he presumes to moderate by his own teaching the doctrine delivered by God.

Nor is the peace of those who err thus served if you indulge those who err; rather, spirit is added so that they undertake greater things and, having pursued the bird, hasten more confidently toward destruction. Truth is the one goal; one does not reach it by wandering. Eternal salvation is the one end of believers; one does not attain it by denying God and agreeing with errors. You will fall into the abyss

[Printed page 770]

if you allow yourself to be moved from the summit of right doctrine; you will not be able to stand upon the slope if you did not stand at the top. You believe God in nothing if you judge him false in one thing. No reason for believing remains to you if you have either repudiated the authority of the revealer or surrendered it to the deadly peace of heretics. That is not peace but a compact with perfidy, sacrilege, impiety, and hell itself. Simulated religion is a double impiety, for a man both is impious and simulates piety.

He who covers impiety with paint therefore labors under a double evil and is consequently incurable. But experience has also taught here how useless that counsel of mixing religion is. The contests of the preachers in the federated Netherlands are known. Grotius, a learned man, politician, and jurist, interposed himself as mediator and pacificator among them; but what did Bogermannus the preacher do? He attacked Grotius the pacificator. Caspar Barlaeus attacked Bogermannus in his τὴν Βογερημαννομαχίαν [*Bogermannomachy*]. The whole question turns upon the fact that Sibrandus and Bogermannus accuse the Estates of Holland, who commanded mutual toleration among dissenters, of INJURED PIETY.

Sibrandus explains in what matter they injured piety. He writes that the Estates of Holland wished to be deceived by an ignorant and stupid man; that they allowed the churches to be torn apart and disturbed; that after the bishops were expelled they all transferred political power to themselves; that they patronized evasive men; maintained a heresiarch at public expense; wished to introduce the heresies of Socinus into the churches; and many similar things, which he poured out audaciously and fearlessly. These are Sibrandus's words. But Bogermannus is so far from disapproving them that he instead defines them as an Apostolic Paroxysm.

It is therefore impossible for the Rigid to agree to any moderation or mixture; and assuredly it cannot be done. Why, then, do political men judge that the eternal law must be moderated by their prudence? Because they think themselves to be without law and therefore prefer their decrees to the declarations of the creator; because they lack the faith by which alone the Majesty of him who is offended is esteemed.

The Apostle Peter calls them sects of perdition, 2 Peter 2. Who, then, is so mad as to communicate with those sects and expect salvation from a source from which only destruction can be drawn? Heretics--I speak of true heretics, not of

those who err and incautious followers of heretics--are false prophets, ravenous wolves, false Christs, thieves, and robbers, Matthew 7 and 24, John 10. They are false apostles, deceitful workers, men who love themselves, greedy, proud, blasphemous, wicked, without affection, 2 Corinthians 11, 1 Timothy 1 and 3. They are false prophets, lying teachers, slaves of corruption, unlearned and unstable, 2 Peter 2; antichrists and seducers, 1 John 2. Such they remain even if they cast away one or another error while remaining obstinate in the rest. Catholics cannot enter into association with them unless they embrace fellowship in such great crimes. I mean that association sought in the moderation of religion, by which truth is commanded to be tempered to falsehood.

Therefore we shall rather hear Saint Cyprian, Epistle 55 to Cornelius: “Let our most beloved brothers resolutely shun and avoid the words and conversations of those whose speech creeps like a cancer.” Not merely conversations on any occasion for approving their error, but also the other means by which men are customarily drawn into communion with heresy. “Let no intercourse, no banquets, no conversations be mingled with such men, and let us be as separate from them as they are fugitives from the Church.” Let them avoid these things when there is danger of contagion; let them seek them when there is hope of converting others.

The great Antony, as the great Athanasius testifies in his life, never granted friendly words to Manichaeans or other heretics, declaring that their friendship and discourses were the destruction of the soul. But he detested the Arians, so that he said to all: “One must not even approach near them.” And Antony himself, now about to die, said: “Avoid the poisons of heretics and schismatics, and follow my hatred toward them. You yourselves know that I never had peaceful discourse with them.” If we cannot, and sometimes ought not, avoid these things, let us act earnestly lest our conversation confirm them in their errors while they think themselves either approved by us or judged tolerable.

CHAPTER XXIV

That Seditions Arising from Religions Cannot Be Removed by Syncretism Is Taught from Its Nature and End

[Printed page 770]

After ninety years of dissensions, hatreds embittered by many injuries, a war made deadly by the bitterness of words and deeds--an Evangelical war--the Calvinists seek peace from a General Synod. But because faithful peace, the nursling of truth, the enemy of simulation, ignorant of frauds, execrates and flees heresies, disguise, and deceit, the same men, cast down from hope of sincere concord, pursue its handmaids, truces; construct images of false peace; and contrive syncretisms. Therefore, since I treated the Union and Synod of the Evangelicals in a separate book, I have determined now to treat Syncretism.

Syncretism is a false, simulated, insidious peace; a cunning concealment of hatreds; malice intent upon an opportunity for vengeance; fire placed beneath deceptive ash; a danger ingeniously covered; enmity flattering by a show of duty; a shadow of alliances, disciple of Machiavelli, daughter of Epicurus, plague of human society, and death of piety. Pareus has again brought forth this monster in an unhappy birth, with Heidelberg Wisdom acting as midwife, although it was pierced and cut apart by so many books and colloquies of the Lutherans and commands of princes. My intention is to propose a discussion rather than my judgment concerning it. I therefore examine the case; the states and princes to whom it pertains will pronounce sentence.

But if anyone who will read my discussion should by chance wonder why I--a member of the Society of JESUS and a pupil of sacred studies, whose whole course and every part of duty demands peace, flourishes by peace, and is weakened and broken by war--should seem less favorable to peace of any kind, I, always an adviser and author of peace, ask and entreat him to hear the reason for my purpose without offense and, having heard it, to weigh it. In this judgment I neither implore the benevolence of a friend nor refuse to undergo the judgment of an enemy; this cause stands sufficiently by its own equity.

All will understand that I oppose not peace but the most foul war which lurks beneath the name of peace; not truces, but syncretisms, the seedbeds of plots and wars. I venerate peace. Truces, as certain forerunners of peace which carry the olive branch, the insignia of their mistress Peace, I receive and embrace with my whole mind. But if those same truces, clothed in the spoils of true peace, conceal war; if beneath a peace-bearing bough they hurl a hidden death-bearing spear, I abominate them as insidious simulation, poison of concord, plague of sincerity, and the disgrace and stain of Germany--that is, of the ruling nation.

[Printed page 771]

Peace is an uncertain good even when it is earnestly sought and sincerely given, when the minds of those making the compact are allied by mutual love, not merely their fidelity bound by letters and oath, because we do not know the hearts of those with whom we wish to maintain it. If, therefore, no one is secure in true friendship, with what great care must we flee Syncretism, which includes fraud in both fact and name, and which by the very fact that it is Syncretism possesses an express profession of simulated love for a time and future hatred? For when Syncretism most cunningly feigns peace, it acts so that it may overthrow by hidden plots the enemy whom it cannot lay low openly.

The most holy and learned Augustine rightly judged concerning these things in *City of God*, Book XIX, chapter 5: “There are no more hidden plots than those which lie concealed in the simulation of duty or under some name of intimacy. For by taking precautions you can easily avoid the man who is openly an adversary. But this hidden, intestine, and domestic evil not only arises, but even overwhelms a man before he can foresee and discover it. Therefore that divine utterance, ‘And a man's enemies are those of his household,’ is heard with great pain of heart; for

although someone may be so strong that he bears with an even mind, or so vigilant that he guards by provident counsel against, the things which simulated friendship contrives against him, nevertheless, when he experiences those perfidious men to be the worst, if he himself is good he must be gravely tormented by their evil, whether they were always evil and pretended to be good or were changed from goodness into that malice. If, then, the house, the common refuge amid these evils of the human race, is not safe, what of the city? The greater it is, the fuller is its forum of civil and criminal suits, even if not only turbulent but often bloody seditions and civil wars are at rest. Cities are sometimes free from their outcomes, never from their dangers."

I therefore consult the safety of all when I disclose the frauds of a few. I do not sound the trumpet, but dissuade from Syncretism; I remove suspicions and simulations as impediments to true peace, because a union and concord of minds cannot otherwise be entered. A subscription can indeed be persuaded from the credulous, commanded from the weaker, extorted from those who fear, and an agreement signed with the unwilling; peace cannot exist without the benevolence and mutual concord of minds. But if my discussion is suspect to Lutherans of the Augsburg Confession, let them inspect and consult their own consciences, to which I appeal. Does Pareus propose, obtrude, and urge Syncretism for the honor and increase of the Augsburg Confession and Lutheran religion, or for the propagation of Calvinism and destruction of Lutheranism?

Who does not know how greatly it concerns the Empire and the state that the arts of the most fraudulent men be banished and crushed? Who is so ignorant--not merely of German generosity and sincerity but of human affairs universally--as not to marvel that a man existed who arrived at such shamelessness that he did not hesitate to offer a most disgraceful, insidious, and dangerous thing to most serene and illustrious kings and princes and most ample states, and to publish a very large book as prophet of such levity, perfidy, and fraudulence? Do new Machiavellis everywhere contrive too few imitations of alliances and friendships? Has so manifold a faith produced too little perfidy, and does it produce too little every hour? Old and cunning theologian, do you think the world so destitute of its own vices that you, a teacher of deception and artisan of syncretizing, judge that examples of fraud from an infamous nation must be brought into the morals of our age? Why do you obtrude ancient and foreign crimes upon a world as though it could not perish by recent ones?

But let us grant that you obtained the Syncretism you urged. Is there doubt how much disgrace will cling to the princes of Germany if they allow themselves to be bound by your faithless and foxlike pacification? You order them συγκρητίζεσθαι [to syncretize]. If they hear you, therefore, they will be:

> Κρῆτες ἀεὶ ψεῦσται, κακὰ θηρία, γαστέρες ἀργοί.
>
> Cretans always liars, evil beasts, idle bellies.

If anyone sees them, he will employ the old expression, ὁ κρὴς πρὸς τὸν κρῆτα [the Cretan against the Cretan], or κρὴς κρῆτα κρητίζονται [a Cretan and a Cretan play the Cretan], or assuredly ὁ κρὴς πρὸς αἰγινίτην [the Cretan against the Aeginetan], or more clearly, Ἀλώπεκι ἴσον πρὸς ἑτέραν ἀλώπεκα [a fox matched against another fox]. Do you prepare to transfer the ancient reproaches of a most foul and deceitful nation, now almost dead, to the Teutonic nobles? Are those men, in whom are German constancy and gravity, Roman majesty, and the right of the August Empire, so worthless to you that you do not fear to liken them to Cretans? You desire them to be συγκεκρητικευμένους [syncretized], that is, joined together by a fraudulent peace full of hatreds, so that when they assemble at the diets that maxim from the formula of trust may perish: "Among good men, affairs are conducted well." Let the supreme law of those syncretizing then be: "With a fox, act the fox." Let foreign nations laugh at us and say, "Behold a Cretan with a Cretan, a Cretan with an Aeginetan."

But let us despise the sayings of foreigners. What shame can survive in so disgraceful a matter? Can peace exist even thus? What will enticements of words and lies of countenances profit those who profess Syncretism? They confess that they simulate friendship in appearance so that they may await an opportunity to harm those joined with them without danger to themselves. I would wish to see the princes themselves, or at least the faces of envoys composed for favor,

and to hear the soft words of those whose aim is to display peace in their countenance and store hatreds in their minds. For the man who syncretizes is a friend only in words; with his mouth he regulates arts of flattery, κακὰ βυσσοδομεύει [he plots evils in the depths], and in his inmost mind constructs evil.

Yet let Pareus conquer even here. Let Calvinism fill every vein of German sincerity with Cretan blood and alter nature with a Circean drug, so that they are now not Germans--faithful and generous--but rather Cretans, always liars, evil beasts, idle bellies. What alliances and commerce with foreign kings and peoples will they be able to hope for? Who will endure conversing with them? Who will either send or receive envoys whose fraudulence the titles of Syncretism show upon an open forehead? Who is so foolish as to believe men who by professed fraud contrive plots against their countrymen?

Flee these things, O kings, O princes, O states which rejoice to be named from the Gospel. It does not belong to your blood, dignity, or utility to imbue our country with the frauds of Cretans and Oxydracae. Unless you take timely precautions, there is danger that not only your faith but also your fidelity will be called into doubt, and that your colleagues and foreign princes will spurn all your promises, writings, and oaths as arts of fraudulent simulation rather than signs of a true and constant mind. Indeed, I have long heard the whispers of many who more often consider what you may at some time determine and do by the counsel of Cretan ministers than what belongs to your duty. They fear lest you someday approve those whom you hear praying so often about Syncretism and frauds. Although they judge this foreign to your disposition, they nevertheless consider it unnecessary to experience it at their own peril. But we shall treat these things individually hereafter.

[Printed page 772]

I have thus far explained the notion and nature of Syncretism; nevertheless, for the sake of those who desire a fuller explanation, I shall make the whole matter clear by an example. Holland gave us one complete in every feature of Syncretism, and all the clearer and more perfect because that Syncretism was not between Calvinists and Lutherans, who fight diametrically, but coalesced within the Calvinist nation between the Rigid and the Soft.

The matter occurred in this way. At the beginning of the introduction of Calvinism into Belgium there was a fierce dissension among the Reformers. The more Rigid then conquered, but the Soft regained strength in Arminius and his associates and in 1606, at the Synod of Gorinchem, obtained a censure of the Palatine Catechism and Belgic Confession. By such labor and the favor of the Estates they brought matters to the point that they almost depressed the others. After many colloquies and writings, both were ordered to present their opinion about entering concord and to offer counsel publicly.

The counsel of the Soft, who from the title of their published little book call themselves Remonstrants, was this:

1. Mutual charity and benevolence must be cultivated. 2. Abuse and condemnations must be suspended. 3. A synod must decide the controversies. 4. They must be permitted to defend their opinion and ordain ministers who agreed with them. They were prepared for these things.

But the Rigid, who from another writing call themselves Counter-Remonstrants, judged thus:

1. Exacerbations and dissensions could be met only by a national synod. 2. Through the postponement of a synod until the twentieth year, so many stumbling blocks had arisen. 3. All who wished to be and be called ministers of the Reformed Churches ought to submit themselves to a synod as litigants on either side. 4. If a synod could not be held, the judgment of foreign academies must be obeyed. 5. In good conscience they could choose no other path of peace; if they themselves attempted another, the other pastors would not agree and even their hearers would depart from them. 6. Neither party should be forbidden to teach or dispute concerning the matter, for by this prohibition truth would be oppressed. 7. Nevertheless, neither party should be permitted freely to propose its doctrine; for this would occur with immense scandal and offense if in one city it were taught in this manner, in another otherwise, indeed in one and the same church and chair thus before noon and the contrary after noon. From this would follow harmful confusions,

scandals, and schisms, to the devastation of the churches. 8. The adversaries, the Remonstrants or Soft, must therefore be commanded to keep their opinion on the five disputed articles within themselves and not propose or urge it in a sermon or otherwise in writing, publicly or privately; nor should they attack or refute the opinion of the Rigid or Counter-Remonstrants which opposed these articles. 9. Nevertheless, the Counter-Remonstrants must be commanded to dispute moderately against the Soft or Remonstrants and assail them. 10. Meanwhile no one who agrees with the Remonstrants must be ordained.

[Printed page 772]

At last, for the peace of their churches, the Estates made a decree in January 1614. By it they ordered men to remain quiet until the future synod, to be wise unto sobriety, to tolerate and bear others--in one word, to observe a truce; all were to possess the same right, and the Remonstrants were to suffer no trouble because of their religion. They also forbade the horrible decrees of the Rigid to be taught, such as: that some men were created by God for damnation; that a necessity of sinning was imposed upon someone; that some are invited by God to salvation although he has altogether not decreed to give them salvation; and so forth.

Behold, reader, after so many years of most bitter disputations, writings, anathemas, thunderings, and combats, Syncretism commanded by the magistrate between two battle lines of one Calvinism. Let us now see what followed, yet in such a way that we also weigh the laws of Syncretism enacted by the Rigid.

First, they especially urge a synod because they hoped to surpass by numbers those whom the Remonstrants surpassed in eloquence, industry, and the magistrate's favor.

Second, a most unjust law is proposed by the Rigid: the Soft are permitted neither publicly nor privately to propose their doctrine, defend their opinion in books or sermons, assail others, or ordain anyone from their own flock. The Rigid deny that the Soft should be tolerated any longer; they say they have been tolerated more than enough. They assert it to be unjust that they implore the protection of the nobles--the Estates--against every ecclesiastical censure.

Third, that is the true face of Syncretism: they impose silence upon the Soft, judge accusation equitable, and wish the respondent's voice cut off. They reason not foolishly: victory is easy if you contend with a mute, if the accused is denied the defense always conceded among all nations by divine right. For how will truth, weakened by so many calumnies and agitated by so many hatreds, be restored by the equity of judges and stand if it is condemned unheard and undefended? It is an altogether barbarous crime, known neither to the altars of Lyon nor of Scythia, that a man should perish like a guilty person when the protection of innocence was denied him.

Fourth, the ordination of the Soft is forbidden. By a most cunning design they procure two advantages for their sect in a few words: the pursuits of the Soft are diminished when hope of honor and gain has been removed, and, succession denied, they must be reduced to fewness. But the decree of the Estates concerning mutual toleration and moderation made the cause of the Remonstrants or Soft better, as I said. Could the hardness of the Rigid be bent by the decree? Nicholas Grevinchovius, one of the six chosen disputants, writes thus in the dedicatory epistle of his disputation on two questions:

“But just as the same purple delights men and offends bulls, so the decree turned the minds of some toward counsels of peace, but provoked and sharpened others still more for battle. I know that this decree was suspect, and indeed hateful, to some for this reason alone: that it was promulgated by the illustrious Estates, not by a synod. Others, contrary to what the king of Great Britain had advised, judged that those disputes should be quieted neither by public authority nor any moderation, but terminated in favor of one party by theological decisions and synodal anathemas. Thus from that time no less rioting occurred than before, nor did those brothers rush more sluggishly against their fellow ministers and the more moderate churches than the most hostile and sworn enemies. This very church”--Rotterdam--“in which I serve the Lord is a witness, and you, most ample lords, are eyewitnesses with how great an effort and what a mass of

invented suspicions, putrid calumnies, and most false accusations they labored at this one thing: that, the minds of the hearers being alienated, they might render our sermons less frequented and our churches deserted."

[Printed page 773]

He then continues to explain their arts: disturbing the people by tribunician declamations; driving ignorant rural presbyters mad; preoccupying judges by the atrocity of suspicions; and leading square and simple rural presbyters by the ears. He treats these things at greater length. At last matters reached the point that the Rigid flew about freely in contempt of every decree of the Estates.

The history which Grevinchovius relates there is worthy of remembrance; I shall report it in his words: "I remember that, after hearing a most virulent sermon in a neighboring church, I sought from the presbytery a friendly conference about it with S. Gruterus, the minister of that church. But after many most bitter insults, what at last? A peremptory response: if I were a Turk or Jew, I could and ought to be admitted to a colloquy; but as a heretic more wicked than those, I was not to be heard but avoided by Paul's command." These things after the pleasant colloquy, these things after Syncretism had been decreed. But is this the end? Is immense anger and savage madness content with a moderate disaster?

Behold another stratagem proper and natural to Syncretism. While in the sight of the Estates they debate peaceably, cover hatreds with their countenance and frauds with bland speech, call one another brothers in almost every period, syncretize most splendidly, and most cunningly feign friendship, the same men most hostilely and bitterly assail their associates and brothers. For because they saw that the Estates were more favorable toward the Remonstrants or Soft than to appear likely to obey the desire and anger of the Rigid and condemn those men undefended, that hard nation of the Rigid, ignorant of yielding and tenacious in urging its purpose, contrives their utter destruction from elsewhere. It prepares a most powerful and fervent foreign enemy against the Remonstrants, who by speech may inflame the Estates of Holland toward the destruction of their brothers, move them by authority, and almost compel them by power.

I report the history from the Remonstrants' supplicatory book: "Moreover," they say, "since no one is ignorant what was recently written under the title of the king of Great Britain to the most powerful States General concerning the late pious and faithful servant of Jesus Christ, Lord JACOB ARMINIUS--who in those letters is disgraced with the appellation 'enemy of God,' and his disciples with the titles 'sectarians, plagues, heretics, indeed atheistic sectarians whose heresy it is expedient to suppress and root out promptly and in the very blade'--the Remonstrants judge that they too are touched and injured by these words. Yet they are no more Arminians than Calvinists or Lutherans; for they profess themselves Christians, ministers of the Reformed Church, by no means infected with heresy or a sect, much less--which is horrible to say--an atheistic sect, but agreeing in the foundation of doctrine and faith with the churches of Great Britain, faithful citizens of their country, humble subjects, the most humble servants of your illustrious lordships and of his Sacred Royal Majesty, for whose safety, long life, preservation, and happy government they ardently pray to the Lord God, King of kings.

"It seemed good to the Remonstrants, with the greatest submission, to ask and entreat your illustrious lordships to grant them, with your good leave--as their innocence in this matter is best known to you--permission to enter upon some safe and honorable way of defending themselves and most humbly and submissively admonishing the said Royal Majesty concerning both Lord Arminius of pious memory, whom they confidently believe to have been and to be not an enemy but a friend of God, and themselves, as men who wish to be cleared and freed before the whole world from the gravest accusations, intolerable to any Christian person."

A spectacle harsh even to waves and shores, but unexpected and mournful to the Remonstrants: in their own country, before their own magistrate, chosen theologians and presidents of churches dispute about faith, religion, charity, holiness, and mutual toleration; instruct one another with fraternal words; write counsels of peace to their magistrate; offer themselves to a synod and pledge to stand by its judgment. While they display these splendid things in Holland to the gaping people, they most cruelly prosecute the same men in Britain as guilty, affirming them to be sectarians,

plagues, heretics, atheistic sectarians, liable to the gravest accusations intolerable to any Christian, and judging that they must promptly be suppressed and rooted out in the very blade. They acted with such art that the king believed, with such passion that he quickly dictated a sentence and by letter urged a foreign magistrate to suppress and root them out. The outcome of the judgment, the severity of the royal sentence, and the transmarine embassy show what were the cunning and atrocity of the accusers.

Perhaps the Counter-Remonstrants were not the authors of so atrocious and perfidious an accusation carried to a transmarine tribunal, nor did the Rigid summon the deadly sentence from the island when domestic equity obstructed them. I would therefore wish them to clear themselves, or the most serene king, who alone can do so, to absolve them from suspicion. For by naming definite accusers he will show the rest to be immune, if not from communion in an approved crime, at least from the perpetration of the deed.

But it is admitted that they accused them. Those who wished their brothers to perish undefended, imposed silence, and judged them intolerable and more wicked than Turks and Jews--and this contrary to the magistrate's public decree--why is it marvelous if they reported the matter more harshly to the defender of the faith because the Estates seemed too gentle? Moreover, no one except a rigid Calvinist condemns those articles of the Remonstrants about which the controversy exists. Therefore those alone accused who alone possessed a cause for accusation. Thirdly, we ought neither to suspect, nor will his panegyrists concede, that the most prudent king judged most severely in a most grave cause upon the information of an uncertain or unknown accuser. Who, then, accused? Were they not the leaders of the Rigid, who knew the Soft most intimately and could report certain, attested, and seen things? Those men, I say, who foresaw the ruin of the colloquy and perceived themselves conquered by reason and the judgment of the Estates.

I have produced an example of Syncretism which may instruct even the rudest man. What more Cretan could be devised even in Crete itself than the Rigid displayed for us in Holland? At home they dispute fraternally, utter holy words drawn from the sanctuary of Scripture as signs of false benevolence in simulated love, compose laws of peace, and undertake a truce at the command of the Estates. Meanwhile they abuse the authority and power of a foreign king for the destruction of their associates and brothers. They hoped that those whom they could not conquer would be given over as guilty to royal favor, and that the Estates would not dare deny what they so ardently demanded: that they stake the reputation and life of a few to earn the friendship of an allied king.

[Printed page 774]

They were not ignorant that the Briton held the key of the federated provinces; that without his aid navigation was unsafe; that Zeeland and Holland were bound to him by heavy pledges; that cities were occupied by an English garrison; that many Englishmen were in Belgium; and that not a few Belgians preferred royal Majesty to the modest rank of their own Estates. The Rigid judged that all these protections of favor, power, authority, proximity, appearance, and fear must be employed against the safety of their brothers with whom they had been syncretized.

Do not expect another condition of Syncretism or hope for other alliances, Lutherans--or, if other, ones much worse in many ways. For the articles about which they dispute belong as much to you as to the Soft. They teach: first, that reprobation was not made without regard to sin; second, that Christ died for all and each; third, that grace is so given that many can nevertheless resist the Holy Spirit; fourth, they demand that whether faith and justice can be lost be demonstrated from Scripture, for they candidly profess that they doubt. They utterly deny that they have any other dispute with their brothers.

On account of the same articles you will have to sustain the same judgments against you. They will proclaim silence to you, deny that you should be tolerated, and declaim that you are more wicked than Turks and Jews. However the theologians flatter and lie with their countenance about charity, simulate fraternity in words and embrace, nevertheless a tempest stirred by the flatterers will come and, armed with royal forces, a storm will strike you. You will be sectarians, plagues, heretics, atheistic sectarians, liable to the gravest accusations intolerable to any Christian person as

soon as they become stronger; hence you must promptly, indeed in the very blade, be suppressed and rooted out lest you be able to grow into shrubs.

They will rise against you the more cruelly in proportion as they possess more causes for conquering you, and the more eagerly as the prize of victory is greater and succession to more splendid wealth is hoped for. For in you they will not allege those errors which they pursue by so distant a judgment and avenge so cruelly among the Remonstrants--errors which British courtiers scarcely understand, much less rural ignoramuses, or “square men,” as Grevinchovius calls them. They judge that they possess greater reason for raging against you: namely, monstrous ubiquity, the conqueror of all articles of faith; impanation; ἀρτολατρείαν [bread-worship]; Osiandrism; Flacianism; and the other horrible and abominable portents of heresies summoned from hell.

Fraternal names will then be far away, when you are called worse than those now judged more wicked than Turks and Jews. Nor will you be able to complain; for he who admits Syncretism brings frauds into the compact. He who introduced a condition of deceiving into the counsel ought not to grieve at the outcome. Who will pity an enchanter struck by a serpent? To whom is death unexpected if he wanders carelessly around a lion's mouth? Flee the very long whales which display the faces of Sirens in the Netherlands but possess the tail of scorpions in Britain. If the deceitful fiction of one or another entices you, let the examples of the most bitter persecutions which those who took too little caution for themselves were compelled to undergo deter you. And let this be the example of Calvinist Syncretism.

CHAPTER XXV

That the Primary Aim of Syncretism Is That, Once the Peace of Religion Has Been Violated, Catholics Should Be Slaughtered

[Printed page 774]

The name of Syncretism is infamous, the thing far more foul, its danger directed against all. Its end is most cruel and most unworthy. For through this counsel of an impious conspiracy destruction is prepared for the Roman Pontiff, the August Emperor, kings, princes, Catholic states, and the whole orthodox name. By examples of ancient crimes, by the notorious deceits of truces, a most accursed thirst for Catholic blood and Catholic money, most thirsty for our blood, advances against us. It has placed before its bloody conspiracy the peace and union of the Evangelicals and a general synod, so that it might impart an appearance of honor to its brigandage; it summons all Evangelicals so that they may profess themselves helpers in obtaining the plunder. It makes a splendid entrance hall so that secretly and safely, through a laboriously painted substructure, it may carry them off to prisons, quarries, undertakers, and pyres. A bland speech? The Union and Synod of the Evangelicals. A popular devotion to peace, and a book dedicated to the desires of peacemakers; but through these fair appearances, through this chrysocolla, the way leads to wounds and blood, to civil wars, to the theaters of savage superstition, to the amphitheaters of Calvinistic cruelty. For Calvinism at last, sooner or later, passes over into its own nature, and by the horror of its punishments betrays and disgraces the lies of its affected gentleness. What, then, does the adversary attempt by Syncretism and pacifications? What is the end of so great a disgrace? Let us hear the man himself.

In Chapter 12 he commands that endeavors and counsels be joined in pious Syncretism against the common enemy Antichrist. In Chapter 11 he conducts this more ardently, and prefixes this title to it: “That, while a synod and full concord are being procured, the Evangelicals meanwhile ought to unite in pious Syncretism and mutual toleration, and to stand together against the Papacy.”

Therefore that Silesian Hannibal, now about to die, seeks throughout the whole world an enemy for the Romans--an enemy for the Romans, that is, for the Pontiff, his defenders, friends, and clients. He looks about on every side for auxiliaries, even faithless and doubtful ones, and by the same labor warns us to be cautious, lest we fail to know that war has been declared, which so well-known a fetial priest has proclaimed. I propose three things in this war for princes and their counselors to consider.

The first is that by the name Antichrist and Papacy not only the Pontiff, but all clerics and laymen of the Catholic and ancient religion, are designated by that gladiatorial trainer. The second is that he treats not only of his own defense but of an attack upon Catholics and of arms to be carried against them unprovoked. The third is that the war he recommends will be the most cruel of all those that have ever shaken the human race.

The first is admitted. All define the Papacy as the pontifical kingdom. Graserus, in *The Royal Plague*, folio 54, attempts to show that the clergy are the flesh of Antichrist, and secular kings and princes his bones. Povellus says almost the same in his theses *On Antichrist*; Benedictus Aretius says it most pestilentially of all on Apocalypse 13:15. The name of the Beast is to be a son of the Roman Church, or a Catholic, or a member of the Roman Church. But two beasts are described by the Apostle John, of which they interpret the greatest and most monstrous as the Emperor or Empire, and the secondary, the servant of the first, as the Pontiff.

[Printed page 775]

Therefore this war will rage most widely against kings and the firstborn of kings who sit upon their thrones, down to the firstborn of maidservants grinding at the mill; for when the Calvinist peacemaker begins to be provoked, all are Antichristian to him. Against all, I say, barbarous savagery will advance, but first against those whom it will be most

profitable to have conquered: the Emperor, the Most Christian and Catholic kings, who are the firstborn sons of the Church and the most noble members in so divine a body. Nor do I say these things to arouse odium; no speech can be found equal to such atrocity, nor do those who teach thus care about reproach, since they account ingenious cruelty a praise to themselves. It seemed too little to them to demand in general that all be delivered to tortures and death, lest anyone trust that account would be taken of his dignity or lineage; Aretius the Calvinist expressly destines Caesar and the princes of the Empire for slaughter in his commentary on Apocalypse 13:7: "After the doctrine of Christ had been received, impious hypocrites presently snatched the title of the Church to themselves and persecuted the true commandments of Christ, which cause the successors of the imperial seat still strenuously defend." And: "For as widely as the Roman name extends, so widely do the pious"--that is, Calvinists--"suffer persecutions." When he wrote this, Calvinism had not yet invaded the Empire with so great a force. And on verse 1: "To marvel at the Beast is to marvel at the success and felicity of the Empire, proclaiming that august, holy, sacrosanct, and immortal thing." And: "For the dragon is the Devil, who attaches his own ornaments to the Empire."

But Graserus speaks far more abusively in *The Royal Plague*: he calls the Empire "the fullness of diabolism." The same man, after calling all Catholics "bestiality" at folio 55, and then saying at folio 207 that all Catholics fornicate with the great whore and that kings are fornicators, adds: "In this order of FORNICATING KINGS, THE SPANIARD AND SPAIN hold first place."

Nor does Pareus conceal these things, nor can he; for he orders all sects to stand against the Papacy and those whom, for the sake of insult, he calls Papists. Nor is he so stupid as not to know that the basilica of Peter is supported by the protection of many kings and peoples. He knows that their life and power prevent him from turning the rich plunder of Roman benefices into his own rewards; he knows that the common father in Christ of all orthodox kings cannot be attacked except through the sides of faithful kings. He knows that the praetorian ship of Saint Peter is surrounded by the victorious fleet of the whole Christian world, and cannot be taken and torn apart unless that fleet is scattered.

But he would especially wish given over to destruction those whom in Chapter 29 he falsely says are forcing their provinces back under the yoke of Antichrist by deceit and arms. Who are they? "Documents of this matter," he says, "are Eastern Francia, Austria, Styria, Carinthia, Hungary, Troppau, and Donauwörth." In its place I shall bring forward a most just expostulation concerning this injury; now it is sufficient to show against whom Pareus declares war: namely, against the Emperor, the Austrian house, the Bavarian princes, and the duke of Eastern Francia. "These things," he says, "must be opposed more strongly and more promptly by united vows, counsels, and ACTS." These matters indeed especially concern kings, princes, and other secular men; since I have proved the case concerning them, it is not necessary to speak of ecclesiastics, whom they hate more bitterly. Concerning these I shall be content to produce the most calumnious opinion of Calvin, Letter 2, *On the Duty of a Christian Man concerning Benefices*, etc.: "Among upright"--Calvinist--"and incorrupt judges, it would surely not be so difficult to make manifest that that whole mass of Roman wealth, from the supreme see itself down to the least chaplaincy, as they call it, was compounded from impostures, thefts, robberies, sacrileges, and the worst arts; and that you cannot touch any particle of it without binding yourself by consciousness of many crimes."

Laws and legal principles teach how impostors, thieves, robbers, sacrilegious men, usurpers of evil arts, bound by consciousness of many crimes, are to be treated; and when these men have conquered, they will turn all those laws--established to restrain the audacity of the wicked--toward attacking the innocence of the orthodox. For what will victors not attempt, when, although they do not yet possess much and do not yet securely possess what they have scraped together, they nevertheless wish war to be decreed against distant kingdoms, against princes under another's jurisdiction, and against Caesar himself? When they grow hot with wine and anger beside the Neckar, they bear it ill if, in Eastern Francia, Austria, Styria, Hungary, Troppau, and the city of Donauwörth, the ancient truth into which those regions were first baptized is taught contrary to their will and dominion. I have said and proved that the calamity and ruin of that war are proclaimed against all; I shall now show the second point: he does not aim to preserve and defend

things acquired in whatever manner, but to enlarge his dominion, carry hostile arms against others, kill, and strip away spoils.

First, the Genevan, Helvetian, French, Belgian, British, and the now-emerging Brandenburg practice demonstrate this. Next, he thinks that war must be undertaken to propagate his perfidy, break images, and abolish Catholic ceremonies; but for one who attempts such things, defense alone is not sufficient: war must be carried forward by him, not merely sustained. But it is better to hear in his own words the Tartarean mob of civil war thundering. On Romans 13, Doubt, Proposition 7: “Christian kings and princes ought to resist pontifical tyranny, even with the sword, by obstructing and breaking it by force, removing idols, and restoring the Church to its liberty.” Everyone understands that offensive war is commanded here; or, if anyone doubts, surely the three reasons that he appends ought deservedly to remove every scruple.

The first reason: “Princes ought to be a terror to evil works and avengers unto wrath against those who do evil. But the works of Antichrist are the worst, and therefore his wickedness must be restrained with the sword.” Who would say that mere defense against crimes is commanded to a prince? Who denies that it is the magistrate's duty diligently to search for and track down brigands, thieves, and malefactors, to drag them from hiding places, and to proceed by law against those convicted and judged? But who does not see that by this reasoning not only a right and a sword are given to Calvinists against the Pontiff, Caesar, and every Catholic Estate, but vengeance is also commanded? Truly an accursed heresy, which not only permits the license of wars and robberies against fellow princes who have persisted in the ancient religion of the fathers, but also commands cruelty.

The second reason is even more cruel: “Because this is commanded to them, Apocalypse 18:6: Render to her as she herself rendered to you, and double to her the double according to her works; in the cup in which she mixed, mix double for her. Therefore they ought to destroy the kingdom of the Pope.” A just command indeed, but against Antichrist and his helpers, against whom it is directed by God; impious and cruel when punishments of malefactors are transferred to priests and Christian kings because of their perseverance in ancient piety.

In the third reason he explains more fully what he wishes to be done: “Because,” he says, “it is foretold that Christian kings and princes will hate the whore, render her desolate and naked, eat her flesh, and burn her with fire; but the prediction possesses the force of a precept, so that they should do this.” I have elsewhere exposed the injuries, calumnies, and sacrileges of the adversaries in corrupting these words of Scripture; now I wish to establish only this: according to their judgment, the war they contrive is not defensive but offensive.

[Printed page 776]

Hence Fredericus Braubomus the Calvinist, in Book 10, Chapter 5 of *The Flowers of the Flamens*, attempts throughout to prove that all Christian kings--indeed, all Calvinists--possess a divine command to overthrow the Pontiff. “Such a command,” he says, “as the private man Ehud possessed, we possess publicly.” Hence the warlike speech of Graserus in *The Royal Plague*. Hence Plessis's trumpet call to the king of Britain, in which with great shouting he demands that the king seek Italy, pierce the Pontiff with an avenging sword, furnish the world a spectacle of the hunt, trample him upon the Milvian Bridge, ruin him, drive him out, and submerge him in Avernus like a millstone. With great passion the most gentle man seeks this, and desires himself to be present, to fight, and to lick swords warm with noble blood. “I,” he says in the preface to his *Mystery of Iniquity*, “shall mingle among the first battles; amid the triumphs, when the angel gives the signal, I shall repeat, FALLEN; I shall immerse myself wholly in this holy joy; caught up close to eternity, I shall die in it.”

I pass over the cruelty of this veteran soldier fattened on Catholic blood. I do not accuse the savage joy of a mind submerged in the gore of the slain, or a joy so exultant from butchery that it severs the life of the rejoicing man, because it belongs to Calvinist piety not to glory in the hope of the sons of God, not to rejoice in heavenly consolation, not to immerse oneself in the holy joy of divine love, but to set the highest pinnacle of gladness upon the gore of the slain, to be submerged in Catholic blood, and to melt with such great pleasure at another's wounds and tortures that one

dies in one's own cruelty. This is the vow of the soldier; this is the vow of all the Calvinist ministers who have nourished that chick of Mars with blood.

I have now sufficiently explained two things: namely, that war has been decreed against all; next, that it is a war in which force is to be carried against others unprovoked, not one in which force offered is merely repelled. The third remains: namely, that if war is waged under the auspices of Pareus, it will be the most monstrous and foul of all that the world has thus far undergone, and that this savagery is the proper end of Syncretism.

Plessis's joy and pleasure can demonstrate the cruelty more clearly than my words. We have heard that there were many savage tyrants who took pleasure from the blood and pains of others and eagerly watched punishments. We recall none of so beastly and ferocious a disposition that the torments of the wretched furnished him so great a force of joy as to compel him to die; no executioner who derived from tortures applied to another's body so much gladness that the pleasure of tormenting could effect in the one what pains and the laceration of the body effected in the other, so that the immensity of savage joy would take the tormentor's life just as the magnitude of torture took the tortured man's. Plessis alone professes that he will be wholly submerged in, and will die in, that joy of executioners. Let us imagine an army of Plessises, with Pareuses as its commanders. The mind shudders to speak of the rest; I do not intend to range over what no ingenuity of executioners has hitherto discovered.

Perhaps you will ask what cause of savagery the Calvinists put forward. Most allege anger and hatred, all a false opinion, and some the pleasure that they perceive from another's torture, which is proper to cruelty. They think Catholics, whom they call Papists, are Antichristians. Some persuade themselves of this so certainly that they assert it even with perjury, as Povellus does in his theses *On Antichrist*; others doubt, as does the Most Serene King of England. Yet because they think this, they therefore judge Catholics the most filthy, foul, and savage of all men, drunk with the blood of the saints, idolaters, Baalites, and "bestiality," as they proclaim. "Under those elaborate masks"--of Catholics--says Graserus in *The Royal Plague*, "nothing other than cruel murderers, criminals, poisoners, impure fornicators, thieves, and brigands are concealed and hidden." A grave accusation: that nothing else lies hidden there, nothing of humanity, nothing of truth.

Therefore, since they have long since judged us to be such criminal masks, from that prejudgment they determine that we must be vexed by every punishment and torn by every insult. Sacred Scripture teaches us that Antichrist will try every kind of savagery against the pious. "For then there will be tribulation such as has not been since the beginning, when nations began to exist." They judge the Pontiff to be Antichrist and Catholics to be Antichristian attendants and servants; for this reason they impute to us all the cruelty that Scripture attributes to Antichrist, and one greater than was ever exercised by any tyrant. But what is said in Apocalypse 18, "Render to her double," they interpret so as to say that they have been commanded by GOD to apply to us torments twice as harsh as those by which Antichrist tortured the saints.

Although Pareus's words are more monstrous than Plessis's pleasure, let us hear them: "Nor is injustice commanded when it is commanded that double be rendered to her; rather, it is signified that no kind of vengeance against the Pope is unjust or excessive. 'Double' is understood not in relation to the punishment that he deserved, but to the evils which he formerly inflicted upon the pious and with which he afflicted the Church." How emphatically: no kind of vengeance! Nor are punishments decreed against the person of the Pontiff alone. If Plessis conquers, the lot of kings and princes will be the same, for many of them have harmed Calvinists far more than the Pontiff has--especially those by whose pious care, life, and admonition certain provinces have been led back to knowledge of the ancient faith and the true worship of God.

These things are to be expected by us if Syncretism prevails and God ceases to govern the human race. Pareus, a minister of hell, will preside over the slaughterhouse; a harsh arbiter of punishments, he will multiply the tortures to double measure. Attentive and skilled in torture, he will take care that they do not pay less than double; for if the executioners please to exceed it, Pareus will permit it, "because no kind of vengeance is excessive or unjust." Plessis

will be present, wholly submerged in holy joy. Pareus will invent what Phalaris will marvel at, what Busiris will be astonished at, what Calvinism has not yet dared or has not yet been able to do. He will dictate punishments to be applied not merely to plebeian bodies but to the majesty of kings and princes and the sanctity of bishops; and, having vigorously employed so great a mastery of slaughter, he will extinguish Catholics by tortures and the army of Plessis by the joy conceived from the tortures of Catholics.

More savage are you than grim Busiris, more savage than he

Who roasted the false bull in a slow fire,

And he who is said to have given the bull to the Sicilian tyrant

And to have allied his arts with his words.

That Tuscan tyrant, about whom boys are accustomed to sing, was nothing beside the desire for Christian peace and the contrivances of Syncretism:

Indeed, he even joined dead bodies to living,

Matching hands to hands and faces to faces,

[Printed page 777]

And thus killed them by a long death in a wretched embrace.

The Calvinist will double these things against us. What appearance will the world then have? What place will receive the fearful? How many punishments must the brave overcome? What groans? What sounds of blows? What fumes of fires hissing in wounds?

Who could disclose in relation so many

Deaths? Who could lament the abominable slaughters?

What such deeds are the monstrous ever said to have committed--

Either Scinis with the Isthmian pine, or Sciron from the deep cliff,

Or Phalaris with the bull, or Sulla with the prison,

Or the Dutch with swords, or the Huguenots with dormice?

O gentle horses of Diomedes! Altars of Busiris,

You are now merciful; Cinna is now pious, and Spartacus gentle,

When compared with Pareus.

How great will be the suffering that can produce mortal joy in a Calvinist? Although perhaps his hands have not yet been wet with Catholic blood, he has certainly dyed the pen with which he writes in our blood and bloodied his jaws with our death. These are the counsels of the tribunes of our age; these the decrees of the theologians: We cannot conquer by our cause; let us kill. “We possess publicly the divine command which Ehud the judge possessed privately against the king of the Moabites.” What sort of command is this? Kill. Who will ask whether courage or deceit is used against an enemy?

Can there therefore be peace for you, O Pareus, with those whom God commands you to kill? If a law has been commanded by the supreme Lord by which our slaughter is entrusted to you, and you judge that this is so, you break off every compact and every hope of concord forever.

You will say: “I shall make peace with you, but I cannot act against the law of God; he has commanded me to kill you. I possess a public command to kill you; the supreme Emperor's authority renders private pacifications, treaties, and oaths void.” Our princes now understand you sufficiently. Divine goodness has therefore bound their power and courage by the closest alliance for their own defense, lest each one perish separately through the snares of these agitators. But to expect religious peace from those for whom it is the summit of all sanctity to kill their adversaries at the first opportunity is foolish--from those, I say, who introduce into the world not only treaties customary among nations but even shameful frauds of Syncretisms; namely:

> So great a task it was to destroy the Roman nation.

CHAPTER XXVI

That the Secondary Aim of Syncretism Is Twofold: the Overthrow of the Lutherans and the Servitude of Calvinist Princes

[Printed page 777]

Once the Pontiff has been killed together with his defenders, after they have devoured his flesh, burned many of them, blocked the bed of the Tiber with corpses, and brought back the times of Sulla, in which the foremost fell into the river and the highest upon their bodies, they will then turn the sword against their Lutheran fellow soldiers and, with a Cadmean battle, offer funeral rites to Roman shades. For if the simple Pope and simple Papists had to be finished off so atrociously, what will they say that double popes and double Papists deserve? For Calvinist ministers are accustomed to call the Lutherans thus, as I proved in the book concerning their union.

Next, they will possess against the Lutherans themselves the same causes for waging war which impelled them to Syncretism and conflict against Catholics. They will say that their princes ought to resist Lutheran tyranny, obstructing it even with the sword and by force and breaking idols; for Pareus thinks that the Lutherans too patronize idols, on Romans 1, Doubt 18. Thirdly, the Lutherans judge that Calvinists must be prosecuted by war; but who would believe that Calvinists will deliberate more benignly concerning their enemies, whom they have experienced to have thought about them only with the greatest cruelty? Joachim Westphal cries out that whoever is found to favor Calvinists must be exterminated from the whole world. He glories that he wrote: “Calvinists are to be refuted by the magistrate with the sword rather than with the pen.” He is the author of the advice “that magistrates interdict from water and fire not merely professors of Zwinglian doctrine but also those who approve it”--so Calvin reports in his *Final Admonition to Westphal*.

For the sake of order I now touch this part lightly; in their proper place I shall produce the Lutherans themselves pleading their cause, for among all causes this is the principal one. Therefore nineteen reasons from the judgment of the Lutherans will explain the cause. Yet lest the Calvinist agitators think they can so cover and suppress the purpose of their mind that it does not issue forth among the people and become known, I shall deal briefly with them, and so gently that they cannot take offense, so truly that they cannot answer.

Come then: let there be peace; let Syncretism coalesce. You wish to provide for the Lutherans; you account it an abomination that fraternity be rent. Once we have been killed, you promise to live peacefully with them forever. If you do not knowingly and willingly deceive them, come then: as spokesman for all Lutherans, I pray and entreat this one thing. Allow them to retain their place in the Electoral March for even one month. I do not pray that they remain forever; this is too much. I demand some interval for flight and a small loan of time. Let them possess that pledge of your humanity and Syncretism; do not expel those whom you greatly desire to be so closely joined with you. If I obtain this, I shall become a herald of your moderation; if it is denied, I do not see what the Lutherans can hope for. Will you yield lands and inheritances to those whom you have begun to expel so precipitately and eagerly that by your importunity you have driven the wretched men into madness--men to whom you have not granted even a precarious possession for a time? If you proceed to oppress them by secular power, what may they expect when conquered, when even now, while fortune stands, they suffer such dire things; when even now, while the flatteries of Syncretism solicit them, they experience exiles, proscriptions, and prisons?

But what if I make plain from Pareus that not only can the Lutherans not be safe while Calvinists live, but even Calvinist kings and princes themselves cannot evade the deceits and violence of their ministers unless they serve a servitude? So great is the perversity of the Zwinglian possession that it turns the sword against its own entrails when the material for cruelty directed against foreigners is withdrawn. Pareus teaches thus on Romans 13, Proposition 2:

"Subjects--not private persons, but those established in an inferior magistracy--can by right defend themselves, the state, and the Church, or true religion, even by arms against a superior magistrate," upon these conditions:

I. When the superior magistrate degenerates into a tyrant.

II. Or when he wishes by force to compel them or other subjects to manifest idolatry and blasphemies.

III. When an atrocious injury is inflicted upon them.

IV. If they cannot otherwise be secure in fortune, life, and conscience.

V. That under the pretext of religion or justice they do not seek their own interest.

[Printed page 778]

VI. With ἐπιείκεια [equity] always preserved, and with the restraint of blameless protection according to the laws.

From these conditions Lutheran and Calvinist princes can fashion their arguments.

First. If a Calvinist consistory judges me a tyrant, it will think it lawful, whenever it pleases, to arm a praetor against me. But it will call me a tyrant if I tolerate and foster rigid Ubiquitarians and savage enemies of the truth--if I exterminate Calvinists.

Second. With how great a license will it establish that decree of its own: that a satrap may defend his own church against a superior magistrate? If Calvinists assemble a little church at Wittenberg or Leipzig, will a consul or satrap be able by good right to defend it by arms against the Elector? No one is ignorant how widely that statement extends--"I defend the Church; I protect the true religion"--unless he is so much a stranger in Europe that he does not know by how many religions the true faith is claimed. If a sword has been given to an inferior magistrate against a superior in that cause, they must concede that the prince of Saxony could once have been killed by Crellius.

Third. "If he wishes to compel them to manifest blasphemy." Namely, if anyone teaches impanation and ubiquity in Lutheran fashion, and commands men to subscribe to those articles or to cease from condemning them, according to Pareus's judgment that prince can be killed by his own praetor.

Fourth. "If an atrocious injury is inflicted." Surely it is an atrocious injury to give subjects in church, in place of heavenly bread and the saving Eucharist, excrement of which the Devil himself ought to be ashamed in hell. Beza says the Lutherans do this; see the *Defense of the Men of Pforzheim*, page 205. Therefore he judges that princes who exclude Zwinglian loaves and morsels from their dominions and protect the Lutheran Supper by their authority and arms inflict an atrocious injury.

Fifth. "If they cannot otherwise be secure in conscience." But when will men say that they are secure in their most holy conscience? When in fortune and life? If in the best faith the Lutherans yield their ministries to them; if they abandon everything; if they are not burdensome to the occupiers of their property; if it is granted them freely to teach, rebuke adversaries, convene councils, and arm consistories. I have never doubted that Pareus himself never approved for himself what he demands that we believe: that a praetor driven mad by Zwinglianism, if he thinks that while his own prince lives he cannot be secure in conscience, has obtained the right and power of life and death over his lord.

For what if his conscience is as cauterized as Calvin's back? What if it is fanatical? What if impious? What if Calvinist? Will the life of a Lutheran prince depend to such a degree upon the conscience of a Calvinist subject? What if the latter professes that his conscience is injured because the sacraments are not given according to the Genevan rite; because he does not hear pleasant sermons which ascribe crimes to GOD; because he is forbidden to educate and initiate his children in Genevan rites? Will he procure the security of his conscience by the danger of the prince, sanctity by the blood of the magistrate, and safety by the death of those who rule him? I leave these things for magistrates to consider; I proceed to other matters. He produces five reasons to prove his proposition, by which he overturns the exception concerning the ἐπιείκεια [equity] of blameless defense.

Reason I. “Because the superior magistrate is subject to divine laws and those of his state. For it would be manifest impiety and wickedness for a magistrate, however exalted, to wish to exempt himself from the laws. This is evident because the king is commanded to read Deuteronomy, or the divine law, Deuteronomy 17; Joshua 1:8. Therefore God wishes the king to be subject to divine laws. But the law of GOD not only prohibits tyranny but also commands it to be lawfully restrained: ‘Whoever sheds man's blood,’ etc. Likewise, the Emperor testifies in the Code that he does not wish his decrees to possess a place in judgments contrary to law, but that they ought to be void if perhaps they are recognized to depart from justice. And in Book 4 of the Code, *On the Laws of Princes*: ‘So worthy of the majesty of a ruler is the declaration that the prince professes himself bound by the laws.’ Therefore even the tyrannies and brigandage of a superior magistrate ought to be restrained by the ordinary power, which in any polity is either the inferior magistrate or the consent of the people.”

II. “Because it is no less the duty of an inferior than of a superior magistrate to defend the life and safety of subjects against atrocious injuries and the unjust force of brigands and tyrants, whether foreign or domestic.” This is proved: “Because of them too it is said: ‘He is the minister of God to you for good; he is not a terror to good works, but to evil. He does not bear the sword in vain; he is an avenger unto the wrath of God against him who does evil.’ Therefore when a superior magistrate does evil, and acts with atrocious injuries against subjects or blasphemies against God, the inferior ought to be an avenger unto wrath,” etc. Likewise, “because inferior magistrates are therefore joined to superiors, both so that they may be associates in government and so that they may moderate the latter's excessive license. Therefore, when they restrain it, they employ the authority and sword divinely entrusted to them through a legitimate calling.”

III. “Those whose office it is to establish magistrates also have the office of restraining or removing those who advance outrageously, unless they desist from advancing against God and the state. But magistrates are established either by the consent of the people, by the senate, by electors, or by other magistrates. Therefore these act rightly when they restrain or remove those who advance outrageously.”

IV. “From a similar case: a mad magistrate is rightly removed by public authority, as Nebuchadnezzar, turned into a mad beast, was cast out from human fellowship, Daniel 4:31. But an atrocious assailant and tyrant is like a madman.”

V. “Approved examples, both sacred and profane, confirm the same. In the history of the Judges, the Israelites are often read to have risen through their judges, with God's approval, against neighboring tyrants by whom they were cruelly treated. Hezekiah, a pious king, revolted from the Assyrian tyrant, and when attacked by him in war, defended himself against him by arms, 2 Kings 18. It does not matter that these were foreign tyrants, for domestic tyrants differ in nothing from foreign ones; indeed, they are to be restrained more because they are perjured and more harmful. Thus the people resisted the foolish King Saul when he wished to slaughter his son Jonathan, 1 Samuel 14:15. Ahikam defended the prophet Jeremiah against King Jehoiakim when he wished to kill him, Jeremiah 26:24. The centurions and princes removed the tyrant Athaliah, 2 Kings 11. The Maccabees defended themselves and the state by arms against the Macedonian tyrants. Thrasybulus drove the Thirty Tyrants from Athens. By public consent the Romans expelled kings who ruled shamefully; they often compelled consuls to abdicate the magistracy; they judged the tyrants Nero and Maximinus public enemies and removed them. The Electors deposed the idle and luxurious Wenceslaus from the Empire, putting in his place Rupert, Elector Palatine, founder of the cathedral church of this town, in the year 1400.”

Finally, Trajan is praised in Dio because, when handing the sword to the praetorian prefect, he said: “Use this for me if I command just things; against me if unjust things.”

[Printed page 779]

Since the matter itself teaches how such splendid arguments open a door to the crime and audacity of the wicked for destroying the safety of princes, I ought to say no more. What then? A prince is subject to the laws of his state? Let it be so; I do not now dispute this. Is he also subject to the law in such a way that he ought to pay penalties to the state,

and that legal proceedings ought to be taken against him as soon as he transgresses? You indeed think so: “Because,” he says, “the law of God commands tyranny lawfully to be restrained: whoever sheds man's blood,” etc.; “therefore a superior magistrate ought to be restrained by an inferior.” If, therefore, a Lutheran prince is liable for some offense sanctioned by capital punishment, Pareus judges by force of divine law that he must be killed. For this is the tendency of the statement: “Whoever sheds man's blood, his blood too must be shed, for homicide cannot otherwise be expiated except by the blood of him who shed another's blood.”

And just as it is the prince's office to suppress brigandage, blasphemies, adulteries, and much more heresies and idolatry by force and even, if necessary, by the sword, so by Pareus's counsel Calvinist nobles will proceed with the sword against Lutheran princes if they protect and defend ubiquity; if they establish idols or images in a church; if they practice Cyclopean dismemberment; if they believe what the Soft in Belgium believe, and thus seem to be sectarians, heretics, atheistic sectarians, to be promptly suppressed in the very blade. Those who think thus will never lack a legal action against their own princes, and never a design for accomplishing such great audacity.

[Printed page 779]

But what does the second argument permit a Lutheran prince against Calvinism? Indeed, what does it not permit Calvinism against a prince? “When the superior magistrate does what is evil,” he says, “the inferior ought to be an avenger unto wrath.” But if a Lutheran or Calvinist prince is arraigned before the consistorial tribunal of the Zwinglian ministry, it will be difficult to prevail in the cause under an unjust judge. “You do evil,” they will say to the Lutheran. “You proscribe Calvinist ministers and advance Ubiquitarians, turbulent enemies of truth; you summon ancient heresies from hell; you worship a bread-made God; you hold a Cyclopean feast and tear your God with your teeth.

“Go, lictor: veil his head, scourge him within or outside the *pomerium*, hang him upon the unlucky tree. Beware of suspecting that any punishment is excessive or unjust, for they are double Papists.”

He does not fear to add that inferior magistrates were joined to superiors in order to moderate the latter's excessive license; therefore, when they restrain it, they employ the authority and sword entrusted to them through a legitimate calling. If these things are true, those men are not merely helpers of princes but princes of princes--indeed, executioners of princes. For on departing from Pareus's Museum, what will a satrap swear to his prince? Namely, that he is an associate in government, a moderator of the prince's license, and that he will use his sword against him if he transgresses.

But what does it concede to the prince against these petty tyrants? Are they inviolable and sacred like tribunes of the plebs? Can they not command the prince, drag men to prison, and kill? Therefore those who hold in their hand not only the authority but also the life of the prince are exempt from his dominion. But you will say: “This is so if the prince has bound himself by crime--if he has done what is evil.” Nor are they so mad as to profess that punishments must be established for good deeds and virtue; nor is it necessary for me, although they have often done this, to accuse so great an insolence on their part. I assert and confirm this: under that royal power of praetors, consuls, and satraps, the life of a Lutheran prince is not to be valued at one as. For they long ago decreed that he does evil; they judged him an enemy when they said he was a defender and patron of horrible heresies and a persecutor of truth.

They will arrogate the same right to themselves from the third argument; for whenever it pleases them to kill, they will allege that the Lutherans advance outrageously against God and the state. Nor will the censure of a consistory expose only Lutherans to the swords of petty rulers; it will not spare the Calvinists themselves.

William Ames, a champion of the more rigid Puritanism, furnished an example. I have not seen his book against the bishops of England; I shall transcribe what Nicholas Grevinchovius cites from it in his preface:

“But the rest”--those, namely, who are not Rigid Puritans but Anglo-Papists, as are the bishops of Britain--“are notable gamblers, strenuous drinkers, men who treat the duties of religion as of no importance, practiced peddlers corrupted by the perverse ambitions of the Papists, impious swearers, and, finally, vain, unjust, shameful men and all sons of Belial.

And these men not only act as commanders of the army but almost alone fill the camp; for they often make Marian mules of the simpler men whom they possess among the freeborn, while they abuse their labor to supply wood to the soldiers after the manner of camp servants. But the breasts and heads of those Euclios who still obstinately struggle against Puritanism must be purged with hellebore. Moreover, those laws through whose favor and force some ministers were driven from their goods and seats, etc., whatever they may be, incur the same reproach as the decrees of the Athenians, concerning which Xenophon complained: ἔλοντο τοῖς πονηροῖς ἀμείνον πράττειν, ἢ τοῖς χρηστοῖς [they chose that the wicked should fare better than the good]. Nor, that you may know it, are those ancient decrees or counsels of the forefathers," etc.

"Certain canons were fashioned with evil deceit in fraud of the laws, condemned by the parliamentary senate, truly criminal, which at last their authors enforce against the ministers unwillingly, not without shame, and by transferring the blame to others--if you except certain fierce and savage men who appear altogether to have cast off shame. Furthermore, most of those constitutions were deliberately enacted to disturb and ensnare the quiet of the land. This is evident even from the fact that they not only retained certain putrid relics of the Papists, but delivered them fortified by every means and surrounded by dense anathemas taking effect from the very deed, striving especially to establish those corruptions which they knew almost all good men abhorred. Thus they have now made it manifest that they do not fail to know their own vices but love them: prison-guards gaping after plunder, armed with omnipotent Vulcan, devouring rich pasture, trampling under their feet what remains of the pasture, attacking with their horns the sheep affected by disease, until they have scattered them and driven them outside; ascending the criminal ladder of Antichrist through the unequal grades of churches and ecclesiastics in jurisdiction, impelled by the Antichristian spirit while they arrogate this to themselves, that they should be accounted pastors of pastors--men whom you could rightly call Catos or dragons, in doubt which. And thus either this pretended order of bishops must be removed from the midst, or the Pope must be summoned again from hell."

These things he casts, as if from a wagon, against that order which Royal Majesty itself venerates as holy and which the nobles of the kingdom esteem.

You have heard Ames, who laid the first rudiments of his abusive speech in assailing the king himself through the bishops.

Does he doubt here that those bishops are atheists and the most criminal of men? Is it not doing evil to do those things Ames writes? Is not the innocent king not merely their defender but their restorer, patron, author, and adorner? Can or dare they do those things without the king? What, then, do we think this man would do if he employed the right of the inferior magistrate? The reasoning is complete. Those bishops do what is evil; the king established, venerates, protects, and assists them. Therefore the sword divinely entrusted to me must be directed against the king. For who, when the criminal ladder of Antichrist lay prostrate in Scotland and tottered in England, raised it and supported it by the opposition of royal power and authority, unless it was the Most Serene King James? "He does what is evil," says Ames. "Therefore it belongs to his satrap to be an avenger unto wrath," Pareus adds.

He commands madmen to be driven out. But the Calvinists think the Lutherans mad.

"Nor will Westphal effect anything by his mad tumult," etc., says Calvin in the *Final Admonition* in the same place: "to rise with a frenzied impulse"; "the man's intemperance is obstinate." The Heidelberg Consolators expressly endeavor to demonstrate that Jakob Andreae and Osiander are mad. In the program of his apology, Grynaeus thinks that the magistrate is affected by the most atrocious insult through the sides of those who teach piously. Therefore they will refer to the magistrate everything that the preachers rave and will cry that the magistrate of the Lutherans is assailed by the disease which is accustomed to be spat forth. For nothing is holy, nothing immune, which audacity driven by the evils of superstition does not break through.

[Printed page 780]

Thus far we have heard the arguments; let us see the examples. “In the history of the Judges the Israelites are often read to have risen through their judges, with God's approval, against neighboring tyrants by whom they were cruelly treated.” Therefore an inferior magistrate can kill a superior, because domestic tyrants are to be restrained more, since they are perjured and more harmful. I seem to hear the declaration of the briganding consistory: One judge killed a king who cruelly treated the Israelites; let one satrap kill a Lutheran prince who exterminates Calvinist ceremonies.

Hezekiah rebelled against the Assyrian king. Therefore an inferior magistrate can fight against a superior if the latter sustains the criminal ladder of Antichrist and, impelled by the Antichristian spirit, arrogates this to himself: that he should be accounted pastor of pastors, that is, head of the Church.

The centurions killed Athaliah; therefore a praetor can rightfully kill a prince. Thrasybulus drove out the Thirty Tyrants; the Romans expelled their kings and compelled their consuls to abdicate; they removed Nero and Maximinus. Why, therefore, should Calvinists not cut Lutheran princes in two--Ubiquitarians liable to the gravest crimes, intolerable to any Christian man--and introduce into their patrimonies and dominion pious men who are masters of their own mind?

Wenceslaus was stripped of the Empire because of idleness. Therefore an inferior magistrate will be able to deprive a superior of his dominion. What, then, if a Calvinist prince does not attack Lutheranism sharply enough? If he publishes more merciful edicts for Lutherans? If he seems more inclined toward the cause of the sectarians--that is, the Soft--as the Estates are? If the royal admonition has not aroused his sluggishness? Evidently a danger equal to the Pope's threatens him: the same that threatens the Lutheran, the double Papist, and the bishops of England who ascend the criminal ladder of Antichrist so that they may be pastors of pastors.

But what need is there of more? I produce Pareus's testimony against the author himself. He denies that Lutherans should be tolerated. “A Christian magistrate,” he says on Romans 13, “ought not to permit confusion in religion, but to protect and defend the true religion alone.” But in Pareus's mind Rigid Calvinism alone is the true religion; therefore he ought to protect and defend it alone. And Proposition 4: “Christian princes ought by edicts and punishments to obstruct blasphemies, heresies, idols, sacrileges,” etc. “Because they obstruct the good and safety of subjects, they therefore rightly exterminate the Papacy. Because they are evil works, princes ought therefore to be a terror to them.” Let not the Lutheran prince lose confidence here unless Pareus says that the Lutherans possess blasphemies, heresies, idols, and sacrileges. For in Chapter 28 he says that paradoxes and dogmas far more horrible and false than those which they reproach to the Calvinists can be collected from the Lutherans' own books. He says the Lutherans are called by his party Marcionites, Manichaeans, Nestorians, Eutychians, Capernaïtes, flesh-eaters, Ubiquitarians, and Flacians. Are not the Marcionites blasphemous? The Manichaeans more than heretics? The Capernaïtes and flesh-eaters idolaters, or, as the Zwinglians are accustomed to call them, ἀρτολάτραι [bread-worshippers]? Are not the Flacians sacrilegious? And the Nestorians and Eutychians most especially so? Indeed, are not all those men all these things? Therefore a prince ought to restrain them by punishments. Consequently they will effect this as soon as they have the power. For whoever opposes the consistory will fall by the sword.

These things are so clear that Pareus cannot deny them, so turbulent and seditious that he has not attempted to defend them. Yet a man was found German in tongue, Cretan in mind, who not only defends those dangerous things but, as is the custom of desperate wickedness, attacks me without provocation. He suppressed his name and betrayed his character; and although he aims at others, he nevertheless pursues me. The judgment is yours, reader.

First, Pareus speaks thus on page 316 of the *Irenicum*: “But this is the thing concerning which not only we labor, but undoubtedly all pious and prudent men understand that the greatest labor must be expended in this business: that, when at last a pious and true union of all the Evangelical Estates and theologians, however many there are within or outside the Roman Empire, has been effected, the horrible schism and deadly discord may be removed; the course of the Gospel may no longer be obstructed by the fault of the Evangelicals but everywhere be advanced so much more expeditiously; the calumnies of the Papists concerning the WAR of the fifth GOSPEL--with which they fill their

notorious pages and whole books--may be beaten back by the truth itself; finally, that the tyranny of the Roman Antichrist, whose power has thus far grown and grows daily in the Roman Empire through nothing more than our discord--where we see now this city, now that territory or province, forced again under its yoke by deceit and arms, without any distinction whether Lutherans or Calvinists were there (of which Eastern Francia, Austria, Styria, Carinthia, Hungary, Troppau, Donauwörth, etc., can serve as evidence for all)--may be opposed so much more strongly and promptly by united vows, counsels, and acts."

Here I complained, first, that Pareus accounted the Lutherans mushrooms, since, by naming a few regions that had returned to the ancient faith, he did not think it could come into their minds how many principalities had defected from Lutheranism to Calvinism.

Second, I said that his statement that they were forced by deceits and arms under the tyranny of Antichrist was an accusation; I proved this, and before me our Scherer proved it against Utzinger. Here the Anonymous answers: "Whether that change was made without deceits and arms must be gathered from history." But history has now taught that neither Julius in Eastern Francia nor the other princes employed deceits or arms. A notable defense! Pareus says that provinces were forced under the yoke by deceits and arms; Pareus's defender says that histories must be consulted

[Printed page 781]

to discover whether Pareus lies. If I wished to speak openly, I would say that he lies. But I prefer to spare ill-omened words.

Third, I said that these were tribunician and seditious harangues. He answers--as one for whom saying anything is answering--that the purpose of the *Irenicum* is not to describe the machinations of Catholics, but to warn that this is the reason for union: lest Catholics cast against them the war of the fifth Gospel, not so that harm may be done to any Estate.

So tortuously speaking a cunning must be dragged into the open. The words of Pareus both complain about the war of the fifth Gospel and then threaten war against Catholics. "Finally," he says, "that the tyranny of the Roman Antichrist," etc., "may be opposed so much more strongly and promptly by united vows, counsels, and acts."

To oppose tyranny thus is not merely to resist speeches about the war of the fifth Gospel, but to do certain other things. Eastern Francia was reformed; Pareus establishes this as an example of pontifical tyranny, complains that it was forced under the yoke, and teaches that this tyranny, exercised by the excellent Bishop Julius, must be opposed. Was he, then, to be obstructed and the religious peace violated? Why do you advise this to the Lutherans? The kingdom of Sweden, the Palatinate, margraviates, electorates, landgraviates, and other dominions defected from Lutheranism; and will the Lutherans not oppose it? Will they receive Calvinism, seven times worse than Papism?

Fourth, I said that "by united vows, counsels, and acts" was seditious and, if princes followed Pareus's counsel, would shortly inundate Germany with blood.

The defender answers: "By united vows, counsels, and ecclesiastical acts of sermons, disputations, and theological writings." He adds: "It is therefore manifest that the word 'acts' is twisted by both calumniators, as also by Contzen the Jesuit of Mainz, altogether contrary to Christian sincerity, into political and rebellious acts," etc. It is not twisted in that direction, but carried along a straight path. For, first, "by vows, counsels, and acts," or *mit Rat und Tat*, possesses this meaning: that vows and counsels precede and deeds follow. Next, sermons and writings are counsels rather than acts; therefore other acts must be sought. Third, he requires the union not merely of theologians but of all. But the acts of the Evangelical Estates are not sermons, disputations, and writings; they are also wars and threats of wars.

Fourth, Pareus treats here not of the concord of the Evangelicals but of Syncretism, as he began to do in Chapter 12 of the treatise. For he says: "That, while a synod and full concord are being procured, the Evangelicals meanwhile ought to unite in pious Syncretism and mutual toleration, and stand together against the Papacy." But Syncretism has need

not of sermons, disputations, and writings but of dissimulation and silence; for by those acts Syncretism is obstructed, not procured.

Fifth, he says tyranny must be opposed by counsels. But by whose counsels? Not merely those of theologians but also of Estates. Yet the counsels of the Evangelical Estates do not appear to concern only the contentions of theologians, but alliances, expenditure, war to be undertaken, etc. Within a few years there have been several assemblies of allied princes, and various counsels were discussed so that the pontifical party might be opposed. I now ask whether the objects of those counsels were acts, or means sought for the end. If Pareus answers that they were acts, I shall ask what sort of acts: whether there was disputation or decision there merely concerning sermons, writings, and disputations of theologians, or also concerning other matters; and whether Pareus included these matters also when he said "counsels and acts."

Even if Pareus can be so shameless as to say that they treated only of ecclesiastical acts among themselves, his kindred nevertheless will not permit it, lest by lying against the conscience of all the Estates he become incapable of giving testimony. But Pareus approved non-ecclesiastical acts of the Evangelical Estates and understood them in this place, since he commends the alliance of the princes as holy.

Next, in the fourth motive the Saxons deny that union with the Calvinists is to be made so that the Papists can be resisted more strongly. They prove it from 2 Chronicles 19:2. Pareus asks in his response to Motive 16 whether the Lutherans not only dissuade their princes from fellowship with Calvinists but also openly counsel them in published writings that in diets and public negotiations they must seek the intimacy of the Papists but avoid association with orthodox--Calvinist--princes. He attacks these men and wishes the Lutherans in diets and public negotiations to adhere to the Calvinists, undoubtedly to agree in decrees and execute what has been resolved. Therefore he extends "acts" to all those things. And if princes follow his counsel, Europe will soon swim in blood. For that dispute will not remain within words or pamphlets.

[Printed page 781]

The second passage is in the commentary on Hosea, where he addresses the Most Illustrious Landgrave of Hesse, who was expelling Lutherans, in this way: "Well done, divine hero; perform the work of the Lord which you confidently perform." Here I said nothing either against the Most Illustrious Landgrave or in favor of the Lutherans. I merely warned that the exhortation of that aged flatterer was not consonant with the *Irenicum*. For why do you recommend peace, Syncretism, and toleration? You flatter the Lutherans and canonize the prince who strips them of every office, so that, when the Lutherans have been expelled, he may be both a hero and a divine hero and perform the work of the Lord? They were dexterously expelled, but in such a way that no tumult arose.

They answer: in that reformation there were only three points. Three are named, but in those three and through those three Calvinism was introduced and Lutheranism expelled.

Next, they say that three or four theologians were dismissed with favor. I hear: three or four. Where, then, are the hundreds of ministers who were formerly Lutherans? In what corner was a Lutheran preacher permitted to hide unless he accepted Calvinism? Where is the Lutheran exercise of religion? What need is there of words? The thing itself--that is, the churches and cities--cries out.

The third passage is in the Commentary on Romans 13:1, where he teaches that subjects who are not private persons may defend themselves by arms against the magistrate. Here, first, the defender hidden in darkness answers that, even if this were an error, it ought not to be imputed to the whole body of Calvinism. This is true, unless it is defended by the whole body. Second, he says that these things were dictated in the schools in 1604, when those commotions did not yet exist in the Empire. Let it be so. They did not exist, but they arose from those things. Even in peace, words of sedition are dangerous. Third, he says that this defense is permitted only against the tyranny of the Pope and must not be extended to the Estates of the Empire.

But this is contrary to Pareus; for he falsely accuses provinces in Francia, Bavaria, and Austria of having been forced by deceit and arms, and says that pontifical tyranny must be opposed. Yet if that had been tyranny, it would have been exercised by princes of the Empire; therefore they would have had to be resisted. Consequently he incites the satraps of Catholics against their own princes. Therefore, although the Roman Antichrist alone is named, all the friends and clients of the Pontiff are nevertheless understood--those whom they are accustomed calumniously and seditiously to call the attendants of Antichrist. Fourth, he affirms that princes of the Reformed religion do not wish the Papistic religion to be driven from others' dominions, since responsibility for them does not rest upon those princes. I answer: Let them observe this, and the cause of dissensions will have been removed.

[Printed page 782]

The fourth passage is: “Christian kings and princes ought to resist pontifical tyranny even with the sword, obstructing and breaking it by force, removing idols, and restoring the Church to its liberty.”

I most truly affirmed that here a trumpet call is sounded clearly and with full trumpets. It is the same when he said: “Princes ought to be a terror to evil works.”

Pareus's defender restricts this combat to the lands under a ruler, for a Spaniard is not a terror to evil works in Poland, nor a Frenchman in Germany; otherwise horrible confusions would arise.

An excellent and most wholesome interpretation, but contrary to Pareus. For he admonishes them to oppose the tyranny of Antichrist by united vows, counsels, and acts--a tyranny which forces Francia, Bavaria, and Styria under the yoke by deceits and arms. Therefore he teaches that the sword is to be drawn against foreign princes. Next, in the third argument he says: “Because it is foretold that Christian kings and princes will hate the whore, render her desolate and naked, eat her flesh, and burn her with fire. But the prediction possesses the force of a precept, so that they should do this.”

Therefore he judges that all kings have been commanded to slaughter and devour the Pope; thus he thinks that a right against the Pope has been given to all, and exposes the Pope as though proscribed to the swords of all. Therefore Plessis too exhorts the Most Serene King of England to the Italian journey. That defense is therefore false and imposturous, and Pareus will never admit it. He himself will rather try the sword with trembling hand and cast an unwarlike weapon without inflicting a great wound. He says that, just as Ehud possessed a command against his own king, so all princes possess one against the Pope. If against the Pope, then against his flesh--that is, ecclesiastics--and his bones--that is, secular Papist princes, dukes, kings, and Caesars. For if full right of raging has been given against the Pope, if it is a just war, if the battle is commanded from heaven, then it is also against all who undertake the Pope's defense and obstruct those hastening to that dismemberment. For if slaughter against the king is commanded to you by God, war against his soldier is also commanded. So widely does that confusion of affairs extend that none of the preachers doubts that anyone whatever is a lawful executioner of the Pope and his defenders.

Yet so great is the madness of the defender that he thinks Pareus is excused by the very thing of which he is especially accused. “Let no mention be made in any word of our”--Evangelical--“princes, but in the thesis of Christian kings, princes, and magistrates, among whom surely are Caesar, the Spaniard, and all Papist imperial cities, all of whom would be no less prepared than others to resist the Pope in their own dominions if they knew him to be Antichrist.” Thus he thinks it just that all should resist the Pope, whom they think advances outrageously in the dominions of all. And not only in their own dominions; for Ehud killed King Eglon in the royal upper chamber, and Pareus says that all princes possess such a command. Therefore, with Plessis, they ought even to seek Italy and stab the Pontiff in the Lateran itself. If Caesar, the Spaniard, the archdukes, the Bavarian, or the Lorrainer obstructs them, he must be killed through his own sides. Indeed, many of these men are no less diligent than the Pontiffs themselves in advancing true religion and rooting out errors.

The fifth passage: “Nor is injustice commanded when it is commanded that double be rendered to her; rather, it is signified that no kind of vengeance against the Pope can be unjust or excessive. And ‘double’ is understood not in relation to the punishment that he deserved, but to the evils which he formerly inflicted upon the pious and with which he afflicted the Church.”

I said that this cruelty pertains to all Catholics who defend the Pope. The defender denies it, saying that it pertains only to Babylon--that is, the Roman Church--and the Pope, the head of that Church. First, it is indeed excessive that so much is lawful against the Roman Church--that is, the members of the Roman Church. If by the name Roman Church he understands only the episcopate of that city, his cruelty extends less widely than if he understands the entire Roman Church--that is, all Catholics. But it must be shown that the savagery of the bloodthirsty old man pertains to every church subject to the Roman Church.

“Here,” he says in the commentary on the Apocalypse, “vengeance is commanded not privately to private persons, but publicly to pious kings and princes, into whose hearts the Lord God will put this, and whose military forces he will wish to employ to overthrow Babylon. Therefore this part of the exhortation especially pertains to them and their military forces, and the manner in which God put it into their hearts is explained: namely, because by an express command he commanded this vengeance to them.”

Therefore Evangelical kings and princes expressly received a command concerning the taking of vengeance. It is not merely against Rome; for many are more closely joined to the Pope, and many have inflicted more losses upon the innovators than the Romans have. Surely the condition of our society, of all religious houses, and especially of collegiate churches will be worse than that of Roman citizens. Therefore the precept is general--that is, a precept of Calvinism--and directed against all Catholics. But “Babylon” for Calvinists, although they disagree among themselves and with themselves, is not the single church which is at Rome and in the suburbicarian region, but the entire Papacy spread throughout the whole world.

Thus Pareus in his commentary on Apocalypse 17:4, when he interprets the words “Come out of her, my people.” For all sectarians urge that men depart not merely from the city but also from the Papacy, and Pareus especially. He says that all the faithful are admonished, not only those within the city's walls but those within the *pomeria* of Roman jurisdiction. And then: “Whenever, therefore, the Papists ask where the Church was before Luther, if the Papacy was not the Church, let us ask in turn where the Church of God was at the time of the Babylonian captivity, if Babylon was not the Church. It was, I say, in Babylon, but oppressed by captivity; thus this Church was captive and oppressed in the Papacy.”

“Come out of her.” The ancient people was commanded to depart from Babylon, first in heart, by fleeing its idols and abominations; after seventy years also in body, by returning to Judaea under Cyrus. Both departures from the new Babylon are commanded to us also: that we flee and detest its idols and abominations in heart, and also depart from Rome in our bodies as far as it is granted, shaking off the yoke of Babylonian tyranny by force of the command: “Come out of her.”

Therefore in Pareus's judgment Babylon is the Papacy. Consequently, when they are commanded to render double to Babylon, burn her, and eat her flesh, they understand the entire Papacy. They do not mean the Papacy in the abstract, and therefore they mean Papists in the concrete--that Papacy which can be scorched by fires, roasted as food for the victor, divided by the sword, and water the dry throats of executioners with its own blood. It is therefore false that Pareus is not to be understood concerning Papists, bishops, princes, and Caesar. He wishes all to possess one throat, so that they may fall quickly and without danger to the striker, although perhaps he desires them to be tenacious of life so that he may enjoy cruel pleasure by prolonging their death through savagery. For he judges that all are members of the whore, since he invents that the whore is the Papacy.

But Graser comes to Pareus's aid--whom, O brow! O hard face! Pareus's defender attempts to excuse. He denies that Caesar and secular Catholic princes are called the bones of Antichrist by Graser and the clergy his flesh, and says that

those who impose this upon Graser are calumniators. Indeed, he says that Graser teaches the contrary: namely, that the strong are to be destroyed by Antichrist, from Daniel 8:24: “And he will destroy the strong and the people of the saints.” Here I must prove from Graser's judgment that the bones are secular men and the flesh the clergy.

[Printed page 783]

First, folio 54: “I therefore still think that he”--Daniel--“throughout this whole passage, Chapter 8:24, had regard rather to that twofold family of Antichrist whose history we shall explain.”

Second, he explains it in these words: “Hear, therefore. The root עצם, *ghazam*, from which this word descends, signifies ‘he was endowed with strength.’ Concerning strength of this kind you must understand that it possesses the force of its solidity in itself and subsists without the support of another. Hence the noun עצם, *ghezem*, ‘the bone of a bone,’ is so called by the Hebrews because it alone in the body subsists by its own solidity and sustains the other parts. The Latins appear to have derived from this their ancient *ossum*. The rabbis also call the category of substance עצם, *ghezem*, so that from this signification someone could interpret the word עצומים, *ghezūmim*, as ‘substantial,’ ‘essential,’ or at least ‘osseous.’ Thus, therefore, he reasoned that by these עצומים secular men were indicated, insofar as they are of the planting of iron in the feet of the fourth Beast and subsist under the kingdom of Antichrist by their own strength, yet so that they accommodate this osseous strength to the uses of the Beast to such an extent that they sustain at the same time the spiritual Estate as though it were the succulent flesh of the Papacy.”

Third, he thinks that all the forces of Antichrist are in these bones. “Surely,” he says, “in the same verse he speaks thus concerning the kingdom of this king growing together marvelously: בכחו ולא כחו ועצם--‘His power will indeed become strong, but not by his own strength.’ You will find this phrase used nowhere else in the Canon. But our prophet in this passage designates by it another mystery of Antichrist no less than the former: that it is so proper and peculiar to his kingdom that outside it the phrase cannot properly be applied either to Antiochus--whatever meanwhile may be made of the type--or to any other worldly kingdom. For tell me of what kingdom, king, or empire it could truly be said that its power consisted not of its own but of another's and, as it were, borrowed forces.”

Fourth, he says that secular men possess one counsel and deliver their strength and power to the Beast.

Fifth, he says that the Pope obtained this by evil arts. These are his words: “Daniel explains this in the words cited, saying: ‘By marvelously corrupting, he will destroy, and he will possess prosperous successes in it’; for this is the proper force of the verb *hatzliach*, which our author interprets thus here. ‘For God put it into their hearts to execute his judgment, to consent, and finally to give their kingdom to the Beast,’ Apocalypse 17:17. This, namely, will be the cause of such great successes. Otherwise the sense of the prophet's words here is: He will understand so hidden, subtle, and efficacious an art of corrupting that by marvelous deceptions he will, as it were, cast down from their station even the strong, whom he could have overcome by no force. And besides, he will deceive the very people of the saints, who ought to observe his fraud, make it known to others, and thus protect the liberty of God's people.”

Sixth, he says that “the strong” are opposed to fleshly softness, folio 55: “If he had wished to commend these strong men for military fortitude, insofar as that is reckoned under virtue, he would have had to use the word *geburim*, whose proper signification this is. But if he had wished to censure the excess of this quality in the same nation--namely, tyrannical ferocity--he would have used the word *gharitzim*, whose meaning is very evident. But now, omitting those terms, for which no sufficiently cogent cause for consideration remained, he employs a word of this sort, by which simply that brute strength is indicated, in respect of which this race of his peers”--the locusts--“is opposed to their fleshly softness. And since Daniel in the same verse verbally employs this root for the sinews of external power, why do we hesitate, or what obscurity do we imagine for ourselves?”

Finally, he calls these strong men the limbs and members of Babylon, folio 56: “There is indeed another point, and one by no means to be despised, of which I had nevertheless almost forgotten: namely, that our prophet in Chapter 19:18, in the history of Babylon's ruin, finds among its ruins these strong men, these horses too and their riders, as the limbs

and members of the truncated Beast, speaking thus: ‘Come, birds of heaven, and assemble for the great supper of God, so that you may eat the flesh of kings, the flesh of tribunes, the flesh of the strong, the flesh of horses, and of those who sit upon them.’ These are the principal members of which the Beast's kingdom consisted and into which it is finally resolved. Among these, that mention of the strong possesses so much more cause for wonder because throughout the entire context of the prophecy he has nowhere previously mentioned them under this nomenclature. In Chapter 6:15, indeed, mention is made of powerful men, but there he calls them δυνάτας, whereas here he employs the word ἰσχυρούς, by which the Septuagint render the Hebrew in Daniel.”

[Printed page 783]

Now I ask you by justice itself, reader, to deign to judge. Is he a calumniator who, according to Graser's judgment, has said that secular princes are called the bones, limbs, and members of Babylon--the principal members of the Beast, of which its kingdom consists and into which it is also resolved? What Pareus thereby threatens against Caesar, the kings of the Spains and Gauls, and the other Catholics everyone understands, unless he is ignorant that Babylon cannot be burned and devoured unless her bones, limbs, and members are cut off, roasted, and eaten with a Cyclopean mouth. Behold for yourself the contest between two associates, of whom one most insultingly and savagely reviles Catholic princes, while the other most shamelessly denies that he said things which it is evident to everyone's eyes were said.

Hence it is evident that according to Graser and Pareus Babylon is also in Germany, because its principal members are imagined to be in Germany, and that the Anonymous calumniator turns the words of Pareus and Graser elsewhere in vain. The seventh passage: the ten kings fight with the Lamb, yet they will burn the whore. Therefore the Calvinists cannot say this concerning their own princes unless they confess that those princes delivered their power to the Beast. For whether they acted rightly is doubtful among Calvinists, as is evident from Pareus's final question on Apocalypse 17. Aretius indeed reports that they punished the woman after being bent by God to his service. Thus Attila said that he was the scourge of God; thus Alexander was divinely summoned into Asia, etc. Do they therefore wish their own princes to be like one of these? In his *Method on the Apocalypse*, Nicolas Colladon thinks that those kings were by no means converted and did not act with an upright mind. Next, he himself understands the entire Papacy.

But what need is there of our labor against the adversaries? Christoph Jungnitz, a professor of Heidelberg, sufficiently refutes all those things. Although he has not yet reached the truth, he nevertheless disproves the falsehood. Who will not concede that Christian emperors and kings fight with the Lamb and are beasts? From these things I conclude that, since the Calvinists themselves teach that those kings are impious, I am not to be accused if I say the same thing which John clearly asserts and they themselves confess.

All the things which that mask defending the darkness proposes in obscure night can be tolerated; but the things it offers in excuse of Aretius could not please Aretius himself. For, residing at Bern as an enemy of orthodoxy and a traitor to the Empire, he said and wrote things which the Swiss allied with the Empire condemned.

[Printed page 784]

First, on Apocalypse 13:1: “It is rightly called a beast on account of the Devil, who surpasses every beast in savagery and whose character is still excellently expressed in the Roman Empire, so that the Romans themselves rightly confess that they arose and were nourished by a she-wolf. Therefore the Roman Empire is a beast, just as the Babylonian, Persian, and Macedonian empires are in Daniel. But it ascends from the sea, that is, from the confusion of all nations; for the Roman Empire was born from other empires having been struck down. For just as the sea is the common receptacle of all waters and a kind of sewer of filth, so the vices of all nations were heaped together in the Roman Empire, so that, having obtained dominion of the sea, the Romans easily conquered other nations.” You will note: “The character of the Devil is still excellently expressed in the Empire.”

Second: “It has seven heads,” that is, it excels singularly in counsel and prudence; for the head is the dwelling of reason, and the number seven is the number of perfection and completeness.

Third: “Now he expresses the spirit acting in this beast, the same ornaments being set forth with which he adorned this beast. The dragon is undoubtedly the Devil. He therefore gives certain ornaments of his own to the Beast--that is, the Roman Empire. And it must carefully be observed that the dragon does not establish the Beast, but merely adorns it after it has arisen with his gifts; he does this lest we think that the Devil is the author of empires. Rather, let us know that he is their corrupter: for the magistracy is from God, but the vices of magistrates proceed from that dragon.”

Fourth: “He describes the foolishness of mortals who, marveling at the fortune of the Empire, extol and adore it more than is proper: ‘the whole earth marveled after the Beast,’ that is, the whole earth, as great as it is, was carried away into admiration of the Beast. The cause of the admiration depends upon the preceding fortune: that so deadly a wound was marvelously healed.”

Fifth: “That is to marvel at the success and felicity of the Empire, proclaiming that august, holy, sacrosanct, and immortal thing.”

Sixth: “They adored the dragon who gave power to the Beast,” that is, in its person they worship and adore the Devil. “For the dragon is the Devil, who attaches his own ornaments to the Empire.” See what it is to worship the Devil: namely, to marvel excessively at the majesty and felicity of the Roman Empire.

Seventh: “But after the doctrine of Christ had been received, impious hypocrites presently snatched the title of the Church to themselves and persecuted the true commandments of Christ, which cause the possessors of the imperial seat still strenuously defend today.”

Eighth: “Power to wage war upon and conquer the saints is given to the Beast; that is, that the condition of hypocrites should always be in a better position than that of the pious. The histories of all ages testify to this, so that today it is discovered to be clearer than daylight. For as widely as the Roman name extends, so widely do the pious suffer persecutions, in all tribes, tongues, and nations.”

Ninth, verse 8: “And they adored it.”

“He describes the character of the reformed Empire; for the Beast will then wish to be adored, as though he said that this blasphemy will not cease until the end of the world. Just as the Beast was adored when its wound was healed, so it will be adored when power to conquer God's saints has been given to it. Therefore the same impiety remains because of the success of these things; for men marvel at the success of princes and hence pass over to their party.”

Tenth: “‘This is the victory that conquers the world: our faith.’ Therefore let us console ourselves amid these punishments of the world, lest we imagine a peculiar fortune for ourselves. This is our calling: to enter the kingdom of God through tribulations and afflictions, especially under this old age of the Roman Empire. Furthermore, the governors of the Empire require another faith from their people and commend it in assemblies of magistrates, a faith which pertains in no way to the saints of God of whom John here speaks.”

Eleventh: “Next, he”--the Pontiff--“also compels men to adore the former Beast; that is, he wishes the title and name of the Roman Empire to be accounted no less sacrosanct than the name ‘Augustus’ and the venerable name of the Empire were formerly under the emperors. Under the Popes, the Roman Church remained both Catholic and adorable, and if anyone denies this, he must be a heretic.”

Twelfth: “The Pontiff retains the shadowy name of the Empire.”

So also those who invented the featherless eagle and other abominable things.

Thirteenth, on Chapter 17:13: “He says that the dragon has seven heads because to himself he seems fully prudent, cunning, and crafty; for the head is the seat of prudence and reason. Below, seven hills are attributed to him, whence it is not inaptly an image of the Pope, because at other times he held seven heads, that is, kingdoms; and he subjected the

seven-man body of the Roman Empire to his judgment." By these words he shows, not obscurely, that by the dragon's seven heads are designated the seven electors as heads, as it were, of the other Beast--that is, of the Pope.

He took that abusive speech against the princes from Matthias Flacius Illyricus. On Chapter 12, verse 3, Flacius comments thus: "Some apply this rather to Rome and its empire, because it was constructed upon seven hills. It also held under itself the seven principal kingdoms of the world: African, Egyptian, Asian, Greek, German, Spanish, and Italian. Likewise, in more recent times and even now it had, and still has in some fashion, the same number of kingdoms under itself. It also has seven principal princes. Altogether the Spirit of the Lord appears here to have had regard to the prophecy of Daniel 7, where also the fourth Beast--namely, the Roman Empire--is depicted with ten horns, that is, kingdoms or powers; so that there can be no doubt that here, under the name of the dragon, the power of the world itself, raging against Christ and his Church, is also depicted."

These things they set forth with round and blasphemous mouth against the Empire.

Another proposition of Pareus is that Christian princes ought by public commands and punishments to obstruct blasphemies, heresies, etc. Likewise, no mixture or confusion in religion is to be permitted, but the true religion alone is to be protected. I say that this is the sword by which both Catholics and Lutherans are slaughtered, because Calvinists abuse it for this purpose. For they call piety blasphemy and think the ancient faith a heresy. If you doubt it, read the defender of Pareus: he calls the sacrifice of the Mass and similar things idolatry.

Enter a Calvinist consistory, reader: you will not plead the cause of any one of the ancient saints so accurately that he will not depart condemned by the black pebble. Whom, then, do you think safe? Ignatius the Martyr? He acknowledged the sacrifice of the Mass in the Letter to the Smyrnaeans, as Theodoret reports in Dialogue 3, and in the Letter to the Romans. Martialis, Cyprian, and Augustine are involved in the same fault; Augustine also caused a Mass to be celebrated for his deceased mother. Justin and Irenaeus? They taught the truth of Christ's body in the Eucharist. Chrysostom? He asserted free will. Jerome? He preferred virginity to marriage. Basil the Great? But he is the patriarch of monks. The thirty-three Roman pontiffs who were martyrs? But they judged concerning other bishops. Athanasius or Hilary? They invoked the saints. Gregory of Nyssa, Gregory Nazianzen, or Gregory the Great? But they venerated relics. Ephraem, Cyril, or Ambrose? They denied that faith alone justifies.

[Printed page 785]

And what need is there of more? All these saints, and others, did all those things which the Calvinist ministers call evil works; therefore punishment is prepared for all of them, and sentence has now been pronounced. For they rage against us for no cause which we do not possess in common with the saints.

The eighth passage: "When the superior magistrate degenerates into a tyrant," he grants the inferior power of restraint. But the Calvinists interpret tyranny according to their own affections, in the same way as when he said: "If they do evil." Those who obeyed Pareus now gather the fruit of this matter. Indeed, he adduces so many causes against princes that a cause for deposing them can never be wanting. If a prince obstructs their desires, he will immediately hear: "In a tyrant the relation of magistracy ceases." But if a Catholic prince reforms his dominions, he is immediately called a tyrant. Let Utzinger's most seditious pamphlet against Julius, Prince of Würzburg, be read. Therefore, according to Pareus's judgment, Julius lost his name and power when he led his subjects to the true religion; consequently he could be killed by his own satraps and his ministers hurled down.

The other examples which Pareus adduces serve this end: that no Catholic prince may be secure, as I taught in the book on peace, because all Catholic princes are fornicators with the great whore, are members and limbs of that harlot, are persecutors, and are such men as Aretius depicted.

Since, therefore, Pareus, Aretius, Graser, and others teach:

1. That the Empire is adorned by the Devil.

2. That to marvel at and adore the Beast is to adore the Devil, and consists in marveling excessively at the Empire and calling it august, etc.

3. That persecutions exist as widely as the Empire extends.

4. That the character of the Devil is excellently expressed today in the Empire.

5. That a singular hypocrisy still reigns in the Empire.

6. That the dragon is the spirit acting in the Beast.

7. That the dragon inspires a malignant disposition in the Empire.

8. That the malignant spirit is σύνεργον [a co-worker] and reigns efficaciously in the Empire.

9. That those who marvel at the Empire's success are fools.

10. That there is a threefold impiety in the Roman Empire, the thing itself speaking.

11. That the possessors of the Empire strenuously defend the cause of hypocrites.

12. That even now the Beast of the reformed Empire wishes to be adored.

13. That impiety remains because of the success of princes, and men therefore pass over to their party.

14. That the worshipers of this Beast--that is, the Empire--are vessels of wrath from eternity.

15. When they incite the Lutherans against Catholic reforming princes.

16. When they falsely say that those converted to the ancient faith of the martyrs were forced under the yoke by the tyranny of Antichrist.

17. When they say that this was done by the deceits and arms of Catholic princes.

18. When they exhort their own princes to oppose those reformations by vows, counsels, and acts.

19. When those acts are not merely sermons and writings of preachers, but deliberations and negotiations of assemblies and diets, and executions of decrees.

20. When the head of the acts and counsels of Pareus is Syncretism against the Papacy.

21. When in those counsels there is scarcely any thought of sermons.

22. When Pareus grieves that the Lutherans adhere to Catholics.

23. When they call the expulsion of Lutherans the work of the Lord.

24. When he gives arms to subject magistrates so that they may be a terror to their superior lord.

25. When he says that all princes possess a command to burn Babylon--that is, the Papacy--and eat her flesh.

26. When he affirms that by this command jurisdiction against the Pope and the Pope's followers, as members of Antichrist or Babylon, has been given.

27. When he judges all Catholics blasphemers and idolaters and affirms that his magistrates possess a public command to resist their evil works. When, I say, they teach these things:

28. It follows from them that Catholics, whether ecclesiastics or secular princes, cannot be secure for even one hour if the counsel of Pareus pleases Evangelical princes. Indeed, neither can the Lutherans, if those who call themselves Reformed put on the zeal of Pareus; nor the Reformed, if they erect the criminal ladder of Antichrist, as the Puritans cry that the king of England does; nor the Arminians, if the Gomarists thrust advocates and syndics into custody. This

is the sum: not only confidence but even the mention of peace has perished if the furies of briganding theologians occupy the minds of princes.

CHAPTER XXVII

That Syncretism Is Not Proved by the Examples of the Fathers, Catholics, and Lutherans

[Printed page 785]

Indeed, this cause for conspiring against us is also handed down: that it appears possible from the example of many who were afterward reconciled. Why, therefore, could not the controversies of those called Evangelicals be syncretized or removed? Saint Cyprian and Stephen; Saint Basil the Great and Eusebius of Caesarea; Saint Jerome and Augustine; Saint Jerome and Rufinus; Saint Jerome and John, bishop of Jerusalem; Saint Epiphanius and Chrysostom; the orthodox and the Novatians; Catholics among themselves; the other Lutherans and the Concordists disagreed, and yet they did not break peace but admitted reconciliation. Why, then, should not we Evangelicals do so? This is the sum of Chapter 15.

This argument drawn from examples is indeed not unusual in rhetorical amplifications, but in disputations it is weak and, unless all things are equal and similar, faulty and captious.

But in this passage, since all things--both matters and persons--are plainly contrary, it is foolish and ridiculous. I confess that the Church was never so fortunate that all agreed entirely in all things; nor do we dare to hope that this will ever occur except when God will be all in all and, error having been removed, we shall behold uncreated truth in heavenly light. Nevertheless, judgment must be formed concerning the kind of dissension, the mind of those teaching contrary things, the gravity of the question, and the obscurity of the matter; likewise, whether anything was defined in councils and whether anything was always believed in the Church. For not every dissension makes a heresy, nor are the dissensions and hatreds of heretics to be estimated from the discord of the orthodox.

[Printed page 786]

Let us reconsider the examples one by one.

Cyprian and Stephen, the Roman Pontiff, disagreed concerning the baptism of heretics. Cyprian rejected it; Stephen approved it. Cyprian possessed the error, Stephen the truth. Cyprian added a small agitation to his error, for he wrote somewhat angrily about Stephen to Pompeius, bishop of Sabrata. Augustine grieves over that letter and says he cannot excuse Cyprian, in the Letter to Pompeianus and Book 5, Chapter 25, *Against the Donatists, On Baptism*. But he erred in a question that had not yet been examined with the most clarified insight; see Augustine, Book 3, Chapter 3, *Against the Donatists*. Therefore Cyprian erred, and the council moved by his authority nevertheless did not condemn those who thought differently. “It remains,” he says, “that concerning this very matter we each set forth what we think, judging no one and removing no one from the right of communion if he thinks differently.” Meanwhile Stephen threatened the Africans with excommunication unless they corrected the error.

But those who erred obeyed those who thought rightly, as is evident from Augustine, Book 3, Chapter 1, *Against Cresconius*; for Cyprian both died in the Catholic faith and the bishops rescinded their former opinion by a contrary decree, as Jerome testifies against the Luciferians; see also Augustine, Letter 48. Indeed, most of the Asians returned to concord. Baronius, volume 2, may be consulted.

To what purpose, therefore, is this adduced? Let the Zwinglians change their errors and sing a recantation; the Lutherans will not be difficult in receiving them, provided they think them to act sincerely. If they persevere in error, they will be judged no less heretics than those rebaptizers. But what proportion does one error have to innumerable heresies? Yet why is nothing written concerning Cyprian's changed opinion? Because Valerian immediately intensified the persecution in the year 259, while the controversy had fallen in the year 258; therefore the tyrant's violence suppressed ecclesiastical proceedings.

“A grave dissension arose,” he says, “between Basil and Eusebius of Caesarea, and hostilities burned to such a degree that Basil departed into Pontus, abandoning the Church.” Pareus recalls the deeds of the saints in bad faith and with a calumnious exaggeration. The matter stands thus. After Hermogenes died, Eusebius, still a catechumen, was elected bishop by the Caesareans; for Basil had withdrawn himself so that he would not be elected. The electors presently repented of their vote, but Eusebius prevented them from creating another bishop and by his constancy easily dispelled the danger which Julian threatened.

Meanwhile the monks who lived under Basil's care condemned the election of Eusebius. For this reason Eusebius held Basil suspect and oppressed him beyond his deserts. But Basil, so that the monks might be quiet and the Church not be rent on his account, withdrew into solitude--not while burning with hatred and hostilities, but from love of peace and quiet. We gather these things from Gregory Nazianzen's letter to Eusebius. These things occurred in the year 362. But in the year 366 they contended in acts of duty: Eusebius of his own accord sent Basil letters of entreaty and recall, and Basil, having remitted the injury, returned to Caesarea. Therefore in this passage no conflict of dogmas is observed, but virtue, modesty, and prudence in Basil; suspicion and hostility, and finally serious repentance and humility, in Eusebius. What do these things have to do with thunderbolts of condemnations, with the exiles and tortures by which the Evangelicals rage against one another, or with most bitter contests concerning heads of faith and salvation?

Saint Jerome and Augustine also disputed concerning the passage of Saint Paul, Galatians 2:11, and not without sharpness of words; but what will he establish from this? That a Syncretism of all heresies must therefore be made?

The controversy between Jerome and John was lighter than John's imprudence or malice afterward made it. For John was thought to favor Pelagius, as Augustine has it in Letter 252. He also came under suspicion as though he had been the author of the pillage committed in Bethlehem, as is clear from Innocent's letter written to him. But since the cause is doubtful, neither Jerome nor Innocent condemned him absolutely, and death forestalled full knowledge of the matter, he is not to be summoned back to a tribunal and pleading of the cause after so long a time; much less is confusion of all religions to be introduced from the deed of one bishop who offended many orthodox men and rendered himself suspect.

As for Jerome and Rufinus, I confess that the matter is very similar to those things now disputed among the Evangelicals. Jerome's innocence is sufficiently attested, and in his second *Apology* there survives an oath denying calumny: “I call Jesus the Mediator to witness that unwilling and resisting I descended to these words, and that unless you had provoked me I would always have remained silent. Finally, cease accusing, and I shall cease defending. For what edification is there for the hearers when two old men fight one another on account of heretics, especially when both wish to appear Catholic? Let us abandon the patronage of heretics, and there will be no contention between us.”

But Rufinus, after the manner of heretics, not only resisted wholesome admonitions but grew hardened. He refused the judgment of Pope Anastasius. It is evident from Augustine, Book 2, Chapter 2, *Against Pelagius*, that he was the forerunner of Pelagius. Concerning him Caelestius professes thus in the Council of Carthage: “The holy presbyter at Rome, who remained with Saint Pammachius, said this. I heard him saying that there is no propagation of sin.” Thus Caelestius cites not Pelagius but Rufinus as the author of so abominable a heresy. Yet all these things became manifest after his death, although while alive he was both condemned by Anastasius and thereafter absolved by no one. If this example effects anything, it serves to signify that in a cause of religion there can be no peace between heretics and Catholics--not that contrary heresies can be fused into one.

The dissension of the bishops Chrysostom and Epiphanius concerned fact and forum, not religion and dogmas. The condemnation of the Origenists was in question. Epiphanius judged that they should be condemned at once, as though sufficiently heard and known; Chrysostom judged that they should be heard again. Therefore Epiphanius refused to reside in the patriarchal palace and communicate with Chrysostom, with whom heretics were staying. Chrysostom thought communion lawful for himself with those whom he judged not yet heard and condemned. Hence arose the dissension, since in one hatred of heresy prevailed, in the other care for judicial process and order.

Baronius thinks the mutual prophecies a fiction: namely, that Epiphanius said to Chrysostom, "You will not die a bishop," and Chrysostom to Epiphanius, "You will not die in your homeland." For Epiphanius died the following year at his own home, although Chrysostom, after experiencing various exiles, was extinguished by the importunity of soldiers. I repeat again what indeed could seem tiresome but is nevertheless necessary to the cause: this little dissension contributes nothing to making a Syncretism of all who call themselves Evangelicals.

Concerning the orthodox and the Novatians, their statement is a manifest falsehood to those practiced in history.

[Printed page 787]

It is evident that the Novatians were not restrained with the severity with which they ought to have been, because they thought rightly concerning Christ against the Arians. This was the reason that in the year 326 Constantine issued a rescript on their behalf: "We have not found the Novatians to have been condemned beforehand, so that we would believe that those things which pertained to them ought by no means to be granted." But afterward the great Emperor discovered the matter, as Eusebius reports in *Life of Constantine*, Book 3, Chapters 61 and 62. For first he reckons them among heretics; they were condemned in the Council of Constantinople; Chrysostom attacked them vehemently; Innocent expelled them from Rome; and in the year 413 Theodosius proscribed them by edicts and condemned them to deportation, as the words of the law declare. Do you now wish Lutherans to be tolerated for a little while, so that afterward you may do what was done to the Novatians?

Finally, concerning the dissensions of Catholics this must be established universally: one who pertinaciously protects an error contrary to the Catholic faith is not a Catholic. If the error belongs to the class of those in which neither party has been condemned, dissension does not remove fraternity or rend unity. But I shall speak of these things in their place.

I conclude the argument by a reversed syllogism. No heresies have ever been able to oppress the Catholic faith by conspiracy and attempted Syncretism; therefore neither will the Evangelical heresies be able to do so. No syncretization has been able to endure; therefore neither will the syncretization of the Evangelicals.

CHAPTER XXVIII

That the Lutherans Condemn Syncretism and That Catholics Ought to Be Prepared to Endure Evils

[Printed page 787]

There are many writings and decrees of the Lutherans against Syncretism with the Zwinglians. Among them the adversary especially undertook to attack one, which belongs to the Saxon preachers and counselors, whom he insultingly calls court Stentors. They advise their princes not to conspire with Calvinists against the Pontiff, Emperor, kings, and Catholic princes, but rather to join themselves to the Emperor and Catholics; and for this matter they briefly and wisely included nineteen reasons, which they call motives. Pareus snarls against their counsel in these words in Chapter 19:

"But indeed it has been discovered that another hindrance, equally insidious and pestilential, creeps through the courts of certain princes. For certain MOTIVES circulate under this title: *Motiven und Ursachen, warumb man mit den Calvinisten in Religions Sachen nichts kan oder soll wider die Papisten für einen Mann stehen*; that is, reasons why Lutheran princes can and ought neither to stand together with Calvinists in the business of religion against the Papists. This pestilential hindrance, I say, undoubtedly distracts the minds of most praiseworthy princes and cities in various ways and disturbs counsels of peace. Therefore the matter demands that we briefly examine whether those motives or reasons are true and so solid that they ought to stir up troubles among the Evangelical churches and overturn peace. There are nineteen reasons, which, retaining the term 'motives,' I shall report in order, and I shall openly and calmly, without any irritation, append what the orthodox answer to each."

He also shows in the dedicatory letter to the *Eucharistic Controversies* the reasons which especially moved those counselors. In it, an old man among Polish youths, he accuses the Lutherans in this manner: "But whatever is said here about the Lutherans is said concerning our adversaries in Germany--the rigid Ubiquitarians, savage and turbulent enemies of truth, who admit no conditions of peace unless their Ubiquity and Majesty are preserved; who represent and condemn the orthodox as heretics worse than the Turks themselves; and who openly profess that one ought rather to pass over to the Papists than cultivate fraternity with the orthodox, whom they call Calvinists. From among them a certain court Stentor recently was not ashamed in a public writing to counsel his prince that in the diets he should join himself to the Papists rather than the orthodox Calvinists, adducing two reasons. One was theological: that the Lutherans agree with the Papists in more matters than with the Calvinists, whom he names. The other was civil: that the Pope contributes his strength to protect the Roman Empire, while the Calvinist princes openly act in collusion with the Turk against the Empire. The latter reason deserves to be refuted in a very different way than by my pen. If the former is true, truth itself has become a lie--unless perhaps, just as he numbers genuflection at the name of Jesus among the heads of agreement, which the orthodox account indifferent, so he numbers among them statues in churches, organs, Phrygian chasubles and stoles, flowing gowns, curled hair, dances, church dedications, and many things of that kind, which these and those possess in common. If the counsel is upright, why did Luther write that the Papacy is from the Devil--*Dass das Papsttum vom Teufel gestiftet sei*? Why does the Apostle cry: 'Come out of her, my people'?"

They later divided the two reasons I reported into nineteen when it seemed good to explain everything individually. For neither are princes so frivolous or so neglectful of public safety and honor, nor do they employ counselors so inexperienced or so corrupted into perfidy by Calvinist money and promises, that they would bring their resources, liberty, life, and the safety of their subjects into danger for the domination of the Calvinists. Much less are they so foolish as to permit themselves to be ruled by Calvinist ministers.

Since princes profess these things without fear and dissimulation, there is no danger that at the will of a bloodthirsty Calvinist they would wish to be cruel toward their colleagues. For what prince of German blood and spirit would endure being hired for the slaughter of Catholics by a most shameful Syncretism? Who would lease his prison service to this gladiatorial trainer? What more monstrous thing could they do to incur hatred for their wickedness, or what more unworthy insult to their ancestors, than to hasten to slaughter and devour neighboring, quiet, friendly, and related princes because they practice that religion in which all those from whom they themselves received nobility, riches, and dominion were born and died?

Is anyone so savage that he would wish to contaminate himself by killing the living, whose only crime is that they follow his ancestors--from whose nobility he is highborn and from whose inheritance he is powerful? Would he employ against them the same cruelty by which, in the torments of others, he shows what he judges his own fathers to have deserved? Will you kill me, most illustrious prince? Will you devour me after I have been killed? Will you die from joy in my torments because I did not depart from the religion of your grandfathers and great-grandfathers; because I serve at the altar which your ancestors founded; because I believe what they gave me cause to believe; because I do not condemn that to which they wished their teachers and academies to swear? Behold, my blood flows to your odium and the disgrace of your family. Therefore it is necessary that either you assume a more benign disposition toward me or consign almost your whole family and antiquity to the flames.

[Printed page 788]

Concerning the free cities of the Empire, without whose strength the madness of the preachers cannot set war in motion, I judge there to be still less reason for fear. They abhor contention and blood, flourish through commerce and the exercise of arts, and cannot grow by war; for they experience that through it the fortunes of private persons are diminished and commerce halted, nor is there hope that a state enclosed among the empires and dominions of more powerful men can extend its boundaries.

Who, therefore, will sound the trumpet at the voice of tribunician madness? Who will bring it about that Europe, dashed against itself in civil war, turns the remnants of its fortunes and its mangled members into plunder for the Mohammedans? This is Pareus's undertaking. He counsels so atrociously concerning us that he judges the delay by which our slaughter is deferred to be AN EQUALLY INSIDIOUS AND PESTILENTIAL HINDRANCE. It is too much for him that the Pontiff, Caesar, kings, and Catholic princes are alive. Surely to one for whom delay is insidious and pestilential, the acceleration of death must be safe, salutary, and religious.

They recognize the gentleness of Calvin and Beza; nor do I marvel at the savagery of the court preacher about whom the *History of the Religion Changed in the Palatinate* relates that, speaking in the women's quarters concerning the fifth change, he said that if he were Caesar he would cut off the head of every Lutheran preacher.

Yet if the worse party should someday prevail; if Evangelical ministers, burning from the cautery of their patriarch, should fly about amid a column of armed men; if they should smear the books they wrote in blood with the gore of martyrs; if Calvinist-Lutheran camps should stand against us, our helper is in heaven. Our heart will not fear. We shall spend upon religion the death which we owe to nature; we shall return to Christ the life which we cannot retain. It is not wretched, not even bitter, to die for Christ. More wretched are those whose cruelty we shall undergo.

We shall possess as witness of our innocence the same man who invades our fortunes and takes away our life: the Lutheran soldier, who, although he performs an infamous service for the Calvinists, nevertheless will not be able to deny that he fights for the scales of the Devil. Nor can he be ignorant that it is a great good which embodied devils--as Luther in his *Table Talk* calls the Zwinglians--hate so bitterly and persecute so atrociously. Therefore let us all be prepared for combat and martyrdom, destined to fall happily if, by permission of eternal providence, success answers the hostile attempt. Happily destined to fall, I say, beneath whom almighty God will place his hand, so that death itself may implant us into the life for which God exalted his only-begotten Son and gave him the name which is above every name.

If we bring this pious meditation on death and blessedness to every vicissitude of the times, we shall neither fear the adversaries' threats nor tremble at the daily reports of wars and the semiannual histories which their forgers most mendaciously compose. Nor shall we be excessively raised up by the consolation which honorable men, experienced in the state, bring. For there are men neither of the lowest rank nor little practiced in the affairs of the Empire who deny that that conspiracy should be feared even if it is most successfully accomplished. They say that God will not fail the most just cause of the Catholics; that he is the avenger of justice; that efficacious means for justice against wickedness and audacity are not lacking to the lawful magistrate; that they know where the shoe pinches the adversaries; that the mortality by which they can fall is common to them and us; that iron battle lines stand on feet of clay; that immense structures turn upon a slender hinge; and that blood will follow from our wound too.

I have thus far been accustomed to approve their counsels in order to indicate that human aids and industry, since they are divine gifts, are not to be despised. Yet I gladly demonstrate a more excellent way of Christian perfection, constancy, and glory, and exhort men to seek triumphs in the heavenly Capitol more willingly by suffering than by acting bravely, by meeting death than by killing the enemy.

If we await war with this disposition, we shall obtain one of two things: either, by dying in the faith and communion of the ancient martyrs, we shall obtain the same laurel in which they rejoice, crowned eternally; or, if God grants victory to the just cause, if that great weigher of counsels and great arbiter of wars obstructs the conspiracy, we shall live in our ancestral religion without the tumult of innovators and persecution by enemies. O happy lot of the Christian soul, for which a longer life is a road to felicity and death a shortcut, and which cannot perish except by its own will!

CHAPTER XXIX

That the Civil Alliance of Certain Princes Is Not to Be Adduced in Favor of Syncretism in Religion

[Printed page 788]

They also derive Syncretism from the civil alliance of princes. If peace exists among them, why should there not also be Syncretism in religion? Why do theologians prosecute one another? Most praiseworthy cities, renowned barons, illustrious counts, and most illustrious and serene princes have entered into counsels of alliance and holy peace. Why, therefore, do we preachers fight?

In the first place, no one except an atheist and Epicurean would say that the care of piety and ceremonies must be accommodated to the laws and treaties of human compacts, and that concord and dissension in religion, sacred rites, and faith depend upon the peace or hostilities of kingdoms. What then? Will you regulate the worship of the immeasurable deity by the laws of treaties--whether forced or shameful, and certainly always unstable? If your prince joins himself to the Ottoman, will you also judge that the worship of Mohammed must be tolerated? You will certainly do so, for you tolerate those whom, when you speak from the heart, you judge worse than Jews and Turks. What will you advise the Belgians if perhaps the States General enter into a treaty with the idolatrous Indians and Chinese? Will you judge it equitable for a Calvinist table to be established at Calicut, and will you permit it to be erected? Or an altar to the Calicutan god at Amsterdam?

“They do not agree with us in the foundation,” you will say. But I taught above that you too do not agree. Yet let it stand that you think civil pacifications ought to be arbiters of religions and faith, and that the manner of belief is to be learned not from the Church but from palaces and camps. What do you think will occur if hostility dissolves the friendship of princes or injuries break it? Will you then also judge that the peace of religion, the attendant of civil compacts, has been violated by the destruction of those compacts? Will the trumpet's sound simultaneously rouse the thunderbolts of churches and the condemnations of chairs, and summon men to arms? If a battering ram strikes a wall, will the man who was formerly a brother presently be a heretic? These are impious, Epicurean, Machiavellian, and Satanic decrees.

But what, then, is that union, league, or correspondence of princes?

[Printed page 789]

Do they agree upon this: that they may assert the safety of their fatherland and dignity of the Empire, protect the authority of the supreme magistrate, contribute the necessary expenditure and arms for the needs of the Turkish war, ensure that judgments are held, and prevent the execution of adjudicated matters from being obstructed by the audacity and frauds of wicked men? If these things are their objects, there was no need of a new peace, since absolutely all princes of the Empire are bound both by the right of fidelity to Caesar to perform these things and by the promise made to their colleagues upon first entering their dominions. But that they looked toward something else everyone sees. How necessary was the alliance and confederation of the orthodox among themselves and with Catholic kingdoms and dynasties for their own blameless protection!

But who are those princes? How many Lutherans are among them? And how can Lutherans be at religious peace with those by whom they experience Lutherans being expelled daily? Indeed, defection from Lutheranism began with that alliance. Diplomas were conceived concerning the non-offense of Calvinism, and cautious proscriptions of Lutherans were instituted under the name of dismissal precisely when those treaties were being made. Thus no one can doubt by confidence in whom princes hitherto Lutheran introduce Calvinism into their dominions. Therefore that civil peace, or correspondence, produced war and destruction for Lutheranism.

Peace and defense against the Papacy are displayed to the wretched peoples; the wealth and dignities of noble churches are displayed; rewards from another's property are displayed, so that while Lutheran preachers gape eagerly after our possessions, they may unexpectedly be shaken from their own little nests. How great was the expectation among the Evangelicals when that alliance first began to grow! What pages, what pictures were thrust upon us for the terror of Catholics! They denied that the Catholic cause could stand for one or two years; they asserted that bishoprics had been distributed, prelatures given away, and monasteries described; the preachers were already inventing new titles for themselves, when behold, almost half of Lutheranism suddenly fell, and from two electorates it lost one. Can you not yet conjecture, can you not yet see and feel, O remnants of the Lutherans, that your safety is being attacked by these agreements and your quiet disturbed by Calvinist arts? Rome is put forward as the object of the treaty, and Berlin is captured. You thought that you were contributing resources and strength against the Roman Papacy, and with your own defenses you besiege and attack the Saxon Papacy, as the Calvinists call it.

He praises the cities, barons, counts, and dukes who are partners in the treaty and holy alliance; but a Calvinist praises them when he sees his own dominion enlarged and hopes by the same art to draw all men into the Genevan marshes.

These things pertain to all Lutherans, yet free cities must fear them more. But I prefer to set forth the judgment written by a senator of a noble state to the syndic of another city rather than my own.

LETTER OF SENATOR N. OF STATE N. TO N., SYNDIC OF CITY N.

Most distinguished and prudent lord, most beloved cofather, you ask me to be an adviser to my citizens that they unite themselves with the corresponding princes against the Papists. Here I hesitate greatly and greatly marvel that you advised this to your people. For I see many grave things that greatly deter me. We shall either be conquered or conquer; or certainly, worn down on both sides by equal combat, we shall make peace. If we are conquered, who does not see what “woe to the conquered” is proposed? If peace must be made after disaster, why do we not rather retain it now? But I think that we cannot be victors without disaster--indeed, that we shall perish by victory itself. Hear my consideration of the individual outcomes.

First, war must be prepared if we enter the treaty. In that whole business direction belongs to the princes, counts, and nobles. They will conduct the levies; we shall contribute the money, either for our own share or as a loan for others. The soldier must be sustained in our territory, stipends given from our treasury, supplies from our granary; for you know whence these things are usually sought.

Second, journeys will be unsafe, commerce interrupted, and fields deserted. For if Prince N. sends even a thousand horsemen into our territory for forage, he will make us poor in one week. Hence scarcity at home, fear abroad, contempt for the mechanical arts; there is danger that the citizens' hunger may stir up a tumult.

Third, if the Imperial Majesty should also command arms to be laid down and proscribe the contumacious, the goods of our citizens would be yielded to the fisc not merely throughout all Germany but throughout Gaul, Italy, and Belgium; persons would be seized, and extreme destruction and even internal seditions would have to be feared.

Fourth, when war is waged, since we are not nobles, barons, or counts, not only will the whole administration belong to others and we shall be accounted as peasants, but our cities will also be in their power. Everything must be given to men holding arms, and with the army they have collected by our money they will be able, if they wish, to compel us to concede whatever they desire. You will answer that those who love treaties and equity will not do this. Perhaps they will not; nevertheless, I fear that they may. Next, it is not for us to bring matters to the point that we hold a precarious liberty by another's kindness and mercy rather than defend it by our prudence and counsels and by the ancient law of imperial favors. It is not the act of a senator faithfully counseling his fatherland to bring it about that, whenever a neighboring prince wishes, he can subject the city--to suspend liberty from another's judgment and nod rather than fortify it by domestic counsels and defenses. I do not judge even that city free whose fortune a more powerful neighbor

carries from his belt. Certainly, while the war that will be waged at our expense endures, one noble centurion will possess more power than our senate and people.

Fifth, if the war is prolonged, how shall we sustain the expense for five or six years, with the fields devastated, the citizens vexed, the treasury exhausted, and commerce removed, when now we cannot bear even one winter? Do not our citizens' spirits fall if they hear that the Frankfurt fairs were less profitable? What do you think will occur if all of them are abolished?

Sixth, if we are conquered--which a wise man ought to fear as much as he hopes for victory--the condition of all conquered by adverse fortune will indeed be wretched, but that of cities most wretched. For princes have relatives, kinsmen by marriage, friends, intercessors on the adverse side; they will arrange marriages with the victors; they will cast the cause of the war upon their counselors; this one's youth, that one's old age, another's merits, and some men's ancestors will receive pardon. But the cities

[Printed page 790]

which are free by the favor of Caesar alone--who will protect them? Liberty will be diminished by a single word, expenses demanded back, new magistrates established, and much exacted. The reconciled princes themselves will be appointed executors; we, I say, will be demanded by the victor as plunder.

Seventh, you will say that we shall conquer. If this were an oracle, not a man's conjecture, it could perhaps move a soldier to battle; nevertheless, it ought not to induce a senator of the city of N. to undertake war. For I think victory must be feared: first because it will bring no advantage, next because it will bring extreme dangers. Furthermore, what benefit will our city derive if Prince N. conquers Prince N., expels him, and occupies his dominion? You know that I speak of those upon whose border we dwell. Will some prefecture sprinkle us, so that some remnants appear to have flowed down to us from his great fortune? First, even if he did this, its annual revenue would nevertheless not compensate for the expense we incurred. Next, he will scarcely do it; so many centurions, nobles, barons, counts, and princes through whom he conquered will surround him that we peasants--or, if you prefer, city nobles--will not even possess access. Shall we buy uncertain hope at a certain cost?

Who does not know how great a danger we too, even as victors, will undergo? For I call it a danger because, though free now before the war, as victors we shall be in the power of a stronger man. You know that we are sustained by commerce not merely from the regions of two princes but from their fields, pastures, and forests; we cannot place a foot outside without being in the territory of one or the other. Yet our liberty is safe because that ecclesiastical prince is peaceful and will not permit the other to become more powerful by the accession of our city. Thus their hostility is our safety. If by our labor the secular prince expels the ecclesiastic, he will also place us under the yoke whenever he wishes. And, believe me, a time will come when he wishes it.

Melanchthon once complained in a letter to Milichius that the cities had been both deserted and betrayed by idle princes; and he hoped that they would therefore be more moderate and seek more upright counsels for making peace. The wretched princes could betray and desert the cities; will prosperous princes not wish to rule them when they possess the power?

Eighth, examples terrify me. For since we and most cities profess Luther's doctrine, while the princes profess the Calvinist, there is no doubt that they will wish to have conquered for themselves and to introduce the Genevan exercise of religion. Thus, scattered among powerful Calvinists, we shall be a few Lutheran cities. First, therefore, little by little our citizens and youths will imbibe love of Calvinism through proximity and commerce; syndics, secretaries, and some senators will favor Zwinglianism--for even now there are men who sell themselves to the Calvinists and sell their opinions. Then they will also seek the exercise of their religion and will extort it through great intercessors. We have recently seen it effected in a famous emporium that the city should lie open even to foreigners and foreign Calvinists.

Next, disputes are accustomed to arise among neighbors. Who will administer justice to the weaker or execute by deed a just sentence? Third, at this very time, when they need our aid, solicit our money, and greatly fear their adversaries, do they grant us anything? Consider not Cologne, which because it is Catholic they judged must be afflicted, but the cities of our--that is, Lutheran--faith. Have they not begun, by introducing foreigners from Gaul and Belgium, to oppress and constrain those cities by others? See the new towns established upon the Main and Rhine for draining the most ancient cities, so that they may transfer the commerce, wealth, and life of the ancient cities into their own lands. Do you doubt that they will do this when they see themselves able, when you see them attempt it while they cannot? I believe they will not desire to possess wealthy cities which they now labor at such expense and odium to transfer! “They will not do it,” you say. I prefer to take care that they cannot rather than await their mercy when they can.

You possess the protocols of proceedings; you are not a stranger in your state. Weigh what they have done; from the rules of prudence you will more easily judge what they will do.

This is the sum: we shall have to sustain the weight of war; its outcome is uncertain, its calamity most certain. If we are conquered, we shall be the victor's plunder; we shall be betrayed, as Philip says was formerly done, by idle princes. If we conquer, we shall become an accession to the plunder for men more powerful than ourselves. Therefore, since in this confederation either destruction or servitude is proposed to us--both a great evil, but more pitiable because it is proposed that it be purchased with our own money--we shall pass over ancient things and protect our liberty by fidelity toward Caesar, quiet toward our equals, and humanity toward our neighbors. Farewell, and impart counsels thus to your citizens, lest your fidelity toward the state appear to have wavered in doubtful times. I have said what belongs to my judgment.

Thus he writes; and I suspect that these are the reasons why most cities have withdrawn from that imaginary treaty or await an opportunity for honorable withdrawal. But I willingly pass over such matters, although not altogether foreign to my undertaking, since they were nevertheless not proposed for my consideration.

CHAPTER XXX

That for Peace It Is Necessary to Restrain the Insolence of Intellects

[Printed page 790]

What wind is to the ocean, the inconstancy of frivolous intellects is to the Church: the source of heresies. Gusts stir a tranquil sea and make it infamous for shipwrecks; the blast of winds increases a kindled fire without limit and renders useless the labors of those extinguishing it. Heresies are so called by a Greek word, from the meaning of choice, which a man employs either in establishing or in embracing them. Tertullian, Book *Against Heretics*, chapter 5: “Therefore, because they introduce a thing by their own judgment, they choose it.” Hence they insert Aristotle, who instituted dialectic for them--an artificer dexterous in building up and destroying, constrained in opinions, harsh in conjectures, a producer of contentions in arguments, troublesome even to itself, retracting everything lest it should have treated anything at all. Hence those fables and interminable genealogies, unfruitful questions, and discourses creeping like a cancer, from which the Apostle, restraining us, expressly testifies that philosophy must be guarded against. Colossians 2. Hence the rejection of that simplicity by which the Lord is sought. Hence the novel assertors of fate and those who introduce a Stoic, Platonic, and Epicurean Christianity.

It belongs to princes to avert so great an evil. If this is removed, heresies will now cease to exist. For we have no need of curiosity after Christ Jesus, nor of inquiry after the Gospel; when we believe it, we desire to believe nothing beyond it. For this we believe first: that there is nothing which we ought to believe beyond it. Tertullian, *Against Heresies*. And so Tertullian already long ago complained that philosophers were the patriarchs of heretics, that a novel apparatus was prepared from the seed of philosophers, and that heresies were animated from their intellects. This entire evil arises from curiosity and

[Printed page 791]

the display of knowledge, while men prefer to be masters of their own inventions rather than disciples of truth; they move everything and hold nothing, full of new questions and empty of faith. Hence the succession of contentions, the rise of novelties, the enormity of shameful opinions, and the cruelty of civil wars. For since nothing is so firmly constructed by any intellect that an equally keen intellect cannot be found on the opposite side, a perpetual contest concerning the glory of memory, dexterity, and acuteness necessarily arises, so that religion has now become a battle of intellects, not a sincere devotion to the worship of the deity.

The exercise could be tolerated if it spent its labor upon childish rudiments, was tormented among the thorn-brakes of dialectic, played in physics, or constructed admiration of itself from mathematics. But now to seek the glory of intellect at the peril of souls, to draw the state into partnership in contention, and to mingle scholastic dust with citizens' blood--as it is impious and cruel, so it is most customary in our age.

“But he possesses a great and perspicacious intellect, worthy for many to follow.” Would that he possessed a good disposition rather than a great intellect, if he does not possess both, so that there may be both a good will and a perspicacious understanding. If the intellect is quick, take care that it is not changeable, cunning, and inconstant. If it is swift, let it be directed toward virtue: he who runs swiftly easily rushes headlong. If it is acute, it is therefore fragile: sharp things are easily broken. And there is a certain deceptive acuteness--odious, sophistical, hostile to wisdom, and dangerous to religion. Certain most acute and excellent intellects, says Augustine, Letter 1 to Macedonius, err all the more greatly in proportion as they run forward more confidently, as though by their own powers, and have not simply and truthfully sought God to show them the way. If those great intellects indulge themselves, they presently swell and cease to be sound; and what they have once rashly said, they always defend, until at last they consume themselves by their own labor.

But they think it right and lawful that liberty of prophesying be conceded to them. Vorstius alleges this, Socinus this, and the other plagues this. And they allege it not so that they may instruct men in religion, but so that they may disturb them. In Clement, *Stromata* 1, they are ζηλωταὶ τεχνυδρίων, ἐριδαντέες καὶ ἱμαντελικτέες: "zealots of petty arts, contentious men, and stitchers of tortuous lawsuits." That liberty always desires more than is lawful; therefore its untamed license must be restrained, otherwise nothing of the faith except its name will be retained.

It is of no consequence to relate examples: our age, the mother of monstrous heresies, is itself an example. Luther, employing undue liberty at the beginning, innovated the explanation of Scripture--that is, the instruments of faith. Not a thousand Cyprians, not a thousand Augustines, not a thousand others, whether by the authority of their sanctity or the splendor of their learning, recalled the man, obstinate in his own imagination, from innovation: to interpolate the Scriptures, to receive them with a new understanding, to thrust monstrous dogmas upon the world. Why should the same thing not be lawful for Zwingli which was assigned to Luther as praise? Once the die has been cast, once they have crossed the Rubicon, bringing an abominable war upon Mother Church, each rests upon his own authority in explanations of Scripture and is wise by his own intellect. He is not held by the judgment of the whole Church, which he comes to attack; he does not revere antiquity, which he ascribes to Antichrist. Therefore he is free and of his own right; he trusts himself alone; he alone is himself the author of his own religion. And we see it occur that new masters arise in individual years because individuals teach according to their own judgment. Nor can those who have departed from the first heretics be reproved by those whom they deserted, for the latter left the matrix and original Church of the faith. If deserters from the camp placed the military oath beneath their fear, what wonder is it if they are not faithful even to the enemies from whom they remember that they received rewards for perfidy? And so daily desertions occur to new heresies, or to old ones interpolated and brought upon the stage in a new form, because the vanity of the world loves to become renowned through new inventions. Nor is there any end of innovating, renewing, and disguising, because the license of fabricating possesses not only impunity but even glory, and, if it draws tumults after it, enormous profit.

I produce witnesses--not indeed weighty ones, but, since no one lies to his own disgrace, trustworthy at least in this cause. They are the preachers from the Eisleben conventicle, who complain in the preface to the Mansfeld Confession that many and various corruptions of Christian doctrine and sects of heretics everywhere enter their churches unexpectedly--partly creeping in insidiously, partly breaking in boldly and violently; that the devil stirs up on every side the intellects of proud and fanatical men, who infect the flock of God with most pestilential errors and false dogmas, by which both our bodies and souls are driven headlong into eternal destruction. And they prophesy not vainly: if this business of Satan succeeds, the condition of the Church will be much worse than it ever was before, as Christ teaches us beautifully and clearly in the parable in Luke 11. But they deny that it is so very astonishing that the opinions and sects of fanatical men are accumulated daily, and they adduce eight causes, among which this one is placed second:

"Secondly," they say, "sects must increase because almost all princes and magistrates neglect their office in this matter, but confirm the insolence of intellects by permitting anyone, according to his own judgment, the license to fabricate any false opinion whatever." Hence, they say, it has come about that the matter has now reached such a point that many at this time consider it a disgrace and ignominy to oppose false brethren and authors of sects by voice or writings. Indeed, even if some sincere doctors still remain, not yet infected by the poison of fanatical opinions, nevertheless they are feeble, fearful, and of a spirit somewhat too abject to be willing to incur danger for the cause of truth.

Thus they speak--with a true complaint, but an empty and indeed a foolish one. A true one, certainly: for those against whom they assembled their synod have invaded--the Anabaptists, Servetians, Stancarians, Antinomians, Schwenckfeldians, Sacramentarians, Osiandrians, defenders of free will, assertors of works toward salvation, and Adiaphorists. Among them they also placed the Jesuits, by a novel injury, since the Jesuits' religion is that of the ancient Fathers, not the new opinion of fanatics. They could have named many more of their own, such as the Flacians,

Ubiquitarians, and other monsters; still others were afterward added from the Concordian Pandora. Therefore they are divided and vary because individuals depend upon themselves; each man, for himself alone, is authentic concerning his own inspiration of the Spirit.

[Printed page 792]

The complaint is empty because princes and magistrates of non-Catholic men, by either punishing the insolence of fanatical intellects or prohibiting it so that there be no need of punishment, would themselves destroy their own profession. The patriarchs of the Lutherans permitted themselves every license of interpreting the Scriptures; now the princes cry out against their rivals and accuse the magistrates because they do not restrain the fanatics, although the magistrate doubts which men are to be judged fanatics. The accusation is reciprocal: the Sacramentarians and Osiandrians call the Mansfelders not only fanatics, but madmen and lunatics. Yet grant that the Anabaptists, Servetians, Antinomians, and the rest are fanatics, as they truly are: what will the magistrate teach, or what will he forbid? Namely, that no one according to his own judgment should possess the license to fabricate any false opinion whatever. A just command, a most equitable law. But by what standard will the magistrate examine those opinions? For they concern the interpretation of Scripture; it is not for the magistrate to judge what agrees with the mind of Scripture and what is alien to it. Or, if causes of religion also pertain to his tribunal, who will provide magistrates who all agree upon one interpretation? Will the Heidelberg and Tübingen praetors ratify the same opinion? Whatever unsound intellects rave, they boast with great vehemence that it was drawn from the most limpid fountains of Scripture. What will the prince's office do here? Command another interpretation? But which one? That which is in Luther's tomes, or in Calvin's papers? What does a fanatical intellect do here?

> I care neither for Calvin nor for great Luther;
>
> Each pleases when true; each lies fallen when false.

And why should I care for him, when he did not care for his predecessors? Let the man impose laws upon me who taught me by his own example that the free power of prophesying--that is, of interpreting the Scriptures--is constrained by no law. Let him restrain me within his own orbit who

> Traverses pathless regions of perfidy,
>
> Trodden before by the sole of none.

Therefore this complaint is empty, for those who fabricate novelties do what they learned from their predecessors. Unless they did it, they would not be heretics. And so this complaint is also foolish. For those counselors bore through the ship in which they sail and begin to sink themselves, lest the συμπλέοντες, those who are in the same ship, escape. They too are innovators, and indeed ought especially to be restrained. For what portents will arise, and to what outcome, unless the magistrate opposes them with armed force brought to bear?

They teach in the chapter on good works, from Luther, page 194: “The statement is slippery and vain when one thus declares: Faith indeed ought not to rest upon works and merits, but nevertheless it is necessary to possess good works, as things necessary for salvation. This entire statement is nothing. For if they are necessary for salvation, salvation cannot come without them, and therefore we are not saved by faith alone. But this is false and dissents from all Scripture.” They then proceed to devote labor to monsters: that it is not good when it is said, “Good works are necessary for salvation.” Indeed, they are neither a preserving cause nor a condition without which salvation cannot occur. But if good works are not even a condition without which salvation cannot occur, who doubts that a man may promise salvation to himself and his followers even if they have never conceived any good work? Who does not see that princes, if they love the distinction between good and honorable things in their provinces, must drive away those monsters--not now of intellects but of deliriums?

But I omit these things. Cato was accustomed earnestly to admonish the magistrate to punish offenders severely in the state, perceiving that nothing was more ruinous in the state than license. He thought it so intolerable in a polity that he

judged a magistrate who could restrain it but did not do so ought to be stoned. If this maxim ought to possess force anywhere, it seems to possess a place especially in the license of teaching, writing, and painting, since evil things are sometimes taught with greater destruction than they are done. What license effects is shown by so many thousands of errors--and errors most pestilential in the state.

I shall seek an example from a neighboring place. There is a law which prohibits defamatory pamphlets under the penalty of death. So little regard is paid to that law at the Frankfurt fairs that everywhere through the crossroads and ships wicked men fly about as vendors of such pamphlets. And, to pass over the rest in silence, fifteen defamatory pictures were brought to me at the most recent fair--and yet those were not the only ones--in which the reputation of Catholic princes and estates, and indeed of the most august Emperor himself, is traduced. For in them the Pontiff is depicted with a demon, the cardinals with a fool; all the bishops' ornaments are boiled in a kettle; the Emperor, kings, and princes, prostrate on the ground, adore the Babylonian harlot; the Prince of Parma is brought onto the stage after death; the Belgian Truce is mocked together with the image of the Catholic King; a griffin subdues Aachen, Düren, and Wesel and overturns Mülheim; the Truce dies before its day; the Spaniards and the Archduke are mocked; Spinola rides upon the seven-headed Apocalyptic beast and hangs terrible over the Jülich provinces; a Babylonian tower is built at Cologne; the most serene Duke of Neuburg, prostrate, adores the devil in the Pontiff. Everything capable of producing hatred, envy, and contempt of Catholics is brought forward on various sheets; the name of none but the Hollanders and confederates remains untouched. Condemned sheets publish judgment concerning the Roman Empire and the whole world. No one is immune from abusive sheets because there is now a reward for audacity, abusive speech, and wickedness; license entices, slanderers are purchased for a price, and those men rejoice who prefer to have injured lions with humble poison and to fasten hidden bites upon them, because, if they professed their hatreds and were enemies openly, when defeated by greater power they would lose both vengeance and credibility. Therefore this combative audacity, innovating curiosity, and defaming shamelessness must be bridled if we wish to introduce some semblance of peace--indeed, if we wish to approach a negotiation concerning peace.

CHAPTER XXXI

That Arbiters Free from Passions Must Be Chosen in a Negotiation for Peace

[Printed page 792]

We approach nearer to peace--which would that we might attain. We must treat of peacemakers, for we see that in civil contentions, or in regard to foreign wars, authors of peace who are devoted to neither party are interposed. And certainly a negotiation for peace is better completed through outsiders. For, since they are free from the passions of anger and hatred, which losses and injuries have exasperated among those who have waged mutual wars, they estimate the matter by reason and equity alone and are inclined toward concord because they hold the causes of discord far away. Indeed, the outcome has taught all too often that peaceful conversations and conferences instituted for the sake of contracting treaties have made the beginnings of a more atrocious war, and that disappointed hope of peace has sharpened hatreds. This is especially accustomed to occur when those who still bear hostile dispositions come to mutual conferences to make peace. For there everything is suspect: a slight word, an easy gesture, the order of sitting disturbs peace. Man, a suspicious animal, snatches everything toward the worse when he presumes that the disposition is hostile; the very sight and conversation of an enemy strike the distressed spirit and rouse fires not yet lulled. Therefore political writers instruct men to negotiate peace through intermediaries,

[Printed page 793]

or to commit the business to arbiters with full power. But in a cause of religion Catholics have perpetually appealed to arbiters against heretics. Unless this is done, I see no end of controversies. Those who refuse either arbiters or judgment distrust their own cause. He who admits no judge is indeed victor when he himself is judge; but to conquer thus and to be judge in one's own cause is, in the judgment of all men, to lose the cause.

But what arbiters, what judges do you name? Those whom you will not be able to reject without shame. If you reject them, your conscience will accuse you of being conquered: judges who are ἀδεκάστους [incorruptible], who neither possess nor hope for favors from either party; judges whom God has placed above fear and human passions; judges acquainted with the cause and most tenacious of equity,

> Brave men and tenacious of purpose,
>
> Whom neither the ardor of citizens commanding wicked things,
>
> Nor the countenance of a threatening tyrant
>
> Shakes from their firm mind.

Such men, I say, eager to die for justice and for religion, against whom, if you make an exception, you will have betrayed your cause.

Who, therefore, are arbiters or judges so great and of such a kind?

They are the assemblies of the holy Fathers, the councils of confessors, and the councils of the ancient martyrs. I bring forward men who deserved excellently of religion, who died in their piety, who either suffered the supreme punishments for truth or were prepared to suffer them. Their sincerity in teaching was so divine that they were unwilling either to conceal truth for the price of the whole world or to dissemble their faith; their constancy was free from fear to such a degree that no threats, no loss of possessions, and no proposed atrocity of torments could induce them to cease from assailing and expelling falsehood. Whoever refuses witnesses so holy and judges so incorruptible now professes himself condemned by his own judgment. This, therefore, I establish: that those judges ought to be refused neither by plaintiff nor defendant.

The adversaries themselves will also grant me the second point: that they cannot name anyone by whose judgment they are willing to stand. Or certainly, if they so will, come now--let that which they assert themselves to will be done. Let them name the man by whose judgment they dare to stand; let them name one, but someone other than each man himself.

In Holy Scripture we read: “Abraham believed God, and it was reckoned to him unto righteousness,” Genesis 15:6, Romans 4:3, Galatians 3:6. The interpretation of this is various. A certain man interprets it thus: the work, or τὸ believing, was imputed to him unto righteousness, because God accepted it as though he had fulfilled the whole law. Thus Bertius and others. Certain men say: Christ's merit was imputed to him unto righteousness; others: God's essential righteousness was imputed to him unto righteousness; others: the habit of faith was imputed to him unto righteousness; others: faith alone was imputed to him unto righteousness, so that no merits of works came into justification; others: faith was imputed to him unto righteousness, so that not even works were a condition without which it could not occur. And these interpreters so dissent among themselves that they attack one another as heretics, atheists, Socinians, and Antichristians.

They all assert that Scripture, the sense and words of Scripture, and the analogy of faith stand on their own side, and that the others either do not understand the meaning of the Holy Spirit or corrupt it. No beginning has yet been given to peace. No one admits a judge except a man whom he knows to be bound to his own sect and hired for his own errors. Therefore, unless they wish to consume their lifetime in quarrels, let them seek arbiters who will judge sincerely without passions.

Let the Bishop of Hippo come forward and expound Paul and reconcile the dissenters: “What faith, unless that which the Apostle defined most fully in another place, saying: Neither circumcision avails anything, nor uncircumcision, but faith which works through love?” Let him come and teach that faith alone is not righteousness but the foundation and beginning of justification. “Man begins from faith,” he says, “but because the demons too believe, it is necessary to add hope and charity,” Sermon 16 on the Words of the Apostle; and Sermon 22 on the Words of the Apostle: “The house of God is founded by believing, raised up by hoping, and perfected by loving.” Let Ambrose, Augustine's teacher, come, Sermon 29 on Psalm 118: “Faith is the beginning of the Christian; the fullness is righteousness.” Let Cyril come from Egypt, Book 4 on John, chapter 9: “Faith will be the gate and the way into life.”

The Calvinists teach that faith cannot perish and that righteousness is not destroyed by any crimes; the Lutherans deny it. Why do they fight hand to hand concerning Scriptures which the former deny, the latter overthrow, and neither believe? Let them hear the ancients; let them hear the judgment from the holy martyrs; let them learn truth from the ancient Church. Let the Calvinists see that they err and depart far from the sense of the word; let them read against themselves *The Orthodox Consensus of the Church in This Doctrine*, produced by Peter Bertius, the most eloquent of the Calvinists, Book *On the Perseverance of the Saints*, etc., page 89. There let them read Ignatius, Irenaeus, Clement of Alexandria, Origen, Tertullian, Theodoret, Cyprian, Athanasius, Basil, Gregory Nazianzen, Ambrose, Chrysostom, Jerome, Augustine, Prosper of Aquitaine, Gregory, Bernard, and the Acts of the School of Paris in the year 1354. He adds to these even heretical witnesses. Bertius, a milder Calvinist, wrote these things against his own rigid Hollanders and Bremeners. If he examines the other heads of doctrine by the same reasoning, and tests novel interpretations by the judgments of the ancients, he will proceed by a straight road to the orthodox faith.

If they consider these things, they will easily rescind what was wrongly judged and hold their own interpretations suspect. For if they understand that this was the perpetual doctrine of the Church of Christ, and that it was never dealt with so unhappily that these doctrines did not always possess a place in it--the words are Bertius's--what arrogance could be so obstinate as to judge that the whole Church until now read Scripture without a true understanding, while they alone were endowed with that knowledge which until now had been unknown to the world?

Therefore we direct this prescription: if Jesus Christ sent the Apostles to preach, no other preachers ought to be received than those whom Christ appointed, because no other knows the Father except the Son and he to whom the

Son has revealed Him; nor does He seem to have revealed to others the interpretation of Scripture which He revealed to the Apostles whom He sent to preach. But what they preached--that is, what Christ revealed to them--I will here also prescribe ought to be proved in no other way than through those same churches which the Apostles themselves founded by themselves preaching to them, both, as men say, by living voice and afterward through epistles. If these things are so, it follows that every doctrine which conspires with those apostolic churches, the matrices and originals of the faith, must be accounted truth, as without doubt holding that which the churches received from the Apostles, the Apostles from Christ, and Christ from God; but that every remaining doctrine which savors against the truth of the churches, the Apostles, Christ, and God must be prejudged as falsehood. These are the words of Tertullian, *On the Prescription Against Heretics*, chapter 21. Therefore, he who superinduces another meaning of the Lord's words and of apostolic preaching, contrary to the interpretation of the matrix and original churches,

[Printed page 794]

introduces a doctrine prejudged as falsehood. He who refuses those churches as arbiters of his interpretation rejects the truth of the Apostles, Christ, and God.

“But we appeal to God's judgment,” they say. “We do not regard human arbitrations. The truth contained in the canonical Scriptures is unmoved; we embrace it. The judgments of men are often those of persons who favor unjustly, often of those who envy maliciously, often of those who are deceived; they are always mutable, never infallible. We appeal to God's tribunal; we follow God's word. It is wicked, after the deity's judgment has been abandoned as though doubtful, to seek truth from a creature; after the declaration of God, who is infallibly true and immutably good, to transfer the arbitration to a human tribunal is sacrilege. For there either passion or ignorance frequently oppresses truth, and imperious wickedness condemns innocence when it has been deprived of assistance. To summon God into court is more than sacrilege. Therefore the Church ought not to judge concerning our interpretations.”

These things are said with the best right; but a great injury is done when they are twisted back against us, as though anyone were of so barbarous an insanity as not to know that God is immutably good and true, while the judgments of men are either fallacious through ignorance or injurious through wickedness. And even if this matter could have been doubtful, their most atrocious calumny would have removed the doubt.

For who has appealed from the heavenly tribunal to the censures of men? Who has examined God's pronouncements upon the balance of a created understanding? The matter at issue is not the truth of the divine law, concerning which he who doubts is unbelieving and he who examines is sacrilegious. It is holy to us without controversy and approved without examination. We bring men's thoughts into judgment; we inquire what they teach concerning the divine law: judges not of the law, but of deeds and sayings.

[Printed page 794]

The adversaries' accusation is grave, but it possesses much insult and no reason. It is judged unbecoming even in their own conventicles, and it has been so refuted and convicted by the orthodox that it is an indication of a ruined cause to flee to the ruins of old defenses and chant worn-out trifles again. The state of our cause is this:

The question is not whether Scripture is true, but whether Scripture too has said what the innovators say. Whether Scripture says that which no one believed it to have said a hundred years ago. Whether the Holy Spirit formerly regarded no Church, so as to lead it into the truth which the innovators boast. Whether meanwhile, until Luther and Calvin apostatized, Christ willed all the churches to understand the Scriptures in one way and believe in another; whether He willed the faithful sometimes to die for one faith other than that which He Himself had preached and written through Himself and the Apostles. Whether, in the interpretation of Scripture, so many and such great churches, various in such diverse places and languages, so near to the age of the Apostles, and testifying to truth by the blood of so many martyrs, not only erred but even erred into one faith and into the same understanding of Scripture. Whether the error truly reigned for so long. Whether among the innovators an interpretation of Scripture so varying, a

reading so manifold, and versions of so many chapters at variance conspire into one truth--and from what corner, amid such vast darkness, the light of truth shines forth.

Who is so ignorant of law and custom that he does not know that, when a dispute is instituted before a judge, the equity of the laws is not examined, nor is the purpose to overthrow the laws, but to decide controversies according to the prescription of the laws?

Germany labors and is worn down by many lawsuits of many years; and in the numerous mass of laws, a pretext for overthrowing justice is never lacking to inequity, while a swift outcome and an undamaged victory are rare even for a just cause. Yet amid so great difficulty, delay, and variety of judgments, who is there who accuses the laws, advises that customary law be abolished, or overturns the law itself? All defend themselves by law and contend that the whole apparatus of law supports their own case--not only private persons and those who are dragged into the city by law, but much more also the lords of affairs, who are besieged by troops of jurisconsults and counselors. They are entangled in more lawsuits the better they are furnished against lawsuits. These are prosecuted with so much anger, so much violence of contests, and so much cunning of intellects that legal disputes frequently issue into wars and civil slaughter.

At the present day an enormous lawsuit concerning the right to the dominions of Jülich is pending; books have been published on both sides. Three most noble princes each claim the entire inheritance for himself and exclude the others from the whole. No prudent man doubts what must be done in this place: war must be avoided. For the lawsuit will not be settled by it, since whoever succumbs in battle will say that he was overcome not by right but by force or stratagem. There can be no end of lawsuits unless it is determined by the authority of a lawful judge what the laws command. By explaining the mind of so many laws and constitutions, he will display his judgment and by his own decision disentangle the controversy which the multitude of laws entangled. Those who refuse his arbitration distrust their own cause, and on both sides the boast of laws is vain if the soul of the law--that is, the judge's sentence--is fled.

The condition of our dispute is the same, but on a more complete right. We place in the midst the immutable law of God, the word of eternal truth, and the Lord's judgment nowhere at war with itself.

We each say that it pronounces in our favor; we assert that our adversaries are condemned by it; we have persisted in the same clamor for nearly a hundred years. In individual years new competitors arise and arrogate to themselves the understanding of Scripture and the defense of truth, so that we must vindicate our possession of the faith as many times as, by a new assault and by fanatical intellects sent in, the robber of Tartarus either disturbs or invades it. Hence it is not difficult to know on whose side the true understanding of Scripture stands: on the side, certainly, of him who not only contends with an empty voice that he possesses the mind of Scripture, but also comes to join issue according to law. He not only says, “The truth is mine,” but even submits the matter to a judge. Indeed, he demonstrates that it was adjudicated long ago.

If you should claim a farm from your neighbor and say:

> By law the farm which you possess is mine,

but he should answer: “Not at all; for the law which you produce does not award the farm to you, but confirms it to me--or certainly, if it seems so to you, let us be brought before a court. Come into court.” But you should proceed: “I alone understand the law; by law the farm is mine; I reject a judge; surrender the farm.” Who would endure you, so importunately injurious concerning farms, small fields, and rainwater-drips? Yet in the business of salvation, in the highest matter of all, you desire this to possess force: that you assume judgment over all interpreters for yourself, that your interpretation be ἀνυπεύθυνος [not answerable], and exempt from every censure. Moreover, you even slander the innocent, whom, when you see them appeal from your deliriums to the ancient Fathers and judges of the Church, you feign by an unspeakable lie to subject divine truth to human arbitrations and to summon God into court. But I conclude thus:

[Printed page 795]

When the interpretation of divine Scripture is disputed, it belongs to a good conscience to appeal to the ancient Fathers and councils, but to avowed wickedness to rest upon oneself alone. Since the Lutherans admit neither Calvinists as judges, and the Calvinists judge Lutherans unworthy of judgment, this cause cannot be referred except to the ancient Fathers, known from the monuments of ancient writers, and decided from the prejudgments of the Church's councils.

For who will judge? John Francis Astaspis, against Pouchain for John Palmer, page 263, judges the Lutherans unworthy: “For even if Melanchthon was fainthearted and fearful, even if he changed his opinion, even if certain of his colleagues and disciples resisted those Ubiquitarians in the school at Wittenberg for some time, lest they make the Saxon churches infamous by this new dogma, it does not therefore follow that there are no contests and quarrels among those men. They are rendered unworthy to deliberate alone concerning the establishment of peace among the German churches, or alone to arrogate to themselves judgment and condemnation concerning the dissensions of others. For how will those who cannot repress their own contentions heal the dissensions of others? How will those who clash among themselves with such animosity and harshness of insults be fit to lead others dissenting concerning graver matters to concord, much less to condemn them? To each of them, not without cause--indeed, most opportunely--that familiar proverb can be objected: ‘Physician, heal yourself’; and, ‘Hypocrite, first take the beam out of your own eye before you attempt to pluck the mote from another's eye.’”

But if Palmer deservedly and rightly judges the Lutherans unworthy, because of the shameful marks of ingratitude, to sit alone as a tribunal for judging all men--as Palmer himself says and Astaspis proves--for, he says, “Those who have shown themselves so ungrateful toward their parents that they have either brought an atrocious and indecent insult upon them, or arisen as slanderers against them, or finally defamed them by public judgment, are rightly pronounced infamous and unworthy of their paternal inheritance,” thus Justinian, *Novels* 111, § *Justas*; but the Lutherans, he says on page 270, “deserve to be numbered among the ungrateful and infamous who inflict those indignities upon their teachers”--Melanchthon and others. And not only the word of God, but even the philosophy of the pagans, teaches that teachers and doctors--especially theologians, who spiritually beget us in Christ--must be honored in the place of parents. If, because of contempt for Melanchthon, the Lutherans are infamous in the judgment of the Calvinists and ought not to be admitted to judgment, what will be done in general with all the innovators, who sinned not by contempt for one fainthearted and changeable little man, but who defame all antiquity, the teachers of the churches, the bishops of the world, armies of martyrs, and the teachers of all men by voice, writings, conventicles, and judgments?

But I omit these things, to which their importunity drew me away. I return and admonish again: it is a most pestilential imposture, a diabolical calumny, by which they hold the souls of the unskilled in their net, when they accuse us--because we appeal to the ancient teachers of the Church concerning the interpretation of Scripture--of fleeing from the word of God to the judgments of men and subjecting the Scriptures to be judged by human arbitration. For if anyone changes or mutilates one iota or one apex from the Lord's words, or adds to them, we say anathema to him. We inquire only concerning the understanding. The Lord said: “This is my body.” We understand and believe what He Himself said: namely, that this is Christ's body. The Calvinists deny that this which the Lord said was His body is the body of Christ; they assert that it is a figure or symbol of the body. We say that it is the body delivered for us and the blood poured out for us. We know that figures and symbols are not the price of our redemption. They proceed and persist in fastening figures upon the Lord's testament.

What end is there of contending? Let us hear uncorrupted judges, pronouncing sincerely concerning a known cause and defendants not known to them: judges, I say, who do not seek to inquire and pronounce whether the Lord truly said, “This is my body,” for in this they declare that they agree with us; but let them define that which is disputed--whether we or they rightly understand the Lord's most true words. But if they refuse to stand by the judgment of others, let them do so openly and abstain from calumny. For we do not judge the word of God, but summon their versions, interpretations, corruptions, and deliriums before the tribunals of the ancient Church. Here we

plant our foot; here we conquer, because they abandon their recognizance, because through calumny they flee the encounter and reject the examination of their errors, convicted by the testimony of their own conscience.

CHAPTER XXXII

That Meanwhile, While Peace Is Being Negotiated, the Lies and Calumnies of Preachers Must Be Restrained

[Printed page 795]

The restraint of slanderers is a thing altogether necessary and worthy of the cares of princes. For those poisons of tongues not only oppose the restoration of peace, but even break off a negotiation for peace after it has begun, and not rarely ruin peace itself after it has been well composed and confirmed. Deservedly, therefore, in the year 1613, at the Diet of Regensburg, the orthodox princes and estates proposed to the Imperial Majesty, among their other grievances, the insane license of reviling and slandering by which the race of preachers protects its desperate cause. For after they had demonstrated that the Augsburg Confession was gradually being annihilated and would at last be entirely destroyed amid so great a diversity of religions, and that all men appeared to have conspired for the destruction of the Catholic religion, they finally add:

"The very license of slandering and accusing has now prevailed to such a degree in the pulpits of the other party that they do not hesitate to rend with insults even the Roman Pontiff, who deserved far better of them and of the whole Empire, particularly at the time of the recent Hungarian war. What is done concerning Catholic princes, and how not only they themselves but also other estates professing the Augsburg Confession who desire to live peacefully with Catholics are everywhere traduced and dishonored by defamatory pamphlets, it is not worth the labor to demonstrate at length. Nevertheless they hope that Caesar will at length consider lawful means both of restraining this license and of preserving concord in the Empire," etc.

These are the words of our princes. Nor are the artificers of calumnies themselves ignorant of them, since they dare to insert them into their histories in the same words. Would that princes of the other religion possessed power great enough to confine and tame θηριώδη [beastlike] and savage breasts by fear of the laws. But those men break all the rights and bonds of the laws; inflamed with envy, hatred, and anger, they fly about and nevertheless accomplish nothing else than to reveal to the world the malevolence planted in their spirits and to become the destruction of their own state. For Holy Scripture teaches us that license to slander is the sign of a city about to perish:

[Printed page 796]

Jeremiah 6:6: "This is the city of visitation; calumny is in its midst." Ezekiel 18:22: "He who has slandered and done violence to his brother--behold, he is dead in his iniquity." But Amos 3: "Make it heard in the houses of Ashdod and in the houses of the land of Egypt, and say: Assemble upon the mountains of Samaria, and see the many insanities in its midst and those suffering calumny in its inner rooms. And they did not know to do what is right, says the Lord, storing up iniquity and plunder in their houses. Therefore thus says the Lord God: The land will be afflicted and surrounded, and your strength will be drawn away from it, and your houses will be plundered." For the safety of that state is laid aside and lamented not only when vices reign freely, but when they also vex innocence with impunity and oppress virtue, in which men have degenerated so far from what is right that evil is called good and good evil.

But this is the single pursuit of the new-evangelical ministry: since they cannot prevail by truth, they hold the unskilled by slandering the adverse party. They know that the bite of calumny is incurable and, though it does not deserve belief, nevertheless generates an opinion by which the greatest part of mankind is led. Although that which is boasted in an old saying is false:

> Νικᾷ γὰρ αἰεὶ διαβολὴ τὰ κρείττονα.
>
> Calumny always conquers the better things.

For truth often conquers. Yet the other saying is true:

> Οὐδὲν διαβολῆς ἐστὶν ἐπιπονώτερον.
>
> Nothing is more intolerable than calumny.

The sword indeed cuts, according to Democritus, but calumny separates friends. Yet I appeal to those men in vain: like an asp, they possess poison in their tongue, and their single hope of victory; and, if they can hear the truth, they owe every success of novelty and every increase of heresy to their lies. Therefore they will not permit these arms to be wrested from their hands unless their princes and magistrates, lovers of true and sincere peace, reduce them to the orbit of modesty by force and fear. Unless they attend especially to this, not only will pear tree grow old upon pear tree and fig tree upon fig tree in their dominions, but they will also lose every assurance and hope of peace. For he who slanders renders the man whose reputation he detracts hateful, and himself too hateful to all. What a basilisk touches, it kills and poisons; the man whom a slanderer destroys he renders execrable even to others.

We seek peace, a synod, treaties, and friendship; but amid so great a license and impunity of fabrication, amid so great an atrocity of calumnies, we cannot negotiate with the preachers. Nothing of fidelity, nothing of humanity, much less of religion, can exist in professed informers and sycophants. For behold, we have disputed together for so many years, and in each year they fabricate new, horrible, and unheard-of crimes concerning us; with these they fill sheets, pictures, books, and the ears of the peoples. What kind of conscience so laboriously traduces another's innocence? What kind of religion is it which needs to be supported by such unspeakable lies? Catholics deservedly detest them when they observe that they slander not only beyond belief but also beyond measure.

I shall make the matter clear by examples. In Poland they fabricated unspeakable and foul things concerning certain priests of our Society and published in writing that, examined before the eyes of the city of Kraków, they had been subjected to the supreme punishment. They lied that the same crimes had been expiated publicly at Antwerp by others. The most serene King of Poland, the bishop and governor of Kraków, and the senate and bishop of Antwerp refuted the manifest lies by their testimony. They lie about other things at Vienna, Styria, and Bavaria; princes and states defend innocence among foreigners by public attestations. For in those places where the crimes are said to have been committed and punished by the gallows, wheel, and fires in the sight of all, there is no need of a defense, since so many thousands of men recognize the heretical lust for lying and detest it equally with heresy. I pass over lesser and daily things; from these greater ones I draw my argument.

Nothing can be negotiated with men who do not fear to scatter so many and such false things, either in the polity or in religion, since all familiarity and every conversation possess no less danger than if you were associating with a scorpion, viper, or basilisk. I am not ignorant of their excuse: that they fabricate those things for the sake of defending religion and conquering their adversaries. But if religion is true, it ought to rest upon its own integrity, not upon detraction from another's piety. I know that otherwise they cannot maintain their cause; but it is better to lose it than conquer through so many crimes.

In the year 1613 a disputation was instituted at Durlach between Catholics and adversaries. The ministers, with the μεγαληγορία [boastful grandiloquence] customary to them and confident speech, boasted that they would prove certain pronouncements of their opinion from the sole, clear Scripture. When they came to the matter, they brought glosses and petty arguments in place of the sole, clear Scripture. The history was published in Latin and French. But what did the evangelical historian do? Contrary to the conscience and testimonies of two most illustrious men, contrary to the preachers' own programs and theses, he lies about the event in these words, *Mercurius Gallobelgicus*, volume 9, book 4:

“At the beginning of July, a colloquy between the Protestants and Pontificians was instituted at Durlach, to which the brother of the Duke of Lorraine also had gone with two Jesuits so that he might attend the colloquy. But since the Jesuits, obtaining the ancient position, chanted their old song again and contended that the Pope must be chosen as

judge and that the dispute must be conducted from the Fathers and indeed in the French language; whereas the Protestants, appealing to Holy Scripture, said that the disputation must be conducted from it alone and indeed in the Latin language, in the customary manner; the Jesuits, unwilling to accept that condition, returned by the road on which they had arrived and departed to their own party with the matter unaccomplished."

These are the words of Gothard Artus, a man of such prostituted shamelessness that, after princes testified and the preachers themselves moreover disclosed in writings that the matter stood otherwise--not only the Jesuits but even the most serene Vaudémont himself demanded the proof of dogmas from Scripture alone, as had been promised, and the preachers confessed that they could not do this--he nevertheless has not yet deleted the lies detected by the writings of so many Lutherans and Calvinists and even by Pareus's oration. There can be no negotiation for peace with such men, who, as soon as they have been conquered, possess at hand some scoundrel sold to lies, by whose pen they overthrow the truth of history, who dares to swear that it is not light at midday.

But I now cease to marvel at these things, since I have read the foulest calumnies since the birth of mankind against the most reverend and illustrious Cardinal Bellarmine. Impiety never formerly dared anything similar; innocence suffered nothing of this kind. The arch-sycophants of the Evangelicals have reached the summit; they have conquered all the ancient informers, slanderers, revilers, abusive speakers, and detractors; now in the Bellarminian calumny they have conquered themselves. Therefore, unless such men are excluded from conferences or constrained by the laws

[Printed page 797]

and punishments of princes, peace cannot exist. For let us suppose a colloquy appointed in some city on the Rhine: what disposition can Catholics possess when they know that the Gdańsk slanderer is prepared to attack any celebrated truth by a public lie? When they must fear lest, meanwhile, while they themselves devote themselves to prayer, reading, doctrine, and disputation, sheets fly throughout all Germany in which they are said to have died, to be carried through the air encircled by flames by the devil, to fill cities with enormous wailing, and to render their hearers lifeless? For since they have fabricated these things against Bellarmine, without precedent, from the fullness of diabolism, they will not easily be milder toward us: that example has made them more instructed, impunity more audacious, and practice more prompt.

But lest we be moved excessively by reputation--although whoever neglects it is cruel--what of the fact that we cannot even live among them without the greatest peril? Certainly with no less peril than men formerly lived among informers at Rome in the time of Tiberius, Claudius, and Domitian. For at the slanderous lie of one or two men, if strength should belong to the adverse party, we must perish without a defense. The history which the same purveyor of lies relates teaches this, volume 10, book 3:

"Meanwhile, when a report had become widespread that the Jesuits at Münster had performed a comedy concerning the ruined Maurice--namely, representing his person on the stage as suddenly vanishing, as it were, while fighting with Spinola, while he concealed himself under a table and thus escaped the impending danger, his soldiers being altogether routed and at last put to flight by Spinola's soldiers--the Nassauers, moved by this occasion, converted the comedy into a tragedy a little afterward. For immediately seven troops of the confederates' cavalry, together with no small body of infantry, flying into the neighborhood to seek him, crawled through various places; and when they did not find Maurice, after all chests and boxes had been shaken out, they carried away with them whatever goods they could seize, while the peasants lamented their lost possessions in vain."

These are the words of that same Artus. That comedy was never written, never performed, never seen; nor did any scoundrel so shameless arise who dared to say that he had seen it. But a report became widespread: that report was false. But report is a swift evil and one which acquires strength by going. The report arose from the preachers or their satellites, certainly from those who both hate Catholics and loved the resources of Catholics excessively; they will also render account to God for the plundering of the wretched. But this is not the time to complain of these things; it was done recently at the Diet of Regensburg by the Catholic estates.

Now I assert this: that with the unpunished license of the ministers, we cannot hope for peace. An inequitable condition of peace indeed! If you delay an irritable and bilious minister for a little while, he will immediately lie that you made a comedy about Maurice; he himself, the artificer, in order to convert it into a tragedy, will bring seven troops of cavalry with infantry, plunder the neighboring regions and harmless inhabitants. Behold how much evil comes to you from one tongue! What viper, what basilisk, by prolonged ravaging, brought so much devastation as one tongue of a slanderer, by a few and false words and while absent? It was rightly said long ago:

> Οὐδὲν θηρίον κακουργότερον τῆς διαβολῆς.
>
> No beast is more harmful than calumny.

Good God, what will happen to the entire Catholic name if armed princes believe their ministers when they lie for our blood? If those princes are able to do what the ministers wish? If the fortunes and life of the orthodox depend upon the worst of all things--the tongue of a preacher?

Calumnies do not touch private persons alone; they rise with the same audacity against kings and princes, and not only Catholics but even those who desire to live peacefully with Catholics. Above I cited calumnies, insults, and defamatory pamphlets. In them an eagle is fabricated without feathers and Caesar sleeping; the Pontiff is Antichrist, and all ecclesiastical and Catholic princes are Antichristian; the King of Spain is compared to a griffin; Spinola rides upon the seven-headed beast of the Apocalypse; no Catholic and none of the friends of Catholics is immune. I am not ignorant that the States of Holland prohibited these things, but the rage of the ministers strives toward what is forbidden. They have spurned God's command prohibiting calumny; it is not astonishing if they contemn the magistrate. For what authority would not be cheap to those who mock eternal Majesty as though it did not impute crimes?

Therefore, every law being set aside, not only do they defile the fairs with abusive speech, defamatory pamphlets, and pictures, but they twist the news which they print each week to the insult of Catholic princes, as in issue 52 of the journal of the year 1615, where the King of Spain and his ambassador are rendered suspect as though they were privy to the Somerset conspiracy; and in the journal of the year 1616, on the twenty-second day, it is reported that a persecution of religion has begun in Austria, whereby Caesar is traduced as a persecutor. In the other reports such is the course and malignity of the narration that the cause of Catholics is burdened with suspicions and contempt. Therefore, if they seek peace, let them remove from the midst the perpetual material of wars and nursery of discords--namely, the abusive speech of the preachers--or at least so bridle it that it does not ravage with the liberty which it has possessed until now.

CHAPTER XXXIII

That Colloquies Rightly Instituted Conduce to Peace

[Printed page 797]

“Peace has not been established by so many conversations,” you will say. “Why, therefore, do you summon us to disputations? What else will follow from them than exacerbations and the proclamation of itself as victor by each party?” I am not ignorant that many disputations have been causes of greater discords, that fire has been stirred with a sword, and that hornets have been exasperated by mutual agitation. Indeed, in the book *On the Synod and Union of the Evangelicals* I demonstrated by evident arguments that they cannot return to concord through mutual colloquies. Now I shall show only this: that colloquies instituted between the orthodox and those who err make some progress toward peace. For I do not affirm that they suffice; rather, I seek all supports for peace, not only those by which we may possess it but also those by which I trust that we may approach peace.

First, in Acts 6:9 the Libertines, Cyrenians, Alexandrians, Cilicians, and Asians disputed with Stephen and could not resist the wisdom and spirit which spoke. There were, therefore, continual disputations with unbelievers by which the Church grew and error diminished.

Next, in chapter 9:22, Paul grew much stronger and confounded the Jews who dwelt at Damascus, affirming that this is the Christ. We are taught in Acts 17:2 and 17:18 that this was the custom. For at Thessalonica and Athens, and indeed in the very assembly of the Areopagus, Paul disputes. Likewise at Corinth, after entering the synagogue, he spoke with confidence for three months, disputing and persuading concerning the kingdom of God.

[Printed page 798]

Acts 19:8--9: he disputes daily in the school of a certain Tyrannus, not only with the disciples but with those who came to be taught. Indeed, Paul as a prisoner disputes before Felix and Drusilla concerning justice, chastity, and the future judgment, so that he beholds Felix, his judge, trembling. At Rome too, in his own hired lodging, he disputes for the whole two years and, though himself a prisoner, sets the multitudes free into the liberty of faith; for the word of God is not bound.

Nor did the Church abandon its custom afterward. To omit ancient matters, how many colloquies were held in Africa in Augustine's time? Augustine himself disputed against heretics not only in writings but in collated discourses. “At the same time,” he says in *Retractions*, book 1, “during my presbyterate I disputed against a certain Fortunatus, a presbyter of the Manichaeans, who had lived at Hippo for a very long time and had seduced so many that on their account he was pleased to dwell there. This disputation, while we argued, was taken down by notaries as though acts were being drawn up, for it possesses both a day and a consul.” The outcome was that which Augustine himself relates: “On the following day Fortunatus finally conceded that he found nothing to say against us. He certainly did not become a Catholic, but nevertheless departed from Hippo.”

He also conferred with the Donatists for three days; he reduced their long disputation into narrow compass and called it the *Breviculus of the Conference*. He not only advised a conference with Fortunius, bishop of the Donatists, but even prescribed its manner and method in Letter 163 to Eleutherius and Glorius.

He also consented to institute a colloquy with Pascentius, a count of the Arian heresy, but on the condition that the words of the disputants be taken down by notaries. After the count rejected the condition, Augustine deservedly refused the colloquy at first: for the count wished his words to be spoken, but did not wish them to be held against him. Nevertheless, overcome by charity, Augustine undertook it.

Concerning the most renowned disputation, Possidius writes thus in chapter 13 of the *Life of Augustine*: “And concerning all these things done for the peace of the Church, the Lord both gave Augustine the palm here and reserved with Himself the crown of righteousness; and, with Christ aiding, from day to day the unity of peace and the brotherhood of the Church of God were more and more increased and multiplied. This was accomplished especially through the conference which was afterward held at Carthage by all the Catholic bishops with those same bishops of the Donatists, with the most glorious and religious Emperor Honorius assisting. To accomplish it, he had also sent from his own side to Africa the tribune and notary Marcellinus as judge. In that controversy they were refuted in every way and convicted of error by the Catholics; they were marked by the sentence of the cognitor and, after their appeal, were justly condemned among heretics by the response of the most pious king. For this reason more than the customary number of their bishops, together with their clerics and peoples, entered into communion; and, holding Catholic peace, they endured many persecutions from them, even to the amputation of limbs and death.”

Then, after that most celebrated conference, some did not cease to say that those bishops had not been permitted to say before the authority which heard the cause everything on behalf of their own parties. Augustine afterward imposed silence upon Emeritus, the principal defender of the sect, at Caesarea, a city of Mauretania. He also confuted Maximinus when he came into Africa with the Goths, and he disputed with the Pelagians very frequently, so that a conjecture concerning the other ages may be formed even from that one age. Nor does it belong to my undertaking to demonstrate by examples a practice now employed for so many ages in the Church, but to show how greatly those men err who condemn conferences of this kind universally because the inquiry into truth is often impeded more by clamors and quarrels than it is advanced. This generally happens when victory is sought by shameless ambition, not an understanding of things--when the interlocutors wish to seem learned, not to learn.

The reason why exact disputations, perfected according to the dialectical norm, are necessary is that many stubbornly resist acknowledged truth and yield only when manifestly convicted. Rightly did the most holy prelate Augustine, most practiced in eristic writings and conferences, say in *The City of God*, book 2, chapter 1: “If the weak perception of human custom did not dare to resist the reasoning of perspicuous truth, but subjected its infirmity to salutary doctrine as to medicine until it was healed by divine aid when the faith of piety obtained it, there would be no need of lengthy discourse for convicting anyone's error of empty opinion by those who think rightly and explain what they think in sufficient words. But now, since that disease of foolish spirits is greater and fouler, by which they defend their irrational movements as though they were reason and truth--even after all the reason which is owed by man to man has been fully rendered, whether through excessive blindness, by which even manifest things are not discerned, or through most obstinate perversity, by which even those things which are discerned are not endured--it generally becomes necessary to speak more copiously. We must offer clear things to be seen, as though to those not looking at them; but, in a certain manner, to be touched by those groping and to be encountered by those struggling.”

For this reason the adversaries must be convicted seriously and ἀναντιρρήτως, irrefragably, so that they themselves may be compelled to behold their own effrontery and shamelessness.

Next, although sectaries who hunt for glory from colloquies are rarely converted, nevertheless they defend less spiritedly those things concerning which they begin to doubt. Third, by the agitation itself the innermost elements of their errors, the discords and conflicts of the sects, and especially the calumnies which they customarily fabricate against absent Catholics, are thoroughly known. Fourth, their contumacy is uncovered. For who among them, from the first disputant down to Plessis in the royal court and Heilbronner at Neuburg, so yielded his hands to truth and glory to God that he was not ashamed to be convicted while disputing, but rather rejoiced to have been better instructed by truth? Did not an unformed clamor of perversity explode a matter well introduced for discussion? Or, if the prerogative against truth was denied to clamor, did not the pretense of illness abandon the disputation? A plainly childish thing: to feign so sudden and so savage an illness that you cannot point out ten or twenty passages in another's book which you had previously copied out and weighed! Yet in this manner they concluded two of the most noble colloquies of our

time: Plessis in Gaul, leader of the cuirassiers, and Jacob Heilbronner in Germany, pope of the Lutherans. For each preferred to cut short public disgrace by feigning illness rather than hear his own faults and learn truth.

CHAPTER XXXIV

That Writings Undertaken Concerning Controversies, Although Eristic, Are Nevertheless Useful for Peace

[Printed page 798]

The multitude of writers and contenders causes many of the more prudent to call into

[Printed page 799]

controversy whether it is expedient at all to write books concerning matters of faith. But those who doubt concerning this matter are not to be heard, much less those who judge that writings must be abolished universally. Indeed, to such a degree that to prohibit Catholics' writings on behalf of the faith is the same as to betray the faith. Certainly the Apostle Paul composed most of his epistles against sectaries: to the Romans and Galatians concerning justification, law, and predestination; to the Corinthians concerning various errors of the pseudo-apostles. He also admonishes the Philippians to beware of dogs and evil workers; the Colossians, lest anyone deceive them through sublimity of speech or empty philosophy. He instructs the Thessalonians against those who said that the final day was at hand. The whole Epistle to the Hebrews consists in an attack upon Judaizers. John, James, and Peter also treat controversies in their Catholic Epistles, so that those who dare to blame the accepted custom of writing concerning controversies assume judgment for themselves concerning the Apostles and the Holy Spirit.

Let the books of the ancients--few of many which have come into our hands--be inspected: they are for the greatest part eristic and pursue heresies. There is no need to teach this; the pages themselves cry out. If it is burdensome for anyone to approach the authors, let him consult the indexes of Tertullian, Cyprian, Athanasius, Hilary, Ambrose, Jerome, Augustine, and others. This, therefore, has always been done in the Church: that heresies creeping secretly or raging bitterly should be removed with every care. Because this can be done most easily by writings, writings must be employed, since they most easily come to the knowledge of others, are composed with deliberation, and can be retained for a very long time--especially since the colloquies themselves are customarily written down by notaries, so that not only those present may be instructed, but those far distant may attend the disputation most tranquilly and judge the matter.

Why should Catholics not labor diligently at this, lest truth lack its defense, when the sectaries' bloody presses and rage in writing have caused so great a slaughter of unskilled men? The adversaries confuse everything with insults, epigrams, and defamatory pamphlets; atrocious and infamous things are scattered concerning the Pontiff, Caesar, and all Catholic princes. Is it fitting for us to be silent toward all these things? Shall we not beware of betraying a good cause by our silence, rendering the adversaries' calumnies secure, and adding a spur to those running through hope of impunity? I indeed judge that not all must be answered. Augustine speaks truly in *The City of God*, book 2, chapter 1: “And yet what end will there be of disputing and measure of speaking, if we always think that those who answer must be answered?

“For either they cannot understand what is said, or they are so hard through perversity of mind that even if they understand, they do not obey. They answer, as it is written, and speak iniquity; and they are indefatigably vain. If we wished to refute their contrary sayings as many times as, with an obstinate face, they have resolved not to care what they say provided that in some manner they contradict our disputations, you see how infinite, laborious, and unfruitful it would be.” Therefore it is not necessary to answer all, but some must always be met, lest victorious ignorance triumph over truth.

How greatly the writings of Catholics obstruct their malice, the adversaries' hatreds and laws sufficiently show. For what things do they not fabricate against Bellarmine and the whole Society? All these things tend toward this: that

when they have made those who announce the Gospel hated, they may also render truth itself contemptible. But now they rage even more furiously, since they perceive themselves to be known and refuted more clearly day by day. For they thrust forward so many defamatory pamphlets and pictures at each fair that recently the nobles of Holland had to restrain the wicked men by public edict. For there, in particular, is the workshop of enormous insults and maleficent sheets, either because more men there delight in such things, or because the license for crimes is greater in that place than in other provinces, or finally because they think that such things do not displease many leading men; and artisans prepared for everything through greed for profit do not refuse their labor.

Others indeed judge writings necessary, but moderate and familiar ones. Thus they do not even suffer those against whom anathema was pronounced long ago to be called heretics, nor do they admit a harsher word.

I judge that moderation and humanity contribute greatly to the matter, both in other things and especially in sacred disputations, and that they must be applied everywhere; yet in such a way that matters are weighed according to their own moment and gravity, that heresies are not tolerated, and that they are not estimated as light matters or philosophical controversies. For if that opinion prevails, a commingling of all religions will soon follow. Therefore errors must not only be convicted but also distinguished. Nor do I approve a shepherd who, when he has seen a wolf killing, does not dare to call it by its own name. But if a wolf covered with soft wool enters the folds, he is a traitor to the sheep who does not warn that destruction lies hidden beneath a lamb's skin. The soldier who fears to call an enemy by name, from whom he sees that his throat is sought, is cowardly. Therefore, according to the example of the holy Apostles--and among them John, who drank charity most fully from the Lord's breast--heretics must be uncovered, named, fled, and detested; nor must “hail” be said to them. I speak of heretics, not of those who through ignorance or infirmity are followers of another's error and do not cast off that in which they were entangled by the first fraud because they have not yet received another and better thing to hold. To these not only humanity and courtesy but also mercy must be expended, because truth is found with the greatest difficulty by those seeking it, and there are innumerable causes why it is not sought.

“But Tertullian disapproves colloquies and writings with heretics, and many others have called colloquies pernicious and writings useless.” I answer that colloquies are useful if they are free, moderate, conducted in syllogistic form without evasion, and if a judgment is also added which the arbiters present pronounce. Writings too must be tested by the same rule, and sectaries must be pressed to dispute at close quarters concerning the opinion of Catholics, not to attack their own dreams and adversaries whom they themselves fabricate. Thus those Belgian writings also contribute to peace, and many thousands who lacked an opportunity for conversation have now returned to the Catholic Church through the circulation of writings.

CHAPTER XXXV

That a General Council Is the Most Certain and Compendious Way to Peace Is Shown from the Scriptures

[Printed page 799]

Thus far I have produced the aids of peace and those things without which peace cannot be composed, referring all of them to honorable, firm, and salutary concord. Now I come to that which alone suffices for peace, which has frequently

[Printed page 800]

brought peace to a world in tumult, and which has left none in quarrels and destruction except the ignorant and extremely unskilled, or the inflexibly contumacious who obstinately reject it: namely, a General Council of the whole Christian world. Thus Holy Scripture teaches us when it signifies that such a council cannot err and that the voice of the council is the voice of the Holy Spirit. For in Acts 15 the Fathers of the first council say, “It has seemed good to the Holy Spirit and to us.” Nor was the Holy Spirit so present to their constitutions that He deserted the churches of later men; nor did subsequent times require the aid of the Holy Spirit less than the earliest. Therefore, if infallible truth is in councils legitimately congregated, provided that they are general, just as it is in the Scriptures, certainly it is necessary that he who believes the Scriptures also place faith in the canons of a council, since the Scriptures commend in councils the authority of truth and the truth of authority.

They are accustomed to object that this was a synod of the Apostles and therefore was directed, under the leadership of the Holy Spirit, according to the norm of truth and without suspicion of error, but that in their successors certainty and constancy in governing the Church were weakened. Men of this kind are malicious appraisers of divine goodness, which remains with its Church even to the consummation of the age and which would in vain command that doctors and pastors be heard if they can all err simultaneously at some time. When they extend the grace of God to forty or fifty years, they confine it within a very short space. They dream that the Church ceased long ago. For if the firmness of those who teach is removed, if it can define nothing, there is therefore no authority which can either condemn heresy or confirm the orthodox. Wickedness seeks an exception against every judgment so that, when it has rendered every sentence of the judge uncertain, it may fly about without fear of condemnation and ravage with impunity.

Next, “He Himself gave some indeed as Apostles, some as prophets, others as evangelists, and others as pastors and doctors, for the consummation of the saints, for the work of the ministry, for the edification of the body of Christ,” etc., “so that we may no longer be children, wavering and carried about by every wind of doctrine, in the wickedness of men, in cunning for the circumvention of error. But doing the truth in charity, let us grow in all things in Him who is the head, Christ, from whom the whole body, compacted and joined together through every joint of supply according to operation in the measure of each member, makes increase of the body unto its own edification in charity.” Ephesians 4:11 ff.

Those words of the Holy Spirit assert the Church's authority in deciding controversies so clearly and forcefully that, to one considering them, it appears more manifest than the noonday light that they were spoken against heresies.

For He describes God's charity, rich toward all, and His most persuasive providence in the government and defense of the Church. He gave Apostles, prophets, evangelists, pastors, and doctors, not for the use of a few years, so as to withdraw them from the other ages, but for the stability of perpetual time; for the consummation of the saints--not only those who served the Lord in apostolic times, but also those whom the temptations and dangers of the final ages were to await. And He expressly adds the time: “for the work of the ministry,” which certainly will not cease while the world stands. “For the edification of the body of Christ”: the body of Christ is the Church; it is built in all ages. God

will place the finishing hand upon it when the burning heavens are dissolved and the earth and the works that are in it are burned. Therefore power and authority must persevere until that day because the work of the ministry is performed without cessation; without authority it would come to rest. Edification still continues. Therefore the knowledge and industry of an architect are required. Thus the labor and power of the builders did not cease in the Apostles, since the building in their successors is tested by the same rule.

But they build toward this end: "that we may all meet in the unity of faith and of the knowledge of the Son of God, unto a perfect man, unto the measure of the age of the fullness of Christ." That, namely, we may καταντήσωμεν, arrive, at the unity of faith--which cannot occur if there is now no authority to protect unity; if those ancients possessed certain authors of their religion, while our faith rests upon uncertain conjectures. How shall we meet "unto a perfect man"--that is, grow in the knowledge of God and charity so that we attain the perfect and stable age of faith and are constant and immutable in the manner of men--if there is no certainty in the Church's judgment upon which our confidence may rest? How shall we come "unto the measure of the age of the fullness of Christ" if Christ's fullness is taken away from us? For the Apostle speaks of Christ as He grows to maturity in us and attains fullness in the Church. Therefore the measure of Christ's age or stature (ἡλικίας) is twofold: the first is that by which He Himself as an adult attained the fullness of a body assuming its increases in the human manner; the other is the measure of fullness by which the Church grows until that mystical body is full and perfect. We must grow unto that measure, and, as we grow, the body of Christ must be increased until it puts on πλήρωμα, fullness, consummation, and perfection complete in every respect.

For this reason doctors and bishops of our souls have been given to us. If certain truth is not in their universal body, the body of Christ has perished and the Lord could not maintain His purpose, for the body has been cut away from its head so that it could not attain its fullness. Individual members on this side and that die and are torn from the body; but the life of the universal body is perpetual from God's promise and guardianship of the faith. Therefore the universal Church will never be separated from Christ nor fall into lethal errors; consequently, infallible authority exists in it. Those who concede this will also grant that it exists in a General Council. For where will that constant truth be found except in a legitimately congregated council, since they do not admit it in the Pontiff?

But what will occur when we have grown unto a perfect man? "That we may no longer be children, wavering and carried about by every wind of doctrine, in the wickedness of men, in cunning for the circumvention of error." But if there is now no authority of judging in the Church which God willed to be certain, all must necessarily waver and be carried about in many matters. For even if all General Councils, together with the Roman Pontiffs, define that this or that Scripture must be understood now in this or that way, since they could err no less than individual men, their definition will bring nothing certain, but the Church will waver in perpetual ἐποχῇ [suspension of judgment].

How explicitly does the Spirit of God hand down to us that perpetual life of truth in the Church, growth of faith, increase of charity, and inseparable conjunction with Christ? "But doing the truth in charity, let us grow in all things in Him who is the head, Christ, from whom the

[Printed page 801]

whole body, compacted and joined together through every joint of supply, according to operation in the measure of each member, makes increase of the body unto its own edification in charity." How do we grow in Him in all things if at some time the whole Church falls from Him, a teacher of errors and alien to truth? How shall we grow in all things if there is no certain food in any supply of the Church? If every nourishment whatsoever, even though judged salutary by the Christian universality, can be poisonous and lethal?

Finally, if the Church is a body compacted, συναρμολογούμενον ἢ συμβιβαζόμενον, fitly and articulately joined together through every joint, or διὰ πάσης ἁφῆς, through every contact--not only so that the spouse, the Church, is closely joined to the Lord its head, but expressly διὰ πάσης ἁφῆς τῆς ἐπιχορηγίας, through every joint of supply; for Christ, as though the soul, diffuses strength and grace into all the limbs and members by vital operation. For this is

κατ᾽ ἐνέργειαν, from the power by which Christ operates within. If by its nature each member grows and the whole body increases from that supply of nourishment and powers; if it effects its own edification in charity, which it cannot effect unless it coheres with the rest of the body; and if the rest of the body cannot possess the contact of supply unless compacted and joined together from its own head: it is certainly concluded that the Church perpetually coheres with Christ in this manner and therefore can never depart from the faith, and consequently possesses infallible truth in decrees of faith.

Nor does a General Council now possess less authority than that council in which Peter, the pastor of the Church, presided with the Apostles. For authority is found nowhere else. But if that Church possessed certain doctrine and ours doubtful doctrine, our Church is not one body and one spirit with it. It does not live from Christ but is the Church's corpse. For every Church whose authority is uncertain is not engrafted into Christ.

I hear the heretic speaking against me, though with a lighter murmur than was his custom.

First, that he acknowledges infallible authority in the Church, but one which belongs to the Scripture which the Church employs, not to the Church. Next, that the Church of which the Apostle speaks is a certain hidden Church.

These things are not now uttered by most men with their former grandiloquence, nor do they produce them ληρωδῶς [foolishly] in their customary manner, since recently even the Calvinists of Dordrecht denied against Tectander that Scripture was sufficient, and the initiates of Durlach spontaneously confessed that they could not show their faith from Scripture. Especially because certain men, whom I have treated elsewhere, concede that the sacred writers sometimes knowingly and willingly departed from truth. If these things are true, it is necessary that nothing be clear, but that it be preferable ἐπέχειν, to withhold assent in the Academic manner, rather than rashly give assent to things unknown and uncertain.

But I omit these matters, although they suffice for refuting errors. I ask this: who can pronounce judgment with infallible authority in the explanation of the Scriptures? If there is no one, then this body is not compacted and joined together from its head, nor does Christ impart to the Church, κατ᾽ ἐνέργειαν [according to operation], as the Apostle speaks, the vegetative power of spiritual grace. Nor will anything certain be possessed in many articles of faith.

Among the primary and capital decrees of the Calvinist faith is this: that faith and righteousness remain amid all crimes. The Lutherans deny this; the mild Calvinists, Bertius, and the more learned Hollanders doubt it--indeed, they speak while doubting in such a way as to show that they think the contrary. Scripture does not decide the matter by its judgment because each side is accustomed to cite it for its own cause. Nor is Scripture an evident expositor of its own opinion; for why does the evidence of Scripture concerning this matter which I have cited not shine upon the Lutherans and mild Calvinists? Next, they say that they concede the interpretation of Scripture. Who among us ever removed the interpretation of Scripture? Certainly no one. “For we all freely confess that the Scriptures need interpretation,” thus Whitaker; indeed, he expressly adds: “Those who understand the grammatical sense of Scripture nevertheless ought to hear an explanation of Scripture so that they may understand better.”

When a dispute arises in controversial articles, by what authority will this interpretation be settled? By none except that of the Church, which taught us that the Scriptures were given to us. But the Church is accustomed to disclose their mind to us through Christ's vicar and a General Council, which represents that sacred state. Without its testimony, although the truth of Scripture is most certain, it is nevertheless unknown to us. For whence do you know that this Scripture is divine--a fact of which the Chinese and cannibals are ignorant--unless because the Church taught you so? Even if they read the Bible in their own language, they would nevertheless not know certainly that it is the divine voice. Therefore let the hypocrisy depart by which men withdraw from the word of God while praising the word of God, and a hiding place is prepared for all heresies.

For what if the first-rank Calvinists deny that the Apocalypse is Scripture, and the Lutherans with them, while later Calvinists concede it? What Scripture says, “The Apocalypse is a divine book”? Yet this must be believed; therefore it

must be proposed by a firm authority incapable of being deceived and deceiving. For that which is believed from authority becomes credible only from the truthfulness of the reporter; but whatever proceeds from an author of uncertain fidelity can deservedly seem suspect to the hearer. Therefore, if the Church, the user and commender of the Scriptures, errs in proposing them, to whom can it be certain that the documents which it exhibits are of good faith? Therefore, if the Church is deceived, the Scripture which bestows upon it the praise of perpetual infallibility is false; nor am I bound to believe a Scripture whose authority I knew only through the Church as witness.

The other laborious and dark refuge, in which they labor in vain to hide themselves in opaque night: they say that the invisible Church does not err. But the Apostle instituted his discourse concerning that Church in

[Printed page 802]

which Apostles, evangelists, pastors, and doctors are heard, and to which there is access, so that by adhering to it we may not waver or be carried about. Therefore this answer falls back into a refuted fallacy. For if the Church is not visible, it cannot pronounce judgment, nor can its decree be heard when it is unknown whether it exists at all.

Next, how ridiculous it is--if laughter can possess a place in so grave a matter--that the Church which hands down the sacred Bible to us, in which we possess faith and which we do not suspect of deceit, should be invisible! Whence do you recognize the donor if it was invisible when it gave? The Apostle speaks of the Church which obtained the minds of the gentiles, whose nursing fathers are kings, which, placed upon a mountain, cannot lie hidden, and which the nations admire even when they do not follow it.

“This was accomplished,” says Augustine in the book *On the Usefulness of Believing*, “by divine providence, through the predictions of the prophets, through the humanity and doctrine of Christ, through the journeys of the Apostles, through the insults, crosses, blood, and deaths of the martyrs, through the praiseworthy life of the saints, and, amid all these things, through miracles worthy of such great matters and virtues according to the opportunity of the times. Therefore, when we behold so great aid of God and so great progress and fruit, shall we doubt to place ourselves in the bosom of that Church which, from the Apostolic See through the successions of bishops--even while heretics bark around it in vain, condemned partly by the judgment of the people itself, partly by the gravity of councils, and partly even by the majesty of miracles--has obtained the summit of authority even to the confession of the human race? To be unwilling to grant it primacy is surely either the act of supreme impiety or of headlong arrogance. For if there is no certain way to wisdom and salvation for souls unless faith prepares them beforehand for reason, what else is it to be ungrateful to divine assistance and aid than to wish to resist authority prepared by so great a labor? And if every discipline, although cheap and easy, requires a doctor or master so that it can be perceived, what is fuller of rash pride than to be unwilling both to know the books of the divine mysteries from their interpreters and to condemn them unknown?”

Deservedly will men be unwilling to know them if all the interpreters can err simultaneously; nor is the foundation certain if the whole building can be constructed in sand outside it.

CHAPTER XXXVI

That It Is the Custom of the Church to Assemble Councils against Heresies, and That the Holy Fathers Think Thus

[Printed page 802]

I have shown that some authority must necessarily exist in the Church, living and judging clearly and distinctly between the parties. Catholics acknowledge the Pontiff as that judge, whether he judges in a General Council or even without a council--which I do not now dispute. For since heretics hate the Pontiff and are exasperated against him in many ways, I do not wish to name him as judge in vain, for they will immediately demand the Apostles. Therefore I propose a General Council. If its authority is not infallible, there is absolutely no authority which can render the interpretations of Scripture certain for us. From this, I have shown, it follows that darkness and doubts are thoroughly introduced into the Christian religion, the possession of faith is tossed in astonishing ways, and a far greater confusion arises than in the ἀταξίᾳ [disorder] of empires, when the equity of laws is agitated by the cunning of crafty men and the integrity and fear of judgments have been removed.

Moreover, the authority even of provincial councils is enormous in the Church, and the practice has always prevailed that assemblies of bishops be gathered to form morals rightly and to break heresies. They seek their beginning from the deed of Christ the Lord, who, after summoning the Apostles, questioned them concerning the sum of the faith: “Whom do men say the Son of Man to be?” And, “Whom do you say that I am?” The Apostles too, in Acts 1, 6, and 15, governed the Church and rooted out errors after a council was assembled.

For the end of councils is the preservation of faith and morals. The Catholic Church of Christ itself, the diligent and cautious guardian of the dogmas committed to it, never changes anything in them, diminishes nothing, adds nothing; it does not amputate necessary things, append superfluous ones, lose its own, or usurp things belonging to another. But with every industry it attends to this one thing: that by treating ancient things faithfully and wisely, if any were formed and begun in antiquity, it may refine and polish them; if any have already been expressed and unfolded, it may consolidate and strengthen them; if any have already been confirmed and defined, it may guard them. Finally, what other cause has there ever been for the decrees of councils than that what was formerly believed simply should afterward be believed more diligently; that what was formerly preached more gently should afterward be preached more urgently; and that what was formerly cultivated more securely should afterward be cultivated more solicitously? This, I say, and nothing besides, has the Catholic Church--stirred by the novelties of heretics--always accomplished by the decrees of its councils: that what it had first received from its forefathers by customary tradition, it should thereafter consign to posterity by the chirograph of Scripture, comprehending a great sum of matters in a few letters and, generally for the light of understanding, designating not a new sense of faith by the propriety of a new appellation.

Such, therefore, was the solicitude of the bishops after the Apostles that, because they were impeded by the bitterness of persecution and it was not lawful to hold a General Council, they nevertheless met together frequently. Thus Pope Victor, in the year 198 under the emperor Severus, proclaimed a council, and at nearly the same time the Pontic, Gallic, Osroene, and Asian councils were celebrated. In 217, the African council was proclaimed by Agrippinus of Carthage. In 242, the Labesitan council under the pontificate of Fabian; likewise, in 149, the Arabian. In 253, the Roman council while the see was vacant, and the first Carthaginian under Cornelius in 254. Then, under the same pontiff, the first and second Roman councils, likewise an Italian and another Carthaginian. While Pope Stephen governed the Church, the council called the First African was held, likewise the Iconian, the Synadan, and three Carthaginian councils. Under Pope Dionysius, one at Rome and two at Antioch; under Marcellinus, the Cirtense and Sinuessan; under Marcellus, the Eliberitan and two assemblies of the Donatists held at Carthage; under Miltiades, the

Roman; under Sylvester, the First Council of Arles, the Ancyran, the Neocaesarean, the Roman, two Alexandrian, the Laodicean, another Roman, and finally the General Council of Nicaea.

Who would not marvel that at that time, when pagan fury raged openly and manifestly and heresies sprouted everywhere, there was so great a spirit in those brave heroes of the Church that, as though in the highest peace, they gathered assemblies of bishops, expounded the norm of faith, and cut off heretics? I am not ignorant that there were more synods within that period; I speak of those of which either all or some acts survive. Nor did I wish to pass over even condemned conventicles and those of heretics, for by their own preposterous emulation they demonstrate to us the custom of the Church. There is no need to mention subsequent times. They possessed seventeen General Councils and hundreds of provincial ones, so that the Church should deservedly embrace the aid which it has always employed, and with such felicity that condemned heresies perished so completely that almost no memory of them now survives except in the books of Catholics by which they are refuted.

Here it is pleasing to attend to what the most learned Pammelius comments upon chapter 13 of Tertullian against the Psychics.

These are the words of Tertullian: “Throughout those regions of Greece, councils from all the churches are held in fixed places, through which all the higher matters are treated in common and the very representation of the whole Christian name is celebrated with great veneration.” These are the words from Pammelius's commentary: “And thus this passage contributes greatly to the authority of councils. We are accustomed to confirm it especially by the same Scriptures by which we confirm the authority of the Church: Matthew 28 and Luke 21; likewise that passage in Matthew 18: ‘Where two or three have been gathered in my name, there am I in their midst.’ Next, this too contributes to the same point: that in the Apostles' Council at Jerusalem, Acts 15, James expressly wrote back in these words: ‘It has seemed good to the Holy Spirit and to us.’ Blessed Irenaeus in book 3, chapter

[Printed page 803]

12, makes so much of this that from the words of that synod he proves the one God against Marcion.

“But if anyone desires to know the first synods after Christ down to the times of Tertullian, he will find first the synods of the Apostles celebrated at Jerusalem: Acts 1, in the election of Matthias; Acts 2, at Pentecost; Acts 6, in the election of the seven deacons; Acts 15, the council already cited; and finally that concerning which Galatians 2 speaks, when Peter was ordained to the apostolate of the circumcision, but Paul among the gentiles. To these add the council in which the Canons of the Apostles and the Apostolic Constitutions, afterward collected by Blessed Clement of Rome, were published. Likewise that in which James, the brother of the Lord, was elected bishop of Jerusalem, according to what Clement of Alexandria writes in book 6 of the *Hypotyposes*, cited by Eusebius in book 2, chapter 1.

“Next you have the Antiochene council of Acts 13, where Blessed Paul and Barnabas were separated from one another, and the Ephesian, to which Paul summoned all the presbyters and bishops of the Ephesians and, as far as appears, of all Asia, Acts 20. To these the Corinthian council seems to be added, in which--according to what Blessed Augustine asserts in the letter to Casulanus--according to his promise which he had spoken in 1 Corinthians 11, ‘I shall arrange the remaining things when I come,’ Paul established many things concerning the rite of the Eucharist.

“Moreover, since Apostolic Canon 37 establishes that assemblies of bishops concerning dogmas of religion and ecclesiastical controversies be held twice in each year, there is no doubt that frequent synods were already celebrated in the individual provinces. That their statutes were sent to Rome long ago through Pope Damasus to Aurelius, bishop of Carthage, is established from his letter which Blessed Isidore of Seville prefixed to his canons of councils. He says that none of his predecessors from Blessed Peter onward omitted to send something of their statutes. Although it seems to us that he alludes to the decretal letters of the Roman Pontiffs, which were generally written in Roman councils, we nevertheless leave the judgment free to the reader, referring him to the books which Francis Torres composed on their authority.

“Yet the Roman councils under Clement cannot be passed over--which Anacletus mentions in Letter 1--nor those under Alexander I, Sixtus I, and Telesphorus, since they mention them in their decretals. Certainly, under Victor, Eusebius enumerates almost innumerable councils concerning the day of Passover in *History*, book 5, chapter 20 or 22, and after him Nicephorus in book 4, chapter 30; and expressly the Roman council with Victor presiding and that of the Gauls under Blessed Irenaeus in the West; likewise one at Caesarea in Palestine, one in Pontus through Osroene, and the Corinthian or Achaean council. To these it is permissible to add the Alexandrian, which Victor himself mentions in Decretal 1, and that of Asia, in which Nicephorus, book 4, final chapter, writes that even the Asians--who had defined the contrary in their own synods--yielded to Pope Victor and published the same decree. And these seem to me the councils which the author here commemorates as held throughout the regions of Greece. Moreover, Eusebius in chapter 23 of the same book, and Nicephorus after him, from Apollinaris's first book against Montanus, mention many assemblies of Asia in which Montanus with his followers was expelled from communion.”

Although they ought deservedly to hear the Pontiff--since he who deserts his chair is not in the Church; since the Roman faith is apostolic; since it is the matrix and principal Church and the chair of Peter; since priestly unity arose from it; since perfidy cannot possess access to it; since he who communicates with him communicates with the Catholic Church, and he who does not communicate with him cannot communicate with it--contempt for him is itself also the beginning of schisms and heresies. For these reasons, I say, which I report from Cyprian, although those who err ought deservedly to hear their pastor, I nevertheless prefer to propose a council to them, if perhaps, when it has been read or heard, hatred of the name may obstruct the learning of the faith less.

Moreover, all the holy Fathers and the councils themselves are witnesses of this matter. For all General Councils attributed infallible judgment to themselves, even the Nicene and others which are received by the innovators. If their authority was uncertain, it was also a fault and a pernicious error. But Bellarmine gives the authorities of the holy Fathers in book 2, chapter 3, where he can be consulted concerning this matter.

CHAPTER XXXVII

That the Sectaries Themselves Think a Council the Most Advantageous Way to Peace

[Printed page 803]

I willingly employ this kind of argument, both because it possesses some force for confirming Catholics and because it possesses very great force for convicting adversaries. Certainly that cause is good which an adversary is compelled to advance to his own detriment; victory is ready when it is voluntarily offered from the enemy's camp. Their own supreme commander concedes what we have already proved, although with one hand he recalls what he gave with the first.

“We certainly concede freely,” he says in *Institutes*, book 4, chapter 9, §13, “that if a dispute concerning some dogma arises, there is no better or more certain remedy than for a synod of true bishops to assemble, where the disputed dogma may be examined. For a definition of this kind, upon which the pastors of the churches have agreed communally after invoking the Spirit of Christ, will possess far more weight than if each separately handed down to the people at home what he had conceived, or a few men privately composed it. Next, when the bishops have been collected into one place, they deliberate in common more advantageously what and in what form they must teach, lest diversity produce a stumbling block. Third, Paul prescribes this method in judging doctrines. For when he attributes judgment to individual churches, he shows what the order of proceeding should be in graver causes: namely, that the churches should undertake a common examination among themselves.

“And thus the very sense of piety instructs us that if anyone disturbs the Church with an unusual dogma, and the matter reaches the point that there is danger of a graver dissension, the churches should first assemble, examine the proposed question, and finally, after a just discussion has been held, bring forward a definition taken from Scripture, which may both remove doubt among the people and stop the mouth of wicked and covetous men, lest they dare to proceed further. Thus, when Arius arose, the Nicene Synod was assembled, which by its authority both broke the criminal efforts of the impious man, restored peace to the churches which he had vexed, and asserted the eternal divinity of Christ against his sacrilegious mouth. Then, when Eunomius and Macedonius stirred up new tumults, their insanity was met with a similar remedy through the Constantinopolitan Synod. Nestorius's impiety was routed by the Council of Ephesus. Finally, from the beginning this was the ordinary method in the Church for preserving unity whenever Satan began to contrive anything.” Thus far Calvin.

He then adds: “But let us remember that not all ages or places possess Athanasiuses, Basils, Cyrils, and similar defenders of true doctrine, whom the Lord then raised up. Indeed, let us consider what happened at the second Synod of Ephesus, where the Eutychian heresy prevailed: Flavian, a man of holy memory, was cast into exile with certain pious men,” etc. Yet the Church was not there: I confess it. But I deny that this is perpetual--that an interpretation of Scripture which has been received by the votes of a council is true

[Printed page 804]

and certain.

Completely beyond reason, he both establishes a council and concedes that it is a remedy for error: let them bring forward a definition from Scripture, remove doubt among the people, and stop the mouth of the wicked, but nevertheless let them possess no certain interpretation of Scripture. And let it be lawful for Arius and all the rest to resist most freely, since there is no certainty in those asserting and all can err no less than individuals. But let us accept what he grants: there is no more certain or better remedy than a council. Let us defer to another place how greatly he errs when he renders uncertain that remedy which he acknowledges to be unsurpassed in goodness and certainty.

Next, Pareus, the man with whom I am dealing, is a substantial witness for me. He praises the purpose of the Lutheran princes whom he hates when they seek a General Council, and he wrote a pacific book *On the Synod and Union of the Evangelicals*. For he thinks the controversies between the Lutherans and Calvinists, which are many and great, can be removed by a synod; and he loves a synod so ruinously that, while it is being convened, he embraces Syncretism, the mask of a synod, with both arms. Therefore we possess the matter accomplished. But because the Hollanders are accustomed to mingle in the business of all kingdoms, I would do them injury unless I also summoned them here. Thus the counsel of the Remonstrants which they were ordered to explain is comprehended in these words:

"According to this apostolic counsel of mutual toleration, noble and powerful lords, we show in the state of the controversy which we exhibit here under the individual disputed heads by what method--in our judgment, at least--peace could be cultivated in the Church of God through mutual concord. For this purpose we humbly ask you to direct your minds promptly, since we cannot devise a more advantageous remedy than that some tolerate others, at least at this time and until the spirits now disturbed beyond measure and perhaps too alienated from one another, gradually calmed and mutually joined to one another, may weigh and examine the whole business more exactly through a verbal colloquy in a free synodal ecclesiastical assembly, empty of prejudgments, to be celebrated at the proper time by the authority, protection, judgment, and governance of your noble powers; and until we may all be led to one opinion, or, if necessary, it may be judged which opinion is nearer to the truth of Holy Scripture and to the edification which is according to piety, so that an order may afterward be instituted," etc.

But the Contra-Remonstrants urge a council far more strongly.

These are their words: "After long and mature deliberations, with all possible and customary methods weighed, we could not discern in the fear of the Lord that any more advantageous way could be chosen or undertaken by which these difficulties might be thoroughly composed with dexterity than that, at the first possible time, by the authority of all the most illustrious and powerful Lords States General, a National Synod be convoked and celebrated in which the controversies may be fully disclosed, examined, and judged from the word of God; and in which thereafter an order of mutual toleration and association may be sanctioned by common opinion, so that through it at last some general method of peace and concord may be established, and timely opposition may be made to dissensions, exacerbations, stumbling blocks, schisms, and similar difficulties that may thereafter arise.

"This is the method always employed from the very times of the Apostles, and exhibited and indicated to us by the Holy Spirit Himself as the most advantageous and especially accommodated to this purpose, as appears from Acts of the Apostles 15. Even after the times of the Apostles the Christian churches were preserved in this manner during many and most grave persecutions. All pious magistrates and Christian churches afterward followed their examples in similar difficulties, with great edification and benefit to the churches, and found this method most useful, as can be proved from the thread and sequence of ecclesiastical history.

"On the contrary, whenever other ways were brought forward--whether of ambiguous and two-edged toleration, of silence proclaimed on each side, or of lulling controversies which had arisen in doctrine--it was always learned by experience that difficulties could not be removed in this manner, but after incrustation of this kind quarrels always afterward erupted again with greater disquiet and harm to the churches. If the churches of these regions had been left free and permitted to hold a national assembly of this kind at the proper times, difficulties of this kind could not so easily have arisen in the churches, nor have spread thus far or taken increase, but could without any labor have been either guarded against and forestalled in this manner or, if they had arisen, immediately lulled and removed from the midst. Instances of ἀταξίας [disorder], dissolution, and difficulty would not be found everywhere in the churches and their government, as though daily. The Reformed religion would not have made so little progress in these regions nor suffer so much harm daily, as all the pious are compelled to see with the highest grief and sorrow of spirit.

"Therefore the Reformed churches in these regions suffer so great a loss from no other thing as from the delay of the National Synod, which has now been deferred beyond even the twentieth year, with the greatest loss--incapable of

being expressed by any words--to the Reformed religion and the churches in these regions, and with no slight weakening of the condition of this state. It greatly concerns its preservation that in the doctrine of the Reformed religion and the government of the churches in these regions some certain and general tenor be established and preserved, which certainly cannot occur without the aid of National Synods of this kind.

“It is added that such is now the constitution of the churches in these regions that difficulties have arisen not only from those five articles exhibited by the Remonstrants, but that various, diverse, and new dogmas concerning the principal heads of our Christian religion are moreover defended and proposed by various pastors of the churches, both openly from the pulpit and in books published into the light. Such are the dogmas concerning the full satisfaction of Jesus Christ for our sins; concerning the justification of man before God; concerning saving faith; concerning original sin; concerning certainty of salvation; concerning the perfection of man in this life; and finally concerning many other matters which we judge to fight diametrically against the word of God and the catholic doctrine of all the Reformed churches, as this may be seen, among other things, from the declaration published in print by Adolphus Venator, residing at Alkmaar. Thus those five articles do not contain either all or the principal heads concerning which dispute is conducted today among the ministers of the churches in these regions. Therefore it is especially necessary that controversies of this kind be removed in good time by the aid of a National Synod, and that similar others be forestalled, lest on their account the common churches of these regions be torn apart and rent by schism.”

[Printed page 805]

CHAPTER XXXVIII

That the Sectaries of Our Time Cannot Possess a General Council

[Printed page 805]

In the book *On the Union and Synod of the Evangelicals*, chapter 8 and those following, I demonstrated by most certain arguments that a synod cannot be instituted between Calvinists and Lutherans. I possess as consenting witnesses not only all the Lutherans but also a good part of the Calvinists, and even Pareus himself παλινῳδοῦντα, recanting and refuting himself. He confessed that hope of a synod was far away and referred peace and the synod to the deceits of the Cretans and Aeginetans. In the *Postcolloquy* I also taught that a synod would possess no utility, whether it were instituted among Calvinists alone or Lutherans alone, because the authority of that synod is merely human. Those whom its decrees displease will always be able to deny that they are true; they will be permitted to cry out: "The oracles of God must not be subjected to the censure of men." Those who have now learned from Calvin to contemn and condemn so many hundreds of ancient synods will place their own interpretation and private inspiration before all Calvinist councils.

Why, therefore, do I produce the opinions of the Calvinists now in favor of a synod and now against a synod? Why do they themselves speak now in favor of a synod and now against one? You ought to have sought the reason for their disagreement with themselves, and then to have asked me why I objected to them this domestic conflict.

Now I shall state both reasons. They reject a synod, for they do not wish to be pressed by the authority of the ancient synods. They understand that they must abandon their opinions, despair of the profits of contentious sermons, and undergo shipwreck of reputation unless they attack the ancient councils. If they defended the ancient synods, they would neither overturn the Scriptures by their own intellect nor adulterate them by perfidy. For they would receive the reading and understanding of Scripture from the most weighty judgment--from the senate of the Church assembled in the Holy Spirit; they would not cancel and explain it according to their own most frivolous opinions. They see that Scripture is fertile according to the faculty of each nature and has been so disposed by God's will as to supply material even to heretics. They prefer to employ that fertility to their own destruction rather than be led to salvation by another's teaching. That is not the fault of Scripture; for although those same Scriptures seem to have supplied materials to heresies, when rightly understood they nevertheless refute those same heresies born from their corruption.

Therefore, since in a dispute concerning the Scriptures they rest upon their own intellect and judgment alone, and borrow an interpretation agreeable to their morals either from ancient and most condemned heresies or deform it by a new contrivance from their own inspiration, they must necessarily dissent from all the ancient churches and therefore hate the authority by which they are refuted.

Let the Calvinists, rigid and mild, who recently fought in the arena in Holland, well matched, be an example to us. And when you hear that the mild have been matched with the rigid, do not fear that they will presently succumb voluntarily without combat. That softness is tough and tenacious; it does not easily lie open to a wound; it receives the violence of rigidity dexterously and permits what is inclined to ruin to be broken by its own assault.

This horrendous proposition belongs to the rigid--in the formulated state of the controversy which they offered to the Estates: "That he who once truly believes, even if with deliberate mind he lapses into great and atrocious sins, is nevertheless so preserved by Jesus Christ, and will be preserved hereafter, by the force of the eternal decree of election and from that ἀνεμποδίστου [unhindered] and irresistible power of God, that he can never lose it totally and finally; and consequently is then outside every danger and fear of condemnation; and that this is indeed the sole foundation of the consolation of the children of God."

These things, so filthy and impious that even the Gnostics and Carpocrates ought to be ashamed of them, would not be said unless the Scriptures were wrongly understood, unless not only the creeds and the doctrine handed down through the Apostles, Christ's companions, were utterly overturned, but the decrees of all councils were rejected. Therefore all ancient things must altogether be overthrown if these new things are to be established.

Thus they must flee and reject the ancient synods in order to maintain novel heresies; but in turn, when pressed from another side, they are compelled to betake themselves to the aids they spurned. Thus Calvin in *Institutes*, book 4, chapter 9, §1, professes that he venerates the ancient councils "from his heart"--and would that he said that "from his heart" from his heart. For they embrace the first four General Councils--the Nicene, First Constantinopolitan, Ephesian, and Chalcedonian--not from their heart but from necessity, on account of Servetus and the Antitrinitarians. They were compelled to receive the fifth and sixth synods on account of the Lutherans, the Ubiquitarians, strenuous enemies who produce a confusion of the natures in Christ.

But perhaps they will hear their own councils. They will not. An example from the same Belgium: they objected to the Remonstrants the judgment of the professors of Leiden against the Remonstrants. The authority of the Academy of Leiden is weighty in Batavia. But what did the Remonstrants say? "Why should Gomarus's judgment against us possess more force than Arminius's for us? Or what does it accomplish to produce such a judgment in this place, which can neither demonstrate truth firmly nor introduce unity of consensus with the Reformed churches?" Will they not oppose this wall against all the conventicles of their own men by which those things are not approved? "What does it accomplish to produce their judgments? For they are human and can neither display truth firmly nor produce unity of consensus." And next: "Are the brethren perhaps intent upon showing that certain articles have been defined otherwise in the Academy of Leiden than we now profess? But what does this have to do with the matter?" And a little afterward: "It would not be right for either a man or any assembly to prejudge for us in this cause."

Thus, if you regard the matter, they will hear no councils at all. To all they will answer: "What does it accomplish to produce these things? But what does this have to do with the matter, if it has been defined otherwise in the councils of our men? No man, no assembly, ought to prejudge for us. It suffices for us to have discharged our consciences for the defense of truth and liberty in the Church." Thus they think inconstantly and alternate their opinions. They flee the ancient councils because, if they acknowledge them, they perceive themselves condemned. They employ those same councils against new heresies. They desire new councils from their own men so that they may afflict brethren who think otherwise; they refuse new councils of their own men by which their own causes might be prejudged. In one word: when councils oppose them, they are defective; if they favor them, they are approved. They long ago made a Lesbian rule from Scripture, twisting it to their own opinions. They greatly desire to drag councils with the same impulse. Hence, therefore, the foulest tossing about of opinions; hence those many things which men who refuse to understand rightly must interpret badly.

But in adducing their opinions to prove truth against them, I possess the Apostle as my author.

[Printed page 806]

He instructed the idolatrous Athenians toward faith from their own poets, Acts 17, and proved from them a truth which those authors of things rightly said either did not know or held down in unrighteousness. The ancient Fathers imitated the Apostle: Justin Martyr, Theophilus of Antioch, Tatian, Clement of Alexandria, Minucius Felix, Blessed Cyprian, Arnobius, Lactantius, Origen, Eusebius, and Augustine; especially Tertullian, who judges that heresies should be attacked by the same method. "In this place," he says, "it will be lawful for me to seek arguments even from the party of other heretics. That kind of proof is firm which is taken even from an adversary, so that truth may be proved by the very enemies of truth."

But these things too must be confirmed by a Belgian example. The Contra-Remonstrants, or the Rigid, seriously sought a synod from the Estates. The Remonstrants, or Mild, seem to have possessed the same desire, as they state in the writing concerning the method of conciliating peace exhibited to the Estates. But when they came to the matter,

they declared that they wished for no synod and conceded all power to the Estates. Concerning this, Caspar Barlaeus writes thus in *Bogermannus* ἐλεγχομένῳ [*Refuted*]:

"Therefore Bogermannus cuts off every hope of toleration unless provision is made by a lawful judgment--that is, unless this entire controversy which has hitherto been agitated and is still agitated has been decided by a synod. But what kind of synod? I shall explain: one which the Estates of Holland permit to be convoked and celebrated; for which they make provision concerning place and time, as well as costs and the expense of meals; to which they delegate one or another spectator from their own number, who may be aware of the matters conducted there--lest they think the betrayal of the fatherland to the Spaniard is being discussed; finally, whose decrees they hold most ratified by their own seal and put into effect against the refractory as swiftly as they can and ἐμπρακτέως [in deed]. The remaining matters must belong to the synod and the theologians.

"Men delegated to it by the classes or ecclesiastical magistracy will assemble: men especially fit for disputing and for refuting μετὰ ἀντιλέγοντας [those who speak against them], possessing testimony that they are sound in doctrine, free from every stain of suspicion, and taught by experience in ecclesiastical affairs pertaining to these things, ἐσθλά τε καὶ τὰ σχέτλια [both good things and wretched things]. The Fathers will sit. Some president will lead the words; and in a long oration he will relate the labors and griefs of the Church struggling with so many monsters of errors, and will give thanks to God that the sun has now shone by which it is lawful to deliberate, in the customary manner, concerning a salutary remedy for these evils and to condemn the heretical opinions of the adversaries by common votes together and at once. He will likewise exhort the brethren to counsels of moderation, to serious examination of the articles, and to judge holily and without προσωπολῃψίας, partiality, and to the other things which contribute to formalities.

"The Remonstrants will be summoned according to custom; they will be accused of ἑτεροδοξίας [heterodoxy], because by private authority, without consulting a synod, they dared to depart from the received formulas of the catechism and Belgian confession and to contradict the summary of sound words. If they possess anything by which they can defend themselves, they will be ordered to propose it briefly and syllogistically, so that, if what they say is true, it may be approved by the judgment of the synod; if false, they may subject themselves to the spirits of the prophets and comply with their decree unless they wish to be held as heathens and publicans.

"It will be disputed sharply whether the articles contravene the Scriptures and truth as it is in the churches and as it is taught in the churches. These men will deny it; those will affirm it. Finally, after the Remonstrants have been ordered to leave and walk about outside, it will be deliberated what must be done. Since the opinions and judgments of the Fathers will differ, counters will be sent around; and, after the votes have been collected, a decree will be made approximately in this form:

"'The Synod has decreed and judged, and even now decrees and judges, that those five articles of the Remonstrants, both by reason of themselves and by reason of their consequences, are not orthodox but contradict the received doctrine of these churches, and therefore are by no means to be tolerated in doctors and pastors. But for all those among the Remonstrants who are willing to preserve a profound silence concerning them and promise solemnly that they will contradict the orthodox opinion in nothing, let there be mercy on account of their wives and children. But those who wish to defend the aforesaid articles tooth and nail and profess them by voice and writings shall be removed from the ministry, and let another receive their inheritance. But those who have attacked the Church in books hitherto published into the light and have blasphemed its doctrine, unless they are willing παλινῳδεῖν [to recant] and humbly beg pardon before the same synod for the fault of their deed, shall be struck by the thunderbolt of excommunication.'

"With this decree they will go to the Estates and request its ratification--not because doing so is necessary, but because it is conducive. If the Estates approve that moderate decree of the synod, they will hear themselves called fathers of the fatherland, nursing fathers of the Church, Constantines, Theodosiuses, and most Christian princes, because they have satisfied Bogermannus's wishes, Sibrandus's expectation, and the desires of so many pious men by which they are now tormented. But if they refuse and say that judgment of all those matters is owed to them, and rescind the decree of the

synod itself after convicting it of multiple nullity, the Fathers will return to their old theme: peace is despaired of, there is no hope of toleration; nor will the Estates be held as they wish to be held--lovers of religion and haters of heresies--but, on the contrary, their favorers and promoters."

This is the very αὐτοσύνοδον [synod-itself], the most exact Idea of that synod by whose lawful judgment Bogermannus wishes these controversies to be completed. Plato would call it αὐτοσύνοδον; barbarous philosophers, "Synodeity." But those who constrain the Estates by this law of a synod and ecclesiastical judgment have not resolved to make an end of raising tumults before they have carried off a triumph concerning the Remonstrants' articles. Let them take care lest, while they seek to strike a fragile thing with a tooth, they break it against a solid one and, by inflating excessively, produce a rupture. It sometimes happens that he who, by refusing lawful conditions of peace, wishes the enemy utterly routed loses his cause, although by conceding something to the other he could himself have been preserved. But these things are θεῶν ἐν γούνασι κεῖται: placed in the knees of the gods.

CHAPTER XXXIX

It Is Shown Further That the Innovators Can Possess Neither a Synod nor Peace

[Printed page 806]

At length they have attempted a synod; but in it nothing was conducted, not only according to the ancients, but not even according to those things which they themselves had said. I showed, however, that this assembly is not a council in chapter 56 of the *Coronis*.

It is certain that God constituted the ecclesiastical state with such providence and αὐταρχείᾳ [sovereignty] that in it he established an infallible norm for recognizing truth and detecting errors, and gave a judge for terminating suits and controversies. For that city is in no way worthy of the name of a state in which the inhabitants join issue concerning a right in such a manner that, after many expenses and long lawsuits, they remain uncertain concerning their cause; in which there is no one who pronounces judgment in such a manner that one party can know itself victorious and the other defeated. But all the assemblies of the Innovators are such states: without a norm, without a judge of the truth. Therefore they are not Churches of Christ.

They all vaunted Scripture, but they all employed it for themselves against the opposing party. And now the Gomarists, or the Rigid, in Holland confess that the matter cannot be composed from the Scriptures alone. For Scripture has not hitherto pronounced judgment among the litigants in such a manner that either party has confessed itself to have lost its cause.

[Printed page 807]

It remains for them to sanction concord by a synod. But they themselves sufficiently confess that not even this way is suitable for removing controversies and hatreds. For although Dudley Carleton, ambassador of the King of Britain to the Estates, counsels a synod in the name of his king and shows that there is no judge except a synod, he nevertheless did not persuade the Arminians.

I indeed demonstrated in the thesis that a synod cannot exist, in the book *On the Synod of the Evangelicals, Syncretism, and the Peace of Germany*. Nevertheless, the Rigid pretend that they possess hope; for that reason they have summoned from Germany, Britain, and Switzerland demagogues of their own stamp, in order to overwhelm the Arminians.

But the Arminians object in reply that it cannot exist and is not useful. I shall readily show that their opinion is most true and demonstrate it by many arguments; and you, reader, will seek several more from our Father Maximilian Sandaeus.

The first argument is this. They have no one who may legitimately convoke a synod; therefore there can be no legitimate synod. For unless an assembly has been gathered by the authority and power of a magistrate, it is a crowd, in which there can be neither order, nor jurisdiction, nor any authority. The consequence, therefore, is clear. The Belgian Provinces themselves confess the antecedent; for neither any king nor the States General can proclaim a synod, while the provinces are unwilling. Therefore there will be no synod. No king can do so, because the Estates acknowledge none. The Estates themselves cannot do so; for the several provinces possess that liberty of religion by which the right of determining belongs to them, not to the States General. The man who wrote accurately on the same matter proves this and demonstrated the error of the British ambassador in §51:

“Because, according to the liberty and the privileges of the fatherland and of the Provinces, absolutely no province can by any power or right make laws for another, or all the provinces for one, in matters of religion, nor overwhelm one another by votes, even if a single province should dissent from all the others; rather, it is necessary that each

individually consent freely to that which is being transacted. For no one--unless he is altogether a stranger to Belgian affairs--is ignorant that each one of the Provinces possesses absolute jurisdiction, and that one is no more subject to another than to the Emperor or to any foreign king, and this in all matters to which they are not bound by force of the pacification, or final union. By that pacification, indeed, they in no way renounced their dominion and absolute jurisdiction; rather, each retained its own, both in the government of the state and in the administration of justice, and especially in the care of religion. Indeed, it is so far from the case that by these compacts and agreements the Provinces renounced their Privileges and the absolute Dominion consequent upon them, or wished to prejudice or be an impediment to one another in their respective special and particular privileges, immunities, exemptions, rights, statutes, laudable and approved customs, and other rights, that, on the contrary, they united precisely for this reason: that they might mutually aid, strengthen, and defend one another in every way they could against all, whoever they might be, who should attempt in any manner to violate those aforementioned privileges and rights of theirs in fact. On what foundation, therefore, is the authority of some provinces now diminished under the pretext of religion--a thing which was itself formerly attempted by the Spaniards? Under what appearance of reason or equity, after the other provinces, is Holland--the most powerful of the provinces, which during the war sustained greater burdens than the rest and defended them by contributing great sums of money--subjected to the dominion, and as it were the guardianship, of others, and that by those who have received the greatest advantages from her? It was rightly said by Lipsius that factions generally sprout from ambition, when one man endeavors to dislodge another from his place and invade his seat. God knows, and I leave it to the conscience of each person, whether our calamity does not derive its origin from the same source."

The provinces themselves profess, moreover, that not all are willing; and they cannot be compelled, because their liberty has been guaranteed by oath.

The second argument. The other party, namely the Remonstrants, attribute too much to the magistrate. Carleton accuses them of assigning this authority to the secular power: "To confer this authority upon the secular power, by giving Caesar what is Caesar's, is to decline too much toward the other side and to take from God what is God's." For the Remonstrants, most harshly harassed by the Classes and by their Rigid brethren, fled to the aid of the Magistrate, which the ambassador reproaches them for doing. Therefore they wish the magistrate, not a synod, to be judge; and for that reason a synod, which would be without authority, cannot exist. It must therefore first be determined whether the faculty of deciding belongs to the Magistrate or to the synod. This controversy cannot be terminated among them, either by a synod or by the Magistrate, because the parties are not suitable judges. Therefore they cannot judge for themselves against their adversaries; for the Dutch ministers are not the entire Church, nor is the power of the Estates universal over all the ministers. Finally, therefore, the preachers will lose their cause, and the right will belong to those who possess greater power.

For the Most Serene King of Great Britain decided the matter against his own servant, as is evident from the *Summary of the Conference* held in the chamber of His Majesty in the year 1603 and published by William Barlow, Doctor of Theology and Dean of Chester, and afterward printed at Leiden in the Belgian language, pages 38 and 30. For when Reynolds happened to make mention of instituting a synod in which a bishop with his elders would determine disputed points which previously could not be decided, His Royal Majesty was moved, judging that they intended the Scottish eldership--if the word may be pardoned--or were attempting that which accords as well with monarchy, as the King himself says, as God with the devil.

"There," he says, "Peter and Paul, Thomas and Matthias, will assemble, and at their own discretion will subject me and my council, and all our proceedings, to their censure. There Peter will rise and say, 'Thus it shall be'; and Paul will answer, 'We do not wish it thus, but it shall be in this manner.' And therefore I repeat what I said before: *Le Roy s'avisera* [the King himself will deliberate]. Pray, wait another seven years before you seek such a thing from me; and if you then find me asthmatic and exceedingly fat and stopped up by windy pipes, perhaps I shall grant an audience. For I am certain that, if this manner of governing should prevail, my mouth will then be stopped up."

Hence it is also evident that His Royal Majesty had recourse not to a synod but to his Privy Chamber at Hampton Court.

Since this dispute, therefore, is litigated on both sides with great exertions, it will be ἀόριστος [without limit], and it will furnish laughter to the enemy and compassion to Catholics.

The third argument. To this pertains the difficulty of the Provincial Synods of Gelderland, Zutphen, Holland, Zeeland, Utrecht, Friesland, Overijssel, and Groningen--and perhaps specifically of Amsterdam. Their ministers were instigators and approvers of the public plundering of the Arminians that took place; that cruelty must be cloaked by an elaborate disputation, lest it be disapproved by the others. But the preparatory synods will impede the general synod of all the provinces: first, because they will think differently; next, because the synods themselves are divided among themselves. The provincial Synod of Holland will be able to define nothing, because the Arminians judge nothing right except what they themselves think, and the Gomarists will delegate no one except a Rigid. Thus one party will protest against the other, and finally no one will expose himself so foolishly to the hatreds of his adversaries as to surrender himself to danger, without hope, with a half-complete--that is, most contentious--commission.

The fourth argument. Contrary to the opinion of the Calvinists, that synodal session and disputation presupposes an enormous miracle, without which it cannot exist. But assemblies and disputations of the Church by no means rest upon miracles. For why do they not seek an angel from heaven instead of contriving a synod which cannot exist without a miracle? The miracle, however, consists in this: that they think men most hostile to one another, exasperated by long-lasting and pertinacious hatreds, full of anger, shame, rivalry, and lies, will by a sudden metamorphosis become gentle and placid; and, although the presence of hostile men inflames and arms them, they imagine that, as soon as these men have beheld one another, they will put off every vice. As if Atreus, when he stood stupefied at the sight of his brother, had laid aside his savagery; or as if Thyestes had not preferred flights through the forests to royal riches because his brother also had to be seen.

This, therefore, I assert: that without a manifest miracle there will be no disputation free from anger, quarrel, hatred, curses, contention, envy, and lies. For if hitherto, as they testify concerning one another, they have filled everything with lies, why should they now suddenly fear to deceive, which they have hitherto learned to do? They act, therefore, just as if someone were to send mountain brigands into some tender region and, when an opportunity had been given them, suppose that they would immediately become good colonists and men.

The fifth argument. There is no rule and norm to which they can direct their disputations and faith. Therefore they will sail rashly in the vast ocean of controversies, and they must be borne wherever the impulse of some opinion drives them. There is no Scripture, no tradition, no authority of Councils, of Fathers, or of the Church. The first of these must be proved, for they spontaneously confess the others.

That Scripture cannot be their norm and judge is so easily apparent that they themselves cannot deny it, as was shown above concerning those of Dordrecht. Next, each person interprets Scripture according to the analogy of his own opinion; from this it arises that, in reading it, each confirms his preconceived opinions.

The sixth argument. A twofold condition can be imagined for those who will be sent from the provinces to the synod: for either they will arrive with free mandates, so that they may determine in the synod what seems good to them; or they will arrive having been sworn to the opinion of their own provinces. If liberty is granted, the delegates themselves will nevertheless not easily change their opinion. Or if they do change it, by their own transgression they will not thereby draw their entire province with them. Indeed, greater discord will arise from this matter. For it can happen that delegates from Arminian cities will cross on foot into the opinion of the Gomarists, and deputies from Gomarist cities will embrace Arminian opinions. If this should happen, all dissensions would be doubled, and various disturbances of the states would arise.

The seventh argument. By what law will the ministers, magistrates, and people of the provinces live during the synod? Will they teach all their customary assertions with confidence? Or will everything depend upon the future decree of the judgment? If they continue to teach, the synodal definition will profit nothing on either side, since it belongs to a few, and to men whom it is very easy to err. If they are ordered to doubt, they will mingle heaven and earth, since hitherto they have defended their dogmas so confidently and so furiously. Thus, if those who were deputed should alter anything in the faith, their return to their own people will by no means be permitted.

The eighth argument. The regard for honor and reputation which exists in the state will greatly impede a recantation and retraction of opinions. For since they have represented one another not only as heretics but also as infamous men, liars, and calumniators, they cannot return to favor unless they acknowledge themselves to have been such. Friends and enemies, and children and children's children, will perpetually reproach them with this matter.

The ninth argument. There will be no order at all in the synod. For either magistrates or preachers will preside. Not the magistrates: formerly the preachers did not acknowledge the magistracy. “In the year 1586,” says Oldenbarnevelt in his *Apology*, “many preachers no longer acknowledged the Estates. Without the knowledge of the Estates, they sought from the Earl of Leicester the convocation of a synod which they called national.” Next, the ambassador Carleton denies that this ought to be done. Not the preachers: for the Estates formerly opposed their decrees, and yet were compelled to dissemble. Thus Oldenbarnevelt, page 7:

“The decrees of the pretended National Synod are published. The States General raised a difficulty in approving them without the consent of the Estates of the respective provinces, by whom they themselves had been delegated. By doing this, they contracted the utmost odium and gave very great offense. Action was taken against them by writings, endeavors, and public sermons in the churches. The Estates of Holland yielded somewhat to the time, judging it a good thing if they accepted the decrees for a time, provided that meanwhile the Estates, Nobles, and cities each retained its own right of appointing and removing ministers of the Church.”

But if they nevertheless assemble, will they give their votes with equal right and merit? Who will reconcile men equal in number and hatred?

The tenth argument. What number of synodal delegates will be established? Let there indeed be two hundred. If, matching equals in opposition, you place a hundred Arminians against as many Gomarists and next confer an equal right of voting upon both parties, you will experience a hundred opinions contrary to the other hundred. If you assign more to one sect, the others will complain of inequity; for those who are fewer in number will say that they are overwhelmed by the multitude. They will vaunt that their votes, although fewer, are nevertheless sounder.

The eleventh argument. Many of the deputies have explained their opinion in public writings and have condemned others. They will not refute their own decrees; for they would have to confess not merely that they had erred, which is human, but also that they had lied, which belongs to impostors.

The twelfth argument. Very many states and cities have harassed men of the opposing religion with prison, exile, and fines. The people of Amsterdam saw the Arminians publicly despoiled after a mob had gathered. For these things the acknowledgment of error is not sufficient; rather, compensation for losses and insults is necessary, which the preachers--by whose turbulent sermons the fatherland was shaken--will have to furnish and pay.

The thirteenth argument. Their Church is invisible, and all who constitute it are invisible; therefore their synod too must be invisible. As the Church is, so is the synod. For what if no one in that synod possesses the Spirit of God and faith? Therefore a synod cannot exist. For who

[Printed page 809]

will convoke a Church which he cannot see, hear, or recognize? A synod is a part of the Church, and indeed its most noble part--not a formal but an integral part. Thus a visible part will belong to a whole which is hidden and invisible. Therefore their synod cannot be called the Church.

The fourteenth argument. From this it follows that no one's conscience is bound by the decree of a council, for it is not known whether that council is a part of the invisible Church, and consequently whether the judgment they pronounce belongs to the Church or to unbelievers and heathens.

The fifteenth argument. A very great impediment will be placed before the synod by the multitude and variety of foreigners. For if Frenchmen, Germans, and Englishmen are to be endowed with the right of voting, in the judgment of the Arminians this cannot be done otherwise than by aiding the parties' opinions with an equal number on each side. This will not only fail to quiet the dispute but will also disperse it into foreign regions, although both France and England already possess enough controversies.

The sixteenth argument. The theologians of foreign nations are bound to the opinions of their own assemblies, princes, and kings, and will be able neither to think nor to speak otherwise than those by whom they are sent. Nor, if they act otherwise, will they ever be received again by their assemblies and princes. For if the Prince of Orange was already making ordinances concerning these matters long ago, what will kings do now? Concerning order, says Barnevelt on page 43:

“From the year 1574 onward, questions were raised in these provinces, my lord the Prince of Orange, of pious memory, and the Lords Estates asserting that it belonged to their office to establish ecclesiastical laws and ordinances, since lawful supremacy resided with them, in conformity with the practice received in all Kingdoms, Provinces, States, and Cities which undertook the Reformation against the idolatry, heresy, and tyranny of the Papacy.”

Therefore nothing can be expected from the other parties except rigid Zwinglianism, Socinianism, or Lutheranism. For why should the Arminians not summon Lutherans and Catholics to their aid if the Gomarists draw in Zwinglians?

The seventeenth argument. Those who seek a synod have not even established a place equitably.

They named Dordrecht. In this matter not a few disadvantages will occur. First, that city is remote from the Frisians and the people of Overijssel, so that they will come with greater difficulty and remain only with weariness. Second, it is an island, and therefore departure is less free and less subject to one's discretion. Third, Dordrecht exercises an ancient rivalry with Holland, which it has frequently opposed; thus those whom its inhabitants persecute not only from the common hatred of the nation but also on account of religion can expect nothing moderate in that city. Fourth, I do not think they will be safe. For although the people of Dordrecht have not yet stirred up a popular tumult against the Arminians, nor plundered those wretched men after the manner of the people of Amsterdam, there have nevertheless been ministers among them who wrote most bitterly against them in public and brought it about that the Arminians of Dordrecht preferred to hide rather than be despoiled. Fifth, perhaps the ancient calamities of floods will strike fear into some; for when it was torn away from the mainland, one hundred thousand perished. That was the crime of one man. Sixth, that city is more suited to testing wine than to judging dogmas; and therefore the ancestors established there τὸ δοκίμιον ἐν οἴνῳ, not τῶν πνευμάτων, although they did not hold even that privilege without a dispute, for they maintained that right through many contests against the people of Gelderland and Overijssel. Seventh, the proximity of Brabant and the Spaniards is also suspect; stirred by these disputes, it will sound the trumpet for a war of the Fifth and Sixth Gospel. Eighth, Dordrecht is full of Frenchmen and other foreigners, and therefore the city resounds with great noise; the Arminians will not be able to be safe. But if no snares are being prepared, why is Leiden, Haarlem, or indeed The Hague itself not conceded?

Is the purpose that captives may be handed over to the Spaniards?

The eighteenth argument. The excessive contention for proclaiming a synod is pressed with great prejudice to the provinces which think otherwise. For why do a part of the Hollanders and Zeelanders prescribe law? Why do magistrates reduce the Arminians to order? Why do they disarm the other provinces as though conquered and enslaved by secret contrivances and then oppress them with garrisons? The cause of all these things is religion, for whose liberty the Arminians think that they fought and now pay the gravest exactions--not so that they may consult their

consciences, but so that they may subscribe to the most abominable insanities of the Borborites and Manichaeans. Thus, after so many insults, are they also to be condemned by a public decree of the synod, although they are the more learned and honorable part of Holland and Belgium? Who can doubt that patience so unworthily injured will pass into fury and that arms will then be ready at hand?

The nineteenth argument. Gomarism cannot be introduced without arms. The cities, therefore, must be strengthened by a garrison so that they may comply with the opinions of the Rigid; or, if they refuse to believe, they must be encircled by a siege. And in this manner, when swords have been turned against one another's entrails, they will hand over the half-dead fatherland to those from whose rule, by fleeing, they fell into the most wretched servitude under the appearance of liberty. For what appearance will that fatherland possess in which one sect rules and the rest are oppressed? Or how will those fight for altars and hearths, for religion, who are compelled to serve on account of religion? Who, for this cause alone--that they do not believe in Rigid Zwinglianism--are cast down from their dignity with the mark of infamy and plead their cause in chains among enemies?

Some hope now remains, and therefore extreme measures have not yet been attempted. But if synodal violence drives to despair those who refuse to be more insane than the Borborites and Manichaeans, they will not be able to restrain themselves from preferring anything whatever to acceding to those horrid opinions. But if at the same time the truce is dissolved, with what concord will they be able to resist?

The twentieth argument. The Arminians have already predicted beforehand what the decree of the synod will be, and the preparatory synods now show it: namely, that the Arminians are to be condemned and the Gomarists approved. Thus there is no need for so laborious and expensive a convocation when the execution of the synodal judgment is already in force before the synod. For to this end the Arminians have been accused in the fatherland and before the tribunal of Great Britain; garrisons have been imposed upon Arminian cities; Arminian magistrates reduced to order; preachers restrained and driven away; and churches restored to the Gomarists. Since these measures vehemently offend their spirits, if those same things are approved by the public judgment of a National Synod, all who lose their cause will learn by this matter that the people of Amsterdam and the other Rigid seek dominion.

The synod, therefore, will stir up disturbances and tumults. For it will render unequal those who are equal by right and who hitherto were equal in appearance, which

[Printed page 810]

has never been done among a free people without a great commotion and never will be.

The twenty-first argument. Vengeance will be sought by the Rigid; for those who judge themselves gravely injured and fear that they will be affected by greater disadvantages rage more savagely when they have obtained power and authority. But the Rigid complain in court concerning the greatest injuries of the Mild and compose entire books about them. Therefore no one can hope that, in an anger which they judge most just, they will be so slow as not to employ the aid of the synod, when before the synod they have done everything hostile. The Hague Letter, which sets forth the condition of Holland, was printed at Cologne. Its beginning is: “On the fourteenth day of June, Count William arrived here from Friesland on the second passage.”

Nor can it be hoped that the victorious Rigid will be gentler than the Mild were. For they are by nature fiercer, and by the decrees of their sect they are incited to cruelty, which they even attribute to God. Pain and anger are added, because they judge that they have suffered injury. Finally, those through whom they conquered--that is, the rigid ministers--will have to be obeyed.

The twenty-second argument. Not even consideration of expense permits a synod. First, there must be many participants, otherwise authority will be absent; for since all have hitherto been equal, the conventicle of a few will not be able to prejudge the rest. Next, the leaders of the preachers are summoned from France, England, and Germany, for without them they judge the decrees insufficiently firm; therefore the expenses must increase with the numerous army

of guests. Third, the ministers will not assemble alone; they must draw along their households and wives. For since they lack the gift of chastity, why should they be driven to synodal celibacy? Thus in the first session they will enact a decree concerning bringing or retaining their households. Fourth, the synod will be long-lasting, for they enumerate more than fifty disputed articles; and since hitherto they have not defined even one in a decade, they will expend many years upon so many.

Let there therefore be five hundred Arminian ministers and as many Gomarists, and two hundred foreigners--in all, 1,200. Let there be eight hundred politicians and delegates of the Provinces, for they too will state their opinion, lest the ministers prevail. But I prefer to posit fewer; let there indeed be three hundred. Thus let the entire synodal number be 1,500. Add as many wives, servants and maidservants, sons and daughters, and you will easily find eight or nine thousand. Provision must be made for their lodging, food, and clothing. But let us contract the number so that the ministers with their households make only four thousand. Nevertheless, they will burden the fatherland with great expense, and it will be easier to feed ten thousand armed infantrymen than to furnish the delicacies of the ministers--especially the foreigners--and their wives. A soldier's food passes by an easy route of supply; those doctors clothed in silk and accustomed to delights demand other dishes. Nor is it fitting for the synodal delegates and leading spearmen of all the ministers to be chastened by excessive frugality.

No one who has considered their accounts more deeply will doubt that this expense is burdensome to the federated provinces, for all things have hitherto been disordered. Barnevelt's *Apology* teaches this. He reports that, when he himself was summoned to the office of advocate, the Colleges of the Great and Provincial Council, the prefects of accounts, and the magistrates of The Hague were so disposed toward the Estates that by voice and writings they called into doubt whether so much authority still remained to the Estates of Holland and West Friesland that they could execute the imposed taxes and contributions. He adds that for a loan it was necessary to pay twelve annually in place of interest and two for brokerage. The burdens were far greater than the revenues. How much greater they were he teaches on page 14:

“From the time when the King of France made peace with the British King and thereafter with the Spaniard and the Archdukes, during the last nine years of the war the burdens of debts and expenses had increased so that they exceeded the entire amount of taxes and contributions--even though these had been increased by no small amount--by twenty-six million florins. The last two years too had passed with very little glory and great loss, and indeed fear of greater danger remained--although two expeditions of the enemy had meanwhile been removed by vigilant zeal--because during the same time foreign subsidies were both less certain and joined with a greater burden to the fatherland than they had been before; and because, as such great burdens took increase, the condition of the whole fatherland appeared likely finally to be reduced to despair, just as the senators and prefects of accounts had warned three years earlier.”

Behold, so great were the burdens. Now in peace they have been increased by the cities sitting in deliberation concerning the convocation of a synod. While some threaten the liberty of others, others endeavor to protect and defend their own liberty and religion by civil arms. Meanwhile even those cities which now enroll soldiers lest they be compelled to consent to convoking a synod will be induced with much greater difficulty to furnish expenses. For they will permit the contentions of the preachers much more patiently than pay money. Lest a war of preachers be waged, war is waged in the state; and nevertheless there are those who think that the cities will not contribute money so that the preachers can contend, when they are endeavoring with all their resources to quiet their conflicts.

The twenty-third argument. There are certain wounds which do not bear wind and air; likewise these evils of the state, when exposed, reject medicine. That true synod will not only make them notorious but also known by supreme right and publicly. When this has been done, shame concerning wickedness is lost. The most cunning old man Oldenbarnevelt rightly recognized this, for he always endeavored to conceal those discords. He says on page 27 of his *Apology*:

"I grieved from my heart over the dissensions which arose between the Remonstrants and Contra-Remonstrants. I always labored in every way lest they spread abroad or break out in public. I first procured that, under the presidency of different ecclesiastical persons, the cause of Arminius be examined within private walls. To this end the business was conducted in the house of the late Lord of Noordwijk as senior curator of the University of Leiden; and afterward the business was instituted in the supreme Council between Gomarus and Arminius, with ministers of different churches from each party presiding. I accepted or rejected neither of the opinions, since I understood--in conformity with the exceedingly wise instruction and repeated writing of the King of England--that each opinion could be tolerated without prejudice to truth, in Christian charity and union. I shall also take care not to indicate who are the authors of these tragedies.

"But I judge that the evil broke forth especially from a certain synodal Decree by which the professors of Theology at Leiden and all the Preachers were instructed to attend in the fear of God to those things contained in the Belgic Confession and the Heidelberg Catechism, and, if they doubted anything anywhere, for each to send it, set down in writing, to their Classes. The cause of this decree was furnished by all the earlier ecclesiastical differences and controversies which had taken their origin from Caspar Coolhaes, H. Herberts, Taco

[Printed page 811]

Sybrandts, Cornelius Wiggers, and several others concerning the understanding, sense, and varying interpretation of certain points contained in the two aforementioned writings--especially Divine Predestination--and because for this reason in 1597 Your Most Illustrious and Powerful Lordships understood that the Confession was to be reviewed and corrected in a synodal congregation. For after your Commissioners had informed you of the aforementioned synodal Decree, you judged that it was not expedient for the doubts of the Professors and Preachers to be handed over to their respective Classes, fearing lest in this way an enormous flame of dissension be kindled among the theologizers."

From this it is most manifest that both the Estates and Barnevelt acted so as to cover those disgraceful matters. Therefore, for them now to be opened more deeply and displayed is contrary to the public advantage.

The twenty-fourth argument. Not only controversies and errors but the crimes of the ministers themselves will be bandied about through the mouths of men. Let Grevinckhoven and Adrian Smout be an example: either they are such as they describe one another--that is, the wickedest of all bipeds--or they are not such, and thus each must be the worst of all calumniators. But whom will we be able to summon to the synod about whom more atrocious things are not said? What else will that synod be than τῶν κεχηνότων ἀγορά, that is, an assembly of men of whom the province should deservedly be ashamed?

The twenty-fifth argument. The outcome of the synodal disputation is doubtful or certain. If what is to be defined has certainly been predefined, if the judgments of the judges have been anticipated, the Calvinist world is disturbed within itself in vain. If it is uncertain, why do they not fear that judgment may be pronounced against the Rigid, the people of Amsterdam, and the most excellent Prince of Orange? If that should occur, who does not perceive that his authority will be cast down and that the magnanimous man will by no means endure the insult?

The twenty-sixth argument. When the synod has been happily completed, judgments, writings, and defamatory pamphlets against both the matter and the persons will immediately be brought forward. Everyone will disapprove something in it, many many things, and some everything. The anger of the parties will thus be inflamed. If free voices are suppressed, they will bite more venomously from concealment. The examples are in Germany, which after all the colloquies of the Lutherans among themselves and of those same men with the Calvinists was assailed by a new paroxysm and renewed the war.

The twenty-seventh argument. According to their laws, the norm of disputing is the Bible, but none is authentic except the Hebrew in the Old Testament and the Greek in the New. The other versions possess human authority, as they think. Therefore only the Hebrew and Greek languages must be employed in that synod, and everything must be examined

according to that norm. But whence among them are there so many Hebraists and Hellenists--so many, I say, most learned men to whom it is certainly established that they understand those languages so thoroughly that they know an error of interpretation to be absent from themselves?

The twenty-eighth argument. Nevertheless, let us establish that in the Belgian nation there are so many most learned in Hebrew and Greek. Yet who will persuade us and others that they are true interpreters of an unknown text? For whatever is transacted, their words will not be authentic for us.

The twenty-ninth argument. Indeed, some of them, such as Calvin and Vorstius, have discovered errors and lies in the Hebrew Bible itself, so that when this foundation is undermined, the whole mass will fall.

The thirtieth argument. Men will come from France, such as Sharp, who denies that the laws of magistrates pertain to consciences. Men will come from England who will restore bishops--that is, as the Puritans judge, build the criminal ladder of Antichrist. The Belgians will call these things monsters.

The thirty-first argument. If it pleases that synodal delegates be released from the oath by which they are bound to their opinions, the same right must be granted to all ministers; otherwise they will not be bound to obey the synod. It must be feared, however, that this matter may reach the soldiers and even the Magistrates.

The thirty-second argument. Although the States General and the princes labor to constitute the synod, nothing will ever be accomplished when the preachers are unwilling. Our countrymen rightly say that it is difficult to hunt with unwilling dogs. But the synod is instituted against the will of all the Arminians--that is, one half, and indeed the more learned half. They will come unwillingly and therefore, delaying, will contrive everything so that they may depart with the matter unfinished. And how easy this is! They will dispute concerning the conditions and laws, make exceptions, and protest. If an answer to questions is sought, they will ask for delays again and again. Some will allege their health, others their occupations; many will say that on account of weddings they cannot dispute, as Grevinckhoven reports to have happened. The sum is this: there cannot be a synod where one half does not wish there to be a synod. Violence will perhaps be applied, and they will be compelled to attend. They will not be able to repel force, but that presence will be useless; for they cannot be driven to dispute and answer unless willing and eager. Therefore there can be no synod and no concord from it.

CHAPTER XL

The Form of a Council Assembled to Make Peace Must Be Taken from the Ancient Custom of the Church

[Printed page 811]

I have taught that a council is useful for beginning and establishing peace, nor do the adversaries oppose this. I have also demonstrated in another book that a council of heretics cannot be assembled and held with advantage; and, if they judge my arguments insufficiently firm, behold: let words and the discourses of writers cease; let them furnish the thing itself. Here is Rhodes; here let them jump. Let them assemble a Calvinist-Lutheran or Rigid-Mild synod and κατὰ βίον refute me by experience. But if they cannot assemble a general one, let them at least assemble a national one. Until they have done so, we shall deny that it can be done, and not without cause, because they say that they desire it and acknowledge this to be the most advantageous way, while they reject other ways, as I showed above from the writing of the Hollanders.

If, therefore, there is need of a council, and one cannot be assembled from novice doctors, why do we hesitate to adopt the ancient councils and their form and authority, lest we be deprived of so great an advantage--which we confess on both sides--and of peace itself? Has heresy been able to engender in anyone's mind so great a hatred of holy and orthodox antiquity that he will not consent to receive even remedies and benefits from it? Or do we not know that those sick persons are most desperate who are obstinate against remedies and judge the hands of those who sincerely heal them to be hostile? Far from a Christian breast be such hardness that it refuses peace; far from it be such blindness that it closes against itself beforehand the approach by which peace is to be entered.

What then? Will you persuade me to accept the Council of Trent through these circumlocutions? I indeed should wish to do so, but I fear that I shall not persuade you--not because the truth which that Council illustrated is destitute of its own testimony, but because, through hatred of the persons, you will not easily receive the truth from them; for the wounds which the sycophants, the calumniators of the Council, inflicted have not yet been healed. And so I indeed formerly granted you release from that Council; perhaps, if you come to know it thus of your own accord, you will embrace it.

[Printed page 812]

It seems to me that in this conflict and vaunting of religions there occurs what occurs in medicine. For very many persons, out of disgust for old remedies and a vain hope of better ones, hear with the greatest eagerness mountebanks and wandering impostors, and sometimes, induced by promises, entrust life and health to them. And while they marvel at new things as true, they suffer loss of property and health. When, at their own peril and to the mockery of others, they perceive that they have given another's rashness the power to test its art upon their own body, they return to the old physicians, the Hippocratics and Galenists; for they prefer to use approved remedies without danger rather than again to make trial of new and uncertain ones.

For a long time now the peddlers of novelties have, by their outcries, called away a great part of mankind from the ancient healing of souls and from the customary nourishment. Luther calls in one direction, Calvin in another; and among the parties of Luther's sect there are manifold callers: Osiander, Major, Flacius, the Ubiquitarians, the rest, the Anomians, the Anabaptists--and these are not all of one stamp, although all call, and call to evil. On Calvin's side there are the Mild and the Rigid, the Libertines, the Anglo-Papists, and the Puritans. All promise salvation, life, health, and mountains of felicities--and that without labor--more shamelessly than all wandering impostors; but credulous and frivolous men discover too late that they are false. For most, nothing is lacking for a return except shame at recognizing and uncovering their wounds. They not only see but also touch with their hands that everything is changed

day by day. Why, therefore, do they not consult the old remedies, or at least deign to look at them? Why do they follow novelties condemned by their own authors?

Let there therefore be a general council such as even the adversaries concede the first councils to have been and such as we teach the following ones to have been. Namely, in it let the orthodox sit as judges--those who already possess the faith and who have long prescription against those who introduce unaccustomed dogmas. For novelty must be proved; it must not judge antiquity. It is a matter of undoubted law that a possessor enjoys his privilege and is not driven to proof, although councils also perform this: they vindicate the possession of the ancient faith against profane novelties. For why should Arius sit as judge at Nicaea, or Eutyches, Nestorius, and others in the succeeding councils? Why at this time should Libertines, Arians, Socinians, and Anabaptists have the same right, number, and merit for pronouncing opinions? Will those men assemble in the Holy Spirit who attack the Holy Spirit with the whole panoply of hell?

Second. Let there be in the Council neither a part of the Church nor a body without a head, but let the whole Church be represented in its senate. Let neither a part conspire against the whole, nor a cause be judged without the bishop of the primary see--a thing Augustine formerly recognized as unlawful and wrote at length to the pontiff Melchiades.

Third. Let the Council define, not what must be believed anew, nor let it define new articles, but let it explain the old ones more clearly, hand down the sense of Scripture, and make certain that concerning which there is doubt. For this is its office: to meet novelties and confirm ancient things.

Fourth. In matters which pertain to faith, let the Council possess a vote which no one is permitted to resist, and let him who proudly refuses to obey the command of the priests be considered, for that very reason, outside the Church.

Fifth. Let councils be free, neither dishonored by the violence of princes nor enslaved and subject to magistrates, so that not only may opinions be free and the secular power not prescribe what must be said, but also no punishment for liberty may be feared, nor may such control reside with princes that the substance of the matter finally falls back upon their decision.

Sixth. Let the causes of the accused be examined prudently, gently, with charity and sincerity; nor in any way let one whose heresy is known sit as judge, for he must receive the sentence as one to be judged.

Seventh. Let it defend the decrees of all preceding general and approved councils.

Eighth. Let the holy customs of prayers, fasts, and penance be observed according to the received practice.

No other procedure for councils can be entered upon. For if, as Pareus does in his own council, we admit all heresies to judge, I do not see what appearance of a council we retain, since we place all the accused upon the tribunal and allow neither authority to the judgment nor truth to the sentences.

CHAPTER XLI

There Are Weighty Reasons Why Catholics, but Not the Adversaries, Approve a Council

[Printed page 812]

We have frequently heard them appeal to a free, pious, general council. That in reality they do not desire a council is manifest from many things; for us, on the contrary, a council is desirable.

The Calvinists and the rest of the sectarians, most talkative in corners, will necessarily become mute in the public light and in a universal assembly; and, hating the light, they will hide themselves in their dens. For they will not be able to defend their teachings if they speak openly, nor in so great an assembly of learned men will there be opportunity to envelop their errors in their customary obscurities and ambiguous labyrinths of words. Hitherto they have vigorously done this in the Colloquy of Worms and elsewhere--so much so that even Calvin himself found intolerable the cunning of Bucer and Melanchthon in devising deceptive articles. But how remarkably the Calvinists deceived their disciples in France I showed in the book *On the Synod and Union of the Evangelicals*. For the principal man, Baron Clervant, thought that his own people and the Lutherans disagreed in only one article; and Pareus himself professes this--how glaring a lie it is I taught in the preceding book.

What hope, therefore, do those men have in a council who did not dare to disclose openly, even among their own initiates, all the mysteries of their idol? Those who fear to make the disciples acquainted with their doctrine must necessarily flee the judgment of all. Our doctrine not only shines in the clear light of the whole Christian world, but was known to the ancient Church. It spreads the rays of its light toward East and West, and, because it possesses nothing shameful, no part of it is concealed.

Those who never satisfied any particular council will not be able to hope for victory or to prove their doctrine to a general, pious, free council. The Rigid Calvinists do not persuade even their own colleagues, fellow initiates,

[Printed page 813]

and brethren of their horrid opinion; much less will they establish before a general, pious, and free synod that this opinion is the mind of the Holy Spirit, when they must plead their cause burdened by the adverse judgment of their brethren and be examined whether they are Manichaeans and Borborites. For the Mild judge that the madness of the Rigid not only equals but surpasses that of these men.

The same reasoning applies to the Lutheran parties and their subdivisions. The Ubiquitarians will come apart, the Flacians in another party, then the Majorists and Osiandrians; and, marked by the prior condemnation and disgrace pronounced by their own fellow citizens, they will understand themselves condemned at the mere sight of the assembly. For they will see no judge favoring them except, from their own small number, a Ubiquitarian, a Flacian, a Majorist, or an Osiandrian.

The Landgrave of Hesse did not dissemble the dissension of his own people coming from the whole world in the year 1546, at Speyer, in a conference with Emperor Charles. “For my part,” he says, “I place no great hope in a council. But I judge that an assembly of the province of Germany will not be useless. For the other peoples still dissent excessively from us in opinions and dogma. In Germany, however, matters have been so arranged and have come to such a point that they cannot be changed. Nothing, therefore, is more preferable or more excellent than that you permit free religion in it, yet so that all cultivate peace.” He afterwards repeats the same thing before Granvelle and confesses entirely candidly, as became a prince, that because Italians, Frenchmen, and Spaniards dissent so greatly from the dogma of the Germans, there would be no great use for a general council--or, as they call it, an ecumenical one.

What advantage, therefore, will there now be for the benefit of any particular sect, when not only the Catholic universality and agreement with constant truth stands opposed to every petty sect, but ten other sects, more powerful or not much inferior, assail it with the greatest hostility?

We desire a council because we judge that by its judgment not only must the integrity of the ancient religion be restored, but also, when the occasion furnished by religion has been removed, we hope that restitution will be made, at least in part. For the Catholics are the plaintiffs; they prosecute the adversaries for the recovery of property. If the cause is decided by a council, nothing will bring greater difficulty than restoring things obtained, possessed, and squandered without any right. It is therefore not difficult to estimate who fear judgment and who place protection in it. And if the acts are read, we shall discover whose calamities demanded execution and justice, and whose rapacity exacted adjournment, delay, and finally the abolition of the actions brought, by entreaties, arguments, threats, and arms.

Let us make it be as they themselves wish: let the council be general, pious, and free--but general with Genevan generality, pious with Zwinglian piety, free with Libertine liberty. Let it, I say, be a council composed of the prefects of the Calvinists, who have borne all the labors and reproaches of the Genevan mitre. Let whatever has hitherto been condemned in Calvin be holy. Not even this council is to be feared by us for any cause except love of the truth.

For if they conquer, if the truth stands with them, our condition will not be worse than theirs; indeed, if we regard the advantages of life, it will be much better than that which we now enjoy. For now we serve God with fear and trembling, uncertain of our perseverance, yet we place certain hope in the divine good pleasure. But if we are transferred to them, all anxiety, doubt, and sorrow, carried far away into the Cretan sea with swift south winds, will depart. A new confidence will render us most blessed, most secure, and most immune from all punishments after this life. We shall live for a time happy in our error, and neither fear of death, nor of divine judgment, nor of hell will touch us even lightly. How many whom fear now holds to their duty, after the barriers have been broken, will rush into every crime? And, to prove themselves true Calvinists, amid robberies, murders, and lusts they will exclaim: “I know that I am just, that I cannot lose justice, that I am free from damnation. No, no crimes prohibit me from heaven.”

Others will congratulate themselves that they are exempt from the trouble of confession, fasting, celibacy, almsgiving, and all works. For why should they do good works--that is, mortal sins? Then why should they fear sins, when both their guilt and their punishment are removed if before God they say in their heart: “I am just; I cannot lose justice”? Indeed, before they say these things they have been made just, because they once believed; as though they had fortified the soul with an impenetrable ἀλεξιφαρμάκῳ, so that they may drink down all the poisons of vices without harm.

This doctrine, so pleasing to the flesh, so flattering to atheists, so enticing to every vice, a council pious in the Calvinistic manner will propose. If we are Antichristians, if we are covered with every crime--as they accuse us before the inexperienced--it is fitting for us to embrace it with the greatest readiness. For why would we not hear doctors who so flatter our desires? If we seek delights, why do we not fly to heaven through pleasures themselves, and indeed without fear of wandering? What holds us back from passing over into this sect? This alone: because it is contrary to truth and ruinous to morals. Accordingly, for us a council is to be desired whichever way the judgment falls, and is to be feared for no cause. If we conquer, deservedly we shall render the greatest and most submissive thanks for the sincerity of the faith preserved in us by divine virtue amid these disputes. If we are conquered, there will be no “Woe to the conquered!” as that man cried. For what will the conquerors command the conquered? “Live securely; indulge wantonly upon the rose; believe that you cannot perish.” Would that there were not many who preferred thus to be conquered rather than to conquer, since even now many are conquered by enticements because they wish it.

There is therefore no cause why we should fear even a general council wholly and purely Calvinistic. Its synodal decree will not be of the kind which the austere fathers at Nicaea or Ephesus, bearing the marks of Christ upon their bodies, issued, but of the kind which some Aristippus from the gardens of Epicurus would dictate with his neck thrown back and a languid voice. Although I do not believe that those delicate and polished men--ὦ μακαρίους ἐπιβάτας [O

blessed passengers!]--will expend so much labor as to write new canons; rather, they will approve those which have already been written. They possess a book of Ottmar Casmann with a most delightful title that flatters them, for it is inscribed *THE CUSHION OF CHRISTIAN SECURITY*. By the best right and deservedly so. For it commands for all Christians a supreme security of beatitude, which no good works assist and no crimes diminish. Supported by this cushion, they will dismiss all from the Council. Nor will they say the accustomed, "Go in peace," but, "Sleep securely upon this cushion."

Those who acknowledge no advantage in a council, or one so slight and diluted that it does not answer to the labor and expenses, cannot prudently desire a council. Matthias Hoe, the Electoral chief court-preacher, proposes this question and judges councils empty. For he judges both that prejudice is brought against Scripture and that the Calvinists are unwilling to submit themselves to the opinion of the synod or to be bound by its decrees, but desire to discharge their office with the same liberty of teaching as before. Hence he reasons rightly according to his own position: "If, therefore, they refuse to be instructed and taught, what need is there of a council?" Plainly, if a council can err no less than individuals, an exception will not be lacking. For all authority is evanescent if it is not accommodated to the Calvinistic analogy of faith. We, however, attribute infallible authority to general councils; they therefore profit us.

[Printed page 814]

All general councils hitherto have gone well for us and according to our heart's desire. For our doctrine has been condemned by no council; in all controversies judgment has been pronounced for us. The adversaries have lost their cause by the prejudgment of all councils. Not without reason, therefore, having been struck so often in the ancient heresiarchs, do they labor to avoid that battle line of judgments and shudder at synods as at infamous reefs where they perceive the spoils from the shipwreck of their ancestors floating. Whatever, therefore, they allege about councils to be convoked is empty; for they seek nothing other than an escape and an opportunity for corrupting the minds of the peoples. If they demand a new council sincerely, why do they despise the old ones?

[Printed page 814]

They are indeed accustomed boldly to object to us that we flee from a pious and free council lest our errors, abuses, and scandals be disclosed. In this manner, to be sure, these acute men judge that they will be free of blame if they anticipate the accusation and divert their own evils onto others. For as to what they calumniate concerning errors, we are conscious of no error; and we approach this part of the cause not only securely but even joyfully, destined to emerge victors without blood and dust. For the things which they impute to us as errors are the dogmas of the holy Martyrs, of the Bishops who once flourished in the Churches and presided over councils, and of the Apostles themselves. We shall therefore stand among these accused men and hear judgment concerning those most ancient masters of ours. Indeed, if the matter is conducted according to the opinion of the adversaries, the whole Christian world will stand accused before a few men.

"It offends very many," says Calvin in *On Scandals*, "that they see almost the whole world opposed to us. Nor indeed do the patrons of a bad cause lack the means to strike the unlearned and weak with a device of this kind: that it is exceedingly absurd for faith to be accorded to a few men while almost the whole Christian world is disregarded. But especially, in order to crush us, they arm themselves with the sacred title of the Church as though with a hammer."

He knows Catholics well. Thus plainly do we object, and we persevere in saying it. Nor are we moved by the example which he adduces against us, when he compares himself and his people to the household of Noah. "As far as we are concerned," he says, "if Noah alone by his faith condemned all the men of his age, there is no reason why the great multitude of unbelievers should move us from our position." But he has not yet proved himself Noah; he has not yet constructed an ark from which he may consign the whole Christian world, as a multitude of unbelievers, to the flood--although the present multitude of Christians, which does not now conduct its life according to Calvin's laws, seems to him entirely born for destruction. Does he also involve those who formerly completed their lives in the same

deluge? The errors, therefore, which they calumniously and most malevolently impose upon us belong to the whole world insofar as it is Christian, as our New Noah himself has proclaimed.

I, however, judge even Calvin's errors and blasphemies intolerable: that the branded Calvin should sit upon the tribunal; that Beza, infamous for his deeds and verses, should sit beside him; that Cyprian, Augustine, Basil, Nazianzen, and the whole nation of the chief men of the ancient Church should stand befouled; and that they should tremble before the faces of Sodomitic judges, be compelled to a recantation, and be condemned for idolatry and grave errors. Yet if these things should occur with the condition of affairs inverted, it is far more excellent for us to lie in the rank of the most innocent accused than to be partners in such unjust judgments. Therefore that disclosure of our errors in a council is not to be feared.

The adversaries, however, have nowhere to turn except to this refuge of obstinacy: that, as Noah formerly did, they by their own faith condemn the flock of unbelieving Pontificians, Fathers, and Martyrs. For although they do not openly and expressly condemn the Martyrs, nevertheless, since they condemn their faith in us and persecute it by writings, sword, and fire, their judgment concerning the masters is no milder than concerning the disciples.

As for abuses and scandals, there is no reason for us to fear a council, since no one approves abuses and scandals, even those who are a scandal. Indeed, all the orthodox implore the severity of a council in removing scandals; and by the Council of Trent, wherever its observance is in force, almost all scandals have been removed. Scandals possess very great power, but among the unlearned and weak. The rest know that Christ foretold that there would be scandals in the Church; therefore they do not withdraw from the Church on account of scandals which they learned would exist in the Church. We therefore excuse no abuse, no scandal.

Yet if you desire to see enormous scandals that have sprung from the doctrine itself, approach the Calvinists. You will discover that the axioms of the Libertines are consequences of their doctrine; you will discover morals such as those of the Manichaeans and Borborites, and, by Calvin's own testimony, scarcely every tenth man sincere. Formerly false teachers turned very many away from the truth of the faith by declaiming tragically against the vices of the clergy, and the life of certain men gave them occasion. But suddenly that accusation slipped from their hands, when among the Calvinists more numerous, greater, and more atrocious crimes were admitted from the faith itself, without fear of losing justice or incurring damnation.

Calvin, therefore, considering these things, wrote a book *On Scandals*, in which he pleads the cause of the crimes and shows that they always adhere to the Gospel. But let us see what scandals he himself acknowledges among his own people. Let us place before those about to enter Calvinism the mass of scandals from its own author.

First, when the profession of the Gospel reigned far and wide in Germany, he says that he feared for this triumphant Gospel because it was exalting his people to insolence. He then continues: “Unless the Lord had seasonably met profane license, the disease would in the course of time have been almost incurable. Doctrine and pious admonitions would have possessed no authority. Those who had not yet endured the admission of moderate discipline would have broken every yoke with a violent charge, just like untamed beasts.” Calvin therefore thinks most contemptibly of the Gospel and the Evangelicals: namely, that unless they are constrained by fear and punishments, they will be untamed beasts.

Behold: what deeds of the Evangelicals do you suppose he had perceived, from which the man who begot them, who is merciful toward his own blood, conjectures so atrociously about their future? Of what kind were those crimes of men which, unless compelled by punishments they had abandoned them, would by now have passed into the manners and disposition of untamed beasts? And do you here press upon me the scandals of Catholics, you whom the fear of the sword alone separates from beasts, who owe it to the enemy

[Printed page 815]

and executioner that you have not yet put off human nature through crimes?

Second, he confesses that seditions were excited by the Gospel, although he makes a cause possessing the appearance of justice for the scandal: “As soon as the doctrine of the Gospel began to be published, as though from an opened spring, the impiety of many who formerly seemed religious burst forth.” He denies that the Gospel is the cause, and I believe him. But who would deny that the doctrine which I proposed above from him is the cause? What wonder is it that the life of those beneath whom the cushion of security is placed when they sin is most licentious?

Then, after he had said truly and severely, “But this is more than sacrilegious impiety, to abuse the Gospel as a pretext for crimes,” he adds: “I speak of the now-common artifice by which perfidious and worthless men insinuate themselves in order to deceive, defraud, and harm in every way.” He speaks, however, about his own ministers, who extol the dignity of the ministry with swollen cheeks, while he himself marvels at the patience of the common people because women and children do not cover them with mud and dung. Thus even then Calvin's haughtiness was compelled to bear such associates in preaching, men so incautiously disgraceful. He complains that some of them, through hatred of virtues, readily indulge equally their own vices and those of others.

And these scandals arise from the very fountains and chief standard-bearers of Calvinism. But what of the people? Are those people, contemptuous of their preachers, better? Speak, Calvin; speak, I pray you.

“The people, however, in order to return the favor, love, embrace, and cherish them alone; and, in order to possess patrons for their own offenses, protect them by their patronage.” Is there too little scandal where wicked teachers alone are loved by the people so that they may have patrons for their vices? Thus, surely, would the Sodomites and Gomorrheans, thus the Lemnians--who by the enormity of their crimes furnished material for a proverb--embrace teachers of wickedness, if they were living. Recognize, reader, why the Calvinistic people hate Catholic teachers: because they love only the patrons of crimes.

Perhaps you desire to know specifically the heroic deeds--or deeds more distinguished than heroic--which these preaching birds perform. I shall give them from Calvin:

“Some, after being kindly received into hospitality, depart secretly either burdened with stolen goods or defraud their hosts in other ways; or they solicit maidservants to fornication and sometimes even dare to attempt wives. Others, marvelous artificers at ensnaring, leave stripped bare those to whom they promised mountains of gold. Some deceive in a loan; others deny a deposit. Some are perfidious in partnership. Some consume in whoring, gaming, or other prodigal luxuries the money which they took from good and thrifty men in the name of alms. Others boldly gorge themselves in idleness upon what had been given as a loan to aid their industry. And some have their wives as associates in these crimes. Others do not hesitate to violate the sacrosanct bond of marriage, with their wives deceived and their children cast off. There are more examples of crimes of this kind than a brief catalogue would suffice to recount.”

I certainly believe that there are very many more in that catalogue which God, the most exact knower, has recorded. Yet above all is this: that such men alone are loved by the people, held in their embrace, cherished, and defended by their patronage, so that in turn they may be patrons of vices. But even this is surpassed by another crime: for when they have done all these things, they believe with the most certain, most infallible confidence that they are just and cannot fall away from this faith and certainty of justice--a thing which I believe neither the Sodomites nor the remaining Canaanites believed. Now go and collect scattered scandals of the ancient Church; meditate upon an accusation in the Council.

What account, finally, will they render to a council of the daily trafficking in the Gospel and of their inconstancy depicted as though upon a tablet? What recently was the word of the Holy Spirit in Germany is now the enchantment of Satan. Sacred things are changed from day to day in a day, and religion is momentary according to the will of princes. They say that they believe nothing except what is expressed in the Scriptures, and from day to day they believe now one way, now another. Individuals are authors of their own credulity and inventors of their own opinion, and are therefore unstable.

Concerning the Germans Calvin says in the book *On Scandals*: “All were magnificently vaunting the Gospel under cover”--in Germany before the war. “In many places criminal hypocrites held the first positions.” Does he mean the Saxon, the Hessian, the Württemberger? “But after the defeat received first at the Danube and then at the Elbe, certain princes of great name, nobles, and states, thunderstruck by some fear or other, immediately lost heart and voluntarily collapsed.”

That accusation is forged against the Landgrave, the Württemberger, the people of Ulm, Strasbourg, and Frankfurt, and other cities which Melanchthon affirms were betrayed by cowardly princes. “Here an effeminate softness more than effeminate--indeed, perfidious cowardice--plainly betrayed itself. Within two years we saw more impious and sacrilegious defections from Christ in one nation than the histories of all times and nations recount.” But those were praiseworthy returns and conversions of many to the Catholic faith; afterward followed more defections to Calvinism and other sects.

If I speak falsely, let them show not one state, I do not say, or one city, or one petty church, but one soul which agrees in all things with the original Augsburg Confession. They will produce none. For it belongs to heresies never to stand, always to rush headlong, and to be broken by their own impetus and divided into new sects, until not only all religion but even the name of religion vanishes.

I have brought forward some examples of controversies in the book *On the Peace of Germany*--a few concerning many. I also summoned witnesses of every kind: a few from the universality of Christianity, but men from whom orthodox agreement is established; indeed, so many that, if anyone demands more for a general council, holier men for a pious council, or more constant and learned men for a free council, he would seem to need a physician, not a teacher.

Yet I do not abandon a cause so good, so evidently victorious, so unconquered in the judgment of the adversaries; again and again I press it upon them. They are ashamed of their small number. For when I proceed against them, I proceed separately against a fragment of some sect. What, for example, can that Ubiquitarian, Majorist, Osiandrian, or Illyrican fragment accomplish against so many hundreds of legions, by whom truth fights, conquers, and triumphs? For what protection can exist in the camp of deserters against so many strong armies and defenders of a good cause? What will spurious novelty be able to plead against the antiquity of legitimate right and possession? I know the ancient response of your patriarchs, O Innovator: that you conquer by Scripture.

But that evasion accomplishes nothing and affords no escape. It would possess an appearance of truth if you could conspire for some period of time in one interpretation; now falsehood has lost not only the thing but even its shadow, after by unstable rotation it changed approved doctrines and founded new ones. Tell me, I pray you: by what faculty, amid so many opinions of those reading, translating, and interpreting, do you understand these things? From what petty sect do you plaster over your error?

You will answer as Honoratus did to Augustine: “When I read, I came to know it by myself.” I shall not answer you as Augustine answered Honoratus. But since you wish it thus, enjoy your judgment concerning yourself. Certainly you ought not to be angry with me if I do not believe you, if I do not prefer you to so many thousands. For what you cry from one corner alone, all the sects on the opposite side profess concerning themselves. They also did so formerly. Vincent of Lérins is witness in chapter 37 of the book *On the Profane Novelties of Heretics*:

“But if anyone were to ask one of the heretics who persuades himself of such things, ‘Whence do you prove, whence do you teach, that I ought to abandon the universal and ancient faith of the Catholic Church?’ he immediately answers: ‘For it is written.’ And at once he prepares a thousand testimonies, a thousand examples, a thousand authorities from the Law, from the Psalms, from the Apostles, from the Prophets, by which, interpreted in a new and evil manner, the unhappy soul may be cast headlong from the Catholic citadel into the abyss of heresy.”

Therefore with an easy effort I cast you down from this position upon which you stand securely.

For even if I should believe, or at least not refute, that you alone perceive the sense of Scripture rightly and that all others are deceived, what will you say about Scripture itself? Before you had yet read it by yourself, did you know that what you were about to read was sacred? Or, as you read the several things, was it revealed to you concerning each one--even those which are difficult--that the several things you read were divine? No authority moves you to interpret the Gospels; you rely upon your knowledge alone. Yet some authority must necessarily move you to believe that this book is the Gospel.

"I, however," says Augustine, "would not believe the Gospel unless the authority of the Catholic Church moved me. Why, therefore, should I not obey those whom I obeyed when they said, 'Believe the Gospel,' when they say, 'Do not believe Mani'?" To Calvin: "If you hold to the Gospel, let me hold to those at whose command I believed the Gospel."

[Printed page 816]

And so at the beginning Scripture is believed solely by the title of tradition and then under the protection of custom, without any instrument of Scripture. Who, therefore, possesses such audacity that he announces anything beyond what has been announced in the Church? Or such levity that he receives anything beyond what he has received from the Church? What a profession: "I understood it by myself; my sense is true"! Is the whole agreement of universality and antiquity thus justly condemned?

For if novelties of dogmas, things, and opinions--novelties which are opposed to age and antiquity--are received from the words of the Apostle, it is necessary that the faith of the blessed Fathers be violated, either entirely or certainly in great part. It is necessary that the faithful of all ages, all the Saints, all the chaste, the continent, the Virgins, all the Clerics, Levites, and Priests, so many thousands of Confessors, such great armies of Martyrs, such great celebrity and multitude of cities and peoples, so many islands, provinces, Kings, Peoples, Kingdoms, nations--almost the whole world, now incorporated into Christ its head through the Catholic faith throughout so long a course of ages--be pronounced to have been ignorant, to have erred, to have blasphemed, and not to have known what it believed. Thus Vincent of Lérins, chapter 33 of *On the Profane Novelties of Heresies*.

These things he said in his own time. Since then, down to the new Gospel, so many armies of other Martyrs have been added, concerning whom those who condemn the Council of Trent--assembled in the Holy Spirit on account of the faith of those armies--pronounce the same judgment. Why do I say "condemn"? They persecute it with fires and disembowelment. That one Catholic remains is not due to their clemency, but because they lack strength.

But what will anyone who errs more moderately answer me? What cause is there why you do not believe the saints? If you are so proud that you suppose all of them to have erred and yourself alone to be wise, are you also so foolish that you hope I shall believe you? If the authority of others moves you, by this very fact you withdraw from your position, because you are led by authority. Yet if you are moved by it, why do new, suspect, and few men move you rather than ancient and many men, who approved their faith by torments and death and sealed their confession with blood?

See how great is the obstinacy of not believing these men, how great the savagery of desiring to devour their disciples and to call them Antichristians and bestialities. For the insults do not stop at us, but are hurled through sixteen ages and through many thousands of Martyrs and Bishops, and reach as far as the Apostolic Churches. Act moderately in a matter so arduous, because you are contending with so many thousands of saints; if you love peace, speak peaceably. If you seek a council, embrace the one which is given. If we are impostors because we believe these men, rescind the judgment of the divine majesty; cast down from heaven and condemn for imposture so many thousands of the Blessed, who were illustrious for sanctity, doctrine, ecclesiastical dignity, and miracles; consign them to Orcus, where Tartarus alone opens sheer below:

> So great is the prospect upward to the ethereal Olympus of heaven.

But you who are orthodox, flee novelties. "They announce to us a wisdom hidden since Christ--a thing worthy of tears. For if faith had its origin in these thirty (ninety) years, although almost four hundred (one thousand five hundred) years

have passed from the time when Christ was openly beheld, the Gospel was empty for so long a time, our faith too was empty, and the Martyrs indeed underwent martyrdom in vain; in vain also did such and so great bishops preside over the people." Gregory Nazianzen, Letter 2 to Chelidonius.

CHAPTER XLII

The Council of Trent Must Be Received, So That Peace May Be Restored to Germany

[Printed page 816]

It would not be difficult to persuade them of this, provided that the name of the Pontiff and hatred of Catholics were absent. Now, alas, envy, anger, and avarice dispute concerning religion with such injustice that they carry the teachers to heaven but persecute the disciples with condemnation, exile, prison, and sword. Let this cataract of alienated minds be removed, and Germany will receive the Council no more reluctantly than the other parts of Europe. For why should it not receive that which it has so often desired and which it holds through its better part? Certainly the princes, as they speak in the preface to the Augsburg Confession, request a general council. These are their words:

"Since Your Imperial Majesty has also, not once but often, graciously signified to the Electors, Princes, and remaining Estates of the Empire, and at the Diet of Speyer which was held in the year of the Lord 1526 caused it to be recited and publicly read according to the given and prescribed form of your imperial instruction and commission, that Your Majesty, for certain causes alleged in Your Majesty's name, did not wish to determine anything in this business of religion and could not conclude anything, but according to the office of Your Imperial Majesty would diligently endeavor with the Roman Pontiff concerning the convocation of a general council--just as the same thing was set forth more fully a year ago at the most recent public assembly convened at Speyer. There Your Imperial Majesty, through Lord Ferdinand, King of Bohemia and Hungary, our friend and gracious lord, and then through the imperial orator and commissioners, caused these things, among others, to be proposed: that Your Imperial Majesty had understood and considered the deliberation of Your Imperial Majesty's lieutenant in the Empire, and of the president and counselors in the government, and of the legates from the other Estates who had assembled at Regensburg, concerning the convocation of a council;

[Printed page 817]

and that Your Imperial Majesty judged it useful that a council be convoked; and because the causes which were then being treated between Your Imperial Majesty and the Roman Pontiff were near to concord and Christian reconciliation, Your Imperial Majesty did not doubt that the Roman Pontiff could be induced to hold a general council. Your Imperial Majesty therefore signified that you would endeavor that the aforesaid Supreme Pontiff, together with Your Imperial Majesty, should consent to assemble such a general council, to be announced at the earliest time by public letters.

"In the event, therefore, that in the cause of religion the dissensions between us and the parties have not been composed amicably and in charity, we now offer ourselves here before Your Imperial Majesty in all obedience, superabundantly prepared to appear and plead the cause in such a general and free council. Concerning its convocation, in all the Imperial Diets that have been held during the years of Your Imperial Majesty's reign, it has always been treated concordantly by the Electors, Princes, and remaining Estates of the Empire and concluded by agreeing votes.

"To the assembly of this General Council, and at the same time to Your Imperial Majesty, in this by far greatest and gravest cause, we have already appealed beforehand in the proper manner and form of law, and we now appeal. We still adhere to this appeal to Your Imperial Majesty and at the same time to the Council, nor do we intend or have power to abandon it through this or another negotiation--unless the cause between us and the parties, according to the tenor of the most recent imperial citation, has been composed amicably in charity, quieted, and reduced to Christian concord. Concerning this we here also protest solemnly and publicly."

It is true. For in the year 1524 a council was requested in earnest; business was conducted with the pontifical legates then present at Nuremberg so that, with the Emperor consenting, the Pontiff might proclaim a council. All things thereafter were directed to this end: at Speyer in 1526 and 1529; at Augsburg in 1530; at Regensburg in 1532 and 1541; at Speyer in 1542 and 1544; at Worms in 1545; at Augsburg in 1548, where the Emperor also proposed certain articles to endure until a General Synod; and again at Augsburg in 1551. These things were done, and either the judgment of the Council was awaited or the business was certainly conducted with little German candor.

The Emperor himself is witness in the recess of Regensburg in 1546. His words are: “His Imperial Majesty, in response to the humble prayers and petitions of the Estates, obtained and procured through various negotiations that at last a General Council should be established and begun at Trent, a city of the German nation.” Concerning the same Council the same Emperor Charles V says: “The General Council, to which all the Estates of the Holy Roman Empire have subjected themselves, will without doubt apply pious and zealous diligence so that, in this cause, provision may be made for the consciences of many men and for the peace of the Catholic Church, as necessity requires.”

Why, therefore, do men evilly curious, enemies of peace, now draw the princes and Estates away not only from the Council but also from the former opinion which they laid before the Council, and cast them into Calvinisms, Osiandrisms, and Socinianisms?

All assemblies of the Empire, all diets, all public meetings demand peace--peace, I say, especially the cities and princes who neither hope nor desire to grow through war. Even those who trust that they will be safe only when affairs are disturbed pretend peace. But they will be able to obtain neither political nor ecclesiastical peace except by approving and accepting the Council of Trent.

How often now, after the well-known variations of religions, and at how great an expense, do they seek civil peace and quiet? But they have not yet obtained it; rivalries and enmities grow stronger each year. For since the Council's decrees have been received by foreign nations with great applause and approval, and since the nobler part of Germany follows them, what peace will those men be able to possess whom a solitary and obstinate opinion divides from the rest of the Christian world and from their own colleagues--an opinion by which they judge that they alone think rightly, while the rest are impious, blasphemous idolaters? This is all the more so because no peace and agreement has hitherto been able to be established even among themselves.

In the year 1557 four ways to peace were proposed in the recess or decree of the Empire: a General Council, a National Council, a Colloquy, and an Assembly of the Empire. All the princes confess by their decree that a national council and an assembly of the Empire are useless for religious concord. They determine that a General Council is the most orderly and correct way to peace; that it has descended from antiquity through the Christian Church to the present time; and that it is without controversy the best, most useful, and most advantageous way--the way which the Church has employed in similar cases and dissensions and by which it has happily decided causes. Every care must therefore be devoted to making it possible for a General Council to be assembled.

Meanwhile they propose a colloquy because they had no hope of a Council. But experience has now taught that no colloquy is sufficient for peace, nor can one be. For they establish a colloquy as a consultation and deliberation in which every negotiation undertaken is conducted without obligation and without prejudice and contains no confession, decision, determination, or definition. Since, therefore, peace has not been made by a colloquy and, as affairs have now been settled, cannot be made by one, a Council is necessary--and indeed the one which the whole world has now embraced.

I have often taught that the adversaries cannot possess such a council. Matthias Hoe, supreme preacher at the Saxon court, proves this expressly: “Moreover, if we consider what a general council requires, all will confess and say that it is impossible for such a council to be instituted.” He adduces arguments: because it must be assembled by imperial authority, and the Emperor will not do this; second, because theologians cannot be compelled to attend the Council and expenses are lacking. They will therefore never obtain solid peace, but will pass from errors into other and still other

errors unless they join themselves to the Universality. Domestic peace is weak if the whole city is afflicted by seditions.

The Roman Empire, as I taught above, cannot subsist without ecclesiastical peace. Its civil laws are not only now tempered by the canons of councils and pontiffs, but were so formerly, when the German nation did not yet rule: "The laws of the age do not disdain to follow the sacred canons," in the *Authentic*, *That Clerics Be Judged before Their Own Bishops*, penultimate section, Collection 6. Unless, therefore, the Council is received, the conflict between ecclesiastical laws and the new civil laws will be perpetual, as I showed elsewhere, and consequently there will be no peace.

Following the example of their head, it is fitting that all the Estates of the Empire, as members, should receive the Council's saving doctrine and reformation willingly and with a grateful mind. But Charles, Ferdinand, Maximilian, Rudolf, Matthias, and Ferdinand, who now holds the governance of the Most August Empire, constantly adhered to the ancient Roman Church and profess themselves its advocates and defenders. They requested the Council and obtained it; they urged the restoration and continuation of it when interrupted;

[Printed page 818]

they promoted it and, when it had been completed, commended it to their subjects.

It is indeed fitting that members be conformed to the head and subjects obey the Magistrate. But those men will say, "It is necessary to obey God rather than men." Yet they use so holy a maxim seditiously and impiously. For those Emperors were neither Jews nor Gentiles, nor do they rise against God so as to command what God forbids. But if they held them to be such, why by their own votes did they impose tyrants and persecutors upon the Christian people? Why did they themselves prefer to stand beneath the blow of an idolatrous prince rather than elect an Orthodox man from their own brotherhood? Why do they themselves condemn the Emperor whose religion all antiquity approved?

But I have already demonstrated these things above. I press this point, that I may make plain that stable peace cannot exist where there is so great an ἀνεμονία [wind-driven instability] and ἀκοινωνία [lack of communion] between the head and members. This formerly shook Germany with war, when the agitators of the pseudo-Gospel stirred up the princes against the supreme Magistrate. That war, notable as it was, was lamentable and destructive to the fatherland through the disasters of cities, the devastation of fields, and the chains of princes.

Even now there remain men who from Switzerland and neighboring places call the Emperor the Apocalyptic beast and the Empire the fullness of devilism. Indeed, at the most recent fair an image was publicly sold in which Ambrogio Spinola, an incomparable hero and commander of the imperial and royal army, rides upon the seven-headed beast. These things are certainly opposed to peace. But they gush from one fountain: that they hate the religion of the Emperor, to whose clemency, prudence, and justice they have entrusted themselves.

The battles of the Calvinists and Lutherans among themselves are now known. The Calvinists defend themselves because they have been condemned by no council. Sturm writes in the *Antipappus*, page 197, that "the Papistic doctrine ought not to be defamed and repudiated as erroneous, since no legitimate general council has defined this or rejected the Papists together with their doctrine." Thus also the Calvinists in the preface to the *Orthodox Consensus*, thus Hospinian, thus Pareus in his *Irenicum*.

Accordingly, the preacher Hoe says that in this part they agree entirely with the Papists and Jesuits, who can do nothing other than cry, "Council, Council, Council!" That courtly chief preacher then proceeds: "In what, therefore, does the necessity of a council consist? Does it not follow from this that more is placed in the council than in Scripture? That the authority of the council is greater and more conspicuous than that of Scripture? Is this not entirely to fall back into the Papacy up to the girdle?"

If a council is needed for the condemnation of false dogmas, behold: I have already furnished so many councils which condemned these teachings; why, therefore, do the Calvinists not reject them? For concerning Scripture without

another authority, fanatical spirits will never agree. Our religion has been condemned by no council, theirs by many; therefore let them abandon the condemned religion and, together with the Emperor their head, follow the uncondemned one--indeed, the one approved by councils.

I should wish that the princes and states of Germany would learn what must next be done, not from turbulent enemies of truth, or impostors and apostates, but from the ancient Emperors, who led the way by deed and voice. It is fitting for the Germans, whom God has raised to the Empire in this last age of the world, to emulate them. Constantine undertook by imperial authority the execution of the Council of Nicaea. Theodosius the Younger defended the decrees of Ephesus; Valentinian and Marcian defended Chalcedon. Nor did any orthodox prince allow his labor to be lacking where it was required for those things which had been established by councils.

Golden indeed are the words in the decree of Emperor Marcian: “The profane contention has now departed. For truly impious and sacrilegious is he who, after the judgment of so many priests, leaves anything to be treated by his own opinion. It is indeed the height of madness to seek an imaginary light in the midst of clear day. For whoever investigates anything further after the truth has been discovered seeks a lie.” But the Council of Trent must be defended much more earnestly, because in it the ancient councils are found and the deeds of pious kings are commended for imitation.

[Printed page 818]

In this Council that was done which all judged necessary for all councils: namely, that it be convoked by the vicar of Christ, that those who possess the right pronounce judgment, and that security and liberty be conceded to all. Accordingly, the legates of kings, princes, and states were present, and kings embraced the Council. Why will a few princes in Germany not do what they know that the others did with great praise for constancy, sincerity, and religion? Why do they not prefer foreign princes as friends and allies rather than as suspected persons?

We daily see divisions of minds, secret counsels, and confederations arising from deep envy and hatred toward Catholic princes. Hence come the estrangement of nations and hereditary dissensions. Italians, Spaniards, and Frenchmen are alienated from Lutheran Germans, while the Germans themselves are inflamed against Catholic nations by perpetual invectives, calumnies, and defamatory pamphlets. And yet, since human affairs are fragile and fleeting, it can happen that they need mutual aid and that they must become suppliants to those whom they presume to be enemies.

Why, therefore, do the German princes not embrace the true and ancient religion of their fathers, explained by the Council of Trent, so that they may enter into, renew, and confirm affection and treaties with foreign nations? Why do they permit their subjects to be aroused by factious and tribunician preachers to hatred of other kingdoms--kingdoms which deserve better of the German princes than the preachers themselves do?

Look at the matter. The Innovators contend that all the ancestors of the princes were what they fashion us to be: Antichristians, that is, the most criminal of all men; and by so atrocious a charge they defame all the families of Germany. The Council defends the faith, honor, right of succession, and reputation of illustrious families. Why do you attend to malevolent detractors, to the reproach of yourselves and your stock, and neglect the true defenders of your dignity and your ancestors?

Behold: kings no less powerful than your Emperor nevertheless defer to the Emperor and with an untroubled mind hold the second or third places, reverencing the Sacred and August Empire of which you are noble members. But your preachers, as I taught at the beginning of *On Syncretism*, do not fear to call and write that it is Antichristian, the Apocalyptic beast, and the fullness of devilism. Therefore at last recognize these men who, under the pretense of truth, mock your noble and inborn nobility; once recognized, abandon them.

Have you not yet recognized them? Do they not direct and toss you and your subjects at their decision, not without tumults? Now they drive you, after the manner of cattle, into Luther's pens, now into Calvin's; then again they send

you out upon the sea of Ubiquity and expose you to Flacian winds. Now they remove bishops, now restore them; now compel you to grow mild with the Hollanders, now to grow rigid with the Genevans. They are constant only in their own mutability. Return, therefore, to the truth of the ancient age,

[Printed page 819]

for there is no end of innovating, since every novelty destitute of truth is swiftly removed by another novelty.

Ninth. I marvel if all are not able to touch their error with their own hands. For what, I ask, is more ill-advised than to write a few private laws of princes and towns concerning a common thing--that is, concerning the religion of all Christian kingdoms--and to establish an ecclesiastical order, and from the municipal laws of one party to overturn universal law?

Augustine rightly says on Psalm 75: “Truth is common; it is not mine, nor yours, nor his, nor that man's; it is common to all. And no one says, ‘It is mine,’ lest he wish to make his own portion of that which stands in the midst for all.”

What, I ask, did the few subscribers of the Confession say at Augsburg in the year 1530? “Truth is on our side; the rest of the world is insane; we alone are wise; the others ὡς σκιαὶ πέτονται [fly like shadows].” And not only those who now live, but all ages were ignorant of the truth. How do new and few men judge it worthy that all Christians should migrate into their laws, abandon approved things, and condemn salutary things? Why does the small number not rather yield to the universality, subjects to their Magistrates, sheep to shepherds?

A rival confession is opposed to the Council, Augsburg to Trent, Philip Melanchthon to the Pontiff. I exhort and beseech you to believe the Council and acknowledge the Pontiff, for as a leader in withdrawing from the Confession you possess Philip Melanchthon himself, the author of the Confession--and now almost all of you have withdrawn. The author himself condemned and hated his own work. The rule which he offered to the world he himself broke; what as a younger man he approved, when older he rescinded. See Roland Pontanus, book 3 *On Memorable Affairs*. See Melanchthon's letters to Frederick the Palatine; see his tears concerning ἀρτολατρίᾳ [bread-worship].

If the master and craftsman of a Confession of so great a name--so that he alone seemed to have imbibed Luther's spirit and mind--abandoned the Confession, enticed neither by a reward, nor by human fear, nor by hope, and condemned his own decrees before he had even heard the Council's decrees, the disciple is not above the master. Do not retain what its maker cast away.

“We shall therefore be Calvinists,” you will say, “for he passed over to Calvin.”

By no means. Follow him when he condemns evil things; flee him when he follows worse things. For to which Calvinists will you depart? He was one of the Mild, and therefore not even thus will you stand among the larger minority; you will dwell amid the offense of more men. Yet you will be nearer the Council than if you thus harden yourself in the αὐθαδείᾳ obstinacy of the Rigid. Both his letters and Joachim Mörlin's book, which Andreas Petri of Eisleben printed in the year 1565, teach that Melanchthon defected to the Calvinists.

But concerning Philip let it be as you wish. “We oppose the Confession to the Council.” Yet that Confession is neither certain nor pleasing to all your people; it has been changed ten times. Nor do I alone or the Calvinists alone say this, but your own countrymen themselves. Andreas Musculus, in his *Pious and Necessary Admonition concerning Avoiding the Gross and More-than-Papistic Errors of Major*, book 3, folio 194, says: “The authors of the Confession accommodated themselves to the time, or wrote without sufficient consideration.”

What then? Will you prefer to the Council of Trent--a council to which the councils and Fathers of all times bear testimony--a confession which in my judgment is novel and heretical, in the censure of the Calvinists a torch by which France is set aflame, and in the confession of the Lutherans a confession accommodated to the time and written without consideration? What then does Musculus conclude from this? “Therefore an argument taken from the authority of the Confession and the Apology is not valid.” Deservedly indeed; for a temporary and inconsiderate

confession must be corrected according to the words of eternal truth, the most carefully considered councils, and the confessions and martyrdoms of fifteen centuries.

What does Abdias, the defender of the Confession, reply to these things? “I should have omitted our Confession if this must truly be alleged concerning it. On that reasoning, what else is it than a confession written without consideration and accommodated to the time? In this manner it will cease to be authentic; in this manner a most splendid occasion is given to our adversaries for condemning us ourselves together with our Confession. In this manner we ourselves cannot be certain concerning our religion, nor shall we leave anything certain to posterity. In this manner the distinguished testimonies of Luther and others concerning the Augsburg Confession will most unworthily fall away.”

Since they now see that these things have occurred, there is no reason why they should adhere to a slippery and ambiguous confession and spurn the orthodox agreement of all ages explained and handed down by the Council of Trent.

The Augsburg Confession cannot be salutary, since, like a tragic buskin, it fits either foot, and sits not upon two stools but upon twenty. For it has been changed, corrected, and mutilated in many editions, the beginning of the alteration having been made by its author himself, so that it is now asked of which edition each professor is.

Then, how many heresies lurk beneath that cloak? The Calvinists claim it for themselves, but rightly understood; the Ubiquitarians arrogate it to themselves alone, but explained in their own sense; all the others think so diversely and dissent so inimically. Pareus attempts to prove that it is defended by no one such as it was first proposed. If no one defends it in that form, why does he adhere to it once changed? Why does one who has cast away a part of falsehood not profess the truth in its integrity? Does he not show as vain and mendacious the vaunting of Melanchthon and his colleagues about Scripture alone, infallible truth, and new light, since he withdrew from the Confession at least in part? The Estates of the Augsburg Confession were deceived by the cunning of impious men in the very construction of the Confession, because the Confession was interpolated, changed, and abandoned by posterity.

Eternal salvation, therefore, is not in a temporary confession; stability of faith is not in daily ἐφημερινῷ vaunting. Rather, it is in that Rock upon which Christ built the Church, against which the Augsburg Confession, when it dashed, was broken and flew apart into little pieces. Those who are called the Estates of the Augsburg Confession vainly attempted to join and solder them together. Secular power cannot bind spiritual wickednesses, nor does God permit the concord of those in error to grow excessively, lest it give authority to error.

Finally, the salvation which they lose so inexcusably ought to move everyone to return to the place from which they rashly departed. “He who hears you hears me; he who despises you despises me,” was said. The men of Trent can say this: bishops joined to the Apostolic Church through perpetual succession, handing down through the succession of the Apostolic Churches the faith.

Cyprian, Letter 9, book 4: “You ought to know that the Bishop is in the Church and the Church in the Bishop; and that if any are not with the Bishop, they are not in the Church. And those who, not having peace with the priests, creep in, flatter themselves in vain, since the Church, which is one and Catholic, has not been rent or divided, but is certainly connected and joined by the glue of priests cohering mutually with one another.”

You await salvation in vain while of your own accord you separate yourselves from fellowship with the common and ancient Church, whence saving doctrine is derived to us.

[Printed page 820]

For what excuse is there for abandoning and condemning the doctrine of so many saints and adhering to the opinions of those who themselves condemned them? The Apostles were the Fathers of the Church; in place of the fathers those sons were born and were appointed Bishops. The Church herself calls them fathers. She herself begot them and established them in the seats of the fathers. Therefore do not think her deserted because you do not see Peter, because you do not see Paul, because you do not see those through whom she was born. Fatherhood comes from the offspring

of the Church: in place of her fathers sons have been born to her, appointed as princes over all the earth--princes for explaining the faith, princes for implanting piety, princes for abolishing error.

May he who inhabits inaccessible light illuminate the eyes of your mind and strengthen your spirits, so that you may dare to say to your Innovators what Augustine said to the disturbers of his own time in chapter 14 of *On the Usefulness of Believing*:

"I did not see Christ himself in the manner in which he willed to appear to men, who is proclaimed to have been seen even by these ordinary eyes. When I consider whom I believed concerning him, so that, now furnished beforehand with such faith, I might approach you, I see that I believed none except the confirmed opinion of peoples and nations and a most celebrated report; and that the mysteries of the Catholic Church have occupied these peoples everywhere. Why, therefore, should I not inquire most diligently among them above all what Christ commanded, since, moved by their authority, I have already believed that Christ commanded something useful? Will you explain to me better what he said--you at whose recommendation I would not think that he existed or exists, if this were commended to me as something to be believed? This, therefore, as I have said, I believed through report strengthened by rapid diffusion, agreement, and antiquity.

"But you are so few--and so few--and so turbulent, and so new, that no one doubts that you here bring forward nothing worthy of authority. What, therefore, is this so great madness? 'Believe those men that Christ is to be believed, and learn from us what he said.' Why, I ask you? For if they should fail and could teach me nothing, I should far more easily persuade myself that Christ is not to be believed than that anything concerning him must be learned from anyone except those through whom I had believed him.

"O enormous confidence--or rather folly! 'I teach you what CHRIST commanded, in whom you believe.' What if I did not believe in him? Would you be able to teach me anything concerning him? 'But,' he says, 'it is necessary that you believe.' Is it because you commend him to us?

"'No,' he says, 'for by reason we lead those who believe him.' Why, therefore, should I believe him? 'Because the report has been established.' Whether through you or through others? 'Through others,' he says. Shall I therefore believe them so that you may teach me? Perhaps I ought to, unless they chiefly warn me precisely of this: that I must not approach you at all. For they say that you possess pernicious doctrines. You will answer: 'They lie.' How, therefore, shall I believe them concerning Christ, whom they do not wish to see?

"He says, 'Believe the writings.' But if every writing is presented as new and undoubted, or is commended by a few, with no reason confirming it, belief is accorded not to it but to those who present it. Therefore, if you who are so few and unknown present those writings, I am not inclined to believe them. At the same time you also act contrary to your promise, by commanding faith rather than rendering a reason. Again you will recall me to the multitude and the report. Restrain at last your obstinacy and some indomitable lust for propagating your name. Rather, admonish me to seek the chief men of this multitude, and to seek most diligently, so that I may learn something concerning these writings from those men through whom, if they did not exist, I should be wholly unaware that it must be learned. But you, return to your hiding places, and do not plot anything under the name of the truth which you attempt to take away from those to whom you yourself concede authority."

CHAPTER XLIII

The Objections against the Authority of the Council Are Empty

[Printed page 820]

Nevertheless, even in a clear matter and with the accused convicted, there is not lacking the greatest impediment to a better life: a refuge in excuse. They say that they possess reasons why they cannot return to the inherited religion. This is not the evil of heresy alone, but an evil common to human depravity: they sin willingly and conceal their sins by denying them.

“No one,” says Seneca, “understands himself to be avaricious; no one, covetous. Yet the blind seek a guide; we wander without a guide. We say: ‘I am therefore not ambitious, but no one at Rome can live otherwise. I am not extravagant, but the city itself demands great expenditure. It is not my fault that I am irascible; youth causes this.’ We indeed deceive ourselves. Our evil is not external; it is within us, it sits in our entrails. And for that reason we come to health with difficulty, because we do not know that we are sick.” Letter 60.

These are the vices of human affairs, but especially of those in error; for unless they loved their vices, they would not err. Indeed, they generally err in such a manner that they impute error to sanctity and truth.

The first objection against the Council is therefore customarily this: because it was assembled by the Pontiff, although it ought to have been done by the Emperor.

Yet that is not a legitimate objection. For why do the Germans and the English, with a few others, seek a knot in a bulrush when the rest of the world reverences the Council? The Emperor himself, the head of the Empire, brought it about that it was proclaimed and continued by the Pope. If they are moved by the honor of their prince, let them not spurn his solicitude in seeking the Council. Why did they offer the Saxon Confession to the Council in the year 1551? In it they say that they are not conscious that their preachers possess any error, either in doctrine or in the government of the Church; nevertheless, they do not doubt that those men are endowed with such modesty and piety that, if they are admonished by testimonies of heavenly doctrine and by the true agreement of the Catholic Church, they will by no means fail the edification and tranquility of the Church.

Let subjects not disappoint the hope of their princes, and let them revere the orthodox agreement of that Council which possesses the unity and agreement of the ancient Churches. But if they repudiate the Council because it was assembled by the Pope's authority, why do they receive Nicaea, which not only was assembled by Pope Sylvester but also determined by its own decree who could lawfully proclaim a council?

These are the words of Athanasius's *Letter to Felix concerning the Persecutions of the Arians*: “We know that in the great Synod of Nicaea it was unanimously confirmed by the three hundred and eighteen Bishops that councils ought not to be celebrated without the judgment of the Roman Pontiff.” Hence also Socrates, book 2 of the *History*: “Councils which are celebrated otherwise than the ecclesiastical rule commands possess no force; councils ought not to be celebrated apart from the judgment of the Roman Pontiff.”

So far, therefore, is the authority of the Pontiff interposed in the celebration of the Council from having to deter the Estates of the Augsburg Confession, that for this reason it is fitting for the Council to be received with the greatest readiness, since without such authority a council is invalid. For a council must be assembled by him who presides over the Church; but emperors are not presidents of the Church--indeed, they have often been

[Printed page 821]

persecutors.

Next, I cannot sufficiently marvel at what reason those men allege who say that they approve the assembly of councils by the authority of the emperors Charles, Maximilian, Ferdinand, Rudolf, and Matthias. For their doctors calumniate in voice and writings that these Emperors are Antichristians. Aretius, on Apocalypse 13:2 and 15, contends that the Emperor or Empire is the ten-horned beast. The same man says: “The name of the beast is to be a son of the Roman Church, or a Catholic, or a member of the Roman Church.” The same: “The dragon is the Devil, who attaches his ornaments to the Empire.” The same: “To worship the beast is to cultivate the Emperor superstitiously; even those who call him the unconquered Emperor do this.” The same man complains at verse 8 that men marvel at the success of princes and therefore pass over to their parties.

How, therefore, will they approve as Catholic and legitimate a council assembled by imperial authority--that is, by beastly, draconic, Antichristian, persecuting, and idolatrous authority, as they themselves are accustomed to fashion it by blaspheming the Majesty in a horrid manner? To what end, therefore, do they object the Emperor to us? If they acknowledge his authority in the convocation of a synod, why do they not follow the modesty, prudence, faith, religion, and zeal with which, at the beginning and continuation of the Council, he moved, aided, and heard the Pontiff and embraced the Council's judgment? In a matter of the greatest moment he followed Constantine and other pious Emperors.

You seek a council assembled by imperial authority, which cannot be given; why do you not follow the one defended, approved, and honored by imperial authority? Finally, both Pareus and the Saxon chief preacher think that a Council can be commanded by princely authority, so that one is not free to refuse it in whatever manner one wishes, because they judged that coercive power too is necessary for a Synod.

But what Emperor will compel the Spaniards, Italians, Frenchmen, Englishmen, Swedes, Poles, and others--foreigners, namely, who are not subject to his scepter--to undergo the dangers of journeys and the losses of expenses? You judge him so weak that he cannot restrain a few merchants of Mülheim from an unjust attempt and from making an insane expenditure. In those halls that promote imperial vigor you depicted him sleeping; you contemptuously fashioned his eagle ἄπτερον [wingless] and featherless.

Those, therefore, who pretend to seek a council of this kind reject every council. Did not Luther himself expressly teach at the beginning, in *On the Chief Articles of the Christian Faith*, that the Pope is bound to institute a General Council? Who would believe him bound to do that which it is not lawful for him to do? If a council assembled by him is void through the invalid authority of its convoker, what law constrains him to labor in vain, to move the world by a ridiculous attempt, and, when he has convoked it, to accomplish nothing beyond expense? Indeed, must the whole affair therefore perish because the Pope is its author?

But if anyone is little concerned about Luther, let him consider the unanimous opinion of an entire imperial assembly. In the year 1524 it was decreed thus at Nuremberg:

“And lest good things be oppressed together with evil ones, and so that it may finally be defined what is to be done by each person in this cause, it has seemed to our Lieutenant, orator, and also to the Electors, princes, prelates, counts, and Estates of the Empire present here to be supremely necessary that a general, free, and universal Council of the whole of Christianity--which can most advantageously, if it is possible, be effected by His Pontifical Holiness with our consent--be proclaimed and convoked, as is fitting, at a suitable place in the German nation. Concerning this matter negotiations have been conducted here with the legation of His Pontifical Holiness, which has undertaken to refer it to His Pontifical Holiness and to promote it most faithfully.”

To what end is there need of these decrees of the Empire if the Pope ought not to assemble a Council, or if that which the Pope assembled according to the judgment and request of the whole Empire is therefore void because it possesses the Pope as its author? But if the judgment of the Empire is correct, we easily see how mad is the audacity of the preachers who by private detraction and malevolence rescind the opinion of the August Majesty and of all the Electors and Estates then present.

Besides the Catholics, there were also present at that assembly the legates of the Electors Ludwig of the Palatinate, Frederick of Saxony, and Joachim of Brandenburg, and of many other princes. The assembly approved their acts, and then there was the consent of those who had sent them. The objection against the Council's author therefore comes too late, if they themselves selected the author.

The second objection. The Council of Trent was not free, nor was it within the German nation; for Trent is in Italy, in a place insufficiently healthy, whose Bishop was a Cardinal.

The preachers could therefore easily have protected themselves from the heat, especially since the Emperor and Pope Julius, unless they had been prohibited by an impediment, were ready to betake themselves there. Since it was a suitable seat for so many wealthy men and princes, especially since it is warm as though with a temperate breeze between the Italian suns and Alpine cold--for the cold which Italian and Spanish cosmographers ascribe to Trent is less than the northern frost, even if it should nevertheless surpass a Saxon and Baltic winter--the Italians, Sicilians, Spaniards, and Frenchmen should have complained about the frost of Trent, since the dissensions of the Germans drew them from their native warmth into the Germans' freezing regions. Would they not have prayed for a milder and somewhat quieter climate?

What they complain concerning liberty denied is most unjust and most false, fashioned solely to arouse hostility toward Catholics by an invented fear. For Trent is a city of the German nation; it was then under Ferdinand's dominion and even now belongs to the house of Austria. How, therefore, did an imperial town diminish the liberty which the Emperors themselves kept safe and unimpaired? Nor did the Cardinal obstruct it--indeed, he could not--since not only he, but the universal Council together with the Pontiff and Emperor, proclaimed a safe-conduct for all Germans and the other nations, not once but again and again. Finally, the whole Christian Church granted it to the German nation, in Sessions 13, 14, and 18. And so that those who do not have the Council at hand may possess something by which to refute the lies of their preachers, I shall transcribe the safe-conduct which was given in Session 18.

SAFE-CONDUCT granted to the German nation, in the general congregation on 4 March 1562.

“The most holy Ecumenical and General Synod of Trent, legitimately assembled in the Holy Spirit, the same legates of the Apostolic See presiding in it, assures everyone that, to each and all priests, Electors, Princes, Dukes, Marquises, Counts, Barons, Nobles, Military Men, Commoners,

[Printed page 822]

and all other men whatsoever, of whatever estate, condition, or quality they may be, from the cities and other places of the German province and nation, and to all other ecclesiastical and secular persons, especially those of the Augsburg Confession, who together with them will come, will be sent, or are about to set out for this General Council of Trent, or have come hitherto--by whatever name they are designated or may now be called--it imparts and altogether concedes, by the tenor of the present instrument, the public faith and the fullest and truest security, which they call a safe-conduct:

“freely to come to this city of Trent; to remain, stand, and tarry here; to propose and speak; to treat, examine, and discuss any business whatsoever together with the Synod itself; to offer and disclose freely whatever things they please and any articles whatever, both in writing and by word; to explain, establish, and prove them by the Sacred Scriptures and the words, opinions, and arguments of the blessed Fathers; and, if necessary, also to answer the objections of the General Council and to dispute or confer charitably, without any impediment, with those who have been selected by the Council, with reproaches, revilings, and insults entirely removed;

“and specifically that the disputed causes be treated in the aforesaid Council of Trent according to Sacred Scripture, the traditions of the Apostles, approved Councils, and the authorities of the holy Fathers; with this also added, that they shall in no way be punished under the pretext of religion, or of offenses committed or to be committed concerning it. It

concedes this also in such a manner that, because of their presence, divine offices shall not in any manner cease, either on the journey or in any of the places while they are going, remaining, or returning, nor in the city of Trent itself.

“And when these things have been completed or not completed, whenever they please, or when, at the command and with the assent of their superiors, they desire to return to their own places, or any one of them desires it, they may immediately, without any resistance, occasion, or delay, freely and securely return according to their good pleasure, their property and likewise their honor and persons being safe, and vice versa; yet with the knowledge of those to be deputed by the same Synod, so that provision may then be made opportunely for their security, without deceit and fraud.

“The holy Synod also wills that in this public faith and safe-conduct all clauses whatsoever be included and contained, and be held as included, which may be necessary and opportune for full, effectual, and sufficient security in going, remaining, and returning.

“For greater security and for the good of peace and reconciliation, it also expressly declares that if anyone or any of them, whether on the journey while coming to Trent, while remaining there, or while returning, should perpetrate or commit some enormous deed--which God forbid--by which the benefit of this public faith and assurance conceded to them could be annulled or made void, it wills and concedes that those discovered in a crime of this kind shall be punished immediately by their own people alone, and not by others, with a worthy penalty and sufficient amendment, which must deservedly be approved and commended by the party of the Synod, while the form, conditions, and terms of their assurance remain altogether inviolate.

“In like manner it also wills that, if anyone or any persons from the Synod itself, whether on the journey, while remaining, or while returning, should perpetrate or commit some enormous deed--which God forbid--by which the benefit of this public faith and assurance could be violated or in any way removed, those discovered in a crime of this kind shall be punished immediately by the Synod itself alone, and not by others, with a worthy penalty and sufficient amendment, which must deservedly be commended and approved by the party of the Lords of Germany of the Augsburg Confession then present here, while the present form, conditions, and terms of assurance remain altogether inviolate.

“The Synod itself further wills that it shall be lawful for each and all of the ambassadors, as often as it shall be opportune or necessary, to go out from the city of Trent to take the air and to return to it; and also freely to send or dispatch their messenger or messengers to any places whatsoever to arrange their necessary business, and to receive the persons sent or dispatched, or the one sent and dispatched, as often as it seems expedient to them, in such a manner that some person or persons among those deputed by the Council accompany them to provide for their security.

“This safe-conduct and security must stand and endure from the time and throughout the period when it happens that they are received under the care and protection of the Synod and its people, until they are brought to Trent; throughout the whole time of their residence there; and again, after they have had sufficient hearing, with a period of twenty days allowed beforehand, when they themselves request it, or when the Council, after a hearing of this kind, orders them to depart, it shall restore them, with God's favor, from Trent to whatever safe place each has selected for himself, all deceit and fraud being entirely excluded.

“It promises and pledges in good faith that all the aforesaid things are to be inviolably observed on behalf of each and all the faithful of Christ, on behalf of all Princes whatsoever, both ecclesiastical and secular, and on behalf of all other ecclesiastical and secular persons, of whatever estate and condition they may be or by whatever name they are designated.

“Moreover, all fraud and deceit being excluded, it promises in true and good faith that the Synod itself will seek no occasion, either manifestly or secretly, nor in any way employ--or permit anyone to employ--any authority, power, law, statute, privilege of laws or canons, or of any Councils whatsoever, especially those of Constance and Siena,

expressed in any form of words, to the prejudice of this public faith and free hearing conceded to them by the Synod itself; and for this occasion it derogates from them in this matter.

“But if the holy Synod, or anyone from it or its people, of whatever condition, estate, or preeminence he may be, should violate in any point or clause the prescribed form and manner of assurance and safe-conduct--which nevertheless may the Almighty deign to avert--and sufficient amendment, deserving of their approval and commendation, should not immediately follow, they may hold the Synod itself, and will be able to hold it, to have fallen under all the penalties which violators of safe-conducts of this kind can incur by divine and human law or custom, without excuse or any contradiction in this matter.”

No one will easily say that greater liberty was ever granted either in a Council or in a state. Accordingly, while they allege fear, they sufficiently show that they distrust their cause, fear the light, and prefer to deceive the simple in Germany rather than come before the sight of the Church. For why do they decline the place and liberty when the whole Empire approved it? It is contained in the Imperial decree promulgated at Augsburg in the year 1548, to which I refer the reader.

[Printed page 823]

[Printed page 823]

Why does the whole Empire here complain about nothing concerning the place, the liberty, and the convoker of the Council, but submit itself to its judgment? But who bewitched many so that they would believe neither the ancient Church nor the recent Council, with which all antiquity agrees? Who so swiftly altered the constancy of the Germans that they neither came to the Council nor defended its decrees? Namely, those who severed them from the primitive Church are now bringing it about that they do not unite with the rest of Christianity; and, lest this ever occur, they divide the wretched men into very many petty sects and into names and dogmas equally monstrous.

The third objection. Bishops, Cardinals, and Monks alone pronounced judgment; laymen were excluded from the right of voting. It was therefore not a legitimate Council.

No one was excluded who possessed the right to come and pronounce judgment.

These are the words of the Pontiff proclaiming the Council: “All, from every place, both our Venerable brethren the Patriarchs and Archbishops and our beloved sons the Abbots, as well as all others whatsoever to whom by right or privileges the power of sitting in general councils and pronouncing judgments in them has been permitted,” and so forth.

One must proceed according to the ancient religion, and consequently councils must be proclaimed and celebrated according to ancient law. But since the power of coming and pronouncing judgment is given to all to whom it has been conceded by right or privilege, no one can complain that he was excluded, unless someone judges it just to come contrary to right.

But that judgment concerning controversies of faith was formerly entrusted to priests is clearer than to require teaching. For what is clearer than that the three hundred and eighteen Bishops subscribed to the Synod of Nicaea, but no layman? Therefore either let him produce a single council among all the councils in which laymen subscribed together with the Bishops and pronounced a definitive judgment, and we shall hear his complaints about Trent; or, if he cannot, let him cast away all ancient councils with a single nod and betake himself openly and without deceitful pretense to the enemies of all councils--that is, of the whole Church. We know that Emperors subscribed to certain councils, but they protested that by this act they bore witness to their pious assent and did not arrogate to themselves the role of judging.

The fourth objection. The Prelates who attended the Council were bound to the Pontiff by oath; therefore they did not pronounce free judgments.

Once this has been established--which all confess to be true--that the legitimate oath of Judges, Counselors, and Senators does not remove but confirms their liberty of pronouncing judgment, it must be investigated whether the oath of the Prelates at the Council of Trent obstructed the truth. Peter Fuentidueña teaches in his oration to the Germans that it was instead advantageous. For they were constrained by oath to teach and accept the truth insofar as they knew and were able. But if you have sworn that you will do so, this does not prevent you from inquiring freely into the truth. Otherwise princes would be judged to take liberty from the subjects whom they bind to themselves by oath.

But since an oath is not a bond of iniquity, all know very well that they are bound by no oath either to defend lies or to oppress the truth. What then? Because the Princes of the Empire are bound by oath to the Emperor, are they for that reason prohibited from confessing the truth? Which of the Protestant Theologians is not bound by many--indeed, unjust--oaths, both put under oath and administering an oath concerning the heresies of his Academy?

The fifth objection. The definitions and canons of the Council of Trent are not according to the word of God; therefore we deservedly refuse them. For why should we subject ourselves to human laws? Let CHRIST alone pronounce judgment; let his word alone be heard.

Uncertain error is not consistent with itself; it dashes against itself, and falsehood finally crushes itself while it flees from the manifestation of truth on every side. A little before they equated the votes of laymen with the decrees of priests; now they deign to hear Christ alone--that is, Scripture. And would that they heard him, for thus they would also hear the priests whom Scripture pronounces must be heard.

What had to be said concerning Scripture alone has been explained in various places. For if Scripture alone suffices, what need is there of a Council? For in it the true sense and interpretation of Scripture must be treated. The Princes of the Empire were certainly not ignorant that this cause was being treated when they requested the Council. It is established that they did not doubt the truth of the divine utterances, but sought with so much labor peace among interpretations.

The sixth objection. There are scandals in the Papacy and the life of the Popes has often been evil; therefore the Council is not legitimate.

I shall employ not merely the common response, but the true response which Christ too approved, Luke 18; nor in return shall I cast back at you that a beam adheres in you who labor to pluck a mote from the Papacy, because I ought not to compare the vices of those in error with the sins of the Orthodox. The comparison of a Catholic with a heretic is unequal, especially with one whose justice is imputed, from whom no crime strikes out justice.

Let us therefore leave these things aside, lest we be compelled to teach with Luther that Evangelicals are possessed in the Gospel by seven devils, who previously were troubled by only one; lest we be compelled to complain with Calvin that scarcely every tenth man among the Calvinists is sincere, and so forth.

I ask this one and only thing: let them not accuse the innocent and, from envy and hatred of the name, make the cause common to all; I shall not defend the guilty. In the Council there were many learned, holy, and upright in life--Cardinals, Bishops, Priests, and doctors, men whose faith and morals are to be judged from the truth, not from the abuse of detractors. Who among so great a number was ἀκατονόμαστος [unspeakable] and publicly infamous after the manner of Calvin and Beza? Behold, so great a Council is in sight. Review the sins and disgraces of the subscribers if you accuse them, or assert that you can prove them if you revile them.

“But they are covered by walls.” I ask how that which is covered by such solicitous caution is known to you. For if you accuse without an argument, you are a calumniator. Yet let there also be scandals among us, as there truly are--and would that they ended in the destruction and condemnation of their authors. Nevertheless, the Church does not cease to be the Church although it also contains its evil members within its enclosures; nor did Christ cease to be the head of the Church because Judas too was there. Wheat does not lose its nature although it is among tares.

A Bishop does not lose his dignity and the power of his office--indeed, not even the truth of the faith--even if his works are not complete before his God. Otherwise, why do princes of the age not fall from their thrones by sinning, if a Bishop is reduced to order when he has fallen? But if you read the decrees concerning reformation, you will easily perceive that the Council teaches, admonishes, exhorts, and reproves right things, whether they concern the Pontiffs and the Roman Curia or kings and magnates. No one approved either simony or other crimes, but by a true judgment all determined that they must be amputated, although laws are unequal to the evils of many men--a fact unknown only to those who are ignorant of the human race.

The seventh objection. The doctrine of the Council is false;

[Printed page 824]

therefore the Council itself must be repudiated.

I have already demonstrated above that the Council's decrees and dogmas have come down to us from the ancient Church in a perpetual and nowhere interrupted sequence.

It will indeed be worth the labor to learn who those men are who accuse the Council of Trent of falsehood and who, in the midst of the discords and contentions concerning religion by which Germany is shaken, judge the universal Church. Seeking a remedy for your dissensions from a Council, you selected arbiters; now, after you as defendants have lost your cause, it pleases you to calumniate the judge. The Germans, disturbed by their dissensions, implored the Christian world and requested a Council. The whole body was shaken by one sick member; one part wearies the universal Church and gratuitously despises its labor on its behalf and spurns its counsel, imitating the madness of the frenzied, whose fury is first embittered against the solicitude of those treating them.

Italy possessed religious peace; England lived according to the institutions of its ancestors; the Pontiff and Emperor strove for Hungary to be preserved. France was at rest, for no Calvinist existed. Portugal in the East and Spain in the West extended the boundaries of the Empire and the Gospel. The new faith of the Germans disturbed so many goods and cut off greater hopes. After it was divided and torn within itself and could no longer bear the evils which it had itself caused, it looked to the universal Church, so that by the judgment and agreement of the universality it might compose its domestic factions. Would that it had persevered in what had been rightly instituted.

But the same parish priests, the trumpets of civil war, obstructed the restoration of peace. Accordingly, after despising the Council, given over to a reprobate sense and turned against one another, they began to rage still further. For what is more audacious and foolish than that those whom all selected as judges should be condemned by the most desperate of defendants; that those whose cause, now crushed and defeated, was to be condemned by the final vote should preoccupy the judges' benches and turn against the judges the evils they feared for themselves?

“The doctrine of the Council,” they say, “is false.” Therefore that doctrine which the ancient Councils and Fathers handed down to the Council of Trent is false. If, therefore, truth does not exist in the whole world, in what faction of Germany, finally, does it possess its dwelling? This accusation cuts off every hope of peace. There is no Memnonist, no Schwenckfeldian, no Ubiquitarian, Socinian, Trinitarian, Sacramentarian, Flacian, Majorist, Anglo-Papist, or Puritan who cannot by this speech mock and elude every ancient or recent, greatest or least council, if he calls false whatever is opposed to his opinion, displeasing to his will, or contrary to his glory or advantages.

Hence comes that enormous and most notorious propagation of schisms and new sects in the new religions; hence the eternal wars into which the demon casts those who despise the remedies of peace. For what peace can exist in a kingdom, what concord of citizens, what union of a family and its many duties, unless either the Magistrate or the father of the household possesses the power of terminating disputes? Who will be able to endure those who flee altogether from every judge and judgment? For what judge, finally, will those who despise a Council admit?

Cyprian rightly says concerning them in book 1, Letter 3: “What kind of men do you suppose those to be who are enemies of the priests and rebels against the Catholic Church and who are terrified neither by the Lord's threatening

nor by the vengeance of the future judgment? For heresies have arisen and schisms been born from no other source than that the priest of God is not obeyed, and that one priest for the time and one judge in place of CHRIST for the time is not contemplated in the Church. If the whole brotherhood obeyed him according to the divine teachings, no one would move anything against the college of priests." Flight from and detraction of the Council is therefore an evident sign of Schism.

The eighth objection. Councils have rarely had prosperous outcomes; therefore the Council of Trent must not be received.

Councils legitimately instituted, not by their own fault but sometimes through the malice and cunning of impious men, have produced wars and persecutions. Christ himself, by teaching, living rightly, and performing miracles, armed the envy of the Jews against himself. Just laws prudently enacted and to be observed by the state are the destruction of many; discipline, admonition, and correction itself are a detriment to proud and harsh dispositions. What disturbances did the Council of Nicaea produce, when the Arian heresy, armed first with pen and voice and then with arms, avenged itself upon the Orthodox?

No one turns this into an accusation against laws because the law proceeds against malefactors; no one accuses discipline because it often provokes savage spirits so that they rush more licentiously and desperately into the precipices of vice. These are not the faults of good things whose preservation is necessary for cities and kingdoms and has always been retained to break the attempts of the wicked, but of impious men who refuse to be contained and ruled by laws.

Thus neither was the Council of Trent--consecrated to peace and most zealous for peace--the cause of the disturbances which followed. A multitude of Bishops and doctors from the whole world assembled to procure the peace of one nation and join it to the rest of Christianity; rather, those men were the cause on account of whose turbulent attempts it was necessary for the Council to be assembled.

But I judge that more things must be said about the fruit of so great and holy a Council. First, the agreement of the Catholic world was manifest in it, not only among Theologians from different kingdoms, but also with the primitive Church.

Next, the morals of the clergy and people were reformed, a reformation which also illuminated Germany in great part.

Third, all the heresies, struck by the Council's anathema as though by a thunderbolt, were in a worse condition than before; little by little they began to tend toward decay and destruction. The Synod was confirmed in the year 1564, when the last session had been begun on 3 December 1563 and completed on the fourth day. After that time the heresies began much more to be divided and to perish by mutual anathemas--so much so that now scarcely any city can be found in Germany which defends all those heresies into which they had conspired when the Council was begun. No one now professes the Augsburg Confession in its integrity. Meanwhile half the Lutherans have defected to Calvinism or returned to Catholic unity. Calvinism has ceased to be propagated among Catholics with the power in which it formerly excelled; indeed, it too, now divided into equal factions, threatens its own ruin.

The ninth objection. Those who sat in the Council are enemies and opposing parties; therefore they must not be heard by us, nor is it equitable for us to stand before the judgment of enemies.

Would that you were either not enemies of the men of Trent or did not pretend that they were your enemies. For how are those men enemies who so often invited you

[Printed page 825]

to concord, who made expenditure for your sake and endured the troubles of travel? I do not doubt that they were adversaries of errors, since they themselves condemned them so that no one could doubt it. "But it was a hostile Council." Yet I ask you: what council do you call friendly? If you are a Calvinist, the Lutherans are in your judgment

turbulent enemies of truth. If you are a Mild Calvinist, the Rigid judge you worse than any heretic, Turk, and Jew. If you are Rigid, the Mild assert that you are both a Manichaean and a Borborite. If you are a Majorist, Flacian, or Osiandrian, you will possess as enemies all who refuse to belong to your faction.

What kind of council, therefore, do you choose? One from that kind of men which is devoted to you, or to which you have bound yourself? You will conquer before such a council without contest and without danger, for you have selected your judges most prudently: you admit no one except the man who has already absolved you, except the man whose cause is the same as yours.

CHAPTER XLIV

The Method of Entering upon Peace

[Printed page 825]

Good peace, O sincere peace, the end of my disputation and the happiness of the Church, where shall I seek you? Paul, the vessel of election, commands me at Romans 14:19 to pursue the things that are of peace. Peter, the rock of the Church, commands me at 1 Peter 3:11 to seek peace and pursue it. And God himself is not the author of dissension, but of peace. But whom shall I address concerning peace? Or rather, whom have all Catholics long been addressing together with me? Not the Theologians of the opposing party; for they, ἄσπονδοι, have declared eternal war against us without a treaty. What shall we do with them? What shall we expect from them? Recently one man from their company, Joseph Hall, began a polemical work and called its first part *Rome Irreconcilable*. There he says that it is necessary for them and Rome to disagree, §21, and in §22: "God will sooner create a new Rome than reform the old." Nevertheless, if we are rejected by the Theologians, we are not embittered against peace by their curses; we shall flee for refuge to the moderation of statesmen and the equity of princes. Perhaps those who now wage war after having been led into it by a cunning stratagem will grant peace more readily.

Now, therefore, I address you, O Kings and Princes, who foster any religion different from the Roman, Catholic, and ancient religion. As a suppliant I call upon you as arbiters, patrons, and advocates of peace. What I ask is great, I confess, and difficult, which I lament. But it is lawful for great things to be sought from magnates, and the power of the giver makes easy those things which by nature are difficult.

I have a reason to hope for peace, and you have a reason to grant it: the frailty of human judgment, which vehemently seeks certain things and swiftly abandons the same. What it held fixed and ratified when the day departed, it condemns and impales when the day returns. This indulgence, therefore, must be granted to infirmity; and where there was no perseverance in innocence, let there be repentance. Let it be permitted to return to the point at which what was rashly denied may be conceded and what was incautiously admitted may be renounced.

The examples are at hand and are in the acts of your archives: within a hundred years peace has been attempted a hundred times, both between us and your people and among the various divisions of your parties. For what region, what city, holds that faith which it first received after departing from our Church? Some began with Zwingli and went over to Luther; very many, after manifold changes within Lutheranism, departed to Calvin.

Behold, moreover, while I am writing these very things in the year 1618, on the Kalends of November, a new peace and a new Synod are under discussion between the Gomarists and the Arminians--that is, between the bitterest enemies whom Europe contains. The Arminians protest that the Gomarists are Manichaeans and Borborites, and that they worship the very Demon himself in place of God. The Gomarists, now stronger in military force, run forward on the same line against the Arminians. They say that the latter are worse than Turks, Jews, all heretics, and even the Jesuits themselves; and yet they do not despair of peace, although they will never attain it, however they may devise truces and syncretisms, because both parties lack the support of peace--that is, the foundation of truth. Nor does God ever permit an agreement of errors without allowing more dissensions to flow from the nature of that agreement.

If, therefore, peace is hoped for and attempted amid such hostile wrath, inveterate hatreds, and recent wounds, why not also between us and those who are vehement in their opinion but nevertheless unstable? The good and merciful God has compassion upon those who err; perhaps he will grant that those regions which have been changed three, four, five, and six times to another religion may at last be changed to the true one. Those whom the windings of the roads within the labyrinth have long wearied may sometime find the true exit.

Unhappy indeed is an error which is driven on by another error, as wave by wave, and is never dashed to pieces by the truth. The Augsburg Confession was changed twelve times, as is stated in the Colloquy of Herzberg, fols. 91--92. At the assembly of Naumburg an uncorrupted copy was sought in vain. At the assembly of Altenburg the Theologians of Jena called it a buskin. I omit the rest. If your Theologians have erred and have been divided into so many sects, they can err even now; they can take up again what they have condemned and return to the Catholic faith. This will easily occur if you, O Princes, are willing to tread in the footsteps of your fathers; for we see the opinions of peoples turned at the nod of princes, while all accommodate themselves to the ruling power--a word which the unhappiness of the times has now made proper to the business of religion.

The difficulties of the cause, however, are innumerable, and they render peace difficult, though not impossible. For, first, it is the character of error that it cannot stand for long, and yet those who err do not therefore return to the truth first, but are scattered. Thus the Arians and Macedonians departed into various sects, until Mohammedanism was compounded from them all; and it too has parties among so barbarous a people. We see it occur thus in Europe: all disagree, all wish to be Christians, but what fraction is sound? The cause is that those who have abandoned the truth are struck with blindness. If the blind begin to walk, the farther they proceed, the greater the divergences they make.

There is more than one cause why your teachers fall into new errors, but the chief cause is that they do not believe to be true the things which they hawk to you as oracles of the Holy Spirit. Mathesius, in Sermon 12 on the life of Luther, fol. 147, relates that Anthony Musa told him that, when he said that he had sorrowfully complained to Luther because he himself could not believe the things which he preached to others, Luther replied: “Blessed, then, be God, since the same thing happens to others as happens to me; for until now I believed that it happened to me alone.” Because, therefore, they do not believe what they wish others to believe, they presently choose something else which appears more probable; they reach the truth itself with difficulty. For they do not reject at once all the things which they wish to appear to have believed, lest they appear defeated; and they delight in the praise of novelty. Hence there are so many new sects in Belgium and in the North. Nevertheless, this is a good within the evil: being cut into small pieces, they look back upon themselves and embrace the truth more readily.

[Printed page 826]

Next, I see those who contend far more bitterly with one another than with us contriving peace. What today is more common and better known than the syncretism of your preachers? Do you believe that they disagree among themselves? Hear the Dean and Theologians of Tübingen sounding a terrible trumpet in the year 1588. Second, they say that the errors of the Zwinglians and Calvinists, as they call them, are far more horrible than Papist idolatry. Third, they say that the Zwinglians and Calvinists, abusing the doctrine and profession of the Gospel, inflict more harm than the Papists. Therefore:

1. Following the example of Paul, one must fight against them; 2. following the example of Luther, who wished that Zwingli had remained a Papist; 3. after their defection from the Papists, they inflicted more harm than they could have inflicted if they had remained with them; 4. the Calvinists abuse the humanity of the Lutherans and vaunt brotherhood; 5. the Calvinists introduce new errors intolerable to the Church--and they enumerate them.

Thus they dispute at Heidelberg concerning syncretism. Although they say these things and said them in 1588, nevertheless in the meantime a great part of the Lutherans migrated to Calvinism, even your ministers themselves, for whom the will of princes was sufficient for abjuring their faith. Someone will say that these things are said by the Lutherans of Tübingen but denied by the Calvinists of Heidelberg. The Lutherans say them rightly; the Calvinists deny them wrongly. For although at the beginning they say that they disagree with the Lutherans only in one article, and not in that whole article, nevertheless at the end they retract this: “What things could we, in turn, cast against these men”--the Tübingen theologians--“in this place, and how MONSTROUS and UNWORTHY of Theologians?” Thus say the Heidelberg theologians.

Peace, therefore, can prudently be hoped for from the mercy of GOD; but the method and the beginning must be treated. The true and customary method is indeed that which I proposed in the book *On the Peace of Germany*: that we should stand by the judgment of the ancient Councils when they interpret the Scriptures. But since, amid so great a variety of dissenters, no council can be given which all embrace, many things must necessarily precede, and methods must be entered upon which all ought to approve by right judgment.

The first method of concord is that the state of the question and controversy be correctly formulated--a state which a great part of the disputants and your Stentors in the pulpits corrupt. For the question is not whether the pure and unadulterated word of God must be taught; whether definition must be made from it; whether the word of God must be rejected. Accordingly, Bucer, in his book *On Concord*, calumniously judges that this must be conceded among the first things: "that the true word of God be freely preached everywhere"; for we granted this long ago.

This, therefore, is the controversy: when the word of God, which we all call sacrosanct, has been placed in the midst, which party possesses its true and genuine understanding? Nor is this the question only between us and them, but among their petty sects: whether the Lutherans or the Calvinists truly interpret the word of God, and whether the Arminians or the Gomarists do so.

The first advantage of this consideration is that those who are to make peace agree at least in certain matters and possess common principles. Nor is it an obstacle that they acknowledge for the most part the written word alone, whereas we acknowledge the written and handed-down word, or ἄγραφον [unwritten]. For this very matter will be disputed from the written word: whether the existence of traditions is repugnant to it; whether it is a tradition that those books which the Church venerates as the word of God are canonical. For Luther himself confesses that infant baptism cannot be proved evidently from Scripture. Ochino argued thus: "Whatever is not evident in Scripture must not be believed; the condemnation of polygamy is not evident in Scripture; therefore:" And thus, from that principle concerning the written word alone, he introduced polygamy.

Nor do I demand anything inequitable when I pronounce and insist that this state of the question must be proposed. All the hundreds of those who err repeat with one voice: "Scripture, the word of God, the pure and unadulterated word of God." And yet they dispute about its meaning. I am not ignorant that very many disputations are useless, as Tertullian observed long ago; but I judge that all can be brought back to some equity and concord if we all dispute about the meaning of Scripture and that one aim alone is proposed.

You, O Prince, believe Scripture. I too believe it; indeed, I am prepared to die for one iota or stroke. There is agreement, therefore, in this matter. But from this beginning you subsequently believe one thing and I another, because Scripture says one thing according to my meaning, another according to yours, and perhaps another in the opinion of those whom you believe. Hence, therefore, arises another question: whether you and your people, or I, possess the true meaning. We must therefore join battle more closely.

The second method of concord is that we should all together beseech almighty God that, since the controversy concerns the meaning, God may deign to aid us with his own light, so that we may draw out the truth and be confirmed in the truth. Next, let us debate the true meaning from the idioms of Scripture, analogy, comparison with other passages, evident deduction, and the usage of the ancient Church, the Councils, and the Fathers.

That method of comparison possesses many advantages if it is conducted among humane men and with modesty. First, no one will make us hateful among those who do not know us, as though we were despisers of Scripture. Second, when the paint has been stripped away, the disease of those who oppose Scriptures to everything, both against us and mutually against themselves, will immediately appear. Third, there will be fewer contentions, since all will be occupied in investigating Scripture, not in mutual combat, in which they blaze up at a light touch--indeed, like sufferers from gout, they cry out at the suspicion of a touch. Fourth, since ministers are of two kinds--some clamorous and eristic, who refer everything to their preconceived opinion, and others more peaceable and more learned--the commentaries of the latter afford a great opportunity and means for blunting the insolence of the Stentors. Fifth, the

ministers will not be compelled to act intemperately and angrily because they are interpreting Scripture; for in eristic disputation, unless they wash themselves in all their bile, their cause seems to have fallen, and a patient disputant is regarded as a betrayer. Sixth, although someone is not evidently defeated, he will nevertheless observe that Scripture does not support him; he will also fear the array of many great men on the other side. Nor will he be able to condemn me when he has not defeated me from his own principle.

I shall demonstrate an example. In Proverbs 16 it is said: “God made all things for his own sake, the impious man also for the evil day.” The Gomarists in Belgium, and the rigid men who follow them, interpret this passage so as to say that God creates the impious in order that his own justice may shine forth in their punishment. See Piscator's theses 6, 7, and 9, and his disputation against Vorstius. The theses read thus:

1. Sins occur with God procuring them, and they occur with the same God willing them--indeed, willing them altogether thus. §17; likewise §§6 and 64, and throughout. 2. God wills that iniquity be done, although he does not delight in it, just as a sick man wills to drink a bitter draught although he does not delight in it. And thus that saying of Psalm 5, “You are not a God who delights in iniquity,” and so forth, must be understood. §95. 3. God willed that Judas betray Christ and that the Jews kill him, although he had prohibited this to them. §§10, 16, and 24. 4. That which is unjust--that is, contrary to his precept--is in conformity with the will of God; for example, that homicide by the Jews and the betrayal by Judas, and so forth. In the same place, especially §§16 and 24. 5. All things occur from the decree of God, even sins themselves, and indeed from an absolute and special decree. §§56, 58, and 130. 6. Because God wills to make known his justice and mercy, for that reason he also wills that sins occur. §61. 7. Because God procures that manifestation of his justice and mercy, for that reason he also procures the sins themselves. §64. 8. God procured that Absalom should violate his father's wives and that Shimei should curse his king, and so forth. In the same place, as also §17. 9. God destined all men for sins, and did so for this reason: that he might save some by mercy, and punish and destroy others by justice. §89. 10. Because God decreed to permit sins, it is therefore necessary that they occur, because otherwise he would have decreed in vain to permit them. §131. 11. The unbelief of the Jews--and similarly of all unbelievers--depends upon God's predestination. And the Apostle expressly teaches this in Romans 9. §133.

[Printed page 827]

These things are according to the mind of Zwingli, Calvin, Beza, Gomarus, and others. I interpret the passage otherwise, more truly and better. God created the impious, not by implanting impiety in them, but he created men whom he foresaw would be impious; and he will use their impiety--which he did not make, but foreknew--to manifest his justice. He created the man who was to go into the evil day; he did not ordain him to punishment except from foreseen impenitence.

I prove my interpretation thus. 1. The Hebrew words do not indicate that God *ordained the impious man for the evil day*, or that he made the man impious; and that text alone is authentic for you: גם רשע ליום רעה, “also evil for an evil day,” or, as others render it, “and the evil or impious man will fall or perish in the evil day.” For since the article הא is not joined to the word רשע, it can be expressed in the nominative case just as well as in the accusative. Next, the Seventy interpreters explain it thus: οἱ δὲ ἀσεβεῖς ἐν ἡμέρᾳ κακῇ ὀλοῦνται. “But the impious will perish in the evil day.” Those words, therefore, do not signify an absolute ordination by God and a decree of condemning without fault.

2. Unless we follow this interpretation, we shall make God unjust; for he cannot destine someone to punishment without foreseen fault, just as he cannot condemn without committed fault. This, therefore, is an exercise of cruelty, not of justice.

3. God is infinitely good; therefore he infinitely abhors the infliction of unjust punishment, and consequently also the destination to punishment.

4. It is much more cruel even to procure sins. For then God would be the Tiberian God which the Hollanders have described for us.

5. The Fathers interpreted the passage thus with me. Augustine, Letter 106 to Paulinus: “Although he did not make sins, nevertheless who but God created the natures themselves--which in themselves are undoubtedly good--in which, nevertheless, from the choice of the will the vices of sins were to exist, and in many such vices for which eternal punishment was to be rendered?”

And in book 2 *Against the Calumnies of the Pelagians*, chapter 3: “God is indeed the creator of all men, but no one was created by him in order that he might perish, because the cause of being born is one thing, the cause of perishing another. For that a man is born is the benefit of the Creator; but that he perishes is the desert of the transgressor.” The ancient Fathers agree in the same judgment, as does that whole Church which existed in the age of Augustine and thereafter.

6. Thus also interpret all the Arminians, those who think more mildly in Germany and France, and even those in Britain who interpret against Calvin and altogether condemn Calvin's error in this interpretation. The Lutherans do so much more severely: they judge that interpretation so impious and deadly that in whole volumes they prove that the GOD of the Calvinists is the very evil demon.

If in this manner we search the Scriptures from the beginning of Genesis to the end of the Apocalypse and dispute about their true meaning, it will appear most clearly that no iota and no stroke of the divine word is denied, mutilated, or perverted by us.

No one can deny us this opportunity, provided only that he is a lover of truth. From it, moreover, it will be brought about that what previously appeared to be contrary to the law is found to be according to the law and the mind of the legislator.

[Printed page 827]

The third method of concord is that princes should hear our doctrine from us or from our books, not from their ministers, who are our enemies. For before God, the judge of all and avenger of calumnies, and before the whole world, we protest with our whole heart that very many and very grave dogmas are falsely imputed to us. Others have proved this, and most recently Maximilian Sandaeus in his *Antithesis against Pareus*, and Andreas Fornerus in his work *Against the Jubilants*. Why do they fasten upon us errors which we anathematize? Do they desire us to err, or to deceive their own people?

This method of concord is both necessary and efficacious. It is necessary because in councils, colloquies, and judgments concerning religion, one stands by the profession of the man with whom the controversy is conducted. Therefore what I believe must be attacked, not what an adversary imputes to me through ignorance or calumny. For example, they say that we deny that Jesus Christ is the sole Redeemer. With every asseveration, even by oath, we attest that Jesus Christ alone redeemed us. That calumny, therefore, must be put to rest so that the truth may be heard.

This method, moreover, is most efficacious because the greatest part of the controversies will fall away; indeed, the material of infamous sermons will vanish. For if they speak only truths about our doctrine, they will be unable to create hatred against us. We therefore stand before your tribunals, Most Illustrious Princes, and ask you to furnish patronage to the truth, as belongs to great fortune and to the office of a prince. What we request is not burdensome, but most equitable: namely, that in return for so many accusations and calumnies by which we have been and are daily brought into ill repute before your ears, you grant us one hearing--not vengeance, not retaliation. If you love peace, if you hold Christian charity, if you are guided by the laws of nature, hear what we believe and what we condemn. Hear it, however, from us, not from our enemies.

It is the office of a judge to investigate diligently: *l. cum ii, § si praetor, de trans. in* π. Next, he must not be moved rashly by rumors, nor judge undeserving men marked by hostile reputation, but inquire by a complete investigation. Why do they accuse us where our defense is not heard? Your ministers utter abuse; they do not accuse. For it is one thing to utter abuse, another to accuse. Cicero, *For Marcus Caelius*: “An accusation requires a crime: it must define

the matter, designate the man, prove it by argument, and confirm it by a witness." If we are reviled, we shall bless in return; if we are accused, let our defense be heard. For we are oppressed by a most violent calumny: they maliciously and mendaciously defame us with errors which we are prepared to flee even by death.

[Printed page 828]

The fourth method of concord is that there be a limit to calumnies concerning morals. It is an ancient artifice of Satan to defame the best men so that, since some men are openly evil and others feignedly good, if he also renders those who truly and sincerely cultivate virtue suspect of crimes, no one may be believed to be good, and therefore even to be capable of being good--although, otherwise, this is the greatest consolation of evil men: to carp at the good. Cato pleaded his cause forty-four times and was always acquitted. Pliny, book 7, chapter 28.

Never have so many and such foul kinds of calumnies been heard as in our age concerning Bellarmine, the Pontiff, and our Society. If they are true, grant a trial. With an escort we shall go to Heidelberg, The Hague, or London; let the accuser appear and prove the crime; we ourselves shall surrender ourselves to punishment. That method is necessary and efficacious for concord. For our enemies attempt to defame us so that we will not be heard; for if we are heard, we have conquered. Where is Christian gentleness? Where is justice? Shall I be brought into ill repute not only as an Antichristian on account of religion but also as an adulterer, thief, seditionist, and regicide, and yet, when I offer myself for judgment, not be heard? If you wish to kill me, condemn me after I have been heard, so that you may appear to have expended my blood for the state, not for calumny. You see what natural justice demands.

Your ministers defame not only the doctrine of Catholic doctors but also their life, and beyond the ordinary manner and conspicuously so in the case of the Society. There is no crime of which they do not make us guilty, no punishment which they judge excessive, no hatred of the whole world which is equal to our malice. Now I call God and men to witness: summon us into court, prove the crime; let us be permitted to die as men condemned, if not by law, at least by rite and process. Amid so many men who speak abuse and insults, we seek an accuser. We shall follow his forum; there will be none in which there is not some protection for innocence.

There are Kings and Princes acquainted with our affairs; there are prelates, magnates, nobles, Senators, citizens, craftsmen, servants, so many myriads of young students and men--among them Lutherans and Calvinists, and even Apostates from religion. If our crimes are unknown to them all, although our colleges are open to them, whence are they known to you? If they are known to them, behold: produce the witnesses, join issue, convict us.

It once came into my mind to persuade our Father General that, since so many calumnies against us arise daily, he should arrange for all the diplomas of Emperors, Kings, Princes, Prelates, states, cities, and courts which bear testimony to our innocence to be published--and he would certainly act prudently. For what brow will be so brazen, what face so hard, that if it should see a thousand testimonies of Monarchs, Princes, states, and other magnates on behalf of our innocence--and indeed of those who know us intimately and who have inquired into our affairs and life--it would still dare to calumniate? But let him to whom that duty belongs determine those matters.

Now I wish to be accused. I shall plead my cause from chains, provided that I am admitted to the chains from which I may plead my cause. Peace cannot be made otherwise, unless disgrace is removed from the innocent. For because they know that reputation is more excellent than life, and lest they be compelled to fight and debate, they wish us to be buried by infamy.

You, Most Illustrious Princes, will grant this the more readily because you are either Lutherans or follow the doctrine which they call Reformed--and, if the latter, either that first reformed doctrine or the one most recently adulterated. If you are Lutherans, you ought, if you believe your own people, to judge all Calvinist ministers the worst of calumniators. If you are Reformed, the same judgment must be made concerning the Lutherans. If, therefore, this is the complaint of all your people, admit mine also.

The sixth method of concord is that the impediments peculiar to you be removed. I call those impediments peculiar which inhere in your parties and yet can easily be removed.

The first impediment is the ἀντίληψις [preconception] and preoccupation of prejudgments, which shudders at everything alien. But this can be removed by the variety and altercations of the dissenters, and next by the changes of religions. Your ancestors were all most certain, but nevertheless they changed. After Zwingli was killed, your ministers themselves came into Germany; when the Protestants were defeated, the Lutherans fled into Switzerland and, having become Calvinists, declared that their own Lutherans had deservedly been defeated. Even now, as each prince goes over to a different religion, he draws and draws back a crowd of ministers; and do you believe them to be worshipers of God rather than flatterers of your power? What confidence, therefore, can there be in a cause abandoned so many times, a cause whose defenders stood on the other side?

The second impediment was removed long ago: namely, scandals given and received on both sides. For many years ago Bucer, in his book *On Christian Concord*, enumerated the impediments to his Gospel: the impious life of the Evangelicals. If, therefore, the impiety of the Evangelicals ought to deter us from their fellowship and association, there is no reason why our sins should greatly keep them from the ancient faith, especially since inventions of new heresies are added to malice of morals. “Added to all these things,” says Bucer, page 65, “is the not inconsiderable number of those who withdrew from Papist ceremonies and boast of the Evangelical reformation, and under that pretext and boast began--and today continue to begin--many evil and poisonous heresies and sects, seditions and tumults.”

The third impediment to our coming over to you is that we would become unlike the whole remaining Christian world, and, after abandoning the universal Church, would become like one hidden little part of a single corner. Augustine would then cast against us what he cast against the Donatists, who boasted that the Church had remained in their part alone. But you, O Princes, if you hear your own men, hold a solitary faith. For who holds a Lutheran faith in common with his neighbors? Who maintains the rigid faith together with a portion of the Genevans? All your people create little parts, because they do not hold peace with a part and because they wage wars against the whole. This, therefore, ought to be an incitement to you to join yourselves to the whole body from which you have been torn away.

The fourth impediment enumerated by Bucer is the fear of Catholic prelates lest they fall from their dignities. He judges this to be most grave. But he himself turns this back upon you, O Princes, for you possess more prelacies, and therefore you can fear as much as the Catholics. Yet this impediment too delays no one any longer. Our Prelates are prepared to bargain not only their dignities but even their blood for the faith.

Next, what great evil will befall those who defect from the faith of their fathers? If many and powerful men do it, they will not only retain their wealth but even make it hereditary, for a wife will be added. Nor is it secret what Luther advised Albert of Brandenburg, Archbishop-Elector of Mainz. You will leave their property also to our Canons and parish priests if they come over to you. This impediment, therefore, must be removed from your ministers; you would see hundreds of them migrate to the Catholics in a short time if we possessed the means from which to nourish them with their families.

[Printed page 829]

The fifth impediment is lack of concern for salvation. It is a great impediment, and one by which occupied men excuse themselves. For because nothing better has yet appeared, they remain upon the course which they once undertook--not from knowledge of the good in which they are, but from ignorance of better things.

Nevertheless, there are many things which can move your ministers so that at last they too may undertake concern for their salvation and treat of it with us. First, they have perceived that they possess no foundation upon which to stand. For they cannot rest upon Scripture unless they are most learned in Hebrew, Chaldaic, and Greek; the rest lack an authentic Scripture, as I taught above when I treated of Scripture.

Second, they defend an antiquity which is doubtful. No one follows Luther, no one Calvin, no one anyone else in full; each man is a master to himself. On this account, since it is necessary that they struggle with doubt and suffer torments and lacerations of conscience, they are driven daily toward the truth by great torment. Every fluctuation warns voyagers of danger. And how are the ministers certain, when Luther himself doubted? In the Colloquy of Eisleben, fol. 96, §3: "I often think thus with myself: I almost do not know where I stand and whether I teach the truth or not."

Third, there are two things which especially afflict them and, as though with their necks twisted backward, drag them to the ancient religion; for, placed between the sacrificial knife and the stone, they cannot escape except by the most extraordinary aid. For at every hour they expect a command to change religion. If they vehemently inculcate as Orthodox what the prince now believes, it must soon afterward be changed with greater infamy. If they inculcate it languidly, they will be accused of betrayal. Hence confident speech, and thence despair of permanence--two utterly conflicting evils--devastate the soul, so that for this reason alone they ought to wish to return to the ancient religion, which has remained most constant for one thousand six hundred years.

Finally, unless a determination concerning the true religion is made by mature counsel, great zeal, and genuine sincerity, and a beginning of meeting and hearing is made, perfidy will gradually end in Turkism. The Arians, Samosatenians, and Ostorodians or Socinians are gaining strength; they deny the merit and divinity of Christ and teach other things which will reconcile them with the Mohammedans more easily than with us. This thought will easily shake out whatever lack of concern, sloth, and negligence inheres in doubtful minds.

Since, therefore, we cannot abandon the Church, go outside, and come over to you, we seek and beseech you with whatever exhortations we can that you instead return to Mother Church and to our brotherhood. But if we do not obtain this, grant at least that you hear our cause and either approve it or understand what ought to be approved.

We venerate Christ alone as true God and Son of God, and his Father and the Holy Spirit. We hold the αὐτοπιστίαν [self-authenticity] and authority of Scripture; concerning its meaning we dispute with your people. We teach nothing that is not orthodox. We cannot be condemned unheard. We implore the noble office of the judge; we are prepared to plead our cause under any condition. We both can and will render an account of all things, provided only that the tongue of your ministers--which is our daily furnace--does not occupy minds with prejudice which would otherwise judge justly. We call God and men to witness these things: prepared to prove our cause if we are heard; prepared to die undefended but innocent if we are neglected.

CHAPTER XLV

Severe Punishments Have Been Established for Seditious Persons and Rebellions

[Printed page 829]

It makes a great difference how seditions have been instituted. Sometimes subjects disagree among themselves; sometimes they rise against the magistrate. At times factions remain within words, accusations, and insults; at times their spirits blaze up into fights and killings. It also makes a great difference whether a sedition arises among townsmen or countrymen, or among armed men. For tumults of armed men are not easily restrained without the sword.

Seditions were rare in Roman camps, for reverence for the oath was great. The soldiery stoned the consul Postumius when he denied them the spoils he had promised; under Appius Claudius they refused to conquer. In later ages, when the power of creating magistrates had been transferred to the camps, seditions too migrated there.

The ordinary punishment for seditions was capital, unless mercy dictated that the multitude be spared. Dio Cassius understands this of an atrocious sedition. If it remained within shouting or a light complaint about military service, the offender was cast down from his military rank. If a soldier had grasped the vine-staff, he changed his military service. And indeed the ultimate punishment was decreed for the man who stirred up sedition, even for those who appeal; for deference is not paid to an appeal, but the guilty man is punished at once with the penalty due.

For there are four kinds of crimes of *maiestas*. The first occurs when sovereign power is sought or the person of the prince is attacked; the second, when treason is undertaken; the third, when sedition is instituted; the fourth, when other lighter things are attempted against the prince. Evils permit no delays. Meanwhile all crimes of *maiestas*, either immediately or at least mediately, advance toward disturbing the state. Hence no one is exempted from torture in this cause.

Valentinian, Valens, and Gratian established in Code 9, title 8: “Let absolutely no one upon whom, without our consultation and knowledge, the torments of cords are inflicted be prohibited from employing a defense based on military service, birth, or dignity, with the sole exception of a cause of *maiestas*, in which alone there is an equal condition for all.” Given on the eighth day before the Ides of July, Valentinian the Younger and Victor being consuls. Thus Tiberius and Gaius Gracchus were killed by a concourse of men. In the same manner Carbo was killed as though by the state itself.

Houses also are customarily confiscated or demolished. Maelius's house was demolished, and the place is called the Aequimaelium. The house of Saturninus was also destroyed. Not only the houses of those who stirred up sedition, but also those in which forbidden assemblies were held, were destroyed. Sometimes monuments of crimes are set up, as we have seen done at Aachen and Frankfurt.

Canon Law excommunicates seditious persons if, after being admonished, they are unwilling to return to peace, distinction 90, final canon: “It has been reported to the Apostolic See that some of you wish to harm their brethren and contend so that they may fall; that they likewise disagree in the sacraments, and that on this account contentions and rivalries arise among you. We command you to turn away from these dissensions, to agree in all these matters, and mutually to bring aid. For if you quickly neglect to do this and do not strive to be mutually reconciled, do not doubt that you will be driven from the communion of the Apostolic See and of the whole Church.”

It forbids them to be initiated into sacred orders, distinction 46, canon 8: “We establish that seditious persons are never to be ordained clerics, just as neither usurers nor avengers of their own injuries are to be ordained.” Those already initiated are deprived of their honor, canon *Conspirationum*, cause 11, question 1.

The severity of the punishment is weighed according to the magnitude of the fault and the dignity of the persons. Under the ancient law, the authors of a sedition are either raised upon the fork, thrown to beasts, or deported to an island. In Germany they are cut into four parts and the heart is drawn out while it is still beating. These things must be understood of a sedition truly attempted and accompanied by some act or preparation for acting; for a slip of the tongue must not readily be drawn into punishment. Under Roman law, the man who attempted to stir up sedition was punished with a very heavy fine, not with death; by the first law *On Seditious Persons*, he was prohibited from spectacles. Demetrius the Cynic was relegated to an island by Vespasian because he debated too incautiously concerning the state. A certain Diogenes, who dared the same, was beaten with rods. Crates the Cynic was punished capitally. Dio, *Vespasian*.

But if they attempt it more often, they are struck with the sword. Callistratus, chapter 28, § *solent*, *On Punishments*, book 48, title 19, although at times they were punished with exile and at times by beating with cudgels. The law reads thus: “Certain men who commonly call themselves ‘young men’ are accustomed in certain cities to accommodate themselves to the turbulent acclamations of the populace. If they have admitted nothing further and have not previously been admonished by the governor, they are dismissed after being beaten with cudgels, or they are even prohibited from spectacles. But if, after being corrected in this manner, they are found in the same offenses, they must be punished with exile, and sometimes capitally--namely, when they have repeatedly conducted themselves seditiously and turbulently and, after being apprehended several times and treated more mildly, have persevered in the same settled rashness.”

No different practice was customary among Christians. In the year 788, as Sigebert is the authority, Hardrad and other nobles were put to death by Charlemagne because of sedition. Indeed, Pippin, the son of Charles, was thrust into a monastery, but those who were his instigators in conspiring against his father were subjected to punishments.

[Printed page 830]

Where a multitude has sinned, some part is enveloped in the punishment, yet in such a way that fear reaches all. Julius Caesar composed the soldiery in such a manner that those who had dared were each selected by lot for death. Macrinus likewise decimated them. Thus the punishment reached a few, the fear all.

When Leontius the prefect was being attacked by sedition on account of a charioteer who had committed a crime, he ordered whomever they encountered to be seized and hanged. This is certainly greatly disapproved, since very incautious men, although perhaps not innocent, pay the greatest penalties. Decimation, vicesimation, and centesimation are therefore better and more customary, because with little blood they bring much fear.

When the sole survivor carrying news of the Aeginetan disaster related that all the Athenians had perished, he was pierced by the needles and brooches of the widows whose husbands had perished. The Areopagite Senate afterwards forbade the use of the kind of clothing which they were wearing at that time. They pursued a womanly but malevolent sedition with a civil punishment, and one grave nevertheless in proportion to the frailty of the sex.

The multitude must therefore be spared; the law also indicates this, book 48, title *On Punishments*, law 38: “Deserters to the enemy or revealers of our counsels are either burned alive or suspended upon the fork.” And: “The authors of seditions or tumults, when the people have been aroused, are, according to the quality of their dignity, either raised upon the fork, thrown to beasts, or deported to an island.”

The Code also looks back to this law, book 9, title 30: “If anyone should perhaps attempt, contrary to the most manifest command, to take up the cause of the plebs and defend it against public discipline, he will sustain a most severe fine.” And: “In no places or cities is anyone's insulting interruption to proceed with tumultuous cries, nor are wanton words to be hurled merely to bring anyone into ill repute. Those who utter such voices and stir up tumults are to know that they will by no means obtain the fruit of the things they demand, but will be subjected to those punishments which the most ancient decrees established for the authors of sedition and tumult.”

Therefore participants in a sedition must be punished more moderately, but its authors more gravely. When the authors are uncertain, the multitude is punished more lightly. Gaius Curius acted thus, Frontinus, book 4, chapter 1: “When the consul Curio, in the Dardanian War near Dyrrachium, had five legions and one of them, after making a sedition, had refused military service and denied that it would follow the rashness of its commander on a harsh and dangerous expedition, he led out the four armed legions and ordered all of them to stand with weapons drawn as though in battle. After this he ordered the seditious legion to come forward unarmed and, ungirded in the sight of the armed army, compelled it to cut straw. On the following day he likewise compelled the ungirded soldiers to make a ditch; and no entreaties of the legion could obtain from him that he should not lower its standards, abolish its name, and distribute its soldiers as replacements among the remaining legions.”

Those who speak evil of the prince are sometimes tolerated. Modestinus: “The person, namely, must be considered in this crime: whether he was capable of doing it, whether he contemplated it, and whether he was of sound mind; nor must a slip of the tongue readily be drawn into punishment. For although rash men are worthy of punishment, nevertheless they must be spared as though insane, if the offense is not of such a kind that it either descends from the letter of the law or must be judged as an example.”

The edict of Theodosius, Arcadius, and Honorius, Augustuses, Code 9, title 7, is most mild: “If anyone, ignorant of modesty and unacquainted with shame, should believe that our names must be assailed with a wicked and wanton curse, and, turbulent through drunkenness, should become a detractor from our times, we do not wish him to be subjected to punishment or to sustain anything hard or harsh; for if it proceeded from levity, it must be despised; if from madness, it is most worthy of pity; if from injury, it must be remitted. Hence, all things remaining unimpaired, let the matter be referred to our judgment, so that we may weigh men's words from their persons and determine whether they ought to be passed over or investigated.” But if insults of pernicious example, or indeed the beginnings of seditions, should be scattered, that madness must be restrained by grave punishment.

Some princes, however, exercised that inquiry severely. In the time of Tiberius, Paconianus was strangled in prison on account of poems repeatedly made against the prince. Caligula caused many men to be killed who, while flattering him, had called him “the young man of Augusta,” because he judged himself held in contempt. If anyone should seek a catalogue of these matters, the *Lives of the Caesars* will supply it; in them we read of very many punishments for words.

Deservedly and justly, those who speak evil of princes, their revilers, and their mockers are gravely punished. And although it is pious and consonant with divine laws to remit offenses and injuries, and not to punish words with exiles or tortures--and although princes bind themselves with grave crime when they rage rashly against bodies on account of uttered words--nevertheless, at times it is lawful, and indeed necessary, to punish. The following determinations must therefore be made concerning this matter.

FIRST. It is a grave crime to speak evil of the prince, detract from his reputation, disclose hidden sins, exaggerate true things, and fasten falsehoods upon him. Thus the divine oracles: “You shall not speak evil of the gods, and you shall not speak evil of the prince of your people.” Exodus 22:28. And Numbers 12: Miriam, the sister of Moses, is struck with leprosy. “He who was angry departed; the cloud also withdrew which was over the tabernacle; and behold, Miriam appeared white with leprosy like snow. And when Aaron looked upon her and saw her covered with leprosy, he said to Moses: ‘I beseech you, my lord, do not lay this sin upon us, because we have acted foolishly. Let her not become as one dead and as an aborted child which is cast from its mother's womb. Behold, half of her flesh has already been consumed by leprosy.’”

Consider the circumstance and gravity of the sin. Miriam, from rivalry and womanly contention, having drawn Aaron into the cause, spoke against Moses: “Has the Lord spoken only to Moses? Has he not also spoken to us?” Miriam spoke truths, for she was a prophetess and Aaron a prophet; but they owed honor to Moses as the greater. Miriam is punished so severely that leprosy consumes half her flesh. Aaron owed his escape from punishment to the priesthood,

for God did not wish to afflict him with public disgrace as he did Miriam. Had Moses not poured out prayers for his sister, without doubt she would very swiftly have been consumed by leprosy and paid the penalty with death.

[Printed page 831]

SECOND. It is lawful to punish with death those who speak evil of kings. Apostolic Canon 83 is cited: ὅστις ὑβρίσει βασιλέα, ἢ ἄρχοντα τιμωρίαν τινύτω, κἀ εἰ μὲν κληρικὸς καθαιρείσθω, εἰ δὲ λαϊκὸς ἀφοριζέσθω, "If anyone should insult a king or prince, let him pay the penalties; if indeed he is a cleric, let him be deposed; if a layman, let him be deprived of communion." This Canon, I say, does not decree death, but deposition and excommunication; therefore some do not correctly translate τιμωρίαν as "capital punishment."

The Greeks had a law that those who spoke evil should be led into chains. With that custom observed, the Triumvirs cast the poet Naevius into prison. Gellius, book 3, chapter 3. Dio relates that all injuries committed against the prince were judged to be impiety. Paconius was strangled in prison because of poems published against the prince. Therefore the offense is not simply remitted; rather, the evaluation belongs to the prince, so that he may weigh men's words from their persons and decide whether they ought to be passed over or investigated.

Certainly evil words against a magistrate have always been regarded among crimes of *maiestas*, and at times they are exceedingly injurious and seditious alike. When, therefore, the magistrate, who is the vicar of God, is affected with ignominy, he can avenge the public injury. When incitements to tumults arise from evil words, he cannot neglect his reputation, since the safety of his subjects rests upon it. The reason is that a man gravely harms the state when he detracts authority from its head and makes contemptible or hated the man whom all ought to reverence in the place of God. For all these things are incitements to seditions and secessions.

It is not lawful to rage against the friends and children of conspirators, for this is forbidden by divine law, Deuteronomy 24:16 and 4 Kings 14:6: "And when Amaziah had obtained the kingdom, he struck his servants who had killed the king his father; but he did not kill the sons of those who had killed him."

In Persia, therefore, the custom was cruel and unjust whereby the children and wives--and even the households--of those who had attempted something against the king were killed. Justin, book 10; Plutarch, *Artaxerxes*. The greater part of the kings of Israel did the same, destroying the entire household of their predecessors lest some avenger arise. The same law existed among the Macedonians, as Curtius relates in book 6. It was a wicked and dangerous law, for no equity permits an entire household to perish for the offense of one man. But who cannot infer how great a danger to kings was created from it, when for the sake of one assailant many brave men attempted everything, shaking off their danger by flight, killing, and treason? Hence the continual killings of kings, despite the severity of the law.

Archelaus killed Alcetas with his son Alexander; he himself was killed by a young man whom he had mocked. Orestes, Archelaus, and Pausanias followed; after they had been extinguished within a very short interval, the kingdom again devolved upon Amyntas. His son Alexander was killed by the man of Alorus, and the man of Alorus by Perdiccas. Finally, on the occasion of this law, the whole progeny of Alexander was killed. For Cassander killed Olympias, Alexander's mother; Roxana, Alexander's wife, with her son Alexander; and Barsine, his other wife, with her son Hercules. Demades the orator was also killed by Antipater after his son had first been slaughtered in his embrace. Yet nothing was effected by such cruelty. The son Antipater killed his mother; Alexander, the other son, killed his brother Antipater; Demetrius killed Alexander. At almost the same time the stock of Alexander was removed by Cassander and the stock of Cassander by his rivals, and on each side rage was directed against the women.

The clemency of King Mithridates was praised: after he had exacted punishment from Attilius the plotter and from the conspirators, he dismissed the servants because they had offended not voluntarily but under unhappy necessity.

On this matter there exist laws of Arcadius and Honorius which are mild and consonant with equity, Code 9, title 8, *On the Julian Law of Maiestas*: "Whoever shall enter into a criminal faction with soldiers, private persons, or barbarians, or shall accept or administer the oath of that faction, and shall even plot against illustrious men who take part in our

councils and consistory, against senators also--for they too are a part of our body--or, finally, against any man who serves us: since the laws have willed that the intention of a crime be punished with the same severity as its accomplishment, he himself, as guilty of *maiestas*, shall be struck with the sword, all his goods being assigned to our treasury.

“But his sons, to whom by special imperial mildness we concede life--for they ought to perish by their father's punishment, since in them examples of the paternal, that is, hereditary, crime are feared--shall be excluded from the inheritance and succession of their mother or grandmother and of all their nearest kin; they shall take nothing under the wills of outsiders; they shall be perpetually needy and poor; their father's infamy shall always accompany them; they shall attain absolutely no honors and no oaths of service. Finally, they shall be such that, while they are defiled by perpetual want, death shall be a consolation to them and life a punishment. Finally, we command that those who ever attempt to intervene with us on behalf of such persons shall themselves be marked without pardon.

“But to their daughters, however many in number they may be, we will that only the Falcidian fourth from the goods of their mother--whether she dies testate or intestate--shall come, so that the daughters may possess moderate support rather than the whole advantage and name of an heir. For the sentence ought to be milder toward those whom, on account of the weakness of their sex, we trust will dare less. Emancipations, moreover, which shall have been conferred by the aforesaid persons--whether upon sons, but only after the law was promulgated, or upon daughters--shall not be valid. Dowries, gifts, and, finally, alienations of any property whatsoever which it is established were made by any fraud or law from the time when the aforementioned persons first contemplated entering into a faction and association, we establish to be of no force.

“The wives of the aforesaid persons, after recovering their dowry, if they shall have been in that condition in which they are obliged to preserve for their children the things which they received from their husbands under the title of gift, shall know that, at the time when the usufruct is extinguished, they will leave to our treasury all those things which according to law were owed to the children; and from these goods also the Falcidian fourth shall be deemed assigned to the daughters only, not to the sons. What we have provided concerning the aforesaid persons and their sons, we judge with similar severity concerning their attendants, accomplices, and ministers and their sons.

“But if any one of these men, at the beginning of the faction that has been entered into, inflamed by zeal for true praise, shall betray the faction that was entered into, he shall be gifted by us with both reward and honor. But the man who shall have made use of the faction, if--even late, yet while it is still unknown--he shall disclose the secrets of its counsels, shall be regarded as worthy only of absolution and pardon.” In these provisions many special measures are established for averting the crime.

If anyone violates the prince or a subordinate magistrate--whether a proconsul, the prince's vicar, or a son designated as successor--the same crime of *maiestas* is committed. For when it is said that this crime is committed if anyone violates a magistrate of the Roman people, this is not understood of the consuls or Augustus alone. Indeed, if anyone beats the attendants of a magistrate, he is customarily punished capitally; this, however, must be understood when they are exercising the function of their office.

Otherwise, those who opposed the attendants and prefects of Nero or Gaius when they prowled by night were certainly not guilty of *maiestas*, since not the citizens themselves but the intimates of the princes were stirring up seditions and disturbances. Nor do the sacred Canons punish as assailants of clerics those who restrain clerics while they run about by night in secular dress. It has expressly been said that, if an inferior magistrate is discharging his office, the man who opposes him is regarded as seditious or as a disturber, but not if he is doing other things. At Rome a prostitute was acquitted who shut out an Aedile while he was reveling and wounded him with the blow of a stone when he attempted to break in by force.

[Printed page 832]

CHAPTER XLVI

A Good Citizen Should Sometimes Join One Party, and Sometimes Neither

[Printed page 832]

The law of Solon has been discussed by many; Gellius relates it: “If, because of discord and dissension, a sedition and division of the people into two parties should occur, and if on that account, their spirits being inflamed, arms should be taken up on both sides and fighting should occur, then whoever at that time and in that case of civil discord has not joined himself to either party, but, solitary and separated, has withdrawn from the common evil of the city, let him be deprived of his home, his native country, and all his fortunes; let him be an exile and an outcast.” Others believe entirely the contrary: that in civil wars and sedition one should withdraw from disturbances.

In this difficult matter, which nevertheless often occurs in practice, it seems to me that a distinction must be employed: a distinction of persons and controversies, which must be discussed individually.

Sometimes seditions are stirred up in such a manner that it is doubtful which party fosters the legitimate cause. The people secede and free those bound for debt, but they have been stirred up by the patricians contrary to law and covenants. There was a long controversy concerning the war of Caesar and Pompey. “The victorious cause pleased the gods, but the defeated cause pleased Cato.” Accordingly, a man defends himself by a great judge, and even under the reign of the Caesars later generations were Pompeians:

> Still Magnus goes, an exile, with peoples accompanying him;
>
> let the world adore Pompey's adversity as much as his prosperity.

In this controversy, therefore, it was prudent to be absent from the disturbances. Pomponius Atticus acted thus, more illustrious for his friendship with Cicero than for any other thing. The reason is at hand. For when a war is of doubtful justice, it is not lawful for a free man to enroll in it unless he judges the cause of one party to be just. This is permitted much less in a sedition and civil war, for it is more atrocious to oppress citizens than foreigners. Atticus therefore acted rightly.

Justus Lipsius is almost of the same opinion, century 2, Letter 24. But he says that he does not involve himself, yet he does not define the matter. In book 6 of the *Politics*, chapter 7, he also employs a distinction. Therefore, although every war is sorrowful, and civil war especially, nevertheless at times it must be waged through necessity. Yet civil war must be avoided more than foreign war because it is more cruel.

I demonstrated this at the beginning. Now I am pleased to confirm it by Augustine's testimony, so that it may appear how rightly those men judge who flee civil war while they can. Augustine, book 3 of *The City of God*, chapter 23:

“But now let us recall briefly, so far as we can, those evils which, the more internal they were, the more wretched they proved to be: civil--or rather uncivil--discords; and no longer seditions, but even actual urban wars, where so much blood was poured out; where the zeal of parties raged against one another, no longer through the dissensions of contentions and diverse voices, but now plainly with iron and arms. How much Roman blood did the Social Wars, the Servile Wars, and the Civil Wars pour out? How great a devastation and desolation of Italy did they produce?

“For before allied Latium moved itself against Rome, all animals subject to human uses--dogs, horses, asses, oxen, and whatever other cattle were under human dominion--suddenly became wild and, forgetting their domestic gentleness, left their shelters and wandered free. They shunned every approach not only of other men but even of their masters, not without the death or danger of the man who dared, if anyone pressed them from close at hand. Of how great an evil

was this a sign? And if this was a sign, how great an evil was that of which this was the sign? If this had occurred in our times, we would have suffered these men as more rabid than those men suffered their animals."

It is by no means the part of a good citizen to stir up or assist such great evils in a doubtful cause. So many fell in the war of Marius and Sulla, so many in peace, and yet it is still disputed whose cause was more just. The aristocrats defend Sulla, the plebs Marius; both parties detest the cruelty of each, and they mourn the deaths of their own people.

It is also the part of a good man to abstain from civil controversies, although he perceives the just cause of one party, if the other party maintains an unjust cause but itself probably judges that cause to be just, and if he sees that the victory will be very bloody and the disaster greater than the offense--a thing ordinary in civil wars. Therefore, although Sulla defended a just cause--let us grant that this was so--nevertheless good men who approved the victory shuddered at the cruelty. A man is not bound to fight in Sulla's camp, nor to promote a victory whose companion is such great cruelty and a greater evil than the war itself. For since the Marians judged that they were properly conducting the public cause, they must not be destroyed by such great slaughter that scarcely any remain over whom the Sullans may rule.

In this affair a man can indeed abstain, but he is not bound to abstain, because he can assist the legitimate cause. But if he is in a magistracy, if he will bring great weight to the victory, and if he observes that Marius will use victory cruelly, he ought not to withdraw assistance from the just cause. Therefore, if Atticus judged the Pompeian party to be the Roman and just party, he ought to have joined Pompey; if he doubted, neither party.

If one party openly maintains a wicked cause, either by protecting wicked men and robbers or by oppressing good men, so that they themselves confess that they do not act without crime, it is the part of a good man to join the upright party and the just cause; and, if called by his native country, to fight, although he sees that the outcomes of victory will be most sorrowful and cruel.

When the children of Israel had decreed war against the tribe of Benjamin, Judges 20, they ordered the men of Gibeah who had perpetrated that evil to be handed over to them. After they had conquered, they killed the inhabitants of Jabesh-Gilead because they had not been present at the war. For at Mizpah they had bound themselves by a great oath to kill those who were absent. The cause of the civil war was that the Benjaminites were unwilling to surrender the wicked men for punishment. All were compelled to the war under penalty of death. They killed all the citizens of Jabesh-Gilead, chapter 21:10: "They therefore sent ten thousand of their strongest men and commanded them: 'Go and strike the inhabitants of Jabesh-Gilead with the edge of the sword, both their wives and their little children.'"

Indeed, they killed all the Benjaminites, together with wives, little children, women, and beasts, chapter 20. Although, therefore, the victory was most sorrowful--and, unless God, who had determined to punish the crimes of the Benjaminites, had commanded it, most cruel--nevertheless no one could be absent from the civil war, because they punished the delayers and those who refused service in the same manner as the guilty. Moreover, those who willingly and knowingly maintain an impious cause through wickedness and injustice will deservedly impute to themselves all the cruelty of the victory.

When causes for sedition exist on both sides, as in the Roman state--for example, the importunity of moneylenders and the obstinacy of the plebs demanding new account-books--although it is established on which side justice stands, it is nevertheless the part of a good man, so far as can be done, to join neither party, but to attempt peace and, as long as it is hoped for, to bring all assistance to that end. For peace is better than any war and any victory, since in civil war the victory is more miserable than the war.

[Printed page 833]

If peace is despaired of, one must go over to those who maintain the right. But when the causes of seditions are exceedingly slight--such as some which we enumerated above--it is not necessary for anyone to join himself to the just cause, provided that he does not maintain the unjust cause. For to stir up sedition and begin a civil war for a slight cause is unjust. Then, however, a powerful citizen is bound to compel the parties to concord and to effect peace, and to

take up arms against those who refuse to accede to equity and concord. For if honorable men, exasperated by a slight cause, should attempt a duel and eagerly seek mutual wounds, a prince can compel them to peace, and so too can their native country, so that he who obstinately resists is judged to have lost his cause. For it is unjust to ruin one's native country on account of insignificant trifles.

If there is a rebellion of one party against the prince or magistrate, or if treason is under consideration, one ought to join oneself to the magistrate and, each according to his ability, defend him by every means possible--by counsel, aid, and hand. For the man who does not come to the prince's aid in necessity, but deserts him until he sees where the affair tends, is judged a traitor to the prince. Mettius Fufetius, prince of the Latins, did this when he deserted Tullus in the midst of the battle-line.

In this case Solon's judgment is most true. For who would not judge worthy of every punishment the man who would not assist David against his son Absalom or against Sheba? It is plainly necessary for the members to expend their labor in defense of the head, for all have sworn to the defense of the prince. But each does this according to his ability: by zeal, contribution, fighting, and other means by which the life of the Prince may be provided for.

But if subjects rise against the magistrate, many against a few, so that scarcely any hope exists that the better cause will be victorious--indeed, if the just party in the state fights against the unjust party in such a manner that it seems scarcely able to defend itself--a great difficulty arises. No one can join himself to the unjust party; adherence to the upright party carries a risk to life and fortunes. Therefore they ought not to assist the stronger, by whom they would be stained with the same crime, and they are unwilling to aid the weaker.

In this cause I judge thus. If there is someone who by his prudence, strength, and wealth can raise up the just party and obtain hope of victory, he ought to expend himself and his possessions upon liberating and establishing the state. Jehoiada acted thus: when he now hoped that he would be a match, he opposed Athaliah at immense peril and raised Joash to the kingdom. But as long as hope of victory does not yet appear, he will foster justice by counsel, admonitions, secret plans, and assistance, until there is hope that the just cause will triumph. Jehoiada did this same thing while he secretly reared the royal boy and prepared strength and men for him.

But if someone is a private man and cannot bring any weight to the relief of the state, he will not be bound to expose his fortunes and life to his enemies without any hope of public advantage. He will therefore remain quiet and foster the oppressed by prayers and secret assistance. For if he adds himself to the oppressed, he too will be oppressed; his wealth and capacity to assist will be taken away; and by this means the just party will be weaker and the unjust stronger.

This was done by many in the royal city of Aachen. Seditious men and rebels, through supreme wickedness, deprived the magistrate of authority; they were as contumacious against the Emperor's commands as they were injurious toward the magistrate. But in domestic and foreign strength they far surpassed those who followed the just cause, and the grave oppression of all good men endured for more than twenty years. If anyone sent forth a free voice, calumnies, insults, prisons, exiles, and proscription were immediately before his eyes. At last the state was recovered by patience and the secret assistance of certain men and by the brave constancy of others. This could not have occurred if the weaker and fewer men had at the beginning opposed the stronger and more numerous with armed force; for in the first conflict they would all have been slaughtered.

When matters stand thus in a state--that civil war is being waged and the justice of one party is established--it is almost always prudent to join that party. For the man who stands in the middle offends both parties. They judge themselves injured by him: they themselves defend the state at the peril of all their possessions, while those who maintain the middle neither undertake labors for the common good nor wish to make expenditures. Hence during the war they are prey to both parties, for each battle-line demands assistance from them as citizens for the defense of the city; after the victory they are victims of the victor.

Pomponius Atticus remained quiet while Caesar and Pompey fought; nevertheless, he felt the same losses of fortune as others. Had Pompey been victor, Atticus would not have been in a better condition than Cicero and the others who were in Pompey's camp. Cicero, book 11, Letter 6 to Atticus: “I have never regretted that I departed from arms. There was such great cruelty among them and such great alliance with barbarous nations that a proscription was framed not by name but generally; so that it had already been determined by the judgment of all that the goods of all of you would be the spoil of that victory. I say ‘of you’ without qualification, for they never thought of you yourself except most cruelly. Therefore I shall never regret my intention; I regret my counsel.”

When one party has been defeated in civil disaster, it is better for the remnants to defend themselves than to yield suddenly. Accordingly, Cato renewed the war in Africa--not indeed in hope of victory, but, as others judged, in hope of a settlement. Cicero, book 11, Letter 12 to Atticus: “But, as I see, we must labor much more concerning Africa, which you write is daily being strengthened more in hope of terms than of victory.” For in truth the new war in Africa and Spain mitigated Caesar's victory, lest he render himself more hated.

For what Caesar's disposition was, Caelius the Caesarian sufficiently indicates to Cicero, Letter 11, book 10 to Atticus: “If you judge that Caesar's method in dismissing adversaries and offering terms will be the same, you err. He thinks and even speaks of nothing except what is atrocious and savage. He departed angry with the Senate. He has clearly been provoked by these intercessions. By Hercules, there will be no place for entreaty. Therefore remain there if your only son, if your household, if your remaining hopes are dear to you; if we are of any value with you, if your son-in-law, that excellent man, is of any value. You ought not to wish to disturb their fortune so that we may be compelled either to hate or abandon that cause in whose victory our safety lies, or to entertain an impious desire against your safety.”

If he had not feared the Spanish and African war, he would have exhibited himself in victory as the man whom Caelius depicts. And certainly he soon exhibited himself as proud and insulting toward all; nothing was lacking beyond cruelty arising from pride and suspicion.

When civil wars have blazed up to such a point that barbarous nations are called to assistance with great danger, I judge that it is the part of a good man even to desert a just cause rather than assist those who summon barbarians. Cicero again did so, and gives his reason in Letter 7, book 11 to Atticus:

[Printed page 834]

“But of all things nothing is nevertheless more regretted than that I did not go to Africa. I employed this judgment: that the state ought not to be defended by the barbarian auxiliaries of a most deceitful nation, especially against an army often victorious. Perhaps they do not approve. For I hear that many good men have come to Africa, and I know that they were there previously. I am greatly pressed at this point. Here too there is need of fortune, that there may be some among them--or, if possible, all--who prefer safety. For if they persevere and prevail, you see what will become of us.”

Therefore the Greek emperors who summoned the Turks to their aid against their rebels deservedly lost the empire. It is certainly better that some state should exist, even one belonging to adversaries, than that none should exist. At times fear, at times ambition, impels great men to those counsels: fear impelled Boniface; ambition impelled Rufinus, Stilicho, and others. Nor are examples among our own people lacking. Part of Hungary perished thus, and many have experienced this evil.

The Belgian rebels were indeed twice in the utmost danger of servitude: first when they summoned Alençon, then Leicester. The latter began to betray their liberty to the English, the former to the French. For this reason wiser statesmen soon turned themselves to every means of expelling both--Alençon by arms, Leicester by artifice; and if Leicester had not yielded, he would have felt their arms. But I do not speak of foreigners of every kind, but of barbarians, such as Turks, Tartars, and others, and of those equal to them in perfidy, impiety, and savagery. But now let us proceed to wars.

ADAM CONTZEN

TEN BOOKS OF POLITICS

BOOK TEN

On War

CONTENTS

Chapter I. That It Is Proper for a Civilian and a Priest to Discuss War 5

Chapter II. The Definition and Detestation of War 9

Chapter III. That War Is Lawful 16

Chapter IV. That War Must Be Just and Be Declared by One Who Has the Right to Wage War 22

Chapter V. The Just Causes for Which War Can Be Undertaken 28

Chapter VI. The Just Causes for Which Wars Can Be Set in Motion 31

Chapter VII. Certain Causes of War More Particularly Explained 35

Chapter VIII. Unjust Causes of Wars 37

Chapter IX. If the Enemy Offers Satisfaction, He Must Be Treated More Mildly 42

Chapter X. One Must Proceed to Wars with Mature and Deliberate Counsel 46

Chapter XI. War Must Also Be Waged Justly 49

Chapter XII. The End of War Must Be Lawful and Honorable 53

Chapter XIII. War Must Be Waged with the Aid of God and the Greatest Piety 54

Chapter XIV. War Must Be Prepared for Betimes, and in Peace 56

Chapter XV. The Arms for Which Provision Must Be Made 59

Chapter XVI. Arms with Which We Harm the Enemy at Close Quarters 69

Chapter XVII. Arms with Which We Harm the Enemy at a Distance 71

Chapter XVIII. Living Arms 73

Chapter XIX. Consideration of Engines of War 75

Chapter XX. Great Care Must Be Taken in the Levy 79

Chapter XXI. Virtues of the Selected Soldier 84

Chapter XXII. The Office and Arts of a Good Commander 87

Chapter XXIII. The Prince or King Should Personally Be Present in a Great War 91

Chapter XXIV. Military Discipline Commended 94

Chapter XXV. Once Prepared, There Is Need of Speed 102

Chapter XXVI. Military Magistrates 104

Chapter XXVII. Other Magistrates in Military Service 107

Chapter XXVIII. The Domestic Soldier Is Preferable to the Foreign; Yet the Foreign Must Not Be Neglected 110

Chapter XXIX. Certain Regular Soldiers Must Be Maintained 114

Chapter XXX. The Division of the Roman Soldiers 116

Chapter XXXI. Cavalry Contributes More to Victory than Infantry 119

Chapter XXXII. Camps Arranged According to the Custom of the Ancients 120

Chapter XXXIII. Fortifications of Camps Are Necessary 123

Chapter XXXIV. Laws and Customs of Ancient Camps 128

Chapter XXXV. The Military March 130

Chapter XXXVI. The Crossing of Rivers 134

Chapter XXXVII. The Formation of the Battle-Line 138

Chapter XXXVIII. Stratagems of Those Engaged in Battle 146

Chapter XXXIX. Other Forms of Battle-Lines 152

Chapter XL. Various Examples of Battle-Lines 155

Chapter XLI. Military Exhortation and the Responses of an Army 158

Chapter XLII. The Ancient Battle-Line Cannot Be Preserved in Our Time 160

Chapter XLIII. General Precepts for Forming a Battle-Line and Fighting a Battle 161

Chapter XLIV. The Enemy Must Not Be Awaited at Home but Harassed in His Own Country 163

Chapter XLV. It Does Not Belong to a Good Commander to Impose the Necessity of Fighting 164

Chapter XLVI. Stratagems of Those Conducting a Siege 166

Chapter XLVII. Stratagems of the Besieged 171

Chapter XLVIII. Flight Is Sometimes Permissible, and What Must Be Observed in Flight 174

Chapter XLIX. The Enemy’s Flight Must Not Readily Be Blocked 179

Chapter L. The Method of Naval War 181

Chapter LI. Scouts Must Be Employed 185

Chapter LII. How Traitors Are to Be Endured 188

Chapter LIII. Moderate and Fixed Pay Must Be Established 190

Chapter LIV. The Method of Provisions and Pay 192

Chapter LV. The Roman Soldiers’ Discharges Are Not to Be Approved by a Prince 196

Chapter LVI. Truces Must Be Interposed and Observed 198

Chapter LVII. Rewards Must Be Distributed to Brave Men 199

Chapter LVIII. Military Punishments 202

Chapter LIX. Ancient Military Service Compared with Ours as Regards Arms 206

Chapter LX. The Discipline of Our Soldiers Compared with That of the Romans 210

Chapter LXI. Victory Must Be Used Seriously, Justly, and Moderately 240

Chapter LXII. What the Defeated Man Must Do 244

CHAPTER I

That It Is Proper for a Civilian and a Priest to Discuss War

§ 1. "The life of man upon earth is warfare"; wherefore the Apostle commands me to labor like a good soldier of Christ Jesus. But does he enjoin that warfare by which the invader is deprived of life when he commands one to answer at the roll-call and to stand ready for battle? He proclaims spiritual warfare against the powers of the air, the rulers of these darknesses: "Let us therefore cast off the works of darkness and put on the armor of light" (Romans 13:12), which at 2 Corinthians 6:7 he calls "the armor of justice on the right hand and on the left." For in truth, "though we walk according to the flesh, we do not wage war according to the flesh; for the weapons of our warfare are not carnal, but mighty through God for the destruction of fortifications" (2 Corinthians 10:4). What, then, has spiritual warfare to do with carnal weapons? What has it to do with those weapons by which an enemy is killed, if one must pray for enemies and do good to those who persecute us? Two objections, therefore, are made against one who treats of war. The first is that a man inexperienced in war cannot give precepts from the shade to those engaged in combat. The other is that this is least becoming to a priest and religious, whose office it is to protect books and temples:

> Let men conduct war and peace, whose part it is to conduct war.

§ 2. At the threshold of this book I have set myself to answer these objections, so as to satisfy both the reproach of detractors and the question of the well-disposed.

And indeed, if it is objected that for a civilian to write about war is foreign to his condition and absurd--if they say, "Will you dare these things, you man of the study, who have never seriously seen a camp and have never, in short, touched any part of any military duty?"--Justus Lipsius, greater than envy and above slanders, already answered long ago on my behalf, in Book V of the *Politics*, chapter 1:

> I indeed shall dare it, yet not through confidence in my own ability or powers, but in those from whom I have long borrowed and taken. For what is mine here? Some order and arrangement, perhaps. But those men go before me with their words and judgments, whom, I say confidently, any Hannibal, or Caesar himself, would not refuse to hear on this very matter. For what escaped those wise and illustrious men? Why should their judgment not be correct and pure here also? Some of them took part in wars, and indeed commanded them; others lived in that senate and among that people where these matters were the constant subject and activity. They therefore saw and heard and--what is chief--observed with judgment the very causes and origins of things, not only the *προφάσεις* [occasions] of events, but the *αἴτια* [causes] themselves. Alexander, truly Great in military affairs, did not hesitate to take and declare Homer his teacher in warfare: may I not therefore take these men with better right? For what did that poet sing of except one war, and that very war sprinkled with fables? He was certainly an extraordinary poet and more than a human poet, yet a poet nonetheless. Those men of mine--I plainly mean the historians--wrote of wars from almost every age, in a continuous series and with uncorrupted fidelity. Nor did they do only this; often, in the narration itself or outside it in speeches, as though intentionally, they mingled most salutary admonitions and counsels for every part of military affairs. What part or art of it do they not both set before us with examples and also touch upon in words: the army, camps, columns on the march, engagements, the assault of towns, provisions, the making and avoiding of ambushes, and the remaining matters proper to the administration of war? Since I have occupied myself in these matters for so many years, and with that inquisitive eye of the mind wander daily through those broad fields of the histories, why is it not lawful for me also to understand and judge something in them?
>
> "You did not see them," they say. Certainly; and therefore I claim for myself neither the practice nor the handling of weapons, but only an opinion and judgment, and even these bound to the opinion of another. Behold, in every gathering and even, if it please the gods, at banquets, there are men who command an army: they know where a camp must be placed, what places must be occupied by garrisons, when hands must be joined with the enemy, and

> when one must remain quiet. No one censures this. Am I a puppy and shameless if I say a word about these matters from the mind of the ancients? Iphicrates was once asked: *τίς ὢν μεγαφρονεῖς; πότερον ἱππεὺς, ἢ τοξότης, ἢ πελταστής, ἢ ὁπλίτης; Οὐδεὶς ἔφη, τούτων, ἀλλ' ὁ πᾶσι τούτοις ἐπιστάμενος ἐπιτάττειν.* "Who are you, that you assume such lofty airs? Are you a cavalryman, an archer, a light-armed soldier, or a legionary?" "None of these," he said, "but one who knows how to command all of them." I shall emulate him in part and say: I am neither a commander nor a soldier, but one who may be able to give some counsel and advice to them at the proper time. I shall therefore proceed boldly and with no wavering step in my undertaking; and from the writings of the ancients, as though from gardens, I shall gather flowers of maxims and weave them into these garlands of chapters.

§ 3. Here, certainly, my case is the same, and so is my defense. For why should that be censured in insignificant me which is praised in that great man? And surely those who attribute everything to experience, but nothing to study, diligence, and ability, depart altogether too far from true wisdom and reason, since reason is the surest guide, whereas experience, although useful, is never so complete in every respect. Even if we listen to a long-lived and successful commander, that principle which soldiers themselves acknowledge nevertheless remains: sound reason is preferred to all examples. Yet I have determined to teach and confirm all my precepts by the examples of illustrious men, so that what is lacking in the author may be supplied by the completeness of the teaching. This ought to appear all the less novel because we read almost all books about war, as well as the histories, written by civilians, who also judge most prudently concerning commanders and the military counsels of kings although they themselves did not conduct wars.

Moreover, the choicest histories are explained to the young in academies for this purpose: not that they may understand the crimes of men and the slaughters stored in the annals, but that they may perceive what is to be followed and what avoided in every matter. No prudent person will judge it foreign to the historian's office to discuss the manner of conducting war when he has learned at first glance that wars comprise the principal parts of history. Without this treatment, therefore, history can in no way be understood, nor can the more learned youth be properly instructed. Why, then, should anyone blame me if I set before the young the best precepts of peace and war from trustworthy history, when my calling, the inclination of my mind, and the love of my studies have long consecrated and bound me to the advantage of youth? If these precepts are bad, I now order them to be without effect; if they are good, even my enemies will have to praise them. I shall therefore give a history of war arranged in order, composed according to the rule of reason with the supports of examples, and confirmed and brought to completion not by my own ability but by the institutions of kings and great commanders.

§ 4. The second part of the objection is even more readily dissolved, although at first sight it appears absurd for a priest to treat of arms. To me, on the contrary, it seems that, for a good end and for just causes, priests sometimes can and ought to be disputants concerning war. Moses was a priest and an excellent warrior; Joshua, the minister of Moses, although he was not a priest, nevertheless joined piety with every distinction of war. Phinehas, the son of Eleazar the high priest, was appointed commander of the war against the Midianites by Moses. The Maccabean high priests conducted great wars; and why should I not be permitted to speak about war? Waging war is indeed forbidden to clerics by the canons; nevertheless, Saint Bernard advises Eugenius that wars are to be conducted not by his hand, but by his authority.

Clerics can sometimes take part in wars. For they can and ought to instruct the soldier in faith and piety, oppose the soldiers' license, comfort the wounded, and administer the sacraments to the dying. No sound person doubts this matter.

They can also perform other duties: they may exhort the soldier to fight bravely, even carry the cross before him, and command him to be of great courage, as Maiolus says, Book V, chapter 49. God formerly willed that there be trumpets in the camps which the priests should sound and thereby procure victory for the warriors: "If you go forth to war from your land against the enemies who fight against you, you shall sound with howling trumpets, and there shall be a remembrance of you before the Lord our God, that you may be delivered from the hands of your enemies" (Numbers 10:9). For this reason Balaam also calls it the blast of the king's victory which was in the tents of Israel. If a priest of

the new law, placed amid the danger of war, kills an invader in necessary defense, he does not become irregular; in this case his condition is better than the soldier's, for the soldier has voluntarily given his name in order to kill the enemy by public authority, whereas the cleric privately defends himself against an invader.

§ 5. Nor is war forbidden to clerics so severely that they cannot fight in a grave necessity or for some great advantage--if the fatherland is in danger, for example, or if the universal peace of the Church is hoped for. See Bañez, II--II, question 40, article 2; Henriquez, Book XIV, chapter 13. All also concede that clerics may fight by permission of the pontiff. A bishop certainly can declare war if this is necessary for recovering or defending his churches; accordingly, he will hold a levy, compel soldiers, and fortify himself with alliances and the assistance of princes. Thus Henriquez, Cajetan, Sylvester, and, before these, Saint Bernard and Pope Saint Leo.

Those judges, therefore, are exceedingly unjust toward us who, in order that they may easily wrench the chalice from us, attack us girded with swords and order us to be content with the breviary as our sole armor, as though it were not lawful for us to fight for our lawful possessions, altars, and temples, when there were two swords in the Lord's household.

§ 6. Saint Thomas rightly teaches, II--II, question 32, article 2, that clerics are not permitted to fight because wars are very repugnant to clerical duties. They are deprived of the exercise of their orders, in *Clerici* and *Quicumque*, cause 13, question 8, and are ordered to be confined in a monastery. Yet because that law is not natural or divine, but ecclesiastical only, it not only can be removed by the legislator, but sometimes its obligation is removed by the very fact when another and graver law binds. For if the state is in grave danger and can be saved if clerics are enrolled among the soldiers, it is a right of nature that they too should fight with their own hands; for the obligation of natural law requires each man to defend his own state. And if in an offensive war the state is in the gravest necessity, a cleric will be able to fight in that war too with his own hand. Concerning defensive war, the opinion is unanimous that this is lawful in the utmost necessity or for the greatest advantage. Concerning offensive war they deny it; but it can happen that an offensive war is equally necessary, for in war it is often necessary to seize the initiative and forestall the enemy.

§ 7. Whatever reasons I set forth at the beginning for having undertaken the treatment of politics have their place here also. For the commander, legates, tribunes, and centurions must rely upon every kind of political prudence in order to govern an army--fierce men bearing arms--and this amid great dangers, from which disturbances and dissensions easily arise, since the men attribute favorable events to themselves and adverse events to their commanders. It therefore belongs to the highest art to govern the soldier; if this is rightly done, it is easy to conquer the enemy. Accordingly, I shall treat these matters with this end and in this manner: that by reading histories and accounts of wars the young may obtain benefit and, when their age has matured, may be able to conduct even necessary wars. Even the ill-disposed man ought to favor the attempt; I myself cannot guarantee its success.

We all owe very much to Lipsius, who, for the understanding of histories, kindled what he calls the *Historical Torch*, a name given not out of arrogance but by design: "That I may bring forward," he says, "Roman customs, public and private--and elsewhere also Greek customs--and illuminate them in such a way that, at the same time, I may illuminate the passages of the ancient writers who allude to or touch upon them. Since this material is diffuse, and indeed confused--I cannot deny it--I resolved first to excerpt from the whole mass whatever bears upon warfare, to present it joined together and in some sequence and coherence of subjects. The reason for selecting what bears upon warfare is that it occurs in history not very frequently, but incessantly, and, so to speak, every page bears upon it. For as our life is public, so too is the writing of it: the former, from age to age, is disturbances and wars; therefore the annals that represent the age are so too. And I say knowingly and advisedly that nothing detains or delays the young more than ignorance of ancient warfare. Before all else we are going to remedy this evil and dispel this darkness with our torch, according to the measure of our ability."

My purpose likewise is to exercise the young not only in understanding the deeds of the ancients, but also in reproducing them by imitation. For counsels are given concerning things that must be done. This pertains to the public good, which soldiers serve above all.

§ 8. Finally, since the studies of all political writers, jurists, theologians, scholastics, and canonists concerning war are extant, and since many questions pertaining to courts and conscience must be explained, it is manifest that I ought not to neglect this part, whether you regard theological or political treatises. To add to these some strategic counsels of great commanders will not be laborious for me, but will be most pleasing and fruitful for the young.

Yet my judgment is not that men accustomed to debate and declaim about wars should therefore be employed to conduct war; perhaps in battle they themselves, forgetful of all their precepts, would turn their backs to the enemy. Rather, let the state employ an experienced soldier who knows how to execute, not judge, the orders of commanders; but let it employ commanders who have also read these things and who can either use them or frustrate an enemy who uses them. For in battles, marches, and sieges various things happen contrary to expectation which demand immediate prudence. Then a commander trained both by reading and by waging war will be ready for sudden counsels. All these things tend to this: that counsel may be present in danger, and that commanders may extricate themselves in unexpected cases or entangle their enemies. For it belongs to a great commander to conquer by prudence, not by bloodshed. Indeed, to have deceived an enemy by a good stratagem is above every triumph.

I shall also add this: I was provoked by the example of an adversary. Machiavelli wrote about war, but did not dare to serve as a soldier, although the Duke of Urbino had urged him to do so. Cardano, *On the Usefulness to Be Drawn from Adversity*, Book III.

CHAPTER II

The Definition and Detestation of War

§ 1. Whole states experience war more readily than a few men define it. War, as Lipsius defines it, is "force and arms directed against a foreign prince or people." Without doubt he understands force inflicted by a supreme prince or by a state; for if it is inflicted by a faction or by a few persons without public counsel, these are robberies rather than wars. The Hebrews call it *מלחמה* and *מלחמת*, from *לחם*, which means to eat, to devour. For it is *ὁ πόλεμος ὁ δημοβόρος*--war that devours the people. Hence the divine Spirit in Scripture gives a mouth to the sword, and men are said to perish in the mouth of the sword. Deuteronomy 32:42: "I shall make my arrows drunk with blood, and my sword shall devour flesh." War, therefore, is a horrible beast which with innumerable arrows sucks the blood of the dying, cuts their flesh with swords, and tries to fill its pierced belly with dismembered flesh, yet is never sated even when drunk.

§ 2. The evils of war are innumerable; none is graver than that such great distinctions and triumphs are sought from the slaughter of men. We behold beasts tearing one another and hunts, but cruelty ceases once it is fed; for a man to have killed a man is glorious. It seems sufficient cause for so sacred an animal to be killed if the killer acquires the name of victor. For how many nations have perished through no fault of their own, but through most cruel ambition? I do not deny that those who have been ministers of just wars and have received wounds for their fatherland are to be adorned with deserved rewards. Yet I deplore this calamity of the human race: that whole nations fall for leaves of laurel; that wars are sown by a desire to triumph; and that there should be greater glory in having killed many men than in having saved many.

We admire Alexander, Caesar, Muhammad, and Tamerlane, and it is held the summit of praise to have killed many guilty and many innocent men without distinction. By the same title you could praise the Nemean lion, the Lernaean hydra, and the Calydonian boar. Caesar's avowal is foul: that 1,192,000 men were killed by him--and he is not yet speaking of the civil war. Pompey inscribed in Minerva's shrine that 2,180,000 men had been routed, put to flight, killed, or received in surrender by him. What is this, O my God, that in human society, even among cultivated minds, to have killed many should hold the summit of praise? Such savagery cannot be veiled by the pretext of justice, for those who waged unjust wars also possessed that glory.

We complain of these things in vain. Wars existed when the world was born, and the day of decision will find men still at war. The world was too narrow for two brothers, since Cain thought Abel was going to be more blessed than he. The wars of the Giants followed, and the Flood enclosed the discordant in one abyss. After the Flood, Noah and his sons at first governed one family, until the earth was divided and Nimrod reigned in the plain of Shinar. Indeed, grave wars occurred while Noah, Shem, Japheth, and Ham were still alive; nor could great-grandfathers, grandfathers, and fathers reconcile their descendants to peace. Those wars are narrated in Genesis 14. They occurred 344 years after the Flood, at which time Noah, Shem, Arphaxad, Salah, Eber, Peleg, Reu, Serug, and Nahor were alive, so that it was astonishing that tyrannies had arisen so quickly. For the battle which Moses recounts was not the first. Those kings had already served Chedorlaomer, king of the Elamites, for twelve years; therefore they had been conquered in war twelve years before, and wars were already customary. An indication of this is that Chedorlaomer had kings allied with him and, although he reigned in Elymais, far distant from the Canaanites, nevertheless oppressed them with servitude.

Moreover, these wars were cruel. Genesis 14:5: "Therefore, in the fourteenth year Chedorlaomer came, and the kings who were with him; and they struck the Rephaim in Ashteroth-karnaim, and the Zuzim with them, and the Emim in Shaveh-kiriathaim, and the Horites in the mountains of Seir, as far as the plains of Paran, which is in the wilderness." Wars have continued in this discipline and sequence down to our own times.

§ 3. Even the most just wars have this common evil: that discipline lies prostrate in them and vices grow strong. For since in war there are the greatest labors and continual dangers, the minds of foolish soldiers are detained by the sweetness of pleasures and of every vice, lest they desert the camp. Hence nothing corrupts morals as much as military service, in which most things are committed with impunity. War therefore makes men savage and desirous of every evil. Deeds that are judged disgraceful in a state and well-ordered city are games in a camp. For what form of evil is usually absent in captured cities? Thus those who contaminate victory with enormous crimes are much more pitiable than those whom they butcher. For greater crimes are usually committed while a city is being captured than those for which it deserves to be captured.

A sure sign of such great impiety is that, amid present danger and the slaughter of the dying, they undertake no serious thought for salvation. They have death upon their lips and experience what that author says:

Κοινὸς Ἐνυάλιος, καὶ τὸν κτείνοντα κτείνει.

Death is common to all; it kills the killer.

This is what shows a mind hardened by evils and stubborn against divine grace: not to die steadfastly, but to die fixed in one's vices; to be moved by no danger to repentance, but to grow hardened in the very evils. The reason is that riches are the end of such great contests:

To such a degree the love of gold alone knows not how

To fear steel and death. Laws are lost without distinction;

And you, riches, vilest part of things,

Have stirred up the contest.

§ 4. Hence neither superstition deterred pagans from the shrines of their gods, nor religion Christians from violating sacred buildings.

The humanity of Fabius is praised because, when he had overthrown Tarentum, he did not rage against its gods but said that he was leaving the Tarentines their angry gods. Fabius is therefore praised because he preferred to abstain from plundering images rather than carry away many great things. The ancients, however, were more wicked even within the temples of their gods. Troy herself, as I said--Augustine says this in *The City of God*, Book I, chapter 4--"the mother of the Roman people, was unable in the consecrated places of her gods to defend her citizens from the fire and sword of the Greeks, who worshiped those same gods." Indeed, in Juno's asylum:

Phoenix and dire Ulysses, chosen guards,

Watched over the spoil; here from every side was heaped

The treasure of Troy, snatched from the burning sanctuaries,

Tables of the gods and bowls of solid gold,

And captive raiment. Boys and trembling mothers

Stand round in a long line.

Plainly, the place consecrated to so great a goddess was chosen not as one from which it was unlawful to lead captives away, but as one in which it pleased them to shut captives up.

To destroy those idols and brothels was not indeed a crime; but it is monstrous sacrilege when we see that Christians spare not even the churches and sacred things of Christians. Those Athenians, the inventors of all literature and humane culture, waged wars not for justice or piety, but for wealth, as those who sought their aid attest. For this reason the people of Egesta deceived the Athenians by a notable stratagem: intending to procure auxiliaries by means of

money, they borrowed valuables from their neighbors, adorned their temples and houses, and, by producing a false belief in their riches, obtained assistance.

§ 5. A prince must always fear war, although his enemies are weak and by no means his equals. For the die of war is uncertain. Diogenes the Cynic reproached Philip, saying that he was a spectator of Philip's folly, since, while possessing so many things, he put them all in danger and did so under no necessity. For what more insane thing can be conceived than that the lord of so many kingdoms should be exposed, like a target, to an uncertain missile? All things in human life are uncertain, but nothing is more uncertain than war. A single hour overturns acquired and expected riches and distinctions. What is gravest, in war it is not permissible to err twice. Indeed, it is also customary that those princes to whom the labor belongs do not receive its fruit. Others triumph and say:

> Those who, with blood shed, won this fatherland.

But the gravest thing of all in war for a commander or a state is that they are frequently stripped of their goods by their own soldiers and tribunes and fall into great calamities. For very many of the soldiers find it profitable for war to be prolonged, something they easily accomplish through their idleness and negligence. The Carthaginians had ended their war against the Romans; peace and treaties had been made, when suddenly the army that was to be discharged made Matho and Spendius its commanders and brought upon the Carthaginians a war much more dangerous than the one that had been waged against the Romans. The same thing happened in Italy within the lifetime of our grandfathers, when affairs were peaceful: bands of soldiers occupied and plundered towns and citadels. Indeed, the illustrious warrior Francesco Sforza occupied Milan, for which he had fought. Most soldiers in Italy at that time were disposed in the same way, although they did not obtain a duchy. A prince must fear his own forces no less than those of another.

§ 6. Nor do victors obtain the praise they desired. Nothing is so receptive of malice and talk as war. Losses always occur, and princes are always blamed for losses. Seditions therefore readily arise from war, and the prince is unequal to them when enemies arise abroad and rioters at home: the latter withdraw the prince's strength, while the former break it. Marcian therefore used most prudently to say that an emperor should not take up arms as long as he was permitted to cultivate peace. For since, even in a moderate government, it is difficult to satisfy even the modest expectation of a few, how can one man possibly please everyone through the injustices of wars, when he is useful to few, harmful to many, and burdensome to all? These things arise from the nature of war. No one securely enjoys his fortunes; death threatens everyone at every hour, and an enemy brandishes the sword that is now on the point of sticking in his throat. I therefore require the prince to be a guardian of peace. "Peace," as Nazianzen says, "is a good praised by all, but preserved by few."

Experience teaches that those who have triumphed most splendidly have been crushed by victorious envy. When Camillus triumphed after the plunder of Veii with white horses, he appeared to rival the gods; but he experienced that whatever exceeds the common lot is exposed to the envy of others. For all men envy those above them unless they are very good. They even envy friends and those who benefit them. Saul rejoiced in the deliverance given by David's courage, yet envied his glory to such a degree that he appeared to prefer being conquered rather than conquering with praise for his own commander. Envy is blind and knows nothing except how to disparage virtues and corrupt honors and the rewards of labors. Why, then, should you look to praise when you sometimes see the senate and people disparaging a victor? Indeed, the greater the glory appears, the more maliciously they diminish it, speak against it, devise lawsuits, and decree exiles. I recommend these things, yet, as I suspect, I do not persuade. For the sweetness of glory is immense; it is more easily said to be despised than it is despised.

§ 7. War is easily begun and most difficult to settle. A spark struck from flint sets a forest alight; no force can extinguish that forest once the conquering flame exults through the dense trees. A dispute first arose between the Scots and Picts over a stolen dog; then killings arose, and at last they fought a regular battle under King Crachyntus. Hector Boece, *History of Scotland*, Book VI. On account of one fish which had been given to a certain Felestagoras, the Naxians were afflicted by many disasters; they raged with rapes and killings until, through excessive liberty, they fell

into servitude. Athenaeus, Book VIII, chapter 7, and Aristotle, *The Constitution of the Naxians*. For that reason Archelaus, king of the Macedonians, acted neither politically nor civilly when he imposed upon the Thracian people a fine of one talent because they had sacrificed to the gods and eaten his dog, which had by chance strayed from the road. For from a trifling cause they had almost kindled a vast war. The Thracians behaved more moderately, for the present concealing the matter.

§ 8. Therefore, all who advise a prince to maintain peace--provided that a grievous war does not lie hidden under the name of peace--must be heard even amid the trumpets. Nor do I disapprove of Hanno, who, after the victory at Cannae, saw messengers measuring the number of slain cavalrymen by the rings they had brought and urged that ambassadors be sent concerning peace. If Carthage had listened to his counsel at that time, it perhaps would have survived Rome. Many certain evils therefore follow, but the good that is sought is uncertain. Orosius, Book I: "What else should wars be called but evils pressing upon either side? Evils of this sort, whether those which have been or those which now are, insofar as they exist, are either manifest sins or hidden punishments of sinners." Proclus, in his commentary on the *Alcibiades*:

> *ὁ δ' Ἄρης τὴν ὀνομασίαν ἔσχεν, ἀπὸ δ' αἴρειν, ἢ ἀναιρεῖν, ἢ ἀπὸ τῆς ἀρᾶς, ἤτοι βλάβης, κατὰ ἐναντίωσιν, ὡσανεὶ ἐκμαλισσομένων αὐτῷ τῶν πραγματευόντων, ἀπὸ τὸ ἄρσαι, ὅ ἐστιν ἁρμόσαι, ἡ γὰρ δραστικὴ δύναμις προσαρμόζει τὰ πράγματα.*

Ares--read *Mars*--is said from *αἴρειν* and *ἀναιρεῖν*, "taking away"; or from *ἀρᾶς*, "curse" and "harm"; or, by the contrary sense, as they speak more gently, from *ἄρσαι*, which is "to fit together," for an effective force fits things together and orders them. Am I mistaken in thinking that the Latin word *arma* also comes from this? The end of war therefore falls somewhere other than men supposed. Carthage refused peace: victorious in battles, but conquered in war, it paid for its pride with destruction. The ruin of victorious Rome was not dissimilar; other ages seized the fortunate and crushed them.

Many things foreign to men's purposes have happened. Augustus appointed the Danube and Euphrates as the boundaries of the empire, but in vain. From one side the Euphrates stirs up war; from the other Germany, and the conspiring Dacian descends from the Danube. The Euphrates indeed floods fertile and soft Asia; the Dacian and the trans-Danubian peoples invade Pannonia, Thrace, Greece, and Italy; those beyond the Rhine exchange Gaul, Italy, Spain, and Africa itself for their frigid Boötes. History has taught us the disasters of the ancients; we shall teach our descendants:

> Lately the Getic tyrant attempted to destroy
>
> Italy, coming sworn from his native Danube
>
> To level these citadels to the ground.

All the peoples, Capitolinus bears witness, had conspired from the Illyrian frontier as far as Gaul: the Marcomanni, Narisci, Hermunduri, Quadi, Suebi, Sarmatians, Laringes, and Buri, and others--the Victoriati, Sosibes, Sicobotes, Rhoxolani, Basternae, Alavi, Peucini, and Costoboci. At great labor to himself, therefore, he conquered the fiercest peoples, but without profit. The cause was the diversity of the enemy and of his own men. It matters greatly with what enemies an affair is conducted. When Eudamidas the Spartan was urged to remember the victories obtained against the Persians and to fight the Macedonians, he replied: "You do not understand that this is the same as if one who had conquered a thousand sheep were to fight fifty wolves." Plutarch, *Apophthegms*.

§ 9. War must also be avoided because its companion is the enormous poverty of all. The treasury is exhausted; subjects are despoiled; the soldiers' ill-gotten goods are ill dissipated; and the supports of life are consumed by devastation and fires. Rarely is the victor happier; the conquered is always poorer. That poverty, however, is an evil counselor and an incitement to crimes, since men strive by robbery to recover what was lost through the calamities of

war. “The poor perish in war,” as a defender of wars rightly said to Antisthenes; but Antisthenes also rightly answered, “More men become poor.”

§ 10. Not only war itself, but also the fear of war sends poverty and hunger before it. No honor worthy of the plow remains; the farmers flee, the fields lie neglected, and cities are deserted. Let those about to wage war not imagine that they will inflict many losses but suffer few; for it usually happens that those who inflict many things upon others also suffer many themselves, since it is most difficult to defend oneself but very easy to do harm.

In addition to those losses, there is also added the labor by which citizens are worn away.

By an excellent device Phocion drew the Athenians away from zeal for war against the Thebans. For when his arguments had failed to dissuade them, but war had been decreed contrary to his speech and Phocion himself appointed commander, he said, “Come, follow me after taking five days’ provisions.” When the old men refused, their zeal for war abated.

§ 11. If anything should happen that makes war appear necessary, let the state ponder this with itself: after the war it will obtain nothing better than peace. But peace already exists and can be preserved by acting civilly and overlooking small losses. That maxim of Seneca is surely golden: “Peace never provoked is happier than peace restored by much blood.” Within a few years we have seen wars and peace in Europe; after all were wearied by disasters, they drew breath in peace. Saint Augustine’s judgment on this matter is excellent, *The City of God*, Book IV, chapter 15: “It is greater happiness to have a neighbor in concord than to subjugate one at war.” Rome waged war with its neighbors for four hundred years, inflicted and received disasters; meanwhile so many citizens were slain and wounded, lands were devastated two hundred times, and spoils were driven off. Who is so estranged from all reason that he would not judge that Rome would have been happier if it had not worn away its citizens in continual wars and had lived in concord with its neighbors?

The Athenians desired peace only when they wore mourning; even now princes turn their minds to peace when they see the treasury exhausted and men wounded from battle. Guevara speaks most prudently in Book III, chapter 15 of the *Dial*: “No one is so foolish and uncultivated that he would not pronounce happier the man who uses a handkerchief to wipe the sweat from his face than the man who tears that same cloth to dry the blood from his head.” Accordingly, one who wages an unnecessary war for the sake of peace acts just like a man who prefers a scar to unbroken skin, although a scar is never pleasing except when compared with a wound.

§ 12. But what if we consider nature itself? Nature implanted strength and rage in beasts in place of virtue, but gave justice to man; and even upon the hearts of robbers she engraved that great maxim: “What you do not wish to be done to you, do not do to another.” Why do we rush into mutual butcheries? No animal rages against its own kind. Juvenal, Satire XV:

> Yet serpents have greater concord: a beast of similar
>
> Markings spares its kindred. When did a stronger lion
>
> Ever tear the life from a lion? In what forest did a boar
>
> Ever expire beneath the tusks of a larger boar?
>
> The Indian tigress maintains perpetual peace with the raging tigress;
>
> Savage bears agree among themselves.
>
> But for man it was too little to have drawn forth lethal iron
>
> From the accursed anvil, although the first smiths, accustomed
>
> To forging so many rakes and hoes, and wearied by mattock and plowshare,

Did not know how to hammer out swords.

We behold peoples whose rage is not satisfied

With having killed someone, but who have believed breasts,

Arms, and faces to be a kind of food.

But what is accomplished by wars? Subjects are granted license for crimes, men are butchered, and the innocent are despoiled--and these things for the most part without justice. For what will the soldiers possess if each man possesses his own? Seneca, *On Benefits*, Book IV. Princes, therefore, if they wish to be good and to be accounted good, must act so that they do not draw enemies to themselves, but repel the wicked. Plato very properly preferred the Lydians to the Spartans: the former had hands hardened by agricultural labor, whereas the Spartans dragged along arms enervated by brandishing spears. Nature, therefore, which taught us society, also taught us peace and friendship with all with whom it can exist. For without a friend life is the mutual tearing of a lion and a wolf.

Antiquity itself teaches us this, suffusing the warrior with a certain horror as a man acting against nature. Tertullian, *On the Pallium*: "Why do you not look at those garments? Or also at those modes of dress which, through the novelty of their clothing, pretend to religion: when, because of their attire all in white, and because of the mark of their life and the privilege of their headdress, men are initiated into the rites of Ceres; and when, because of the different performance of dark clothing and a grim fleece over the head, they flee to the mountains of Bellona." And in *Against the Nations*: "Today in that place blood consecrated to Bellona, taken from a slashed thigh and caught in a small shield, is given to her initiates." What else do grim fleeces, flight to the mountains, and the drinking of blood signify but that those who rejoice especially in war have departed from human beings and been transformed into a bestial nature?

§ 13. Finally, this is most detestable in war: not only that, when war descends, innocent and guilty fall alike, but that the good suffer even more. For because the wicked value life little and conscience still less, they are prone to every kind of injury; but the good, because they desire neither to inflict injury nor to plunder, are compelled to mutter over and endure their losses. If the wicked clash with the wicked, the injury is usually thought small by some; but these men also err. For although the loss may not be deemed great in the slaughter of the wicked, it is nevertheless itself an injury for a wicked man to fall by another's fury, and for the man who rages to fall as well, when, had he been removed by a bloodless death, he might have been saved. The price of a Christian soul is great; when it casts away temporal life amid slaughter, it often gives up hope of eternal life. Hence it comes about that even the good do not kill an enemy except when necessary. I judge plainly golden that maxim of a pagan man, Tacitus, *Histories*, Book I: "Among good men it is equally wretched to kill and to perish."

§ 14. Advantages and spoils nevertheless arise from wars. So it is--rather, from victory, and indeed a bloodless and successful victory; otherwise spoil is bought dearly with much blood. But let us call a province reduced to servitude and the soldiers' riches from plunder "advantages." Yet they are not advantages unless compared with losses. You prefer to have slaves for neighbors rather than robbers and pirates, but it was better to have friends. Nor are you happier through another's unhappiness unless you made those men unhappy from necessity. Orosius speaks truly: "As happily as Rome conquers, so unhappily is everything outside Rome conquered." Guevara aptly compares this wheel to buckets of a water-raising machine: unless those that have ascended are emptied, the others cannot ascend full. So great, therefore, is another's unhappiness, from which such great profits arise that they are believed to be well purchased by dangers to life.

Yet the victor is not happy even so. Rome seized the riches of the world partly by war and partly through the avarice of governors, but, crushed beneath the spoils of the conquered world, it perished. Nature placed enmity between the dragon and the elephant. The dragon drinks the blood of the conquered elephant with such avidity that it either bursts or is crushed by the bulk of its falling enemy. This usually happens when soldiers' minds, thirsting for plunder, are

suddenly filled by its abundance and are stuffed so full that they can in no way digest their fortune--indeed, can no longer act bravely or live.

§ 15. To this cruel vanity that drags men into wars there is added another arrangement, plainly unjust, which deservedly ought to deter everyone from war. Nearly all the distinctions belong to the commander alone; the name of the prince alone is inscribed upon trophies. Curtius says in Book VIII that the Greeks acted badly in inscribing only the names of kings upon trophies. Let that itch therefore trouble the prince. What do you, O soldier, hope for after victory? So many thousands of comrades lie dead, and they indeed with praise, but nevertheless as a nameless multitude. A much greater part wanders about, needy, mutilated in body, and surviving its own triumph with disgrace. The commander is carried through the city high upon a chariot, seeks applause, and desires to be seen. Yet even that wise Roman Cicero, who desired those things, judges them empty delights and almost the amusements of boys, in the speech *Against Piso*. But if they are judged the greatest things, they certainly do not belong to the soldiers.

Today soldiers are chosen for the most part from the lowest common people. They are fed like sacrificial victims, and certainly not liberally; they are ruled most harshly, yet still aspire to war. Formerly, in order to escape the military oath, men hid in workhouses, cut off their own thumbs, and sought other opportunities of escape. Now those whom desperation or a desire for license does not permit to remain at home run to it voluntarily. From this another and sorrowful evil arises: that they desire wars and repose is hateful to them. The song of Philemon the comic poet displays an ill-disposed suspicion, but in war it is true:

Οὔτε γὰρ ἰατρὸς, οὐδὲ εἷς, ἂν εὖ σκοπῇς,

Τοὺς αὑτοῦ αὐτῷ βούλεθ' ὑγιαίνειν φίλους·

Οὕτι στρατιώτης πόλιν ὁρᾷ ἄνευ κακοῦ.

For no physician, if you consider the matter well, greatly desires his friends to be healthy, nor does a soldier desire to see his own city without misfortune. The desire for war holds them because they have learned no other art of passing life honorably. Hence the Italian proverb is commonly repeated: “War sows thieves, whom peace reaps with the sword and the noose.” For in truth, wholly devoted to idleness, luxury, and cruelty, they turn to robbery and theft. The cause of these evils is the corruption of our military service. Formerly, such was military discipline that the soldier earnestly desired to lay down his arms, received discharge as a benefit of the highest order, and returned to the fields--even men who had been consuls and celebrated triumphs. Veterans thought themselves so well treated if, when released from service, lands were given to them for their campaigns. Now many place everything in the military art and therefore retain their arms, as though life itself must be broken off together with war.

Kings must guard against nothing more than employing these men as counselors concerning the undertaking of war. For they fill the kings' minds with disturbance and vain hope, with no other end than that, when necessity presses, they themselves may be applied to affairs. It certainly happens that where military service is prolonged, a few tribunes and common soldiers are more powerful than the greatest governments. How small a part of Rome--not to say of the whole empire, but of one city--were the Praetorian soldiers; yet how often did they make emperors and kill the emperors they had made? Therefore, when there is war, affairs at home are uncertain and those abroad are afflicted.

CHAPTER III

That War Is Lawful

§ 1. That old dispute concerns, not indeed whether it is lawful to wage war at all, but whether it is lawful for Christians. For thus Julian the Apostate reproached them in mockery: the other cheek must be given to the man who gives a blow; therefore vengeance must not be taken by war. The Manichaeans also prohibited war altogether; Saint Augustine refutes them in Book XXII, chapter 74, *Against Faustus the Manichaean*: "Nor should he wonder at or recoil from the wars waged through Moses, because in them also he followed divine commands, not raging but obeying; nor did God rage when he commanded those things, but rendered to the deserving what they deserved and crushed those who deserved it. For what is blamed in war? Is it that men who will someday die are sometimes killed, so that those who will live may be subdued in peace? To reprehend this belongs to the timid, not to the religious. The desire to harm, the cruelty of vengeance, an unappeased and implacable spirit, the savagery of rebellion, the lust for domination, and anything similar--these are the things that are rightly blamed in wars. Wars themselves are often undertaken by good men so that these things may also rightly be punished, against the violence of those who resist, when either God or some legitimate government commands them and when those good men are found in that order of human affairs in which the order itself justly constrains them either to command some such thing or to obey in such matters."

Otherwise John, when soldiers came to him to be baptized and said, "And what shall we do?" would have answered them: "Cast away your arms, abandon that military life, strike no one, wound no one, lay no one low." But because he knew that, when they did these things in military service, they were not murderers but ministers of the law, and not avengers of their own injuries but defenders of the public safety, he answered them: "Extort nothing from anyone; falsely accuse no one; let your pay suffice for you." But because the Manichaeans were accustomed openly to blaspheme John, let them hear the Lord Jesus Christ himself commanding that this pay be rendered to Caesar, which John says ought to suffice for the soldier: "Render," he says, "to Caesar the things that are Caesar's, and to God the things that are God's." For taxes are paid for this purpose, that pay may be furnished to the soldier for necessary wars. Deservedly, too, he praised the faith of that centurion who said, "And I am a man placed under authority, having soldiers under me; and I say to this one, 'Go,' and he goes; and to another, 'Come,' and he comes; and to my servant, 'Do this,' and he does it"; he did not command him to desert that military service.

Wycliffe is accused of the same error by Thomas Waldensis. Cornelius Agrippa, the arch-magician, held the same opinion. So did Erasmus. Luther judged the matter according to his passion and uncontrollable anger: he forbade war to be waged against the Turks because the Turk himself was the scourge of God; against the Pope and the Catholics he commanded it and caused them to be attacked.

§ 2. The whole of the Old Scripture teaches that war is not unlawful by its nature, nor prohibited by God. Abraham in Genesis 14 conquered in war the kings who had conquered; Moses and Joshua occupied Canaan by the right of war. For although God had given them that land, he nevertheless willed it to be obtained by arms. Indeed, he also dictated the laws of war. Numbers 10:9: "If you go out from your land to war against enemies who fight against you, you shall sound with trumpets of alarm, and there shall be remembrance of you before the Lord your God, that you may be delivered from the hands of your enemies." And in chapter 21:14 the Book of the Wars of the Lord is cited; these were without doubt deeds performed with the Lord's approval. And Deuteronomy 20:1: "If you go out to war against your enemies and see cavalry and chariots, and a multitude of the enemy's army greater than you have, you shall not fear them, because the Lord your God is with you, who brought you out of the land of Egypt. And when the battle is now drawing near, the priest shall stand before the battle line and shall speak thus to the people: 'Hear, Israel: today you join battle against your enemies. Let not your heart be afraid; do not fear, do not yield, nor dread them, because the

Lord your God is in your midst and will fight for you against your adversaries, to deliver you from danger.' The officers also shall proclaim before the army, throughout the several divisions: 'Who is the man who has built a new house?'" And a little afterward: "And when the officers of the army have fallen silent and made an end of speaking, each one shall prepare his own companies for battle. Whenever you approach to capture a city, you shall first offer it peace. If it receives the offer and opens its gates to you, all the people who are in it shall be saved and shall serve you under tribute. But if it is unwilling to enter a treaty and begins war against you, you shall besiege it. And when the Lord your God has delivered it into your hand, you shall strike everything of the male sex in it with the edge of the sword, except the women and children, the beasts of burden, and the other things that are in the city. You shall divide all the spoil for the army and shall eat from the spoils of your enemies which the Lord your God has given you," and so forth.

The books of Joshua, Judges, Kings, Chronicles, and Maccabees also are full of the history of wars. And in Hebrews 11 the Apostle says that the saints through faith conquered kingdoms and were valiant in war. John the Baptist did not forbid military service; neither Christ nor Peter released the centurions from their oath. For they acknowledged that the license to wage war was given by God. Indeed, the prayers and alms of the centurion ascended before God, and he also had soldiers who feared God. There were also Christian soldiers in wars of old. The Thundering Legion is very well known, which, having obtained rain by prayer, saved the army; so too the Theban Legion, which endured martyrdom through repeated decimations. Tertullian, *Apology*, chapter 42, records that Christians served as soldiers together with the gentiles. But what he himself thought is not entirely clear, for it is certain that he disapproved of the military service of his time under pagan emperors because it was bound up with idolatry.

In *On the Soldier's Crown*, chapter 11, he says: "For, that I may approach the crown itself of the military crown, I think it must first be investigated whether military service is altogether suitable for Christians. What sort of thing is it to reconsider incidental questions when the fault lies in the antecedents? Do we believe it lawful to superimpose a human oath upon the divine one, and to answer to another lord after Christ, and to abjure father and mother and every neighbor, whom even the Law commanded to be honored and loved after God, whom the Gospel also will thus honor, making Christ alone of greater account? Will it be lawful to be occupied with the sword, when the Lord declares that he who has used the sword shall perish by the sword? And will the son of peace engage in battle, for whom it will not be fitting even to litigate? And will he administer chains and prison and tortures and punishments, though he is not the avenger even of his own injuries? And now, will he either stand guard for others more than for Christ, or also on the Lord's Day, when he will not even do so for Christ? Will he keep watch for the temples which he has renounced, and dine there where the Apostle does not approve? Those whom by day he has put to flight by exorcisms, will he defend by night, leaning and resting upon the spear by which Christ's side was pierced? Will he also carry a standard, the rival of Christ, and ask a watchword from a prince, though he has already received one from God? When dead, will he also be disturbed by the trumpeter's trumpet, he who awaits resurrection by the trumpet of the angel? And will a Christian be burned according to military discipline, he for whom it was not lawful to burn, to whom Christ remitted the punishment of fire? How many other things can be observed among the offenses of military duties, to be interpreted as transgressions? The very transfer of one's name from the camp of light to the camp of darkness is a transgression.

"Plainly, if faith comes later and finds some men already engaged in military service, the condition is different--as with those whom John admitted to baptism, and as with the most faithful centurions, the one whom Christ approves and the one whom Peter catechizes--provided nevertheless that, once the faith has been received and sealed, either military service must immediately be abandoned, as has been done by many, or every precaution must be taken that nothing be committed against God, things that are not even permitted outside military service, or, finally, one must suffer for God what the pagan military oath equally prescribed. For military service will not promise impunity for offenses or immunity from martyrdom. Nowhere is a Christian anything else. There is one Gospel and the same Jesus: he will deny everyone who denies and confess everyone who confesses God; he will save the soul lost for his name, but, on the contrary, destroy the soul gained against his name. Before him the faithful civilian is as much a soldier as

the faithless soldier is a civilian. The state of faith does not admit the plea of necessity. There is no necessity of sinning for those whose one necessity is not to sin. For someone is also pressed by the necessity of tortures or punishments to sacrifice and directly to deny; nevertheless, discipline does not connive at even that necessity, because the necessity of fearing denial and undergoing martyrdom is stronger than that of escaping suffering and performing one's duty.

"Moreover, an excuse of this kind overturns the whole substance of the oath, so that it loosens the fastening even for voluntary offenses. For even the will can be maintained to be necessity, since it has something by which it is compelled. Or rather, I will have laid down these principles and the other cases of official crowns, in which that plea of necessity is most familiar, since either offices are therefore to be avoided, lest we fall into offenses, or martyrdoms are also to be endured, that we may break away from offices. Concerning the first form of the question, the unlawfulness even of military service itself, I shall not say more, so that the second may be taken up. Unless I expel military service with every effort, I shall thereafter have challenged the military crown in vain. Suppose, finally, that military service is lawful up to the matter of the crown."

He has the same view in *On Idolatry*, chapter 19: "But now the question is whether a believer may turn to military service and whether military service may be admitted to the faith--even that of the common soldier or any inferior rank for whom there is no necessity of sacrifices or capital judgments. The divine and human oath do not agree, nor the sign of Christ and the sign of the Devil, the camp of light and the camp of darkness. One soul cannot be owed to two, to God and to Caesar. Moses carried a rod, and Aaron a clasp; John is girded with leather; Joshua leads an army; and the people made war--if it pleases one to make sport of the matter. But how will he make war--indeed, how will he serve even in peace--without the sword which the Lord took away? For although soldiers had come to John and received a form of conduct, and although the centurion also had believed, the Lord afterward disarmed every soldier by unbelting Peter. No uniform assigned to an unlawful act is lawful among us."

The very learned Pamelius thinks that Tertullian rejected military service not absolutely, but because it had not been free from idolatry; for he reproves not Christian fellow-soldiers but the placing of the crown upon the head. Yet let this also have been an error of Tertullian. For us it is established by certain reasoning that military service is in itself legitimate and honorable, though dangerous and, for the most part, corruptive of morals. Military service did no harm to the centurion whose faith had no equal faith in Israel. The Church numbers among the saints Alexander, Theodore, Mercurius, Florian, Quirinus, Victor, Ferreolus, Romanus, Julian, Modestinus, George, Exsuperius, Anastasius, Gallicanus, Marcellus, Charlemagne, Arsacius, King Louis, Vitalis, Ursus, Longinus, Marcellus, and Nicostratus. Then she numbers entire legions or cohorts, such as those of Achatius, Maurice, Gereon, Castulus, Cyrion, Gregory and Maurus, Theodosius, Callistratus, and others, who were soldiers in such a way that they nevertheless flourished with outstanding praise for piety and martyrdom.

§ 3. If anyone seriously and from his heart condemns every war, I judge him to be not only a heretic but also a traitor to the state; the former belongs to the theologians, the latter to the magistrate. For since all beasts know their own weakness and by what means they can go against an enemy; since we also arm ourselves against lions and tigers; and since nature also planted in us a certain impulse to defend life and repel enemies, without which life cannot be lived, it cannot be denied that there is a just defense against a robber, thief, or adulterer. Neither faith nor any divine law has abolished natural law. Rather, just as it permitted defense against a serpent, against a scorpion, and against other beasts, so it permitted defense against impious robbers. For those who are borne toward injury by malice and desire are worse than those who are borne toward it by nature.

If, therefore, it was lawful for David to rise against the bear and the lion and tear them apart, why should not his sling also pierce the forehead of Goliath when, like a dead dog, he curses the armies of the living God? Because the power to resist unjust violence is given to every private person, much more does it belong to that prince whose office is the protection of his subjects. What father does not crush a snake lying in wait for his son? What shepherd does not snatch a sheep from the mouth of a wolf? And shall a prince not defend a city over which a barbarous enemy is hanging, about to rage against fortunes and bodies with avarice, lust, and cruelty? Wars, therefore, must be undertaken so that

we may live in peace without injury. It is not merely honorable but also necessary when violence offered by force is repelled by force. Nature has imposed this law upon beasts, custom upon nations, reason upon the prudent, and necessity upon all.

§ 4. Therefore, in the state there must be an established ordering both of war and of peace. "It is necessary," says Aristotle, Book VII, chapter 14, "to be able to conduct affairs and wars, but more to cultivate peace and to enjoy leisure; and to have the capacity to do necessary and useful things, but more to do honorable things." Other deficiencies may therefore be overlooked in a prince, but to be a commander is a sovereign virtue. No state can endure unless it cultivates the military art. For since men are carried with great desire to seize the possessions of others, where they see no obstacle, there they rush. Therefore, if the prince is not warlike, or if he has cowardly commanders, for that very reason let him expect war. For others will make an attack, as the Danites did upon Laish, and others upon others.

§ 5. Where, then, are the Savior's commands concerning the offering of the other cheek, Matthew 5? Where is the law of the Apostle, Romans 12, "Not defending yourselves, but give place to wrath"; and Matthew 26, "Put your sword back into its place"? Did not God himself say, "Vengeance is mine, and I will repay"? If, therefore, vengeance is prohibited and endurance of injuries is commanded, war cannot be waged by a Christian.

I answer that the gentiles once abused these passages in order to say that the Christian faith was destructive of the state. Thus the illustrious Volusianus speaks in his letter to Marcellinus, as it appears in Augustine's Epistle 4: "And then, further, that his preaching and doctrine are in no respect consistent with the customs of the state, inasmuch as, according to many, this is known to be his command: that we ought to render evil for evil to no one; that we should offer the other cheek to one who strikes us; that we should give our cloak to one persisting in taking away our tunic; and that we ought to go twice the distance with him who has wished to compel us to go. He asserts that all these things are contrary to the customs of the state. For who would permit anything to be taken from him by an enemy, or would not wish to repay by the law of war evil deeds to the plunderer of a Roman province? And the other things that can be said to the point, let your Reverence understand."

Saint Augustine answers in Epistle 5. First, clemency by which enemies are forgiven is useful to the state; for in this way Rome was made great and wealthy from being small and poor, because citizens preferred to forgive an injury they had received rather than pursue it. Cicero too, flattering Caesar, said that he was accustomed to forget nothing except injuries. Second, evil is to be overcome in good when the defeated man is led to repentance, not by the strength of one who rages but by the benevolence of one who endures. Accordingly, the thing must be done when it appears likely to profit the man for whose sake it is done, and it must be done with that intention even if another outcome follows. Third, care must be taken that patience, which is better than anything that an enemy can take away against one's will, is not carried away by a desire for vengeance. Fourth, those commands pertain more to the preparation of the heart, which is inward, than to the deed performed openly, so that patience with benevolence is maintained in the secret of the mind, but outwardly that is done which appears capable of profiting those whom we ought to wish well.

He adds that neither Christ offered the other cheek nor Paul, but that they further rebuked the unjust judge. Therefore, those commands of patience must always be retained in the preparation of the heart, and that very benevolence, lest evil be rendered for evil, must always be fulfilled in the will. Yet do not suppose that Augustine sophistically approves benevolence in the will but cruelty in the deed. He shows most clearly that, while patience remains, without desire for vengeance--indeed, with a preparation to suffer joined to benevolence--others can be corrected and wars waged. "Many things," he says, "must be done even to the unwilling, who are to be punished with a certain kindly severity, since regard is to be had for their advantage rather than their will--a thing which their writings have most splendidly praised in the ruler of a state. For in correcting a son, however severely, paternal love is surely never lost. Nevertheless, that which he does not wish and which pains him is done, though he seems to be healed by pain even against his will. And by this reasoning, if that earthly state keeps the Christian precepts, even its wars will not be waged without benevolence, so that the defeated may more readily be provided for within a peaceful fellowship of piety and justice. For he from whom license to commit injustice is taken is usefully conquered, since nothing is

unhappier than the happiness of sinners, by which penal impunity is nourished and the evil will, like an enemy within, is strengthened."

They say, indeed, that a prince can wish every good thing for his enemies except a good mind; for all good things, if the mind is evil, become hostile. I would wish a good mind especially for enemies, for if they are furnished with it, they will be friends--unless they are enemies by right. Accordingly, those precepts of Christian gentleness neither bind the judge's hands so that he may not punish criminals nor the prince's so that he may not destroy an enemy. Rather, this is their admonition: that neither publicly nor privately should we rage with anger, hatred, or the delight of vengeance; that we should endure adversities; and that if our patience is useful to the aggressor, we should maintain it both in heart and in deed. If by our patience he is provoked to a greater injury, let us maintain benevolence in the heart and apply a harsher medicine in deed, just as a father retains love both when chastising and when indulging.

Each man's right remains to him. A Christian is accustomed to yield in his private affairs; in public affairs a prince is sometimes accustomed to yield, but sometimes to oppose all the strength of the kingdom when he judges that necessary. Nor is it strange that this gentleness of mind is required of us, since neither a city nor a camp can stand unless many men pardon many things in their fellow citizens and fellow soldiers. But even in the struggle and heat of battle, reason, not anger, ought to rule. So even the gentile governors of empires decreed.

Seneca, *On Anger*, Book I, chapter 11: "For what else is it that diminishes the barbarians, though so much stronger in body and so much more enduring of labors, except anger, which is most hostile to itself? The gladiatorial art, too, protects its practitioners; anger lays them bare. Then what need is there of anger when reason accomplishes the same thing? Or do you think that the hunter is angry with wild beasts, either when he pursues those that flee or receives those that tremble? Reason does all things without anger. What else destroyed so many thousands of Cimbri and Teutons poured over the Alps in such a way that not a messenger but rumor carried to their people the report of so great a slaughter, except that anger stood to them in place of courage? As it sometimes strikes down and lays low what is before it, so more often it is its own destruction. What is more spirited than the Germans? What is fiercer in assault? What is more desirous of arms, amid which they are born and nourished, and which alone they care for while neglecting other things? What is more hardened to every endurance, since for the most part they have provided neither coverings for their bodies nor shelters against the perpetual rigor of the climate? Nevertheless, Spaniards and Gauls and the men of Asia and Syria, though soft in war, cut them down before a legion is sighted, for no other reason than their irascibility."

For the same reason it is also dangerous to mix a drink for men about to fight by which they may in some fashion be deprived of their minds and not perceive their own dangers. The Turks use opium, which arouses a kind of fury in those accustomed to it. This is nevertheless ruinous, since those whom frenzy, not reason, leads are less fit both to administer and to receive command.

Therefore, a spirited prince will wage war, for a robber must be dealt with by arms, not decrees. Soldiers are the fortifications of cities and the sinews of kingdoms. Without the military art, whatever is acquired belongs to the enemy, because it cannot be defended. Cicero shows this sufficiently in *For Murena*: "Military virtue excels all others. It won a name for the Roman people and eternal glory for this city; it compelled the world to obey this empire. All civil affairs, all these splendid pursuits of ours, and this forensic praise and industry lie hidden beneath the guardianship and protection of military virtue. As soon as the suspicion of an uprising has sounded, our arts immediately fall silent. And if this is so, the forum, I think, will yield to the camp, leisure to military service, the pen to the sword, shade to the sun. Finally, let that thing be foremost in the state because of which the state itself is foremost among all."

David himself teaches how dear military affairs were to brave men and lovers of the state, for he had thirty mighty men besides his armies. It is a divine oracle that kingdoms will perish unless kings cultivate military service: "I shall take away the mighty man and the man of war, the judge, the prophet; and the effeminate shall rule over them, and the

people shall fall." Accordingly, when several unwarlike princes succeed one another, or one effeminate prince has vigorous adversaries, the state cannot stand for long. It is also a sign that a state is most badly constituted if military practice is neglected in it; for where there are no good laws, there cannot be good arms. Care for military affairs is therefore necessary for the prince. Every region must be traversed; mountains, rivers, cities, and ports must be considered, for the unarmed cannot be safe among the armed. Everyone harasses the unarmed; they fear the armed. Finally, it must be held that not a diadem or scepter but iron is the protection of a kingdom. An unarmed scepter invites robbers. Plato, in Book VII of the *Laws*, commanded that so great care be given to war that he wished even women to handle arms.

CHAPTER IV

That War Must Be Just and Be Declared by One Who Has the Right to Wage War

§ 1. Saint Thomas, *Summa Theologiae*, II--II, question 40, article 1, requires three conditions for a war to be just. The first is that there be the legitimate authority of the prince; the second, that there be a just cause which impels him to war; the third, that there be a just intention. I shall discuss these questions in order.

§ 2. Since the power of princes varies--some have no superior, while others are sent by kings to govern provinces in such a way that they nevertheless do not touch military affairs--it is rightly asked in whose power it lies to decree war.

It is certain that the right of declaring war resides in the state itself which is complete and does not receive its right from another, superior magistrate. For a complete state is one that is sufficient for itself, or *αὐτάρκης*, so that it can protect itself without another's authority. For this it is necessary that it be able to carry arms against another when it cannot obtain its right in another way. For when the Romans are attacked by the Veientines, their constant and yearly enemies; when the Faliscans and Fidenates make an attack; when allies implore assistance against the Samnites; when the Tarentines insult foreigners and violate ambassadors; when it has been resolved to subdue the Picentes, allies of the enemy--there was need of someone to decree that war must be waged. For those injuries ought not to have been borne, lest the state be lost entirely.

That the right of war belongs to a complete state is taught from the fact that it can bring an action for the recovery of what has been taken and demand satisfaction. Private persons go before a judge; here there is no judge except the injured party, who is therefore superior, because those who inflicted the injury have by that very fact become answerable to the injured: by their crime they have brought it about that they must submit to judgment. For just as a private person who commits a crime in another's territory is subjected to the judge in whose province he sinned, so too, when loss is inflicted upon a state, the state itself can judge the wrongdoers; and therefore it decrees war against others and removes impediments to the common good. But since war is an act *τῆς ἐκδικητικῆς*, of vindicatory justice, and thus belongs to the magistrate, it is altogether certain that the judge of him who inflicted injury is he who suffered it. Otherwise he would have no judge and no protection of justice.

§ 3. Kings ordinarily have the right of waging war, as does the senate or supreme council. Sometimes, however, by the laws of a kingdom they lack that power, and perhaps this is expedient, lest the swift indignation of kings undertake wars afterward to be regretted and to be paid for by the people. The first kings at Rome undertook war by the authority of the senate; afterward the senate used the same power, until, worn out by continual labors, the business devolved upon the people. For unwillingly did the people decree that a war must be endured at its own peril.

The Spartans, who, according to Aristotle and Xenophon, instituted their state very badly because they attended to almost one thing alone--namely war--granted their kings the right of carrying war against anyone whatsoever, and no one possessed the right to interpose or prohibit. This brought them into great calamities, since wars were aroused by the judgment of one man alone. Romulus and the kings who followed did better: they sometimes referred the matter to the Fathers and the people. Tarquin the Proud recalled everything to himself, as did Julius and Augustus; and so that they might appear to do this by right, they obtained the law of which Strabo speaks in Book XV, called the royal law. Certainly, so that war may be decreed more slowly, it is better that the consent of many be required. Yet I judge that such laws should be tempered in this way: that this right be sometimes granted to a king and sometimes denied--granted in sudden emergencies and when there is danger in delay, denied when time for deliberation can be given without danger.

§ 4. Princes who acknowledge a superior, and likewise states dependent upon another, can wage a defensive war under their own auspices and without the permission of the supreme magistrate. For each has no less right to defend himself and his citizens than any private person has; but anyone can arm himself against an aggressor and repel force by force.

§ 5. A prince who is under another and greater prince, or a state which obeys another, ordinarily cannot be the first to declare an offensive war against another. This may happen in two ways, for he declares war either against another prince who is a member of the same state or against a foreigner. He cannot declare war against a prince who is a citizen of the same state, because each has a judge who may decide the matter. Therefore, just as citizens recover what belongs to them not by violence and armed force but at law, so nobles, counts, and dukes ought to hear the supreme judge concerning their controversies. Otherwise the whole state would be disturbed and the stronger would oppress the weaker. The jurist Marcian answered, concerning the Julian Law of Treason, that he who waged war without the prince's command, held a levy, or prepared an army is bound under the law of treason.

§ 6. Nor can a prince carry war against a foreign prince if the supreme magistrate does not consent, although this can be granted more readily. For if the foreigner is absolute and acknowledges no superior, he cannot summon him before his king's tribunal, which the foreigner does not acknowledge. If the foreign prince also has a lord, he can be accused before him and can be compelled by him to give satisfaction; but if that lord is unwilling, not even then can a prince established under another attack his adversary in war without his own king's consent.

The reason is to be sought from the very union and ordering of the members of the state among themselves, which forbids any member to be moved without the consent and will of the whole. For how great would be the losses, and how atrocious the wars, that would arise if some prince of France made war upon a prince of Spain? Would not whole kingdoms immediately be shaken? Charles the Bold declared war upon the Frenchman and moved the whole empire. A great part of wars has taken its origin from private disputes and injuries. Moreover, it is dangerous even to great kingdoms for one prince to pursue foreigners in war, to possess soldiers, and to exercise arms; he who has become accustomed to wars is easily armed against his neighbors.

§ 7. I have denied ordinary power; I grant extraordinary power. The extraordinary power is twofold. The first exists when the circumstances are such that unless war is anticipated, all will be in great danger. The second exists when the superior prince is far away, the cause and opportunity frequently coincide, and the king cannot be consulted; for then he is accustomed to commit to inferiors the right of declaring and waging war. This latter reason has no difficulty: the decision of war and peace belongs to the inferior by commission of the superior. In this way the governors of the Indies can wage war and defend allies, by the common law and power of the office they hold.

There is a difficulty concerning the former manner, for jurists and theologians deny the power of an offensive war. But I except one certain condition: when the state of affairs is such that the enemy must be forestalled. The Turkish enemies drive off booty and give cause for war. The duke to whom the frontier is committed demands the return of the property and is mocked. Meanwhile, a singular opportunity is offered to occupy a certain city which carries great weight for the war and which, if it remains in the enemy's power, can bring Christians into great danger because arms and resources are in it. I say that he will act rightly if he uses the opportunity, for this offensive action is necessary, or certainly most useful, for his defense. Even a private person, for a defense of blameless protection, when he falls among robbers and sees that otherwise he must perish, can forestall them if he sees an opportunity.

§ 8. Against internal enemies many princes and cities have been given power to wage war without the superior's command and knowledge. For they are subjects whom the magistrate can and ought to restrain: first by laws and the penalties of laws; but if they are more powerful than to be held by laws, they must be subdued by war. Further, there is more danger in these men unless they are quickly suppressed. Finally, no external enemy is provoked when a magistrate suppresses his own subjects; rather, he is more provoked if sedition gains strength. Particular magistrates, moreover, if they are compared with the supreme magistrate, are regarded as private persons; if compared with subjects, they are magistrates and bear the sword--not against all, but against those who are subject to them.

§ 9. If two princes contend with one another and the king, for example, neglects justice, does not aid the one who has suffered injury, but allows him to be oppressed, many think that not even then can war be undertaken by those oppressed, but that the injury must be endured. This is without doubt severe, since subjects' bodies and possessions are vexed and carried away, and a prince can thus be stripped of all goods and even of life.

I think otherwise. If a foreign prince inflicts an atrocious injury upon a prince who is under the emperor, and the emperor does not administer justice, nor does anyone else, an offensive war can be waged. The reason appears evident to me: it is lawful to wage an offensive war when, without it, the prince or the part of the state which wages the war cannot be defended. But without such a war the prince or part of the state cannot be defended. There is an example in Julius, Julian, and others, who indeed possessed the power of waging war; nevertheless, the situation itself gives it also to one who does not possess it but is in like fortune. Every year the Germans crossed the Rhine and kept the province under attack. Merely to defend their own territory was too little a protection, either for the dignity of the empire or for the security of the subjects, for before they withdrew they always left the province afflicted by great losses. Accordingly, the Romans crossed the Rhine in turn, burned their huts, and raged with slaughter and bonds. For enemies become very insolent when they see that they are merely repelled and are without danger at home. Therefore, just as a private person, when justice is denied, can repair his loss by another compensation, so too can a prince--and indeed by a stronger right, because the defense of the people rests upon him.

§ 10. Formerly, in the Roman Empire, so vast and powerful, it was not lawful for any subject prince or king to wage war against others, much less for prefects and proconsuls to wage it against their colleagues; and when this was done, it was regarded as a civil and impious war. Nor at the present time is it permitted in either the kingdom of France or Spain, and the Pizarros, who began tumults and civil wars in the West, were deservedly punished. But now in Germany princes frequently wage wars among themselves, and did so formerly, to such a degree that some maintain it is lawful for the princes of Germany to declare war upon their colleagues without the emperor's consent.

Concerning this matter I determine as follows. That power, if it has been given to princes, is destructive. For it is just as if, in slight ailments of the body, before fomentations and the easy services of physicians, iron and fire were applied. Moreover, that conceded right exhausts armies, princes, and cities while they fortify themselves against all their neighbors. It is indeed a sign that the emperor is not sufficiently powerful to decide and settle controversies. Experience teaches how great the losses arising from it have been, and Emperor Ferdinand explains them in the Diet of Worms in the year 1564.

But concerning the power of waging war against colleagues, which is thought to belong to princes, it is best to hear the constitutions of the Empire. The Golden Bull of Charles IV prohibits arsons, spoils, and robberies, which are customarily committed after a declaration of feud, unless that declaration was announced in the customary place three days beforehand. A declaration of feud is the renunciation of friendship and a withdrawal from it. Frederick III established in like manner, in the year 1442, that no one should inflict loss upon another unless he had first summoned him to equitable, just, and customary law; but Frederick complains that immense losses were brought upon the Empire by violation of this law. Clearer still is the constitution made in the year 1495 by Maximilian--or rather by the whole Empire, for very many princes were present in that place. I have thought fit to set those laws down here, that we may understand what has been conceded to the princes of the German Empire.

The first law reads thus:

MANDATE FOR PRESERVING THE PEACE

From the time of this proclamation, let no one, of whatever dignity, estate, or condition he may finally be, attempt to exercise hostilities against another, stir up wars, despoil, capture, attack, or besiege him. Let him do this neither by himself nor through another by furnishing assistance in his own name, nor by detaching any fortress, towns, castles, fortifications, villages, country houses, or territories, nor by taking them away by force without the other's consent, nor by causing harm through fires and similar means. Nor let anyone be present to these transgressors with counsels or

auxiliaries, receive them into his house, sustain them with provisions, or tolerate them. But if anyone wishes to implead them, let this be done only in those places and courts where causes either were formerly, or now have been, decided under the ordinance of the Imperial Chamber, or where they are to be decided.

ABOLITION OF ALL HOSTILITY

Wherefore, by royal power and the force of this edict, we have abolished all public hostility throughout the whole Empire.

PENALTY FOR DISTURBERS OF THE PEACE

And if anyone, of whatever dignity or estate, acts contrary to one or more matters mentioned in the preceding article, or at least presumes to act, by the law itself, in addition to other penalties, he shall be subject to our imperial ban. By this very act we place him under our imperial proscription in such a manner that we make his life and fortunes common to all and every person, nor shall anyone who claims them for himself be deemed to attempt anything rash. Moreover, all his written instruments, obligations, and treaties, upon which he relied, shall lose all force and validity on his part. Fiefs also, however great they may be, shall revert to their proprietor; and for as long as the transgressor survives, the proprietor shall not be bound to confer either the whole or a part of them upon him or his heirs, nor to grant participation in their fruits.

IF THE TRANSGRESSORS ARE CONCEALED, AND SOMEONE IS SUSPECTED

But if the electors, princes, prelates, counts, barons, nobles, cities, or anyone else of whatever estate, dignity, or condition, whether ecclesiastical or secular, and their subjects and associates, have suffered any loss contrary to this peace; and if the transgressor is not manifest but someone is brought under suspicion, while the accusers also do not undertake to convict him, yet do not nourish suspicion from a frivolous report, let it be permitted to the injured parties to appoint a day for the suspect and to demand a clearing of himself confirmed by oath. But if the suspect refuses such a clearing in any way or does not appear on the appointed day, he shall be judged guilty of inflicting the loss and shall be visited with the aforesaid penalties of a disturber of the peace. Nevertheless, an elector, prince, prelate, count, baron, noble, or city must provide the other person, and those who will be in his company, with safe-conduct until he is placed in safety. And if perhaps the letters by which the day is assigned and appointed cannot be delivered to him, it will be necessary to affix and publish them in two or three places where he is thought likely to transact business. And if, indeed, contrary to this mandate of ours, anyone has been despoiled, injured, or affected by another loss, then those who are notified of the matter after the recent crime has been committed, or learn of it in another way, shall pursue the perpetrators with all force, zeal, and diligence, and shall seek them out as though the loss had been inflicted upon themselves.

DISTURBERS OF THE PEACE ARE NOT TO BE RECEIVED INTO ONE'S HOUSE

Nor shall anyone receive transgressors of this kind into his house, or furnish them food and assistance in those places which belong to his superior, or even in his own jurisdictions; rather, he shall detain them and shall seriously take cognizance of their causes even upon the accusation of any person. Nor is there any security, safe-conduct, or privilege which such men may allege, since they are in no way capable of any of these without the consent of the opposing party. For in all privileges and safe-conducts which we have granted, we will that this disturbance of the peace be excepted.

CONCERNING PROTECTION AGAINST DISTURBERS OF THE PEACE

If perhaps these transgressors and disturbers of the peace employ so great a defense, assistance, other aids, and favor that there would be need of a proper army and of leading it into the field; or if anyone comprehended in this general peace, of whatever estate, dignity, and condition he may be, whether ecclesiastical or secular--or anyone not comprehended in it--has been defamed, accused, or affected by some loss, or even fosters and assists these

transgressors, let this be referred by the injured parties or by the judges of the Imperial Chamber to us, or to our legate, and to the annual assembly of the electors, princes, and estates of the Empire. There assistance shall be decreed for the injured party without any delay.

But if it should happen, on account of some invasion or incursion, that that annual assembly cannot be awaited, we give power both to the judge of our Imperial Chamber in our name and to the electors, princes, and estates of the Empire to select some convenient and suitable place to which both we and they, or our and their legates, may come even by force and determine the matter as has been said. Nevertheless, it shall always be lawful for the judgment of our Imperial Chamber, and incumbent upon it, to proceed by law against the guilty, either by virtue of its office or upon the complaints and petitions of the injured parties.

IF ECCLESIASTICAL PERSONS ATTEMPT ANYTHING AGAINST THIS PEACE

If ecclesiastical persons--which we shall never expect--attempt anything against this peace, the prelates who possess immediate judicial power over them shall, at the petition and requisition of the injured parties and without any evasion, exact restoration in full of the losses so far as it can be done, and the guilty themselves shall be heavily fined. And if the prelates are negligent and do not exact penalties from the guilty, we deprive these prelates, just as we do the guilty, of all our favor and that of the Empire, and of grace and protection, as violators of the peace; nor let them hope for any assistance from us in adversity. Nevertheless, a clearing of themselves, as has also been said concerning secular persons, shall not be denied them if there is merely suspicion.

Moreover, during the peace no one shall be bound by any written instruments and treaties against this peace; for by the force and virtue of our royal preeminence we make and declare them all null and void. This, however, insofar as it concerns the remaining provisions of such written instruments and treaties, shall affect nothing at all; nor shall this public and universal peace and quiet of the whole Empire alter anything in other honest and lawful obligations of debts.

THOSE WHO ARE PROSCRIBED FOR DISTURBING THE PEACE

But those who have been proscribed for these offenses shall by no means be absolved by us without the consent and will of the injured parties, unless the law has awarded the cause to them. Hence, by royal power, we also command all and every one of you mentioned above, in accordance with the oaths and obligations made to us particularly for the sake of the Empire, and also the obedience which you promised us as King of the Romans, to observe this prescribed peace and our mandate with all its points, articles, and clauses as steadfastly as possible, unless any of you wishes to incur the loss of all our grace, and of the privileges and rights which have come to you either from us and the Holy Empire or from others. Moreover, throughout your principalities, counties, and dominions, and whatever is finally subject to the jurisdiction of each, we command you to strive, together with all your officials and subjects, by whatever name they may be called, to preserve and advance this established peace, and not in any way to attempt anything against it, whereby you would deserve both the penalties established against transgressors and our displeasure.

ABOLITION OF ALL PRIVILEGES WHICH CAN BE AGAINST THIS UNIVERSAL PEACE

We also set aside and reject all privileges, safe-conducts, customs, and treaties granted by us or our predecessors which can in any way be opposed to this peace, by whatever words, clauses, or intentions they may have been granted. By royal authority and power we declare them all annulled and void, nor do we will that anyone, of whatever dignity, estate, or condition, allege any defense through these privileges, customs, and treaties in any way.

THIS PEACE SHALL PREJUDICE NO OTHER RIGHTS

Nor shall this peace and our edict result in any prejudice, but rather in an increase, to our universal law and that of the Holy Empire, and to other ordinances and mandates issued before this; and absolutely everyone shall be bound to preserve it from the first moment of its promulgation.

These matters were explained more clearly at Augsburg in the year 1500. In the year 1512, however, at Cologne, a league was entered into among the princes and a method established by which violators of the peace could be corrected and punished. The same things were repeated in the same order in the year 1521 by Charles V. These were confirmed in subsequent years: in the year 1522 at Nuremberg; in the year 1526 at Speyer; in the year 1530 at Augsburg; in the year 1542 at Speyer, and in the same year at Nuremberg; in the year 1544 at Speyer; in the year 1545 at Worms; in the years 1566 and 1567 at Regensburg; in the year 1548 at Augsburg, and there in 1551, 1555, and 1559; in the year 1564 at Worms; and in the year 1570 at Speyer. These things were also enacted in other assemblies, but were by no means observed, as the whole Empire complained to Emperor Ferdinand in the year 1564.

Accordingly, an offense against the laws is always committed when an offensive war is undertaken, if it can be avoided, when it is possible to obtain one's cause through the laws. Therefore there remains what was also formerly provided by laws: that to prepare arms, collect money, enroll an army, and invade others is the crime of treason. See Paul in the law *amissione*.

§ 11. When war is waged without the prince's authority, both those who inflicted the losses and their heirs must make the losses good. For although the cause was legitimate, they nevertheless had no right to affect others with such great injuries. Thus it is not lawful for a private person to punish a thief, although caught in the crime, but he must be delivered to the magistrate. Yet they can recover their own property without an obligation to restore it, although not without sin, unless, having pursued the enemies without interruption, they subdue them. Further, if the enemies inflicted harm, they ought not to repair their own losses from spoil taken without the prince's authority; nevertheless, if they have done so, they are not bound to restore it unless the enemies give satisfaction.

§ 12. Tribunes, centurions, and soldiers ought not to attack an enemy on their own authority, nor to rage with arsons and devastations, unless power has been granted by the prince, either specially or generally, to harm the enemy in every way they can. Therefore, they sin gravely when, against the commander's will, they set fire to hostile fields, villages, and towns. For they are not judges but executors of justice, and no more is lawful for them than has been permitted. Thus a soldier who kills an enemy to whom the commander granted life is a murderer, and one who burns a city against the prince's will is an incendiary and is obligated to make good the loss; for a minister of justice cannot rage beyond the measure prescribed by the magistrate.

Formerly commands were so regarded that a soldier could not move his arms without his commander's order. It is the law of Modestinus: "He who in war has done a thing prohibited by the commander, or has not observed his orders, is punished capitally, even if he has conducted the affair well." For this reason Manlius and Postumius were cruel to their own sons. And just as it is a capital crime not to hand over an army to one's successor, or to retain it by force and against the magistrate's will, so too it is a capital crime to fight against the magistrate's will. When challenged by a Gaul, Titus Manlius addresses the dictator nobly: "Commander, without your order I shall not fight outside the ranks, not even if I should perceive certain victory. If you permit it, I shall meet the challenge." The reason is that which has already been explained above, and great disadvantages would follow: for anyone could kill a private enemy as though he were a public enemy.

CHAPTER V

The Just Causes for Which War Can Be Undertaken

§ 1. No crime can be more serious than to declare unjust wars and to wage them once declared. For if one homicide, theft, arson, or adultery is condemned by divine law, of how great a crime shall we judge him guilty who slaughters so many myriads of men, burns and reaps kingdoms, and leaves nothing in whole cities untouched by lust?

There is no purpose in recounting ancient examples. In the year 1599 the very broad and populous kingdom of Pegu was reduced to deserts; yet its king possessed so great a treasure of gold and gems that the victorious king of Arakan loaded from it seven hundred elephants and the same number of horses, and neglected the rest. Bovesius writes of that kingdom, and the account is contained in volume III of the *Thesaurus of Indian Affairs*: “I cannot express the grief I felt when I beheld with my own eyes those banks of the rivers planted with fruitful trees, but deserted and uncultivated, and the elegant and gilded temples overthrown from their foundations. You would think the whole kingdom deserted and uncultivated and inhabited by absolutely no one. The streets, especially those which lead to the temples, lie foul, filled with skulls and corpses: of men killed sometimes by famine, sometimes by domestic steel as they rushed into mutual slaughter, and sometimes also by royal command and cast into the river--which could scarcely be navigated even by smaller boats because of the multitude of corpses. Here I pass over cities, towns, and villages destroyed with all their inhabitants, so that no one may believe a more savage tyrant ever existed.”

The same fortune befell the most flourishing kingdom of Martaban, which was also reduced to desolation by the Siamese, as the same *Thesaurus* testifies. The king retained thirty thousand men with himself; two hundred thousand, stunned by fear of death, wandered through mountains and forests; every field was uncultivated and rough in the year 1599. He who gave counsel for the unjust war furnished the cause of so many evils. Therefore all the souls which perished shall be required from his soul, and the crimes of the soldiers who destroyed them shall be imputed to him.

§ 2. The causes of wars must be weighed with great care, so that the first question may be: Is the war being prepared justly? The second: Can a greater advantage be obtained from a just war than from an unjust peace? The first can be decided by theologians and jurists; the second remains uncertain until the fruit of victory. The Athenians were accustomed to hear philosophers and orators concerning the justice of a war. But if a war is undertaken unjustly, although victory follows, the wicked victor cannot remain fortunate for long.

Οὐδεὶς στρατεύων ἀδίκως σῶς ἦλθεν πάλιν.

No one who wages war unjustly returns safe.

Injustice sometimes prevails for a time, but in the end it is punished more severely. Alexander undertook many wars unjustly and conducted them uncontrollably and proudly; but he himself, together with his mother, wives, children, and whole family, paid the penalties. This would not have happened if he had remained in his own Macedonia and had not raised soldiers and centurions to such great power.

The very magnitude of the matters declares that great diligence is necessary in deciding the case, so that the justice of the war may be established. For the judge sits in the gravest cause, one which involves the fortunes of an entire kingdom and the lives of many in a single crisis.

There is a rule of law, and it is legitimate: proofs in criminal matters ought to be clearer than the noonday light. For no equity allows a defendant to fall by certain death in a doubtful cause. How, then, are so many thousands cut down when it is not clear which party has taken up arms more justly? A judge ought to follow only things proved and to adjudicate only matters which are clear: law *illicitas*, section *veritas*, *On the Office of a Provincial Governor*. If this is

observed for a private defendant where an inheritance and little fields--or indeed the worthless life of one man--are at issue, what shall we judge must be done in great matters and with entire peoples?

But if the reasons for the adversaries and against them have equal weight, the war must now be suspended, or the matter must be investigated more accurately and the rule observed which Tholosanus counsels in his *Syntagma*, Book XLVIII, chapter 9, section 14: "Wherefore, if the defendant and plaintiff prove equally, and the witnesses and other productions are equivalent, the matter returns to doubt and to its first condition, whence the defendant is absolved--unless the plaintiff supports the more favorable cause. For judgment must be given in doubtful matters in favor of things favorable: as for liberty, in an action concerning an undutiful will, for marriage, and for a dowry. Nevertheless, in criminal causes a concurrence of proofs rarely occurs, for in them the defendant is not admitted to prove a negative so long as the plaintiff or accuser can prove his case. For a canonical proof is not introduced against proofs. Yet this is observed: if, while the defendant is heard in a criminal cause, he alleges certain facts, as they call them, or circumstances that attenuate or restrict the quality of the offense, proof is taken concerning these when separately extracted. A new investigation is also made by virtue of the judge's office when the proof on either side is doubtful, so that certain knowledge of the truth may be had."

A much greater investigation is fitting for one about to wage war. A light and perfunctory consideration has no force in this matter, for only an error difficult to avoid excuses its author. He will examine the matter not only through his own counselors but through universities, other friends, and princes. And if the rights of the parties are obscure, judgment must be made for the defendant, not the plaintiff.

§ 3. If war is declared upon some prince or state, the cause must be weighed. If the adversary possesses a just cause, satisfaction must be given to him. If, after all diligence has been applied, the cause remains doubtful, the prince can offer himself for a more exact discussion; if he is attacked by war, he can defend himself, for he is not bound to abandon his right merely because his right is doubtful. Further, he who makes war on the basis of a doubtful right commits an injury; therefore, the man who previously defended a doubtful cause now wages a just war.

§ 4. Here too that principle remains: in doubt, the cause of the possessor is better. For this holds in every cause, but especially in a criminal cause, since sentence concerning life is not rendered from obscure matters; but he who declares war has already pronounced judgment concerning life. Nor do princes here have more right over princes than subjects have over subjects.

§ 5. Nevertheless, the man who does not possess can request a judge and demand by right that, since the cause of each is doubtful, it be judged in common and that a part be given to the one who does not possess, or, if the thing cannot be divided, compensation. This has place, however, if the cause of the nonpossessor is more probable; for they are no longer equal, and therefore the condition of the possessor is not better. Nor is the nonpossessor bound to abandon the more probable right. Otherwise, if the possessor had the slightest doubt and the other the most probable cause, the latter could do nothing, which is unjust. But if in such a cause the possessor is unwilling to give anything, he commits an injury and can therefore be attacked in war by his adversary.

§ 6. Nor do I exempt soldiers, especially tribunes and centurions, from some inquiry into right and equity. For if the war is manifestly just, all can serve in it; if the injustice is clear, no one can give his name for military service. If the cause is doubtful, soldiers who are subjects, bound to fixed pay, and vassals can follow a cause that is doubtful. Thus Saint Augustine, *Against Faustus*, Book XXII, chapter 75: "For if a just man happens to serve under a sacrilegious king, he can rightly fight at his command when it is certain that what is commanded is not against God's command, or when it is not certain whether it is so; in such a way that perhaps the king is made guilty by the injustice of commanding, while the order of servitude shows the soldier to be innocent."

For soldiers, when they execute the sentence of a judge, choose the safer part when they follow the sentence of their prince. Finally, soldiers are bound to follow the prince; for by refusing the oath they would add strength to the enemy and betray the state. Certainly, in doubt one ought to favor one's country rather than its enemies. Finally, it is not

customary to summon an unorganized multitude to judge the cause. The reasoning is different for commanders who, when they are summoned as counselors, are compelled to judge the justice of the cause seriously. But if it is evident to soldiers and vassals that the prince doubts the justice of his cause, they ought not to enroll for military service, because they know that the war is unjust. For it is unjust to judge concerning another's life when the cause is doubtful.

§ 7. Soldiers who are not subjects cannot serve in a doubtful cause, because the war does not concern them and they cannot voluntarily involve themselves in a doubtful matter. Further, without any necessity they expose themselves to the danger of inflicting injury upon another prince, whereas by abstaining they avoid that danger.

Ordinarily, however, soldiers of good conscience do not sin here. For those who wage wars put forward the most specious causes, which appear plainly necessary. Further, when a king or prince is of good name, they rightly presume that he does not undertake unjust wars, that he has examined the cause accurately, and that it has been approved by prudent and upright men. Conrad Lancellotus says that laws existed before arms; but I believe that laws were made for laying down arms or not taking them up. After arms, laws were thus enacted.

CHAPTER VI

The Just Causes for Which Wars Can Be Set in Motion

§ 1. The first cause, and the most just of all, exists if an unjust war is brought upon one. But it is brought unjustly in two ways. First, when war is declared upon the innocent, as the Moabites declared unjust wars upon the Jews, and likewise Antiochus and others--with such men, alas, history is full. In the second way, when a war was just at its beginning but is rendered unjust by satisfaction not being accepted. For example, the Venetians seize an Ottoman ship contrary to a treaty; the Turk declares war; the Venetians restore the ship, merchandise, passengers, and all losses, and promise to make satisfaction for the injured honor and authority of the emperor, either according to his own judgment if he commands equitable terms, or according to that of arbitrators if he wishes to appoint them. But if he moves war absolutely and wishes a most noble state to surrender itself to him, they will rightly resist with all their strength, because the sin is not so great that they ought to deliver themselves to a most cruel enemy and, together with their liberty, ruin themselves also in religion.

This cause is not only just but also necessary. For the prince who does not defend the state sins against justice just as much as he who invades the possessions of another. Therefore, against one who inflicts harm, defense is not only just but necessary. Here I pronounce boldly: he who desires peace should prepare war. Here especially has place that saying of Isocrates:

> *Οὐκ ἀθυμεῖν δεῖ τοὺς ὑπὲρ τῶν δικαίων κινδυνεύειν μέλλοντας, ἀλλὰ πολὺ μᾶλλον τοὺς ὑβρίζοντας.*

Those who are about to incur danger for a just cause ought not to be downcast, but rather those who inflict injury. Chilon used to say that this was the difference between a good prince and a tyrant, and that they were recognized from the matter about which they contended: the tyrant broods over another’s possessions; the prince defends his own.

§ 2. The second cause is the detention of things taken away. For just as citizens, who have a judge, when something has been taken away, recover it at law and appoint a day for the adversary, so a state, when it has sent ambassadors to demand back its possessions in vain, prepares and declares war. Moreover, the cause of demanding back possessions is various and as diverse as it is within a city. For something may have been taken away by theft or robbery; what had been deposited may not have been returned; justice may have been denied to citizens; or an inheritance may have been withheld.

A war is just when an enemy carries off and drives away the possessions of neighboring lands by plundering. The Roman people waged such a war with the Illyrians and Gauls, and afterward with barbarian peoples. “For things which they cannot possess together, they fight in unhappy want; laborious wars seek this peace, and glorious victory obtains it.” For the great and wealthy are attacked for this reason: the wind overturns the oak because it is laden with acorns and foliage; willows are exempt. Thus the Britons were safer for a long time because they denied that there was an ounce of gold among them.

War is also waged when justice is denied to citizens or merchants are detained. Among the northern peoples there were many such cases in ancient times, and atrocious battles. When an inheritance is divided unjustly, there is the case against Jugurtha, who through adoption had received with Adherbal the right to divide the kingdom and had corrupted Roman ambassadors and commanders with money. War was waged for this reason, because he had joined parricide to it.

§ 3. In these causes, not only the magnitude of the loss must be considered, for sometimes it is not worthy of war, but also the design of enemies who are seeking wars. If their first injuries are not opposed, they will be bolder for second

and third injuries; and then, after greater losses have been received and the spirits of your men weakened, it will be necessary to fight men who are more confident.

§ 4. War is also frequently undertaken for the sake of vengeance, when the enemy has injured one in any matter whatsoever. It is not waged so that things may be recovered, since they either have not been taken away or have been consumed, but so that the wicked may be punished and the state made safer by this means. No one ought indeed to furnish vengeance for himself; nevertheless, a state ought not to leave its own injuries unavenged without cause, whether they are inflicted by private persons or by another state. Because it possesses the sword for vengeance upon evildoers, it ought therefore to use it with reason.

§ 5. War can also be waged when religion is attacked and God is blasphemed. This happens in two ways. The first is when foreigners live wickedly and afflict God with insults but nevertheless do not harm others. The second is when they attempt by deceit, fraud, and violence to draw others into the same sins, and actually do so.

If they are wicked and blasphemous only toward themselves, it is not lawful to wage war against them for that cause alone, because one state is not the judge of another state, while it belongs to a judge to punish sins. Nevertheless, by the express admonition and command of God they can make war. Thus Joshua killed the Canaanites by God's command because their iniquities had now been completed. They did not touch the Moabites and Edomites, who were not much better, because they had no command to punish their crimes.

§ 6. But when by force or fraud they attempt to bring their vices into a state, they also give a just occasion for war. Thus the Maccabees waged most just wars against Antiochus and others who compelled men by force to idolatry.

§ 7. This is so not only when they solicit the minds of subjects to crimes by violence and armed force, but also when they do so by fraud and blandishments. When Moses had occupied Bashan and the neighboring regions, the Moabites and Midianites, seeing themselves unequal in war, received the Israelites hospitably as brothers, gave them gifts, and sent their daughters to take care of the guests, so that under the appearance of friendship and of marriages to be contracted they might entice them to fornication and adulteries, and then, once they had been weakened by lustful love, to idolatry. When this had been done, as Balaam had conjectured, God, being offended, would either destroy them utterly or at least, when they had been deprived of heavenly aid, offer them to their enemies to be conquered.

And the deceit succeeded, Numbers 25: "Now at that time Israel abode in Shittim, and the people committed fornication with the daughters of Moab, who called them to their sacrifices. But they ate and adored their gods. And Israel was initiated into Baal-peor; and the Lord was angry and said to Moses: 'Take all the princes of the people and hang them upon gibbets before the sun, that my wrath may be turned away from Israel.' And Moses said to the judges of Israel: 'Let each one kill his neighbors who were initiated into Baal-peor.'"

For this crime a severe vengeance is exacted in chapter 31: "And the Lord spoke to Moses, saying: 'First avenge the children of Israel upon the Midianites, and then you shall be gathered to your people.'" And immediately Moses said: "'Arm men from among you for battle, who can exact the vengeance of the Lord from the Midianites. Let a thousand men from each tribe be chosen from Israel to be sent to war.' And they gave a thousand from each tribe, that is, twelve thousand men equipped for battle. Moses sent them with Phinehas, son of Eleazar the priest, and delivered to him the holy vessels and the trumpets for sounding. And when they had fought against the Midianites and conquered them, they killed every male and their kings, Evi, Rekem, Zur, Hur, and Reba, the five princes of the nation. They also killed Balaam son of Beor with the sword. And they captured their women and little children, all their cattle, and all their furniture; whatever they could possess they plundered. They consumed with flame both cities and villages and castles. And they took the spoil and all that they had captured, both from men and beasts, and brought it to Moses and Eleazar the priest and to the whole multitude of the children of Israel; but the remaining utensils they carried to the camp in the plains of Moab, beside the Jordan opposite Jericho.

"And Moses and Eleazar the priest and all the princes of the assembly went out to meet them outside the camp. And Moses, being angry with the princes of the army, the tribunes and centurions who had returned from the war, said: 'Why did you spare the women? Are not these the women who deceived the children of Israel at Balaam's suggestion and caused you to transgress against the Lord in the sin of Peor, whence the people were struck? Therefore kill all who are of the male sex, even among the little children, and slaughter the women who have known men in intercourse.'"

God decreed this war beforehand, Numbers 25:17: "And the Lord spoke to Moses, saying: 'Let the Midianites feel you as enemies, and strike them, because they too acted as enemies against you and deceived you by snares through the idol of Peor and through Cozbi, daughter of the prince of Midian, their sister, who was struck on the day of the plague for the sacrilege of Peor.'"

§ 8. Not only must a war be just; for it to be waged rightly, a wise man ought to grieve that a just cause of wars is given. For those who eagerly seize even a just cause and rejoice that an occasion has been given seek anything rather than justice. Both Romans and Carthaginians were disposed in this way before the Second Punic War. For when the ambassador said that he carried peace and war, the Carthaginians ordered him to give whichever he preferred, and he poured war from the fold of his garment, not without terror. Augustus acted better, for, as Suetonius writes in chapter 20, he brought war upon no nation without just and necessary causes. For he watched over the empire not to enlarge but to protect it. Therefore, he was unwilling to bring war upon those at peace and grieved when it was brought upon him.

§ 9. A war is also just against those who have assisted an enemy in an unjust war. For that cause the Romans frequently subdued peoples, and particularly the Picentes and Sallentines, because they had borne arms for the Tarentines. They decreed war against Philip of Macedon because he had allied himself by treaty with Hannibal while the latter held power in Italy, although the prayers of the Athenians also impelled them to it. War was also brought upon the Aetolians because they had stood by Antiochus. For the same cause the Histrians were subjugated because they had assisted the Aetolians. The Gallograeci, who were said to have been in Antiochus's camp, were in the same position; but the senate did not approve the cause of the war, wherefore a triumph was denied even to the victorious Manlius. Thus many peoples followed the ruin of the Syrian War. The contagion of the Second Macedonian War drew in the Illyrians; and while the Roman pursued all who were privy to it, as though by a chain, he subjected the world to himself, with peoples either furnishing causes or the Roman seeking them out.

But for this war, in which an enemy's *σύμμαχοι*, or allies, are attacked, to be just, two things are required. First, they must truly have assisted, not merely favored, the enemy. For if the Spartans are enemies of the Athenians, the Thebans are not therefore also bound to withdraw from friendship with the Athenians. Since they are free, they can love those whom the Spartans hate. For this reason the Cretan War was unjust. "The Cretan War, if we wish to confess the truth," says Florus, Book III, chapter 7, "we made from the desire merely to conquer a noble island. It seemed to have favored Mithridates; it pleased us to avenge this by arms, and, because the act was unjust, savage counsel was taken against the captives, so that very many destroyed themselves with poison."

The second requirement is that they were not subjects of the enemies and that the cause of the war was not clear to them. For if the cause of war was doubtful, they were bound by treaty to furnish allies, arms, and provisions; since they must be judged innocent, they ought not to be harassed after the war is ended.

§ 10. It is not only a most just but also a most honorable cause of waging war when allies are defended. Thus the Roman people, moved by the prayers of Campania, attacked the Samnites, not on its own behalf but, what is more honorable, on behalf of its allies. In this matter it must also be observed that the cause of the allies be just.

Saint Chrysostom speaks beautifully on Psalm 134: "We have right hands from God so that we may bear aid both to ourselves and to others who have suffered injury, so that we may remove crimes from our midst, and so that we may be a harbor and refuge to those upon whom violence and injury are brought. How, then, shall pardon be given to those who use these arms not for salvation but for the destruction of others?" And this is what Cicero advises in Book IV of

The Republic: “No war is undertaken by the best state except for safety or good faith.” For good faith must be kept with allies, lest they be allowed to be oppressed.

In this matter one must take care not to defend the unjust causes of allies. Some soldiers, for example, are so wicked that they care nothing whether the cause being conducted is just or evil. Having bound themselves for money, they serve the very powers of hell. A prince will not lightly employ them, because if money is displayed on the other side, they will soon migrate as deserters into the enemy’s camp. For this is in their mind:

> Right is where the greatest reward is.

§ 11. Although soldiers and princes do not weigh matters in this way according to their proper importance, justice nevertheless requires that in an unjust war the commander and the soldiers make good the losses. In a doubtful case, ordinarily the prince must do so, because he ought to have investigated the matter more accurately, if he doubted through his own fault. Next, the counselors must do so, whose ignorance is inexcusable. Soldiers are bound to restore only that by which they have become richer. If the error of any soldiers was culpable, they are bound to return everything they took away. But through the calamities of war men are generally rendered worse. For they rage against the enemy, and once despoiled they turn to plunder; therefore the cause must be both just and weighty.

CHAPTER VII

Certain Causes of War More Particularly Explained

§ 1. All causes of war can be referred either to defense, to reparation of loss, or to vengeance for injury inflicted upon God and men, both on behalf of one's own state and on behalf of allies. Yet because among these there are various kinds and degrees of injuries, I shall speak of certain causes from which immense wars have arisen.

Injury to ambassadors has been the cause of serious wars, and a most just cause, because it is contrary to the law of nations. For if an ambassador is not safe, the hope of peace and reconciliation is cut off. The Tarentines foully violated the Roman embassy which carried a complaint concerning injured citizens, by an obscene insult shameful to relate. Florus, Book IV, chapter 8. But after being defeated in great battles, while Pyrrhus defended the impious cause in vain, they paid for the crime with slavery. The Picentes and Sallentines at the same time came under Roman dominion. Then the Illyrians cut down the ambassadors with an axe as though they were victims; but after victory, axes drawn over the necks of their princes made expiation to the hands of the ambassadors. Destruction was also brought upon Corinth because Roman ambassadors had been violated--whether by hand is uncertain, but certainly by speech.

King David waged a most serious and most destructive war, to the ruin of the nation, against the Ammonites. The cause was that Hanun had violated the ambassadors sent for friendship and consolation, 2 Samuel 10:4. "Therefore Hanun took David's servants, shaved half of their beards, cut their garments in the middle as far as their buttocks, and sent them away." What was more detestable, they hired Syrian auxiliaries against David and brought war upon him. For besides those who assisted the children of Ammon, who numbered 33,000, Hadadezer brought an immense multitude, of which David struck down 700 chariots and 40,000 horsemen. But after he had conquered Rabbah of the children of Ammon, he was very severe in victory, though by God's command, 2 Samuel 12:31: "And bringing forth its people, he sawed them; and drove iron carts over them; and divided them with knives; and made them pass through the brick-mold. Thus he did to all the cities of the children of Ammon. And David and the whole army returned to Jerusalem."

§ 2. There was no legitimate cause why Rome the daughter fought with Alba the mother; but each people, a kindred people, was afflicted until, weary of evils, they imposed the public decision upon the three Horatii and the three Curiatii. Five fell, and the sixth gave his innocent sister as a victim for himself. "Let the cause of the war be stated," says Saint Augustine in *The City of God*, Book III, chapter 14, "as adultery was stated to be the cause of Troy: no such cause, nor anything similar, is found. It was only that Tullus might stir sluggish men to arms and troops now unaccustomed to triumphs." Therefore, through that vice so great a crime of war between allies and kindred was perpetrated. It is surely shameful brigandage to make war merely for exercise.

§ 3. Some also are moved to arms by no other cause than the weakness and contemptibility of their enemies. They indeed have other causes for wishing it, but the enemies' fortune causes them to dare it. This happens if a prince is weak in age or ability, if the people is rather alienated from him, or if a city has suffered fire or war. Thus, after Camillus had compelled the Gauls, when they had been cut down and put to flight, either to depart from Italy or to die, those who owed the Romans the greatest thanks attacked the wretched city with hostile minds--especially the Latins, when they demanded a share in the right of command and in the magistracies. This is one reason why the Empire deservedly remained unimpaired for the Romans, since they found their neighbors so ungrateful.

§ 4. Ambassadors are indeed inviolable and altogether immune, yet on this condition: that they do nothing beyond the office of their embassy, attempt nothing against those to whom they are sent, and, when ordered to depart, obey immediately. Accordingly, the ambassadors of the Tarquins deserved death when, under the opportunity of carrying away the royal furniture, they were purchasing traitors to the city. Livy, Book II: "Meanwhile, when the opinion which

judged that the goods ought to be returned had prevailed in the senate, and when for that very cause the ambassadors had a reason for delay in the city--because they had obtained from the consuls time to procure wagons in which to carry away the kings' possessions--they spent all that time consulting with the conspirators."

The Romans could have punished them, but, lest they further provoke the Tarquins whom they feared, they dismissed them. The matter was of so great concern even to barbarians that when the Gauls attacked Clusium in war and confessed that they possessed no right except in arms, they nevertheless demanded that the Roman ambassadors be delivered to them because these had been seen in the front line and one had pierced the enemy's commander. When they not only failed to obtain this but also learned that the violators of human law had been given the military tribunate, they immediately flew upon Rome. They valued the ambassadors' deed more highly than their own. The Gauls were wresting land from its possessors by force and injury; the ambassadors, on behalf of innocent allies, were three men who had fought in the battle line, with no fault except that they had not been commanded to do so. Yet Rome paid for this fault with fire and near destruction. Therefore an ambassador must take care not to devise hostilities or have clandestine conversations, lest he appear to act as a spy and scout.

§ 5. The abduction of women and the avenging of violations of chastity have frequently been causes of foreign wars, just as they have been of seditions. The children of Israel, especially Simeon and Levi, avenged the violation of their sister Dinah by the destruction of the Shechemites. For one family made war upon an entire city, impiously and with broken faith; they had made peace and abused the sacrament of circumcision for deceit. The cause of the war was indeed just, but after the treaty the war became most unjust.

The Trojan War also arose from adultery, and the Messenian War, which divided Greece into parties, from fornication. The carrying off of Lavinia also roused Turnus to arms. And the first Roman arms, on account of the virgins abducted at the equestrian games, were employed between sons-in-law and fathers-in-law. The Veientines, Caeninenses, and Sabines justly brought war, but because they waged it with remarkable arrogance, they yielded to Roman arms.

CHAPTER VIII

Unjust Causes of Wars

§ 1. For the most part, either unjust wars are waged or, if they are just, they are administered unjustly. When the fury of war blazes up between two peoples, justice stands on only one side. Whether someone attacks a just cause or defends an unjust one, victory never makes him innocent. No one deceives his own conscience so that the outcome may console it; an unjust cause holds him guilty.

§ 2. Among the unjust causes of war, I place first the corrupt judgment of certain prudent men, by which they think that their own state, because it has been prudently instituted and furnished with excellent morals, deservedly subjects barbarian peoples to itself in servitude.

They make a distinction among men, saying that some are slaves by nature, born, namely, to obey, but others born to command. Aristotle, *Politics*, Book I, chapter 5:

> *Καὶ εὐθὺς ἐκ γενετῆς ἔνια διέστηκε, τὰ μὲν ἐπὶ τὸ ἄρχεσθαι, τὰ δὲ ἐπὶ τὸ ἄρχειν.*

And immediately from birth there is this difference, that some things were born to command and some to obey. He proves this in animals and then proceeds in this way to men who are slaves by nature:

> *Ἐπεὶ δὲ τὸ ἄρρεν πρὸς τὸ θῆλυ φύσει, τὸ μὲν κρεῖττον, τὸ δὲ χεῖρον· καὶ τὸ μὲν ἄρχον, τὸ δὲ ἀρχόμενον. Τὸν αὐτὸν δὴ τρόπον ἀναγκαῖον εἶναι καὶ ἐπὶ πάντων ἀνθρώπων. Ὅσοι μὲν οὖν τοσοῦτον διεστᾶσιν, ὅσον ψυχὴ σώματος, καὶ ἄνθρωπος θηρίου--διάκεινται δὲ τοῦτον τὸν τρόπον ὅσων ἐστὶν ἔργον ἡ τοῦ σώματος χρῆσις, καὶ τοῦτ' ἐστὶν ἀπ' αὐτῶν βέλτιστον--οὗτοι μέν εἰσι φύσει δοῦλοι, οἷς βέλτιόν ἐστιν ἄρχεσθαι ταύτην τὴν ἀρχήν, εἴπερ καὶ τοῖς εἰρημένοις. Ἔστι γὰρ φύσει δοῦλος ὁ δυνάμενος ἄλλου εἶναι, διὸ καὶ ἄλλου ἐστίν.*

Furthermore, the male, compared with the female, is better, while the latter ought to submit to command. It is necessary that the matter be the same in all human beings. Therefore, all who are inferior and worse than other men by as much as the soul excels the body and man the beast--and such are those whose work is placed in the use of the body and from whom this alone is the best thing that can proceed--are slaves by nature, for whom it is better to submit to this rule, if indeed it is so also for the things stated above. For a slave by nature is one who is capable of belonging to another, and therefore does belong to another.

This opinion is both false and destructive of the human race. For from this the very arrogant wisdom of the Greeks thought it a right to subject barbarian nations to its command, and thought war just so that the worse might obey the better; but they judged themselves the better, although it is established that many barbarian nations lived more innocently and modestly than the Greeks. They thought that they had accomplished some great thing when they reduced the Lydians, Sarmatians, Scythians, and Indians under their power and, as wise men, made themselves masters of men whom they thought foolish.

First, indeed, it is excessively arrogant to raise themselves so high and press others so low. Second, one must first see whether he who undertakes war against barbarians born for servitude, so that he may govern them legitimately, also governs his own mind, house, and state according to virtue; otherwise he is more wicked than the barbarians. Third, the barbarians ought rather to be taught and admonished than subdued in war. For why should they serve you? Why should you possess the right of life and death over them because you are more cunning than they?

All nations have taught that this difference is not one of nature but of education. The Romans at first were barbarians, and afterward the Spaniards, Gauls, and Germans--*πᾶν τὸ χείριστον*, "the very worst of all"--but now they are regarded as the most cultivated of nations, while barbarism has migrated into Africa and Asia.

§ 3. Many unjust wars have also been waged on account of women, even though there was no abduction. Darius the Persian brought war upon Iantinus, king of the Scythians, because his daughter had been refused to him in marriage. This was tyrannical, since he could not compel even a subject to give him his daughter in marriage against his will. It was indeed customary in ancient barbarism to abduct wives or to bring war on account of them. More subtle was the art of the French nobles, who incited the king to war against Charles the Bold so that, compelled by necessity, he might give his daughter in marriage to someone together with the very ample dowry of the Burgundian dominions. Antony did not indeed wage war on account of Cleopatra, for he enjoyed her love, but was driven into war by the ambition of a woman.

§ 4. Immense wars have often arisen from superstition, just as was said above concerning sedition. The cities of Egypt were accustomed to provoke one another to war on account of their gods. Once, when the Alans and Armenians had assembled for games, a dispute arose concerning the gods: which people had the better gods? That frenzy remained in them as they departed. For since each nation's own divinities appeared sacred and its rites most honorable, after they had returned home, the more each man wished to appear pious, the more hostilely he pressed the war.

For this is the nature of superstition: to ridicule the things of another. "Everyone," says Philo in Book II of *The Life of Moses*, "abhors foreign rites and thinks that so much more honor accrues to his own as he tramples those of others more deeply." The source of this proceeds from innate malice and obstinacy. For men cannot honorably defend their own rites, since these contain many unspeakable and shameful things; but in ridiculing those of others, since they are equally absurd, they can be eloquent and witty. Now there is scarcely any war which is not said to be waged for the sake of religion.

§ 5. It is established that the greatest wars have had the most trifling causes:

> *Ἡ φαύλη τις αἰτία πολλάκις παρεμπεσοῦσα πολλῶν πραγμάτων ὠδίνησε μεταβολάς, καὶ συμφορὰς ἀπέτεκεν ὑπερόγκους.*

And frequently a cause of no importance, intervening, has given birth to changes in many affairs and brought forth immense calamities, as Nicetas admonishes in his account of Manuel Comnenus. The greatest wars have often had the slightest and most contemptible beginnings. Cicero, *On Ends*, Book II, says that Xerxes would have attempted so much in vain if he were said merely to have wished to carry away honey from Hymettus. Yet frequently there is no greater cause or fruit of the bloodiest wars.

§ 6. Most unjust wars arise from a profound desire for wealth and honor. Even if other causes are also just, these nevertheless join themselves as companions. Desire for wealth was indeed more concealed among the earliest Romans, more visible among other nations. When the Persians sent ambassadors throughout Greece to ask for earth and water as a sign of subjection, avarice made them restless and judged it equitable that every land be annexed to their own. When Xerxes had tasted Attic figs, he swore that he would occupy the land which bore that fruit--not from gluttony, for he could have bought them, but from avarice, because although he had as great wealth and power as no one before him had possessed, he nevertheless did not have a mind content with present things.

Avarice and luxury together incited the Gauls to invade Italy. For when those who had been there offered wine to their countrymen, by its sweetness they aroused them all to the expedition; but most poured out their blood upon the land unhappily sought. Those who desired the property of others too eagerly lost all their own possessions and their life.

Afterward the same Italy, by the same pleasantness and felicity, invited the Lombards. For while they were in Pannonia, having heard that Italy abounded in sweet fruits, succulent meat, and fragrant wine and enjoyed, under a temperate sky, a variety of all things, they hastened there in great columns. Spain, however, armed the avarice of two peoples against itself and mutually against those very peoples. For the Spaniards, then a simple nation, were ignorant of the resources and riches that lay well hidden in the depths. Afterward the Romans sought them; but, inflamed by this matter, the Carthaginians moved arms against the Romans, which came to rest with the destruction of Carthage.

Thus, while they gaped after Spanish gold and excavations, they demolished their own walls. For whatever cause they pretended, certainly:

> Gold and purple trouble the lives of men with cares
>
> And weary them with war.

Nowhere was this clearer than in the war which the Gauls waged against the Greeks. For Brennus exhorted his men to war by the hope of booty. When he had heard from captives that the Delphic offerings were not of solid gold but iron covered with gold, he ordered them to affirm that they were of solid gold, and thus used his men's avarice for the battle. This cause of fighting seemed so legitimate that in Pausanias they said the Persians were foolish because, though rich, they fought with the poor. For they thought the reward of victory to be not justice but the resources of those oppressed.

Accordingly, in this cause they did not deny themselves to be so unjust that King Antigonus was not ashamed to say to a certain sophist who offered him a book written on justice: "You are foolish: although you see me harassing the cities of others with arms, you nevertheless discourse on justice in my presence." Antigonus laughed at these things, professing injustice and great robberies. But more shamefully, the Roman people occupied Cyprus without any pretext, and lest anything be lacking to the unworthiness of so great a crime, Porcius Cato was the commander.

Florus, Book IX, narrates the matter thus: "The fate of the islands was at hand; therefore Cyprus too was taken without war. Ptolemy ruled the island, which abounded in ancient riches and was for that reason sacred to Venus. So great was the fame of its wealth, and not falsely, that the people which had conquered nations and was accustomed to give away kingdoms, under the leadership of Publius Clodius the tribune, commanded the confiscation of an allied and living king. He indeed anticipated his fate with poison at the report of the matter. But Porcius Cato carried the Cyprian wealth in Liburnian ships through the mouth of the Tiber, and this affair filled the treasury of the Roman people more broadly than any triumph."

With similar desire but greater madness Crassus moved against the Parthians. Florus, Book III, chapter 11: "While it was subduing the Gauls through Caesar in the north, meanwhile in the east the Roman people received a grievous wound from the Parthians. Nor can we complain of fortune. The disaster lacks consolation. With both gods and men opposed, the desire of the consul Crassus, while he gaped after Parthian gold, was punished by the slaughter of eleven legions and by his own head. Metellus, tribune of the plebs, had devoted the departing commander with hostile curses. When the army had crossed Zeugma, the Euphrates swallowed the standards torn away by sudden whirlwinds. And when he had placed camp near Nicephorium, ambassadors sent by King Orodes warned him to remember the treaties struck with Pompey and Sulla. Gaping after royal treasures, he answered that he would make his answer at Seleucia, without even an imaginary right."

§ 7. Avarice is frequently a cause of war, but ambition and the lust for domination joined to the praise of complete victory are more obstinate in it. For when enemies, having bargained for life, are ready to surrender everything, why are their prayers not accepted, but the exactor of vengeance presses on until despair of pardon drives the wretched to prefer destroying their possessions and themselves besides rather than being a cruel mockery to the enemy? Is it not because pride, desiring an absolute victory, outweighs avarice? This, therefore, is a cause of waging war, as all histories show. Lucan, Book I:

> You, Rome, made common to three masters, were the cause
>
> Of the evils, and never did the deadly compact of rule
>
> Among a multitude succeed. O men badly united
>
> And blinded by excessive desire, what pleasure is it
>
> To mingle your strength and hold the world

In common?

For although his own causes seize each man and drag him into criminal battles, nevertheless the lust for domination holds first place. Ninus is said to have been the first to do this. Augustine, *The City of God*, Book IV, chapter 6: "Justin, who, following Pompeius Trogus, wrote in Latin, as Trogus had, but also briefly, a Greek--or rather, a foreign--history, begins the work of his books thus: 'At the beginning of affairs, command over peoples and nations was in the hands of kings, whom not popular ambition but moderation approved among good men advanced to the summit of this majesty. The peoples were held by no laws; the judgments of princes stood for laws. It was customary to guard rather than extend the boundaries of command. Each man's kingdom ended within his own country. Ninus, king of the Assyrians, was the first of all to change the ancient custom, as though ancestral among the nations, by a new desire for empire. He was the first to bring wars upon his neighbors and subdued peoples still untrained in resistance as far as the boundaries of Libya.'"

And a little afterward, he says: "'Ninus confirmed the magnitude of the dominion he had acquired by continual possession. Therefore, after his neighbors had been subdued, when he passed with an accession of strength, now more powerful, against others, and each succeeding victory was an instrument of the next, he subjected the peoples of the whole East.' And in Book III, chapter 14, Sallust touched in passing upon that vice"--of fighting for the sake of exercise and from love of praise--"as a great one. For when in praise he had briefly recalled more ancient times, when the life of men was passed without desire and each man was sufficiently pleased with his own, he said: 'But afterward, when Cyrus in Asia, and the Lacedaemonians and Athenians in Greece, began to subdue cities and nations, to hold the lust for domination as a cause of war, and to think that the greatest glory lay in the greatest command,' and the other things he had undertaken to say."

Let it suffice me to have set down his words thus far. That lust for domination assails and wears down the human race with great evils. Conquered by this lust, Rome then triumphed that it had conquered Alba and called the praise of its own crime glory.

§ 8. Many wars arising from the sudden and unjust ferocity of kings have crushed the world. Seneca, *On Anger*, Book III, chapter 20: "For my purpose is not to write of the cruelty of Gaius but of the evil of anger, which does not rage merely against individual men but rends whole nations, cities, and rivers, and lashes things safe from every sensation of pain. Thus the king of the Persians cut off the noses of an entire people in Syria; hence the name Rhinocolura for the place. Do you judge that he spared them because he did not cut off their whole heads? He delighted in a new kind of punishment.

"The Ethiopians, who are called Macrobians because of the very long span of their life, would have suffered something of this kind. Cambyses raged against them because they had not received slavery with upturned hands and had given free answers through the ambassadors he sent--answers which kings call insulting. Without provisions having been prepared and without the routes having been explored, he dragged the whole multitude useful for war through pathless and arid places. During the first part of the journey it lacked necessities, nor did the barren and uncultivated region, unknown to human footsteps, furnish anything. At first they sustained hunger with the tenderest leaves and the tops of trees; then with hides softened by fire and whatever necessity had made food. After roots and grasses also had failed amid the sands and there appeared a solitude destitute even of animals, they chose every tenth man by lot and had food more savage than famine. Anger still drove the king headlong when he had lost a part of his army, until he feared that he himself might be called to the lot; then at last he gave the signal for retreat. Meanwhile, choice birds were being preserved for him, and the instruments of banquets were being carried on camels, while his soldiers drew lots as to who should perish badly and who live worse."

This man was angry at a nation unknown and undeserving, though one capable of feeling it; Cyrus was angry at a river. For when he hastened to the war in order to attack Babylon--a war whose greatest moments lie in

opportunities--he attempted to cross by a ford the whole broadly spread Gyndes, something scarcely safe even when it has felt the summer and has been reduced to its lowest level. I spoke of this matter when I treated tyranny and cruelty.

§ 9. I judge it unjust to declare war on account of receiving those who have fled from enemies, unless they themselves are authors of the evils. For why, once their country has been destroyed, should its remnants be pursued? The Israelites indeed spared six hundred Benjaminites and even gave them wives, in the final chapter of Judges.

Florus, Book II, chapter 18, confesses the wicked hatred of his own people: “If it is permitted to confess it, there was scarcely ever a more unjust cause of war. The Segidenses had received allies and kinsmen who had escaped the hands of the Romans. An intercession made on their behalf had no force. Although they removed themselves from every contagion of wars, they were ordered to lay down their arms as the price of a lawful treaty. This was received by the barbarians as though their hands were being cut off. Therefore, immediately turning to arms under Megara, a most courageous man, they attacked Pompey in battle. Nevertheless, although they could have completed the war, they preferred a treaty. Then they attacked Hostilius Mancinus. They so subdued this man too by continual slaughter that no one could sustain even the eyes or voice of a Numantine man. Nevertheless, with this man too they preferred a treaty, content with the spoils of arms although they could have proceeded to annihilation.”

It is altogether permissible to confess that an injury was done to the Numantines, not only because the beginning of the war was without cause, but also because treaties were violated and cruelty was repaid for clemency. For they wished to surrender if conditions tolerable to men were commanded. But when Scipio desired a true and unconditional victory, they were reduced to such misery that, after battle, a sortie, and flight had been attempted, they finally killed themselves. I shall conclude with the remarkable answer of a barbarian nation. If war is not just, it is brigandage. The ambassador of the Scythians said this freely to Alexander: “You who boast that you come to pursue robbers are the robber of all the nations you have approached.”

CHAPTER IX

If the Enemy Offers Satisfaction, He Must Be Treated More Mildly

§ 1. The dispute in this place is twofold. For it is asked, if an enemy who offered an injury says that he disapproves of the deed and wishes to repair the loss according to an equitable judgment, whether the injured party is compelled to accept that satisfaction and abstain from war. Then, if the prince is free either to accept satisfaction or to pursue them in war, what ought to be advised to him, or what is expedient?

§ 2. The Doctors do not hold the same opinion in the former controversy. Some command men to abstain from war once satisfaction has been offered, when war has not yet been consecrated by bloodshed; but if the battle lines have now clashed and the battering ram has struck the wall, some think that satisfaction may be despised and war continued, while others think that men must abstain from war. It appears to me that a substantial distinction must be used and the matter explained by these propositions.

PROPOSITION I

An injury is inflicted either when possessions are taken away, when violence is brought upon bodies, or when reputation and honor are injured by slander; and sometimes all these are combined. Finally, it is inflicted when the divine majesty is injured by sacrileges or by the crime of unbelief or heresy. Each must be discussed individually. I understand these things, however, as done by a public judgment, that is, by the judgment of the whole state.

PROPOSITION II

Among these, the easiest compensation is for possessions taken away and for honor. For money and livestock can be restored or equal prices repaid. Honor also appears capable of being restored by retracting insults and acknowledging the slander. But two things make this matter more difficult.

The first is that not only must the things taken away be restored, but also the losses which followed must be compensated. For that which is decreed in a civil judgment--that expenses, losses, and loss of profit, absolutely everything, be repaid to equality--is also required in war. The second is that, after everything has been restored, a penalty must nevertheless be inflicted upon the wrongdoer, and indeed a twofold penalty. Namely, he must repay something to the man who suffered the injury for the insult he inflicted when he took things away by force, for the man’s fear, and for the anxiety and distress he endured while deprived of his property. For this reason, in Exodus 22:4, 7, and 9, the thief is compelled to render double to his neighbor.

When this has been done, the state also exacts another penalty in order to preserve the common good. Therefore, after stolen things have been returned and slander has been retracted, it punishes the theft by the gallows and the slander by exile, prison, or another means. Accordingly, the state which caused the injury ought to make satisfaction in that manner according to the laws. For it belongs to natural law that equality be established between those who have been made unequal by another’s injury. Nor is there one law for private persons and another for kingdoms among themselves. For just as, within the same kingdom or city, equality of justice must be preserved by the judge, so within the fellowship of the human race, of which kingdoms are members, equality must also be established among kingdoms, so that if one has taken anything from another by injury, it may restore it by justice. Yet this must be done with such moderation and mild judgment that satisfaction is received and the other state is not oppressed; for the laws which favor a person making restitution in private causes must be observed.

PROPOSITION III

In violated chastity and life taken away, restitution is most difficult. For since adulteries, abductions, acts of violence, and slaughters are punished by death, there appears to be no other manner of satisfaction than that the whole state which did these things offer itself to death and submit its necks to the axes. For all are murderers, all adulterers and abductors; and satisfaction appears to be nothing other than a full surrender to the victor's free judgment.

There is an example in Sacred Scripture. For when the men of Gibeah had killed the Levite's wife by their lust, the children of Israel from the assembly at Mizpah sent messengers throughout all Benjamin to say: "Why has so great a crime been found among you? Deliver the men of Gibeah who perpetrated this wickedness, that they may die and evil may be removed from Israel." Behold: they demand that the evildoers be surrendered. When this was not done, all the defenders--that is, the whole tribe of Benjamin--were destined for death. One state appears to have the same right against another as all the children of Israel had against one tribe. Hence those who by private authority have injured another state are customarily surrendered.

Although this satisfaction appears capable of being required, it nevertheless ought not to be exacted so that all are punished; nor, if one king has harmed another king, is it necessary that he approach him in order to die or hand over his kingdom.

PROPOSITION IV

Therefore, when dealings are between different states, the moderation of satisfaction, so that justice may be preserved, must be made not according to written laws but according to natural law and the law of nations. In this, first, restitution is rendered easier when reputation and fortune have been injured. For it is not necessary to deliver anyone either to scourges or to the gallows, since by natural law the penalty of death was not established for those offenses; indeed, not even by the laws of all nations will theft be a capital crime.

But when chastity has been violated, although abduction and adultery have received the sentence of death by divine law, it is nevertheless not necessary even then that a state deliver itself to the sword. For those laws are judicial and belong to the Hebrews, not to all nations. Although the injured party can exact the death penalty if it has the guilty person in its power, the guilty state is nevertheless not bound to offer itself to death. The case of the Benjaminites was different, for by divine law they were bound to surrender or kill the guilty. They could have given satisfaction to other nations in another way if so great an injury had been inflicted upon a Canaanite or Moabite woman. David indeed committed adultery and homicide, yet he was not commanded either to die or to withdraw from the kingdom. A father also forgave Absalom the slaughter of his brother.

Accordingly, although some king, by the authority of the senate, the command of the people, and the consent of all, has injured another king through the slaughter of some men or by other means, if he himself and the people and senators truly repent, and if they are prepared to make satisfaction in every way, it ought not to be exacted from them that they all surrender themselves to the judgment of the injured, to death or chains. Rather, because of the multitude and the very many innocent persons, he who was injured ought to be content with some milder penalty, and either judge it himself or refer the matter to arbitrators. Joab indeed thought that a multitude ought to be spared even in battle.

The reason for this matter is that war is then not necessary, but it must not be waged without necessity. For either he will then fight in order to compensate his losses or to avenge an injury. But losses of wealth and honor are restored, while those of chastity and death are irreparable; let compensation be made according to equity and goodness. When they acknowledge the injury and offer appropriate satisfaction, it must be accepted. But because the penalty of death and servitude is most grave and a lesser one can be exacted, the injured party will act unjustly if he wishes to reduce an entire state to such severe conditions.

Moreover, he is a judge in this cause because of the other party's offense; but when satisfaction is offered, he deals as though with a party. And although he still sustains the role of judge, he is nevertheless also bound to hear the party as a party, or as a judge hears a party. I am moved especially to think that the matter must be handled mildly because

otherwise there would be absolutely no end of waging war, since no one readily entrusts himself to the judgment of an armed enemy. These observations concern the whole state.

§ 3. But if the injured king demands that all offer themselves to death, or surrender so that the free judgment of life and death may rest with him, or at least that, their lives having been granted, they all subject themselves to him and change the form of their state, I think that those who inflicted the injury must do this if they caused great losses, devastated fields, and plundered cities; for here there is equality of compensation. In lesser matters they will not do it--for example, if they mocked ambassadors, as the Ammonites did when they sent David's ambassadors away with disgrace. I think that so great a satisfaction ought not to be made in such a case and is unjustly exacted. David's victory was cruel because they additionally prepared war in order to overthrow him. For many innocent men and all their posterity would be compelled to pay for those deeds. Therefore, they will be able to close the gates and defend themselves as against a tyrant who inflicts punishments greater than the offenses.

The whole difficulty, however, lies in this: when a private person has committed something worthy of death, he cannot defend himself against the ministers of justice, but must submit to the judge's pronounced sentence. Here, however, the state is guilty and the injured prince is the judge. Sentence is rendered when war is decreed; death is announced to the defendant when war is declared. Therefore, the state which inflicted the injury is bound to die and serve, and because this sentence is just the king can execute it, whatever satisfaction may be offered.

But in this matter there are so many dissimilarities that the argument is rendered weak. For the sentence of a king declaring war upon enemies is, and ought to be, different from that of a judge condemning a defendant. The judge's intention is that the defendant die on account of his crime. But the king's intention is to compel the enemy by force to give satisfaction for the loss, not that the king upon whom he declares war, and that king's princes and guilty people, should die--much less that everyone, even the innocent, should serve in slavery--but that equitable satisfaction be made for the injury. Accordingly, although death is decreed for those upon whom war is declared, it is nevertheless not decreed absolutely for all, but under this condition: unless they give satisfaction.

Moreover, there is a great difference among defendants. A private person pays for his offense with his own head; his wife, children, and kinsmen are immune. But the death of guilty persons in a state is followed also by the destruction and enslavement of many innocent persons. Therefore, they can first beg pardon and offer wealth and other things which they can give while preserving their own life and liberty and that of their people. If these are despised, they can defend themselves by arms against an excessively harsh sentence.

For what shall we say to citizens who have offended in this manner? They will say: "We have sinned. Money was taken away; it shall be restored. Insults were cast; we grieve at the deed. A slaughter was committed; we are all guilty, some as its authors; we shall surrender them. We shall give satisfaction in another way. If he commands us all to die, to leave wives widowed, children orphaned, and our country bereft of men, this is more grievous than ought to be commanded by a moderate enemy. If he commands us to serve, this very thing is more grievous than death. We are suppliants, and we do not beg off punishment; rather, we ask for punishment, but one short of death and servitude. But if we do not obtain this, now that the cause of war has changed, it is lawful to hope for victory."

It is not lawful to wage war against such men; they can defend themselves. The foundation is that no one is bound by natural law to kill a thief or murderer, but can affect him with another penalty, as I said before. Indeed, laws can be passed in some state that a murderer not be punished by death, especially if he sinned only by consent and assistance. Therefore, he is not compelled to this penalty by the law of nature, nor by the laws of an enemy state to which he is not subject, nor by the law of nations, for this is milder: it is customary to spare very many men conquered even in a most cruel war.

PROPOSITION V

When war is already being waged, if, while the enemy's battle line is giving way, they ask pardon and offer satisfaction, it belongs to charity to spare them; nevertheless, the prince is not bound by justice to do so, for he has now caught the evildoer in the very act, and the latter puts forward prayers only for the sake of escape. If, after some battles have been fought on either side, he still promises to give satisfaction, the prince is bound to hear and accept him, provided this is not done deceitfully, to gain time until auxiliaries arrive. The reason is that he who truly grieves that he has offended and is prepared for satisfaction now begins to be innocent; and therefore, on account of the reasons I advanced before, satisfaction ought to be accepted on behalf of the state.

§ 4. I would give counsel to the injured prince that, as soon as the enemy has acknowledged that he erred and has offered a small satisfaction for a great offense, he should accept it. Indeed, let him act in such a way that by his own clemency he mitigates the penalty and imposes nothing harsh or insulting. So far as can be done, let him provide for the loss of those whose interest is involved; yet rather than pursue war, let him make satisfaction from his own property and teach his subjects that certain disadvantages must be endured for the common good.

For thus he will avoid the most dangerous war of all, namely that which is to be waged against desperate men. If they see the extremity before them, they will resist most fiercely, since they are to fight for life and liberty. Then all men who pity them will come to their aid as they can, and will execrate the man who drives them to such grave necessities. But if all else fails, they will deliver themselves into the dominion and jurisdiction of any more powerful man. When the Fidenates despaired of the victor's mercy, they burned themselves with fire; the Saguntines killed themselves, and more effort was required in one city--and not a populous one--than in subjugating the vast kingdoms of Asia.

Let him also consider this: that many are innocent, many have sinned from necessity, many from levity, and most from error. Let him make a great distinction among the causes. For those who were openly wicked and cruel contrary to the law of nations are punished more severely.

CHAPTER X

One Must Proceed to Wars with Mature and Deliberate Counsel

§ 1. When about to declare war, look around at everything belonging to your enemies and your neighbors; and if you perceive that everything favors you, dread the changes of the times. When about to wage war, first secure all that is your own in common, lest you be harmed; then see how you may conquer. When Hannibal was about to attack Gades, he sent thirteen thousand Spaniards and one thousand horsemen into Africa to protect it; from the cities of Africa he detached four thousand men to guard Carthage, having in them at once hostages and soldiers. When Lysander was about to besiege Athens, he drove everyone into it, so that he might oppress it by a failure of provisions. But this is hazardous: for that multitude could have been equipped and could have overwhelmed camp with camp.

§ 2. Mature counsel, therefore, must be employed, and war must not be undertaken except with the greatest care, so that both the justice of the cause and the forces may be weighed. Again and yet again, therefore, let recourse be had to counsel. For what does everything profit when the state is entangled in the difficulties of war? The savings of all are consumed in wars, and as much cannot be taken from those at peace as is spent upon wars. Anger must be conquered by counsel. There is a wise saying of Nazianzen:

> Θυμὸν χαλίνῳ μὴ φρενῶν ἔξω πέσῃς.

"Bridle your spirit," or "bridle your anger, lest you fall outside your mind." I should prefer to adapt it to this place:

> Θυμὸν χαλίνῳ μὴ θρόνου ἔξω πέσῃς.

"Bridle your anger, lest you fall from the throne." Let the king and the counselors, when deliberating about war beneath a gilded canopy amid tapestries, believe that they are engaged in the battle line, and let them possess the spirit of those around whose ears missiles discharged from cannon whistle. If the repose of those deliberating were sometimes terrified by the ball of a single musket, they would decide upon wars much more calmly.

The Utopian prince acted rightly when, as a great number of counselors were deliberating about war and the decree of the senate in favor of war was now to be signed, he secretly arranged for soldiers to fire from a tower opposite the council chamber through its glass windows into the room, without any danger to those who were present but with immense alarm. When they saw shards of window glass flying, they all fled in different directions and sought safe places. The prince admonished them to stand unafraid amid danger, but in vain: fear overcame shame, and the prince alone was abandoned in what they believed to be danger. Courteously pardoning their fear, he said: "Let no one advise war unless he is also able to endure its dangers. You have abandoned me amid danger--lions in word, hares in deed." We see these errors daily, and Thucydides teaches that they also existed of old:

> μετ' ἀσφαλείας μὲν δοξάζομεν, μετὰ δέους δ' ἐν τῷ ἔργῳ ἐλλείπομεν.

While they are safe, they pronounce bold opinions; while they are in fear, they fail in the midst of the deed. In this matter nothing is more dangerous than a prince who, since he is a man, bears losses and insults in a human manner--that is, with a troubled spirit--and, so that he may seem to possess a lofty mind, bears them wrathfully. A faithful counselor will state his opinion not according to the prince's passion but according to his safety. For a calm counselor is most necessary to an angry prince, since he will give the counsel which the prince himself, when calm, would approve. Many err in this matter when, in order to seize favor, they flatter the anger of the prince--an anger which the prince himself will soon put away. For the wills of princes are not always the same, as Pliny admonishes, but the wills of angry men vanish most swiftly. I remember having read in Euripides' *Suppliants* these golden words:

> Σφαλερὸν ἡγεμὼν θρασύς.

A bold, or boastful, prince is a precarious thing. If a deceitful flatterer is added to him--one who knows how to excite movement upon a slippery surface--he will cast everything headlong by his impetus; and when everything has failed, they will take refuge in the confidence of fools, which consists in promising fortune to themselves.

I therefore require counsel concerning wars to be slow and mature: one counsel surpasses many hands. Let them remember that none feel the evils of war sooner than those who set it in motion. Peter Gregory of Toulouse, the most prudent of jurists, advises and proves the point exceedingly well in book 11, chapter 2, section *On the State*: "In a few moments the counsel of a state produces results no less great than fortune does." Aimoin also writes that all the Burgundians protected their state more by counsels than by arms. At the least, arms must be governed by counsel. For some men are excessively precipitate: while they wish to bring dangers upon others, they do not guard against them, although the power of fortune and Mars, common and uncertain to both sides, must be weighed; certainties must not be exchanged for uncertainties; and, as Sallust says, every war is easily undertaken but is ended with the greatest difficulty, nor are its beginning and end in the power of the same man. Anyone, even a coward, is permitted to begin it, but it is not laid aside except when the victors will it.

In this consultation about entering upon war, the prince must also weigh the counselors themselves: who they are, who advise it, and who dissuade from it. At court there are Furies and firebrands of war: nobles for whom servitude is harsher in peace, when they are compelled to obey upright laws, and from which they free themselves amid the license of war; there are restless men who neither rest themselves nor permit others to rest; there are exiles who, from fear of punishment, drive the hesitant prince to arms against those by whom they were justly expelled. There are men who, under the pretext of the public cause, desire either to avenge themselves upon their enemies or to become rich from princes' pay and expenditures and from plunder taken from subjects. There are many who readily give counsel about conducting a war but afterward refuse to undergo the danger. There are those who look only to present things and desire to satisfy a blazing anger, but do not consider public and private evils. Yet a prudent prince, or governor of the state, will weigh all these things before he undertakes war. For once war has been instituted, as Thucydides says, princes are ill spoken of and blamed for the losses. I locate counsel concerning war in this: that, by as much as youth abounds in fierce martial spirit, by so much the senate should judge it to be its own duty to foresee and unfold every possible event.

§ 3. Let it consider these things. First: Who is the enemy? Is he a Carthaginian? An Asiatic? Is he strong only in impetus, or also in stratagems and prudence? He is foolish who prepares a war of a thousand rams against fifty wolves. These things deservedly come under consideration, lest anyone rashly turn his own fortune and that of others according to hope and fear. An enemy who was not feared has caused the Romans, although they waged war so providently, and others too, greater trouble. Andriscus, a man of the lowest condition and an imaginary king of Macedonia, slew the praetor Juventius. Numantia, a single city, resisted for fourteen years and, after Roman armies had been slaughtered, afflicted the Romans with shameful treaties. The Cretans defeated Marcus Antonius when, in his confidence of victory, he had more chains than weapons in his men's hands. In the Social War Rutilius and Caepio were slain and routed. Julius Caesar, after losing his army, was brought bloodied into the city, and all Italy was despoiled more grievously than by Hannibal. In the Servile War, under the leadership of Eunus, the camps of Manilius, Lentulus, Piso, and Hypsaeus were cut down; and in the other war, under King Athenion, the camps of Servilius and Lucullus were captured, because they went against a despised enemy with less deliberation. Spartacus also and his allies plundered the camps of Clodius and Glaber, and then other camps. In the Apennines Spartacus cut down the army of Lentulus and destroyed the camp of Gaius Cassius; elated by these victories, he deliberated about invading the city of Rome. At last the forces of the entire empire rose against the *mirmillo*. He had earlier been neglected, and the war had been waged rashly until danger aroused their counsels. I have narrated only a few things; but I do not know whether, during the entire time of the empire--if one excepts the Second Punic War--the Romans were conquered with so much disgrace as in these incidental affairs and by these despised enemies, against whom their commanders cast themselves without mature counsel. But they learned through disasters.

Βουλῆς γὰρ ὀρθῆς οὐδὲν ἀσφαλέστερον.

Ἱερὸν ἀληθῶς ἐστιν ἡ συμβουλία.

Nothing is safer than right counsel; counsel is in truth a sacred thing. When wars are undertaken without this sacred thing, men sing that refrain of fools: "I did not think"--a capital fault in war. Then this too must be weighed: no one is more easily oppressed than one who feels secure. Nothing ought to be despised in war. Nor should those who are cautious be called timid:

ἀμαθία μὲν θράσος, λογισμὸς δὲ ὄκνον φέρει.

Ignorance brings boldness; reasoning brings fear. Set before yourself everything that is to be feared before war. Second: for this reason the Spartans must be praised, who punished a commander with death if he had conquered rashly and without counsel. The Carthaginians acted more harshly: if he had erred, they drove him to the cross--although this punishment could be excused in rashness alone. For they judged that a commander's rashness had betrayed the fatherland, even if fortune had averted the mischance. Everything must be foreseen and nothing scorned, since the destinies of kingdoms are moved by small moments. Wars depend upon reputation, and by it they are often concluded.

Among the Romans an account of the deed performed was demanded; but if anyone had managed the matter badly through ignorance or accident, he was in no other danger. Few offended through malice. Sergius and Verginius, through mutual hatred, caused a great disaster at Veii: Sergius refused to ask assistance from Verginius, his rival and colleague; Verginius refused to bring it to Sergius without being asked. One must therefore deliberate slowly, since, although you foresee many things, you will be harmed by countless others from the quarter whence you did not expect it. Let counsels therefore go before. Once counsel has been taken, war must be undertaken zealously, for:

Ἐν γὰρ χερσὶ τέλος πολέμου, ἐπέων ἐνὶ βουλῇ.

The end of war lies in hands; the end of words, in counsel.

CHAPTER XI

War Must Also Be Waged Justly

§ 1. It is not enough that wars be just and necessary unless the laws of war are also observed; for arms too have their laws, although they are opposed to laws. First, indeed, a war is sometimes rendered unjust and execrable from being just when it is waged by soldiers whom it was not proper to summon as auxiliaries. Then it can happen from this that neighboring princes and states can and ought, by right and desert, to assist those who previously supported an unjust cause, and to judge that cause to have been made just by the fault of the other party.

For if a Christian prince wages war with another who is likewise Christian, but brings in Turks, Tartars, or other unbelievers and barbarians as soldiers, there is no doubt that he sins most gravely, although he has a just cause for waging war. The reason is firm: although the other party has sinned and is bound to make satisfaction, it will nevertheless not be bound to deliver itself into the power of barbarians, which certainly occurs to the greatest detriment not only of bodies but also of souls. Nor can any prince or state exact from any prince or state the penalty that it open a gate to the Turk and commit its subjects to the utmost danger. Christian princes can also resist and rise against the man who has summoned unbelievers, contemners of treaties, and public enemies of all Christians. For in this manner they will not champion an unjust cause, but will avert a common danger which is accustomed to turn to the destruction not only of those against whom the barbarians are summoned and of the neighboring princes, but also of the very men who summoned them.

It has been customary in seditions to summon barbarians, and by this road the Heruli, Alans, Goths, Vandals, and Lombards invaded the empire. Palaeologus summoned Amurath against Marcus Craconicus, prince of Bulgaria, relying upon whom his nobles had rebelled. Rejoicing in the opportunity, Amurath first conquered on behalf of Palaeologus, and then subjected a great part of Greece to himself. Palaeologus waged a just war; but after he had employed a barbarous and perjured soldiery, he lost himself and his kingdom, and let into Europe a powerful enemy who now beats upon the barriers of Italy, Germany, and Spain. For this reason one must take care that high-spirited and lofty princes are not reduced by the injuries of their neighbors to attaching themselves to the common enemy. Thus, while Bayezid drove the conquered Christian Palaeologus to utter desperation, the latter was delivered after summoning Tamerlane; and Bayezid paid the penalties of fratricide--for he had killed his younger brother--and cruelty, being enclosed in a cage and led about as a mockery.

But let us return to the arms of barbarians. In 2 Chronicles 16 Asa is commanded to dismiss the army hired from Syria; and indeed, in chapter 19 Jehoshaphat is told: “Do you give aid to the impious and join in friendship with those who hate the Lord?” Nevertheless, arguments arise here which defend those auxiliaries. For no reason occurs why we may not employ every kind of soldier, whether faithful or unbelieving. For why, when we employ horses, elephants, and dogs against enemies, should it not be lawful to employ an unbelieving soldier, since they are ministers of justice, and in them piety is not required, but obedience? The Maccabees entered into an alliance with the Romans, and Jonathan assisted Demetrius. Indeed, in 1 Samuel 18 and 29 David joined himself to Achish, king of the Philistines. Finally, in most soldiers who are called Christians there is no great care for religion and piety. If, therefore, we seek the pious, the camps must be abandoned.

The answer is at hand. Nature has arranged it so that men seek every kind of aid for their own defense and do not attend to the piety or sins of the man assisting them. Therefore, considered in itself and by nature, it is not a crime to employ an immoral or unbelieving soldier; but because so many evils arise from it, the war is rendered altogether unlawful. Accordingly, a Christian prince unjustly driven from his dominion ought rather to live an innocent life in exile than to flee to the Turk in order to be restored by his forces. For in making war he will cast his subjects into servitude and cause slaughters--which indeed is lawful, for by the very fact that they revolted they deserved it. But it is

contrary not only to charity but also to justice and the laws to subject them to unbelievers, so that they may be sold, compelled to Mohammedanism, and so that, by removing one dominion from the Christian world, he may make it weaker and increase the forces of the Turks by the addition; nor is the good he expects from it worth so much. For he will hold a precarious command beneath the proud scepter of the barbarian for so long as it pleases him. But if it were certain that the barbarous unbelievers would act humanely, use the victory according to the prince's intention, not carry away the captured multitude, transport their army away, and claim no right for themselves, he could employ their labor. Yet this is the same as if you denied that barbarous unbelievers are barbarians. It has never yet happened; therefore it is not to be hoped that it will. Consequently, they are never prudently brought into the fatherland and are always lawfully repelled.

§ 2. In order that justice may be preserved in the war itself, it is lawful to inflict all those losses which pertain to punishing the guilty, making satisfaction, and establishing the safety of the state. When vengeance advances beyond those limits, the war is now unjust. The Lord God plainly abominates cruelty in battles. King Ahaz of Judah had offended the Lord and was delivered into the hands of the king of Israel, 2 Chronicles 28: "And Pekah son of Remaliah killed one hundred and twenty thousand men of Judah in one day, all of them men of war, because they had forsaken the Lord, the God of their fathers. And the children of Israel took from their brothers two hundred thousand women, boys, and girls, and immense spoil."

But what did the prophet Oded say amid so great a rejoicing? "At that time," says Scripture, "there was there a prophet of the Lord named Oded, who went out to meet the army coming to Samaria, and said to them: 'Behold, the Lord, the God of your fathers, being angry against Judah, has delivered them into your hands, and you have killed them atrociously, so that your cruelty has reached to heaven. Moreover, you wish to subject the children of Judah and Jerusalem to yourselves as male and female servants, which ought by no means to be done. For in this you have sinned against the Lord your God. But hear my counsel, and lead back the captives whom you have brought from your brothers, because the great fury of the Lord hangs over you.' Therefore men from among the princes of the children of Ephraim--Azariah son of Johanan, Berechiah son of Meshillemoth, Hezekiah son of Shallum, and Amasa son of Hadlai--stood against those who were coming from the battle and said to them: 'You shall not bring the captives in here, lest we sin against the Lord. Why do you wish to add to our sins and heap up our former offenses? For the sin is great, and the anger of the Lord's fury hangs over Israel.' And the men of war left the spoil and everything they had captured before the princes and the whole multitude. And the men whom we mentioned above stood up and, taking the captives, clothed from the spoil all who were naked; and when they had clothed them, shod them, refreshed them with food and drink, anointed them because of their toil, and given them care, they placed upon beasts of burden all who could not walk and were weak in body, and brought them to Jericho, the city of palms, to their brothers; and they themselves returned to Samaria."

Here the remedy exceeded its measure and vengeance the measure of the offense; therefore the immense fury of the Lord hung over them--not because it was unjust at the beginning, but because in a just war there was unjust atrocity. Thus, even when princes undertake just wars, they must beware the savagery of soldiers, lest a nation swift to monstrous deeds provoke God in the very victory.

§ 3. Compensation is not to be valued according to the enemies' losses, but according to the victor's advantage. For the enemies' losses are accustomed to be immense. Whatever a soldier seizes in battle he retains by the law of war, and it does not pertain to satisfaction. It is an altogether equitable law that things captured in battle are considered to belong by right to those who capture them. For the freedom of commanders is necessary for encouraging the soldier. In Deuteronomy 20 all the spoil is said to be divided among the army. This is indeed taken from the enemy, but it is the wages of the soldiers; for in a just war the party which defends the unjust cause is compelled to restore the soldiers' pay and whatever has been expended. It is lawful to kill armed men, to possess cities, and to do other things, because the enemies do and attempt all those things.

§ 4. A war in which innocent persons are killed is also waged unjustly, although it otherwise has a just cause. An innocent person, however, can be killed in two ways. First, one who is known to be innocent cannot be killed in himself and directly without sin. Exodus 23: "You shall not kill the guiltless and innocent"; and Deuteronomy 24: "Children shall not be killed for their parents." The reason is taken from nature, because he who is free from fault ought not to sustain punishment. Injury is the cause of war; he who is removed from injury ought to be exempt from war. Moreover, the reasoning is the same for a subject city and a foreign one. For if Thessalonica sinned, Theodosius nevertheless could not involve the just and the seditious in the same punishment; nor does he have more power against foreigners, whose judge he has become for no other reason than their guilt. Hence in Deuteronomy 20 God pronounces that little children and innocent persons are to be spared. Children, women, and clerics are presumed innocent unless they have fought or assisted those fighting. Sometimes entire portions of armies can also be innocent: for all who believe that their prince is defending a just cause, although they bear arms, are to be considered innocent if only their ignorance is inculpable. Therefore they cannot be killed in themselves and directly as though lawfully condemned.

§ 5. Innocent persons are nevertheless killed incidentally, as the philosophers say. This occurs, first, because they are presumed guilty, as when, after a victory, all who are of military age are killed, because they are judged to have assisted by arms, counsels, or auxiliaries, and a soldier cannot hear and adjudicate the causes of individuals. Hence God spares only little children and women; without doubt, if men were known to be equally harmless, they would not be in a worse condition.

Second, although it were established that many are innocent, because war cannot be waged without their slaughter, they can be killed. For when a city is battered by artillery, the guilty and innocent are alike in the same danger. Third, when a city is given over to plunder, those who meet the soldiers are struck down everywhere without distinction; yet a commander can grant the spoil of the whole city, although he foresees that many innocent persons will perish. Indeed, if they place innocent persons upon the walls, he can pursue his right.

This occurred in the siege of Nicaea, where cruelty, heroic courage, and skill contended. Andronicus was besieging the city. When he saw the battering rams and machines being broken down, burned, and scattered, he entered upon the cruel counsel of placing upon the ram the mother of Isaac Angelus, who was then at Nicaea, and in this way setting the besiegers free to act. Nicetas narrates the history in his account of Andronicus:

"Therefore Andronicus, when he saw that his counsels lacked success, contrived an inhuman deed practiced by few before him. Euphrosyne, the mother of Isaac Angelus, summoned from Byzantium, he now placed before the machines as a bulwark, now struck the walls with her placed upon the ram. Thus at the same time the novelty of the spectacle, the monstrous anger recoiling from no crime, and the endurance of the poor woman--not deprived of life by fear itself amid so great and dangerous an assault--provoked pity and wonder. Then for the first time mortals saw a tender woman placed before iron for the sake of defense and, by a wonderfully inverted order, the frail body of a human being joined to the strongest machines so that those who fought from them might remain unharmed. Missiles were hurled from the walls just as before, but with so much care that, while the noble woman remained unharmed--as though she turned the missiles away from herself with nods and hands and drove them into the hearts of the enemies--they both struck and terrified the enemy.

"That monstrous deed profited Andronicus so little that the Nicaeans, making a sortie by night, both burned the machines and drew the woman by a rope into the city, leaving him to lament like Phineus despoiled by the Harpies, since he had nothing with which to satisfy the hunger of his anger. Thus the Nicaeans, having obtained praise for courage from the enemies themselves, conceived greater spirits and fought more boldly--not only by strenuously defending the walls and assailing Andronicus with taunts, calling him a butcher, a bloodthirsty dog, a rotten corpse, an immortal evil, a Fury of mankind, a womanizer, a Priapus older than Tithonus and Saturn, and, finally, abstaining from no name for a most shameful thing, but also by leaving the defenses and bursting forth from the gates."

§ 6. Hence it comes about that sometimes each party wages a just war, when some part of a guilty state is innocent and defends itself justly as innocent, while the other attacks it as part of the guilty state. Hence there is something similar in a man who has been condemned in accordance with the allegations and proofs, but unjustly: he can both defend himself justly, and the judge condemns him justly, because he acts according to the laws; yet the condemnation is unjust because it is the condemnation of an innocent man.

§ 7. Innocent persons can nevertheless be despoiled, because the state has greater power over the property of an innocent person than over his life. For the common advantage, it can take away a private person's property; it cannot take away his life. Nevertheless, the laws which have been enacted must be observed, as in the year 1570, article 69: "Let no one despoil a plough, a mill, an oven, or anything adapted for use, whether it belongs to friends or enemies; without license, let him destroy or break none of these things; let them not wantonly pour out or spoil wine, grain, or flour. Let death be the penalty for a transgressor." By the same penalty it is forbidden for anyone to kill old men, priests, preachers, or unarmed women.

A penalty which consists in the loss of goods and liberty, however, can for weighty causes be inflicted upon innocent persons. This is accustomed to occur in all wars. For when God permits spoil to the soldiers, and when he commands a city to serve under tribute, that penalty is imposed upon all, even upon their posterity. Yet the cause of the loss inflicted is the prince who defends an unjust cause, and he is bound to restore their property to the innocent persons.

CHAPTER XII

The End of War Must Be Lawful and Honorable

§ 1. It is agreed that the end of a war can be good although the war itself is unjust and is waged wickedly; the end can also be evil in a just war. In either manner the war is evil. Generally, the end of war is peace, nor does anyone deny this; but they contend over it because each party endeavors to impose his own peace upon the other--one advantageous to himself and burdensome to his allies. Augustine, in book 19, chapter 12 of *The City of God*, observed this end in most wars:

"For whoever looks in any way upon human affairs and our common nature acknowledges with me what I say: just as there is no one who does not wish to rejoice, so there is no one who does not wish to have peace. For even those who desire wars desire nothing other than to conquer; therefore, by waging war they desire to arrive at a glorious peace. For what else is victory but the subjection of those who resist? When this has been done, there will be peace. Wars, therefore, are waged with the intention of peace, even by those who are eager to exercise martial valor through commanding and fighting. For even those who wish the peace in which they live to be disturbed do not hate peace, but desire it to be changed according to their own judgment. Therefore they do not will that peace should not exist, but that it should be the peace they will."

No one thinks otherwise: wise men wage war for the sake of peace and sustain labor by the hope of repose. Thus it was also rightly said:

> εἰρήνης ὁ πόλεμος πρύτανις.

War is the fosterer of peace. Cicero likewise commands that war be undertaken in such a way that nothing other than peace may appear to have been sought. For the courage to finish a war ought to serve peace.

§ 2. A war whose end is not right, if it is otherwise just--as when the Romans assist the Greeks in appearance but in intention destine the sovereignty of Macedonia for themselves--is indeed just if the cause of the Athenians is just; nevertheless, desire mingled with virtue makes the war evil and makes it be waged badly. For the advantage of the allies was not so much set before the greed of the Romans as was dominion. Princes, tribunes, and soldiers also sin by no means slightly in this place when, although they have a just cause for waging war, they nevertheless indulge their own hatred and neglect the public advantages.

First, indeed, they sin against charity when they exact deserved penalties from love of vengeance, not from zeal for justice. From this arise cruelty against bodies, burnings, and insults. Rude spirits do not weigh this, but wage war when embittered by mutual rivalry or by disasters.

Second, although they sin, they are nevertheless not bound to restore the losses, because they inflicted them deservedly, though not in a lawful manner.

Third, a man who, in an otherwise just war, inflicted evils upon the subjects of the prince who declared the just war will be bound to restitution.

CHAPTER XIII

War Must Be Waged with the Aid of God and the Greatest Piety

§ 1. It is an impious saying that a commander in war cannot be just because so many things occur which persuade or compel him to be unjust. For once war has been declared, vices are let loose among subjects and soldiers. If you are a diligent exactor of military discipline, if you prohibit plunder from peaceful territory and injury, the soldiers' pay must also be paid, and without delay. If you indulge them a little, if money is lacking, injuries will be inflicted upon the subjects--not slight ones, but as great as military license is accustomed to conceive. The innocence of the commander is therefore placed in this danger. Nevertheless, if he has undertaken a necessary war, since he cannot guarantee its outcome, all the losses rebound upon its author. If he cannot restrain the soldier or sufficiently protect the subjects, his conscience will console him if he has omitted nothing whereby all things might be rightly administered.

§ 2. I demand not only justice in war, but also, amid the greatest dangers, the piety of the soldiers and commander. For since great dangers of death hang over them, those who do not prepare themselves for them sin mortally. Thus a war of Christians ought to be such that the camps are not unlike churches; for camps are assemblies of men going to death. Hence both a prosperous end to the war and victory in individual engagements must be sought from God. Since in war very many things occur contrary to expectation, not only forces but also the will of the Deity must be considered. Nowhere less than in war does the outcome answer to expectation: iron and bodies are on both sides; unseen leaden balls fly, and a man is deservedly laughed at if he appears like one trying to dodge them. War is the contest of men in sound health. Therefore aid must be sought from God and God must be kept before one's eyes: for true courage rests upon God.

§ 3. Wars supported by prayers have ended most prosperously. In Exodus 17 Moses prays while the Israelites fight, and the Amalekites are conquered: "And Joshua did as Moses had spoken, and fought against Amalek; but Moses, Aaron, and Hur went up to the top of the hill. And when Moses raised his hands, Israel prevailed; but if he lowered them a little, Amalek prevailed. And the hands of Moses were heavy. Therefore, taking a stone, they placed it beneath him, and he sat upon it; but Aaron and Hur supported his hands on either side. And it came about that his hands did not grow weary until the setting of the sun. And Joshua put Amalek and his people to flight by the edge of the sword." And in Numbers 21:2: "But Israel, binding himself to the Lord by a vow, said: 'If you deliver this people into my hand, I will destroy its cities.' And the Lord heard the prayers of Israel and delivered up the Canaanite, whom he killed after overthrowing his cities; and he called the name of that place Hormah--that is, anathema."

The Lord also appeared to Joshua and strengthened him; even the sun obeyed him, so that it did not set until he had pursued the enemies of the Lord. God assisted David, Jehoshaphat, Hezekiah, and the other pious kings, especially the Maccabees, who gained very many victories against forces of veterans. But it must be observed that they were readily heard when they began war after consulting God. For that each man should stir up wars according to his own desire and endeavor to draw God according to his own judgment has more impudence than piety. For if you did not deign to seek counsel from God, how do you seek aid? God is present as moderator at the beginnings, courses, and ends of wars. Among so many battles waged in such various places, wherever aid was piously and faithfully sought from God, you will scarcely find one in which military prayers were not heard.

We Christians have had few commanders in war equal to Narses. In many battles he defeated the most powerful enemies; he always emerged victor through the power of God, not through confidence in his army. Since he was generous to the poor and merciful to suppliants, he worshiped God with such piety that he spent entire nights in basilicas. Thus everyone believed what was also true: that he obtained victory more by prayers than by arms. Prayers are certainly stronger against enemies than iron; and although a Roman historian calls it folly to believe that war can

be brought to an end by sitting or by vows, Narses nevertheless conquered Totila after he had passed a sleepless night in continuous prayer and had left pools that were almost witnesses to his tears.

Thus he defeated Totila, encountered Theudebert the Frank, and crushed his commanders Buccelin and Amingus. He hanged Suitald, king of the Bretons, from a high beam in peacetime as a traitor. He performed deeds as great as few of the ancients: for he experienced the presence of Christ in every danger and deservedly expected the protection of him whose religion he cultivated. God himself is accustomed to preside over the just cause. “Are you one of ours, or of our adversaries?” Joshua, commander of the Israelites, asked; and by his answer the angel showed to whom victory belonged: “By no means; but I am prince of the army of the Lord, and now I have come.” If this prince is present, for him there is no difference whether he gives aid through few or through many, as Asa, king of Judah, piously and faithfully says. God, moreover, even threatens Amaziah: “But if you think that wars consist in the strength of an army, God will cause you to be conquered by the enemies; for it belongs to God to assist and to turn to flight.”

Therefore battle is waged against enemies from heaven: the stars, remaining in their order and course, fight against Sisera when victory is sought from God with humility in a just cause--a victory which is more often obtained by the faith of commanders and holy men than by the strength of soldiers. Thus Theodosius defeated Maximus and Eugenius when the wind turned their missiles back upon the enemy. It is wonderful and beyond every custom of war that, during the reign of Honorius, one or two hundred thousand men fell with Radagaisus while not even one man in the camps of Honorius was wounded. Mascezel routed his brother Gildo with five thousand men after seventy or eighty thousand had been slain, for Gildo scarcely endured the clash. During the reign of the younger Theodosius, one hundred thousand Persians perished in the Euphrates through panic. Three thousand Burgundians, after being baptized and praying to God, struck down ten thousand Huns.

The Christians besieged at Antioch destroyed one hundred thousand Saracens. The Spaniards too, though few, conquered immense kingdoms in both Indies. The examples are ready to hand.

I make this admonition as well: even the Gentiles especially entreated their gods in battles. Hence the Romans did not march out except after taking the auspices and performing sacred rites. Constantine, founder of the Eastern Empire, and Charles, founder of the German Empire, conquered the enemy chiefly by prayers. Constantine passed nights in prayer; Charles ordered public supplications for three days.

CHAPTER XIV

War Must Be Prepared for Betimes, and in Peace

§ 1. Everything necessary for war must be procured betimes. War must be prepared for a long time so that you may conquer more swiftly, for a long preparation for war makes victory swift. Philopoemen of the Achaeans, praised by the ancients, must be praised and imitated by us: when he traveled in time of peace, he was fixed upon the thought of war--how, for example, the hill which they were passing might be overcome. How far he differed from Vitellius, who concealed his cares beneath luxury: he did not prepare arms, address and strengthen the soldier by exercise, or keep his name upon the lips of the people, but lay hidden in the shades of gardens like slothful animals which, if you furnish them food, lie down and grow torpid; he had dismissed past, present, and future things with equal oblivion.

§ 2. Therefore, the first and most praiseworthy preparation for war is to hold brave and warlike men at a great price and in honor, and to entrust civil dignities to them. Rome was a seedbed of the best commanders and warriors because civil honors were granted to martial valor. For it judged it just that those who had undergone the greatest dangers for their fatherland should possess the highest place within it, and that the city should rightly be entrusted to the government of those by whose blood it had been defended. The nobility of Europe also derives its origin from martial valor. Hence writers of the Middle Ages call them soldiers, and the Germans *Knaben vom Schildt*; hence too they all bear a shield and helmet adorned with hereditary insignia. They also obtain the chief dignities in courts. If the young see these men honored, they will be kindled with the same zeal and will prefer to spend life in camps rather than to be softly educated at home.

§ 3. For this one reason the Greeks gravely afflicted their state: they regarded men brave and ready in counsel like plane trees, which they neglected during peace but, when a storm arose, fled trembling beneath their shade. Thus they were readily conquered by King Philip, for he possessed companies of the best and most circumspect centurions. Therefore, in the midst of peace let counsel concerning war flourish and be heard in the state; let no one who is to be a suitable defender and leader of the fatherland lack his proper honor when danger appears to be absent.

Nicias used to say at Athens that in peace he set many men before himself, but in war he was the foremost. From this fact there arises another evil, and one the more dangerous the more hidden it is. For when men of lofty spirit, swollen by the deserved praise of victories, are treated contemptuously in peace, they either migrate elsewhere, or wish for war and, if they can, persuade men to it--just as physicians in need wish for fevers and wounds--or they turn to brigandage and plunder.

§ 4. When provision has been made for men, arms must also be prepared. For if a man provides many arms and great arsenals without men, he acts in the same way as one who procures the instruments of various arts but has no craftsmen who know how to use them. By the best reasoning the great kings of old founded arsenals, for they obtained two advantages from them: first, that they had arms prepared against enemies; second, that the common people were not armed everywhere and did not abuse arms against themselves or against the state. At Rome arms were kept in public places. For, in his speech for Gaius Rabirius against Saturninus, Cicero says that when Gaius Marius was consul, arms were distributed to the Roman people from public buildings and arsenals. Private persons, however, were forbidden to possess, buy, or sell arms.

Vegetius demonstrates the Romans' industry and expenditures in this kind of matter in book 2, chapter 11: "A legion has, moreover, carpenters, builders, wagon-makers, smiths, painters, and the other craftsmen prepared to construct the buildings of winter quarters, machines, wooden towers, and the other things by which the cities of adversaries are either stormed or their own defended; some made new arms, vehicles, and other kinds of artillery, while others repaired the damaged. They also had shield works, armor works, and bow works, in which arrows, missiles, helmets,

and every kind of arms were formed. For this was the chief care: that whatever appeared necessary to the army should never be lacking in camp. This went so far that they even had miners, who, after the manner of the Bessi, drove a tunnel beneath the earth and dug through walls within their foundations, so that they might emerge unexpectedly to capture the cities of their enemies. Their proper judge was the prefect of the craftsmen."

They had arms factories not only in the legions but also in towns and provinces, as Gottschalk Stewech, the most learned interpreter of Vegetius, teaches: "Those factories existed not only in the legions for manufacturing arms, but also in towns. Appian, in his *Mithridatic War*, is certainly a witness that Mithridates established them town by town. Caesar, in book 1 of *The Civil War*, says: 'They had conveyed grain from the neighboring regions and from all the forts into the city, and had established workshops for arms in the city.' Under the emperors the Roman Empire had a great number of factories, and these by provinces, in which every kind of arms was manufactured for the use of the state by the arms-workers. From the *Notitia Imperii* I shall enumerate where the factories of the East were.

"Five were in the East: a shield and arms factory at Damascus; a shield and arms factory at Antioch; shields and arms at Edessa; a spear factory at Irenopolis in Cilicia. There were three Pontic factories: a mail-armor factory at Caesarea in Cappadocia, and a shield and arms factory at Nicomedia. There was one Asian factory, namely a shield and arms factory at Sardis in Lydia. There were two Thracian factories: a shield and arms factory at Hadrianopolis and a shield and arms factory at Marcianopolis in Haemimontus. There were four in Illyricum: those of Thessalonica, Naissus, and Ratiaria, and the shield factory of Horreum Margi.

"But in the same *Notitia* the factories of the West are of a somewhat greater number. First in Illyricum: at Sirmium a factory of shields, ballistae, and arms; a shield factory at Acincum; a shield factory at Carnuntum; a shield factory at Lauriacum; and an arms factory at Salona. At Mantua there was an armor factory, at Cremona a shield factory, at Ticinum a bow factory, and at Lucca a sword factory. In the Gauls there were a factory of every kind of arms at Strasbourg, an arrow factory at Mâcon, an armor factory at Autun, a shield, ballista, and mail-armor factory at Soissons, a sword factory at Reims, a shield factory at Trier, a ballista factory at Trier, and a sword and shield factory at Amiens.

"Whether the Roman Empire had to be extended or its ancient frontiers defended against invaders, it had its frontier garrison soldiers in various forts, and also Roman legions scattered among various seats, whose number appears to have grown gradually as the empire grew. But whence arms of every kind were supplied to so numerous and dispersed a soldiery you can now have learned from me: namely, from those factories established by provinces. Whenever new arms were required on expeditions, they were sought from those same factories and conveyed by compulsory transport to the camps or designated places. This the constitution of the emperors Leo and Anthemius, in the Code *On Arms-Workers*, taught me."

Now private persons could not manufacture or sell any other arms apart from short knives, which no one would assume for use in war. But bows, arrows, swords, half-swords, cuirasses, pikes, lances, shields, helmets, and the other warlike arms of that kind Emperor Justinian permitted to be made nowhere except in public factories and by public craftsmen--that is, men maintained by the public grain allowance; his Novel 85, *On Arms*, concerns this matter. In the later books of the Code there is exceedingly frequent mention of the body of arms-workers, their duty, privileges, and so forth; and there is also a title there *On Arms-Workers*.

That even public vehicles were appointed for carrying arms to the camp especially signifies a consummate industry which omitted nothing useful.

Nor were they content with this diligence: there were also custodians of arms, book 49, π, title 16, *On Military Affairs*: "If a soldier has alienated his arms, the fault is generally imputed to the custodian of the arms if he entrusted the arms to the soldier at an improper time." Hence it appears that there were custodians of arms in the camps. For if any men lost their arms, or if they were broken, new ones had to be provided, besides the fact that an immense supply of arrows and javelins had to be conveyed and was kept in camp. For each man preserved his own lances, spears, bucklers,

shields, small shields, and cuirasses, and men did not seek them from a custodian when about to fight. Nor is there any doubt that there were custodians of arsenals in the cities. Certainly, in time of war and of peace, watches, laws, and arms are deservedly required: law *Qui excubias* and law *Officium*, *On Military Affairs*, π.

§ 5. It is evident from Sacred Scripture that pious kings had care of arsenals. Song of Songs 4:4: "Your neck is like the tower of David, which is built with bulwarks; a thousand shields hang from it, all the armor of the mighty." Hence in 1 Kings 14:28 there is an arsenal of shield-bearers. What it was like is shown in 2 Chronicles 9:19: "And also three hundred golden shields of three hundred pieces of gold, with which the individual shields were covered; and the king placed them in the arsenal which was planted with a grove." It was called the House of Lebanon; its furniture had been golden, and the arsenal was in that palace.

Rehoboam himself, when he had peace during the first three years, fortified cities and made arsenals. In 2 Chronicles 11:5 and 12 the words run thus: "And Rehoboam dwelt in Jerusalem and built walled cities in Judah. And he constructed Bethlehem, Etam, and Tekoa; also Beth-zur, Soco, and Adullam; and Gath, Mareshah, and Ziph; Adoraim, Lachish, and Azekah; also Zorah, Aijalon, and Hebron, which were strongly fortified cities in Judah and Benjamin. And when he had enclosed them with walls, he placed princes in them and storehouses of food--that is, oil and wine. But in each city he also made arsenals of shields and spears; and he strengthened them with the greatest diligence, and ruled over Judah and Benjamin."

The cause of this new diligence was that a new and indeed more powerful enemy had now arisen, and the cities which in Solomon's time had been in the heart of the kingdom had, through the secession of the ten tribes, become frontier cities. The remaining arsenals of the ten tribes had also fallen to Jeroboam. In Isaiah 22:8 there is also mention of the arsenal of the House of the Forest.

Exercise produces spirit and confidence. He who wishes his own men to be cowardly so that they may not rise against him is not safe from his neighbors. These things must be cared for in peace so that men may grow accustomed to obeying. The one virtue of a soldier is prompt obedience. Those who are prone to duels are not brave, but bestial.

CHAPTER XV

The Arms for Which Provision Must Be Made

§ 1. A prince who is about to wage war ought principally to prepare these things: alliances, provisions, arms, fortifications, money, and soldiers. The individual matters need not be discussed in this chapter. Alliances, provisions, fortifications, and money were discussed in book 8, for they are works of peace rather than of war.

§ 2. Most of those who have written about war have treated accurately of everything concerning arms and men who are to fight either on land or at sea. Yet they have done so in such a way that some have exhibited ancient things, others new things, but few the reasons and counsels of the ancients and moderns. It is my intention to set forth briefly what I have understood concerning both new and ancient things.

§ 3. Arms are whatever necessity advises: iron, oil, wood, and other things. Arms are, as it were, the limbs of a soldier. For nature gave natural arms to beasts because it denied them prudence, but gives man external things to use, with reason added:

> Φύσις κέρατα ταύροις,
>
> ὁπλὰς δ’ ἔδωκεν ἵπποις,
>
> λέοντι χάσμ’ ὀδόντων,
>
> τοῖς δ’ ἀνδράσιν σίδηρον.

Nature gave horns to bulls, hooves to horses, the gaping array of teeth to the lion, but iron to men, with which man conquers bulls, tames horses, hunts lions, and, finally--which is most difficult--conquers other iron. Therefore, a great supply of arms must be prepared in peace, because they are readily obtained. When necessity presses, even all things must be accepted: the bronze of bells can be melted down, so that it may be restored when the war has ended.

§ 4. I define arms as all the instruments of wars by which we are defended from the enemy or strike the enemy. They are therefore twofold. For either we protect ourselves with them, as with a shield, helmet, and greaves, or we harm the enemy with them, as with a sword, spear, and musket. They are also divided in another way: either they are placed around the body and handled by individual men’s hands, or they are operated by machines, act more violently, and require the forces of many men, as do the ram, the tortoise, and the greater artillery. Among these I place horses, elephants, camels, dogs, pigs, and serpents in an intermediate class. Some men have sometimes employed them like arms; but they are animate arms, or half arms and half soldiers.

§ 5. Defensive arms, or coverings, are prior to offensive arms. For it belongs to a praised commander first to place his own men in safety, then to harm the enemy. If they fall under mutual blows, there is no victory for either. Therefore, the better protected man is the stronger. He who has provided well for himself does not fear the sound of the hammer, like an anvil. While the helmsman holds the tiller, he despises storms. A well-covered soldier confidently attacks the enemy and fearlessly employs skill; and skill absorbs every difficulty in affairs, as men boast in a military proverb.

§ 6. The head covering of the ancients was the helmet. That of the light-armed soldier was made from a wolf skin or another hide. Polybius says:

> προσεπικοσμεῖται δὲ καὶ λιτῷ περικεφαλαίῳ· ποτὲ δὲ λυκείαν ἤ τι τῶν τοιούτων ἐπιτίθεται, σκέπης ἅμα καὶ σημείου χάριν, ἵνα τοῖς κατὰ μέρος ἡγεμόσι προκινδυνεύοντες ἐρρωμένως καὶ μὴ διάδηλοι γίνωνται.

"He is adorned in addition," as Lipsius translates, "with a simple covering of the head; and this occurs when a wolf skin or something of that kind is put on, both for protection and as a distinguishing mark, so that those who have fought vigorously or otherwise may become known to the commanders of the units."

Concerning the material of the helmet Lipsius says: "Not of bronze or iron, but of wool, felt, or leather; the *cassis* was of metal." *Galea* was named from γαλῆ, a cat or weasel. They took the hides from wild animals, whence ἰκτιδέη, κυνέη, ταυρείη, αἰγείη: weasel-skin, dog-skin, bull-skin, and goat-skin helmets. In Homer and Virgil there is also a lion-skin helmet. *Aeneid* 5: "Turning the enormous covering of a lion." Lipsius notes on Trajan's Column that everyone in this equipment has a lion skin which covers the head, shoulders, and back. In Propertius there is a wolf-skin helmet in an elegant poem:

> And a bristling helmet adorned with a wolf's mane.

In Statius there is a bear-skin helmet:

> He makes his head savage with the jaws of a Lycaonian bear.

Others preferred the fox-skin kind. The Thracians and Macedonians had similar helmets. But this is the point about which the reader of Lipsius remains in doubt: since they wore them for protection and as a sign, did they place them upon a bare head or upon another helmet? Lipsius thinks that the light-armed soldiers put them upon a bare head, for they were not so cautiously and securely armed. I remain even more doubtful. Although lion and bear skins afford protection, I do not see how little weasel, goat, or even fox skins delay arrows or swords. Our felt hats resist much more, especially those thick ones which they are accustomed to call Brunswick hats.

Therefore, that which Polybius calls λιτόν signifies a cheap helmet not made with elaborate workmanship. It does not signify that it was merely a small skin, but that it was supported with linen or wool to break blows; perhaps the hides were also doubled. Statius describes the arms of countrymen:

> Their weapons were rough trunks; their helmets, the empty mouths of lions.

Lipsius himself says that helmets were of leather or similar material, with some iron applied in lines or circles. The leather, therefore, was either doubled or supported by another material. Indeed, I approve more the view that skins were placed upon caps, or that the helmets were made from hides doubled or compressed more frequently. For Vegetius, in book 1, chapter 20, calls them caps: "Almost to the present age the custom remained that all soldiers used caps which they called Pannonian and which were made from hides. This was preserved so that a heavy helmet should not seem burdensome in battle to a man who always wore something upon his head." The caps were therefore heavy in some proportion to the metal helmet.

Furthermore, we learn from Virgil that terrifying shapes were placed upon helmets; Turnus is described in book 7:

> Turnus himself, preeminent in body, moves
>
> Among the foremost, holding arms, and towers by a whole head above them.
>
> His lofty helmet, crested with a triple mane, supports
>
> A Chimaera breathing Aetnean fires from its jaws.

The Cimbri were also equipped in this fashion. Plutarch, in his *Marius*, says that the helmets of the Cimbrian horsemen were distinguished by feathers and by the forms of bristling animals. Diodorus Siculus, in book 2, says that the kings of the Egyptians bore the heads of lions, bulls, and dragons upon their own heads as insignia of rule. This gradually ceased in Christian times, and to wish to employ such terrors against a known enemy is childish. These things, if I may say so, have passed into family insignia; hence comes the variety among nobles when they display shield and helmet.

§ 7. The *cassis* was of bronze or iron, sometimes of silver or mixed metals. Camillus manufactured very many helmets entirely of iron and smooth around the circumference, so that swords might either glide upon them or be broken.

At the sides were cheekpieces which covered the cheeks or sides of the face. Servius commands bronze helmets for the wealthy; this sufficiently shows that bronze defenses were used earlier than iron ones.

§ 8. Crests served for ornament and terror. Polybius says: "In addition to all these things they are adorned with a feathered crown and three upright feathers, either purple or black, a cubit in length. When these are added upon the crown of the head to the other arms, the man appears twice as large, the sight is beautiful, and it is terrifying to the enemy." Lipsius translates στεφάνῳ as "crest," for Polybius is not speaking of a crown, although it bears some resemblance to a crown.

That crest, or feathered crown, was fixed to the top of the helmet and was called by the Greeks both λόφος and φάλος. Indeed, there were also tubes into which the crests were inserted. Centurions had transverse and silvered crests so that they might be recognized more readily. Those of the others stood upright; when damaged in frequent battles they hung down and spread out.

Purple crests belonged to distinguished men. The crests of Turnus were red; Hannibal's were snow-white. Later they also employed the colored feathers of peacocks.

There were generally three crests, for "the lofty helmet was crested with a triple mane." In Virgil Mezentius is bristling with a horsehair crest. Hence in the helmets and insignia of nobles there are either crests or other signs, such as horns, beams, and fixed colors. That other objects were borne in place of feathers is established by the history of Pyrrhus, who was recognized τῷ τε λόφῳ διαφέροντι καὶ τοῖς τραγικοῖς κέρασιν--by his remarkable crest and goat's horns. But as regards all these things, and indeed arms generally, men changed them in various ways, and everything had to be changed on account of enemies, because by these and other arms they render ancient arms useless and compel the adoption of new ones.

§ 9. The *cassis*, therefore, was of bronze; Polybius calls it περικεφαλαίαν χαλκῆν:

> Their heads covered in bronze, they rise above the battle lines with their crests.

Camillus made helmets of bronze and iron, smooth about their circumference, against the enormous swords of the Gauls. They were bound beneath the chin with a strap, and the face was bare. Now many cover the face so that they are exposed to a wound only where they see out through the eyes. Marcellinus observed such helmets among the Persians. In 1 Samuel 17:38 and 5, and 1 Maccabees 6:35, men use bronze helmets. Our men temper iron by a new method so that it repels balls.

§ 10. Another covering of the body was the *parma*. Polybius says, ἡ δὲ πάρμη, and continues:

> καὶ δύναμιν ἔχει τῇ κατασκευῇ καὶ μέγεθος ἀρκοῦν πρὸς ἀσφάλειαν.

"The *parma* possesses both strength from its construction and sufficient size for safety." This belonged to the light-armed soldiers.

The strength of the *parma* did not come from its material, for it was not made from metal, but from leather, or leather and wood; and the wood was either solid, woven wicker, or little boards joined and bound together.

The shape of the *parma* was round--περιφερής--according to Polybius and Nonius. On the testimony of Aemilius Probus, Iphicrates gave his men *peltae* in place of the *parma*, from which they were named peltasts.

Polybius writes that the size of the *parma* was τρίπεδον ἔχει τὴν διάμετρον. Thus, Lipsius says, it has nine feet in circumference; but then it is not that short little *parma* and small shield. He doubts whether by the word "diameter" the circumference itself, περιφέρεια, is meant. Then, indeed, it would be a very small *parma*, for the true diameter would be one foot. Marius removed the little *parmae* and substituted *Brutiana*--that is, shields with which the Bruttians were

accustomed to fight. But it cannot be that they were one foot across: for what would this contribute to protection, or ἀσφάλειαν, as Lipsius rightly objects to himself? It appears foolish, since the *parma* occupied the left hand, to have made it so small that it did not defend the man fighting and yet impeded him. Pliny says that the *parma* is what the Greeks call the *pelta*, and that they also call it a *cetra*. But although each was a short shield, their shapes were different: the *pelta* had the appearance of a half-full moon. Virgil, book 1:

> She leads the battle lines of Amazons with their crescent-shaped *peltae*.

§ 11. The shield and buckler are related to the *parma*.

The shield was two and one-half feet in width and four feet in length. The larger kind had a palm more.

Polybius says that the material of the shield was ἐκ διπλοῦ σανιδώματος, "from a double planking." Thus it is agreed that two boards were compacted with linen by means of bull glue. But Lipsius adds that it was woven together from small planks; for Varro derives *scutum* from cutting, as if it were named from being cut because it was made from minute boards. Ammianus likewise says of Julian: "While Julian was still Caesar at Paris, he was exercising in the field and shaking a shield whose round surface was compacted from little boards; when these were shaken loose to no purpose, only the handle remained." Here, I confess, I hesitate and should wish an ancient shield to be shown to me. For that construction from little slats is laborious and not suited to strength. Accordingly, since the use of shields was so extensive, I do not doubt that they were more readily made.

First, it was much stronger and more resistant to blows if two boards were glued together crosswise than if there were only one. For one board is readily pierced along the dimension in which it is liable to split; but here the lines liable to split run in different directions. What is received into one board is held in the other and suffers delay. For one plank glued to another, with the lines running in a different direction, overcomes and contains it so that it cannot gape with cracks or be split.

Second, it is certain to me that some little planks had to equal the length and others the breadth. For the length could not be made from two or three pieces, because they cannot be glued on the part where the length of the wood is cut off. I do not sufficiently understand how it was made from little boards unless they were rather long, joined to one another and compacted with glue, with a little rod added as a kind of bond, as we learn from Ammianus. Pliny names in book 16, chapter 40 the woods most useful for this purpose: "The coldest are all aquatic woods; they are most pliant, and therefore most suitable for making shields, whose wound draws itself together immediately after a blow and closes; for that reason it transmits iron more stubbornly. In this class are the fig, willow, linden, birch, elder, and both kinds of poplar." Of these the fig and willow are lightest and therefore most useful. From this we also learn that those shields are now altogether useless.

The shape of the shield was twofold: one was nearly flat and the other curved like a roof tile, of the kind Lipsius exhibits for us.

§ 12. Sometimes nothing was added beyond the little boards. Tacitus says of the Germans in book 2 of the *Annals*: "Not even shields strengthened by iron or sinew, but structures of wicker, or thin boards stained with color." But the Romans strengthened and covered them with leather, both for firmness and so that the moisture by which willow boards would be loosened might be kept off by the leather; for glue cannot endure moisture.

They also frequently multiplied the hides, for they are light and pliant. Hence the ancients strengthened shields with a sevenfold fabric, even among the Trojans and Greeks. These were the arms used at that time because of the price of bronze and iron, which the common multitude of soldiers in those places could not afford. Certainly, in Sacred Scripture we read of bronze bucklers and shields among the most ancient peoples.

In addition to these there was an iron defense which Polybius calls σιάλωμα and which the Suda interprets σιδηρᾶν περιφέρειαν τῷ ῥωμαϊκῷ θυρεῷ: an iron rim or circumference of the Roman shield. Iron was added late, for Camillus was its originator; nevertheless, he added a bronze plate. Plutarch says in his *Camillus*:

> τοῖς θυρεοῖς κύκλῳ περιήρμοσε λεπίδα χαλκῆν, ξύλου καθ' αὑτὸ τὰς πληγὰς μὴ στέγοντος.

"He fitted a bronze plate in a circle to the shields, since the wood alone sustained blows insufficiently." Against the great swords of the Gauls, brandished with powerful strength, the resourceful commander devised this. That circumference was sometimes silver and sometimes gilded. Sidonius says that the light of the shields was snow-white on the rims and golden-yellow on the bosses. This occurred among the great and powerful.

The boss is the rounded iron projecting in the middle of the shield, called ἄμβων by the Greeks, a word which signifies the prominences of mountains and other things. Tertullian recognizes a boss even in clothing. The Greeks also sometimes call it ὀμφαλὸν ἀσπίδος. Polybius calls it σιδηρᾶ κόγχος and says that it turns aside ὁλοσχερεῖς πληγάς--the violent blows of stones, sarissas, and every violent kind of weapon.

They also drove enemies back with the boss: "Acilius drives those who meet him with the boss." Lipsius has excellently observed that the shoulder and the arm itself are sometimes called the boss. They wheeled and shook the shield in such a way as to oppose the boss to every blow.

§ 13. There was little weight in a light shield and more in the larger. Now all those things would be impediments in war rather than aids. But let us consider their use among the ancients.

First, the Romans despised the shields of the Gauls as not strengthened by iron or sinew, but made of woven wicker, or of boards that were thin or stained with color. Therefore, before iron was added by Camillus, Roman shields too were weak.

Second, the boss resisted heavier blows; therefore, the rest of the shield was unequal to those blows and failed under repeated strokes. Thus Ajax also says of his own shield: "A new successor must be obtained."

Third, it was sometimes so burdened with javelins and arrows that it was heavy for the bearer.

Fourth, its manipulation greatly fatigued the soldier, so that the left arm was wearied no less than the right.

Fifth, in battles themselves we frequently see shields pierced through, even together with the man himself, as many histories show.

If, therefore, we come to the wars of our own time, they would be impediments, not defenses. For, to say nothing of cannon, they would not sustain the blow of even any middling weapon. Since they were pierced by a cast javelin and by an arrow, they cannot resist even lesser forces of arms. Against shields our forefathers, before cannon were invented, employed chiefly three kinds of arms: the lances of horsemen, by which they carried away shield and man together; great swords, which they brandished with both hands, by which they split the shields set against them and struck them from the bearer's hands; and, finally, two-edged axes, whose extremely violent blows rendered every shield useless. This armament took its origin from the Germans, Goths, and Lombards, whose great strength readily dashed shields away.

Shields, therefore, are now useless. In ancient times they too were frequently changed. Before Romulus, men used Argive bucklers, according to Plutarch. Romulus instituted shields, I believe because bucklers could not readily be obtained among a pastoral people. Hence Servius later restored bucklers, but commanded them for men who possessed a greater census. At Veii bucklers were omitted and shields retained. I do not sufficiently conjecture the cause: perhaps, since the soldiers' pay was equal, they judged that the arms of the infantry ought also to be made equal. Lipsius thinks so.

The θυρεός was the shield of the Greeks. It was so called from its likeness to a θύρα, a door, because its length was greater than its width, Athenaeus 4 and 6.

§ 14. The Greeks had bucklers; they called them ἀσπίδας. Homer calls one εὐκύκλος because they were round.

§ 15. The ancients had various kinds of cuirasses, and it is wonderful that so great a care was devoted to them when there were no cannon. Titus is described in Hegesippus, book 3, chapter 14: "We advance into war protected on every side: a helmet covers the head, a cuirass the breast, and a buckler the whole body. The enemy cannot discover where he may strike a Roman soldier." Nor is this an amplification. Claudian, in book 2 *Against Rufinus*:

> Joined together by art,
>
> The flexible plate comes alive upon the limbs it covers,
>
> Terrible to behold: you would believe iron statues to move
>
> And men to breathe through their kindred metal.

Not only a poet but also the historian Ammianus speaks in the same manner: "You would believe them statues polished by the hand of Praxiteles, not men: slender circles of plates, fitted to the bending of their bodies, encircled them and were drawn over every limb, so that wherever necessity moved a joint, the clothing corresponded to it, its connection coherently fitted."

But let us speak about the kinds of cuirasses.

In an earlier age most Roman soldiers did not cover the whole body with a cuirass, but only the breast with a plate:

> οἱ μὲν οὖν πολλοὶ προσλαβόντες χάλκωμα σπιθαμιαῖον πάντῃ πάντως, ὃ προστίθενται μὲν πρὸ τῶν στέρνων, καλοῦσι δὲ καρδιοφύλακα, τελείαν ἔχουσι τὴν καθόπλισιν.

"Most take a bronze plate which measures a span, or twelve digits, on every side and place it upon the breast, and thereby possess complete armor." They call it καρδιοφύλακα, which Lascaris renders "heart-guard"; Lipsius calls it a breastplate. Polybius says it was a bronze plate; Varro and others say that the breastplate was made from raw leather. But I believe that leather cuirasses ceased to be used because they afforded too little protection and heated those fighting very greatly.

Those who were more honorable and stronger covered the breast, belly, and the parts below with a cuirass, as Pausanias testifies in book 1. They connected the two parts of the cuirass at the sides with clasps, and this was called the proper and full armor. Those men belonged to the first class and were assessed at more than ten thousand drachmas, as Polybius says.

Those cuirasses were threefold. They were either made from a whole plate, as most are today, or ringed and woven from little chains, which the Greeks call ἁλυσιδωτούς. Virgil calls it "a cuirass joined with hooks and triple-woven with gold." The third kind was of scale armor, λεπιδωτῶν θωράκων:

> Clad in a gleaming breastplate,
>
> He bristled with bronze scales.

The scales were sometimes joined by little chains, sometimes to linen, and sometimes spread over leather.

In the Suda the Parthian horsemen, whom the Latins later imitated and call *clibanarii*, are armed as follows: "The cuirass of a Parthian horseman is of this kind. Its front part covers the breast, thighs, extremities of the hands, and legs; the rear part covers the back, neck, and entire head. Clasps are at the sides, by which they join both parts and thus cause the entire horseman to appear iron. Yet the iron neither prohibits nor impedes the extensions or contractions of the limbs; it is so carefully made and divided according to the nature of the limbs. They also arm the horse similarly

with iron, wholly and down to the hooves. They do this because their own armor profits them nothing if the horse is killed."

This was the strength of soldiery then, and it is so now. Ammianus calls them iron plates "in the manner of a slender feather"; and Virgil:

> He drove his foaming horse, which a covering joined
>
> With gold in bronze scales, feather-like, protected.

Ammianus describes the armor more clearly in book 16: "On either side advanced a double line of armed men, bearing shields and crests and radiating with glittering light, clothed in polished cuirasses. Scattered among them were armored horsemen--whom the Persians call *clibanarii*--protected by coverings of breastplates and encircled with iron bands, so that you would believe them statues polished by the hand of Praxiteles, not men. Slender circles of plates, fitted to the bending of their bodies, encircled them and were drawn over every limb, so that wherever necessity moved a joint, the clothing corresponded to it, its connection coherently fitted."

He teaches in book 25 how men resisted them: "Representations of human faces were so carefully fitted to their heads that missiles falling upon their bodies plated solidly with metal could lodge only where sight was afforded sparingly through minute cavities attached to the circles of the eyes, or where narrow breaths were emitted at the extremity of the nostrils."

Great men had scales, for they were easy to carry and resisted blows by the very fact that they yielded somewhat. More wonderful is the fact that they made scales from the hooves of horses and other animals. Pausanias describes them in book 1: "They make breastplates as follows. Each man keeps many horses. They use them not only in war, but also sacrifice them to their ancestral gods. Collecting their hooves, cleaning and cutting them, they make from them something like the scales of dragons; or, if someone has not seen a dragon but has seen the green fruit of a pine, he will not err if he likens the work to those segments or little swellings upon the cone. Therefore, piercing these little scales and sewing them together with horse or ox sinews, they have cuirasses for use, inferior to the Greek ones neither in beauty nor in strength. For when struck at close quarters or assailed by a cast weapon, they resist and withstand it."

Homer shows that linen breastplates were of the most ancient use, for in him Ajax is λινοθώραξ, "linen-cuirassed"; I should believe them to have been among the earliest arms.

They are sometimes used in this age, but they resist iron or balls only slightly. They were suitable for hunters, for they blunt or break teeth. Ringed cuirasses have almost ceased to be used, since when the rings are broken by a ball they cause several wounds; their fragments lodge in bodies and cannot readily be extracted.

They also had woolen breastplates pressed together, or made of felt; they added vinegar so that they would resist iron. A sponge too was a covering for the breast. But lest such things be made heavy by rain, they were covered with hides. Things of this kind are strongly approved even now; for if they are protected by a moderate cuirass, by which the force of a ball is broken, it is arrested by this felt.

Meanwhile, at almost the present time strong, heavy iron cuirasses are in use, like the one in Plutarch's *Demetrius*, which repelled a missile from a ballista and received only a light scratch, as if from an engraving tool. But such cuirasses were very rare. For even swords overcame the common armor. Diodorus says:

> οὔτε θυρεὸς οὔτε κράνος οὔτε ὀστοῦν ὑπομένει τὴν πληγήν.

"Neither shield, nor helmet, nor bone sustains the blow"--namely, that of the Spanish sword. Plutarch likewise relates in his *Perseus* that the swords of the Romans, by their weight and impact, passed through every kind of armor to the bodies. But now no one would deign to carry armor that did not resist even a sword.

§ 16. Vegetius assigns iron greaves to the legs--one upon the right leg, which comes forward in a stationary battle; but when men fought with missiles, the left leg came forward. The ancients, nevertheless, had both legs covered.

§ 17. Horsemen did not have cuirasses at first, as Polybius reports, for they made it their concern to mount a horse readily, since they did not have grooms, or ἀναβολεῖς, to help them mount. This was strictly exacted. Vegetius, book 1, chapter 18: "The exercise of mounting horses was always strictly exacted not only from recruits but also from soldiers receiving pay. It is evident that this custom has survived to our own age, although even with some concealment. Wooden horses were placed under cover in winter and in the field in summer. At first the younger men were compelled to mount these unarmed until they became proficient by habit, and finally while armed. So great was the care that they learned together not only to leap on and off from the right but also from the left side, even while holding drawn swords or pikes. For they did this by constant practice, namely so that amid the tumult of battle those who were so diligently exercised in peace might mount without delay."

The shields of the horsemen were made from pure leather, which, if it had not been sufficiently hardened, was rendered useless by rain. They called it the *cetra*, a leather shield without wood. I believe that it was also made from another material, and sometimes from hardened leather which water would not harm. Without doubt it would be ridiculous to advance into our warfare with that defense.

§ 18. As a conclusion I shall add what Vegetius has in book 1, chapter 20 concerning arms:

"The place requires that we attempt to relate with what kind of arms recruits ought either to be equipped or defended. But in this part the ancient custom has been utterly destroyed. For although, after the example of the Goths, Alans, and Huns, the arms of the horsemen have advanced, it is established that the infantrymen have been stripped bare. From the founding of the city down to the time of the deified Gratian, the infantry army was protected both with armored breastplates and helmets. But when field exercise ceased through the intervention of negligence and sloth, the arms which the soldiers wore only rarely began to seem heavy. Thus they ask the emperor first to lay aside the armored breastplates, and then the helmets. In this way, meeting the Goths with breasts and heads uncovered, our soldiers were often destroyed by the multitude of archers. Even after so many disasters, which reached the destruction of such great cities, no one took care to restore either armored breastplates or helmets to the infantry.

"Thus it happens that men who were exposed naked to wounds in the battle line think not about fighting but about flight. For what can an infantry archer do without armored breastplate and helmet, when he cannot hold a shield along with his bow? What will the *draconarii* themselves and the standard-bearers do in battle, who govern the spears with the left hand, when it is established that both their heads and breasts are bare? But a cuirass and perhaps a helmet appear heavy to an infantryman who seldom practices and seldom handles arms. Daily use, however, does not labor even if it carries burdensome things. But those who cannot bear the labor of carrying the ancient defenses of arms are compelled, with bodies uncovered, to sustain both wounds and death; and, what is more grievous and more shameful, either to be captured or certainly to betray the state by flight. Thus, while they avoid exercise and labor, they are slaughtered like cattle with the greatest disgrace.

"Why, then, was the infantry army called a wall among the ancients, unless because the legions armed with javelins shone not only with shields but also with armored breastplates and helmets? This went so far that the archers protected the left arm with sleeves, while the shield-bearing infantrymen were compelled, in addition to armored breastplates and helmets, to receive iron greaves on their right legs. Thus were those men protected who, fighting in the first line, were called *principes*, in the second *hastati*, and in the third *triarii*. But the *triarii*, their knees placed upon the ground, were accustomed to crouch behind their shields lest, while standing, they be wounded by incoming missiles; and when necessity required it, as men who had rested they attacked the enemies more violently. It is established that victory was often achieved by them when the *hastati* and those who had stood before them had perished.

"Among the ancient infantrymen there were also those who were called light-armed troops, slingers, and *ferentarii*. They were stationed principally upon the wings, and the beginning of the fighting was taken from them. The swiftest

and most highly trained men were selected for these troops. They were not very numerous; if the necessity of battle compelled them to withdraw, they were accustomed to be received between the front ranks of the legions, so that the battle line stood unmoved.

"Almost to the present age the custom remained that all soldiers used caps made of hides, which they called Pannonian. This was preserved so that a heavy helmet would not seem burdensome in battle to a man who always wore something upon his head. The missiles which the infantry army employed were called javelins. They were tipped with slender, three-edged iron, nine inches or one foot long; when fixed in a shield, they could not be cut away, and when directed skillfully and forcefully, they readily break through a cuirass. Among us weapons of this kind are now rare. But barbarian shield-bearing infantrymen chiefly employ them. They call them *bebras* and carry two or even three apiece in battles.

"It must be known, moreover, that when missiles are being employed, soldiers ought to put their left feet forward; for in this way the blow is stronger when darts are brandished. But when they come to the javelins, as they call them, and fight hand to hand with swords, then soldiers ought to put their right feet forward, so that their flanks may be withdrawn from the enemies and cannot receive a wound, and so that the right hand which can inflict the blow may be nearer. It is therefore established that recruits must be instructed and protected by every art of fighting and with every kind of arms. For it is necessary that he who, with his head or breast protected, does not fear a wound should acquire boldness for fighting."

§ 19. At that time the Roman army was neglected. For Valens admitted the Goths and, trusting in their protection, despised his own soldiery--not altogether without reason, since they were accustomed to become more famous for the slaughter of their own emperors than for victory against an enemy. Gratian, through the same error, trusted the Alans and suffered the treachery of his own men. Vegetius calls a defense of the breast and a cuirass *cataphractae*: all the καταφράξεις, or defensive coverings, which enclose and protect the body. Stripped bare in this way, they were thrown into confusion by the attack of the Goths, as Paul the Deacon, book 12, and Orosius indicate: "At the first attack of the Goths the companies of Roman horsemen were thrown into confusion and abandoned the naked infantrymen, who were soon surrounded by the enemy cavalry and overwhelmed by clouds of arrows."

Afterward they protected themselves with the *thoracomachus*, concerning which Stewech writes from the *Notitia Imperii*: "Among all the things which provident antiquity devised against warfare for posterity, it also placed beneath the weight and harshness of the arms the *thoracomachus*, of wonderful usefulness for relieving the body. For anxious concern, with skill as its teacher, composed this kind of garment from soft wools compressed to the measure and protection of the human breast. Thus, after this was first put on, the cuirass, the *clibanus*, or things similar to these would not injure the frailty of the body by the harshness of their weight; and the limbs of the wearer, aided by such relief amid the danger of arms and winter, might suffice for the labor. But lest this same *thoracomachus*, beaten by rains, afflict the wearer with increasing weight, it will be suitable to draw over its surface well-prepared Libyan hides made in the likeness of the same *thoracomachus*. Therefore, as we have said, after the *thoracomachus* has been put on--a Greek appellation which took its name from the protection of the body--and after he has also put on low shoes, that is, footwear, and iron greaves, and a helmet has been placed above, with a shield and sword fitted to his side and lances seized in full array, the soldier about to enter an infantry battle will be armed."

But this too was changed and did not remain in use for long. Against the force of spears, especially those with a narrow point, the iron could accomplish nothing. Then great expense and labor had to be employed in preparing the hides. Most grievous of all, those wrapped in a woolen fabric flowed with sweat, and it weakened the wearer in the battle line.

Hence it appears that everything depends upon the coverings' being light and impenetrable. If any commander could join these two qualities, he would easily obtain the empire of the world.

Hence came so many changes of arms, continuing even to the present day: first coverings of iron or bronze, then of wood and leather, then once more of iron and bronze--sometimes light, sometimes heavy. Dio says that Macrinus removed the scaled breastplates and shields which were like channels, but curved in the manner of roof tiles, so that he might render the soldiers readier for battle. But as he made them more agile, so he also made them weaker and more exposed.

CHAPTER XVI

Arms with Which We Harm the Enemy at Close Quarters

§ 1. The arms with which we strike the enemy are manifold. For there is no thing which men cannot employ for the destruction of men and have not sometimes employed. We read that men have been killed not only with swords and missiles, but also suffocated with cushions and roses. We also fight with trumpet and drum and put the enemy to flight with sound. Indeed, a part of the enemy supplies arms from his own body. 2 Samuel 2:16: "Each man, taking hold of the head of his companion, drove his sword into the side of his opponent." Thus the hair, as well as the sword, served as a weapon--so much so that the institution of Theseus appears less ridiculous: he wished the hair to be shaved lest it offer a handle to enemies. Alexander the Great commanded his men to imitate this with respect to the beard. The women of the Thasians and Carthaginians gave their hair for binding machines and for the ropes of ships, Polyaenus, book 8. The women of Aquileia expended theirs upon bowstrings, Fulgosus, book 7, chapter 6.

The arms, therefore, with which we strike and crush an enemy are those by which we fight either at close quarters or at a distance. Those with which the matter is conducted at close quarters have not been so greatly changed; the others are very different.

§ 2. The arms by which an enemy is harmed at close quarters are manifold. Most nations had swords. First they carried a single one, then two: besides a long sword, a *paramerium* or *parazonium*--that is, a dagger--sometimes at the right side and sometimes at the left. Polybius mentions the right; Josephus the left, in book 3 of *The Jewish War*. After the Second Punic War, the Romans carried Spanish swords. They used them by thrusting rather than cutting. For the Romans mocked those who fought by cutting, since the wound is rarely mortal and it exposes the flank. Nevertheless, they sometimes cut as well. Seneca, in *On Benefits*, says that a helmet was divided by a Spanish saber. Livy, book 31: "After they saw bodies dismembered by the Spanish sword, with arms cut off or the whole neck severed, and the other hideousness of the wounds." Now there are different kinds of swords for each mode of fighting.

A long sword was given to the horseman. Josephus, book 3 of *The Jewish War*: "The horsemen have a long sword at the right and likewise a long pike in the hand; a shield lies transversely at the horse's flank; and in a quiver are carried three or more javelins with broad points and not inferior to spears in size. All have helmets and cuirasses, as do the infantrymen."

§ 3. One spear is large and used for fighting at close quarters, while another is for casting. Strabo, book 10:

> Διτταὶ γὰρ ἦσαν τῶν δοράτων χρεῖαι, ἡ μὲν ἐκ χειρός, ἡ δὲ ὡς παλτοῖς· καθάπερ καὶ ὁ κοντὸς ἀμφοτέρας τὰς χρείας ἀποδίδωσι· καὶ γὰρ συστάδην χρῶνται καὶ κοντοβολοῦντες· ὥστε πρὸς ἑκάτερον δύναται ἡ σύνταξις.

For there were two uses of spears: one from the hand and the other as cast weapons; just as the pike serves both uses, for it can be used at close quarters and can be cast, so that the formation is capable of either use.

Our men today employ only these at close quarters; cannon alone have taken away the other missiles.

There were longer axes, which have been succeeded by our two-edged axes or halberds. To this class men refer the *saliba*, the three-bladed ax, or the *martiobarbulus*, with which they broke shields. Vegetius, book 1, chapter 17: "In Illyricum there were formerly two legions which had six thousand soldiers apiece. Because they used these weapons skillfully and bravely, they were called *Martiobarbuli*. It is established that for a long time all wars were most vigorously concluded through them--so much so that Diocletian and Maximian, when they came to the empire, judged that on account of the merit of their valor these *Martiobarbuli* should be named Jovians and Herculians, and they are taught to have preferred them to all the legions. Our soldiers, however, were accustomed to carry five *martiobarbuli* inserted into their shields. If the soldiers cast these opportunely, shield-bearing men appear in a certain manner to

assume the office of archers. For they wound the enemies and horses before they can come not only to hand-to-hand combat but even within range of other missiles."

In Leo, however, *martiobarbuli* are javelins. Turnebus thinks them named from little barbel fish.

§ 4. The *aclides* were smooth, and when they had been cast against the enemy they were drawn back by a cord. Men think this was also called the *cateia* or *caia*.

§ 5. Horsemen especially were also accustomed to carry hammers, in place of which they now carry broad swords. To this class belong ῥόπαλα, clubs, and gauntlets.

They also employed nooses, as the *retiarii* used a net or net-like snare. When the Macedonians moved towers forward for an assault upon Tyre, the Tyrians entangled the Macedonians in nets and cast them down, Diodorus, book 17. Olaus Magnus says the same concerning the Finns.

CHAPTER XVII

Arms with Which We Harm the Enemy at a Distance

§ 1. The *pilum*, the missile customary among the Romans, was four and one-half cubits long, or a little less than seven feet, as Lipsius teaches. The iron was equal in length to the wood, but half of it was inserted into or attached to the wood. The iron was sometimes square and sometimes three-edged, with the thickness of a finger. Vegetius says that it often pierced through shield-bearing infantrymen and cuirassed horsemen. Tibullus assigns so great a force to it that "with the pliant *pilum* he broke what stood in his way." Virgil assigns it a broad iron point: "Brandishing shafts with broad iron."

Florus compares enormous *pila* with swords. Around the point they were hooked so that they could not be extracted. Thus they lodged in shields and weighed them down. So that this impediment might be greater, Marius arranged for them to bend. Sometimes they pierced two shields and connected them.

The *pila* were different from the spears of the light-armed soldiers. The Greeks call the latter γρόσφους and the former ὑσσούς. They also called the light-armed soldiers γροσφομάχους. Polybius describes the weapon as follows: "The wood of the *pilum* has a length generally of two cubits and the thickness of a finger. Its point, one span--that is, a greater palm--in length, is thinned and sharpened to such an extent that immediately after the first cast it necessarily bends and becomes unsuitable for casting back; otherwise it would become a weapon common to both sides."

Seven javelins, each four feet long, were given to each man. The wood was three feet long; the iron was a great palm, or three-quarters of a foot, a little less than one foot. It was therefore easy to carry seven little spears in the hand.

Partly like the *pilum* and partly like the light-armed soldier's spear was the *sibuna*, or *sybina*, customary among Greeks and Illyrians. They employed it principally in hunting. Although the force of *pila* is sometimes exaggerated, it is nevertheless established that it was ordinarily weak. For most often, when cast from level or lower ground, they fell ineffectually.

Livy, book 7: "In addition to valor, the position too assisted them, so that all the *pila* and spears did not fall ineffectually, as if cast from level ground--as most often happens--but all, balanced by their weights, lodged fast." But our weapons are effective from any position.

§ 2. Polybius describes for us the old and new spears of horsemen: "Their spears were also useless to them in two ways. They made them slender and pliant, and therefore they could neither aim them correctly nor strike the target; and before they fixed the point into anything, most were broken by the shaking caused by the very motion of the horses. I add that, being made without a point at the lower end, they delivered only the wound and blow of the forward part; when this was broken, the remainder was useless and ineffective for them. But they had a shield of oxhide, very similar to the bossed cakes which they are accustomed to place in sacrifices. It was not convenient to employ these in battle because they had no firmness; and when the leather was loosened or spoiled by rain, they became altogether useless, both then and now. Therefore, since their use was defective, they immediately adopted the Greek preparation of arms. In it, the blow of the spear's forward point happens to be direct and powerful, since the shaft is stable and immovable; likewise, after the weapon is reversed, the use of the lower point is firm and violent. The same reasoning applies to the shields, for both in attack and resistance they remain stable and firmly stretched. When the Romans saw this, they immediately imitated it."

Lipsius observes excellently that, when Brutus and Tarquinius fell after being wounded through their *parmae*, the spears were not strong but the *parmae* weak. The armor of the ancients was therefore not of great worth, since even the princes themselves were not safe when protected by it.

§ 3. It is established that horsemen had a long spear with which they charged, as do our lancers. Our men now secure them against their sides so that the blow may be carried through with their whole weight and impetus. Since the ancients also had an iron point at the rear, which they called the σαυρωτήρ, Lipsius thinks that they lacked such a support; if they did, the blow inflicted was much weaker. But I believe that there was a nail, hook, or something similar by which the spear was secured to the seated man's body, while the οὐραχός, the butt end, remained free. For they could brace it upon their knees, as Silius says:

> The weight of the Sarmatian pike, supported upon the knee,
>
> Drove headlong across the field against the opposing enemy.

The other javelins, three or four of which they carried in a quiver, were weak and more suitable for one who cast them than for one fighting at close quarters.

Marcellinus also shows the use of cylinders and stones: "Some, while carrying ladders and preparing means of ascent on every side, were crushed beneath the very burdens, when stones, fragments of columns, and cylinders were driven down the slope."

§ 4. The Romans were accustomed to scatter caltrops against the enemy. Herodian, book 4: "Whenever the Romans joined battle on foot, they readily overcame their adversaries. But afterward, when they were pressed by cavalry and a multitude of camels, they pretended flight and cast down caltrops and other sharpened iron devices. Hidden beneath the sand and visible to no one, these brought destruction upon horsemen and the riders of camels. For when they trod upon them, the horses--and especially the camels, because this kind has the softest hooves--fell down or became lame, throwing their riders from their backs."

CHAPTER XVIII

Living Arms

§ 1. We employ horses for warriors, and other animals as animate instruments; thus they too can be called arms. Indeed, whether a farmer turns the earth with a mattock or with oxen, both the oxen and the iron are instruments.

§ 2. The most ancient arms of early peoples were chariot horses and chariots armed with iron and scythes. Scythed four-horse chariots were formerly an object of the greatest fear. They are frequently mentioned in Sacred Scripture. In Exodus 14 Pharaoh yokes six hundred chosen chariots; Deuteronomy 11:4 and 20:1; Joshua 11:4 and 17:16; iron chariots, Judges 1:19 and 4:13, where Sisera has nine hundred; and in 1 Samuel 13:5 the Philistines have thirty thousand chariots and six thousand horsemen. In 1 Kings 9:19 the cities of the chariots are fortified; likewise 2 Chronicles 8:6 and 9:25. Strength and confidence were placed in them: Judith 9:6; Isaiah 31:1, 36:9, 37:24, and 66:15, "his four-horse chariot is like a whirlwind." Antiochus and Mithridates also employed chariots. At last they disappeared and are now altogether useless for battle. Vegetius gives the reason in book 3, chapter 24: "As they at first brought great terror, so afterward they were an object of ridicule. For a scythed chariot finds an entirely level field with difficulty and is arrested by a slight obstacle; and when one horse is brought down or wounded, it is brought to a halt. But they perished especially through this device of the Roman soldiers. When battle was joined, the Romans suddenly cast caltrops over the whole field; when the charging four-horse chariots fell upon these, they were destroyed. A caltrop is a defense composed of four stakes which, however it is cast, stands upon three points and threatens with the fourth upright."

There were also other chariots, or scythed chariots, drawn by two horses or one, of the kind exhibited for us by the learned and diligent commentator on Vegetius, Gottschalk Stewech.

Caesar describes chariot-fighters for us as almost wonderfully bold and nimble, book 4: "This is their manner of fighting from chariots. First they ride about through every part and cast missiles; by the very terror of the horses and the clatter of the wheels they generally disorder the ranks. When they have insinuated themselves among the companies of horsemen, they leap from the chariots and fight on foot. Meanwhile the charioteers withdraw a little from the battle and so station themselves that, if those men are pressed by a multitude of enemies, they may have a ready return to their own men. Thus in battles they display the mobility of horsemen and the steadiness of infantrymen. At length, by daily practice and exercise, they become accustomed to stop their horses upon a sloping and precipitous place, to control and turn them in a short space, to run along the pole, to stand upon the yoke, and from there to betake themselves into the chariots with the greatest speed."

Curtius describes scythed chariots for us in book 4: "He had scythed chariots before him, all of which, when the signal was given, he poured upon the enemy. The charioteers rushed forward with loosened reins so that they might crush more men by an attack for which sufficient provision had not yet been made. Thus spears projecting far beyond the pole tore some men, while scythes let down from either side tore others." Again in the same book: "Two hundred scythed four-horse chariots, the only aid of those nations, followed. Spears tipped with iron projected from the highest part of the pole. On each side of the yoke they had directed three swords, and between the spokes of the wheels several darts projected forward. Then other scythes clung to the outer rims of the wheels, and still others, lowered toward the ground, were to cut off whatever met the horses at full speed." Alexander himself ordered that they be received after the ranks were opened; Sulla fixed stakes.

When the Helvetii had determined to occupy the Gauls, they increased to the greatest possible number of beasts of burden and wagons, made the greatest possible harvests for two years, and entered into an alliance with the

neighboring states. Then, when they were about to depart, they ordered each man to have ground provisions for three months, Caesar, book 1 of *The Gallic War*.

Those chariots served as fortifications, as I shall say in the proper place, and at the same time for conveying necessities.

§ 3. The introduction of elephants into battle was formerly terrifying. Pyrrhus first brought them into Italy.

§ 4. The Romans also rendered elephants useless; now they are generally harmful because they are very readily turned against their own men. Formerly they placed armored men in chariots against the beasts, who directed sarissas--that is, long pikes. Others sent against them armored soldiers fortified on every side with projecting points, so that they could not be seized by the trunk; others sent slingers and archers. They granted them space to attack, then surrounded them and captured them together with their masters. They also assailed them with wheeled ballistae. Now every kind of artillery is effective against them, so that they are scarcely led into battle. Hannibal placed eighty elephants before the battle line; Scipio opposed Numidian horsemen to them. They are considered common enemies, or enemies to both sides, because they are readily turned against friends. Cassiodorus falsely reports in book 10, chapter 30 that they could be wounded by no force; otherwise they are repelled with the slightest trouble.

§ 5. Men were accustomed to oppose camels to horses and elephants. Croesus opposed camels to cavalry; the horses, terrified by their novelty, threw down their riders. Frontinus, book 2, chapter 4. Pliny also mentions camels in wars, book 7, chapter 18. Alyattes the Lydian, the Colophonians, and the Castabalians employed dogs in battle; this was also customary among the Magnesians. Polyaenus, book 7; Aelian, book 14.

Philip also captured the Arbelans when they fled into dense forests by means of hunting dogs, Polyaenus, book 4.

There is nothing wonderful about noble beasts. Men even led pigs into war--an animal born for banquets, whose life serves in place of salt. For the elephant abominates and shudders at the grunting of a pig and at that unclean animal itself. It was therefore sometimes employed against the tower-bearing beasts.

The Megarians turned aside the elephants of Antigonus by means of pigs which they had smeared with pitch. Others removed the terror by habituation, for everything familiar becomes contemptible. Perseus caused wooden elephants, from which a trumpet shrieked, to be made, so that the horses might grow accustomed to them and learn to despise them.

It is not wonderful that men employed beasts when they even brought statues to an assault. What is said about Sardis when it was captured by Cyrus appears excessively crude. On the side where the mountain was precipitous, he placed armed statues upon poles and applied them to it; then he began the assault from another side. But when the besieged saw the statues, they believed the ridge to have been occupied by armed men, and thus Cyrus entered the city. Therefore, everything that lies between serves as arms for a prudent commander.

With beasts too it belongs to skill to excite their natures in whatever manner is possible. For since they lack skill, they must be governed by another’s skill. When the weary horses of Brachius could not be driven by spurs, he sent mares ahead, which they followed, Fulgosus, book 7, chapter 4. Victory depended upon occupying the passes of the mountains first.

CHAPTER XIX

Consideration of Engines of War

§ 1. What stratagems are in battles and the actions of war, engines are in works; for in both the former and the latter there is need of ingenuity, prudence, and sagacity, not of strength or expenditure. An engine, therefore, is a work ingeniously devised and made for effects which would otherwise require greater expenditure and strength. They think it was so called, ὅτι δεῖ μηχανᾶσθαι, "because it is necessary to contrive," since it is made not by men who yawn idly but by men who direct their mind and art.

In Deuteronomy 20:20 God forbade engines to be constructed from fruit-bearing trees. He calls them מצור, because they fortify, or render strong, those who are besieging. In 2 Chronicles 26:15 Uzziah equips Jerusalem with engines: "And he made in Jerusalem engines of diverse kinds, which he placed in the towers and at the corners of the walls, that they might discharge arrows and great stones." The Septuagint calls them μηχανὰς μεμηχανευμένας λογισμοῖς, "engines contrived by the calculations of an artificer." The Hebrew, however, speaks more clearly: חושב מחשבת חשבנות, that is, "engines, the contrivance of one contriving." חשב is earnest care, and to think by art and turn all things over in the mind. Engines, therefore, were invented in the most ancient times, and new ones are invented daily; nevertheless, if we wish to confess the truth, the engines of engines are the instruments of war--the force of gunpowder in artillery, petards, and mines. Thus now the engines of the ancients have for the most part withdrawn as though thunderstruck.

§ 2. Philologists dispute concerning the antiquity of engines, but nevertheless judge them to come from Moses and those ancient men. Statius attributes them to the Pylians and Messenians in the Trojan War. The Romans used them in the time of the kings, as Lipsius teaches in book 1 of the *Poliorcetica*. Diodorus, book 12, attributes rams to Pericles.

That there were ancient engines Moses teaches in Deuteronomy 20:20, where they are made principally from wood and are called מצור, a word which signifies siege, fortification, and confinement. Accordingly, whatever belongs to besieging and harassing the besieged is so named. But since in the time of Moses, and in the time which preceded it, there were very strongly fortified cities, walled even up to heaven, as Scripture speaks in Deuteronomy 1:28, and since these same cities were taken, as is evident from the wars of the kings Sihon, Heshbon, Moab, and the Palestinians, it is evident that there were engines. For who would believe that walls were demolished merely with axes and mattocks, or that the cities were taken by hunger? They therefore used engines.

Then in Ezekiel 4:2, 21:22, and 26:8 he mentions engines as things commonly used in his own time. His words in 4:2 are these: "And you shall set a siege against it, and you shall build fortifications, and you shall heap up an embankment, and you shall set camps against it, and you shall place rams round about." And in 21:22: "At his right hand the divination was made concerning Jerusalem, that he should place rams, that he should open a mouth in slaughter, that he should raise his voice in a howl, that he should place rams against the gates, that he should heap up an embankment, that he should build fortifications." And in 26:8: "Your daughters who are in the field he shall slay with the sword; and he shall surround you with fortifications; and he shall heap up an embankment round about; and he shall raise a shield against you."

He calls rams כרים, and the Seventy call them βελοστάσεις, because missiles were discharged from them. But in chapter 26:8, what our version calls *vineae* and rams is λόγχας in the Seventy; in the Hebrew it is קבלו מחי, which the Seventy render καὶ λόγχας αὐτοῦ, "and his lances." A ram is also called מחי, *Mechi*, from destroying, because it casts everything down. קבלו the Seventy render ἐναντίον, "against"; our translator interpreted it as an engine because it is placed against the wall. In whatever way it is taken, it must be understood of engines of war. Kimchi interprets it "the stroke of his engine"; others, a ballista. The Targum has ומחת פגוזוהי, "And the stroke of his engines." The Chaldaean monarchy therefore had its own engines, and I believe the Assyrians did as well; indeed, I would believe them to have

been used even before the Flood. This also has been observed: those nations which established their state by art and reason generally employ engines, while barbarians employ unconsidered force. When the Romans had formed a tortoise, the Parthians, thinking them exhausted, dismounted from their horses and were slain. Dio, in *Augustus*.

§ 3. Vegetius enumerates these engines: tortoises, rams, hooks, *vineae*, mantlets, mice, and towers. Vitruvius, book 10, chapters 20 and 23.

The tortoise is an engine of joined shields. The use of the tortoise was that men might approach the wall and undermine it. Certain young Romans, turning a spectacle of the Circus to the use of war, seized the lowest part of a wall, Livy, book 44. They also mounted upon it and made a double and triple tortoise. Ballistae and catapults did not harm it because of its proximity. The first men raised shields above their heads; those following lowered them; the last knelt upon their knees. In this way they repelled cavalry and archers. Dio describes it in this manner: "Further, the tortoise is of this sort and is formed in this manner. After the baggage, the light-armed troops, and all the cavalry have been received into the middle, the heavy-armed infantrymen--those who use oblong shields made in the shape of a tube cut in half--are placed on the outermost parts, like brickwork, as a wall, and, themselves looking outward, encompass all the rest. The others who carry broader shields are placed densely in the middle and raise their shields both over themselves and over the others, so that throughout the whole phalanx nothing but shields may be seen, and all may be safe from the cast of missiles because of the density of the formation. Indeed, they make it so firmly compact that several men can walk upon it; even horses and chariots can be driven upon it whenever they are crowded together in some hollow and narrow place." That it supported cavalry and chariots could scarcely have been accomplished unless perhaps they assisted it by fixing javelins in the ground. Now, because shields are lacking, a tortoise cannot be made, nor is it expedient that there be one, since men crowded together can be scattered by artillery. They support cavalry with spears, as I shall say in its place.

Vegetius describes the tortoise, the ram, and the hook in this manner in book 4, chapter 14: "A tortoise is woven together from timber and planks; lest it be burned by fire, it is covered with hides, haircloths, and patchwork coverings. It receives within it a beam which either is furnished at its end with hooked iron and is called a hook, because it is curved so that it may draw stones out of the wall; or else its very head is covered with iron and it is called a ram, either because it has a very hard forehead which may undermine walls, or because, after the fashion of rams, it draws back so that it may strike more violently with an impetus. The tortoise, however, has taken its name from its likeness to a true tortoise, because just as the latter at one time withdraws and at another extends its head, so the contrivance at one time withdraws the beam and at another extends it, so that it may fall more forcefully."

Tortoise, therefore, is a general name which includes the ram and the hook. Vitruvius, book 10, chapter 19, reports that it was an invention of the Carthaginians: "The Carthaginians," he says, "pitched camp to attack Cadiz; and when they had first taken a fort, they attempted to demolish it. After they had no tools for the demolition, they took a beam and, supporting it with their hands and continually striking the top of the wall with its end, cast down the highest courses of stones and thus gradually dispersed the whole fortification course by course. Afterward a certain Tyrian craftsman named Pephasmenos, induced by this method and invention, set up a mast and from it suspended another crosswise like the beam of a balance; and by drawing it back and thrusting it forward, he cast down the wall of the people of Cadiz with violent blows. But Cetras the Chalcedonian first made a base of timber with wheels placed beneath it, and above it framed upright posts, crossbeams, and struts; upon these he suspended the ram and covered it with ox hides, so that those stationed in that contrivance for striking the wall might be safer. Because the device had slow motions, he began to call it a ram-bearing tortoise." But it existed earlier in Palestine.

Lipsius teaches that the tortoise was threefold. The χελώνη χωστρίς was for filling ditches and leveling roads; the χελώνη ὄρυξ was prepared for digging; the ram-bearing tortoise was that to which a ram was bound. It is called a tortoise from the slow pace of its advance, for it was a great mass and secure against fires, catapults, and great stones.

On the ram, see Lipsius, book 3 of the *Poliorcetica*, dialogue 1.

Two beams are preserved at The Hague, of great length, so that they can easily be thrust forward by two hundred men; for little ropes are attached to them.

The greater tortoise was the Helepolis, which Demetrius, who was called Poliorcetes, employed. Marcellinus, book 23, says: “An immense tortoise is framed, its timbers fitted together with very long axles and iron nails, and it is covered with ox hides and a fresh weave of rods; its upper parts are sprinkled with mud, so that it may ward off fiery and missile blows. To its front are fastened extremely sharp three-forked points, heavy with iron weights, of the kind in which painters or sculptors represent thunderbolts to us, so that with their extended points it may tear apart whatever it assails. A numerous body of soldiers within directs this very strong mass with stakes and ropes, and with roused strength applies it to the weaker part of the walls; unless the strength of the defenders above prevails, it opens enormous entrances by battering the walls together.”

§ 4. *Vineae* were brought up for undermining walls, mantlets for driving away defenders. Vegetius, book 4, chapter 15: “The ancients called *vineae* what are now called *causiae* in military and barbarian usage. An engine is joined together from lighter timbers, eight feet high, seven feet wide, and sixteen feet long. Its roof is woven together with a double fortification of planks and wickerwork. Its sides also are fenced with wicker, lest they be penetrated by the impact of stones and missiles. On the outside, moreover, lest it be burned by fire cast upon it, it is covered with raw and fresh hides or with patchwork coverings. When several of these have been made, they are joined in a row; beneath them men, sitting protected, penetrate to the foundations of the walls in order to undermine them. Those are called mantlets which are woven from wicker in the likeness of an apse and protected with haircloths or hides; three small wheels are placed beneath them, one in the middle and two at the ends, and they are brought up after the manner of a cart toward whatever side one wishes. The besiegers apply them to the walls and, protected by their shelter, drive all the defenders from the city’s battlements with arrows, slings, or missiles, so that an easier opportunity of mounting by ladders may be furnished.” Wickerwork and planks imitated trellised vines; earth, and sometimes bricks against fires, were spread over them. They undermined the foundations with axes.

§ 5. Mice were smaller. Vegetius, book 4, chapter 16. Caesar, book 2 of *The Civil War*: “First, two beams of equal length are placed upon the ground four feet apart; into them small columns five feet high are fixed. These they join to one another by braces with a gentle slope, upon which the timbers that they place for the purpose of roofing the mouse are laid. Upon these they throw two-foot beams and bind them with plates and nails. At the outer edge of the roof of the mouse and at the outermost beams they fasten square strips four inches wide, to hold the bricks which are built over the mice. Thus, when it has been sloped and regularly built as the beams were placed upon the braces, the mouse is covered with bricks and clay so that it may be safe from fire cast from the wall. Hides are drawn over the bricks, lest water sent down through pipes be able to dissolve the stones. The hides in turn, lest they be damaged by fire and stones, are covered with patchwork coverings.”

§ 6. Moving towers were a work of greater size. Vegetius, book 4, chapter 17. See Lipsius, *Poliorcetica*, dialogue 4.

§ 7. Now all those things are useless, for our artillery would utterly scatter them with a few blows. Formerly they either burned them by making a sortie or set them afire with a *phalarica* into which they had placed materials that nourished the flames.

They caught hold of the ram with chains.

They placed cushions before it.

They made the wall higher, or drew up another one. If it is lower than the wall, it is rendered useless. But the besiegers deceive them by art. Vegetius, book 4, chapter 19, says: “It is agreed that the contrivance is rendered ineffective if it is found to be lower. But the besiegers are accustomed to employ a device of this sort. First they construct such a tower as seems lower than the city’s battlements. Then secretly they make another small tower of planks within it; and when

the engine has been joined to the walls, that small tower is suddenly drawn out from the middle by ropes and pulleys. Armed men, issuing from it, immediately seize the city, because it is found to be higher."

A Rhodian engineer secretly dug through the earth by a tunnel, and the engine, as he approached it, sank down by its own weight when the ground yielded. Callias drew the Helepolis within the wall. Diognetus impeded the engine by casting refuse upon it. In Marcellinus a *malleolus* is an arrow shaped like a distaff and filled with fire. "The *malleoli*," he says, "a kind of missile, are formed in this manner. It is an arrow of reed, fitted between its point and shaft with a many-forked piece of iron, which is hollowed into the form of a woman's distaff upon which linen threads are spun. Its belly, delicately pierced at many points, receives fire together with some fuel in its very cavity; and, discharged slowly from a weak bow--for it is extinguished by a more rapid blow--if it adheres anywhere, it burns tenaciously. When sprinkled with water it excites fiercer heats of fire, and it is put to sleep by no remedy except dust cast over it."

The *sambuca* is so called, Vegetius, book 4, chapter 21, from its likeness to a cithara. For just as there are strings in a cithara, so in the beam which is placed beside the tower there are ropes which lower the bridge from the upper part by pulleys so that it may reach the wall. Immediately the warriors leave the tower and, passing over it, attack the city walls. It is therefore joined to the tower.

The *exostra* is a bridge which is extended from a tower, Vegetius, book 4, chapter 21. The *tollenon* is so called, Vegetius, book 4, chapter 21, whenever one very tall beam is fixed in the earth, and another longer crossbeam is joined at its highest point, measured at the middle, with such a balance that, if you depress one end, the other is raised. At one end, therefore, an engine is woven together from wicker or planks, in which a few armed men are placed. Then, when one end has been drawn and depressed by ropes, they are raised on the other and placed upon the wall.

On ballistae and the other engines, Vegetius, book 4, chapter 22: "Against these things the besieged were accustomed to defend themselves with ballistae, onagers, scorpions, crossbows, staff-slings, archers, and slings. A ballista is stretched with ropes, sinews, and cords. The longer the little arms it has--that is, the greater it is--the farther it discharges darts. If it is adjusted according to the mechanical art and aimed by practiced men who have first taken its measure, it penetrates whatever it strikes. The onager, however, directs stones, but it hurls weights according to the thickness of its sinews and the size of its rocks. For the larger it is, the larger the stones which it hurls after the fashion of a thunderbolt. No species of engines is found more violent than these two kinds. They called those devices scorpions which we now call hand-ballistae; they were so named because by small and slender darts they inflict death. I think it superfluous to describe staff-slings, crossbows, and slings, which present usage recognizes; nevertheless, by the heavier stones directed through the onager, not only horses and men are struck down, but also the engines of the enemy are broken."

The catapult hurled spears, the ballista stones, although at times the same engine discharged both kinds of missile. Valerius teaches from the African serpent that their force was not equal even to our smaller pieces of artillery. It could not be pierced by the cast of missiles; but at last, assailed by the engines of the ballistae, it fell beneath repeated and weighty blows of flints. Furthermore, those blows did not readily break wooden towers and hides; our artillery passes through everything. Scorpions discharged smaller missiles and were aimed by one man's hand. Other kinds of arms remain; because they belong almost exclusively to besiegers, I have deferred them to another chapter.

CHAPTER XX

Great Care Must Be Taken in the Levy

§ 1. Justus Lipsius, book 5 of the *Politics*, chapter 8, openly condemns the crimes of our soldiery. He denies that among us there is any form of selection. Men purchase a soldier; they do not select one. At the sound of the drum there assemble men unknown to one another and ignorant--dregs of their cities who, through poverty and the greatest crimes, have the strongest bond with sin, accustomed to robberies and unaccustomed to wars. I, certainly, would wish the selection of our soldiers to be better. Yet it too was defective in ancient times, and frequently consisted of the worst men, certainly of unwilling men; nor is our own selection so thoroughly to be censured. Let us therefore consider the ancients.

First, it belonged not to volunteers but to men compelled to answer when their names were called. From this cause the entire Roman state experienced so many dissensions, since the sharpest weapon of the tribunes was to obstruct the levies, which they sometimes did at the utmost peril of the fatherland. Indeed, after the fashion of runaway slaves, they were even branded with marks burned into them. The workers in the imperial arms-factories were marked in the same manner, as the constitution of Arcadius and Honorius has it, Code, book 11. Great was the obligation of all who were marked. Julian enacted a law that they should not be admitted into monasteries before their periods of service had been completed. Soldiers and arms-workers were therefore servile; how, then, were they to fight for liberty?

Next, since they were unwillingly bound by the military oath, they fought more timidly and looked back toward home. But volunteers possess greater eagerness. The Roman state--or rather, its calamities--also taught this. In the Second Punic War, Livy, book 22, eight thousand slaves were purchased. Each was individually asked whether he wished to serve. That soldier was of great use and deservedly numbered among the Roman citizens.

The history which Livy recounts in book 24 is not unpleasant. Tiberius Gracchus had legions composed in great part of volunteers, who had already preferred for another year to earn liberty rather than demand it. Yet, when leaving winter quarters, he had perceived that in the column there was a murmur among men complaining whether they were never to serve as free men. He had written to the senate, not so much what they desired as what they had deserved: he had made use of their good and brave service up to that day, and nothing was lacking in them for the model of a regular soldier except liberty. He had been permitted concerning this matter to do whatever he judged to be for the state. Accordingly, before he joined battle with the enemy, he announced that the time had come for gaining that liberty for which they had long hoped. On the next day he would fight with standards brought together in an unobstructed and open field, where the matter could be conducted by true courage without any fear of ambushes. Whoever brought back the head of an enemy he would immediately order to be free; against whoever abandoned his place he would proceed with the punishment of a slave. Each man’s fortune was in his own hand. Not only would he himself be the author of their liberty, but so would the consul Marcus Marcellus and all the fathers, who, when consulted by him concerning their liberty, had given him authority. He then read the consul’s letter and the senate’s decree. At this a shout was raised with immense assent. They demanded the battle and fiercely pressed him to give the signal immediately. After announcing the battle for the following day, Gracchus dismissed the assembly. The soldiers were joyful, especially those for whom liberty was to be the recompense for service rendered in the space of a single day; they spent what remained of the day preparing their arms.

On the next day, when the signals began to sound, they were the first of all to assemble at the praetorium, ready and drawn up. At sunrise Gracchus led the forces into the battle line. Nor did the enemy delay the contest. They were seventeen thousand infantry, for the greatest part Bruttians and Lucanians, and twelve hundred cavalry, among whom very few were Italians, nearly all the others Numidians and Moors. They fought fiercely and for a long time; for four hours the battle inclined to neither side. Nothing hindered the Romans more than the fact that the heads of the enemy

had been made the price of liberty. For whenever a man had vigorously slain an enemy, first he wasted time laboriously cutting off the head amid the crowd and confusion; then, with his right hand occupied in holding the head, every bravest fighter was absent, and the battle had been entrusted to the sluggish and timid. When the military tribunes reported this to Gracchus--that no enemy still standing was now being wounded, that they were butchering the fallen, and that human heads rather than swords were in the soldiers' right hands--he ordered the signal to be given at once that they should cast away the heads and attack the enemy. Their valor was sufficiently clear and distinguished, and liberty would not be doubtful for vigorous men. Then the battle was renewed, and the cavalry was sent against the enemy. The volunteers, therefore--indeed, slaves--preserved the empire.

§ 2. Polybius explains the Roman levy in this manner: "When they are about to hold a levy, the consuls publicly proclaim the day upon which all Romans of military age must be present. They do this almost every year. When the day arrives and all the military youth has been assembled in the city and soon afterward on the Capitol, the junior tribunes divide themselves into four parts in the order in which they were appointed by the people or by the commanders. For four legions constitute among them the entire and principal division of the forces. They assign the first four of those appointed to the legion called the First, the next three to the Second, another four to the Third, and finally the last three to the Fourth. Of the senior tribunes they assign the first two to the First, the next three to the Second, the following two to the Third, and finally the last three to the Fourth. When a division of the tribunes of this kind has been made, so that all the legions now have an equal number of leaders, the tribunes of each legion sit apart and separately, and they draw the tribes by lot one at a time and summon whichever tribe the lot assigns. From it they choose four young men approximately equal in age and readiness. When these have been brought forward, the tribunes of the First Legion make the first choice, those of the Second the second, those of the Third the third, and those of the Fourth the last. When four men have again been brought forward, the tribunes of the Second Legion make the first choice, and so onward, while those of the First make the last. After this, when four have again been brought forward, the tribunes of the Third Legion choose first, while those of the Second choose last. Thus, because the choice always alternates and goes round in a circle, men of very nearly equal quality are taken for each legion."

They conduct this on the Capitol because they needed to be protected by the sanctity of the place. They draw the tribes by lot lest any tribe appear to have been passed over or burdened. Within a tribe even the soldiers themselves were sometimes selected by lot because they refused the oath. When a commander was popular or military service lucrative, they gave their names voluntarily; so Livy, books 10 and 42. Yet what sort of soldiers were these whom they ordered to be led away in chains, Livy, book 3; whose necks they twisted, book 4, while the harshness of the levy was hated because of the injury and mutilation of bodies? This is what men call hunting with unwilling dogs. Indeed, they sometimes sold them; the consuls Valerius and Fabius did this, Livy, book 8. With such a soldier no one now would attack the enemy--or would be slain at the first assault.

But those slaves were not bad soldiers; they were vigorous among the foremost. What if Spartacus or Eunus had led their fellow slaves against barbarians? Would they not have been of the greatest value to the Roman state? For if they had possessed auxiliary forces and resources, they would have accomplished more than all the Romans. As it was, although all the other things were present, expenditure certainly was lacking. Flamininus said of Philopoemen: "He has hands and legs, but no belly," for the resources for war were lacking to that great and vigorous man.

"But wicked men are selected." I admit it. We also use the labor of wicked men to dig mines and construct walls, and their crimes are profitable to the state. Nor are wicked men of no usefulness when they wage wars. First, the cities are cleansed of useless and harmful dregs, and what is purer remains. Next, it is more advisable that wicked, restless men known for crimes should fall in battle than good and quiet men and upright citizens; by the lesser evil, therefore, the worse fall and the better remain, who can defend and preserve the cities. Nor is it true that they cannot be taught discipline. For just as conspicuously wicked men are sometimes the best craftsmen, sailors, and merchants, so too they are warriors. They can preserve the ranks, confront dangers, and endure adversity. Fear of the commander and habit

make them bold; at times they even learn piety in war, when, having received good instructors in morals, they are admonished concerning salvation amid uncertain dangers.

§ 3. But if a choice were given, I would certainly prefer volunteers, and men whose circumstances at home are straitened. Those who answer the roll-call unwillingly, who hide in workhouses and cut off their own thumbs so that they may not be compelled to serve, who always look back toward home, where they prefer to live abundantly and delicately rather than be exposed to danger amid the labors of war--these do not please me. Hence came the veterans' frequent complaints and riots over their discharge. Volunteers, however, have hope in war alone. The most powerful kings, who had the right to compel, nevertheless preferred to have volunteers. Xerxes, that great king, although he compelled so many peoples into wars, was anxious lest they give their names unwillingly, for they remembered that Greece had been fatal to the Persians. He therefore put on the fox-skin and sent men everywhere to spread the report that the leaders of Greece would betray their fatherland and that all were being summoned to spoils, not to a battle.

How great, indeed, was the harshness of levies, when Darius promised the old man Oeobazus, who asked exemption for one of his three sons, that he would leave him all three, and had them slain and cast before their father's eyes. Herodotus, book 4. Xerxes was still more cruel toward a Lydian who was his host and who, of five sons, asked for one as a consolation for his old age. The tyrant cut him in two and placed him upon the road so that the army, passing between the parts, might be consecrated to the infernal gods by a funereal purification. At Rome the path to honors was closed to those who had not served, so greatly did men need to be enticed to military service.

§ 4. Indeed, recruiters were sometimes not far removed from danger when they conducted a levy of unwilling men. Livy, book 21, says that two peoples, dismayed by the harshness of the levy, caused fear of revolt. Triumvirs were sent through the countryside to compel men into military service, Livy, book 23; sometimes senators, as by Attius, and legates, as by Cato. Civilis, when he invites the Batavians to rebellion, certainly adduces the levy among its causes: "A levy presses upon us, by which children are separated from parents and brothers from brothers, as though for the last time."

§ 5. One must labor especially at this: that reinforcements be sent every month. For thus, while a few are received little by little, they come with greater selectivity, and, mingled with the veterans, they learn the military art. In this way the Romans sustained their military strength, for daily even a victorious army becomes smaller. Nothing harms any forces more than time.

§ 6. The first principle of the levy concerns the people from which it is made. Vegetius, book 1, chapter 2, says: "The order of the subject demands that in the first part it be treated from which provinces or regions recruits ought to be selected. It is agreed that in every place both cowardly and vigorous men are born. Yet one people surpasses another in war, and the region of the heavens has very great influence upon the strength not only of bodies but also of minds. In this place I shall not omit those things which have been approved by the most learned men. They say that all nations neighboring the sun, dried by excessive heat, do indeed understand more but have less blood, and for that reason do not possess constancy and confidence for fighting hand to hand, because those who know themselves to possess little blood fear wounds. Northern peoples, on the contrary, removed from the sun's heats, are indeed more unreflecting but, abounding in a copious supply of blood, are exceedingly ready for wars. Recruits, therefore, should be selected from more temperate regions, in whom there may both be a supply of blood sufficient for contempt of wounds and death and no lack of prudence, which both preserves order in camp and is of no small use in combat and counsels."

I certainly shall not deny that the nature of a region is relevant to selecting a suitable soldier; yet history itself teaches that it is of slight importance. For lands once thought barbarous and unsuitable are now fruitful in the bravest men. Vegetius thinks those who are near the heats of the sun are timid because they possess little blood. I do not know how true this is. The Israelites were very brave men and were dried by the heat of the sun. The Carthaginians brought prudence and boldness into battles, yet they were scorched by the African sun; certainly, coming from the sun and the south, they defeated the Romans in the Italian winter, even in a pitched battle.

As for what Vegetius philosophizes concerning an abundance of blood, I do not know whether he would win the approval of philosophers, who locate courage and boldness not in much blood but in heat and spirits. Men fear wounds not so much because of the blood, which can easily be stanched, as because of mutilation and death.

Nor is it true that northern peoples are devoid of prudence and discipline in camp. It was so formerly, when they were barbarians; but now they are most steadfast in battle and most orderly in camp. Therefore the brave are to be selected from every nation and then formed and strengthened by discipline. For although those who inhabit a fertile land and the south are readily softened, there have nevertheless been many very brave men among them. Divine Scripture bears witness concerning the Anakim, Horites, and Zamzummim. Nor is what Lucan says of all men true, although it is true of many:

> Whatever slopes toward the eastern regions
>
> and the warmth of the world, the clemency of the climate
>
> softens its peoples. There you see loose garments
>
> and the flowing coverings of men.

Yet they cast off ferocity and grow in cultivation and prudence. The Romans, indeed, despised the Syrians. When Scipio had heard of the diverse arms of Antiochus and the names of his armed troops, he said: “When I was at Chalcis, my host set diverse meats before me; and when I marveled at their abundance, he added that they all came from a domestic pig, but had been prepared in different ways. Thus their arms are diverse, but they themselves are all Syrians.”

But the Jewish War certainly taught that they are by no means to be despised if they are trained. They held dominion for a long time and far and wide, and exhausted both Greeks and Romans.

§ 7. Many are accustomed to ask whether a soldier should be selected from the city or from the countryside. Vegetius, book 1, chapter 3, decides it thus: “It follows that we should inquire whether a recruit from the fields or from cities is more useful. On this point I believe there could never have been doubt that the rustic common people are more suited to arms: they are nourished beneath the open sky and amid labor; enduring of the sun; neglectful of shade; ignorant of baths; unacquainted with delights; simple in mind; content with little; their limbs hardened to the endurance of every labor; and from the countryside accustomed to carry iron, dig a ditch, and bear a burden. Yet necessity sometimes demands that even city-dwellers be compelled to arms. When they have given their names to military service, let them first learn together to labor, run, carry a weight, and endure sun and dust; let them employ a spare and rustic diet; and let them remain now under the open sky, now under tents. Only then let them be trained in the use of arms; and if a longer expedition arises, they should be detained chiefly in country districts and kept far from the allurements of the city, so that in this way strength may be added both to their bodies and to their minds. Nor must it be denied that, after the city was founded, Romans proceeding from the city always went to war; but at that time they were weakened by no pleasures and no delights. The youth washed away in the Tiber the sweat collected by running and exercise on the Campus Martius. The same man was warrior and farmer; he changed only the kind of arms. This is so true that it is agreed the dictatorship was offered to Quinctius Cincinnatus, an excellent man, while he was plowing. Therefore it seems that the strength of the army should be supplied especially from the fields. Somehow, a man who knows fewer delights in life fears death less.”

The rustic soldier pleases me because he is better suited to labors. Yet in city-dwellers there are many qualities in which they surpass country youth: they possess a more exact and practiced intelligence and are more capable in all things. Since the smallest part of military service is accomplished by bodily strength and force, while all its highest matters require industry, prudence, and dexterity, and since city-dwellers are more readily educated for this, I would prefer them to be selected. This is now all the more necessary because the kind of arms in present use requires dexterity more than strength: they carry neither shields nor stakes and are not oppressed by so many labors. Rome had

soldiers selected from farmers; Pliny says that they were the bravest men and most vigorous soldiers, and men who thought no evil. Cincinnatus the dictator was also summoned from the plow-handle, and Regulus, cultivator of a poor little field, is adduced in favor of country youth. But when I consider the matter more carefully, I see that there were distinguished commanders, but not very many; for that reason consulships were frequently repeated for the same men. Later, however, when nobles commanded, there were more commanders. Indeed, even in the earliest times many wealthy men conducted affairs vigorously; in the times of Sulla and Caesar, and throughout the entire period following the Second Punic War, they had innumerable very brave men, and those from wealthy and elegant city-dwellers.

§ 8. Vegetius approves the ancient age for enlistment, namely the beginning of puberty, because a man is more quickly imbued with instruction and more perfectly learns what he imbibes from boyhood; his body is more suited to exercise; and he has time to learn everything. Yet they scarcely selected anyone under seventeen years of age unless necessity compelled them, nor did they imbue a recruit older than forty-six with training. Therefore the levy should be instituted with the greatest care, for an army is never weak when the matter has been conducted with a good selection.

§ 9. They institute a levy in two ways. Either they draw the whole army together into one place and display all their strength, in order to strike terror into the enemy; or they display the individual legions and centuries, so that it may remain uncertain how great the multitude is. The latter is much more to be approved, because what is unknown keeps the enemy more anxious, while strength which has been displayed makes the enemy cautious, so that he turns to a stratagem or to foreign auxiliaries.

§ 10. A state which desires to train its citizens as warriors should form them in this manner from boyhood. Only let it preserve a measure; for so should the hardy soldier be trained that he does not cease to be a good citizen. The Spartans educated and hardened their own men to endurance of hunger, thirst, labors, pains, and blows. They especially inflamed them with desire for victory. Cicero, book 5 of the *Tusculan Disputations*: “Companies of young men at Sparta contend with one another with incredible exertion, with fists, heels, nails, and finally teeth, so that they expire before admitting that they have been conquered.” The elders sowed rivalries and suggested contests. Yet in this way they kindled hatreds and civil quarrels, and they obtained neither a great nor a lasting empire. They also gloried excessively in nobility. Agesilaus therefore acted more arrogantly than usefully when the allies complained that many of their own men but few Laconians were serving. He ordered them to sit down, then summoned craftsmen by the names of their trades. When it appeared that most of the allies were craftsmen but none of the Laconians were, this was then esteemed a great matter. Our own times, however, have taught that craftsmen become altogether excellent soldiers.

CHAPTER XXI

Virtues of the Selected Soldier

§ 1. The virtues of soldiers are discerned either in the body or in the mind. The first virtue of a soldier is piety toward God, faith, and hope; for in this the soldier has the foundation of true courage. Wicked men, conscious of evil, cannot with a fearful conscience despise death, for wickedness is always timid. Therefore I would not wish a soldier to be such as Lucan describes:

> The peoples whom the north beholds are happy
>
> in their error, whom that greatest of fears,
>
> the fear of death, does not press. Hence in their men
>
> the mind is prone to rush upon the sword, their souls capable
>
> of death, and it is cowardly to spare a life that will return.

Superstition has never had a firm foundation; and therefore their onset was greater than that of men, but their constancy less than that of women. Although superstition, anger, madness, and like things can produce in them what truth can produce, nevertheless constancy cannot exist in them. For this reason Tertullian rightly proves the courage of Christians from the fact that they are so ready to die. For it is impossible that a man should readily cast himself into the danger of death if he thinks that he will die badly. Accordingly, that error of the Gauls concerning a life that would return by no means made them so steadfast that they endured against Roman arms. I am not unaware that most soldiers are impious; but they fight either so as not to lose their life or from some other desire, which readily grows faint when a greater fear approaches. Nevertheless, I do not forbid the selection of wicked men when there is a great scarcity of good men.

§ 2. In a soldier I desire moderate prudence; in a commander, the greatest. At times a battle is restored or a city preserved by the counsel of a single soldier. The Eretrians were bad soldiers, who, like swordfish, did not possess a heart; Themistocles therefore understood that they could easily be conquered. Many things must be done extemporaneously by military prudence which cannot await a commander's present order when he is farther away or when all things are in confusion. Next, unless a moderate degree of prudence exists, soldiers have no hope of military promotions.

§ 3. Let them be strangers to luxuries. A body going from the bedchamber to the battle line, from the shade into the sun, accustomed to a tunic, does not sustain the weight of a cuirass; a head covered with linen refuses a helmet; a hard sword-hilt chafes the hand softened by leisure. A stronger soldier, however, comes from rugged ground. Thus Jerome, to the monk Theodorus. Vegetius orders the limbs to be hardened to endurance by remaining under tents or beneath cold Jove. Delicacies of food were absent: bacon, cheese, and *posca*--vinegar mixed with water--were given. To this end vinegar was customarily distributed to the soldier, so that with it they might correct the taste and rawness of the water. They also wished a soldier to endure the sun and the injuries of the weather. Hadrian destroyed shelters made from branches because he wished the soldier to be enduring of sun and rains. Fulgosius, book 1, chapter 2.

§ 4. They ought also to be spirited and especially confident of victory. They chiefly become so when they judge their commanders experienced and approachable. Nothing gives a soldier equal courage with a good opinion of his commander, if they think that by some singular stratagem or prudence he will preserve his own men and defeat the enemy. When Fabius raised the spirits of his men against the Etruscans and adduced many arguments for victory, he added that one argument remained which could not yet be publicly set forth, lest it become known. Thus, when

soldiers are otherwise brave in spirit, through confidence in their commander they encounter every danger very freely. For if they are hares in helmets, the commander's speech will comfort their trembling in vain. The mention of danger strikes the fearful. All timid living things are useless for battle. In vain will you exhort a deer to fight against dogs when you cannot bear either to see a dog or to hear its barking, but shudder at the mention of a dog.

§ 5. Boldness has frequently given a fortunate outcome. A certain Moorish *cornicularius* of Caesar roused some watchmen and led Pompey's garrison through the midst of Caesar's forces. Let the soldier therefore be bold, but let him employ the prudence and spiritedness of his commander.

§ 6. Let soldiers be strong rather than tall, with watchful eyes and an upright neck. Marius requires a recruit who has six feet, or five feet and ten inches. Meanwhile stature too must be weighed, because it adds strength. Pyrrhus spoke altogether like a commander: "Choose the tall; I shall render them strong by exercise." Brennus brought forward the most contemptible of the Greeks and compared them with the strongest of his own men; and thus he exhorted men so great to fight against men so small. Some tested courage by artifice.

When Chabrias was about to lead an army of recruits into battle, he issued an edict that those who were sick should lay down their arms. The timid pretended sickness. He sent them to preoccupy certain places, so that they might terrify the enemy by their multitude. Polyaenus, book 3.

§ 7. Experience itself also, acting as commander, separated the cowardly from the vigorous. When many men sought ranks from Theagenes, commander of the Athenians, he answered that he would grant them at Megara. Secretly, however, he sent cavalry ahead and ordered them to return against his own column in the guise of enemies. Then, as though alarmed, he exhorted them to battle and permitted each man to take his place wherever he wished. At this the brave and eager sprang forward into the first line, while the timid stood behind the standards. Theagenes promoted each man in the place where he found him. And when Iphicrates saw that many timid men were following him, he issued an edict that if anyone had left something behind, he should return in order to go against the enemy well equipped. When many used the opportunity, he rendered the rest more confident by saying that brave men would fight without slaves.

§ 8. Speed and agility are an indication of courage; anger is necessary in war. We remember no one swifter than Hazael, concerning whom Scripture speaks in the passage in question; and the matter itself shows that he nevertheless was a brave man.

§ 9. Finally, a multitude and crowd should be avoided. It has not strength but weight; it is more a hindrance than an aid. Hands are needed, not names. For in the greatest battles there are few who overthrow the enemy. If they preserve the ranks and fresh men are sent in, a battle line cannot be conquered unless all are slain. But now it generally happens through some accident that, when a very few have been slain, all are turned to flight.

§ 10. A multitude is harmful. The army of Xerxes so drained rivers that:

> We believe that deep rivers failed,
>
> and that streams were drunk dry by the Mede.

Justin records three hundred seventy thousand; others five hundred myriads, that is, fifty times one hundred thousand. Ctesias records in the army of Ninus one million seven hundred thousand infantry, two hundred thousand cavalry, and a little fewer than ten thousand six hundred chariots. Darius led eight hundred thousand against the Scythians. A multitude impedes itself and renders itself exposed to the enemy. If there is a multitude, let it be divided into several armies.

§ 11. The Romans prepared suitable soldiers by varied exercise; for it was not permitted to obtain honors unless a great part of one's periods of service had been completed, nor to take a wife before ten periods of service.

§ 12. The principal quality in a soldier is obedience, which is exercised in a most serious matter, since at a command one must go to death. Therefore those men must be restrained who prefer to interpret their commanders' orders rather than carry them out, and who thrust themselves into command. Such was the Roman army in Macedonia. Plutarch, in *Galba*: "Most men assert that an army, like a body, ought to be moved by no impulse of its own, but only by the movements of its commander. For this reason they say that Aemilius Paulus, when he received the army in Macedonia full of talkativeness and curiosity and intruding itself into the cares and duties of the commander, instructed it that each man should furnish him a ready hand and a sharp sword; the remaining matters would be his care." Myronides issued an edict that the Athenians should go out; and when not all had yet gone out, he began the battle, interpreting delay as fear. Agesilaus required a horse and a man from the wealthy at Ephesus, and thus received vigorous men in place of cowards.

CHAPTER XXII

The Office and Arts of a Good Commander

§ 1. A commander is especially necessary to an army; for an army without a prudent commander is like a vast beast without a head, like Polyphemus, “a monster horrible, misshapen, huge, whose eye had been taken away.” For this reason Demades too called Alexander’s army a Cyclops, because all things were present to it except prudence, by which that mass might be governed.

An army without a commander is a crowd, a body without a soul, a bank of rowers without a helmsman. In sum, an army is worth as much as its governor. An army without a commander is a lion without eyes; a commander without a steadfast army is a head without a body. When Caesar proceeded in Spain against Petreius and Afranius, Pompey’s legates, he said, “I am going to an army without a commander”; when he proceeded into Thessaly against Pompey, “I am going to a commander without an army.” For the legates had steadfast legions, whereas a great part of Pompey’s men were recruits. Scipio, Pompey, Gracchus, Pelopidas, Epaminondas, and others have taught that good commanders with a middling army are of greater worth than a good army without a commander, for a good commander quickly forms a soldier.

§ 2. A commander of wars must be permitted great liberty in conducting the affair, nor should he be punished for an affair badly conducted. For since such great difficulties and such sudden changes arise in war that they cannot be foreseen by human counsel, liberty for a new counsel must be left in a new danger. Next, what is being done in the same camp is often unknown to each party, so far is it from being possible always to meet the contrivances of the enemy. Brutus was victorious against Octavius on his own wing; Cassius was defeated and, because he thought Brutus’s army had been routed, laid hands upon himself. Had he not done this, Roman affairs could have stood with equal fortune. The same occurred long before between the Aequi and the Romans, when Sempronius was consul, since each side believed itself defeated. Therefore, since such great confusion throws everything into disorder, magnanimous men should not be burdened with other dangers, but should rather be aided in adversity.

§ 3. Let him be prudent above all, since upon him depends the fortune of so many brave men and even of the kingdom. Let reason, not fortune, guide him in action; yet if fortune should invite him by an opportunity, let prudence govern that too. For an intelligence tested by dangers and affairs has been found able to accomplish very much in war, especially that virtue which the Greeks call ἀγχίνοιαν and the Latins call sagacity.

Great commanders have accomplished more by counsel than by force. The Carthaginians, because their commanders conducted wars with depraved counsel, crucified them even if prosperous fortune had followed. Valerius, book 2, chapter 7. For they attributed what the commanders had conducted well to the aid of the immortal gods, but what evil they had committed to their own fault. It is agreed that fortune is of no great importance. An army has scarcely perished except where there was an error in counsel. A provident commander is better than a bold one. And Caesar spoke truly: “It belongs no less to a commander to conquer by counsel than by the sword.”

§ 4. Let him be vigorous and energetic, not the shadow of a great name. Let him therefore be roused by dangers and animate others. Such was Lucius Marcellus: when he saw himself unexpectedly surrounded by the enemy, he charged into them and even carried off the *spolia opima*. Sempronius Tuditanus and Gaius Octavius, a tribune, passed through the enemy’s garrisons with twelve comrades. Vigor of mind and confidence produced victory. And when Leonidas was told that the Persians would create a cloud of arrows, he answered that he would fight in the shade. At times let the commander himself go before them by his example, as the greatest commanders have done. When, after Postumius’s exhortation, the soldiers asked what he commanded, he ordered them to imitate him; and, raising the standard, he went against the enemy and conquered.

§ 5. Let the commander of such great forces be blameless and injure no one; let him rouse all men by emulation of what is honorable and becoming. Such was the emperor Alexander, concerning whom his history bears witness: "Since, therefore, he was so great and such a commander at home and abroad, he entered upon the Parthian expedition. He conducted it with such great discipline and such great reverence for himself that it was said not soldiers but senators were crossing over. Wherever the legions made their march, the tribunes were girt for service, the centurions modest, and the soldiers amiable. Because of these so many and such great good qualities, the provincials received the emperor himself as a god. The soldiers themselves, moreover, so loved the young emperor as a brother, as a son, as a parent. They were honorably clothed, shod even for comeliness, nobly armed, and furnished also with horses and becoming saddlecloths and bridles, so that whoever saw Alexander's army would recognize the Roman state. Finally, he labored to appear worthy of that name--indeed, to surpass that Macedonian--and he said that there ought to be a great difference between the Roman Alexander and the Macedonian."

§ 6. Let him seek reputation from every quarter, not for the vanity of honor but for safety. Reputation is most powerful in war, and those whom reputation reports to have perished perish. Nowhere is an affair more tossed about by events; through the fall of one man a camp is conquered.

§ 7. Let him have piety especially at heart. Do not entrust yourself and your fortunes to an impious man. For in the end such men have at last perished miserably and have become examples. Even when the soldier is impious, he requires a pious commander.

§ 8. Wealthy men should ordinarily be selected, for they do not gape so eagerly after booty and are able to meet necessary expenditures.

§ 9. Let him have the affairs of the enemy thoroughly examined. Epaminondas used to say that the best commander was he who, although unable to learn the enemy's affairs with certainty, at least knew them by conjecture.

§ 10. Let him be an example of temperance and labors to the army. The commander's virtue is accustomed to be a great example. Cato was content with the wine which the rowers drank; Hannibal took food toward twilight; Aemilianus, Scipio, and Alexander took food while walking on the march. Masinissa, when ninety years old, took food standing.

§ 11. Let him be severe and be held to be such; let it scarcely be believed that he pardons offenses. For men swiftly and diligently obey such commanders, admire them, and, although they are sometimes angry with them, nevertheless revere them. Nothing except fear and severity restrains the soldiers' wantonness, wickedness, hands stained with blood, and spirit gaping after plunder. But a reputation for severity causes offenses to be avoided, punishments to be rare, and exasperations of minds to be absent.

Meanwhile two reefs must be avoided in this sea. The first is excessive savagery, lest he seem to call tortures and insults discipline. The other is that the soldier not be at the discretion of commanders, but the commanders be dragged along by military violence. The former of these calls forth sudden mutinies, the latter destruction. By the military law of the Turks every offense is punished by death. They certainly have this advantage from it: that the rest of the soldiers do not readily riot; yet they do not dare to restrain the Janissaries by that severity.

§ 12. He will render severity tolerable, indeed lovable, by much affability: if he employs beneficence at the proper time; if he avoids savagery of words when decreeing punishments; if he visits and cares for the wounded. But there is no greater force which joins them more closely than common danger. For this reason commanders have been accustomed in battle to call soldiers comrades and brothers. For benevolence alone makes men faithful. Thus that distinguished commander in Tacitus, book 1 of the *Annals*: "And in order that he might soften the memory of the disaster also by affability, he went about among the wounded, extolled the deeds of each man, and inspected their wounds; by hope for one, glory for another, and conversation and care for all, he strengthened them for himself and for battle."

§ 13. Let him have subordinate commanders, tribunes, and centurions who are strong in vehemence and speed, even if perhaps they lack prudence. It is expedient that some, but not all, be such. For certain things must be resolved suddenly and at the danger of a few, and these bold men rush upon them. Yet let him govern them himself, so that they expend their strength only at its proper time. For just as hunting dogs rise against the quarry with noble impetus but are held by leashes until the moment arrives, so these men ought to be esteemed highly, cherished, praised, and affected with rewards. They are accustomed to accomplish the greatest things and rouse others to equal distinctions. Indeed, let the commander not take it ill that he too is thought to be such, for the soldier rejoices in the ardor of his commander.

§ 14. Let him not change commanders. There is certainly something which I censure in the Roman military system. Since there were six tribunes in each legion, two commanded for two months, and thus after six months the command returned to the same men. Polybius: "Two tribunes make the entire inspection of the flank. Likewise, they are the men who conduct every other care of the camp. For, dividing themselves two by two, each pair commands for two months of a half-year's span, and those whom that lot touches then preside over the entire administration of the camp." The method by which the prefects commanded the allies was the same. At first light the horsemen and centurions come to the tents of the tribunes, and the tribunes to that of the consul; the consul gives the tribunes whatever order must be performed, the tribunes give it to the horsemen and centurions, and these to the common soldiers when the time for each matter comes.

This too was an evil of Roman ambition. For hence an opportunity was sought to harm rivals and please the soldiers when two men held command either simultaneously, on alternate days, or in alternate months. This was praiseworthy: that each morning the tribunes came to the commander, and the horsemen and centurions to the tribunes, to receive orders. Indeed, the soldiers came to the centurions, as Josephus says in book 4 of *The Jewish War*. Yet it could scarcely have happened that all the soldiers came to the centurion. Rather, it must be understood that the *subsignani* came; I do not think that the *velites* came, for they were scattered along the rampart. He then gives the tribunes the watchword and other commands. But when the tribune seeks the watchword, he at the same time reports to the commander the number of soldiers present. Thus Appian, book 5. And in Seneca, *On Tranquillity of Mind*, chapter 8: "That number of slaves was reported daily, like an army to its commander, to a man for whom two deputy slaves and a room a little larger ought already to have counted as wealth." Present-day frauds teach how prudently this was instituted, for they present blind--that is, fictitious--names to princes. This has now passed so far into custom that stealing in that manner is accounted industry.

The sum of all ranks tended toward this: that all should receive the command without error and swiftly. Livy, book 44: "He took care that everything in the column should be done in order and without confusion, at the nod and command of the commander. When what was to be done was announced to all at the same time, not all heard it; having received an uncertain command, some added more of their own than had been ordered, others did less. Then discordant shouts arose in every place, and the enemy learned what was being prepared before the soldiers did. It therefore pleased him that the military tribune should secretly give the command to the chief centurion of the legion, and that he in turn should tell each centurion next to him in order what needed to be done, whether it had to be carried from the foremost standards to the rear of the column or from the rearmost to the front."

§ 15. This also must be guarded against: that he should not place over others men infamous by some mark, although they appear to be excellent soldiers. What wonder is it that Elagabalus perished, concerning whom Herodian says: "Indeed, he placed a certain dancer over the armies, a man who in his youth had formerly performed publicly in the theater. He likewise placed one man from the stage over the youth, another over the senate, and another over the equestrian order. He entrusted the greatest offices of the empire to charioteers, comic performers, and actors of mimes. He gave the procuratorships of provinces to his slaves or freedmen according as each surpassed the rest in disgrace."

Nero too, through the height of madness, sent a freedman to the army. Tacitus, book 14. But he was an object of ridicule to the enemy, among whom liberty was still vigorous and the power of freedmen was not yet known; and they marveled that the commander and army which had completed so great a war obeyed men of servile condition.

§ 16. Let him be diligent and seize whatever opportunity there is for acting and conquering. Francesco Carmagnola, commander of the Venetians, used an opportunity excellently. For when the camps were near one another and one of his cavalrymen had enmity with one of the enemy's cavalrymen, and they wished to decide it by a duel, a place for the fight was appointed between the camps. While many hastened to the spectacle, the Venetian drew up the strength of his soldiers in the camp; suddenly attacking the unsuspecting enemy, he conquered and routed them.

The incident which I shall add shows how greatly opportunity prevails even against ingenuity. Cleomenes and the Argives had neighboring camps. The king announced everything by a herald; the Argives imitated him, so that when he dined, rested, or led out his men, they too repeatedly did the same things as though a common signal had been given. But on a certain day he secretly announced to his men that when the signal for dinner was given, they should take up arms. When this had been done, he came upon the Argives while they were dining and slew them. It was of such great importance to know what opportunity offered. Iphicrates the Athenian was in the utmost fear, but when he had learned that the Thracians would come by night from the hills through which alone there was a road to the camp, he secretly disposed his army along the sides of the road and kept very few fires burning in the camp. Then, attacking from the sides the multitude as it ran down, he slew it. How readily did a man of ingenuity turn the highest danger against the enemy and seek victory from their own counsel.

CHAPTER XXIII

The Prince or King Should Personally Be Present in a Great War

§ 1. Those who govern any single kingdom, however large, if a war should arise with an equal or a more powerful enemy, ought themselves, as kings, to preside over it and administer everything. For the presence of a good king carries very great weight; and deservedly did Antigonus say to a helmsman who warned him about the multitude of the enemy: "ἐμὲ δὲ αὐτὸν παρόντα πρὸς πόσους ἀντιτάττεις;"--"But I myself, present here--before how many do you place me?" Augustus discharged not only the office of commander but also that of soldier; and in the midst of an engagement, when the eagle-bearer of his legion had been gravely wounded, he took the eagle upon his shoulders and carried it for a long time. The first signal advantage of the royal presence is that it carries with it the supreme right of fighting and of changing everything according to the occasion. For where the supreme commander is, there the present opportunity can be met; where he is not, many things must be sought from elsewhere.

§ 2. Otherwise a king will make his commanders more powerful than himself; since they have the army in their hands and are experienced, they can easily bring an unwarlike prince into subjection. Examples of many commanders who cast kings down from the throne show this. For when victory is attributed not to kings but to their ministers, it is dangerous for kings to have powerful, spirited, and popular commanders of war.

§ 3. Let him be present at a battle in which the whole issue is decided; in lesser engagements let war be waged through his commanders. Sarbaras admired Heraclius: "How boldly," he said, "he stands for battle, and alone contends against a multitude, and like an anvil beats back the missiles." This can be done under necessity; otherwise one must never allow the army to be placed in peril in the person of one man. Augustus, as seemed good, either took part in wars or conducted them through his commanders. Suetonius, *The Deified Augustus*: "Of foreign wars he personally conducted only two in all: the Dalmatian, while still a young man; and, after Antony had been defeated, the Cantabrian. In the Dalmatian war too he received wounds: in one battle he was struck on the right knee by a stone, and in another both his leg and both arms were injured by the fall of a bridge. The remaining wars he administered through his legates, yet in such a manner that in certain Pannonian and German wars he either intervened or was not far away, advancing from the city as far as Ravenna, Milan, or Aquileia." Since, therefore, he ought to take part in battles rarely and without danger, much less does it befit him to put himself upon the road with a few men and reconnoiter the enemy. Theodosius did this when, accompanied by cavalry, he found the enemy--with the greatest boldness, indeed, but also with the greatest danger.

§ 4. If ever the king descends into the battle line, he must be subject to the doubtful chances of battles. Let him therefore either be protected by a guard in some place, or be in a neighboring city. Thus it was done in 2 Kings 18:2: "And the king said to the people, 'I too will go out with you.' And the people answered, 'You shall not go out; for if we flee, it will not greatly concern them about us; or if half of us should fall, they will not care enough, because you alone are reckoned as ten thousand. It is therefore better that you be a protection to us in the city.'"

Writers also blame, not without reason, the rashness of Alexander, because he was accustomed to take part in every battle and to fight with his own hand in the front line. Now, because of the uncertain missiles of engines, much greater care must be taken that he not be wounded in whom lies the danger of all. The saying was more glorious than prudent:

> First to enter the battle with his hand, last to cease from the fight.

And:

> βασιλεὺς τ' ἀγαθὸς κρατερός τ' αἰχμητής.
>
> A good king and a mighty warrior.

This is to be desired when necessity requires it; otherwise dangers ought not to be summoned against the king, who is the heart of the battle, any more than against the heart itself. In other matters let him maintain equality. Let it be unknown whether a commander or a soldier is marching; let him show that he endures labors, not merely command them. In this matter be cautious. Antoninus Caracalla furnished an example of a good prince, although he lacked constancy in the same conduct. Nevertheless, I judge that the things Herodian writes about him ought to be adopted by a good commander: "He himself," Herodian says, "readily performed every duty of military service whatsoever. If anything had to be dug, he was the first to dig; if a bridge had to be laid over a river, an embankment built, any work of the hands performed, or any labor undergone, he was the first to undertake everything. He was content with a meager table, little wooden cups, and vessels for food; he even ate bread made without care. For he was accustomed to take as much wheat as sufficed for one man, grind it with his own hand, make a lump from it, bake it upon the coals, and eat it. In short, he disdained everything more elegant and used only the cheapest things, such as were most readily available even to the poorest common soldier. Then he preferred to be called fellow soldier rather than prince; he generally made the journey as though himself traveling on foot, and only rarely mounted a vehicle or horse. He carried his own arms himself. Sometimes he even took upon his shoulders the longest military standards, very heavy with many golden ornaments and difficult to carry even for the strongest soldiers."

Trajan too always made the journey on foot with the soldiers and by that affability brought it about that a soldier never mutinied against him, as Dio attests. For the soldier is wonderfully kindled to labor when he sees his labors honored by the emperor's sharing in them.

§ 5. Finally, he avoids the disadvantages which arise from the command of others in wars. Machiavelli correctly enumerates them, but reaches a wholly wicked and impious conclusion. I shall transcribe his words, book 1, chapter 30: "If any prince wishes to avoid occasions for suspicions of this kind, lest he be compelled to be ungrateful toward his own men for their benefits, he must himself take part in conducting affairs, as the first Roman emperors formerly did, and as in our own age the Turk and other princes of distinguished virtue are accustomed to do. For if they are present and conduct the affair splendidly and prosperously, all praise and glory belongs to them. If, while absent, they conduct the affair well through others, then, because the chief praise seems to rest with the man who took part in the business, they think that they cannot enjoy the victory gained according to the judgment of their own mind unless they extinguish the glory of the man through whom the affair was so well conducted; and in this way they become unjust and ungrateful. And although they themselves seem to gain glory from those whom they offend in this manner, nevertheless, if anyone weighs the matter diligently, he will find that they lose more than they gain.

"Although this is so, nevertheless it cannot happen otherwise than that all who through imprudence or negligence remain idle at home, but entrust the administration of affairs to other commanders of theirs, fall into errors of this kind. Nor is there any method of helping them so that they are not borne in the direction in which nature leads them. But the military commander who, after an affair has been splendidly conducted, wishes to avoid his prince's ingratitude must do one of two things. For after he has obtained the victory, he must either immediately hand the army over to another and commit himself as a suppliant to the protection of his prince, and restrain all pride and ambition in himself. By this method alone will he be able to soothe the prince's mind, so that the prince can suspect nothing concerning him but has manifest cause for rewarding rather than injuring him.

"Or, if he does not wish to do this, let him know that he will have an ungrateful prince. He has a single defense by which to protect himself against ingratitude: he must reserve to himself with a courageous spirit the victory he has gained and show that it does not belong to the prince; he must either win over to himself the affections of the soldiers and the chief commanders of the army, or, if there are some whom he cannot win over by kindness, remove them from his path for the sake of protecting himself; contract friendships with neighboring peoples; successively occupy the more fortified places; and strengthen them with garrisons. By this method he will be able to repay an ungrateful disposition in kind. These alone are the methods by which a deserving citizen can take care that he is not oppressed by an ungrateful lord. But because it is so arranged that men do not know how to be either altogether good or

outstandingly evil, they know neither how to return the army immediately after the victory has been gained, nor how to conduct themselves modestly and humbly, nor how to employ a certain outstanding and magnificent wickedness. And so, wavering between two extremes, they are crushed."

The first counsel certainly appears safe and is in truth just: that he who has gained the victory should return the army to the man under whose auspices he served. Hundreds of commanders do this today and have done it; but I do not advise them to cast themselves down and become wretched lest they provoke envy. For by that counterfeit modesty of theirs they reproach the prince for his faintheartedness and envy, and offend him more grievously. The second counsel is not only wicked and seditious but also rash. For that outstanding and magnificent wickedness scarcely ever attains a good end. Since the army is well disposed toward the prince, and since noble and military men do not at once change the religious obligation of their oath, he will not be able in a single moment to make them all deserters. And from where will provisions and money be supplied? Consequently, defections of commanders of that kind are rare today; for they can scarcely occur in a well-constituted state if the measures I advised above are observed.

§ 6. No one would readily believe how greatly the presence of the emperor wins men's affections. Tacitus, on Galba: "It was resolved that he should go into the camp; this would be honorable to the soldiers, whose favor, just as it is badly acquired by largess and canvassing, ought not to be disdained when gained through good arts." In this manner there is, most especially, one emperor; for the others depend upon the supreme king and upon others, and are compelled to have their counsels approved by others.

But there is one emperor. Three tribunes with consular power, when each formerly strove toward his own counsels, opened an opportunity to the enemy.

One emperor, moreover, treats matters with few men, and therefore more secret affairs are kept secret, and silence, the foundation of all good counsels, is preserved.

Discuss with many what ought to be done; with the very fewest--or rather with yourself alone--what you are going to do. When Metellus was asked what he was going to do on the following day, he answered that he would burn his tunic if it could disclose the matter.

§ 7. They esteemed the presence of a commander so highly that at times they led not only the unwarlike but even infants into battle.

The Macedonians placed their infant king in his cradle in the front line and conquered the Illyrians. Pity for King Clothar likewise made the Franks brave when they saw the infant, hanging from his mother's breasts, going before them.

The kings of the Persians were not accustomed to take part in battle, although Darius stood against Alexander. It is excessive if a commander is now exposed to blows when the safety of the army is placed in peril in him, or if, should he be captured, the kingdom is burdened by the expense. This happened to France under Francis.

In the year 1381 the Muscovite besieged Neuhusium, a fortress of Livonia, with three hundred thousand men; the prefect of the fortress pierced the commander's heart with an arrow, and the whole army was put to flight. Through commanders Justinian, Charles VI, king of France, the kings of Spain, and formerly Augustus brought very many wars to completion. A king has more duties than that he ought to be occupied with the labors of a commander, unless the danger is great.

CHAPTER XXIV

Military Discipline Commended

§ 1. This discipline is one of morals, exercise, and labor. Our ancestors had the greatest care for morals; and it was said expressly concerning war, Deuteronomy 23:9: “When you have gone out to battle against your enemies, you shall guard yourself from every evil thing.” No one doubts that this must be done even in peace, but especially in war, because in it there are manifold causes of sinning and, at the final peril of life, the soul ought to be prepared for God, lest, if the body falls, the impious soldier be condemned also by the second death. Accordingly, a good emperor will severely and constantly form the soldier who has been levied to virtue, to knowledge, and to military fortitude. For discipline is the most tenacious bond; from it come all triumphs. It was so cultivated among the Romans that they overcame even affection for their children. “The discipline of the ancestors,” Alexander says in Lampridius, “sustains the state; if it falls apart, we shall lose both the name of the Romans and the empire.” For whatever is done without order and art is weak, just as if one should strike a wall with the side of a ram rather than with its head.

§ 2. In antiquity moral discipline consisted chiefly in moderating food, drink, and other pleasures, and in guarding against thefts. They had readily obtainable food: bacon and bread. At times they were compelled to carry provisions for half a month, at times for an entire month. The Turks excel so greatly in this respect that, if they added the other things, they would become invincible. They abstain from wine; when there is an abundance of rice, they easily do without bread. But if rice is lacking, they sustain themselves with a powder which they carry with them, made from salted meat ground small; for they put it into hot water and from it make a porridge effective for strengthening their bodies. Those who are more barbarous feed on the blood and flesh of horses.

§ 3. Their drink was *posca*, water mixed with vinegar. When the soldiers asked for wine, a brave emperor pointed to the Nile.

§ 4. They are moved by regular signals, and not by others unless necessary for a stratagem. Some signals are vocal, some semivocal, and some mute. The watchword, which they publish by voice, is vocal; trumpets, drums, and pipes are semivocal; standards, dragons, the *labarum*, and eagles are mute. Trumpeters sound for works or for the soldiers alone; horn-blowers sound when the standards are moved.

§ 5. Free men and slaves alike swore that they would carry nothing away from the camp by theft, and that if they found anything they would bring it to the tribune. The law was severe: let no one seize a chicken, lest a trace remain by which he may be thought to have injured one who was at peace. Frontinus, *Stratagems*, book 4, chapter 3, relates that a fruit-bearing tree which the laying-out of the camp had enclosed remained on the following day with its fruit untouched. Aulus Gellius, book 16, chapter 4, gives the formula of the oath: “When a levy was held in ancient times,” he says, “and soldiers were enrolled, the military tribune bound them by an oath in these words: IN THE MAGISTRACY OF GAIUS LAELIUS, SON OF GAIUS, CONSUL, AND LUCIUS CORNELIUS, SON OF PUBLIUS, CONSUL, IN THE ARMY AND WITHIN TEN MILES OF IT, YOU SHALL NOT COMMIT THEFT BY MALICIOUS FRAUD, EITHER ALONE OR WITH SEVERAL OTHERS, TO A VALUE GREATER THAN ONE SILVER NUMMUS ON ANY SINGLE DAY; and, apart from a spear, spear-shaft, wood, fruit, fodder, wineskin, leather bottle, and torch, if you find or take up anything there which will not be yours and which will be worth more than one silver nummus, you shall bring it or report it within the next three days to Gaius Laelius, son of Gaius, the consul, or to Lucius Cornelius, son of Publius, the consul, or to whichever of them you wish, whatever you have found or taken up, without malicious fraud; or you shall return it to its owner, whom you judge it to belong to, as you wish what is right to have been done.”

The punishment for theft was to be beaten with a club, according to Polybius. Tiberius punished with death a soldier who stole a peacock, Suetonius, chapter 60. Because of the plundering of a single cock, Pescennius ordered ten tent-companions who had eaten what one man had seized to be struck with the axe, according to Spartianus in his life of Pescennius.

But very much has often been indulged to the soldier. Aurelian's letter has been praised rather than observed: "If you wish," he says, "to be a tribune--indeed, if you wish to live--restrain the hands of the soldiers. Let no one seize another man's chicken; let no one touch a bird; let no one carry off a grape; let no one trample the crop; let no one demand oil, salt, or wood; let him be content with his own ration. Let him have his goods from the enemy's booty, not from the tears of the provincials. Let the arms be polished, the iron tools burnished, and the shoes strong. Let the new garment displace the old. Let him keep his pay in his belt, not in the tavern. Let him put on his neck-chain, armlet, and ring. Let him rub down his own packhorse; let him not sell a captured animal; let him attend kindly to the centurial mule. Let each obey the other as though he were a slave. Let them be treated by physicians without charge; let them give nothing to soothsayers; let them conduct themselves chastely in their lodgings. Whoever starts a quarrel, let him be flogged."

§ 6. Let there be modesty in adornment, so that they appear rough rather than ornamented. For:

> The rough soldier is armed.

Those who are dressed too ostentatiously are sluggish for the works of military service; they fear the rain and take care both for their clothes and for their body. Here a prudent commander will imitate an ancient commander. When Chares saw that in foul weather the soldiers performed the work sluggishly because they were sparing their clothes, he ordered them to exchange clothes with one another. Since no one took account of another man's clothing, the work was quickly completed.

§ 7. The arms, nevertheless, should be polished and strong. Thus were the Silver-Shields; and in this matter especially military luxury is not useless, for in this way they cast their arms away less readily.

§ 8. The camp itself was also clean; the streets were accustomed to be sprinkled and swept.

That cleanliness was a defense against pestilence and contagion, although it is now scarcely ever observed. For this reason camps do not remain long without contagion.

§ 9. Let them abstain from lusts, for since they are generally men of little judgment, most are broken by pleasures. Antigonus consulted the chastity of citizens. For when he had heard, according to Frontinus, book 4, chapter 1, that his son had lodged in the house of a man who had three daughters of distinguished beauty, he said: "I hear, son, that you dwell in cramped quarters, since several masters occupy the house. Take more spacious lodging." And, after ordering him to move, he proclaimed that no one less than fifty years of age should lodge in the house of a mother of a family.

Quintus Metellus did not wish to have his son as a tent-companion, but wished him to earn his standing in the ranks. Rutilius did the same.

§ 10. Exercise is peculiar to Roman valor, because it was greater among them than among any nation. Josephus, book 3 of *The Jewish War*: "If anyone examines another part of the Roman order in military service, he will see that they possess this great empire as the reward of valor, not as the gift of fortune. For war itself is not for them the beginning of taking up arms, nor do they move their hands only when there is use or necessity, remaining idle in peace. Rather, as though born together with their arms, they never make a pause in exercise and do not await occasions. Their practices or exercises differ in no respect from the true employment of fortitude and boldness, but every soldier is trained daily with all eagerness as though for war. Hence they endure battles very easily and almost without any sense of labor. For neither confusion removes and disperses them from their accustomed order, nor does fear render them stupefied, nor labor weary them. Victory therefore follows them when they fight against men who have not been strengthened in the

same way. And surely one would not err who said that their exercises are battles without blood, and their battles exercises with blood."

Hence they obtained the greatest victories with the smallest army; those who trained their men did the same. War therefore belongs not to multitude but to order and discipline. Xerxes complained that he had many human beings but few men, as Thermopylae showed. Who does not marvel that Cyrus began such great affairs at first with fourteen thousand men and Alexander with forty thousand? Epaminondas, with four thousand men, of whom four hundred were cavalry, defeated twenty-four thousand infantry and sixteen hundred cavalry of the Lacedaemonians. Fourteen thousand Greeks who set out with Cyrus the Younger defeated one hundred thousand barbarians and returned through an impassable route against the will of the barbarians.

They were exercised throughout the whole day; every class of soldier was exercised, even the veterans. The younger men trained twice a day, the veterans once. The commanders themselves were exercised. Silius, book 8:

> He himself among their midst gave signs of immense glory to come:
>
> to brandish the stake, to pass in a leap across mural trenches,
>
> and, wearing a breastplate, to break by swimming the billowing ford--
>
> such were the spectacles of valor before the battle lines.
>
> Often on swift foot he himself outstripped a horse
>
> whose flanks were pierced, as it flew across the open fields;
>
> often, standing tall, he also cast both stone and spear
>
> across the breadth of the camp.

Agesilaus led the army around the camp three and four times every day, so that by cutting wood the enemy might be injured and the soldier exercised. The same judgment must be made concerning every kind of exercise, as I also advised above.

When Alexander wished to fill the ditch and make the rampart level at Tyre, he himself was the first to carry a basket of sand. Indeed, they thus won over their fellow soldiers. Livy, book 7, concerning Valerius: "No other man was more familiar with the soldier, because he performed without reluctance every duty among the lowest soldiers. Moreover, in military sport, when equals entered contests of speed and strength with one another, he was amiably ready to conquer and to be conquered with the same countenance; nor did he disdain any man as an equal who offered himself. In deeds he was kind according to the matter; in words he was no less mindful of another's liberty than of his own dignity. And--nothing is more popular than this--he administered his magistracies by the same arts by which he had sought them."

To this pertains what Plutarch says: that in the civil war Pompey, although already an old man and fifty-eight years of age, continually exercised himself among his men both as infantryman and as cavalryman. This indeed is not customary now; soldiers themselves are rarely exercised.

In rain they trained under porticoes roofed with reed or straw. Drillmasters--the παιδοδιδάσκαλοι, "teachers of the young"--arose later.

§ 11. The exercises were of many kinds and were always customarily required--for example, keeping the ranks. Vegetius, book 1, chapter 11: "Nothing must be guarded more carefully on the march or in the battle line than that all the soldiers preserve the order of marching."

There has been a great withdrawal from diligence in exercising, for the command of Augustus and Hadrian was that infantry and cavalry should go out for a march three times in a month. Although this was only one kind of exercise, it is nevertheless agreed that other methods also existed.

§ 12. Running. Vegetius, book 1, chapter 9: "The younger men must especially be accustomed to running, so that they may run upon the enemy with greater impetus; may swiftly occupy advantageous places when the need arises, or forestall adversaries who wish to do the same; may proceed briskly to reconnoiter and return still more briskly; and may more easily overtake the backs of those who flee."

Livy, book 27, says that the legions ran under arms for a distance of four miles. They ran every fifth day. When a run had been proclaimed for the Praetorians, Nero himself carried a shield before them.

§ 13. Accordingly, they ran armed and with their packs. Tullius, in book 2 of the *Tusculan Disputations*, acknowledges that the exercise of bearing burdens is severe and renders men strong:

"First, you see whence our armies have their name; next, what labor and how great a labor belongs to the column: to carry provisions for more than half a month; to carry whatever a man might wish for use; to carry the rampart-stake. For our soldiers do not reckon shield, sword, and helmet as burdens any more than shoulders, upper arms, and hands. For they say that arms are a soldier's limbs, and indeed they are carried so suitably that, if need should arise, after the burdens have been cast aside, they can fight with their arms made ready as though with their limbs." Virgil too describes the labor of the march:

> Just so the keen Roman, in his ancestral arms,
>
> as he makes his way beneath an excessive burden,
>
> stands in ranks in a camp already pitched
>
> before the enemy has expected him.

Among their burdens was the carrying of provisions for half a month. At times they carried enough for a whole month: Scipio Numantinus compelled them to carry thirty days' grain, Livy, *Epitome*, book 57. Sometimes they carried twenty-two days' provisions. Thus Caesar, book 2 of *The Civil War*: "The legionaries had some supply of grain, because they had been ordered to carry away from Ilerda grain for twenty-two days; the light-shielded troops and auxiliaries had none, since both their means of obtaining it were slight and their bodies unaccustomed to carrying burdens."

Alexander, according to Lampridius, changed the practice, for he ordered them to receive supplies at their stopping places; in enemy territory, in accordance with the ancient custom, they were compelled to carry seventeen days' provisions. At times they carried grain, at times flour, and sometimes twice-baked bread. The case of grain is established, for for this reason they also carried mills with which to break it. Livy, book 24, says that shields, helmets, spears, axes, mattocks, sickles, troughs, and mills were given to Scipio. Without doubt they also prepared flour while they remained in camp or while they were being prepared for a journey, for they did not live for the day alone. Indeed, I would believe that ordinarily they baked loaves unless they were called to a hurried journey. For they were accustomed to carry with them twice-baked bread, which they call *buccellatum*, according to Spartianus in his life of Pescennius and Ammianus in his life of Julian. The Greeks called them *paxamatia*. They carried them in leather sacks or upon carrying frames; the soldiers were commonly called "Marius's mules" when they had bound the rampart-stakes to their packs.

§ 14. Riding for a long time, mounting, and dismounting. For whenever the emperor commanded it, it had to be done.

§ 15. Rushing together in the likeness of a battle, chiefly so that they might learn to preserve the ranks. Care for preserving the ranks was foremost among the Romans, for when those are thrown into disorder, the hope of victory also recedes. They ought not to be packed so closely that room for fighting is lacking, nor spread so loosely that they

can be broken through. They must also be accustomed to this: that they can change the formation of the battle line upon the moment.

§ 16. Performing works. Corbulo's distinguished saying was that the enemy must be conquered with the mattock. Galba, Suetonius says, strengthened both veteran and recruit by continual work.

§ 17. Fortifying the camp. They did not do this through slaves or camp-followers, but completed the labor with their own hands.

§ 18. They also exercised themselves by swimming. Vegetius, book 3, chapter 4: "In the summer season all must be compelled to swim." Formerly they learned to swim in the Tiber; public pools were also established for this use. Cato taught his son these things, and Augustus his grandsons. Plutarch concerning Cato: "He himself went before and taught his son not only to hurl missiles, fight with arms, and ride, but also to exercise at boxing, endure heat and cold, and overcome and cross by swimming the swirling and rapid currents of rivers."

Suetonius concerning Augustus, chapter 64: "He himself for the most part taught his grandsons both letters and swimming and other rudiments."

In the summer months every recruit alike ought to learn the use of swimming, for rivers are not always crossed by bridges. Plains are sometimes flooded, so that there is need of swimming if they wish to escape. Frontinus.

§ 19. They exercised themselves at the post. Vegetius exhibits the post exercises in book 1, chapter 11: "The ancients, as is found in books, exercised recruits in this manner. They wove rounded shields of wicker after the fashion of latticework, so that the lattice had twice the weight which a public shield was accustomed to have. Likewise, they gave recruits wooden clubs of double weight in place of swords. In this manner they were exercised at the posts not only in the morning but also after midday. For the use of posts is of the greatest advantage not only to soldiers but also to gladiators. Neither arena nor field ever proved a man invincible in arms unless he who was carefully trained was instructed at the post. Individual posts were fixed in the ground by the individual recruits so that they could not sway and projected six feet. Against that post, as though against an adversary, the recruit exercised himself with that lattice and club as though with sword and shield: now aiming as though at the head or face, now threatening from the sides, at times striving to cut down the knees and legs; he advanced, withdrew, assaulted, leapt upon it, and tested the post as though it were a present adversary--with every impetus and every art of fighting. In this practice that caution was observed: that the recruit should rise to inflict a wound in such a way that he himself exposed no part to a blow."

They struck the post not only with a club but also with a heavy *pilum*. Vegetius, book 1, chapter 14: "But I return to the undertaking. The recruit who is exercised with a club at the post is also compelled to hurl against that post, as though against a man, shafts of greater weight than the real missiles will be. In this matter the instructor in arms attends to it that he should whirl the shaft with great force and direct the missile with an aimed stroke at the post or beside it. For by this exercise strength increases in the arms, and skill and practice in hurling are acquired."

They said that one must strike not with a cut but with a thrust, for that wound opens the vital parts and, if driven in two inches, is mortal. Vegetius, book 1, chapter 12.

§ 20. Vegetius, book 2, chapter 13, seriously determines that skill in arms must be taught. Accordingly, instructors in arms, who are now almost wholly lacking, must be maintained. In the year 648 from the founding of the city, Rutilius, consul in the Cimbrian war, summoned instructors of gladiators from the school of Aurelius Scaurus to train the recruits. But Gaius Caesar trained recruits neither in a school nor through trainers, but in private houses through Roman knights and even through senators skilled in arms.

The fact that they were taught to strike with a thrust made the Roman especially formidable, since they knew that with a sure and aimed stroke he could touch τὰ καιρία--that is, the vital parts.

They were commanded to exercise horses not only on level ground but also among cliffs and ditches, Vegetius, book 3, chapter 2. Thus exercise from boyhood is of very great importance. From youth the Persians exercised themselves in hunting and horsemanship, Herodotus, book 1, and Strabo, book 5. Always girt with a sword, burdened with a quiver, and clinging to their horses, in the height of peace they practiced war. The Gauls were formerly so practiced in war that war was scarcely waged without them, Justin, book 25. Now, as soon as there is mention of war in Gaul, a levy is held for them in Germany and cavalry is sought.

§ 21. Marching in military fashion. Tertullian, *To the Martyrs*: "Even in peace they already learn to suffer war through labor and hardships: by walking about under arms, running across the field, constructing a ditch, and drying a tortoise."

Vegetius, book 1: "Furthermore, both the ancient custom has remained and provision is made by constitutions of the deified Augustus and Hadrian that three times in a month both cavalry and infantry be led out for a march--for by this word they name this kind of exercise. The infantry, armed and equipped with all their weapons, were ordered to go ten miles at the military pace and return to camp, in such a way that they completed some part of the journey at a more rapid run. The cavalry too, divided into squadrons and armed, similarly completed as much of the journey, so that for equestrian practice they at times pursued, at times gave way, and by a certain wheeling return renewed the charge. Not only on plains but also in sloping and steep places, both forces were compelled to ascend and descend, so that absolutely no event or accident might befall them in battle which good soldiers had not previously learned by continual exercise."

Vegetius, book 1, chapter 11: order cannot otherwise be preserved than if by continual exercise they learn to march swiftly and evenly.

In going and returning they completed twenty miles, and this in five summer hours; at the faster pace, twenty-four in four.

§ 22. Cutting down a forest. For this is necessary not only for making engines, fire, and roads but also for strength and exercise.

§ 23. Leaping over ditches. Plutarch attests that Pompey competed in leaping with the agile. Vegetius too has this exercise in book 1, chapter 9: "The soldier must also be trained in jumping, by which either ditches are leapt over or some obstructing height is surmounted, so that, when difficulties of that kind occur, he can cross them without labor. Moreover, in the clash and contest of missiles itself, the warrior who approaches with running and leaping dazzles the adversary's eyes and terrifies his mind, and inflicts the blow before the other can surely prepare himself either to guard against it or to resist." Sallust records this concerning the exercise of Gnaeus Pompey the Great: "He competed in leaping with the agile, in running with the swift, and with the strong at the lever." For he could not otherwise have been a match for Sertorius unless he had prepared himself and his soldiers for battles by frequent exercises.

§ 24. Striking appointed targets. Those who belonged to the light armament were exercised with shafts, javelins, *pila*, arrows, and slings; this they called by the single name "armament."

Vegetius, book 2, chapter 15, says that they were called *armaturae* and *exculcatores*. The first exercise was to throw shafts and whirl the stake. They did this under the supervision of centurions, and were said to throw "under the vine-staff" (*sub vineam iacere*).

In former times archers were of the greatest use. A third or fourth part of the young men was exercised in these things; Claudius and Scipio conquered by instituting archers. But now they are of little use, as are slings, which Vegetius sufficiently indicates were for driving off barbarians. They were always exercised in them, lest custom fail. Claudian, on the fourth consulship of Honorius:

> First train the columns with hard exercises,

and prepare them for savage Mars;

let neither winter's rest nor sluggish winter quarters

enervate their hands with bodily ease.

See the laws of Theodosius and Valentinian, the law *Duces*, title *On the Office of the Military Judge*. Exercise, however, surpasses everything.

To dry the tortoise: in this manner its timbers were rendered stronger. The tortoise has been discussed in its proper place.

§ 25. Exercise is especially fitting for the man who fights for his fatherland and to whom it is not permitted to err twice. "The athlete," Vegetius says in book 2, chapter 24, "the hunter, and the charioteer, for a small reward or certainly for the favor of the common people, are accustomed by daily practice either to preserve or increase their arts. The soldier--by whose hands the state must be preserved--ought more zealously to preserve knowledge of fighting and practice in military affairs by continual exercises. To him falls not only a glorious victory but also more abundant booty, and the order of military service and the emperor's judgment are accustomed to raise him to wealth and dignities. Performers of the stage do not withdraw from their exercises for the praise of the crowd. The soldier selected under oath, whether a novice or already a veteran, ought not to cease from exercises in arms, since he must fight for his own safety and common liberty--especially since this is an ancient and prudent maxim: everything depends upon practice."

Hence it came about that among the Romans exercise in the camp was held more ancient than affection for their children: law *Postliminium*, section *Filius*, π., title *On Captives*.

An army is armed more strongly by nothing than by discipline. Pompey and Trajan were especially powerful through it. Salutary rigor conquers the empty appearance of clemency.

Hence great emperors went before their men. Marius, vigorous in digging and laboring, himself furnished his share of the common work. Antoninus always presented himself first in digging and in constructing embankments and harbors, Herodian, book 4.

Hence also those who were negligent in these indoor exercises were punished.

Those who were more negligent in exercise were compelled to receive barley in place of wheat. Vegetius, book 1, chapter 13: "The discipline of exercise was preserved among our ancestors in such a way that both the instructors in arms were rewarded with double rations, and soldiers who had made too little progress in that rehearsal were compelled to receive barley in place of wheat. Nor was their ration restored to them in wheat until, after furnishing proofs in the presence of the prefect of the legion, the tribunes, or the chief officers, they had shown that they had completed everything which belonged to military art." Plutarch, in his life of Marius, says that the Romans were so hardened by labors that you could see no man sweating or sighing. This was so in the long and laborious battle with the Cimbri. From this it has its name, so that an army is called *exercitus*, "the exercised body." Hippocrates says truly: "Ῥαθυμίη ὑγραίνει, καὶ ἀσθενὲς τὸ σῶμα ποιέει, πόνος δὲ ξηραίνει, καὶ τὸ σῶμα ἰσχυρὸν ποιέει."--"Idleness moistens and makes the body weak; labor dries and renders it strong." Labor in camp and on the march was great.

Josephus: "They carry a spear and shield; besides these, a saw and a basket, a mattock and an axe, and in addition a strap, a sickle, and a chain." Finally, they carried seven or twelve rampart-stakes apiece. Those stakes, indeed, are useless because of our artillery, except insofar as they can delay cavalry. If anyone could restore the other things, surely he would easily seize mastery of the world. For how great a protection it is that a soldier carries a month's provisions upon his shoulders! Where would an army not penetrate when its provision is at home with it?

Scarcely any common soldier had servants; ten men had one servant in common, who carried the mill and the other things. For cauldrons, the skins of tents, and other things were necessary. They also had some beasts of burden, for many instruments of war must be conveyed.

§ 26. One may well marvel at the ancient diligence in this matter when it is compared with our negligence. Octavius Augustus, in order to overcome Sextus Pompey, exercised his forces throughout the whole winter. Suetonius, *The Deified Augustus*: "Until, after ships had been built anew, twenty thousand slaves manumitted and assigned to the oar, and the sea admitted into the Lucrine and Avernian lakes, he made the Julian harbor near Baiae. After he had exercised his forces there throughout the whole winter, he defeated Pompey between Mylae and Naulochus."

§ 27. Accordingly, an ancient army, and every army which is rightly constituted, is not a mere multitude. A multitude is rather often harmful; a larger multitude is exposed to more accidents. Vegetius, book 3, chapter 1: "Accordingly, in lighter wars they believed that one legion mixed with auxiliaries--that is, ten thousand infantry and two thousand cavalry--could suffice. Praetors, as lesser commanders, often led this force upon an expedition. But if great forces of the enemy were reported, a man with consular power, as a higher-ranking commander, was sent with twenty thousand infantry and four thousand cavalry. But when an infinite multitude from the fiercest nations had rebelled, then, under the compulsion of extreme necessity, two commanders and two armies were sent with a command of this kind: 'Let the consuls, either one or the other or both, see to it that the state suffers no harm.'

"Finally, since in different regions the Roman people fought against different enemies in almost every year, these numbers of soldiers sufficed for this reason: they judged it more useful to have armies not so large as well equipped with arms. Nevertheless, this proportion was observed, that the multitude of allies or auxiliaries in the camp should never be greater than that of Roman citizens."

The other resources of the legions are worthy of wonder, so that Vegetius deservedly judges a legion to be a self-sufficient city. "A legion," he says in book 2, chapter 25, "was accustomed to conquer not only by the number of its soldiers but also by its iron implements. First of all, it is equipped with missiles which no breastplates and no shields can withstand. For it was accustomed to have one wagon-ballista for every century; for drawing each of these mules were assigned, and for arming or directing it one tent-party--that is, eleven men. For the larger these machines are, the farther and more forcefully they hurl their missiles. They not only defend the camp but are also placed in the field behind the battle line of the heavy armament. Neither armored cavalry nor shield-bearing infantry can withstand their force. There are accustomed to be fifty-five wagon-ballistae in a single legion.

"Likewise, ten onagers--that is, one for each cohort--are carried fully equipped on wagons by two oxen, so that if the enemy should happen to come to attack the rampart, the camp can be defended with arrows and stones. The legion also carries boats hollowed from single timbers, together with very long ropes and at times even iron chains, so that by joining these monoxylous boats together, as they call them, and covering them over also with planks, rivers which cannot be forded without bridges may be crossed without danger by both infantry and cavalry. It has iron grappling-hooks which they call wolves, and iron sickles fastened to the longest poles. Likewise, for conducting work on ditches, it has two-pronged hoes, spades, stakes, rakes, troughs, and baskets in which earth is carried. It also has mattocks, axes, adzes, and saws, with which timber and stakes are shaped and sawn. It has, besides, craftsmen with all their iron tools, who make tortoises, gallery-shelters, rams, covered sheds, as they call them, and even movable towers for attacking the cities of the enemy. But lest still more be said by enumerating individual things, a legion ought everywhere to carry with it everything which is believed necessary in every kind of war, so that wherever it pitches camp it may make an armed city."

CHAPTER XXV

Once Prepared, There Is Need of Speed

§ 1. When arms and men are now prepared, before all things there is need to attack the enemy swiftly and to anticipate report itself. For he who finds the enemy unprepared has attained half the victory. Thus Caesar was a great emperor if ever there was one, and the greatest orator gives testimony concerning him: "This τάχος," he says, "is of incredible swiftness." Plutarch shows the reason in his life of Caesar: "Since he saw that the beginning and first attack of his undertakings required no great force for the present, but that the enemy must rather be anticipated by the terror of boldness and by speed in timing--for the unexpected would strike and drive his adversaries more quickly than if he fell upon them with full preparation--he commanded his tribunes and centurions, armed only with swords and leaving their other arms behind, to occupy Ariminum, a large city of Gaul, with as little bloodshed and tumult as could possibly be."

There is much military prudence in these few words. First, a sudden attack does not require a great force, because it is generally made against unarmed men.

The Athenians went out from their city, celebrated the rites of Minerva, and, with arms concealed beneath their clothing, suddenly devastated the territory of the Lacedaemonians; laden with booty, they returned without a wound, because they had already conquered the enemy before the latter armed themselves. Next, it is agreed that those upon whom men come unexpectedly are struck with consternation by speed. For unforeseen things terrify. Caracalla, though not a good emperor, unexpectedly cut down with great slaughter the Parthians--otherwise a brave people--while they awaited the nuptials. Hence arose that saying: "Delay has always harmed those who were prepared." Caesar taught, both by words and example, that speed surpasses all things in military affairs. Accordingly, when setting out he forbade fires, lest the enemy learn that he was present and lest provisions fail his own men. And so, if you weigh everything correctly, he completed everything through speed. In Spain he conquered Pompey's legates more slowly because, overcome by anger, he had lingered at Massilia:

> Though we hasten toward the western pole of the world,
>
> there is time to destroy Massilia.

§ 2. If men who are prepared are slow, the greatest part of their preparations perishes. Sudden assailants do not even need preparation, because they are permitted to come upon men while they sleep. By speed Ariston conquered the Athenians, Aemilius the Veientines, and Aruns Hannibal. The speed of Lucius Marcius in Spain was distinguished: for after the Scipios had been slain in Spain, he occupied two camps in the same night. There was no station and there were no guards, and so the Roman entered as though into his own camp. Livy, book 34. Thus Thrasybulus was slain in his own tent through the negligence of the guards.

Amage, a barbarian queen--and indeed the wife of a cowardly king--snatched this praise from very many men. For when the Gersonitae were being oppressed by the king of the Scythians, she took 120 men with her and, after an uninterrupted journey to the palace, killed the gatekeepers and the king together with his friends, and ordered his son to reign justly.

It is therefore less wonderful that Solon, as though in a single assault, armed ships, captured the matrons of the enemy, and stormed the city. Aelian writes the history thus: "By a distinguished stratagem Solon captured Salamis. At Colias the Attic matrons were celebrating the feast of Ceres with gladness and dances. Through a pretended deserter he announced this to the Salaminians. Meanwhile, he ordered beardless young men dressed in women's clothing and carrying swords beneath their garments to conduct dances on the shore in place of the women. The Salaminians came to them and were killed; the young men boarded their ships and occupied Salamis." Aelian, book 8. Julius II suddenly

attacked Bologna with equal speed and, armed, struck terror before the neighbors could take counsel. Thus he joined the Spaniard and the Frenchman to himself and held the Venetians suspended in terror. All congratulated him as victor who, had he been defeated, would perhaps have crushed him or, had he delayed, would have deserted him.

CHAPTER XXVI

Military Magistrates

§ 1. Lipsius, book 2 of *The Roman Military System*, says that military magistrates are of two kinds, common and proper: the common are the commander and the legates; the proper are the tribunes, the centurions, and the prefects of cavalry.

We described the commander previously. Among the Romans, however, he was of two kinds: either he served under his own auspices, when he was king, consul, dictator, or *imperator*; or under another's, if he was proconsul, propraetor, a man of consular rank, legate, or praetor. Cicero, book 1 of *The Nature of the Gods* and book 2 of *On Divination*, is witness that these men did not possess the auspices. They nevertheless had certain imitations of auspices, since a change is easy in superstition. For after sacrificing and taking the auspices they set out for their provinces; hence Scipio in Livy, book 28, attributes auspices to himself--although perhaps he is speaking of those very auspices which were customary in the legions.

§ 2. Commanders had legates. Their institution was that they should assist the commander by work and counsel; for they were πρεσβευταὶ, envoys, and σύμβουλοι, counsellors.

Sometimes the senate named them, sometimes the consul. The commanders themselves selected them for themselves, but not without a decree of the senate, as is established from Cicero's speech *Against Vatinius*.

§ 3. The duty of a legate was to bring forward for consultation everything which he thought pertained to the affair. Caesar, book 3 of *The Civil War*: "The functions of a legate and of a commander are different. The one must do everything according to prescription; the other must consult freely concerning the whole issue."

They possessed the insignia of command, Livy, book 29.

There were two for the most part, sometimes more, according as the senate decreed.

In the age of the princes, consular legates commanded entire armies. Men of praetorian rank commanded individual legions; these were also called legates of the legions, ὑποστράτηγοι and ὕπαρχοι, as though subordinate praetors and subordinate prefects. These same men were afterward called commanders.

§ 4. After the legates, the regular dignity was that of the tribunes. There were six in each legion; two at a time commanded in rotation. They administered justice in the headquarters and gave the signal. Livy, book 28: "They permitted the tribunes both to administer justice in the headquarters, and the signal was sought from them." The care of watches, fortifications of the camp, and exercises rested with them.

They therefore commanded not one cohort or a definite part, but the whole legion. Horace: "The Roman legion which obeyed me as tribune."

At first they were appointed by the kings, later by the people. Initially this was arranged so that the people should name six and the commander appoint the rest, whom they called Rufuli. In the year 444 from the founding of the city it was established that sixteen for the four legions should be appointed by the people, and the remaining eight by the consuls. Livy, book 9. Hence there were two classes of tribunes, Rufuli and those elected in the assemblies, and the latter were held in especial esteem. Sometimes men of consular rank were made tribunes. Livy, book 42: "Two consular military tribunes were sent with him." And in a great peril the senate forbade anyone to be made tribune unless he had held a magistracy.

If tribunes discharged their office rightly, they were readily admitted into the senate. Augustus gave the sons of senators a tribunate and a prefecture of cavalry wings, and the right of the broad stripe. From this they were called broad-striped tribunes, just as tribunes taken from the equestrian order were called narrow-striped tribunes.

It must by no means be approved that through canvassing they changed the tribunes every year; for when the emperors' freedmen afterward created six-month tribunes, it was like madness. Juvenal, *Satire* 8, ridicules them:

> He too grants the honor of military service to many;
>
> six months' service binds the seers' fingers round with gold.

§ 5. There were also tribunes of cohorts and of cavalry wings. Suetonius, in *Claudius*: "He so arranged the six-month military offices that after a cohort he gave a wing, and after a wing the tribunate of a legion."

Tribunes of cohorts are named in Caesar, book 2 of *The Civil War*. In his life of Probus, Vopiscus assigns six cohorts to one tribune; but Lipsius most correctly understands "tribunate" in these cases as "prefecture."

Tribunes possessed the right of golden rings, according to Appian in *The Punic Wars*.

The prefect of the camp began under Augustus.

§ 6. There were sixty centurions in each legion--that is, two in each maniple. They were appointed by two selections; the man chosen first was considered the more worthy. The centurions chose for themselves οὐραγοὺς, or *optiones*, who were their assistants, deputies, and subordinate centurions. The man chosen first commanded the right-hand century, the other the left.

Thus Polybius speaks of them in the translation of Lipsius: "From each of the aforesaid classes, except the youngest, they choose according to valor ten leaders of ranks. After these, in a second selection, they choose another ten; and they call all these men leaders of ranks. The man who was chosen first also becomes a participant in the council. These in turn choose an equal number of men whom they call *uragi*, or leaders of the rear. Thereafter, together with the leaders of ranks, they divide each age or class into ten parts, except for the *velites*, and to each part they assign from the men already selected two leaders and two *uragi*. They distribute the remaining *velites*, as numerous as they are, equally among all the parts. Each of these parts they call a rank, a maniple, and a standard; the leaders themselves they call centurions and leaders of ranks. In each maniple they also choose from the rest two standard-bearers outstanding in vigor of body and spirit. They rightly appoint two leaders in each maniple because, since it is uncertain what any man may do or suffer and military affairs admit no excuse, they never wish a maniple to be without a leader. When both, therefore, are present, the man chosen first commands the right part of the maniple, and the second the left. But when one is absent, the man who remains commands all."

§ 7. Here there are distinguished lessons of true military service and for strengthening spirits.

The first lesson: they choose according to valor, ἀριστίνδην, "by selection of the best," not, as sometimes now and under a declining empire, through favor, money, or other means. Scaeva in Lucan:

> There, promoted through much blood,
>
> he bears the Latian vine-staff after long service in the ranks.

Those who had not seen a camp used to demand the vine-staff by a written petition. Centurionates were obtained through friends, when:

> Pelopeia makes prefects; Philomela, tribunes.

"The strength of the legions," Vegetius says in book 1, chapter 3, "has been broken by the negligence of earlier times, when canvassing seized the rewards of valor and soldiers were promoted through favor who had been accustomed to be promoted through labor. Next, when tent-companions whose terms of service were complete had been discharged

in the customary manner by letters of testimonial, no others were substituted. Furthermore, it is necessary that some should be weakened by sickness and discharged, some desert military service, and some perish through diverse accidents. Thus, unless a crowd of younger men succeeds every year--indeed, almost every month--in the place of those who depart, even a populous army is exhausted."

Although it is not foreign to reason that appointments be made according to the census, and it is agreed from the speech of Maecenas that men were sometimes made centurions at the outset, that nevertheless is rare and fitting only in the bravest and most prudent men, who grasped the rudiments without experience of military service. I believe that this happened among those who, having followed the camp as little children, crawled among the standards and learned the entire order and discipline.

The second: the consuls and tribunes assigned the rank. Since there were several of them and the business was conducted in the army, they could not easily place an unworthy man over brave men.

The third lesson: there was a double selection, so that greater regard might be had for valor.

The fourth: the first-rank centurion stood at the highest dignity. For he was first summoned to council with the legates and tribunes; but in alarming affairs the centurions of the chief ranks were also summoned. Thus Caesar, book 1 of *The Gallic War*, and book 5. Without doubt the prefects of cavalry were then also summoned; their dignity was greater than that of centurions.

The fifth: the tribunes appointed the *optiones*, but afterward this was granted to the centurions, so that they might choose brave and faithful men.

The sixth: they select two standard-bearers, for the standards were heavy, while each maniple had one standard. The eagle-bearers did not possess the dignity which our standard-bearers now possess. For the first-rank centurion governed the eagle; in Dionysius, book 10, he is also called prefect of the legion. "In another battle," he says, "in which it happened that the prefect of our legion fell and the eagle came into the enemy's power, I, fighting at the same time, both preserved the eagle and rescued the prefect. Returning thanks to me for this aid, he yielded the command of the legion to me and gave me the eagle." Indeed, he himself tore the eagle from the ground and gave it to the standard-bearer.

The seventh: those who had held the first rank attained the equestrian census.

§ 8. There are ten squadrons of cavalry; in each there are three prefects. The man named first commands the entire squadron; when he is absent, the second commands. Thus Polybius: "They likewise divided the cavalry into ten squadrons. From each they take three men who are to be leaders. These three themselves select *uragi*, or leaders of the rear. The man chosen first, therefore, commands the entire squadron; the remaining two hold the place of decurions, and thus all are called decurions. When the first is absent, the second assumes the place of prefect of the squadron."

§ 9. The allies had twelve prefects in place of tribunes. Polybius: "When the allies have been joined and assembled together with the Romans, their ordering and government is held by leaders appointed by the consuls. These are called prefects, twelve in number."

They were appointed by the consuls so that they might choose men who were more faithful and hold them bound by a benefit.

Finally, there were ten men in each tent-party. The man who commanded them was called a dean.

CHAPTER XXVII

Other Magistrates in Military Service

§ 1. Among the most ancient peoples of the East, the dignity next to kings was that of the master of the soldiers, such as the one in Genesis 26; in small kingdoms these men were both prefects of the praetorium and magistrates of the camp. The Assyrian also had Holofernes as commander of the army; Joab was over the army of David, who also had very many commanders, one in each tribe. Military service has always been ordered in every state. For an ordered and a disorderly army incur the same expenditures--indeed, the disorderly incurs greater ones--but the ordering was discerned in the magistracy and in the duties of its officers. Among the Romans under the emperors, military magistracies, just like civil ones, were gradually changed.

The admiral--ἀμηράλιος ἡγεῖται, says Codinus, τῆς ὅλης παντός--commands the whole fleet. The grand *heteriarch* presides over the reception of deserters. The prefect of the legions held nearly the office which the legates formerly held. Vegetius, book 2, chapter 9: "The prefect of the legion was its proper judge, possessing the dignity of a count of the first order; in the absence of the legate, as his deputy, he retained the highest authority. The tribunes or centurions and the other soldiers obeyed his commands. From him the watchword for a watch or for a march was sought. If a soldier had committed some crime, by authority of the prefect of the legion he was assigned by the tribune for punishment. The arms of all the soldiers, and likewise the horses, clothing, and grain allowance, belonged to his care. By his command the rule and severity of discipline, and the daily exercise not only of the infantry but also of the legionary cavalry, were maintained. As a diligent and sober guardian, he himself formed the legion entrusted to him by continual labors for every devotion and every industry, knowing that the valor of those subject to him redounded to the praise of their prefect."

The prefect of the camp was afterward added. Concerning him Vegetius, book 2, chapter 10, says: "There was also a prefect of the camp, who, although occupying an inferior dignity, was nevertheless engaged with matters of no small importance. To him belonged the positioning of the camp and the marking out of the rampart and ditch. The soldiers' tents or huts, together with all the baggage, were attended to at his direction. Moreover, sick tent-companions, the physicians by whom they were treated, and their expenses belonged to his diligence. He took care that wagons, pack-animals, and also the iron tools by which timber is cut or hewn, ditches opened, and a rampart constructed, together with aqueducts, timber or straw, rams, onagers, ballistae, and all the other kinds of artillery, should never be lacking. After long and approved military service, a man most skilled in all these matters was chosen, so that he might rightly teach others what he himself had performed with praise."

Tacitus, *Annals* 1, says that their dignity was greater than that of the tribunes. The grand *stratopedarch* presided over the whole army, in order to take care of food and equipment. Cantacuzenus, book 1, chapter 17, mentions the *stratopedarch* τῶν μονοκαβάλλων, who presided over those who served with one horse.

There was a *stratopedarch* of the Murtati, who were stationary javelin-throwers; a *stratopedarch* τῶν θράκων, who presided over the spearmen; and a *stratopedarch* τῶν τζαγγρατῶν, who presided over the bowmen.

The prefect of the craftsmen had under him all the craftsmen, the arms, the wagons, the sappers, and the others.

§ 2. The dignity of the masters of the soldiers was great. There were five of them in the East; they were also masters of arms. In the West there were two, and sometimes one.

In the fleet the *drungarius* obeyed the commander alone; he commanded the counts, the admiral, the *protocomes*, and *drungarii* of inferior rank.

The magistrates of the cavalry were formerly called τετραρχοὶ, Leo, *Constitution* 3, §43; he also calls them μεράρχες and στρατηλάτας.

At times triumvirs were created to conduct levies. Livy, book 25, says that this occurred in the Second Punic War, when there was a great scarcity of soldiers.

§ 3. There were also *primipili*, whose dignity was great; they supplied the grain allowance, according to Dionysius, book 9.

The counts of military affairs were made equal to the commanders of the provinces, Code, title 12, *On the Counts of Military Affairs*.

There were several of them. At one time they commanded infantry, at another squadrons of cavalry. Some were equal to the masters of the soldiers.

The counts of the schools and of the guards belonged to the offices of the palace.

§ 4. The prefects of frontiers and of soldiers were called commanders. Crispus was one of these, and he made a mockery of commands and powers; for this reason Nero caused him to be drowned in the sea.

The *drungarii* were afterward held to be higher than commanders and counts. A *drungus* is Δροῦγγος τῶν ἐκ τριῶν μοιρῶν συγκείμενον ἄθροισμα, an assemblage composed of three *moerae*, or parts. A *meros*, or μοῖρα, sometimes contained three *drungi*. For the names vary.

There is much mention of these men in Maurice and Codinus; the Deacon, book 25, names a *drungarius* of the watch.

The officers set over the *labarum*, or λαβάρων, as they were called, carried it by turns. They were fifty in number, according to Eusebius, book 2 of *The Life of Constantine*. They were men of the highest distinction and equal to men of consular rank, according to the Deacon, book 11.

Officers placed under the tribunes commanded a fixed number of soldiers, according to Suetonius in *Otho*.

There were also tribunes of the provinces, Cassiodorus, book 12, chapter 34: the tribune of the maritime districts; and tribunes of the praetorian cohorts.

The *aphoplistae* disarmed private persons so that they might not commit murders; Justinian abolished them in Novel 15. Our people call this office the red staff. After wars, a magistracy for restraining petty brigands is necessary.

They are also commonly called *latrunculatores*. The *irenarchs* were similar to these and prevented murders.

The *metatores* and measurers selected a place suitable for the camp.

> As a bold quartermaster, I shall come into the Hesperian fields.

The judge of the camp, later called κριτὴς φοσσάτων, judged among the soldiers, as the tribunes formerly did.

The camp instructors, ὁπλοδιδάσκαλοι, were present in each legion, as appears in the acts of the Thebans.

§ 5. Whether the *evocati* should be counted among the soldiers or among the military magistrates might seem uncertain; but in dignity they were equal to centurions, while in status they were private men. They were the most excellent soldiers of every class, who had completed their terms of service but voluntarily served for the sake of their country or of their commanders. Thus Dionysius says: “Among these men was L. Siccius, who commanded a cohort of eight hundred men who were already beyond military age and were not subject to the laws of military service, just as Siccius himself was not. Nevertheless, honoring the man and having received many benefits from him, they were unwilling to desert him when he went to war. And this band was by far the foremost of the entire army, whether in experience of battles or in steadfastness amid dangers.”

They were also taken from the allies, and in great number. Quinctius collected three thousand, and Plutarch calls them σόμωμα, the edge of the battle-line. In this respect those who had many beneficiaries were powerful. Octavian collected ten thousand from the Campanian beneficiaries of his father, according to Appian. He kept these under one standard as bodyguards. Tacitus calls it the standard of the veterans.

They were exempt from duties, unless the enemy had to be repelled. Many enrolled in the hope of commanding ranks. Caesar, book 1 of *The Civil War*, seems to make them equal to centurions: "He promises four *iugera* to each man, and a proportionate share to centurions and *evocati*."

Dio, in *Augustus*, says that they were permitted ῥάβδους φέρειν ὥσπερ οἱ ἑκατόνταρχοι, to carry rods like the centurions.

§ 6. When the state had been corrupted, almost all military offices passed into disgrace and profit-making. Thus no account was taken of valor, but only of money and vices.

Tacitus, book 4 of the *Histories*, shows what discipline there then was in the camp and what manner of levy: "At the command of Vitellius, the youth of the Batavians was summoned for a levy. This, burdensome by its very nature, the officials aggravated by avarice and lust: they gathered the old or infirm, whom they might release for a price; on the other hand, they dragged off immature boys conspicuous for beauty--and in most of them boyhood is tall--to be debauched. Hence arose resentment, and the authors of sedition, acting in concert, induced them to refuse the levy. Civilis summoned the leading men of the nation and the boldest of the common people, under the appearance of a feast, to a sacred grove. When he saw that night and merriment had warmed them, he began with the praise and glory of their nation and recounted their injuries and exactions and the other evils of slavery. For there was no alliance, as formerly; rather, they were treated as slaves. When did a legate come, accompanied though he was by a burdensome retinue and with insolent command? They were handed over to prefects and centurions, who, when they had glutted themselves with spoils and blood, were changed, and new pockets and various names for plunder were sought. A levy was at hand, by which children were separated from parents and brothers from brothers, as though for the last time. Never had the Roman state been more afflicted; there was nothing in the winter quarters except booty and old men. They should only lift up their eyes and not fear the empty names of legions. They themselves possessed the strength of infantry and cavalry, Germans were their blood-relations, and the Gauls desired the same thing. Nor would this war be displeasing even to the Romans; if its fortune were doubtful, he would impute it to Vespasian, while no account had to be rendered for victory." Heard with great assent, he bound them all by a barbarian rite and their ancestral imprecations.

CHAPTER XXVIII

The Domestic Soldier Is Preferable to the Foreign; Yet the Foreign Must Not Be Neglected

§ 1. This matter is most difficult not only to treat, but also in practice itself. I see authors go in opposite directions: some wholly recommend τὸ ξενικόν, the foreign soldiery; others, the domestic. Princes follow now the former, now the latter.

Against the foreign soldier, these things are generally said.

First, that foreigners are unfaithful and, when offered greater pay by the other side, cast off both right and divine law.

Second, that they do not obey, cannot be commanded, and cannot be governed--and that when danger is close.

Third, that they flee without shame and are bound by neither fidelity nor affection to the prince or the country, for the soldier is a mercenary.

Fourth, that they have no cause for which they should contribute their blood to another's dominion. Epaminondas exhorted his men to charge the Lacedaemonians, saying that when these had been slain, there would be no steadfastness in the rest.

Fifth, that when they come as auxiliaries, they regard the land as foreign and therefore, whenever they can, ravage the very land which they were hired to defend.

Sixth, that foreign auxiliary soldiers cannot readily be employed; for since they receive their pay from another, they will not be faithful to the man for whom they face danger, but to the man by whom they are supported.

Seventh, that he who wages wars by another's aid is in the power of the man by whom he is assisted. Auxiliary Goths plundered the East and invaded the West. After the Saxons had defeated the Picts and Scots, they possessed Britain.

Eighth, that the mercenary soldier is useless because he does not expose his life for a small stipend. Further, he is either brave or cowardly: if brave, he is to be feared; if cowardly, he is a traitor. Finally, what you give a domestic soldier remains in the kingdom; what you give a foreigner makes your neighbors stronger.

§ 2. Nevertheless, in my judgment many things must be considered in this matter, and at times foreign soldiers must be preferred to domestic ones. Nor must it always be asked what is best absolutely, but what can be done and what, after the circumstances have been considered, must be embraced.

§ 3. Accordingly, it is to be wished that, just as in the Roman state in the time of Romulus and the other kings all citizens were soldiers, so also in kingdoms and cities the care of war should be joined with the arts of peace, so that all citizens may always be prepared both to sustain and to make war and, when it is ended, may be content with the triumph and return to the civil arts. Thus Atilius Regulus asked the senate to permit him to return home to care for his farms, because they had been rather negligently managed by his tenants; and other Roman soldiers laid aside their arms most eagerly.

Yet I do not think such a state can be stable, because no such state has appeared down to the present day which endured for a long time. For even at Rome, although there were many thousands of citizens, nevertheless only a few were enrolled for wars. For what were two or four legions in comparison with two hundred or three hundred thousand citizens?

§ 4. Those who possess extensive kingdoms composed of diverse nations can not only levy soldiers from their subjects, but can also hire them from other peoples. For what we see done today in most kingdoms is no reason why we should condemn it, unless an evident reason persuades us otherwise. Nor do we approve Machiavelli's opinion that

no kingdom and no state possesses a lawful ordering of warfare or skill in it. Thus, when the Roman emperor has war against the Turks, he employs not only Pannonian and German soldiers, but Italian and French soldiers also, thinking it contributes wonderfully to victory to exercise in camp the warlike men of every nation. Indeed, this was also the institution of the Romans: they conducted levies from all provinces and always had the auxiliaries of allied kings. Rarely, however, did the beginnings of disturbances arise from them; if anything adverse occurred, it began with the legionaries.

Machiavelli entirely rejects auxiliaries in *The Prince*, chapter 12, because there is no goodwill in them, they cost much, and they overthrow the prince. The Carthaginians were almost crushed by auxiliaries after the First Punic War. He adds other examples. Philip of Macedon, after the death of Epaminondas, was made commander by the Thebans; when he had gained victory over their enemies, he took away their liberty. When their prince Philip had died, the Milanese resolved to hire Francesco Sforza against the Venetians. After defeating the enemy at Caravaggio, he joined them in order to crush the Milanese, his masters. His father Sforza, while receiving pay from Joanna, queen of the Neapolitans, suddenly deserted her while she was unarmed, so that, to avoid losing her kingdom, she was compelled to cast herself into the arms of the king of Aragon.

If someone should object that the dominion of the Venetians and Florentines had been defended with these arms after the emperors had been driven back, and that their commanders had not brought it under their own power, I answer that the Florentines had a certain fortune favorable to them in that affair. For among their commanders who were vigorous and from whom they would have had something to fear, some suffered adverse battles, some met opposition, and ambition had carried the rest elsewhere. The man who administered the war unsuccessfully was John Hawkwood, whose fidelity could not be known when victory had been lost. But no one will deny that, if he had gained victory, the affairs of the Florentines would have been administered at his judgment. The Sforzas continually opposed the Braccios, each watching the other. Ambition drew Francesco wholly into Cisalpine Gaul, whereas Braccio turned against the state of the priests and the kingdom of Naples.

But let us proceed to what happened recently. The Florentines entrusted command of the war to Paolo Vitelli, a man of distinguished prudence who had acquired a very great name for himself from a private condition of fortune. If he had captured Pisa, no one would have denied that the state of the Florentines would have had to submit to his command. For if he had gone over to serve for pay on the enemy's side, there was no means of escape; if they had retained him, they were compelled to take action at his command.

If the progress of the Venetians is examined, anyone may understand very easily that they conducted themselves most safely and successfully when they waged wars with their armies gathered from the Venetian people. This was their custom before they turned their zeal toward expeditions on land. At that time, equipped with arms from the patrician order and the urban common people, they conducted themselves with the greatest bravery. But as soon as they began to wage war on land, they neglected this valor and followed Italian customs. At the beginning of the enlargement of their dominion on the mainland, both because they had not yet extended the boundaries of their state very far and because they were held in great esteem, they had no reason to fear greatly for themselves from their own commanders. But when the boundaries of their dominion had been extended and Carmagnola was made commander of the army, they then obtained a specimen of this error. For when they had recognized him as a most vigorous commander, after they had beaten the petty ruler of Milan under his leadership, but then saw him become more remiss in waging war, they judged that they would obtain no further victory with him as commander. Therefore, lest everything already gained be lost, they neither wished nor were able to dismiss him. Accordingly, to render themselves safe from him, they killed him. They then appointed Bartolomeo of Bergamo, Roberto Sanseverino, the Count of Pitigliano, and others of this kind commanders of their forces. With these men as commanders, it was to be feared that they would bring injury to their state sooner than advantage. This is what occurred in the war fought at Vailà, where in a single engagement with the enemy everything acquired by so many labors over three hundred years perished. With these

arms only slow, late, and slight increases of affairs are made, but sudden and unforeseen losses and calamities break forth.

Yet, since we see that mercenary soldiers are now employed everywhere, it must not be thought that amid so great a desire for victory no state follows what is most prudent. Foreign auxiliaries must nevertheless be used with moderation. The Venetians appoint one of their own as commander at sea; they themselves pay the mercenary soldier on land through their own men; they join associates and councils to the commander; from the council chamber they themselves direct the wars; and they especially desire to prolong them, so that they may wear out the enemy by expense and not readily bring the matter to the hazard of battle.

Auxiliaries given by a more powerful man are pernicious unless he is faithful, as when you summon the Turk to your aid, as the Greeks did. But if they come from a faithful kinsman, they are salutary. Julius II summoned Ferdinand of Spain; Ferdinand now summons Philip, and he summoned him against the Venetians, yet he did not lose a foot of his land through him. Thus, where there are fidelity, fear of God, common advantage, friendship, affinity, and kinship, they readily take up arms against common enemies or common objects of suspicion. For it concerns the Spaniard as much that Bohemia be defended as that Italy be defended.

§ 5. First, in sedition and civil war most men employ foreign soldiers. Pompey brought barbarians from Asia, Caesar Gauls and Spaniards; the Caesars found foreigners most faithful to themselves. Now also foreigners serve in Belgium--Germans, Gauls, English, Scots, Irish, Italians, Epirotes, and Swiss; the Swiss too are hired by many for garrison service abroad. Princes must not be accused of tyranny for this reason. For when their own people sustain factions and conspire to violate the safety of the prince, the princes can by merit and right defend themselves with a foreign garrison. Nor do kings alone do this; states themselves also say that they protect the liberty of their citizens with a foreign garrison. The Batavians station French and British garrisons throughout their notable towns to keep their own citizens obedient. They would by no means do this unless they judged that it had been prudently devised against internal movements and foreign wars.

The arguments advanced by Machiavelli and others are not in truth of great weight. They say that the foreigner is unfaithful: πᾶν τὸ ξενικὸν, every foreign body, is of wavering fidelity. I indeed admit that many examples of foreign perfidy can be recounted, and that the Roman Empire was overthrown through Goths, Alans, and others who had come as auxiliaries. But there are more examples of domestic perfidy. Sulla alone brought more injury than all the barbarian multitude poured into the city by Alaric. Indeed, it was not so much the foreign auxiliaries as the perfidy of their commanders together with them.

For this reason auxiliaries must not be summoned from every nation, but from one among which laws and treaties, both public and private, are sacred. Thus no Christian prince summons Turks, Tartars, or Muscovites to his aid; for they are ἄσπονδοι, without treaty, and are especially glad when they have deceived with perjury. Constantine summoned ten thousand Turks into Greece. After they had gained victory, they refused to depart, and from this flowed the causes of many calamities. Hiero of Syracuse, when he saw that his mercenaries were growing insolent, so that he could neither retain nor dismiss them without danger, employed a stratagem and killed them all. This was cruel and harsh, but they had deserved it.

Second, foreigners generally obey more readily and fight more bravely, since they place the hope of their safety in the favor of the prince alone and in victory.

Third, shame also restrains foreigners from flight, because they do not wish to be seen as cowards by foreigners or by their own people, to whom they would have to return without glory.

Fourth, I do not know whether you will more easily find a man prepared to establish the dominion of a foreign prince over others than one prepared to fight for the power of his own prince over himself. Thus it was done formerly: foreigners established Roman dominion. As the Romans grew in power, they had allies whom they gathered at the

same time, as Polybius says: “At this very time the consuls give notice to the magistrates of the allied cities in Italy from which they wish to have auxiliaries and fellow soldiers, and inform them of the number, the day, and the place at which the men whom they select must assemble. The cities, making a levy similar to that already described and likewise binding the men by oath, send them and appoint a prefect,” and so forth.

The Romans, when they were pressed by the most grievous war of Hannibal, hired auxiliaries for pay, that is, the *Volones*. Tome 1, book 2: Μεταστάντας δὲ ἀπὸ Καρχηδονίων Γαλάτας, ἢ ἄλλους τῶν σφῶν συμμάχων τινάς, οἱ Ῥωμαῖοι ἐπὶ μισθοφορᾷ ἀπεστελάβοντο, μήπω πρότερον τρέφοντες ξενικόν. The Romans hired for pay the Gauls who deserted from the Carthaginians and certain others of their allies, although previously they had not been accustomed to maintain foreign soldiers.

Fifth, foreigners plunder more readily, since they are moved less by affection for the country and by a sense of shame; citizens, however, are more skillful, being acquainted with the places and circumstances. Accordingly, the things said against auxiliary soldiers are empty, for provision against them can be made with little trouble. Although they receive pay from another, since they nevertheless receive it on your account, they will also esteem you greatly. One must, however, take care not to seek auxiliaries from a suspect man, lest he impose a bridle upon the victor. Thus the most faithful σύμμαχος, ally, is the one whose interest it is that you conquer and be as powerful as possible.

§ 6. A commander must take great care that foreign auxiliaries do not possess more strength in the camp than his own men. Scipio experienced this in Spain: he hired the Celtiberians with money, but when the enemy corrupted them with other money, he was crushed.

CHAPTER XXIX

Certain Regular Soldiers Must Be Maintained

§ 1. Although Servius instituted the order of the classes, the Romans at first nevertheless did not have regular soldiers. Rather, when the country had to be defended or a war waged, they conducted levies. Later, however, as their dominion increased, they maintained regular and permanent legions, and even praetorian soldiers for the protection of the prince. The Greeks had already done this formerly, and the orator of the Athenians recommended it. For Demosthenes, in Oration 4, thought that four legions should be maintained permanently.

§ 2. Great care must be applied so that there may be a supply of regular soldiers; for wars ordinarily arise suddenly and last a long time, and therefore there is need of a remedy that is swift and enduring. Hence Augustus, after surveying the whole mass of the empire, established regular soldiers, and this was preserved by his successors.

I see that practice concerning a permanent soldiery has varied greatly in many kingdoms, especially in France. Gregory of Toulouse, in his book *On the State*, says: "There are also many other disadvantages of foreign arms. Charles VII, king of France, considering these, after the English had been driven from the kingdom, established a regular soldiery of fifty thousand infantrymen, who, supported by continuous pay, were to devote their labor to military knowledge and meanwhile to assemble more readily against every incursion, while other men were being levied if greater forces were required. But because such men were devoted to brigandage, they were abolished by Louis II, who took Swiss guards into their place as attendants at his side. Again, however, Francis I, the king, mindful of the dangers to which Gaul had been exposed by foreign auxiliaries, restored in the year 1534 the legions of fifty thousand infantrymen; and when these afterward had been almost entirely extinguished, his son Henry II restored them, though without great advantage to the kingdom because of their undisciplined ordering."

Nor are there lacking men who judge that it is also not expedient for princes to employ their subjects in war, because arms make subjects fierce and therefore cause them more readily to raise their crests in rebellion. For they promise themselves everything from the strength of the sword and of arms, as examples still surviving in France and Flanders show.

§ 3. Honor must be paid to the regular soldier as one who is solicitous for the repose and peace of all. From this the whole nobility formerly had its origin. But it is that soldier who must be supported who serves as a defense, is exercised under good discipline, and is not permitted to rest or be idle. For the evils which arose from such soldiers flowed from another source.

The whole evil, I say, arose from neglected discipline. For if they were kept occupied with some work in different places and supported with moderate pay, they would easily protect even a great kingdom; indeed, they would render it unconquered.

§ 4. They must certainly be kept to their duty; otherwise they become burdensome to princes and intolerable to subjects. For arms give men the spirit to inflict injury; and because they put their lives in danger, they think they have earned everything. If they have failed to extort anything, they are more savage than enemies.

§ 5. They must also be exercised in time of peace; otherwise they very quickly grow feeble through idleness. Thus the garrisons of the present day are not schools for soldiers, but sources of corruption.

Agesilaus exercised his soldiers in the gymnasium and offered rewards for valor. Alexander ab Alexandro, book 1, chapter 20. Philip likewise exercised the Macedonians diligently. They often completed three hundred stadia under arms, carrying all their weapons, provisions, and utensils for sustenance.

§ 6. They must be stationed in different places, both because in that way they are a protection to more people and less burdensome, and so that they cannot conspire. For they do not perceive their own strength unless they are gathered together. When they have formed a marching column, they are terrifying.

§ 7. It is also a prudent policy to join together men of different nations. In this way they cannot easily conduct intercourse or enter into a conspiracy.

§ 8. Nevertheless, it is fitting that at times they should assemble together once, twice, or on some other occasion, to display valor or skill and to encourage mutual emulation.

CHAPTER XXX

The Division of the Roman Soldiers

§ 1. Polybius describes the division of the ranks in this manner: "When the tribunes at Rome have administered the military oath, announcing to each legion the day and place at which they are to assemble, and that without arms, they then dismiss them. But when they have appeared on the appointed day, the tribunes select from among them especially the young and poor for the *velites*; those nearest to them, for the *hastati*; those most flourishing in age, for the *principes*; and those greatest in age, for the *triarii*. For so many and such distinctions both of names and of ages and of arms exist among them in each legion. They divide them in such a way that the oldest in age, whom they call the *triarii*, are six hundred; the *principes*, twelve hundred; the *hastati*, the same number; and the rest, who are also the youngest in age, the *velites*. But if the number is greater than four thousand, they divide them proportionately, with the exception of the *triarii*, whom they always keep at the same number."

The reason why the *triarii* remained at the same number was that their dignity was great and their dangers rare. Therefore, lest they keep the most excellent part of the soldiery in the battle-line without employment, they did not wish it to be increased, although the other ranks were increased.

At this point I cannot pass over in silence what he says: that τῶν ἀνδρῶν τοὺς νεωτάτους καὶ πενιχροτάτους εἰς τοὺς γροσφομάχους, the youngest and poorest of the men, were chosen for the *velites*.

Here regard was had both to age and to wealth. Lipsius thinks that poor men who were strong in age and experienced were chosen for the *triarii*. But in the case of men who were very poor, or the poorest, I would deny it; and he himself agrees. They were certainly selected according to the census, and this practice continued for a long time. The objection was made against the Romans: "You select your cavalryman according to the census and your infantryman according to the census," Livy, book 37. In this respect, therefore, the institutions of the Lacedaemonians, in which particular regard was had for valor, are more pleasing. This practice harmed the Roman state very greatly. From it also arose the difficulties of levies, when men were unwilling to answer to their names and refused military service.

Indeed, I possess both a reason for my opinion and the approval of a commander of the greatest name. The reason is that, although, when pay was being given, it was humane for the sixth class to be exempt from service except in a great emergency and tumult, it was nevertheless a great error in a state devoted to military service and living amid perpetual enemies to give freedom from service to so great a multitude, especially when the state itself possessed the right of commanding magistrates. How many brave, active, and industrious men, who clamored for arms and Mars, is it credible there were among them? Certainly the whole of history bears witness that there was a very great multitude of poor men at Rome. Yet now the poorest men, made *velites*, stand foremost and are exposed to the enemy as light-armed soldiers.

For this reason Marius, as Sallust writes in the *Jugurthine War*, "enrolled soldiers not according to the custom of the ancestors nor from the classes, but as each man desired, for the most part men counted by the head." Behold Marius, a great commander in the most dangerous wars, changing the custom of selecting soldiers which had been practiced for so many years through the ambition of the rich: passing over the rich, he selected those counted by the head. These, according to Aulus Gellius, book 16, chapter 9, are the men assessed at no property or at exceedingly little. Plutarch also relates this: "When declared consul, he splendidly held a levy at once contrary to law and custom, enrolling very many men from the poor and from the servile class, although earlier commanders did not accept men of this kind but gave arms, like any other honorable thing, only to honorable and worthy men, since each man seemed to pledge his family property as a security."

He adds freedmen and the sons of freedmen. Macrobius, *Saturnalia*, chapter 11, teaches that this was retained in the Social War and proved worth the labor: "In the Social War, the service of twelve cohorts enrolled from freedmen displayed memorable valor."

Indeed, afterward poor men for the most part went to serve as soldiers and gained both property and reputation. The legions themselves indicate this fact: when their terms of service had been completed, they received lands, so that after exhausting labors they might not waste away in a destitute old age. In this manner, therefore, better provision was made for the state. For this reason also I approved above more strongly the levy of volunteers.

The *velites*, *accensi*, and *rorarii*, therefore, were not to be selected in this manner according to the census. Because they were going to be the bravest and most ready men in battle, they were thus being neglected.

§ 2. The *hastati* were so called because in ancient times they fought with spears, but afterward with *pila* and swords. That was a heavy manner of service and not of great use, since, when two *pila* had been cast in vain or received upon shields, they immediately came to swords. The *hastati* were young men. Livy, book 8, calls them "the flower of young men reaching maturity"; the *principes*, however, were mature men--Livy calls theirs the more robust age. From this you may gather that rich men, although recruits, were not among the *velites*.

§ 3. The *triarii* were so called because they sat down in the third rank or battle-line, or, as Varro says, were posted as a reserve in the last positions. They were weighty in age and in courage. They sat with one knee firmly bent. They were formerly called *pilani*; they numbered six hundred. With them were the eagle and the commander, the picked and extraordinary men, and also the *evocati*.

I see that our commanders have preferred another arrangement. For they place each of the bravest men in the first battle-line and in advantageous positions, whereas among the Romans the bravest rarely fought. Sometimes the *velites*, often the *hastati*, and ordinarily the *principes* routed the enemy; the greatest danger was announced when the affair had come down to the *triarii*. In arranging this rank, therefore, the rich consulted more for their own safety than for the public good, and wished the dangers to belong to the poor and the younger men. Yet it had this advantage, that very rarely was the whole battle-line put to flight. For when the younger men had been slain or had fled, the *triarii*, who possessed strength and courage, remained steadfast; but if they had received defeat at the beginning, the younger men would have scattered swiftly from fear alone. For it is easier to possess a soldier who fights bravely than one who, having seen defeat, does not flee.

This entire multitude, properly composed, was called a legion by the Romans. In it the *velites*, *hastati*, and *principes* numbered twelve hundred each; the *triarii*, six hundred. The total number of all was four thousand two hundred. If the legion was larger, the fixed number of *triarii* remained, while the others were increased in equal proportion, as has been said. The legion of Romulus consisted of three thousand; it did not have the *velites* separated from the rest.

§ 4. Another division of these soldiers is into maniples and cohorts. Polybius describes it in this way: "After this, together with the leaders of the ranks, they divide each age or class into ten parts, with the exception of the *velites*. They distribute the *velites*, however numerous they are, equally among all the parts. And they call each one of these parts a rank, a maniple, and a standard." There are thirty maniples: each class is divided into maniples.

> Thence Romulus divided the hundred Fathers into groups of ten,
>
> and established ten companies of *hastati*.
>
> The *principes* had the same number of companies, the *pilani* the same,
>
> and likewise those who served on duly allotted horses.

The *velites* were distributed equally among these. There were four hundred in each rank and forty in each maniple. A maniple consists of one hundred and twenty men, while a century consists of sixty. This applies to the *hastati* and

principes; for the *triarii* are half their number. This is without the added *velites*; if you add these, there will be one hundred and sixty in each maniple and eighty in each century.

A cohort is constituted from three maniples--one of *hastati*, another of *principes*, and a third of *triarii*--with a maniple of *velites* added; there are four hundred and twenty men, like a small legion, for it contained all the kinds of the legion. Cohorts were named from a rustic enclosure. They were sometimes detached and stationed in garrisons where it was not necessary for an entire legion to reside. The Greeks call them σπείρας, and sometimes ἴλας, as if you were to say wings. At the beginning, however, maniples existed without distinction, and consequently cohorts did as well. For one hundred men, before whom a pole bearing a bundle of hay was carried, were called a maniple. Ovid, *Fasti* 3:

> A long pole bore suspended bundles,
>
> whence the manipular soldier has his name.

There are therefore ten cohorts in a legion. Romulus made a legion of three thousand men and then doubled it after the Sabines had been admitted. Scipio, Marius, and other ancestors made the legions larger.

There were three hundred cavalrymen divided into ten squadrons, each of which contained thirty.

§ 5. If we consider the infantry, the allies had the same number, but twice as many cavalrymen. They were stationed on either side, at the right and left. From the six hundred cavalrymen of the allies they called the third part extraordinary men, ἐπίλεκτες, picked men. Concerning them Polybius says: "The prefects first select from all the allies the men most suitable for the personal service of the consuls, both cavalrymen and infantrymen, whom they call extraordinary men. Interpreted, this means 'picked men.' The whole multitude of the allies, however, is as a rule equal in infantry to the Roman legions and double in cavalry. From these they take approximately a third part of the cavalry and a fifth part of the infantry for the extraordinary men. They divide the rest into two parts and call one the right wing and the other the left wing."

A portion of the extraordinary men, who were called the selected, always attended the commander. It was prudently done, first, that they divided the allies on either side for the sake of security. Second, they selected extraordinary men from both the infantry and the cavalry--that is, each man most ready and likely to dare something--and from these very men the selected, who under the appearance of honor were, as it were, hostages around the consul.

Later the number of the allies was much greater; and in the end we see legions enrolled first from Italy and finally from the whole empire. They call the forces of the allies horns and wings even when they speak of infantry.

CHAPTER XXXI

Cavalry Contributes More to Victory than Infantry

§ 1. This matter must be considered generally; for in certain wars cavalry is scarcely of any use, while in others cavalry accomplishes everything. When cities in mountainous places, or beside rivers and seas, are besieged, and when the contest is conducted by siegeworks, cavalry is not of great use. We are speaking, therefore, of war and battle, in which I affirm that the man who abounds in cavalry will easily become superior.

There are many reasons. First, the man who is preeminent in cavalry holds both his own territory and that of the enemy in his power. He conveys supplies freely, prevents all excursions and foraging expeditions by the enemy, and keeps him, as it were, in loose confinement. The Ottomans place the whole hope of their kingdom in the *timariots*, who constitute their cavalry and are able to harm the enemy especially when, in a great number which no one can resist, they rush into hostile land and in one assault produce the devastation of a full-scale war. The Tartars, and formerly the Huns, were very powerful through the same means.

It makes no difference to the argument that, as men say, heavy expenses must be incurred for cavalry; for a smaller number of infantrymen ought rather to be selected, and the expenses are compensated by the speed of the war. The expense can also be diminished if the cavalry become accustomed to live from enemy territory, which is easy for those who are superior.

In assaults upon cities and other stationary engagements, cavalrymen were also accustomed to dismount and fight as infantry. With the present license of soldiers, however, a commander will hardly accomplish this. But when a storm of cavalry was hurled forward in battle, the enemy quickly sought flight. In battles themselves, when cavalrymen are compelled to give ground, the infantrymen, as though abandoned, look only to flight.

CHAPTER XXXII

Camps Arranged According to the Custom of the Ancients

§ 1. It is agreed among all that the ordering of the Roman camps was most excellent. Lipsius describes it most accurately in book 5 of *The Roman Military System*. This is a schematic outline of it, in which I note these matters briefly.

1. The praetorium occupies the place most suitable for observation and command, and is in the midst of the commanders. They mark out for the commander a square place whose sides are two hundred feet long.

Here the commander's tent-companions, baggage, and other things were quartered. Around it were the quaestor, the legates, and the tribunes.

2. The quaestorium was on the right, two hundred feet long and one hundred feet wide.

3. The legates were stationed to the left of the praetorium, with their tents joined together; its length was one hundred feet and its width fifty feet.

4. The tribunes and prefects pitched their tents in a straight line behind the praetorium, each in a separate tent, so that all might have their own legion in view. Lipsius places the prefects of the allies at the sides and gives good reasons for it, though he thinks that they were placed without intervals.

The cavalry among the *evocati* were beside the prefects of the allies, and the infantry close to them. The extraordinary cavalry and infantry were stationed across the open space toward the rampart. Lipsius arranged this most prudently. Behold: they wished to entrust the protection of the chief commander and the other commanders to the allies. Why, unless so that, by trust thus placed in them, they might bind their fidelity more closely? But there was also another, more hidden reason: they kept the chief men of the allies near themselves, before their faces and eyes, lest they secretly form any plan or undertake an innovation.

Although these men surround the commander on every side and hold him under guard, it is nevertheless not so arranged that there is no citizen protection if it is needed. For the *evocati*, veteran soldiers, are on either side; there are several hundred men in his own tent-company; the quaestor and legates sit nearby with their men; and the tribunes are stationed in front, among whom there is always a refuge for him and, through them, a passage into the midst of the legions.

Another consideration is that the spaces here are large and empty. Why? Either for dignity or for usefulness. For dignity: there are the two forums, where, if any dispute or injury arises, those who can settle or punish it are near at hand. For usefulness: there is the great *Quintana*, because, if it is necessary to draw up the army within the camp, that can be done very easily there and in both forums. Likewise, if the army must be led out, when the extraordinary troops have been removed and set aside to the flank, there is a great space for arranging it. The rest of the distribution is clear to sight.

Lipsius places the *velites* near the rampart. Its system of foot-measurements must also be carefully noted here, though it does not apply to our camps. "I call *podismi*," he says, "footages, or measurements in feet. But because the foot is twofold, simple and great, we shall use both: the former in measurements of length or breadth, and the latter in measurements of both together. For in Varro a great foot is that which others call flat or spread out, and which our people commonly call square or superficial."

Those who relate that the Romans received this system from Pyrrhus seem to me to err; for before the war which they waged with Pyrrhus, I read of camps, a rampart, and all the rest. It is certain, however, that the Persians or Parthians

instead borrowed many things from the Romans. They excelled to such a degree that they carried empty sacks with them and, in sandy places, filled them with sand to place them in front of the rampart.

§ 2. Our camps are arranged altogether better, and those who mark them out take the greatest account of the sites. Bernardino de Mendoza, part 1, chapter 36, requires so great a distance between the legions that other soldiers can be brought in if necessity demands. He also so arranges the camp that the standards stand at a definite interval, by which each man may easily find his own. He then creates greater spaces at the front and sides than existed among the ancients, chapter 36. He separates the watch station eighty feet from the standard. He places the king in the center.

There are still appointed inspectors of the rounds, although they also employ the labor of others. Those who are general inspectors and traverse the entire camp must know the languages of the nations serving on watch.

The master of the artillery resides near the commander, as do those assigned to the engines. The market for saleable goods must be neither far from the prince nor far from the judge of capital cases, because many disputes arise there. Men are generally grouped according to nations, so that individual nations occupy separate places. Mendoza orders the cavalry to be divided in the same way, so that the armored and light cavalry are separated; disturbances otherwise arise easily.

The fortifications which Mendoza describes yield little to the ancient ones. First, he orders a ditch to be dug down, and it is fitting that a rampart from the excavated earth be added. He orders the inner side of the ditch to be fortified with wagons. This fortification is stronger than the stakes of the ancients, for men could tear down a rampart with their hands, but by no means wagons. Artillery and loads, useful for offense and defense, can also be placed upon the wagons. I marvel that those who admire everything ancient do not understand that fortifications made from wagons are stronger and more convenient than the ancient ones were--not only because they are stronger, but also because they are movable and useful on a march.

Above all things the gunpowder must be guarded most carefully, not by gunners, who always need a burning match, but by spearmen and men bearing double axes.

Great care is taken concerning the gates, so that the soldiers can depart in complete ranks. The road which leads to the watering-place must also be wide, lest those going and returning hinder one another. If a river flows through the camp, this is greatly useful; nevertheless, provision is made so that the livestock are watered at a lower place or outside the camp, while the upper part is kept clean for the soldiers' uses.

Great account is also taken of the watches. Toward evening those whose duty this is come to the commander--indeed, most of the chiliarchs and centurions. At night the heavy-armed soldiery generally keeps watch, because greater protection is necessary.

Among prudent and resolute commanders the order of watches is very advantageous to security and health. A fourth part of the camp keeps watch; three parts rest. Therefore, if there are twenty thousand men in the camp, five thousand keep watch. Because armored soldiers and veterans are among them, this is a force great enough against sudden assaults. Nor is it burdensome for anyone to provide for the repose of the rest by his own labor every fourth day.

The watches are led out in the evening, lest the enemy discover the place where the advance sentries take their positions. The watches are ordinarily thirty paces from the ditches and rampart; the advance sentries are as far from them again as allows them to remain in sight.

Watches of cavalry are spread all around, so that no one can secretly enter or leave the camp. The watchword is not given to the advance sentries until they have taken their places.

Because camps are not always arranged in the same manner, but account is taken of hills, rivers, roads, and forests, provision is made in another manner lest men err on the roads or in finding the praetorium and other advantageous places. When cohorts have been stationed by tent-companies, the tribunes, centurions, and decurions immediately take

care to traverse and observe those roads, and then the other soldiers do so. This is accomplished most readily when the standards are displayed and there is no great variation in the camp.

This must be attended to especially: not merely a good place but the best place must be selected for the camp. For if you pass it by, the enemy will take it, and thus you will be inferior to him because you have given him an opportunity against you.

CHAPTER XXXIII

Fortifications of Camps Are Necessary

§ 1. It has often seemed unworthy to our commanders to cherish a camp and place their trust in a rampart.

Thus at times they station even the greatest armies in an open field without any fortification. The Romans did not do so. Concerning them Polybius says that everything was ordered and fortified after the fashion of towns. These are the words of Polybius: “When these things have been established in this way, the whole shape of the camp becomes an equilateral square. Its parts, both in the division of the rows of tents and in their other arrangement, have an ordering like that of a city. They separate the rampart itself from the tents by two hundred feet on every side. This empty space supplies them with many notable advantages. It is suitable both for the departure and for the entrance of the troops--for individual bodies go out into this empty space beside their own rows of tents, and do not run together in confusion and trample one another. They also drive or carry into this place the livestock brought in and the booty captured from enemy territory, and guard them there during the nights. Its chief advantage, however, is that during assaults at night neither fire nor missile reaches them, except for a few; and even these are made almost harmless, both by the extent of the interval and by the tents placed around it.

“The two sides of the ditch and rampart which lie beside the two wings of the allies fall to the allies to construct; the other two fall to the Romans, one to each legion. Each side is divided among the maniples; the centurions have the care of the individual parts, and the men assist them. Two of the tribunes have the inspection of the whole work.”

You see everything fortified here. The soldiers are two hundred feet distant from the rampart, and the rampart and ditch themselves occupy enough space for them to be altogether safe.

§ 2. The allies constructed two sides and the legions two. The centurions measured them with ten-foot rods. The tribunes go around and do not depart until the entire work has been completed. The work of the rampart was of this kind: they first drew a ditch along the outside. Tibullus:

> Where it is fitting to draw before the camp a protecting ditch.

They dug it down so that it was eight feet wide and equally deep, so that, if an enemy leaped into it, his whole body would be below the earth. Its width was such that no one could leap across it. When a greater force was feared, it was made wider and deeper. Vegetius, book 3, chapter 8, says that at times it was nineteen feet, although the depth was not then equal to the width.

On the inner side of the ditch was added a rampart made from stakes and turf, or heaped earth, three or four feet high. The measure of each turf was half a foot in height, one foot in width, and one and a half feet in length.

But in danger, and I believe in winter camps, the mound was much higher. This followed naturally if the ditch was greater, for the mound grew from the earth taken from it. Book 3 of *The Civil War*: “In that place there was a ditch fifteen feet wide, and a rampart facing the enemy ten feet high; the mound of that rampart likewise extended ten feet in breadth.” The palisade stake was branched and sharpened, so that it could not easily be torn up or crossed. Thus camps were placed behind stakes fixed in the manner of very sharp sword-points.

It would be most useful to resume even today this method of fortifying camps, or to retain another equal to it. For the soldier rests safely and is not disturbed at a noise, being secure in the fortification of the place; this contributes very greatly to strength and health. Further, since a camp can be defended easily, it will be possible, even when the enemy is nearby, to send a force elsewhere as opportunity requires. Claudius Nero does this in Livy: leaving a garrison in the

camp, he goes on a long march to meet Hasdrubal, defeats him, and returns to camp. He could not have done this unless the camp had been fortified. Third, far fewer soldiers are worn down by sentry duty.

§ 3. There was one gate in each side. The praetorian gate, which stood beyond the praetorium and faced the enemy, was the gate through which the army was led out into battle. Next were the two principal gates, because they corresponded to the *principia*. Finally, there was the decuman gate, because the tenth cohorts pitched their tents there.

Not content with this fortification, they at times also added towers. The *History of the Gallic War*, book 8: "He placed doors and higher towers upon the gates." Josephus, book 3 of *The Jewish War*, says that towers were positioned around the circuit; and at Numantia Scipio placed them at intervals of one hundred feet in every *iugerum*. Finally, there was often a double rampart and a double ditch.

§ 4. Those works were not difficult because of the multitude of those who performed the fortification. One side of the camp was 2,050 feet long. If an entire legion were assigned to fortify it, there would be two soldiers for one foot, if the exempt men were few. For centurions, cavalrymen, *evocati*, discharged soldiers, and volunteers had exemption from duties.

But there is no doubt that sutlers, servants of the camp, and slaves came to take part in these works and gave assistance. For why would masters, wearied by labor, have permitted their slaves to be idle? Florus, book 2, chapter 18, calls them servile works. Caesar in *The Alexandrian War* says: "Since he had believed that the great multitude of slaves which carried earth for the mound, in the manner of daily work, were soldiers." Trebonius also, in book 2 of *The Civil War*, summons men from the province for these works. The ditch was therefore drawn very quickly.

§ 5. But who acted more correctly: Lycurgus, who favored circular camps, or others, who favored square or quadrangular ones? Xenophon, in *The State of the Lacedaemonians*, says that Lycurgus approved the circular form: "I shall also say in what manner Lycurgus thought a camp should be marked out. Since he considered the angles of a square camp useless, they placed their camps in a circle, unless they were protected either by a mountain, a wall, or a river behind them." He gives as the reason that the angles were useless.

Yet it is more advantageous for camps to be square or quadrangular for the purpose of defense, since from one angle two sides can be seen and defended. Moreover, a square form is more convenient for every method of building than a round or oblong one. Nevertheless, if the matter is considered as a whole, nothing is better than to weigh the nature of the site. If there is a river, lake, mountain, valley, wall, marsh, forest, or something else that presents a natural fortification, they should employ it to reduce their labor. Beside rivers it is expedient for a camp to be extended lengthwise because of the convenience of obtaining water.

§ 6. Fortification ceased in the Roman military service for various reasons. The first was the indulgence of the emperors, when by their favor they made many men exempt. From this it followed that those who remained subject to duties were more heavily burdened--indeed, crushed.

The second cause was that, as a kind of military service was distributed through towns, the soldiers became unacquainted with the labors of a camp. Tacitus, *Annals* 13: "It was sufficiently established that in that army there were veterans who had never entered upon guard duty or watches, and who gazed at a rampart and ditch as though they were new and marvelous things. Gleaming and enriched, whether in helmets or breastplates, they had completed their military service throughout towns." From both causes the praetorians arrived at the utmost degree of idleness. For when Didius Julianus wished to lead them into the field and exercise them, they hired substitutes for the works at a price. More shameless still were the Egyptians, who, when ordered to fortify the camp with a ditch and rampart, cried out that the work should be contracted at public expense.

The third cause was the avarice and savagery of the centurions, who compelled men to purchase release from duties. Tacitus, *Histories* 1: "It was demanded that the payments customarily made to centurions for exemptions be abolished. For the common soldier paid, as it were, an annual tribute. Some wandered through the maniples, some on furloughs,

and some within the camp itself, until they paid the price to the centurion. No one had regard for the amount of the burden or the kind of profit: by brigandage and plunder or by servile tasks they purchased release from military duty. Then each soldier who was richer than the rest was wearied by labor and cruelty until he purchased exemption. When, exhausted by expenses and made wretchedly feeble by idleness, he returned to the maniple poor in place of rich and idle in place of vigorous, another after another, corrupted by the same poverty and license, rushed toward sedition and discord and finally civil wars."

Afterward the centurions were paid from the public treasury, until at last they ceased to fortify camps. In the time of Vegetius, who lived under Valentinian the Younger, that knowledge had already died out. "The knowledge of this matter," he says, "has utterly perished; for no one for a long time has established a camp by drawing ditches and fixing stakes." Nevertheless, it was revived by many at intervals.

§ 7. Vegetius, book 1, chapter 21 and the following chapters, teaches the fortification of camps: "The recruit," he says, "must also learn the fortification of camps, for nothing is found in war either so salutary or so necessary. If the camp has been correctly established, the soldiers spend days and nights within the rampart in such security--even if the enemy besieges them--that they seem to carry a walled city with them everywhere. But the knowledge of this matter has utterly perished. For no one for a long time has established a camp by drawing ditches and fixing stakes before it. Thus we know that many men have frequently been afflicted by an unexpected arrival of barbarian cavalry by day or night. Not only do those who settle down without a camp suffer these things; but when, through some mischance, they begin to give ground in battle, they have no fortifications of a camp to receive them and fall unavenged like animals. There is no end to their dying until the enemy loses the will to pursue them."

They fortified the camp even amid the greatest dangers. Vegetius, book 1, chapter 25: "It is easy to fortify a camp when the adversaries are absent. But if the enemy presses upon them, then all the cavalry and half of the infantry are drawn up in battle-line to repel the attack; the rest behind them draw ditches and fortify the camp. It is proclaimed by a herald which century is first, which second, and which third, until the whole work has been completed. After this the ditch is inspected and measured by the centurions, and punishment is inflicted upon those who have worked too negligently. The recruit must therefore be trained for this use, so that, when necessity demands it, he may be able to fortify the camp without confusion, swiftly, and cautiously."

In the African War one part of the battle-line stood in the field while another performed the work. In the Spanish War against Afranius, the third battle-line deceived the enemy by performing the work secretly.

§ 8. Mendoza, part 1, chapter 52, relates another and rapid method of fortifying a camp. He bound small beams together at their joints and, in a very short time, erected a square platform thirty geometrical feet high and sixty wide. Four such structures suffice not only for defense but also for harassing the whole field, if they are placed in suitable positions; for they can be filled with musketeers and other soldiers. He requires no timbers larger than can be gathered and carried by horses or mules. A watchtower fifty feet high can nevertheless be placed above them. This can be done quickly. Other defenses must nevertheless be added, for those structures can easily be cast down by artillery.

§ 9. Of the works formerly used for fortifying camps and enclosing enemies, some were, as it were, barbaric and possessed little usefulness; others contributed to necessary protection. The work which Caesar made in book 1 of *The Gallic War* was altogether useful. "With the one legion which he had with him and the soldiers who had assembled from the province, he drew a wall sixteen feet high and a ditch for nineteen miles, from Lake Geneva to Mount Jura. When this work had been completed, he stationed garrisons and fortified strongholds, so that, if they attempted to cross against his will, he might more readily prevent them." By this he terrified the Helvetians so that they abandoned their plan and hope of breaking out. The extent was five of our miles, which Caesar occupied after fortifying it with strongholds. But if the Helvetians had not been frightened by that undertaking, it would not have been difficult to break the wall at some point and fill up the ditch.

The same Caesar, when he was besieging Alesia with no great number of soldiers, captured the city by fortifications in the face of the many thousands of men who were in the city and the two hundred and forty thousand infantry and eight thousand cavalry. First he made a circumvallation extending for eleven miles and a ditch twenty feet wide. Withdrawing four hundred feet from it, he made other fortifications. These were two ditches fifteen feet wide and of the same depth; he filled the inner one with water diverted from the river. Behind these he constructed a mound and rampart twelve feet high; to this he added a breastwork and battlements, with great forked branches projecting, which would delay the enemy's ascent. He also surrounded the entire work with towers standing eighty feet apart. Against those who came to aid the besieged he constructed other, similar fortifications, embracing fourteen miles.

It was barbaric and done for display when he attempted to enclose Pompey with a wall that extended for twelve hundred stadia--an extent of about one hundred and fifty miles, or thirty-seven of our miles. For he did not hamper Pompey the Great by such extensive contrivances; and how easily Pompey could have broken through them with an armed force!

Lucan describes it in this manner:

> Mountains are broken, and Caesar leads a level work
>
> through steep places; he opens ditches and stations towered forts
>
> upon the highest ridges. Enclosing boundaries in a great circuit,
>
> glades and wooded wastes and forests, in a vast ring
>
> he pens the wild beasts. Fields are not lacking, nor forage lacking
>
> to Pompey the Great; surrounded by Caesar's mound,
>
> he moves his camp. So many rivers arising there weary their courses;
>
> Caesar, exhausted, remains amid the fields.
>
> Let ancient legend now raise up the walls of Ilium;
>
> let the Parthians who fled marvel at Babylon's fortifications.
>
> Behold how much territory the Tigris, how much the swift Orontes,
>
> shall love; how much of the eastern land suffices for Assyrian peoples
>
> as a kingdom: a work suddenly seized in the tumult of war
>
> enclosed it. How many labors have perished!

Crassus constructed against Spartacus a ditch three hundred stadia long, fifteen feet wide and fifteen feet deep, and above the ditch he constructed a rampart of admirable height and strength, according to Plutarch in *Crassus*. These matters pertain to fortifications. They are now made in another manner because of artillery, but are neglected in camps.

§ 10. In the camps themselves were tents which seem to have been strong, because, as Polybius says, they even kept off missiles. In winter quarters and permanent camps they were perhaps made from boards, posts, and woven fencing; otherwise, they were of hide and stretched with ropes, and in this manner could delay missiles whose force was spent. Isidore adds boards and curtains. Curtains of linen easily resisted feeble missiles, and indeed missiles hurled strongly, especially when the curtains hung loosely. They certainly covered their upper parts with hides.

Tacitus, concerning the Frisians: "Drusus had ordered them, because of the narrowness of their resources, to pay a moderate tribute, namely, that they should furnish ox hides for the use of the camp." Caesar's soldiers in the African

War made tents, some from clothing, reeds, and mats. Belisarius has tents made from boards in Procopius, book 2 of *The Persian War*. Herodes, in Trebellius, had embossed tents and gilded pavilions.

Their size was such that they easily held everyone, and indeed could also receive some multitude of visitors. If there were several legions, the camp was larger. If there were two consuls, each held his own praetorium and arrangement within a doubled space, as Polybius relates. In the battle at Cannae we read of a larger and a smaller camp, separated by a proper interval, undoubtedly for a proper reason, although it has not been explained.

I therefore conclude: individual soldiers are covered by breastplate, helmet, and shield; all together are covered by the rampart and encircling defenses of the camp. Camps which are unfortified are unarmed, and are then compelled to fight at the enemy's discretion.

CHAPTER XXXIV

Laws and Customs of Ancient Camps

§ 1. In camps there is the highest discipline and the highest order.

1. Two maniples have charge of the place which is before the tribunes; they are taken from the *hastati* and the *principes*. That place is the *principia*, where assemblies are held and all business is transacted.

2. Three maniples erect the tribune's tent. Vegetius, book 3, chapter 8.

3. From these men two watches are also formed, one before and the other behind the tent.

4. They served in the place of attendants. Alexander Severus permitted there to be no attendants: he would not allow anyone except soldiers to go before tribunes or commanders.

5. The *triarii* furnished the cavalrymen, as citizens of higher rank, with a guard. Polybius. They tended and watched the horses.

6. One maniple each day kept watch for the commander.

7. There were guard-posts at the gates, for entire cohorts and troops of cavalry kept watch. Sometimes several cohorts did so at a distance from the camp. They called these rural guard-posts. There were certainly several of them, and it was a capital offense to abandon them unless the men were swept away by great force. Thus Polybius and Suidas. Suetonius likewise says of Augustus: "He punished centurions who had deserted their post with death, just as he punished common soldiers." The chief matter was the careful distribution of the passwords.

8. Pammenes showed how great a care must be taken over the password. For after he had been shut in with a few men and could not escape, he learned the password of the enemy's camp from a deserter; trusting in it, he led his men through the middle of the camp, killed many of the enemy, and escaped.

9. The procedure concerning passwords was in truth different from ours. A small tablet was marked and returned before darkness; sometimes useful commands were announced in that order. Now only passwords are announced. The tribunes received them from the commander, and the *tesserarii* from the tribunes.

10. A maniple kept watch at the praetorium by night. Three further watches were established by night: one at the quaestor's quarters and two at those of the tribunes.

11. The *velites* fill the rampart; small tablets are also given to the watchmen.

12. Nothing was stricter than the rounds. Cavalrymen went around by night; sometimes, in danger, the tribunes and the commander himself did so. At times the watches were established with no intervening space. Later the centurions also made the rounds. Finally this became the particular office of those who were called *circuitores*. The decurion who ranked first in the troop performed this duty.

The tribune designated for these men in writing which watch they had to make and how many rounds. The man making the rounds goes with his friends. The punishment for a soldier or a *circuitor* who failed in the night watches was cudgeling to death.

13. Diligent care of the watches was exacted by bells rung in a fixed order at the same time. Alcibiades, fearing negligence among his men on watch, commanded that, when he himself was about to display a light from the citadel, everyone should raise up lights, and that whoever neglected to do so would pay the penalty. Thus, while they kept watch attentively for this signal, they avoided the danger.

14. Paulus Aemilius ordered the sentries to keep watch unarmed, so that they might remain awake more diligently. Plutarch, *Paulus*.

15. All newcomers must be questioned, so that the matter of spies may be ascertained.

16. Our first watch is from sunrise to noon; the second extends to sunset; the third to midnight; the fourth to sunrise. Ordinarily the masters of the watches make their rounds through them twice, and sometimes the commanders and those to whom the commanders entrust them do so.

17. If the enemy attacks by night, the sentries sound the alarm and indicate from what direction he is coming. The sentries join together and await the enemy. The alarm is then sounded at the commander's guard-post.

18. By frequent admonition the army must be trained not to be moved by any event or by any voice it hears unless it proceeds from the commanders and prefects. This must especially be guarded against by night, because that time is most liable to alarms.

CHAPTER XXXV

The Military March

§ 1. The ancients had two forms of military march, as Polybius observes. They depart from their camp in this manner. When the first signal has been given, they strike their tents and all pack their baggage. But no one is permitted either to take down or to set up a tent before those of the tribunes and commander are set up or taken down. When the second signal has sounded, they load the baggage upon the pack animals. At the third, the first men must advance and the whole camp must move.

They generally place the *extraordinarii* at the head of the column. The right wing of the allies follows them. After these come the pack animals belonging to the men just mentioned. The first Roman legion succeeds and follows their column, having its own equipment and baggage behind it; then comes the second legion, followed by its own pack animals and likewise by the baggage of the allies who are stationed in the rear. For the left wing of the allies is last in the column. The cavalry, moreover, are sometimes in the rear, each body behind its own division; sometimes they ride beside the pack animals, keeping and restraining them and also furnishing security.

But when there is apprehension about the rear, the remaining bodies retain the same manner and order; only the *extraordinarii* leave the front, attend to the rear, and are transferred there. On alternate days one legion and one wing lead, and the same bodies in turn follow, so that all may share equally in the advantage which comes from finding water or forage whole and untouched, as they continually change the order and advance first by turns.

They also employ another kind of column in times of insecurity, when they have open country. For they lead a threefold phalanx or battle-line, with its divisions at equal distances--the *hastati*, the *principes*, and the *triarii*. They place the pack animals of the first maniples before all of them, those of the second maniples behind the first maniples, and those of the third behind the second; and in this manner they always arrange the pack animals alternately. When the column has been formed in this way, if any hostile attack occurs, they incline at one time toward the shield and at another toward the spear, and bring the maniples out from among the pack animals and baggage into view of the enemy. Thus in a short time the body of armed men assumes the order for battle, except that the *hastati* must be brought out and the pack animals and the multitude following them must find a place suited to the emergency. When they have approached the place where camp is to be made, the tribune and those centurions who are always selected for this duty go ahead.

These arrangements were frequently changed according to the circumstance of places, enemies, and auxiliaries. Josephus, in book 5 of *The Jewish War*, says that, as Titus advanced into enemy territory, royal auxiliaries and all the allied forces went before him. After their armed men came Titus himself, having with him both other picked men and lancers, or scouts. After him came the cavalry of the legions, who preceded the engines; and after the engines came the tribunes and prefects of cohorts together with picked men. After these were the standards around the eagle, with the trumpeters before it. After these came the phalanx, or column of the legions, extended six men abreast. The servants and camp-followers of each legion came behind it and before its pack animals. Last of all came the mercenaries and their guards, the *uragi*, or men who closed the column.

Today they generally divide an army into two parts: by a term now customary they call the first the vanguard and the latter the rearguard. When the multitude is greater they add a middle body, which they call the battalion. The infantry is divided in this way; skillful commanders divide the cavalry differently. Although the ancients generally placed their camps in the same manner, they nevertheless had men who went ahead, who afterward were called measurers of camps. Silius:

> Bolanus hastens to seek ridges suitable for the camp.

All things in the march of our armies are better arranged, chiefly because of the multitude of wagons.

When the place was unknown, they used guides, deserters, and sometimes prisoners in bonds. It was a sign that they were leading by a direct way if they gave accounts that agreed.

§ 2. When the enemy is near, the dangers of a march are greater than those of a battle-line. This must therefore be done: the departure must be made as like a battle-line as possible. In a battle-line all are armed in mind and body, the place is known, and the enemy is before their eyes. The contrary happens on a march; it must accordingly be arranged so that every danger is guarded against with the greatest caution.

"First, therefore," Vegetius says in book 3, chapter 6, "there must be itineraries of all the regions." The Franks who formerly marched against Fredegund were pitiable, because they did not explore the roads even in their own kingdom. Fredegund sent ahead of her army a threefold row of leafy branches with bells, so that the enemy would think that he was encountering a forest and grazing pack animals, for the light was still dim. A Greek commander compelled his men to be attentive by another method. Diocles aroused vigilance by a notable device: when they were advancing without order, he repeatedly changed the password; consequently, believing that the enemy was present, they marched with the battle-line formed.

§ 3. The method of a march is generally the same as that of other military matters: a commander should do one thing and appear to the enemy to be about to do another. Agesilaus, when it appeared that the Thebans were going to impede his army in narrow places, marched toward the walls of Thebes. They withdrew in alarm, and Agesilaus escaped through the narrow places with no one opposing him.

Pericles acted admirably when he was driven within precipitous mountains where there were two exits. On one side he drew a vast ditch, as if he intended to keep the enemy away; toward the other he drove his soldiers as though he intended to break through. When all the enemy had assembled on that side, thinking that he would not cross the ditch, Pericles himself laid down bridges which he had made and crossed the ditch undisturbed. The chief point is this: the enemy must not know what is to be done.

Alexander made steps upon Mount Ossa and crossed over them while the Thessalians held the narrow places. Pompilius covered or dug up the well-worn roads with sand and prepared new ones.

§ 4. When any province is invaded, every effort must be made to occupy and fortify some place at the outset, so that the army may establish a footing in it and extend itself toward other places. This is not only useful, but is in some measure the chief point of the matter. The sick, provisions, and booty can be deposited in that place. Next, if reinforcements are sent, they have a place to which they may withdraw. Third, loss is inflicted upon the enemy and his authority is diminished; his people think themselves captives so long as the invader maintains himself in some fortified place. Finally, if he is defeated in battle, he has a safe refuge.

Fifteen years ago, when Ambrogio Spinola suddenly crossed the Rhine, he possessed nothing pacified in that province, and the enemy had fortified Rheinberg because they expected a siege. He joined the Rhine with a bridge and raised temporary fortifications, so that he would be prepared for every event. As this occurrence was unexpected by the enemy, so it was deeply grievous to him, but advantageous to Spinola; for, safely withdrawing from the river in this way, he swiftly occupied Lingen and other cities. Afterward, when he held Rheinberg in his power, he demolished the earlier fortifications and took down the bridge.

It was with no other intention that Count Bucquoy maintained Budweis in Bohemia with such great industry and courage that, if he had occupied all Bohemia with a larger army, he would scarcely have gained greater glory. Indeed, after Spinola occupied Wesel, he fortified it with works and a garrison, judging it to be of very great importance that he should possess a seat of war suitable for controlling the Rhine and the Lippe.

Wagons are used on the march and in battle; but in order that they may be joined and serve as a rampart, they are customarily fastened together with beams and chains. If smaller cannon, which military usage calls falconets, are placed upon them, they keep the enemy away and close the rear and flanks with the greatest security. They can be drawn by two horses. The Duke of Alba used them in the Low Countries with great advantage, and the Turks always use them. I would consider it most useful if several wagons of this kind followed and protected the flanks, each carrying eight or ten pieces twice as large as muskets and having their gunners in the same wagon. No armor would resist these, and by their number they would keep the enemy away.

§ 5. If cavalrymen go ahead in a large body, they serve as scouts, provided that some are also in the rear of the column. Vegetius likewise places cavalry at the beginning, with concealed purpose, because they can easily withdraw and join the column.

§ 6. Sometimes men are compelled to fight while on the march because they cannot escape in any other manner. Agesilaus, when he saw the allies drawing back, went through the narrow places and ordered the Laconians to go first and the allies to follow. The enemy attacked them and compelled them to fight bravely. Without doubt this was a hazardous cast of the die; for what if the allies had joined the enemy? Polyainos, book 2.

In the same manner Leucon too was lavish with the blood of his allies. For when the Heracleots were disembarking from a ship, and he had set armed men opposite them, he ordered those who were in reserve to kill the allies unless they prevented the enemy from disembarking.

When the enemy pursues, the road must be blocked by artifice until you escape to safety. Pompey blocked every road leading to the port of Brundisium; then, after posting archers, he led his army down to the ships. The archers followed by routes known to them and sailed in small boats to the fleet.

§ 7. When Iphicrates was about to march through a scorching region, he set out by night, after ordering his soldiers to take water for two days.

§ 8. When I consider everything, military service today seems to me more exact and more circumspect in taking precautions. For this procedure is observed on a march. While the man undertaking an expedition sets out with one army, he must gather another. If he conquers, he will easily pursue the victory or dismiss the newly levied soldier; if he is conquered, he will keep his allies and subjects in their duty and wrest the fruit of the battle from the victor.

There is now a particular officer who has charge of the guides, couriers, and those who reconnoiter the road and surrounding places. The master of the engines arranges the artillery and the things pertaining to it; under him are miners for leveling roads where there is need of it. The chief officer placed over supplies has care of provisions. He has his own standard so that he may easily be found.

They undertake the march in this manner. After the roads have been reconnoitered and outriders sent forward, the vanguard advances; in time of danger some field pieces are added to it. Then the artillery follows in this order. First come wagons loaded with stakes, mattocks, spades, and every instrument for digging. Then follow the smaller and larger cannon, and in like manner the smiths' tools. After these come lead, powder, ropes, and, as it were, their guard--mounted lancers and gunners. Wagons in which cannonballs are carried close them. Finally come the wagons of the master of the engines and everything pertaining to the engines, as well as provisions and what they call the hospital; they also carry the sick and wounded in wagons. Next are carried the commander's wagons and baggage. Then come the remaining soldiers, in the order which dangers and the character of the places require.

The commander is placed in the middle, both so that he may be safer and so that he may more easily hasten to every part and send commands. Yet it is sometimes necessary that the commander be among the first, as Mendoza relates that he himself saw. For when the commander knew that he was being sought and that the enemy was close at hand, he hastened, selected a place suitable for battle, fortified himself and drew up the battle-line before the last part had arrived, and won.

When cavalry spreads itself out, one must notice whether there is darkness or light beneath its feet. If there is darkness, the battle-line is deep; if there is light, there is only a front rank. If it is viewed from a higher place, an inference concerning the whole number will be easy.

When roads divide on the march, they are customarily guarded until the baggage has passed. If the army passes through a forest, men take possession of it after musketeers have been sent forward, so that the march may be safe. Today rivers can scarcely be crossed except by a stratagem and secretly, for cannon can scarcely be used in a river.

It is not advisable to place a camp in mountains, because supplies are easily obstructed. On a plain, a stream, forest, hill, or marsh is generally advantageous. There is a military proverb: "There is no advantageous place where there is another more advantageous." The chief advantage must therefore be sought. The most advantageous site for laying out a camp is one to which approach is difficult and departure easy.

They place the cavalry in such a manner that the fortifications are not seen until the work is finished. If villages are within the camp, the soldiers must not dwell in the houses, for they are easily attacked secretly and set on fire. But this matter is easily attended to.

The care taken over camps is immense. When the soldiers enter them, all the men of the vanguard remain standing in order until the middle body enters. The middle body remains standing until all the baggage has entered. Then all turn to the care of their bodies, except those on watch.

Watches are posted wherever it is thought that the enemy may approach either by force or by deceit. If the camp is near a forest or thicket, many advance sentries must be posted, so that the more distant may warn the others in order and all things may be reported to the commander. The rule of sentries today is that they hold their ground until they are driven away by force. They do not fight even if they are stronger; if they are attacked, they defend themselves and report everything to their own men. If they see that they are inferior, they retreat while preserving their ranks.

When the enemy can attack from many places, many strong watches must be established. From this it is apparent how thoroughly camps must be fortified. Cavalrymen who are to protect foragers are customarily sent ahead of them. When danger exists, a third part of the army keeps watch, and in the most extreme danger one half. Among the regular watches they also station extraordinary ones, which they call small watches, and arrange double advance sentries, so that security may be provided on every side.

Sometimes they place cavalry watches near the camp of the enemy, which on account of the danger they call lost watches. Scouts are customarily sent out by night. They are not given the password, lest, if one of them is captured, he be compelled to disclose it to the enemy. If they are to return by night, one soldier is sent ahead to the advance sentries and informs the prefect of the watches that the scouts are returning. He informs the commander. A companion from among those who know the password is added to the men entering the camp, so that they may be admitted. The same procedure is customarily observed by day when cavalrymen return from a distant mission. Thus there is now greater care of watches than formerly; and certainly, while I consider everything which anyone among the soldiers can observe, I clearly see that military prudence has increased from day to day.

§ 9. This must especially be noted: those err who think that any region is so fortified by rivers, forests, mountains, and other things that an enemy cannot enter it. Moses led an army through sands impassable because of serpents, under the guidance of ibises. They try places without a road. Hannibal broke through the Alps with vinegar. Recently men broke through into Bohemia although the way was besieged and denied them. Our own Bohemia is therefore a witness: in a single year a way was opened so many times for its devastation. Accordingly, an approaching enemy must be resisted with arms; everything else permits him to pass.

§ 10. It was formerly common for men to protect themselves by placing captives in the way of missiles. When Aemilius Paulus led his army against the Lucanians and the Tarentine fleet attacked him with scorpions, he covered the flanks of his men with captives. Agesilaus the Laconian did the same when returning from Phrygia.

CHAPTER XXXVI

The Crossing of Rivers

§ 1. Armies cross rivers in four ways: by bridge, by boat, by diverting the river into channels, and by swimming. For if it is possible to cross by a ford, there is no need of a new art. Then attention must be given only to this: that the enemy has not obstructed a slender stream by night so that, when the water swells, it is no longer passable. The Dutch garrison did this in the siege of Ostend. There is another danger if they cast down caltrops, which easily escape notice when the water has been disturbed.

§ 2. There is therefore severe difficulty at rivers. Vegetius, book 3, chapter 7. It is difficult, I say, when the enemy is nearby, for making a bridge is a greater labor. Boats are easily driven back by cannon and fixed stakes; today it is scarcely possible to cross by swimming, although under Charles V certain Spaniards swam across the Elbe. But the enemy's panic gave them their opportunity, for if even five cavalrymen had been on the bank, they could have repelled those approaching.

§ 3. The entire art therefore consists in pretending that one will cross in one place and crossing in another. When crossing a river, Labienus made a noise with oars in one place, so that he might appear to be crossing there; while the enemy prepared himself, Labienus crossed in another place. Sinan Pasha also did this in the year 1594. For after pretending that he would cross the Danube in several places, he crossed at one place distant from the Christian camp and at the same time carried off part of their baggage.

The Tatars crossed the Danube with utter foolishness in the year 1596, holding the tail of a horse with one hand and a sword with the other; but they were cut down when they had crossed. That method is dangerous, because horses are easily burdened, and if they perceive danger, they kick.

§ 4. They were accustomed to check the current of a river with horses or elephants. Caesar positioned cavalry above and below, so that they would break the river's current, in book 1 of *The Civil War*: "He leads out the remaining legions without baggage and, after stationing a great number of pack animals in the river above and below, leads the army across." Hannibal positioned elephants in the Po.

§ 5. Ice must be crossed cautiously. Scatter straw upon it and pour water over it so that it freezes, lest the pack animals or soldiers fall upon the slippery surface. Julius II crossed the Po in this way.

The Tatars were afraid to cross the frozen Danube. They therefore left a multitude of cattle together with their tents and withdrew as though afraid. The Hungarians who were on the opposite side drove the herds across. When the Tatars learned this and understood that an army could cross, they followed and devastated Hungary. Fulgosus, book 7.

§ 6. Datames joined carts to carts and affixed boards to the rims, so that they would not sink too deeply into the mud. He had ordered the strongest men to swim across together with the pack animals; these men drew the carts, and in this manner he led the army across. Rafts can nevertheless be joined together by an easier method.

To destroy bridges men are accustomed to send fire-ships against them. At present there is the greatest opportunity for this. They employed that art admirably at Antwerp; nor, when two attempts had failed, did they desist. The third caused immense loss.

§ 7. Because it is exceedingly difficult to cross rivers, very many stratagems have been devised for that labor. While the Pisidian inhabitants guarded the narrow places, Autophradates began to prepare a crossing elsewhere. When they went to meet him, he occupied the narrow places by night and led his army across.

Pompey repeatedly led his army out and brought it back into camp. When this had been done and the enemy thought that he was being mocked, he became negligent, and Pompey crossed by a sudden movement. Alexander and Xenophon, pretending to cross in one place, crossed in another.

By an amusing stratagem the Laconians sailed through a Carthaginian fleet stationed in their way and reached Syracuse. They had ten captured Punic ships; they caused these to be led first as if victorious, with the other ships joined to their sides and fastened to their sterns. By this appearance they deceived the Carthaginians and passed through.

The crossing of Sertorius was laborious. He drew a rampart in the form of a hollow crescent, filled it with material, and set it on fire, and in this way shut out the enemy. But much material was needed, lest the enemy attack when the fires were scattered. Today they can be kept away more easily because of the danger that gunpowder will catch fire. Pelopidas the Theban also did the same, as did Herculeius, the lieutenant of Sertorius, between two mountains.

Hanno, when shut in, heaped up light materials in a place suitable for breaking out and set them on fire. After the enemy had been called away to the other exits, he went out through the flames, the soldiers' faces protected by shields and their legs by cloth.

When the enemy occupied the bank of a river and Quintus Lutatius Catulus could not cross, he pretended that he was about to establish a camp. The Cimbri believed this to be true and did the same themselves. When they had gone out to gather wood and forage, Catulus crossed and attacked their camp.

When Croesus could not cross the Halys, he drew a ditch behind the army and diverted the river into it.

§ 8. Necessity often discovers many devices. When Metellus lacked ships for transporting elephants into Sicily, he joined barrels together and covered them with platforms. Hannibal ordered a soldier to wound an elephant beneath the ear and then to swim across the river. The beast, eager for revenge, followed him and gave the rest an example of daring the same thing. Otherwise the elephants could not be compelled by any force to cross.

§ 9. This principle is general: they should break in where they are not expected. Yet the industry of Scipio in this matter is both excellent and necessary. At Carthage he broke in by following the tide of the sea, declaring that he was following God as his guide.

Take an example from other actions in order to cross rivers, for whatever is done on land is less difficult than what is accomplished through the waves. Marius sent soldiers into a fortress over a rugged mountain. You will make the attempt through whirlpools. When Joshua had placed an ambush beside the city of Ai and the soldiers fled, he occupied the city through those who had been placed in ambush. Lucius Cornelius imitated this in many towns in Sardinia; Cato among the Lacetani; Lucius Scipio in Sardinia; Hannibal at Himera and Saguntum; Himilco at Agrigentum; Viriathus at Segobriga; Barca at Lilybaeum; and the Scordisci at Heraclea.

They sound the alarm in one part and attack in another. In this way Alcibiades occupied Cyzicus, Pericles a fortress of the Peloponnesians, Thrasybulus Miletus, and Antiochus Ephesus. Rivers, harbors, and marshes all furnish both greater necessity and greater opportunity.

Some made bundles of reeds and sedge in order that cavalrymen might place their arms upon them while they themselves crossed by swimming. Appian, book 8, writes concerning barrels: "But there was a great scarcity of timber and vessels with which, by joining them together, a bridge might be made. Certain workmen reported that there were very many empty, round barrels in the deserted fields there, which the inhabitants had formerly used for importing wine. Since these were hollow in the likeness of ships, when bound to one another they seemed likely to float after the manner of small boats. Indeed, once fastened together with bindings, with wickerwork laid over them and a great deal of earth heaped upon them, they could not sink. When this had been done, the soldiers easily crossed to the farther bank."

Lucan likewise, book 4:

> New devices for flight across the waters
>
> are sought out. They do not extend keels in the customary manner
>
> and raise sterns; instead they bind stout timbers, capable of bearing
>
> great weights, in an unfamiliar construction.
>
> For empty barrels sustain a raft on every side;
>
> their row, bound with chains stretched at length,
>
> receives slanting alders in two ranks.

They also made bridges from inflated skins, lest the army's necessary march should sometimes be impeded by the courses of rivers, as very often happens. Resourceful necessity discovered a remedy for this matter which is both easy to make and of outstanding utility. It is constructed in the following manner.

Calfskins are softened by the Arabian art, for among the Arabs particular care is given to their preparation because water must be drawn from wells in skins. These, then, are carefully sewn as has been said, so that the structure is three and one-half feet in size. Thus, when the same skins have been inflated with air and swollen, they do not raise up a belly; rather, by a certain evenness, the very fullness of the skins produces level surfaces. They are bound to one another at their sides by straps fastened underneath. Rings project above them on one side, and hooks are inserted on the other. Thus the complete structure, joined part to part in the form of a bridge, is unfolded.

The same work, however, will be extended more easily aslant across the river to the opposite bank on account of the force of the current. Iron stakes are fixed on each bank, and strong ropes are stretched in the middle beneath the skins themselves to sustain the weight of those walking and above the edges for stability. By this novel and foreign preparation for a road, it will within a short space of time furnish a free opportunity to cross the river.

We must further be advised that coarse cloths should be spread over the joined skins beneath the feet of those walking, lest the smooth dressing of the hides deny them a firm footing. Nevertheless, hand-ballistae will be positioned on both banks, lest an enemy force hinder those working upon the bridge.

In the Mithridatic War Lucullus saved Cyzicus in this way. Florus, book 3: "But a messenger gave the townsmen confidence to resist by teaching them that Lucullus was approaching. Horrible to tell, he passed through the midst of the enemy's ships suspended from an inflated skin and guiding his course with his feet. To those watching from a distance he escaped like a sea-monster." Indeed, Gaius Caesar too, supported by inflated skins, often outran the messengers concerning himself.

Caesar says in book 1 of *The Civil War* that the Lusitanians did not go to war without inflated skins; and Livy, book 30, says the same of the Spaniards, who also placed their clothing in the skins. Others used shields. The Lycians secretly returned to their city by swimming underwater through the Xanthus; Brutus caught them in nets.

A safer method is to make dugout canoes, or small boats from one piece of wood. Caesar used these in Britain, and in Spain; Livy, book 30; Ammianus, books 14 and 24. They also carried skiffs with them. Julian did so in Persia, Ammianus, book 14. Semiramis had boats that could be taken apart and carried them upon camels. Diodorus, book 3. The emperor Alexander also laid a bridge upon dugout canoes when he crossed the Rhine. Caesar made ships against Sextus Pompey from wickerwork of willow and ox hides.

Battles very often arise at a crossing. Caesar, book 2 of *The Gallic War*: "The fighting in that place was fierce. Our men attacked the enemy while they were encumbered in the river and killed a great number of them. By a multitude of

missiles they drove back the remainder, who attempted with the greatest boldness to cross over the bodies of their men. They surrounded with cavalry and killed the first who had crossed."

The ancients also drove off the enemy by ingenuity. Diodorus, book 19:

> παρασκευασάμενοι γὰρ δέσμους καλάμων εὐμεγέθεις ἐμβάλλουσιν εἰς τὴν λίμνην· ἐπὶ δὲ τούτων ἐπικάθηνται οὐ πλείω τριῶν, ὧν δύο μὲν ἔχοντες προσδεδεμένας πλάτας κωπηλατοῦσιν, εἷς δὲ φορῶν τόξα τοὺς προσπλέοντας ἐκ τοῦ πέραν ἢ βιάζεσθαι τολμῶντας ἀμύνεται.
>
> For after preparing large bundles of reeds they cast them into the lake. Upon these no more than three men take their seats: two, holding blades fastened to them, row, while one, carrying a bow, wards off those sailing against them from the opposite side or daring to use force.

The Liburnians acted bravely and amusingly when they occupied shallow places with only their heads projecting. They caused the enemy to believe that the sea was deep; and when a trireme pursuing them became entangled in the shallows, they captured it.

Men are accustomed to obstruct harbors and the mouths of rivers. Our countrymen have learned to obstruct a crossing in every manner. At Hamburg Duke Valdemar of Schleswig obstructed the Elbe with chains; at Danzig Stephen, king of Poland, obstructed it with a bridge. But here the river and the surrounding places must be considered.

CHAPTER XXXVII

The Formation of the Battle-Line

§ 1. The ancient Roman battle-line, as it seems to me, was certainly not established altogether advantageously. Livy, describing in book 8 the war between the Latins and the Romans, indicates that the younger and weaker men fought at the beginning. For the battle was especially like one in a civil war: so completely was there nothing among the Latins at variance with the Roman state except their courage.

Lipsius maintains that the *hastati* fought first in a stationary battle, and so it was done; for the light-armed soldiers ran forward. No account was taken of the *velites*. The reason why I think that the battle-line was not rightly established is that all the bravest men must be placed in the first line, so that they may overthrow or terrify the enemy at the first assault.

For there are two disadvantages in that battle-line. The first is that the war begins with the slaughter of the younger, poorly armed citizens. Once defeated, they withdrew; yet they were not defeated without slaughter, nor could they abandon their place and withdraw except under the utmost necessity, since death was the punishment for abandoning one's place. The other disadvantage is that the enemy's courage increased after he had routed the *velites* and *hastati*, and he pressed on all the more stoutly.

This certainly became evident in the Latin War, where the same battle-lines were on both sides: they could easily have been defeated if strong men had been opposed to the weak at the beginning. For when Manlius had ordered the *accensi* to run forward, the Latins suspected that they were the *triarii*, because the *accensi* were stationed behind the *triarii*. They therefore also roused their own men, who, while defeating and driving back the Romans in a fierce fight, became exhausted and had their spears broken or blunted. Manlius finally sent the *triarii* against these men and conquered.

But if he had sent the *triarii* out together with the *accensi*, he would have saved many citizens whom he allowed to be killed and defeated up to that point, until the enemy, wearied out, was exposed to fresh troops. Numisius, commander of the Latins, gives no false account of how great a slaughter occurred. He affirmed that Mars had indeed been impartial in the war; that both battle-lines had been laid low with equal slaughter; that only the name of victory was in the possession of the Romans, but that in every other respect they too bore the fortune of the vanquished; that both praetoria of the consuls were marked by death, one by the parricide of a son and the other by the slaughter of the devoted consul; that the whole army had been cut to pieces; that the *hastati* and *principes* had been slain; that slaughter had been wrought both before and behind the standards; and that at last the *triarii* had restored the situation.

But if they had strained against the enemy with all their strength at the beginning and preserved their youth, the Latins would by no means have thought of renewing the war. Yet, as I advised above, the leading men held the populace cheap and did not take it ill that the multitude of the poor should be exhausted through wars. The Turk now acts in the same manner in storming cities and in battles: he casts an unwarlike crowd before the enemy to be torn to pieces, until, when the enemy is weary with killing, he sends in the Janissaries.

Antiquity also approved my opinion. Homer places the weak in the middle of the battle-line and the strong in its first and last parts, with the best judgment: so that the enemy may be broken by the first assault; so that those in the middle may be incited by those before them and compelled by those behind; and so that they may be unable to flee. It must not be doubted that Homer speaks from the usage of ancient times; but he places the strong at the front:

Ἱππῆας μὲν πρῶτα σὺν ἵπποισι καὶ ὄχεσφιν,

πεζοὺς δ' ἐξόπιθε στῆσεν πολέας τε καὶ ἐσθλούς,

ἔρκος ἔμεν πολέμοιο· κακοὺς δ' ἐς μέσσον ἔλασσεν.

He placed the cavalry with their horses and chariots at the front. At the rear he placed many brave infantrymen as a wall of war, and he cast the weak into the middle. Certainly the cavalry and chariot-drivers were a principal part of warfare.

Next, it was anciently so among the Romans that the richest men, who were likewise the best armed, fought in the first battle-line, and the poorest in the last. Lipsius, book 4 of *The Roman Military*, dialogue 2. For after Dionysius had stated the property-rating and arms of the first class, he added:

> χώραν δὲ κατεῖχεν αὐτοῖς πολέμοις τὴν προηγουμένην ὅλης τῆς φάλαγγος·

it occupied the first place in wars and stood before the entire remaining force. Again, concerning the second:

> ἐκοσμεῖτο αὐτοῖς ἀγῶσι μετὰ τοὺς προμάχους·

it was drawn up in the battle-line after the foremost fighters. Concerning the third likewise:

> χώρα καὶ τάξις τούτων ἐν ταῖς μάχαις μετὰ τοὺς ἐφεστῶτας τοῖς προμάχοις·

their place and station in battles was beside those who stood behind the *principes*. Finally, concerning the fourth:

> τάξιν ἔχειν ἐν τοῖς ἀγῶσι τὴν ὑστάτην·

it held the last place in contests. What, then, of the fifth class, Dionysius?

> τούτοις ἔξω τάξεως ἔταξε στρατεύεσθαι·

he says that he ordered them to serve outside the line of battle. Afterward, at the trial of Coriolanus, he repeats the same things in nearly the same number of words. I have adduced these passages at greater length so that the origin and order of ancient military service, and the manner in which it gradually changed, may be established once for all.

Accordingly, by the ordinance of Servius all the richest men were in the first battle-line. This is why Varro derived the name *principes* from the front, and asserted that they had anciently fought with swords from the beginning. The others followed in order of wealth, and at the extreme rear were finally the meaner and poorer men and those who fought with light missiles.

But who were those *Quintiani* outside the order? They were the *accensi*, according to Livy, and each was not even a regular soldier. These things were so in ancient times; but when experience and reason had shown that many features in that order deserved condemnation, they changed it over time. For what reason is there to expose all the best and richest men to dangers by placing them in the first battle-line? They were unwilling to do so and placed the *principes* in the second position.

Let it be permissible for me to agree with the ancients and to dissent from Lipsius--not because I approve the Servian order, but because I think that men who will fight bravely, rather than merely die, must be placed in the first battle-line. At the end, however, I would have a strong reserve placed for every contingency. Yet I would add *velites*, archers, and slingers to the front, but in such a manner that strong men protect them in stationary combat.

Later writers changed the places of the *principes* and *hastati*. Vegetius, book 2, chapter 20: “The combatants in the first battle-line were called *principes*; in the second, *hastati*.” And in book 1, chapter 15: “The first battle-line was of the *principes*, the second of the *hastati*.” Lipsius holds that this began under Trajan or Hadrian. Very rightly indeed, for now the battle-line was arranged according to equity and merit, not according to the caprice of the patricians. The order which history exhibits after the expulsion of the kings was the earlier one.

Now let the manner in which a battle-line must be formed when battle is imminent be explained by the example of a single legion; if need requires, it may be transferred to several. The cavalry is placed on the wings. The battle-line of the infantry begins to be arranged from the first cohort on the right wing. The second cohort is joined to it. The third cohort is placed in the middle of the battle-line. The fourth is attached to it. The fifth cohort occupies the left wing. But

those fighting before the standards, around the standards, and also in the first battle-line are called *principes*, that is, regulars, and the rest are called *principales*.

This was the heavy infantry. They had helmets, cuirasses, greaves, shields, larger swords which they called *spathae*, and other, smaller swords which they called *semispathae*. They had five lead-weighted darts placed in their shields, which they cast at the first assault. They likewise had two missiles. The larger had a triangular iron head nine inches long and a shaft five and one-half feet long. They called it the *pilum*; it is now called the *spiculum*. The soldiers were especially trained to cast it, because when directed with skill and force it often pierced both shield-bearing infantrymen and armored cavalrymen. The other was smaller, with a triangular iron head five inches long and a shaft three and one-half feet long. It was then called the *verriculum* and is now called the *verutum*.

The first battle-line of the *principes* and the second of the *hastati* are taught to be equipped with such arms. After them were the *ferentarii* and the light infantry, whom we now call auxiliaries and light-armed troops: shield-bearing men equipped with lead-weighted darts, swords, and missiles, just as nearly all soldiers now appear to be armed. There were also archers with helmets, cuirasses, swords, arrows, and bows. There were slingers who cast stones with slings or staff-slings. There were also crossbowmen who discharged arrows from hand-ballistae or crossbows.

The second battle-line was more lightly armed; the soldiers standing in it were called *hastati*. In the second battle-line, however, the sixth cohort was placed on the right wing, and the seventh was joined to it. The eighth cohort held the center, with the ninth accompanying it. The tenth cohort always held the left wing in the second battle-line.

Scipio, the distinguished commander, teaches this; Lipsius also agrees with him in book 4, dialogue 6. Scipio employed it in Spain. After observing for several days that the enemy's battle-line was arranged with the best men in the middle and the weaker on the wings, he formed his own in the opposite manner and placed the auxiliaries in the middle, but the citizens and all the strength on the wings.

Finally, two supreme commanders, Caesar and Pompey, showed how much it matters that strong men be in the first battle-line. Caesar placed his strongest legions at the front in the battle-line at Pharsalus. Caesar himself, thus preserving the arrangement stated above, had placed the Tenth Legion on the right wing and the Ninth on the left, although it had been severely reduced in the battles at Dyrrachium. He joined the Eighth to it in such a manner that he made almost one legion from the two and had ordered each to serve as a protection for the other.

He had eighty cohorts in the battle-line, the total of which was 22,000 men. He had placed Antony over the left wing, Publius Sulla over the right, and Gnaeus Domitius over the center; he himself took his position opposite Pompey. At the same time, having observed the circumstances which we have explained, and fearing that the right wing would be surrounded by the multitude of cavalry, he swiftly drew individual cohorts from the third line and formed from them a fourth line.

Pompey acted in the same manner, as Caesar relates in book 3 of *The Civil War*: "When Caesar had approached Pompey's camp, he observed that Pompey's battle-line was arranged in the following manner. On the left wing were the two legions delivered by Caesar under the decree of the Senate at the beginning of the dissension, one of which was called the First and the other the Third; Pompey himself was in that place. Scipio held the middle of the battle-line with the Syrian legions. The Cilician legion, joined with the Spanish cohorts which, as we have shown, had been brought over by Afranius, was placed on the right wing. Pompey considered these to be his strongest troops. He had interspersed the rest between the center and the wings and had filled out one hundred and ten cohorts; these amounted to fifty-five thousand men. There were about two thousand *evocati*, whom he had dispersed throughout the whole battle-line."

Frontinus, book 2, says that Pompey placed the legions on the wings and in the center according to the valor of each and filled the intervening spaces with recruits. Thus he willed that the strongest should be first.

§ 2. It must be considered, first of all, that few men fight in a great battle: in a legion only one hundred fight simultaneously, except that when the first men have cast their spears, they sink down upon their knees and others cast theirs. This must be done especially when the enemy is superior in number, for he can easily be conquered by a few when the action takes place in narrow or rugged places. Those few must therefore be brave, so that they may inflict slaughter.

The Roman battle-line is accurately presented both by many writers and especially by Lipsius. According to Lipsius the battle-line among the Romans did not vary greatly, and it was generally either double or triple. It was double when the whole battle-line was divided into two wings, the right and the left. This arrangement very often prevailed in a consular army, when there were two legions and their own auxiliaries were joined to each. It is certain that this division was ancient and was employed by other nations as well. Polyainos indeed attributes its invention to Pan:

> Διονύσου στρατηγὸς ἦν ὁ Πάν, ὅτι πρῶτος τάξιν εὗρεν, ὠνόμασε φάλαγγα, κέρας ἔταξε δεξιὸν καὶ λαιόν· ταύτῃ τοι ἄρα κερασφόρον τὸν Πᾶνα δημιουργοῦσι.

Pan was the commander of Dionysus, or Bacchus, in military affairs. He first discovered an order of battle, named the phalanx, and established a right and left wing. From this they commonly depict Pan with horns. To seek out and set down a few examples of this disposition among the Romans would be to take drops from a bucket: there are six hundred of them.

It is triple when, besides the wings, another division also rises up in the middle. This too is frequent, not only when there are several legions but even when there are two--these being placed in the middle, with the allies at each wing. The matter is clear in itself, and the examples readily present themselves.

But there is also another method of a double and triple battle-line: in addition to that simple division, a separation and distinction are also made in the rear. Thus, if I have four legions, I place two in front with their allies and set the same number behind them, as reserves. The same was also done with two legions: either each wing of allies--or *ala*, if you prefer--was placed in front with the legions attached behind, or the reverse.

See the matter in Livy, in the battle of Marcellus against Hannibal: “The fighting continued for more than two hours. Then the right wing and the *extraordinarii* on the Roman side began to give ground. When Marcellus saw this, he brought the Eighteenth Legion into the first battle-line. While some gave way in alarm and others came up sluggishly, the whole battle-line was thrown into disorder.” Again, concerning the same Marcellus in another battle: “The battle long remained undecided, inclining to neither side. The Third Legion took the place of the First, and the left wing that of the right.”

There are also examples of the legions themselves disposed in this way. In Livy: “The praetor’s legions were in the first battle-line; Cornelius held his own in reserve.” Elsewhere: “Sempronius led his own legions into the first battle-line; the legions of Publius Licinius were stationed in reserve.” And there are more.

These legions or forces placed in the second or third position were called reserves or reserve forces. Livy again: “When the Twelfth Legion, which was on the left wing, gave ground, he brought the Thirteenth Legion from the reserves into the first battle-line as a support.” Sallust: “There, after changing the ranks, on the right side, which was nearest the enemy, he formed the battle-line with three lines of reserves.” Entire legions were not always substituted in this manner, but sometimes a number of cohorts. Livy: “He immediately sent the reserve cohorts, which were being preserved intact for the contingencies of a longer battle, into the first line.”

The following verses of Tibullus to Messalla pertain to these dispositions:

> If there is need, let the battle-line stand as a square column,
>
> so that the straight order may advance with fronts made equal;
>
> or if it please you to behold a double Mars or a joined one,

so that you, a soldier, may hold the left with the right and the right with the left,

and so that the victory in a twofold event may itself be twofold.

He produces what he calls a varied aspect of battle. First comes the simple square formation, with a straight front; second, the double formation with a wing on each side; third, the joined formation, which I called triple, namely, one formation joined to the other two. For in this manner what is said here occurred: the soldier on the left sees with his own right the left side of the middle body, and the soldier on the right sees with his own left the right side of that same middle body. Look at it, and you will understand.

But what follows delays this interpretation, or rather calls it back: "and so that the victory in a twofold event may itself be twofold." For thus, in a triple battle-line, the victory and the event would be not double but triple. Does he therefore understand by "joined" the battle-line attached below and doubled, of which we spoke, so that one line is placed behind another? This is what I think. In either formation, certainly, a man sees with his right the left of the wing placed beside him, and conversely.

Nor would I object if the text were written: "to behold a double, separated Mars," so that he names only two dispositions: the simple, undivided square, and this one separated into two wings. The sense is easy in this way.

These are the principal and accepted formations among the Romans, although they varied them slightly by advancing or withdrawing them. Examples will teach what I mean. For generally they charged equally with each wing and at the same time. Cato, in Festus, called this "with a straight front"; Tibullus, in the verses cited, "with fronts made equal." Vegetius says on this subject: "One manner of fighting is with a long front and the army squared, just as even now battle is customarily conducted almost always."

The second manner of fighting is oblique, when one wing is advanced before the other. The Greek tacticians write:

Λοξὴ φάλαγξ, ἢ τὸ μὲν κέρας ἕτερον, ὁπότερον ἂν προηγῆται, πλησίον τῶν πολεμίων ἔχουσα καὶ ἐν αὐτῷ τὸν ἀγῶνα ποιουμένη, τὸ δὲ ἕτερον ἐν ἀποστάσει δι' ὑποστολῆς ἔχουσα.

An oblique phalanx is one which brings one wing--whichever has been designated--nearer to the enemy and conducts the battle upon it, but holds the other at a distance by withdrawing it.

Vegetius writes concerning this kind: "The second manner of fighting is oblique and is far better. Its method is as follows. When the battle-lines have been formed and come to the encounter, you will then separate your left wing"--he means the wing and soon afterward calls it so--"farther from the enemy's right, so that neither missiles nor arrows reach it. But join your right wing to his left wing, and there first begin the battle."

But he wishes battle to be joined from the right side only, not likewise from the left. He condemns the latter because, as he says, "the assault is then as though maimed, and men whose bodies are exposed attack the enemy with difficulty." He advises well in view of the ancient armor. For if you advance your left wing against the enemy's right, you plainly expose your uncovered side to the enemy, who will safely attack it with missiles or arrows from his own left. This is what Vegetius means when he says that exposed men then attack the enemy, because shields are of course carried on the left. Whoever sought another cause and referred it to the weakness of the left-hand parts assuredly understood neither Vegetius nor the matter.

Caesar fought Ariovistus by this method. Although he had formed a triple battle-line, he nevertheless "joined battle from the right wing"--these are his words--because he had observed that this part of the enemy was least strong.

The third kind occurs when, in a triple battle-line, you withdraw the third and middle body from the enemy and send in only the wings. Seneca touches upon it: "Just as the same army at one time is spread out more widely, at another is contracted into a narrow space, and is either curved into wings while the middle part is recessed, or extended with a straight front."

Scipio employed this in Spain. After observing for several days that the enemy's battle-line was formed with the best men in the middle and the weaker on the wings, he arranged his own in the contrary manner and placed the auxiliaries in the middle, but the citizens and all the strength on the wings. "When the time for beginning the battle had now come," Livy says, "he ordered the Spaniards"--this was the middle battle-line--"to advance at a slow pace. He himself sent a messenger from the right wing to Silanus and Marcius, ordering them to extend the wing on the left side in the same manner as they saw him extending his on the right, and with the light infantry and cavalry to join battle before the middle battle-lines could meet one another. When the wings had been drawn apart in this manner, there was a hollow in the middle, because the standards of the Spaniards advanced more slowly."

This foresight and formation gave certain victory, because the strongest met the weakest, while the others, awaiting their own enemy, remained idle in the middle and were finally terrified by the flight and slaughter of other men.

The fourth kind is contrary to this, namely, when the middle battle-line itself projects and charges the enemy first. The Greeks call it *bent*, ἐπικαμπής, or also *convex*, κυρτόν. Aelian writes:

> Ἐπικαμπὴς συμβαίνει ἡ τάξις, ἐπὰν τὰ μέσα τοῖς πολεμίοις προσπίπτῃ, τὰ δὲ κέρατα ἐκ τῶν ὀπίσω μερῶν ὄρθια ὑφ' ἑαυτὴν ἔχῃ τεταγμένα.

A formation is called bent when its middle falls upon the enemy, while it has its wings placed straight behind it. Hannibal used this most skillfully in the battle of Cannae, but with this additional art: he made his wings exceedingly strong and preserved them intact; then, after the middle had been driven back and a hollow had been formed, he sent the wings in from both sides against the legions, thereby establishing a certain cause of his victory.

How useful it would be for our commanders to consider and employ such things! I believe that they will gradually do so, as I see the native ability and training of certain men who are now growing up.

§ 3. This battle-line, therefore, was customarily divided into wings when there were two legions and auxiliaries, which held the extreme wings.

§ 4. Sometimes two legions were in front with the allies, while two were placed in the rear. Thus Livy, book 27.

§ 5. Sometimes the battle-line is crescent-shaped, with the wings projecting on both sides, such as that of Scipio.

In this battle-line Vegetius approves an oblique movement, so that battle is fought first against the enemy's left wing; for in this manner the attacking wing will rise up more vigorously and be less exposed.

§ 6. Contrary to this is the formation in which the wings are drawn back and the middle advances.

Hannibal defeated the Romans in this manner at Cannae, but only after he had conquered in the cavalry battle. Livy, book 22: "Toward the end of the cavalry contest the battle of the infantry began. At first the ranks of the Gauls and Spaniards held together both in strength and courage. At length the Romans, after long and repeated exertions, drove back with an oblique front and a dense line the enemy's wedge, which was too thin and therefore insufficiently strong and which projected from the rest of the battle-line. Then, as the enemy were driven back and retreated in alarm, the Romans pressed upon them and were carried in one continuous advance through the headlong column of fugitives, first into the middle battle-line and finally, with no one resisting them, reached the African reserves.

"These had stood with their wings drawn back on both sides, while the Gauls and Spaniards stood in the middle and their line projected somewhat. When this wedge had been driven back, it first made the front level; then, by continuing to give ground, it even produced a hollow in the middle. The Africans had already made wings around it. When the Romans rushed incautiously into the middle, the Africans surrounded them with their wings; then, by extending the wings, they also closed the enemy in from the rear. From this point the Romans, having to no purpose completed one battle and lost the Gauls and Spaniards whose rear ranks they had cut down, entered into a fresh battle against the Africans--not only an unequal one because they were enclosed against enemies surrounding them, but also because, exhausted, they fought against fresh and vigorous men."

§ 7. In ancient times great account was taken of reserves. Vegetius, book 3, chapter 17: "The best method, however, and one which contributes very greatly to victory, is for the commander to have behind the battle-line, prepared in reserve, the most select infantrymen and cavalrymen, together with deputies, companions, and tribunes who are free of other duties--some around the wings, others around the middle. Wherever the enemy presses more violently, they should suddenly rush forward, lest the battle-line be broken, and fill the places; and by adding valor, they should break the enemy's audacity.

"The Laconians first discovered this. The Carthaginians imitated them, and afterward the Romans preserved it everywhere. No better disposition is found than this. For the straight battle-line must attempt this alone, if it can: to repel or rout the enemy. If a *cuneus*, or wedge, must be driven forward, or a *forfex*, or shears, you must have men behind the battle-line from whom you may form the wedge or shears. If a *serra*, or saw, must be drawn out, it will likewise be drawn from the surplus troops. For if you begin to transfer a regular soldier from his place, you will throw the whole formation into disorder.

"If a detached *globus*, or compact body, of the enemy begins to press either your wing or any part, unless you have surplus men whom you can oppose to the body, whether you remove infantry or cavalry from the battle-line, while you seek to protect one place you will expose another to greater danger. But if you do not abound in a multitude of fighting men, it is better to have a shorter battle-line, provided that you place a very large number in reserve. For near the middle parts of the field you ought to have the most select men from among the well-armed infantry, from whom you may form a wedge and immediately break the enemy's battle-line. Around the wings, moreover, it is fitting for you to surround the enemy's wings with cavalrymen armed with lances and cuirasses and reserved for this purpose, and with light infantry."

At the beginning the Gauls had an assault more than manly; afterward, as they languished, one less than womanly, because without order and discipline they expended everything upon the first attempt. When their arms failed them, they fell. Indeed, this is true of most enemies: wars that are strong in their first assault vanish through delays.

§ 8. The greatest care must be given to forming the battle-line. For just as stones heaped together at random do not contain water and do not make a wall, so even the bravest men cannot withstand an enemy assault unless they are arranged in the best manner. Accordingly, Nestor, the wisest of the Greeks, forms the battle-line in *Iliad* 4. Pyrrhus excelled in this art, and Hannibal gave Scipio the first place in it. Hence kings were called λαῶν κοσμήτορες, "arrangers of peoples."

§ 9. Writers command that the battle-line be formed first, because this appears more courageous and because one can do it more conveniently. I think otherwise when the camp is fortified or when you cannot be compelled to battle: form your line second. For you see the enemy's order, which is a great advantage, and he is compelled to wait for you while armed. You will add courage to your own men if they think that you are arranging them prudently; this will also be so because the enemy follows your movement, if you are cheerful.

One must observe whether the adversary is swift and rash; for then such men will easily be conquered, because the man who stands first in battle-line is less able to act. Since the man who first takes his position in the battle-line cannot easily withdraw, he is compelled to await the other. When Hasdrubal had led out his army without food, Scipio commanded his own men to rest and take food. At the seventh hour, when the enemy was returning to camp because of hunger, thirst, and weariness, he led out his forces and conquered.

§ 10. It matters greatly on what side you attack in battle. When Scipio had Spaniards on his right wing and Hanno had Africans on his left, Scipio attacked the left wing; after defeating the Africans, he received into surrender the Spaniards, who were fighting for a foreign dominion. When Philip saw that the front of the Illyrians was strong and their wings weak, he attacked the wings and routed them.

Pammenes the Theban acted more dangerously. When he saw that the strongest Persians were on their right wing, he placed weak men opposite them on his own left and ordered them to flee, but with his own right wing he attacked and defeated the enemy's left. For he had ordered the men on his left to withdraw into rugged places.

The man who forms his battle-line second chooses on what side he will attack and whom he will oppose to whom. The arrangement of a battle-line therefore cannot be determined once for all, much less can the same intervals always be used. It must be disposed according to practical need, according to what the enemy does, or according to what one can advantageously do oneself.

When Scipio saw that Hannibal had eighty elephants, he established open ranks with large intervals, so that he could receive and elude the beasts without harm. When Archelaus had an abundance of chariots, Sulla fixed stakes so that they would be caught. He made open ranks and sent cavalrymen through them, who threw the battle-line into disorder.

§ 11. Sometimes it is better to form the battle-line first in order to inspire terror, but this has no place except against the inexperienced. Thus, when the Turks were about to fight at sea against Don John of Austria, they persuaded themselves that the Christians would flee as soon as they saw the fleet. Otherwise it is best to see what the enemy is doing, so that you may place obstacles in his way.

In the same manner, when Hirtuleius had brought his soldiers up to the rampart of Metellus Pius on a sweltering day, Metellus held his own men back until the sixth hour and then defeated the enemy when they had been exhausted by the heat.

CHAPTER XXXVIII

Stratagems of Those Engaged in Battle

§ 1. Those who deny that these are lawful think in a manner that is excessively old-fashioned and arrogant. Joshua and David employed stratagem, as did not only other great commanders but also holy men. Those are excessively simple who think:

> οὐδεὶς ἀνὴρ εὔψυχος ἀξιοῖ λάθρᾳ κτεῖναι τὸν ἐχθρόν.

No one of sound mind thinks it right secretly to kill a public enemy. "I do not wish to steal victory" is an impious rather than a noble saying. Holy and noble is that theft by which citizens are preserved and vain glory is despised for the sake of public safety. A skilled hunter takes wild beasts by guile. Augustine puts it excellently in his Questions on Joshua 4, questions 9 and 10: "When a war is undertaken justly, whether a man fights openly or from ambush makes no difference to justice." Indeed, if victory can be sought by a good guile or stratagem, one must not proceed by force, because danger would be encountered without cause. And the resourcefulness of that most warlike state is to be praised, which commanded that a cock be sacrificed for a bloody victory but an ox for an ingenious one.

Furthermore, this must be considered: success does not always attend one who is fully prepared against the weak, and victory can turn upon a very small matter. An example is the battle that took place in the city of Perugia between the noble and rival families of the Oddi and the Baglioni. Machiavelli relates the matter in book 3, chapter 14, of *The Discourses*. For when that city was afflicted by civil dissensions and was wholly divided into the two factions of the Oddi and the Baglioni, the latter, having become more powerful, drove the former into exile. The exiled Oddi had gathered an army through the assistance of friends and, having entered Perugia on a certain night, were secretly hastening to seize the forum. But because the individual streets in that city, fortified beforehand with chains stretched across them, impeded the passage of cavalrymen, a certain man with an iron hammer went before them and broke the fastenings of the chains. All the chains had already been broken except only the one that closed the entrance into the forum itself. When the same man was attempting to break it with great exertion, and was prevented from raising the hammer high enough by those who followed at his back and had already sounded the call to arms, he said to them, "Go back," so that he might, of course, break the chain more freely. But this utterance, sent like an echo from the first men to those behind, and by these to others, gradually reached the last men. It caused those at the rear, who did not understand why it had been uttered, to flee with great violence. The rest gradually followed them, abandoned their undertaking, and themselves became the cause of their own destruction, having been disturbed by so slight and accidental an occurrence.

All stratagems are lawful provided that faith and dignity are preserved; all that contain treachery are to be abominated. Pompey defeated Mithridates in Armenia by ordering his cavalry to withdraw until it had reached the place of ambush. Cassius in the same manner drew the Parthian into an ambush after showing cavalry in front and concealing infantry. Ventidius crushed them by the same means, so that they were compelled to depart from the province. Thus he defeated and killed Pharnapates. Caesar preoccupied the hills against Afranius; Juba drew Curio out into the plain and routed his encircled cavalry. Hannibal never failed to employ ambushes. He exposed a few soldiers to Fulvius through the mist and attacked the opposite part of the camp. Against Minucius he concealed infantry in the mountains, and he would have destroyed Minucius had Fabius not come to his aid. At the Trebia Hannibal with remarkable skill so deceived Sempronius that he wore out his fasting army in severe cold by making it cross the river. At Lake Trasimene he drew the Romans into the mountain, and Flaminius did not perceive the ambush before he was surrounded in front, on the flank, and in the rear and was destroyed with his army. He attacked Junius's camp after keeping the Romans disturbed for the entire night by means of six hundred cavalrymen. At Cannae he crushed the Romans by the pretense of six hundred deserters, a device Licinius the consul imitated against the Iapygians.

Care must diligently be taken that guiles do not become known. For how did it profit Semiramis to bring forward camels in the trappings of elephants if the Indians knew of it? What advantage did a childish stratagem bring the people of Fidenae when they sent infantry with torches into the army? Guiles are not guiles unless you manage them with cunning. Certainly the foremost prudence of a prince is to guard especially against the guiles of war. They depict a sword smeared with garlic and thereby separated from a magnet, and inscribe upon it the maxim, "Neither by force nor by guile," which is the emblem of an unconquered prince.

§ 2. Some stratagems belong to war, others to battles. Certain stratagems of war are general and must always be observed when this can be done. The Roman people had various stratagems, of which this was the principal one: they would not readily enter a war or attempt a new province unless they had friends in it or nearby whose assistance they could employ. They defended their Campanian friends against Samnium, and that became the cause of the destruction of the Samnites. They occupied Etruria through the assistance of the Camertes and Sicily through the Mamertines. The Athenians led them into Macedonia; the Rhodians, into Asia; the dissension of the Jewish brothers, into Syria; and royal offspring, into Egypt. By the same method the Spaniard occupied the greatest regions in both Indies, since they always procured with great effort, payment, and hope certain men who preferred foreign dominions. The Turk also overturns everyone while bringing assistance to others; he has faithful friends even in the midst of Europe.

§ 3. Another fraud is to introduce discussion of a truce and peace until one's forces are better prepared, or so that the spirits of the enemy may grow slack and, enticed by the sweetness of peace, abandon their care for war.

§ 4. This too is customary: to aid belligerents in such a way that assistance is sent to the weaker party until, after each side has been weakened, it submits itself to the victor. For a state that sustains a war not by its own assistance but by another's is in the power of its helper.

§ 5. A war must never be greatly feared when many conspire against one; for the man who can withstand their first assaults will easily overcome them all. In 1484 the Italians conspired against the Venetians. The latter won over Ludovico, duke of Milan, with gifts and easily dispelled every danger. Thus also, when the German princes conspired against Charles V, the war was brought to an end at its first assault.

§ 6. Some men have wearied an enemy with sleeplessness by nocturnal disturbances while remaining within a fortified camp. Epaminondas harassed the camp of the Lacedaemonians throughout the entire night by means of a few light-armed cavalrymen and on the following day attacked them when they were exhausted. When Epaminondas came to Mount Oneium, he ordered his army to rest; in the morning he defeated the enemy when they were worn out by their watch. When Titus Quinctius thought that the Volsci would attack his camp, he left a cohort on station during the night, but commanded the trumpeters to ride around the rampart on horses and sound their instruments; then in the morning he attacked and routed the weary enemy.

§ 7. Many men have used the enemy's superstition for their own advantages. I shall adduce only this single instance here, because it shows in a wonderful manner the remarkable wretchedness of the superstitious. Panarmus and Gonippus, Messenians, went into the camp of the Laconians with beautiful horses, white tunics, and purple military cloaks. They were believed by those men to be Castor and Pollux, killed many, mocked the superstition, and then returned unharmed to their own men.

§ 8. When the flight either of the entire army or of one part is feigned, great care must be applied lest some of the soldiers think that it is a true flight and panic arise. When the Romans on one occasion perceived that the enemy was strong, they ordered the *velites* and *hastati* to withdraw to their starting positions once battle had begun; then they killed those who followed with ill-considered ardor. Hannibal placed torches and hay upon the horns of oxen and drove them through the woods. While the Romans were astonished at the movement of fire by night, he escaped by another road. The Spaniards struck the Carthaginians still more violently with a stratagem, for they sent burning carts drawn by oxen into Hamilcar's army and threw its ranks into disorder.

§ 9. When Scipio saw that the strength of Hasdrubal's army was in the middle of the battle-line, he arranged matters in the battle-line itself so that those men should remain idle. For he ordered the wings to advance more swiftly and the middle battle-line more slowly, so that after the wings had been defeated the courage of the middle also might fail. Justinian, the prefect of the emperor Tiberius, conquered while he waited until the Persians had emptied their quivers; for when matters came to swords, he found them inferior.

§ 10. The best stratagem is to guard against opposing stratagems. Archelaidas, although unaware of the ambush, nevertheless ordered his men to advance in formation, saying that there was an ambush; and one truly existed, so that he easily dispersed the men lying in wait. Otherwise, both those who fall into an ambush and those who come to their assistance are in equal danger. Sertorius cast Pompey's soldiers into an ambush and slaughtered, while Pompey himself looked on, the legion that had come to their assistance; ten thousand were killed.

Assistance is cunningly diverted elsewhere, because that terrifies the enemy more. When Parmenion saw that the Tyrians had made a sortie and that the Macedonians were giving way and being hard pressed, he did not aid them but attacked the city. Polyainos, book 5.

§ 11. If a man, enclosed between mountains and rivers or the enemy's garrisons, despairs of being able to escape, he will display everything as though he were going to escape through trackless places, while in the meantime he secretly prepares everything pertaining to bridges and swimming the river; and after threatening one part, he will flee by another.

Iphicrates most skillfully corrected his error. When, on his way to Sicyon, he had passed beyond an ambush, someone from the city cried out, "Now you will pay the penalty." Suspecting that these were not empty threats, he swiftly withdrew by another road and crushed the ambushers.

§ 12. Remarkable also was the stratagem of Titus Didius, who, when he knew that a legion was to be intercepted, pretended that he wished to fight and, after leading out his army, diverted the enemy from concern for the intercepted legion.

§ 13. When camp is set opposite camp, it will be of great advantage if you divide the enemy's forces. For this purpose it will be especially advantageous to have a camp as strongly fortified as possible, so that many men may be dispatched in different directions from it.

§ 14. Men sometimes spread certain reports suddenly in order to animate their soldiers and terrify the enemy--for example, that the enemy's commander has fallen. When Quinctius saw that one wing was giving way, he proclaimed that the other had conquered, and thus added eagerness to his own men and fear to the enemy. This is also a customary means of terrifying enemies.

Edward of England withdrew Philip the Fair from his attack upon Belgium by fraud, for he persuaded Philip's sister that the princes of Gaul had conspired to desert him in the battle-line. Memnon of Rhodes persuaded the enemy that his soldiers were afflicted by mutiny and thereby drew them out into the plains. There was more pretense in Antigonus Hierax. After he had been defeated and had withdrawn his army into safe places, he pretended to be dead. Men were sent, supposedly by the soldiers, to seek the dead man's body and make surrender; when four thousand men had been sent to accept the surrender, Antigonus killed them.

§ 15. Fraudulence resting upon such petty lies is unworthy of a commander. The stratagem of Croesus, who opposed camels to horses because the latter cannot bear their smell, proceeded from natural observation and from intelligence and prudence. Pyrrhus likewise stationed elephants opposite the cavalry, so that he might fill both horses and horsemen with terror of the beasts.

§ 16. Cruel and rash was the deed of Sertorius. When the death of a certain commander was reported to him during battle, he killed the man who had reported it, lest the matter spread. It was cruel, I say, and rash, because others already

knew it, and the messenger had not reported it to Sertorius alone. The anger and fear arising from this could therefore have turned the battle-line away.

§ 17. When Lutatius Catulus the consul had to cross a river with the Cimbri in pursuit, he pretended that he was going to fight, fortified a camp, and sent out foragers. Then, when the Cimbri did the same, he quietly crossed the river.

The man who has the greater number in battle must be admonished to fight with the utmost caution. For since the weaker man attempts everything, he does not require admonition; great forces produce pride, carelessness, negligence, and disaster. The weaker enemy must therefore be feared, because he will strike with an unexpected blow. But the stronger man has many resources for stratagems: he can suddenly extend the battle-line; he can place many men separately in ambush on the flank; he can send in what is, as it were, a new column from the rear; and he can detach men to attack the camp in the midst of the heat of battle. When he employs some or all of these measures, he does so not as though fearing the enemy but in order to finish the war quickly and with little loss.

§ 18. When a battle must be fought, the commander should be continually occupied in considering stratagems, for that is accomplished best which the enemy does not expect. After Epaminondas had created the expectation of a cavalry contest by raising an immense cloud of dust, he suddenly reached the rear of the unsuspecting enemy.

§ 19. Prudently to conceal and dissemble a disaster has brought the name of victory. Titus Licinius buried his own dead. When the enemy on the following day saw that far more of their own men had been slain, they immediately fled. Thus the nocturnal burial of the bodies produced a complete victory.

§ 20. Sometimes the enemy is deceived while he thinks provision is being made for him. Eumenes' soldiers were going to plunder the enemy's baggage at great risk. When he could not persuade them to change their plan, he warned the enemy to guard it better.

§ 21. When an enemy pressing upon you tries to compel you to do something which necessity demands, and you cannot escape the necessity, undertake it voluntarily and submit to the danger with great courage. For in this manner you will act in an orderly way, without disturbance or fear, and you will thoroughly terrify the enemy by the impression of magnanimity and boldness. Is it dangerous for your fields to be burned? Concede them voluntarily as a benefit. Timotheus permitted a part of the territory to the enemy and forbade ravaging with fire or sword.

When Chares the Athenian feared that his camp might be attacked out of contempt for the smallness of his force, he secretly sent many men out by night so that, when they returned in the morning where the enemy could see them, they might present the appearance of reinforcements. When Ptolemy had advanced before his army, he attached wagons to every kind of livestock and ordered them to be driven by cavalrymen; by raising a very great cloud of dust, he presented the appearance of an immense army. Gaius Marius and Sulpicius ordered camp servants mounted upon pack animals to appear from a mountain during the battle and present the appearance of another army; by this means they threw the enemy's battle-line into disorder.

§ 22. Whether it is better to make an assault upon the enemy or to sustain one is disputed among commanders. Decius attacked the enemy; Fabius sustained the assault. The soldier who attacks is more courageous; the one who receives the enemy is more prudent. If the intervening space is somewhat long, it is better to receive him, for the enemy arrives out of breath. If the enemy is more timid, he must be attacked; if he is bold, his assault must be sustained, for he will be wearied by his first onset.

But firearms have now changed the practice of war. When matters have come within missile range, the man who is ready first inflicts loss and kills some who would have done harm; but this depends upon other circumstances, and especially upon the place.

§ 23. The nature of places often profits more than the valor of the combatants or a veteran commander. Place certainly has the greatest importance for the matter. Marcus Curius defeated Pyrrhus by drawing the phalanx into narrow places.

Men generally contrive to fight from elevated ground. Thus Pompey defeated Mithridates, Caesar defeated Pharnaces, and Lucullus defeated Mithridates and Tigranes. Themistocles defeated Xerxes in narrow waters, the few defeating the many. Datames with a few soldiers always defeated many because he never joined battle without keeping the enemy confined by the narrowness of the places. Thus Aemilius Probus.

Sertorius wore down the Roman forces by skirmishes. Hannibal placed precipitous roads as an obstacle on one flank and defeated Marcellus; at Cannae he used the river Volturnus as a fortification. The Roman Hannibal, Caesar, imitated this in book 3 of *The Civil War*: "His right wing was protected by a certain stream with difficult banks. For this reason he had posted all his cavalry, all the archers, and the slingers on the left wing."

§ 24. Many men have made a suitable place by art. Cleomenes the Lacedaemonian encumbered with trees the plain upon which he was going to fight Hippias with cavalry and made it impassable for a horseman. Xanthippus led the Carthaginian army, which was strong in horses and elephants, into a plain and defeated the Romans. Clearchus caught the enemy's cavalry in pits that were suddenly made; Quintus Sertorius crushed the hostile cavalry by making trenches.

Camps must be fortified with wagon wheels sunk into the ground, chains, a rampart, and caltrops; the soldiery must remain united. The Germans, while pitching camp in different places in Gaul, were cut down by the Guises. Hannibal also awaited the wind at Cannae and conquered by this means. The Cimbri likewise fought against Marius on the Raudian Plain by the same stratagem. The Cimbri also employed the assistance of the sun so that, by the reflection of its rays, they might dazzle the enemy's eyes; but this was a small assistance. The Romans were also aided in the Pontic War by the setting moon. For since it was already near its setting behind the Romans and cast their long shadows, the men of Pontus, in great error, expended their missiles upon those shadows.

Because Eumenes was strong in cavalry, by occupying the ground he brought it about that he drew the enemy down into level places. Hannibal did the same, but cautiously, so that he took account of the cavalry engagements on each side; for he also defeated the Romans' left wing by stratagem.

§ 25. Therefore, just as a camp must be disposed according to the advantage of places, so I judge that a battle-line must be disposed. It is customarily divided in general into various forms: first, so that it is oblong; second, broad; third, resembling a crescent turned toward the enemy; and fourth, crescent-shaped with its horns turned away. For the remaining forms are generally not customary when battle is fought with an entire line. Nevertheless, an extraordinary formation must always be held in readiness.

§ 26. The instruction of Bernardino de Mendoza, part 1, chapter 44, is remarkable. "It is held to be a useful stratagem in battle," he says, "if some troop of lancers and firearm-bearing cavalry is drawn out from the right side of the column, even if it is a fifth part of the column, to attack the enemy from the flank when the battle grows hot. Thus, if the enemy turns against the troop, he presents a bare flank to the column; if he opposes himself to the column, he exposes his flank to the troop. Because the stratagem is of great assistance toward victory, I do not indeed know whether it has been customary among infantrymen; it was of great use to me among cavalrymen, when I arranged light-armed troops for this purpose. I observed that the enemy was affected by great loss in this way even if there were only twenty-five men in a single troop; and with divine assistance I broke up very many columns and, as a soldier, obtained notable victories for our king, the father of Your Majesty."

He teaches that lancers are most suitable for this plan. For a squadron of one hundred or one hundred and twenty lancers can disperse a squadron of four hundred or five hundred firearm-bearing cavalrymen if they divide themselves into smaller troops and attack impetuously in several places; for firearms are rendered useless in that manner and cannot be brought into action.

In their reserves our countrymen not only establish definite ranks but also keep for employment, even among the foremost troops, certain columns which they call "flying." These sometimes provoke the enemy, sometimes assist

those who are hard pressed, and also fight, if the enemy has formed his battle-line first, until the other battle-line has been formed.

CHAPTER XXXIX

Other Forms of Battle-Lines

§ 1. Almost all outstanding commanders, because they do not fight without a favorable opportunity, have discovered something new in forming a battle-line. Hence wedges, compact bodies, shears, towers, and saws. They call it a wedge when the battle-line is triangular. Vegetius, book 1, chapter 26. The Greeks call it ἔμβολον, "a ram"; in the time of Ammianus it was called the "boar's head." Suidas, drawing from Agathias, as translated by Lipsius, says:

"Their form of battle-line was like a beak. For it resembled the letter Δ. The front part, where it ended in a point, was covered and dense, because it was fortified on every side with shields. You might say that they had fashioned a boar's head by this structure. But the legs on each side, arranged in depth according to ranks and cohorts and extended obliquely for the most part, gradually came together and separated until, having extended to the greatest breadth, they came to an end. Thus the middle space was left empty and the unprotected backs of the soldiers were visible rank by rank."

The Franks and Romans employed it when they wished to break through a battle-line. But it must be used when a way must necessarily be made, for it is an altogether dangerous thing. Secondly, it must be used only when the enemy's ranks are sparse; otherwise they will strike against a solid body. Thirdly, it must never be used when fighting against skilled men, for it is easy for them either to oppose a dense battle-line or to open their ranks so as to enclose the wedge in the middle. "Wedge" is sometimes said of the Macedonian phalanx and of another form of battle-line, as Lipsius teaches.

§ 2. The inverted wedge is the *forceps*, or shears; the wedge is received or worn away by this formation. The formation called a tower, and the one called a brick, do not differ from the preceding forms. In it men repeatedly advance and withdraw.

The Polybian legion had one hundred men in its front and thirty-four inward along its side; the *triarii* were half as numerous as the other divisions of the legion. In antiquity a soldier had three feet in every direction, so that he could handle his weapons conveniently, and this was the minimum. Polybius gives this account, but Vegetius speaks otherwise in book 3, chapter 14:

"Individual armed men have customarily occupied three feet each in a straight line. That is, within one thousand paces, one thousand six hundred and sixty-six infantrymen are arranged lengthwise, so that the battle-line does not show daylight through it and yet there is space for handling weapons. But they wished the distance in breadth between one rank and the rank behind it to be six feet, so that the combatants might have space to advance and withdraw; for missiles are cast more violently with a leap and a run.

"In these first two ranks men mature in age, confident from experience, and protected also by heavier arms are stationed. These, like a wall, must be compelled neither to give ground nor to follow another, lest they throw the ranks into disorder; instead they must receive the advancing adversaries and repel or rout them by standing and fighting. The third rank is formed of the swiftest light-armed troops, young archers, and good javelin throwers, whom they formerly called *ferentarii*. The fourth rank likewise is formed of the nimblest shield-bearers, younger archers, and those who fight vigorously with darts and *martiobarbuli*, which they call lead-weighted darts; these were called the light-armed troops.

"One must therefore know that, while the first two ranks remain standing, the third and fourth ranks always go forward first to provoke the enemy with missiles and arrows. If they have been able to turn the enemy to flight, they themselves pursue together with the cavalry. But if they have been repulsed by the enemy, they return to the first and second

battle-lines and are received between them into their own places. The first and second battle-lines sustain the whole war when matters have come, as they say, to swords and javelins.

“In the fifth battle-line were sometimes placed wagon-mounted ballistae, hand-ballista men, staff-slingers, and slingers. Staff-slingers are those who cast stones with staff-slings. A staff-sling is a staff four feet long, to the middle of which a leather sling is fastened; propelled with both hands, it directs stones almost in the manner of an onager. Slingers are those who, with a sling made of flax or woven hair--for they say these are better--direct stones by whirling an arm around the head. Those who lacked them fought in this rank either with stones cast by hand or with missiles; they called them *accensi*, as being younger and added afterward.

“After all the others, the sixth rank was held by the strongest warriors, bearing shields and fortified with every kind of weapon; the ancients called them *triarii*. These men, so that, rested and fresh, they might attack the enemy more vigorously, customarily sat behind the last battle-lines. For if anything had befallen the first ranks, the entire hope of restoration depended upon their strength.”

And in chapter 15:

“Now that the manner in which battle-lines ought to be formed has been explained, I shall set forth the *podismos*, or measurement, of the formation itself. Within one thousand paces of ground, one battle-line receives one thousand six hundred and sixty-six infantrymen, because individual combatants occupy three feet each. But if you wish to arrange six battle-lines within one thousand paces of ground, nine thousand nine hundred and ninety-six infantrymen are necessary. If, however, you wish to extend this number in three ranks, you will encompass two thousand paces. But it is better to make more battle-lines than to spread out the soldiery.

“We have said, moreover, that six feet in breadth ought to intervene in the rear between the individual battle-lines, and the combatants themselves, standing, occupy one foot each. Accordingly, if you arrange six battle-lines, an army of ten thousand men will occupy forty-two feet in breadth and one thousand paces in length. But if you wish to arrange them in three, an army of ten thousand will occupy twenty-one feet in breadth and two thousand paces in length. According to this calculation, whether there are twenty thousand or thirty thousand infantrymen, they will without any uncertainty or difficulty be able to be arranged according to the measure of the *podismos*. Nor is the commander deceived when he knows how many armed men a place can contain.

“Finally, if the place is narrower, or if the multitude is sufficient, it is fitting for even nine or more battle-lines to be formed from them. For it is more expedient that they fight close together than separated too widely. For if the battle-line has been made too thin, it is swiftly broken through by an assault of the adversaries, and afterward no remedy can exist. Which numbers ought to be arranged on the right wing, which on the left, and which in the middle is either observed by custom according to their ranks, or certainly changed according to the character of the enemy.”

§ 3. The form of the battle-line is now determined according to the advantage of the places and according as the enemy establishes his own. Account is also taken of nations, some of which are more disposed toward certain forms; and therefore, if that form is adopted, they fight more skillfully and confidently. When the front is broad, they wish it to exceed the depth by one third; when the battle-line is deeper than it is broad, they require the same proportion. Nevertheless, I understand that this must be varied if the enemy’s battle-line or the situation of the places requires it.

The wings of firearm-bearing cavalry surround the flanks. Light-armed cavalry fights by troops; cuirassiers preserve their ranks more closely. Mendoza compares the battle-line to a human body. He says that firearm-bearers are like the hands and feet; light cavalry, the lower legs and arms; cuirassiers, the hips; legions of infantry, the breast; the commander, the head; and the baggage, the belly. The man who attacks the enemy puts forward his right hand; if he must wrestle, he exerts himself with all his strength at once.

When there are lancers and firearm-bearing cavalrymen, the latter occupy the battle-lines and begin the engagement a little sooner than the lancers; the lancers cast down those whose order has been disturbed. They employ these methods

even in conflicts between few men. Some think that lancers are joined to others disadvantageously because they can effect nothing at a distance. But when joined to cavalrymen carrying long firearms and to infantrymen whom they call musketeers, they are useful. Therefore they must by no means be neglected.

CHAPTER XL

Various Examples of Battle-Lines

§ 1. Crassus formed a square against the Parthians, so that twelve cohorts held each side and a troop of cavalry was attached to each cohort. But he did this in alarm and like a man stunned. For by dividing the cavalry he rendered every part weak, although the Parthians were superior in cavalry.

§ 2. The Triballi in Stobaeus, Discourse 52, make a different disposition. The first part contains the weak, who provoke the enemy to battle; the second, the strongest; the third, cavalrymen; the fourth, women.

Xanthippus's battle-line was skillfully contrived. For he commanded the light-armed auxiliaries to provoke the enemy and withdraw; the bravest men then received the enemy, and while the battle took place between them, the auxiliaries were again to break out from the wings.

Cyrus, following Croesus's counsel, advanced into the kingdom of Tomyris, whereas otherwise he would have lost his kingdom. Herodotus, book 1. And there he established a new battle-line by which he also conquered.

§ 3. Those who have chariots and elephants place them in the first battle-line. For they very easily throw the enemy's ranks into disorder, whereas if they are in the middle of the battle-line they crush whatever stands in their way.

§ 4. The battle-line of the Hungarians against the Turks, established by Toroneus, had cavalrymen and infantrymen intermingled, so that it could not be surrounded; for he expanded the ranks in such a way that it was equal to a great multitude.

They now approve another method, which is customary. Against the Turks' crescent-shaped battle-line the army must be divided into three parts, so that two fight against the wings while the middle battle-line remains immovable until it comes together with the enemy and fights.

§ 5. Alexander also established another battle-line at Arbela. Frontinus, book 2, chapter 3: "When Alexander at Arbela feared the multitude of the enemy but trusted the valor of his own men, he formed a battle-line facing in every direction, so that, if surrounded, they could fight on every side."

§ 6. Vegetius proposes several kinds in book 3, chapter 20:

"There are seven kinds or manners of fighting when hostile standards clash on each side. The first manner of fighting is with a long front and a squared army, just as battle is customarily conducted even now and almost always. But men skilled in arms do not judge this manner of fighting to be the best, because when the battle-line is extended over a long space, the ground that occurs is not always level; and when a hollow or curve occurs in some part of it, the battle-line is frequently broken in that place. Moreover, if the adversary is superior in number, he surrounds either the right or the left wing from the flanks. In this lies great danger unless you have surplus troops to run forward and sustain the enemy. Only the man who has both more numerous and brave warriors ought to engage by this method, so that he may surround the enemy from each wing and enclose the hostile army, as it were, within his own bosom.

"The second manner of fighting is oblique, and is much better. In it, if you arrange a few vigorous men in a suitable place, even if you are troubled by the enemy's multitude and valor, you will nevertheless be able to carry off victory. Its method is as follows. When the formed battle-lines come to the encounter, you will then separate your left wing farther from the enemy's right, so that neither missiles nor arrows reach it. But join your right wing to his left wing, and there first begin the battle, so that with your best cavalrymen and most approved infantrymen you attack and encircle his left part, to which you have joined yourself, and, by thrusting it back and overrunning it, reach the enemy's rear. If you once begin to drive the adversaries from there, as your own men come up you will attain an undoubted

victory, while the part of your army which you have removed from the enemy will remain secure. In this manner of fighting the battle-line is formed in the likeness of the letter A or a carpenter's level. But if the adversary has done this first, you will gather at your left wing those cavalrymen as well as infantrymen whom we have said ought to be placed as surplus troops behind the battle-line, and thus you will resist the adversary with great forces, lest you be driven away by his art.

"The third manner of fighting is similar to the second, but is worse in this respect: you begin from your left wing to clash with his right. For the assault of those who fight on the left wing is, as it were, maimed, and men whose bodies are exposed attack the enemy with difficulty. I shall explain this more clearly. If at any time your left wing is much better, join the strongest cavalrymen and infantrymen with it, and in the encounter apply it first to the enemy's right wing; and hasten as much as you can to drive back and surround the adversary's right part. But remove the other part of your army, in which you know that you have the worse warriors, as far as possible from his left, lest it either be attacked with swords or reached by missiles. In this kind care must be taken lest your battle-line be struck transversely by the enemy's wedges. Battle will be conducted advantageously in this manner in one case only: if the adversary has a weaker right wing and you a much stronger left.

"The fourth manner of fighting is as follows. When you have formed the battle-line, four or five hundred paces before you reach the enemy, who does not expect it, you ought suddenly to urge forward both your wings, so that from each wing you may unexpectedly turn the enemy to flight and attain victory more quickly. But although this manner of contest swiftly conquers if it brings forward trained and exceedingly brave men, it is nevertheless dangerous, because the man who fights thus is compelled to expose his middle battle-line and separate his army into two parts. If the enemy is not conquered at the first assault, he afterward has an opportunity to attack both the divided wings and the abandoned middle battle-line.

"The fifth manner of fighting is similar to the fourth but has this one thing in addition: it places light-armed troops and archers before the middle battle-line so that, by resisting, they may prevent it from being broken into. For thus it attacks the enemy's left with its own right wing and the enemy's right with its own left. If it can put the enemy to flight, it immediately conquers; if not, its middle battle-line does not suffer because it is defended by the light-armed troops and archers.

"The sixth manner of fighting is the best and almost similar to the second. It is employed by those who despair of both the number and valor of their own men, and, if they have formed their line well, they often attain victory although they have fewer men. For when your formed battle-line approaches the enemy, join your right wing to the enemy's left and there begin the battle by means of the most approved cavalrymen and the swiftest infantrymen. But remove the remaining part of your army as far as possible from the adversaries' right part and extend it in a straight line like a spit. For when you begin to cut down their left part both from the flanks and from the rear, you will without doubt turn them to flight. But the adversary cannot assist his struggling men either from his right part or from the middle battle-line, because your battle-line is extended and stretches in its entirety in the likeness of the letter I, and withdraws very far from the enemy. Battle is often joined by this method on marches.

"The seventh manner of fighting is one in which the advantage of the place assists the combatant. In this manner also you will be able to withstand the adversary both with fewer and with less brave men. That is, if on one side you have a mountain, sea, river, lake, city, marshes, or precipices from which the enemy cannot approach, and arrange the rest of your army in a straight battle-line. But on the wing which does not have a fortification you should place all the cavalrymen and *ferentarii*. Then you will fight more securely with the enemy at your discretion, because on one side the nature of the place fortifies you, while on the other almost double cavalry is placed.

"Nevertheless, this must be observed, for nothing better is found: whether you wish to fight with the right wing alone, place the bravest men there; or with the left, station the most vigorous there; or if you wish to form wedges in the middle by which you may break the enemy's battle-line, arrange the most experienced warriors in the wedge. For

victory is customarily achieved by a few. It is enough that men selected by the wisest commander be arranged in those places which strategy and advantage require."

§ 7. The battle-lines of Archelaus and Sulla departed greatly from the common formation. Frontinus, book 2, chapter 3:

"Against Lucius Sulla, Archelaus placed scythed chariots in front to throw the enemy into disorder; in the second battle-line, the Macedonian phalanx; in the third, armed auxiliaries according to the Roman custom, intermingled with deserters of the Italian nation, in whose agility he had the greatest trust; and he stationed the light-armed troops in the last position. Then on each flank he placed cavalry, of which he had a great number, for the purpose of surrounding the enemy.

"Against these measures Sulla drew trenches of great breadth on each flank and fortified their ends with forts. By this method he secured himself from being surrounded by an enemy superior in the number of infantry and especially in cavalry. Then he formed a triple battle-line of infantry, leaving intervals through which he might send the light-armed troops and the cavalry, which he had stationed in the last position, when circumstances demanded it. He then commanded the soldiers before the standards, who were in the second battle-line, to drive thick, numerous stakes firmly into the ground. As the chariots approached, he withdrew his battle-line within the stakes and behind the standards. Then at last, after a universal shout had been raised, he ordered the *velites* and light-armed troops to shower missiles upon them.

"When these things had been done, the enemy's chariots either became entangled in the stakes or, terrified by the shouting and missiles, turned against their own men and threw the Macedonian formation into disorder. When it gave ground while Sulla stood firm, and Archelaus opposed his cavalry, the Roman cavalrymen, suddenly sent forward, turned them away and completed the victory."

CHAPTER XLI

Military Exhortation and the Responses of an Army

§ 1. A dismayed army is impelled to fight either by shame or by fear. By shame, as when the commander casts a standard among the enemy. Servius Tullius did this as a young man under Tarquin; Furius Agrippa, Titus Quinctius Capitolinus, Marcus Furius Camillus, and Salvius Pelignus imitated him. Or it occurs when the commander flies forward into the first battle-line. Thus Lucius Sulla, when the legions were giving way before the army of Mithridates, darted into the first battle-line with his sword drawn and told the soldiers that, if anyone asked where they had left their commander, they should answer, “In Boeotia.” Julius Caesar also sprang forward on foot into the first battle-line at Munda, and thus the soldiers conquered while they were ashamed to desert him.

Quintus Furius restrained men fleeing through fear by threatening that he would receive no one into the camp unless he was victorious. Scipio at Numantia threatened that those who fled would become enemies to him. Marcus Atilius and Philip of Macedon did the same. Priscus the dictator and Cornelius Cossus killed a standard-bearer who hesitated.

§ 2. A brief exhortation in a crisis is effective. Iphicrates promised victory if, when he gave the signal, they would advance one step; he gave it when the situation was inclining toward defeat and conquered. Epaminondas too employed the same kind of exhortation. When Alexander saw his men giving way, he said, “Once more, Macedonian men, let us advance once more”; and thus they drove back the enemy. Therefore, when the battle-line gives way, restrain those retreating; if they return, they have conquered. Caesar indeed:

> He himself puts swords into their hands and supplies their missiles;
>
> he himself moves forward the battle-lines and drives the backs of his men,
>
> and with the butt of his reversed spear rouses those who cease and hold back.

§ 3. There is greater danger when an army is afraid. In such a situation it must be aroused by some remarkable confidence, and this generally can be accomplished in no other way than for the soldiers to think that there is a hidden reinforcement and a stratagem. Fulvius Nobilior gave courage to his men, who were about to fight the victorious Samnites, by saying that one enemy legion had been corrupted by him with money for the purpose of betrayal; and he commanded the tribunes, centurions, and chief centurions to contribute whatever gold and silver they had for the immediate payment of the reward to the traitors. Hence came eagerness and victory.

Therefore one must exhort not only openly--which is sometimes the act of a man who lacks confidence--but through hidden channels, so that courage may increase. When Lucullus saw the army of Tigranes from elevated ground, he said, “We have conquered, soldiers; we have conquered.” He pierced the legs and thighs of the cuirassiers with swords; they cut apart their spear shafts with swords.

§ 4. It is useful to arouse emulation. Against Ariovistus Caesar said that he would fight with the Tenth Legion. It gave him thanks for his judgment, and the others were inflamed by shame for battle.

§ 5. Marcus Fabius and Gnaeus Manlius inflamed soldiers who refused battle because of mutinies by delaying, since they could not endure the enemy’s insults. Lucius Sulla wearied his soldiers with works until they demanded battle; thus labor served in place of exhortation. When the Lacedaemonian soldiers had deposited their most precious possessions at Orchomenus, Agesilaus ordered the townsmen not to receive anything, so that the army might fight more ardently for its own property. Here avarice drove it into battle.

Sometimes terror is struck into the enemy and courage struck out of him by a single utterance. When the Ionians were wavering, Leotychidas spread the report that the Persians had been defeated at Plataea; by this means he animated them.

When Pan, the commander of Bacchus, learned that a hollow mountain was nearby, he ordered a shout to be raised by night; doubled by the echo, it struck terror into the enemy. When Aristomenes saw the triremes intermingled and the battle undecided, he ordered his soldiers to shout, "Permit them to flee." The enemy, truly thinking that their own men were fleeing, fled themselves as well.

§ 6. It was customary in antiquity to exhort men to battle by setting forth the enemy's arrogance and injustice. Thus, when the Carthaginian envoys brought most unjust conditions, Fabius filled the army with indignation. Epaminondas declared that the Lacedaemonians had resolved, if they conquered, to kill everyone of the male sex, to carry off wives and children into slavery, and to destroy Thebes. So great was the ardor of the combatants that they routed their adversaries at the first assault.

By now there is too much experience of this imposture, whereby, in order to move subjects against their princes, men invent everything done and not done. But such things are of use among the inexperienced, and if matters are properly arranged, the whole thing will become an object of ridicule. For what is easier than to expose the emptiest falsehoods? The same Frontinus in book 1, chapter 12, has examples of many men who exposed them all.

It easily falls back upon its authors, moreover, if they have soldiers subject to superstition. When Caesar knew that the Germans had a law against fighting during the waning moon, he defeated them in battle when they were hindered by religious scruple.

Although impostures must never be employed, they nevertheless have sometimes raised the foolish spirits of soldiers. Thus Archidamus secretly established and adorned an altar by night and led horses around it, so that Castor and Pollux might be thought to have been present.

Epaminondas by night arranged through an artisan that the statue of Pallas should hold in its hand the shield that at first had been placed before its feet. The Boeotians, born in dense air, thought that the goddess had taken up her shield and would be their protectress, and fought bravely. He also brought forward the prophet of Trophonius. Alexander likewise abused the superstition of his men. For he inscribed upon the diviner's hand letters that foretold victory; when the diviner held the entrails, the marks were imprinted upon them. Attalus did this still more carefully against the Gauls. Polyainos, book 4.

CHAPTER XLII

The Ancient Battle-Line Cannot Be Preserved in Our Time

§ 1. Machiavelli would wish it to be restored, but with no advantage to the state and with immense harm to the military. He thinks rightly in this: he judges that armies must be arranged so that all are not endangered by the fear or flight of a few. But in pressing the ancient Roman custom he acts beside the point. For the method of fighting which we now employ is much better and much firmer.

The first principle of the Roman battle-line was that exhausted or defeated *velites* withdrew into the ranks of the *hastati*, and the latter into the intervals of the *principes*. But such a withdrawal is not now approved; instead, one body after another is sent into the place of those who are weary. The Romans would have acted much more prudently if they had established matters so that, if they saw the *hastati* being hard pressed, they sent the *principes* to them, and the *triarii* to these.

For when Machiavelli thinks that disorder and the disruption of ranks would arise from the forward movement of those who occupy the second and third battle-lines, he does not sufficiently consider that graver disorder of the ranks arises from the withdrawal and virtual flight of men who give way or have been repulsed than from the forward movement of men who fight and bring aid. For those who are about to fight possess more reason and courage than those who are fleeing; the former advance forward, while the fleeing move backward. Indeed, to raise courage and sharpen boldness it is more effective to aid a man who stands and fights than one who gives way. Confidence is also taken from the enemy by our manner of fighting but increased by the order of the ancients; for he presses more fiercely upon men who give way but fears the man who stands.

§ 2. Furthermore, it must be observed that the nature of our artillery requires a different order of battle-line. For the guns must be brought before the battle-line and disposed with great care; they too must be avoided. This at least is certain: if skill is applied in aiming the artillery, victory is easy. I shall speak of this in its own place; for now it is sufficient if it is understood that the ancient battle-line cannot be established.

For the bravest soldiers now employ firearms, especially those they call muskets, and men rarely fight at close quarters unless one side is fleeing. Accordingly, missile troops are now the chief men and the body of the battle-line. It is prior in nature, moreover, that battle should be fought at a distance rather than at close quarters. Here the guns and muskets, which are the heaviest arms, are discharged at the beginning.

§ 3. In antiquity men sometimes evaded arrows by a swift forward rush. This cannot now be done, for firearms are not impeded by shields and breastplates.

Ventidius did not lead out his army against the Parthians before they were five hundred paces away; by a sudden forward rush he eluded the arrows and defeated the barbarians through the appearance of confidence. To attempt this now is the act of an insane man.

§ 4. Now the employment of artillery on the flanks requires another battle-line. When it is feared that the enemy may surround the battle-line, the fronts must be extended and artillery placed upon the flanks; during the fighting, however, they must be drawn in, and unexpected missiles discharged. In antiquity the cavalry was spread out; now it is held together and sent forward with the utmost caution.

CHAPTER XLIII

General Precepts for Forming a Battle-Line and Fighting a Battle

§ 1. One must not readily fight unless necessity compels it or you see that you have victory in your hands. An army eager to fight but unequal to the enemy must be restrained by a gentle method, so that its spirit may remain brave and eager and yet entrust itself to the commander's prudence. Sertorius taught the barbarous Lusitanians by an example that the Romans must not be conquered all at once but worn down in parts. Then, when he saw that they were going to fight with disastrous loss, he sent a troop of cavalry to provoke the enemy, sent assistance to it when it was hard pressed, and brought them all back. He thus showed what the outcome of the battle would have been if they had tried fortune with all their standards brought together.

§ 2. Battle must not readily be joined. Vegetius, book 3, chapter 9: "Therefore all things must be considered beforehand, attempted beforehand, and done beforehand, before the final extremity is reached. For good commanders always seek to conduct battle not by open combat, in which the danger is common, but from concealment, so that, while preserving their own men intact, they may kill as many enemies as they can, or at least terrify them. In this part I shall relate what extremely necessary measures were discovered by the ancients."

Paulus Aemilius said that an exceedingly good commander very rarely fought with standards brought together unless the highest necessity or the greatest opportunity had been given to him.

§ 3. Therefore he is a great commander who can endure taunts and the name of delayer with an even mind, lest he fight before the proper time or outside his own place and time. Fabius could endure it; Pompey could not. Accordingly, Fabius fought at the urging of others, and Pompey to his own hurt; for a colleague drew Fabius on, while the inexperienced bent Pompey. Against them all Pericles stood unconquered. When Pericles, unequal to the enemy but called to battle even with abuse by his own men, who were eager to fight, answered that felled trees very easily grow again but slain men are restored with the greatest difficulty. Plutarch, *Pericles*.

§ 4. The plan of Gnaeus Sulpicius the dictator was sound, when, as Livy says in book 7, he "protracted the war, being unwilling to commit himself to fortune against an enemy whom time and the foreignness of the place were making worse day by day."

What Machiavelli thinks--namely, that if the enemy wishes absolutely to enter battle, it cannot be avoided--is true. But if he wishes this, the prudent commander will enter battle to his own advantage and with certain victory. For just as a man who has fallen headlong into an absolute desire to buy and eagerly desires to buy another's farm is compelled to buy it for whatever price the seller names, so the man who rashly hastens into battle is compelled to accept the time and place according to the other's will. But it is dangerous to accept from the enemy the conditions for fighting.

Charles V was unwilling to fight the Germans because he did not doubt that their army would soon be dispersed. For he saw that within the league the cities which supplied its sinews were despised and complained with justice; he therefore thought that they would depart from the league, as they did.

§ 5. The necessity of fighting presses if one must yield a place while the enemy is near. For a man who is compelled to depart after removing the baggage scarcely escapes without battle if the enemy follows. For the enemy follows and, by occupying places advantageous to himself, will compel him to fight at a disadvantage.

One must fight when provisions or pay appear likely to fail, and much more if the enemy lays waste to the countryside. At other times, when necessary for safety, it is not dishonorable to defend the walls and not advance into the battle-line. When the Thebans besieged Sparta, all were eager to go out to fight, but Agesilaus delayed because he said that the Athenians also had once been confined within their city by the Lacedaemonians.

§ 6. Nor shall I condemn a commander if he withdraws for a time. For if a stratagematic flight which is soon turned against a careless enemy is praiseworthy, why is not one which lasts for weeks or months also praiseworthy? When Metellus saw that the enemy was eager, he led his army back. Agesilaus likewise, when he saw the order and forces of the Athenians to be such that he could not conquer, withdrew. Polyainos, book 2.

Contempt must not be feared but loved. For whoever despises the enemy is unprepared for battle. An eagerness to fight must be nourished in the soldier; foresight for victory belongs to the commander.

Nor must one readily undertake war against practiced men. When Croesus was contemplating wars against the islanders, Bias dissuaded him by saying that the islanders were preparing a great number of horses against him. Croesus laughed and said, “Would that I might catch them on the mainland.” Then Bias replied, “And they desire to catch Croesus at sea.” For a naval battle was as difficult for Croesus as a land battle for the islanders.

§ 7. One must not fight if there is a danger of losing a kingdom. The duke of Alba was unwilling to fight Guise in the kingdom of Naples, for the French, if defeated, would have lost only their army, while the Spaniards would have lost a kingdom.

§ 8. Nevertheless, I would sometimes advise battle if the enemy has an army of recruits, which becomes better through experience, while you have one of veterans; likewise, if the enemy is afraid.

Let the weaker man terrify; let the stronger render the enemy careless. It is a part of victory for the enemy to be terrified. The man who fears lives only by half. The suspicion of danger contributes as much to victory as danger itself.

A lion is terrified by the noise of wheels, the crowing of a cock, and fire. The enemy flees if you cast before him a mask of fear.

The man who has a veteran and victorious army, as did Hannibal and Caesar, can readily advance to battle. But lest he introduce vigilance into the enemy, it belongs to a commander to wish to appear afraid; it belongs to a Thraso to wish to be feared. Accordingly, an equal will never fight with an equal except to his own advantage. But the fear which makes the enemy cautious must be removed, while that which makes him flee must be struck into him.

CHAPTER XLIV

The Enemy Must Not Be Awaited at Home but Harassed in His Own Country

§ 1. If war has been altogether resolved upon and one's forces are thought equal or greater, it is not prudent to keep the army in pacified territory; it must immediately be led against the enemy. For those who fight abroad possess many advantages.

Great courage and confidence in one's forces are formidable in the man who attacks voluntarily.

Secondly, it contributes greatly to the reputation and authority necessary to those who wage war that you possess so much power that you can not only defend your own possessions but also lay claim to another's.

Thirdly, you can thus transfer your own dangers to the enemy. For if war is waged at home, the enemy is received within one's innermost parts; everything is driven off, carried away, and burned; a friendly and a hostile soldier are equally burdensome. Hence arise dejected spirits, complaints, mutinies, and disturbances, all of which are transferred to the enemy when the soldier is carried across into his country.

Hence we see that the Roman people, while struggling at home, nevertheless did not neglect the Spains but transferred the terror of war into Africa; and in this manner at last they recalled rather than drove Hannibal from Italy. Nor is it doubtful that, if the Romans had abandoned the Spains, they could not have defended their own Italy. For the Carthaginians, having attained undisturbed possession of the Spains, could easily have defeated the Romans by the forces and resources of that nation.

§ 2. Battle must not be permitted to a veteran army that is afraid, because it sees itself to be inferior for a certain reason. Whether it is timid or eager the soldiers themselves will declare, even unwillingly. Pallor and trembling betray the man who is afraid. They expressed approval by assent if they raised their hands, gave a shout, and struck their shields against their knees. Lucan, book 1:

> At once all the cohorts assented to these things
>
> and, raising their hands high, promised whatever wars he called them to;
>
> so great a shout goes to the heavens.

Ammianus indicates the differences between their expressions: "After these words had been finished no one remained silent, but all the soldiers, striking their shields against their knees with a dreadful crash--which is a full indication of prosperity, for, on the contrary, when shields are struck with spears, it is evidence of anger and grief--approved with immense joy, except for a few, the judgment of Augustus."

CHAPTER XLV

It Does Not Belong to a Good Commander to Impose the Necessity of Fighting

Among the other precepts for destroying a state, Machiavelli in book 3, chapter 12, also thinks that a necessity of fighting must be imposed. These are his words:

"We have shown elsewhere how useful Necessity is for bringing human actions to completion, and at the same time we have demonstrated that men compelled by necessity have often performed deeds by which they were raised to singular glory. The moral philosophers also declared that the tongue and the hands, although in themselves they are most noble instruments, would nevertheless never have been able to advance and bring human affairs to the perfection and dignity in which they now stand unless some necessity had compelled them.

"Because this matter was not unknown to ancient commanders, and they readily understood that the spirits of soldiers compelled by necessity become brave and obstinate in fighting, they strove especially to impose upon their own men a necessity for battle by seizing any opportunity, but deliberately to remove that same necessity from the enemy. For this purpose they very often opened to the enemy a passage through routes which could easily have been guarded and closed to their own men a route which they could easily have opened.

"Therefore, whoever desires either to make the citizens of some city brave, bold, and obstinate in its defense, or to render another army brave and persistent in fighting in battle, ought to strive with the greatest effort to impose upon them the necessity of this thing, or at least to persuade their minds that such a necessity presses upon them."

This is evil and dangerous teaching. To impose upon oneself the necessity of encountering the utmost danger is not the act of a prudent or a good man. But those who did this either were rash or were already pressed by necessity; they did not cast themselves into a new necessity but displayed the one into which they had been cast. For who is so senseless as to reduce himself to such a condition that he is compelled to conduct the matter according to the enemy's will and judgment? The man who is compelled to battle is already in the enemy's power.

Who can approve Julian's rashness in a foolish plan harmful to himself and the entire empire, when he burned his ships so that the soldier, as a captive, might fight more bravely? Ammianus immediately says in book 23: "After crossing, he commanded that the bridge be torn away, so that none of the soldiers might retain confidence of returning from his own column."

And afterward: "Leaving the river on his left, with ill-fated guides going before him, he resolved to take the inland roads at a swift pace. And as though the deadly torch of Bellona had been applied, he ordered all the ships to be burned with fire except twelve smaller ones, which he arranged to be carried on wagons because they would be useful for constructing bridges. He thought that he had ordered this advantageously, lest the fleet left behind be of use to the enemy, or lest, just as had certainly been done from the beginning of the expedition, almost twenty thousand armed men be occupied in hauling and steering the same ships.

"Then, when every man, fearing for himself, murmured, and manifest truth showed that the soldiery, if perhaps repulsed by the aridity or height of the mountains, would not be able to return to the waters, and deserters under torture openly confessed that they had deceived them, it was ordered, with the greatest rush, that the flames be extinguished. And because the fire, having increased enormously, consumed most of them, only twelve could be preserved untouched; these were separated so that they might be guarded."

The army itself blamed these actions and Julian as well, for sadness entered everyone in place of courage.

No prudent man therefore casts himself into this danger. Instead, each man must act so that he can fight to his own advantage.

How much more prudently did Hannibal act when he feared Marcellus. He did not cast himself into an absolute necessity in which, if defeated, nothing but death remained; instead, he so arranged his battle-line that he could have a retreat into fortified places.

I add this also: you have been defeated if a cunning enemy thinks you have been placed under a necessity of fighting. For if he wishes to fight only to his own advantage, he has without doubt conquered.

CHAPTER XLVI

Stratagems of Those Conducting a Siege

§1. Speed has the greatest importance for taking cities, for the besieged cannot prepare what is necessary, and they do everything in alarm. Cato secretly completed a journey of four days in two days and took a strong town in Spain. No city, when unexpectedly besieged, long sustains force, because something necessary must inevitably be lacking. None is so weak that it is defeated without difficulty if it foresaw its fate, prepared its forces, and resolved steadfastly to resist. Yet, even when thus prepared, they can never be secure.

§2. The Lucensians were certainly deceived all too easily by Domitius Calvinus. For, when he repeatedly went around the walls with his army without attacking, they thought that he did this for the sake of exercise; and when they took no precautions, he suddenly occupied the fortifications. A commander, therefore, will always do something by which he may lead them into error; and even if they do not believe it, they will nevertheless entertain various suspicions.

§3. Hannibal captured cities by sending many men ahead in Roman dress who knew Latin. Antiochus brought the fortress of Suenda into his power in this way: after the foragers had been killed, he dressed his own soldiers in their clothes and sent them back with the grain. Thymarchus the Aetolian, using the cloak and cap of the slain Chamardes, was admitted in his place into the harbor of the Samians. The Arcadians were besieging a fortress of the Messenians; when they heard that other reinforcements were coming, they assumed arms and dress like theirs and, once admitted, occupied everything.

If you set fire to something nearby and the citizens pour out to extinguish it, the city can be taken amid that alarm. Thus Cimon the Athenian occupied a city in Caria after setting fire to a place and to a temple of Diana. Provision is therefore now made for one part to run to fires and another to arms.

It was already customary in ancient times to send soldiers into a city in another’s dress. When women were wandering around a city in Arcadia on a festival day, Epaminondas mixed his soldiers among them in women’s clothing; admitted into the city as night approached, they occupied the gates and opened them to their own men.

They are also accustomed to take cities by sending soldiers in the dress of merchants. Aristippus the Spartan took Tegea in this way, sending pack animals with sacks of grain.

The Thebans occupied the harbor of the Sicyonians by enclosing soldiers in a ship while merchandise lay above the decks.

Mainius took Dieppe through pretended deserters. Alençon, pretending to depart, returned and almost occupied Antwerp when one of the servants cried out that he had broken his leg and the horsemen and infantry halted; but at last he was repulsed by the strength of the citizens and withdrew. He undertook so great an enterprise too hastily.

Ranzovius relates in book 4, chapter 2, that a city was even set on fire by domestic birds by Hadding. Indeed, a city can be taken by a stratagem of this kind: if birds which are familiar and domestic to the besieged city, and nest in its houses, are caught by fowlers, and lighted pieces of tinder are fastened to their feet and feathers, and they are then released, these birds, returning to their customary lodgings in the houses, will set the city on fire everywhere. The fire, moreover, will not only bring enormous destruction upon the city, but will also compel the townsmen, running together from every quarter to extinguish the fire, to leave their posts for defending their walls and gates; and these, then deprived of their defenders, can be stormed. By this device Hadding, son of Gram, king of Denmark, stormed the city of Duna. For, when he was unable to gain possession of it because of its very high ramparts and walls, he had birds of different kinds, accustomed to dwellings in that place, caught by men skilled in fowling, and caused pieces of tinder kindled with fire to be fastened to their feathers. Returning to their nests, they filled the city with fire. While the

townsmen ran together to extinguish it, Hadding stormed the gates, which were empty of defenders, and thereby took the whole city.

A commander may certainly imitate, when occasion permits, those things which are done without perfidy and perjury. But to proceed by frauds and perjuries is impious and detestable. And yet examples of this kind are more numerous than examples of a just stratagem.

Milo betrayed Tarentum after bargaining for his safety; Sosistratus betrayed Syracuse to Marcellus; Tarquinius, Gabii to his father; Eoneus, Tarentum to Hannibal; Mandro the pirate, Ephesus to Lysimachus; Zopyrus, Babylon to Cyrus. The histories of the gentiles contain innumerable examples.

The best-fortified cities have been compelled by hunger to surrender, and hunger has been increased by stratagem. Fabius withdrew from Campania at sowing-time, so that they would expend more grain upon the sowing; then, returning, he trampled down what had been sown. Antigonus likewise afflicted the Athenians in this manner. Others permitted many persons to take refuge in the cities under siege, so that the grain would be consumed more quickly. Thus Alexander took Leucadia.

By an evil deception, under the appearance of peace, Dionysius subdued the people of Rhegium and of Himera by hunger. For, after making a treaty and granting peace, he required them to furnish what was necessary for his army; when their grain had been exhausted, he compelled them to surrender.

Phalaris took certain fortified places by a more ingenious wickedness. For, after feigning the establishment of peace, he placed his own grain among them as a pledge and assurance of his friendship, and thereby brought it about that the townsmen consumed or sold their own grain. The tyrant, however, had deliberately ordered the roof-vaults to be opened so that his grain would spoil. Therefore, at the beginning of summer he besieged them and soon took them.

Nothing disturbs cities as much as the fear of a long siege. For ordinarily no spirit for defense remains unless they hope that the enemy will depart shortly or that assistance will come. Hence Clearchus the Spartan, knowing that the Thracians sustained themselves with the hope that food for the besiegers would run short, ordered a captive to be killed in the sight of their ambassadors and his flesh to be distributed among the soldiers' quarters as though for food. Terrified by this, they surrendered themselves.

When towns are held by a stronger garrison than can be overcome, one must act so that they withdraw it, and this can be effected in various ways. First, if you depart while feigning fear and despair, as Scipio brought cities in Africa into his power through Masinissa and the Numidians. For citizens, although they scarcely admit a garrison in the utmost danger, desire, once they have passed through the crisis, to be relieved of it.

Next, if many allies defend one city, should an army lay waste their fields or carry terror against them, they will presently disperse to defend their own possessions. In this way Scipio occupied Delminium. For, by pretending to despair of taking that town and to be preparing himself for other enterprises, he caused all who were defending it by common agreement to be summoned away, and he himself entered the city when it was empty of defenders. By the same device Pyrrhus took the capital of the Illyrians, and Rufinus took Croton, except that the latter also employed the perjury of a deserter.

When Fabius Maximus was about to fight the Etruscans, Umbrians, Samnites, and Gauls, he ordered Fulvius and Postumius to go against Sutrium; in this way he called the Umbrians and Etruscans away to defend their own possessions.

§4. Concord among those conducting a siege must be maintained, and suspicions must be avoided.

Domenico Michiel, doge of the Venetians, when he was under suspicion during the siege of Tyre, sent the planks of the ships' hulls to Warmund in the camp in order to show that he was not thinking about sailing away.

§5. It is also an ingenious device to bring one's own reinforcement in as though it belonged to the enemy. When Iphicrates understood that a Spartan garrison was to be brought into Corinth by night, he waited at the gates and entered with the last of them, and killed them.

§6. If a city is being besieged in vain, one must withdraw with the utmost caution.

When Philip was besieging Carrhae in vain and could not easily withdraw his artillery, he ordered it to be taken apart, but with the same sound with which it was usually assembled. The people of Carrhae, supposing that their walls were to be battered more fiercely, were fortifying them while he meanwhile departed.

§7. It is a harsh necessity when one's own villages and towns are burned lest they assist the enemy. This was customary among the Persians. Vercingetorix so thoroughly persuaded the Bituriges of this course in Caesar, book 7, that more than twenty towns were burned in one day. The same is found in Ammianus, book 24.

§8. Nor is the complaint less when the infirm are sent away; yet at times this is done necessarily. The Gauls do this: they order those feeble in health and age to depart. Caesar, book 7, and likewise book 8. At the same time they send away all the baggage.

§9. A shortage of water has compelled invincible cities in many places to surrender. Thus Bethulia came into the utmost danger and was saved by the prudent piety of one woman.

Scipio dug wells in the Spanish war, as Appian relates, but salt water was frequently found. Vitruvius, book 8, chapter 1, and Cassiodorus, book 3, teach how to find water.

It is a wretched practice, yet a customary one, to distribute water by measure. Josephus did this in book 3 of *The Jewish War*.

§10. Fortifications are the chief defense. They make walls not straight but angular. Vegetius, book 4, chapter 2:

"The ancients did not wish the circuit of a wall to be carried in a straight line, lest it be exposed to the blows of rams; but after laying the foundations, they enclosed cities with winding bends and erected more numerous towers at the very angles for this reason: because, if anyone wished to apply either ladders or machines to a wall constructed according to such an arrangement, he is overwhelmed not only from the front but also from the sides and almost from the rear, being enclosed as though within a curve."

Now they construct projecting fortifications and bastions, and separate them by a longer interval, because the artillery more easily reaches those who wish to occupy the intervening spaces.

In former times many fortifications were unconquerable; now scarcely any are. A fortification consists of nature, art, or both. Vegetius, book 4, chapter 1:

"Cities and fortresses are fortified either by nature or by hand, or by both, which is deemed stronger. By nature they are fortified either by an elevated or precipitous position, by the sea or marshes flowing around them, or by rivers; by hand, by ditches and walls. In that natural advantage, the very safe judgment of the person selecting the site is required; on level ground, the skill of the founder is sought. We see that the most ancient cities were established in open plains in such a way that, although the aid of favorable locations was lacking, they were nevertheless rendered unconquerable by art and labor."

In the siege of cities this is generally observed: all approaches and exits are closed, and the strength of the camp is of chief importance; for in this way they can sometimes shut in a great multitude with a smaller body of soldiers.

They are accustomed to approach the walls through trenches, because no arms can resist the enemy if artillery thunders against those approaching.

When the walls are battered, they do this continually, so that in one day they may cast down more than can be repaired in two days. They sometimes also discharge missiles at night, so as to impede those making repairs.

When a city is being attacked, all stand in order, so that, if some are driven back, fresh men may promptly succeed them. When the signal to attack has been given, the ruins of the demolished wall are battered with the smaller pieces of artillery until hand-to-hand fighting has begun; and because only a few can fight at one time, if the garrison is courageous it is scarcely possible to take the city unless they prevail through the exhaustion of the besieged.

As for fire-darts, they are nothing if compared with fiery cannonballs. In the game of chess, however it is begun, it is never concluded in the same manner. So too it happens in war and in a siege.

§11. Many towns are taken by fear alone. Philip ordered earth to be carried to a mound against the fortress of Trinassus; its defenders, supposing themselves to have been undermined by tunnels, gave themselves up.

Pelopidas the Theban, while besieging two towns of the Magnesians, ordered horsemen wearing wreaths to come from one of them in the dress of captives and to affirm that the other had been taken. Consequently the one which was being besieged surrendered itself through false fear, and the other through true fear.

A siege is also raised by fear alone. When Cato could neither send assistance to the Vergetes nor wished to refuse it, he ordered a third part of his soldiers to board ships, to plead the wind as an excuse, and to return; the mere report of assistance liberated his allies. Tynnichus liberated the city of Theodosia by the sound of trumpets, when the enemy believed that a great fleet was arriving.

§12. Vegetius, book 4, chapter 24, shows the great use of tunnels:

“Another kind of attack is subterranean and secret, which they call a tunnel, from the hares which dig caverns beneath the earth and are hidden there. Accordingly, a multitude of men is employed after the fashion of mines in which the skill of the Bessi searches for veins of gold and silver; the earth is dug with great labor and, after a cavern has been hollowed out for the destruction of the city, a path below ground is sought. This fraud operates by a twofold ambush. For either the tunnel penetrates the city, and at night, without the townsmen perceiving it, men emerge through it, open the gates, lead in the column of their own men, and kill the enemy unawares in their very houses; or else, when they have reached the foundations of the walls, they undermine a very great part of them and, after setting dry timbers beneath them, temporarily support the impending fall of the wall by this work. On top they add bundles of brushwood and other kindling for the flames. Then, when the fighting men have been made ready, fire is put underneath; and, once the wooden columns and floors have burned, the wall suddenly collapses and an entrance is opened for an assault.”

The Gauls were most skilled in tunnels because there are workings of copper mines among them. Caesar, book 3.

Alexander took Gaza through tunnels; the Romans likewise attacked Fidenae and Veii. Tunnels were made so that they might secretly reach the interior. Thus men went from the camp into the citadel of Fidenae. Livy, book 4. The tunnels driven toward Veii required great labor. Livy, book 5:

“Then the army was led to Veii and forts were constructed at closer intervals. By an edict that no one should fight without orders, the soldiers were transferred from the sallies--which were numerous and conducted rashly between the wall and the rampart--to the work. By far the greatest and most laborious of all the works was the tunnel begun toward the enemy citadel. Lest the work be interrupted, or continuous labor underground wear out the same men, he divided the number of workers into six divisions; six hours in rotation were allotted to the work by night and by day, and it was never abandoned before they made a way into the citadel.”

This is generally observed: when the tunnelers are about to break out, they display threats elsewhere, so that those intent upon empty dangers may not perceive the true ones.

Sometimes they undermined the wall alone and supported it with beams; when these had been burned, the fortifications fell. In our age, walls, towers, and bastions that have been undermined are hurled high into the air.

Sometimes they pretend to make tunnels when these cannot be completed. Charles of Naples deceived the garrison of the fortress of Matrone. For, after pretending that he was driving tunnels, he took care that rubble be brought from elsewhere and thrown down in their sight. Supposing it to have come from the foundations of the wall, they surrendered themselves. Fulgosius, book 7, chapter 4.

§13. Tunnels are rendered useless by opposing trenches. Sometimes they keep the soldiers away with stones and burning pitch. Caesar, book 7 of *The Gallic War*. During the siege of Apollonia, Trypho of Alexandria discovered where the enemy were about to enter by suspending bronze vessels, for these sound at the blows of those digging; he then killed them with water and heated dung. The people of Themiscyra sent bears and swarms of bees into the tunnels. To have discovered a tunnel, however, is to have conquered it. A bronze vessel sounds if you dig underneath it; in this way a bronze-worker detected a tunnel in the siege of Barca. Our basins and drums sufficiently indicate such places if peas are placed upon them.

§14. The diversion of rivers to other places is akin to tunnels. By diverting the Euphrates Alexander took Babylon, as Semiramis had done before him and as others relate of Cyrus. Lest the enemy perceive what was being done, Alexander constructed a mound, for which the Babylonians believed the earth was being carried out.

Publius Servilius compelled Isaura to surrender by diverting its river. Caesar compelled a city of the Cadurci to do so by drying up its spring through tunnels and denying access to the river by means of archers.

Cleisthenes acted more wickedly. For, after cutting off the watercourse of the Crisaeans, he restored it to them when they were afflicted by thirst, but poisoned the water with hellebore and killed them through looseness of the bowels.

§15. Other cities have been taken by fires and by smoke spread around them. The Turk took Famagusta. They heaped up and kindled a great pile of pine-torches, which burns very readily and exhales a deadly and foul smoke; bundles and timbers were added, and while it burned for four days and could not be extinguished, they meanwhile drove tunnels and compelled the defenders to accept terms.

§16. The Alexandrians entered the tunnels which Frederick had dug and killed his soldiers. Others dig wells to oppose tunnels.

CHAPTER XLVII

Stratagems of the Besieged

§1. Vegetius, book 4, chapter 7, enumerates two kinds of siege:

"There are," he says, "many kinds of defenses and attacks, which we shall insert in their appropriate places. At present it must be known that there are two kinds of siege. One is when the adversary, after arranging garrisons in advantageous places, attacks the besieged with continual assaults. The other is when he either prevents those enclosed from obtaining water, or expects their surrender from hunger after he has barred every supply-route. For by this plan he himself, idle and safe, wears out the enemy. Against these eventualities the possessors, even if alarmed by only a slight suspicion, ought most diligently to gather every supply of food within the walls, so that substance may abound for them while scarcity compels their adversaries to depart.

"Not only pork, but also every kind of animal which cannot be kept alive while enclosed ought to be allocated for salting, so that grain may suffice with the assistance of meat. Farmyard birds, however, are nourished in cities without expense and are necessary for the sick. Fodder must especially be gathered for horses; and what cannot be carried in must be burned. Supplies of wine, vinegar, other produce, and fruits must be gathered, and nothing that may be of use must be left to the enemy. For consideration of both utility and pleasure urges that the cultivation of gardens be practiced in the pleasure-grounds or courtyards of houses.

"Yet it profits little to have collected a very great quantity unless, from the beginning, its distribution is moderated by suitable stewards according to a wholesome measure. Those who began to preserve frugality amid abundance have never been endangered by hunger. An age and sex unfit for war have also frequently been shut outside the gates because of the necessity of subsistence, lest scarcity oppress the armed men by whom the walls were being defended."

Speed also is useful for everything. Because in cities, however strong they may be, there are usually more inhabitants than are occupied on watch, they must leave no stone unturned, construct great new works, and prepare everything. Let no age and no sex be exempted from labor.

In the Epirote war the Spartan women refused to depart from their men, but said that it was honorable for Spartan women to live or die with their men. Accordingly, they dug trenches, tended the wounded, and furnished every service to those fighting.

§2. When a city is being attacked, the first assaults must be resisted, for in this way courage readily increases in the besieged. Vegetius, book 4, chapter 12.

The besieged now have need of many things: gunpowder and the other things pertaining to artillery, of which I have spoken elsewhere.

§3. Vegetius, book 4, chapter 8, advises what must be prepared by the besieged:

"It is fitting to prepare bitumen, sulfur, liquid pitch, and the oil which they call incendiary, in order to burn the enemy's machines. Iron of both tempers and charcoal are stored in repositories for making weapons. Wood needed for spear-shafts and arrows is likewise laid away. Round stones from rivers, because they are heavier on account of their solidity and more suitable for those casting them, are most diligently collected; with these the walls and towers are filled. The smallest are to be cast by slings or staff-slings or by hand. The larger are directed by onagers. The largest, however, of weight and a rolling shape, are arranged on the battlements so that, when released down a slope, they may not only crush those coming up but also shatter their machinery.

“Very large wheels are also fashioned from green wood; or sections cut from the strongest trees--called rollers--are smoothed so that they may roll. Rolling down an incline with sudden force, these strike down fighting men and are accustomed to terrify horses. Beams also, floorboards, and iron nails of different sizes ought to be ready at hand. For it is customary to oppose the machines of those attacking by means of other machines, especially when height must be added to the walls or bastions by sudden works, lest the adversaries’ movable towers rise above them and take the city.”

§4. Cities can be saved especially by opportune sallies. Since these cannot be made with equal forces, they must be assisted by art; for the besieged are generally inferior either in number or in strength. Therefore, when they are about to make a sally, they must act so that they appear least likely to do so. When the Romans held Palermo, they displayed only a few defenders upon the walls and cut down Hasdrubal when he incautiously approached. By the same device the people of Asculum routed Pompey, and the Numantines routed Popillius Laenas. The people of Apollonia, when besieged by Philip, king of the Macedonians, admitted a Roman garrison by night and rested throughout the following day; then at night they came suddenly upon the enemy when he felt secure. Livy, book 33.

§5. It was also customary in ancient times to place hanging portcullises before gates. Vegetius, book 4, chapter 4:

“Care is taken, moreover, lest the gates be burned by fires placed beneath them; for this reason they must be covered with hides and iron. But what antiquity invented is of greater benefit: a defensive work is added before the gate, at whose entrance a portcullis is placed, hanging from iron rings and ropes, so that, if the enemy should enter, it may be let down and those enclosed may be destroyed. The wall above the gate, however, must be arranged to receive openings through which water poured from the upper part may extinguish the fire placed beneath.”

Livy, on the people of Salapia:

“The gate had been closed by the fall of the portcullis. Some raised it with levers; others drew it up with ropes to such a height that they could pass beneath it upright. The way was scarcely open enough when the deserters rushed competitively through the gate; and when nearly six hundred had entered, the rope from which the portcullis was suspended was released and it fell with a great noise. Some of the Salapians attacked the deserters, who were carrying their arms carelessly on their shoulders after their journey as though among peaceful men; others from the towers of the gate and from the walls kept the enemy away with stones, stakes, and javelins.”

The besieged can easily be liberated in any place if at first they remain quiet and then burst out with sudden boldness. The consul Furius, when at first he was besieged and was thought to be afraid, burst out by the rear gate and cut down the incautious enemy. Livy, book 3. Caesar also, in book 5 of *The Gallic War*, when he was so thoroughly despised that they began to tear apart the rampart by hand and fill the trenches, sent out infantry and cavalry from every gate and put the enemy to flight. Indutiomarus was thus routed by Labienus, and so too were the Pompeians in Africa. Marius also endured the insolence of the Cimbri for a long time until he accustomed his soldiers not to fear them.

Even when the wall has been breached, its defense is nonetheless easy, provided only that courage is present. They defend themselves in many ways, especially with weapons; therefore, when the defenders are brave, it is a small thing to have opened a doorway if it is barred with steel. Sometimes they suddenly block the openings with sacks filled with wool, barrels filled with earth or dung, beams, chests, baskets filled with earth, and iron stakes, with wet straw and earth placed around them. They throw down bundles of brushwood and set them on fire; they scatter caltrops and, in place of caltrops, planks filled with nails upon which the attackers may impale themselves; they send down a rotating machine and draw it back; sometimes they raise portcullises. It is best to dig close behind the breach, so that men cannot descend from the wall into the city, and to build defensive works at the sides of the demolished wall. Everything, however, must be prepared before the attack so that it may be at hand amid the utmost haste. They also throw stones and fiery materials of every kind, in which task women and boys can be of assistance.

When Conon was besieged, he sent two cutters which kept different courses; in the evening, after most of the enemy had approached the shore, they escaped.

When Hippodamas, while besieged, could not admit a messenger, he shouted to the man standing outside that the woman bound in the temple of Athena Chalcioecus was troubling him. That woman was an image of Hunger. Although the enemy heard, they did not understand the matter.

A prostitute informed Diognetus of Naxos after obtaining permission to send something to her brothers, the sellers of sweetmeats. She placed a lead tablet in a cake, upon which it was written that they should attack the Milesians by night when they were buried in wine. She had instructed the messenger, moreover, to tell her brothers to eat the cake themselves.

When the Spartan harmost had provisions for two days, a herald sent from Sparta was ordered to say, in the presence of the Athenians conducting the siege, what instructions he had. He said: "The ephors order you to be of good courage; assistance will come." The harmost replied: "Do not hurry; we have provisions for five months." Deceived by this falsehood, the Athenians raised the siege because winter was approaching. Polyaenus, book 2.

§6. No less ingenuity is required in displaying an abundance of supplies, lest the enemy hope that the city will be taken by hunger. The Athenians and Romans scattered wheat. When Hannibal had plowed up the place near Casilinum so that they could not gather herbs, the people of Casilinum cast seed upon it, so that they might appear to have grain until the harvest. The survivors of Varus led captives around their granaries for the whole night.

When the people of Segeberg were besieged by Waldemar and lacked grain, they nevertheless roughened and turned millstones so that the enemy might think that they abounded in it.

In the year 1535 the people of Münster, lest they appear to be deprived of food, began to plow the suburban field as though intending to endure the siege until the harvest. Others ordered empty granaries to be closely guarded.

Lucius Antonius acted more cruelly, for he filled the prisons with slaves and destroyed them by hunger because he was unwilling to expend food upon them or to release them; and that is the Perusine famine.

Francesco Barbaro held Brescia until the siege of the Visconti was raised, because, by bringing in mules laden with sand, he furnished the appearance that grain had been brought in and thus gave courage to the multitude.

§7. Many have endured hunger for a very long time. In famine the people of Petelia cast out their parents and children; they sustained life with hides, leaves, and every kind of animal. The people of Casilinum did the same, as did the Numantines. But stronger were the people of Cyzicus, who could not be driven to surrender by the death of their captives, nor could the people of Aegina, who preferred to behold the punishment of their hostages rather than desert the Romans. Caesar used to say that his plan was the same as that of physicians: to conquer by hunger rather than by the sword.

§8. They contrived to bring in supplies by various devices. At Casilinum the Romans first sent casks filled with flour down the Volturnus; then, after the casks had been caught by a chain, they scattered nuts upon the river. Hirtius sent livestock downstream to the people of Mutina.

There was a pleasing spectacle in bringing pigs into a city. When the besieged could not bring a drove of pigs into the city, they seized one and ran ahead with it; at its grunting the whole herd followed at a rush.

CHAPTER XLVIII

Flight Is Sometimes Permissible, and What Must Be Observed in Flight

§1. Flight is either stratagematic or genuine. We are treating the latter, which is twofold: that of the whole army or that of a part. I shall explain the whole class by a few propositions.

Proposition I. When danger threatens the whole army in a just war, it is better to fight with heroic courage than to flee, because there is great disgrace in flight. Judas Maccabaeus is an example, 1 Maccabees 9, from verse 6:

"And they saw the multitude of the army, that they were many, and they were greatly afraid; and many withdrew themselves from the camp, and there remained of them only eight hundred men. And Judas saw that his army had slipped away and that the battle pressed hard upon him, and he was broken in heart because he had no time to gather them, and he was disheartened. And he said to those who remained: 'Let us arise and go against our adversaries, if we shall be able to fight against them.' And they tried to turn him aside, saying: 'We shall not be able. Rather, let us save our lives now and return to our brethren, and then we shall fight against them; but we are few.' And Judas said: 'Far be it from us to do this thing, that we should flee from them; and if our time has drawn near, let us die courageously for our brethren, and let us not bring a charge against our glory.'"

Judas acted most bravely, and Nicolaus Serarius, a learned and equally pious man, defends him excellently. But it is asked whether he acted rightly in casting himself into so great a danger when he had so few men. I answer that he acted rightly, since he performed a work of heroic courage; and he rightly undertook it because he knew that great forces of the enemy had often been routed by a few with divine aid, and he himself had experienced it. For how great were the armies which Abraham, Gideon, Jonathan, David, and others led out to encounter hostile forces? Heroic courage does not enter the common and well-worn road of courage, but rather the steep and more difficult one, trusting more in God's strength than in its own.

And so, above, 2 Maccabees, the final chapter, verse 7: "But Maccabaeus always trusted with every hope that assistance would be present for him from the Lord." And in the same place, verse 9, he addressed them from the Law and the Prophets, reminding them also of the contests which they had previously accomplished; or, as it is still more forceful in Greek, προσυπομνήσας δὲ αὐτοὺς καὶ τοὺς ἀγῶνας οὓς ἦσαν ἐκτετελεκότες, bringing back to their memory also those very grievous contests which they had completed. Therefore, himself recalling all these same things to his own memory, and at the same time those magnificent promises made in the Law and the Prophets--of which Deuteronomy 28 speaks, and this book above in chapter 3, verses 18 and 19, and chapter 4, verse 8--the most valiant hero thus rushed against the enemy. Judas preferred to die in battle rather than appear to have refused battle, lest he appear to have hoped too little in God. His own glory also pertained to the glory of God.

Proposition II. Although this courage is most praiseworthy, a prudent commander can nevertheless deny the enemy an opportunity to fight and can even withdraw inferior forces, lest he engage an unequal enemy. For that caution harms the state less than a headlong battle does. Nor is danger prudently undergone when the hope of victory is slight. Therefore, one must do what Antigonus used to do, who preferred utility to empty glory; for while yielding ground he used to say that he was seeking the victory placed behind him. It is indeed more honorable to do this by declining battle, but if the army can be withdrawn without danger, it can be done even in the battle itself.

These things concern genuine flight, for feigned flight is praiseworthy, as when Paulus Aemilius pretended to be afraid until the Ligurians, after rashly attacking his camp, were cut down. Fimbria appeared so thoroughly to fear the son of Mithridates that the latter's horsemen, after advancing within the narrow passages of the defenses, exposed six thousand of their number to slaughter. Livius asked Hasdrubal to permit him to depart unharmed; by this pretense he led the enemy into a sense of security and cut him down. When Caesar, coming with two legions to Cicero's

assistance, pretended to be afraid and held back his soldier, he caused the Gauls to approach the camp without caution and consequently killed them while they were out of formation.

The deed of Aristides of Elea was excellent. Dionysius was attacking Caulonia; Aristides displayed a reinforcement of twelve triremes. But when Dionysius opposed fifteen to him, Aristides withdrew as though afraid and at night kindled torches which the fleet of Dionysius followed. He gradually set other torches upon great pieces of cork and released them into the sea; then, withdrawing on an oblique course, he reached Caulonia while Dionysius followed the torches.

If the whole army genuinely flees, let it be collected, strengthened, and fortified as quickly as possible, and let ambushes be prepared for the enemy. If one part has been routed and the other has conquered, let the victorious part claim the victory for itself and make every provision so that it may be able to set an ambush; for then the enemy is exposed and feels secure.

Proposition III. It is never fitting for a commander to decree that the army should hurl itself away in a headlong rout after its ranks have been dissolved. For in battle a few perish; in flight almost all perish. The battle between Campson and Selim was famous. Men fell on both sides, but flight carried off more than the battle.

Proposition IV. A soldier is not permitted to flee for as long as the ranks remain, or the standard, the commander, or the centurion stands firm, even if he sees himself in the most immediate danger of death. For he promised this by oath. Therefore, if he flees, he is perjured. Next, he pledged his fidelity to the public good: by fleeing he betrays the state; by fighting and dying he preserves it.

Proposition V. If the standards have been captured, if a great part of the army flees, and if there is no hope at all in resisting, a soldier can flee. For he would die without any public utility, whereas a man who flees can fight again: ἀνὴρ ὁ φεύγων πάλιν μαχήσεται.

§2. It is commonly said as a proverb that there is greater art in fleeing than in fighting; but to flee ingeniously and to pursue victory elsewhere is praiseworthy.

Flight by stratagem is not cowardice, but industry, as I have said.

Plans for flight, therefore, are salutary when necessity causes it. Tryphon scattered gold so that the soldiers would be delayed. Sertorius and Viriathus wished their soldiers to scatter and to assemble at an appointed place. Many are saved in this manner; for if the enemy also scatters his men, he will do so at peril, and once the soldiers have assembled they will easily be able to harm him while he is dispersed. Those in pursuit, however, never scatter unless they wish to lose the victory. Callicratides pursued Conon with triremes, but when Conon saw that the fleet had been drawn apart, he raised the signal, attacked his pursuers, and defeated them.

When Afranius, fleeing Caesar, could not escape, he fortified a camp. When Caesar did the same and sent men out to forage, Afranius set out on his journey. This was great dexterity, and all the more distinguished because it deceived Caesar.

When Antony was being harassed by the Parthians in the morning, he delayed until the fifth hour. The Parthians, already tired and supposing that he would remain on that day, went back to tend their bodies; he completed a full day's march during the remainder of the day without interruption.

Philip, defeated in Epirus, sought a truce for burying the dead and thus escaped, abusing a pretense of piety for the preservation of the living.

The Carthaginians, defeated at sea, pretended that they were stuck in shallows and did everything that men who are stuck customarily do. The Romans turned aside because they supposed the places to be shallow and gave space to the fugitives. For, to the fugitives' very great advantage, the enemy avoided the very places through which they themselves were fleeing.

Titus Vastus placed an effigy in his bed and fled while the guards watched over the effigy. Polybius, book 8.

Nicon deceived the enemy by covering his own ship in the same manner as theirs.

Many, moreover, have employed the method of adapting the enemy's insignia and clothing to themselves.

Demetrius of Phalerum escaped by hiding himself in a wagon filled with straw. It was a most wretched escape, but salutary in the worst circumstances.

When the enemy attacked his rear in a narrow road, the same man opposed all the wagons and set them on fire; he delayed the enemy until he escaped. Polyaenus, book 4.

Artemisia had two standards, a barbarian and a Greek one, and raised whichever of them was advantageous. Polyaenus, book 8. When she was in danger of being captured by the Greeks, she ordered the Persian standards to be taken down and made an attack upon a Persian ship; by this means she sailed away to Caria.

When Aegyptus knew that he was being sought, and that there were accordingly men lying in wait upon a ship, he told the shipmaster to go and seek Aegyptus, for it was now time to sail. On hearing this, the men lying in wait rushed into the city to seek him; he cut the cable and sailed away. Polyaenus, book 6.

When Themistocles had been carried to Ionia, he disclosed himself to the shipmaster and threatened that, unless he sailed away, he would say that the man had been hired for money to carry him off. Thus, through fear of an accusation, the shipmaster conveyed his country's enemy to safety.

When Diotimus was fleeing with ten faster ships, he backed their sterns some distance into twenty Spartan vessels and sank them. Polyaenus, book 1.

When Eteonicus the Spartan was being besieged by the Athenians and heard that his own men had been defeated at Arginusae, he offered sacrifice as though at joyful news and ordered messengers wearing wreaths to go about. Consequently, the dismayed Athenians remained inactive. He escaped and led away his army. Of such importance is it to send messengers promptly. If Callicratides had perceived the matter before the Athenian commander, the war would have been brought to an end in both places. Eteonicus instilled error in the enemy and thus escaped.

When Brasidas and others were being enclosed by a rampart, they waited until the embankment had in fact been closed; and thus, in the narrow space, protected at the side and rear, they fought.

§3. It has been effected by various stratagems that the enemy should not pursue fugitives. Croesus delayed Cyrus from pursuing by means of flame. Polyaenus, book 7. Mithridates, while fleeing, placed the furnishings of a certain city in a public place; these delayed his pursuers so greatly that they refused to obey their commanders.

Frotho, king of the Danes, defeated by the English, delayed the victor by scattering money. The Gauls abandoned wagons laden with silk and other things and inflicted disaster upon the Caesarians while they contended over the booty. Antigonus likewise deceived the Gauls in this manner in ancient times, for avarice is exceedingly exposed to disasters.

Commius the Atrebatian is worthy of great praise. For, when defeated and fleeing Julius Caesar, he came to ships which stood upon dry ground. The wind was favorable, but the tide opposed him. He therefore ordered the sails to be spread; when Julius observed these from afar and supposed that Commius was departing with a favorable passage, he withdrew.

Iphicrates made a trench behind his soldiers so that they could not flee. But I believe it was rather so that they could not be surrounded from behind, for he was fighting with a small force against a great multitude; indeed, crossing the trench was not so very difficult.

§4. The protection of fugitives lies in concealing a defeat. Artabazus concealed his defeat while he crossed Thessaly. Some have deceived the enemy with fire.

Ammianus Marcellinus, when he could neither flee nor hide, sent a horse upon which he had placed a light across the plain to the right; while the Persians followed it, he himself escaped with his men to the left into the mountains.

It has also been a device of military cunning to give a public signal for flight, but meanwhile privately to warn the rear of the column to stand fast.

When Philip was being routed by the Thracians, he ordered the rear of the column to halt at the signal for flight, so that the others might occupy the road in advance. In slender hope, boldness is the safest course.

When Eumenes, fleeing from the Gauls, was carried in a litter, he ordered himself to be placed upon a hill. They suspected an ambush and desisted from pursuing.

§5. The flight of certain men has appeared ignoble, but nevertheless cunning.

Seleucus, fleeing from Cilicia, assumed the dress of an armor-bearer and performed that office for the commander Amyction. Niccolò Piccinino, enclosed in a sack, was carried through the midst of the enemy by his attendant Todeschino; when men asked what was being carried, the answer was “bread.” Fulgosius, book 7, chapter 3.

Lachares was fortunate in fleeing. At Thebes he hid up to his head in a sewer; at Sestos he went out with women mourning a dead man; at Athens he went out in a servant’s dress, with his face blackened, carrying a basket covered with dung. He then mounted a horse and delayed his pursuers by casting down darics. Bohemond, passing through the dominions of his enemy Alexius, caused himself to be carried in a coffin as though dead.

§6. When one must withdraw from the enemy because he is stronger, the first thing to be done is that it not be thought to occur through fear but through prudence; otherwise the soldiers flee. Next, everything must be done so that the enemy does not perceive the departure. Hence they are accustomed to place the cavalry at the opening, kindle fires at night, and feign battle. But one who has withdrawn far enough to cross a forest, mountains, or a river easily completes the rest of the journey; for, after stationing a garrison, he can delay the enemy until he has reached the appointed place. When the Greeks who had marched into Persia with Cyrus the Younger were being followed by the enemy, and consequently withdrew by night and pitched their camp farther away lest they be attacked in the darkness, the Greeks themselves set out by night and went so far ahead that the Persians first overtook them on the fourth day.

§7. The end of flight, however, is that they recover victory; of this Antigonus is a notable example. No one is easily found who recovered victory as nobly as that Antigonus of whom I have spoken. Polyaenus describes the matter in book 4.

Antigonus had one hundred and thirty ships, over which Nicanor presided. With these he engaged in a naval battle against Polyperchon’s fleet, which Cleitus commanded. The battle was joined in the Hellespont. Nicanor, after his men had been forced by inexperience into the opposing waves, lost seventy ships. Although the enemy plainly held victory in their hands, Antigonus arrived toward evening and did not fear the defeat he had suffered. Instead, he ordered those who remained in the other sixty ships to be ready and equipped for naval battle again during the night. He stationed the bravest of his attendants at the vessels and gave them instructions to threaten that they would bring death upon all who did not go forth into the battle.

And since the nearby city of Byzantium was joined to him by alliance and friendship, he ordered shield-bearing and light-armed soldiers and one thousand archers to be sent from there at once to handle the oars and to cast javelins and arrows into the enemy’s ships. These things were arranged in the course of one night. But when dawn began, while they were casting spears and darts upon the ships, and the enemy, not yet released from sleep but only then awakened, received wounds without precaution, some began breaking the cables, others drawing back the boarding-bridges, others raising the anchors--in brief, all began to raise shouting and tumult. Antigonus also gave the signal to the sixty

ships to approach and make an assault with fury and force. Thus it immediately happened that, while some cast missiles from the shore and others brought hostile ships forward, the victors were overcome by the vanquished.

Parallel to this is the following deed of Sertorius. When Quintus Sertorius, military tribune under the praetor Didius, had his winter quarters in the city of Castulo, the people of Castulo received the enemy Gyrisaeni into the city by night, and together they began to attack and kill Sertorius's men. On hearing the clamor, Sertorius secretly went out from the city with a few men, halted not far from the gate, and began to collect his fleeing men and arrange them in battle-line. When he now saw that he had collected a sufficiently large body, he reentered the city by the same gate through which the enemy had gone. He found them scattered into different places and intent upon plunder alone; and thus he routed them within a short time and put on their arms. Having drawn up his battle-line in this manner, under the appearance of the Gyrisaeni he hastened toward Gyrissa. There, since no one suspected anything and they supposed that their own men were returning, the gate-leaves were opened. Thus he took the city and plundered it completely, so that he abundantly repaid the enemy for the evil they had inflicted at Castulo. Fulgosius, book 7, chapter 4.

§8. Those who are sailing sometimes direct lights one way while they themselves keep a different course without a lamp. When Frederick Marabotto the Guelf was fleeing Auria and had already despaired of being able to escape, he advised his triremes by night where he intended to sail; then he placed a lamp upon a shield which was cast toward the shore. The enemy followed it and gave him the opportunity to escape. Fulgosius, book 7, chapter 4.

CHAPTER XLIX

The Enemy's Flight Must Not Readily Be Blocked

§1. Scipio prudently used to say that a road should be prepared for those fleeing. Themistocles even advised Xerxes to flee, lest he keep so great a multitude of barbarians within the vitals of Greece. Alfonso had the same judgment: he thought that a silver bridge should be laid down for a fleeing enemy. Iphicrates also followed fugitives gradually and did not press them toward rivers, lest they despair. After a city had been taken, when they ran together in the forum, he ordered the gates to be opened so that, as they poured out, they might be cut down without danger.

The reason is that, when necessity presses experienced and brave men, it penetrates everything. It is a hard weapon, and those who fought under the utmost necessity have rarely been defeated. Despair makes men mad: because they fear nothing, they either conquer or are conquered with great slaughter. Pontius, commander of the Samnites, gives that warning when they could satisfy the Romans neither by surrendering those responsible nor by any other means.

The prudence of the Roman legates was distinguished when they opened a road to the Etruscans. Livy, book 2:

"Manlius also presented himself in person to restore the battle-line; the recognized faces of the two consuls inflamed the spirits of the soldiers. At the same time the enemy's battle-line was now weaker, since, trusting in their abundant multitude, they had withdrawn their reserves and sent them to attack the camp. Having made an assault upon it without a great struggle, they wasted time mindful of plunder rather than battle. The Roman triarii, who had been unable to sustain the first assault, sent messengers to the consuls to report the state of affairs, returned in a body to the praetorium, and of their own accord themselves renewed the battle.

"The consul Manlius, having been carried back into the camp, had opposed soldiers at every gate and blocked the enemy's way. This despair inflamed rage rather than courage in the Etruscans. For, after they ran wherever the hope of an exit displayed itself and had several times made a vain assault, one body of young men attacked the consul himself, who was conspicuous by his arms. The first missiles were received by those standing around him; afterward the force could not be sustained. The consul, struck by a mortal wound, fell, and all around him were routed. The courage of the Etruscans increased. Terror drove the Romans in alarm throughout the camp, and matters would have come to the extremity had not the legates, after seizing the consul's body, opened a way for the enemy through one gate. They broke out through it and, departing in a disordered column, encountered the other victorious consul. There they were cut down again and routed in every direction."

And in book 4, when the Volsci had been surrounded and formed themselves into a circle, Messius exhorted them and led them out, and inflicted enormous slaughter upon the Romans:

"Are you," he said, "going to expose yourselves defenseless and unavenged to the enemy's weapons here? Why, then, do you have arms? Or why did you voluntarily undertake war--you who are turbulent in peace but sluggish in war? What hope is there for you while you stand here? Do you think that some god will protect you and carry you away from here? A road must be made by the sword. Go in this direction in which you see me go before you; you who wish to see your homes, parents, wives, and children, come with me. No wall and no rampart, but armed men, stand in the way of armed men. You are equal in courage, and superior in necessity, which is the last and greatest weapon."

"After he had said this and was putting his words into action, they followed him with renewed shouting and made an assault where Postumius Albus had opposed his cohorts; and they moved the victors until the dictator came to his own men, who were now giving ground. The whole battle turned toward that point. The fortune of the enemy rested upon one man, Messius. There were many wounds on either side and much slaughter everywhere. By then not even the Roman commanders were fighting unwounded. Postumius alone, struck by a stone and with his head broken, withdrew

from the battle-line. Neither the dictator's wounded shoulder, nor Fabius's thigh nearly fastened to his horse, nor the consul's severed arm removed them from so uncertain a battle.

"Messius's assault carried him with a body of the bravest young men through enemies laid low by slaughter to the camp of the Volsci, which had not yet been taken. The whole battle-line inclined to the same place. The consul, having pursued those pouring forth as far as the rampart, attacked the camp and rampart themselves; the dictator moved his forces toward the same place from the other side. The attack was no less spirited than the battle had been. They say that the consul even cast a standard within the rampart so that the soldiers would go up more fiercely, and that the first assault was made in recovering the standard."

If they had furnished those surrounded with an opportunity to flee, they could have destroyed the enemy without receiving a wound; as matters stood, the battle was renewed more severely than at the beginning. For one man--made mad by despair and anger, and fearing death accompanied by torment--is stronger than three upon whom no necessity of fighting presses.

§2. Therefore, fugitives must be pressed cautiously, lest necessity make them resist, so that they may flee more readily thereafter, believing that the victors will not press fugitives toward destruction. For those oppressed by a peril on either side nevertheless wage a memorable battle. Necessity sharpens even cowardice, and often despair is the cause of hope. Curtius, book 4, taught this. By his own example, the courageous soldier Sempronius Gracchus, having fallen headlong into an ambush, brought it about that they did not fall unavenged. Livy, book 34.

The prudence of the Roman Senate also sufficiently taught us that an enemy must not be enclosed: they decreed that the Gauls, who desired ships, should be conveyed across and assisted with provisions. The Gauls were also given the power to flee through the Pomptine territory. When the Carthaginians, surrounded, were resisting in despair, Lucius Marcius gave them room to flee and cut them down without danger as they fled. Caesar did this to the Germans, and Hannibal at Lake Trasimene. Antigonus allowed the Aetolians who were breaking out to flee and then cut them down from behind. Agesilaus likewise let the Thebans out, and Themistocles let Xerxes out.

Pyrrhus's precept was that fugitives should not be pressed forcefully, so that on another occasion they would flee more readily. For the man who knows that he will certainly die willingly desires to die together with others. "The one safety of the conquered is to hope for no safety."

Datames even defeated Lucullus in this manner. Concerning Datames, Frontinus writes in book 2, chapter 7:

"Datames, commander of the Persians, when he learned that part of his cavalry was deserting while he was fighting Autophradates in Cappadocia, ordered all the rest to come with him. After overtaking the deserters, he praised them because they had briskly gone ahead of him and even exhorted them to attack the enemy courageously. Shame brought repentance upon the deserters; and because they did not suppose that their plan had been detected, they changed it. Thus, while he despaired of his life because of the desertion of his own men, he obtained the victory."

Cato's deed was certainly distinguished. When the Aetolians were attacking Ambracia, he arrived in a small vessel and by voice, hand, and gesture appeared to be summoning ships of his own men which were arriving; the Aetolians therefore desisted from the attack.

Among the laws of Lycurgus was this: not to kill fleeing enemies. The Spartans, the best of soldiers, therefore observed it, so that they preferred to see an enemy fleeing rather than resisting.

CHAPTER L

The Method of Naval War

§1. The plan of Themistocles formerly, and afterward of Pompey the Great, was that particular account should be taken of fleets; for all things are possessed by him who holds the sea.

Hence the Romans always prepared a great fleet--or, rather, had one. Vegetius, book 5, chapter 1:

"The Roman people, however, in keeping with the dignity and advantage of their greatness, did not prepare a fleet for the occasion because of the necessity of some disturbance; but, lest they should ever sustain such a necessity, they always kept one prepared. For no one dares to provoke by war or inflict injury upon a kingdom or people whom he knows to be equipped and ready to resist and avenge. At Misenum, therefore, and Ravenna, individual legions stood with the fleets, so that they would not withdraw too far from the protection of the city and, when circumstances demanded it, might arrive by sea without delay and without a circuitous route at every part of the world. For the fleet at Misenum had Gaul, the Spains, Mauretania, Africa, Egypt, Sardinia, and Sicily close at hand. The fleet at Ravenna, however, was accustomed to seek Epirus, Macedonia, Achaea, the Propontis, Pontus, the East, Crete, and Cyprus by a direct voyage."

Dominion of the sea, therefore, contributes very greatly to power. The Spaniards say that a kingdom without a port is like an oven without fire. And indeed it has appeared in the case of Portugal, a kingdom not great, how by dominion of the sea the Portuguese occupied the Indies and preserve them even today. Lipsius counts more fleets in *On Roman Greatness*, book 1, chapter 5. He thinks that there were four upon the sea and three upon rivers.

§2. Vegetius demands the greatest care in building ships, because it is more dangerous for a ship to be defective than for a house. "The Liburnian," he says in book 5, chapter 4, "is constructed from cypress and from domestic and wild pine, larch, and especially fir, and should more advantageously be fastened with bronze nails than with iron ones. For although the expenditure may appear somewhat heavy, nevertheless, because it lasts longer, it is proved to bring profit. For rust quickly consumes iron nails through time and moisture, whereas bronze nails preserve their own substance even amid the waves." Timber must be cut from the fifteenth day of the moon through the twenty-third. It can be cut from the summer solstice until January.

Ships were of various kinds in former times. The largest had six banks of rowers or more, as Vegetius says; but he is speaking of the ordinary form of ships, for from the ship which is drawn by one bank of rowers they advanced as far as fifteen and sixteen banks of rowers. But biremes, triremes, and quadriremes were commonly used; they have that many banks of oars, rowers, and benches in each order. Indeed, when the Romans first took up maritime affairs, they thought the construction of quinqueremes difficult. Later, however, Antony and Augustus erected high fighting-towers upon their ships. Antony even had δεκήρεις, deciremes, as Dio records. Alexander the Great had twelve banks, as Pliny is the authority.

Ptolemy Philadelphus had two ships of thirty banks, one of twenty, four of thirteen, two of twelve, and fourteen of eleven; thirty hepteres, five hexeres, and seventeen quinqueremes. Great also, and like a town, was the ship of Ptolemy Philopator. It had forty banks; its length was two hundred eighty cubits and its height thirty-eight. There were four hundred sailors in it, four thousand rowers, and nearly three thousand soldiers; it had seven beaks and four rudders. Yet all these things were more for display than for use. For so great a multitude could neither live conveniently nor discharge its duties.

§3. Most approve smaller and more agile ships, because they are driven even by a lighter wind and do not strike upon sandbanks so easily. In the battle against Austria the Turkish ships discharged harmless missiles, because their prows

were much higher. But nevertheless, if we wish to confess the truth, Augustus against Sextus Pompey and Antony used high fighting-towers upon their ships. And the six large Christian ships which, in front of the half-moon formation of our fleet, tore apart the hostile fleet won the victory for the Christians against the Turks in great part.

It is entirely necessary to observe the warnings of storms and obey them, for more fleets have perished by storm than by battle. When you have foreseen everything, one can still perish from thirst in the midst of water. Therefore provision must also be made concerning water.

If you are going to fight at sea, you will be able to advance first into the battle-line; for soldiers already prepared will be able to rest and take food. Nor are they wearied as in a land battle, yet they cannot fight unless the enemy approaches. Timotheus, commander of the Athenians, sent twenty very swift ships against the enemy to make sport of them. These wearied the enemy; afterward he himself cut them down when they were weary.

§4. Naval forces must be trained with enormous care, so that they become accustomed to pull the oars, direct the helm, cast and recover anchors, arrange ropes, spread and contract sails, turn ships, angle the sails, climb the mast, and keep watch from the fighting-top. Finally, they must be fearless before every danger; for, besides the common evils of war, the waters themselves and sea-monsters supply sufficient terror. Then there are the conflicts of winds, shoals, Euripi, whirlpools, tides, bays, promontories, rocks, sandbanks, and that which is especially pleasing to spectators, the stillness of the sea, or dead calm itself.

At night they signal everything to one another more easily by fires. The admiral's ship and vice-admiral's ship always carry a fire before them; but when the latter is present, the admiral's ship displays two, and all imitate this arrangement so that they do not collide through proximity. When a whirlwind arises, a signal is given twice with a great cannon that the ships need not follow the admiral's ship. They also have commands consigned in writing stating the place in which they ought to assemble if they are dispersed. If enemies appear at night, the ship that notices them gives the signal. A watchword for the ships is also given with great care. At sunset, and likewise at sunrise, all the ships come to salute the commander upon the admiral's ship. They receive the watchword in the evening; but if they are hindered by a storm, every captain has the watchwords for the whole week written down and distributes them.

Nothing is more dangerous than a naval battle, for the sea itself is an enemy: ships are easily pierced and burned; one must leap onto enemy ships and fight there. The ships themselves are sometimes entangled with one another and impede one another, and a conquered ship drags the victorious ship with it.

The order of naval battle generally is that the admiral's ship is in the middle, and the larger ships are joined to it, while the smaller hold the wings. I understand this to apply unless the enemy has stronger ships upon the sides. Great care must be taken that those ships which first receive the wind are strong, for the strongest can make the assault. They advance in an even order; the lighter ships regulate their sails so that they are not carried more swiftly than the heavier.

The enemy is harmed chiefly in two ways: by cannon and by grappling-irons, by which vessels are joined together. Formerly they did not have cannon with which to tear vessels apart, but drove the ships' beaks at speed into their sides. Now the method is different, for those who most quickly and skillfully thunder upon enemy ships, and who can strike mast, yards, or rudder, generally emerge victorious. Formerly they fought especially with fire: Cassius sent burning transports into the enemy fleet and set it on fire; Gnaeus Scipio hurled jars filled with pitch and pinewood upon enemy ships; Hannibal hurled vipers.

Against smaller firearms they protect themselves with thick planks, and sometimes with a double barrier of ropes one foot apart. Meanwhile they struggle with great disadvantages, whether while they fight with ships joined and fastened together, or while they cast the enemy's fires upon a ship; for at the same time they themselves too are endangered, lest they be burned together. Every noncombatant throng should be employed in repairing ships and caring for the wounded. The danger is increased by the fact that, when it comes to hand-to-hand combat, one ship attacks one, or two attack one; and thus there are at once as many battle-lines as ships.

§5. With the same wind a fleet advances more slowly--even when the ships are the same--than individual ships do separately. Therefore, when departure is necessary, a commander will prepare himself for a longer voyage than a merchant will.

When a maritime battle is to be fought, a flag is displayed from the admiral's ship. If a ship appears from elsewhere, the ship nearest to it suspends one flag; if two appear, it suspends two, and warns the commander of the fleet.

When scout ships judge that something is seen by them, if the commander wishes them to advance and investigate it better, he suspends a flag at the prow. Indeed, many things are indicated at sea by flags, because sight extends for the greatest distance across the water, whereas in fields it is impeded by thickets and other things.

When a ship has struck something or is stuck upon sandbanks, it fires a cannon three times, and someone requests assistance from the fighting-top by waving a flag. If a hostile ship secretly enters the fleet for the purpose of spying and there is suspicion of the matter, a flag of a certain or variegated color, such as all the ships possess, is raised from the admiral's ship. Since the spy ship cannot do this, it is immediately detected; it could nevertheless remain hidden if it had previously been informed about the kind of those flags.

§6. A fleet requires many more things than a land army; for the arms of fleets must be furnished in such a way that they can also fight upon land and besiege cities. Ranzovius recounts that many things were present in the Spanish fleet. He says in book 1, chapter 8:

"This fleet was assembled from 130 ships and carried 57,868 units of weight, or what they call lasts; 19,295 marines; 8,052 sailors and rowers; 2,441 larger cannon; 123,090 balls, or cannon-shot; 5,175 hundredweights of gunpowder; 1,238 hundredweights of lead; and 1,151 hundredweights of fire-kindling. There was, besides, an enormous supply of fresh water, wooden dishes, lamps, larger and smaller lanterns, likewise nails and oxhide, and a great quantity of flax and tow for stopping and repairing ships which opened at the seams or were pierced; also shields, many wax tapers, tallow candles, and rather long sacks.

"In addition, all those things were present which serve for moving the larger cannon: 40 mules, lower wagons, wheels, and other things of that kind; and, among other things, equipment sufficient for landing twenty of those greater wheeled cannon which they call cartauns. With these were also conveyed twenty-one of another kind, which, from the use that they render especially in the open field, are called field serpentines or culverins, and 3,500 balls with which these might be loaded.

"As for the smaller weapons, the fleet was abundantly equipped with them. There were at hand 7,000 longer handguns; 1,000 forked guns bent toward the stock, together with their requirements; 10,000 long shafts; 1,000 javelins and double axes; 6,000 shorter spears; and many other things prudently prepared, with which, if circumstances permitted, a land battle could be entered against the enemy and towns besieged and captured. At the same time there were present 700 miners, more than sufficiently equipped with their apparatus for use in driving mines.

"The number of all the persons for whose provisions provision had been made was 30,693. Of this class were hired soldiers, bold musketeers, physicians, surgeons, chaplains, monks, noblemen, and the other attendants of the fleet's supreme commander, judges, sailors, rowers, cooks, and similar persons necessary for the equipment of the fleet. For their sustenance for six months these provisions were held: 11,000 hundredweights of baked bread; 21,255 amphorae of wine; 6,000 hundredweights of salted meat; 3,433 hundredweights of cheeses; 8,000 hundredweights of salted provisions; 3,000 hundredweights of rice; 6,320 hundredweights of beans and vetch; 11,398 bath-measures of oil; 13,687 of vinegar in the same measure; and 11,870 pipes filled with drinking water.

"It was also learned from Spaniards whom the English captured that 12,000 ducats were spent each day to maintain the fleet, and that, in addition, a great quantity of gold and silver was conveyed upon the admiral's ships for the support of the war; but that ten thousand cannon-shots were discharged by the hostile English fleet against the fleet itself."

For the Danish fleet he gives this equipment of the admiral's ship: 100 gunners skilled in loading and discharging the larger cannon; 500 sailors; 700 marines; 20 whole and half cartauns; 14 whole serpentines or culverins; 14 three-quarter serpentines; 4 half serpentines; 15 falcons; 2 bronze fire-projectors; 8 tower-breakers or wall-mounted phalaricae; 8 Tyrian rams; 8 grappling-irons or hooks; 68 machines which they call *Barssen*; 100 hooked machines; 10 units of weight, or lasts, of gunpowder; besides lead, balls, and fuses or fire-kindling in great number.

Provisions were assigned to this same admiral's ship for six months' sustenance: 7,400 sides of bacon; 3,143 pieces of beef; 6,248 quarters of mutton; 6,248 smoked geese; 30 units of weight, or lasts, of butter; 60 lasts of pickled herring; 60 lasts of smaller cod; 1,480 wagonloads of stockfish or hake; 4 lasts of salted pike; 4 lasts of salted eel; 4,000 sea *albicae*; 8,000 dried sea-scallops or flatfish; 8 bundles of long cod; 8 bundles of larger cod or *capitones*; 24½ lasts of oats prepared for human food; 24 lasts of vetch; 402 lasts of bread; 700 lasts of beer; 4 lasts of Lüneburg salt; 10 lasts of coarse foreign salt; and 4 lasts of vinegar.

When ships are lacking, it is customary to detain merchant vessels after the price of carriage has been paid. The kings of Spain and Denmark are accustomed to do this; in this matter one must act so that justice is observed in all things.

Nevertheless, the care of provisions should come first.

οὐ γάρ τι στυγερῇ ἐπὶ γαστέρι κύντερον ἄλλο

ἔπλετο, ἥ τ' ἐκέλευσεν ἕο μνήσασθαι ἀνάγκῃ

καὶ μάλα τειρόμενον καὶ ἐνὶ φρεσὶ πένθος ἔχοντα.

Nothing else more shameless than the hateful belly comes upon a man, since it of necessity commands him to remember it, even if he is sorrowful and turns grief over in his mind.

In an army this evil is more grievous, because a soldier driven to corrupt and foul foods contracts plague and other diseases; and because he grows weak, his spirits fail and he becomes timid.

In order that provisions may be held, it will be advantageous to require not merely money--which, while passing through the hands of Harpies, is diminished--but grain, bacon, cheeses, butter, oil, fish, and other things. For subjects bring these more willingly, and they are kept more profitably.

CHAPTER LI

Scouts Must Be Employed

§1. To know the enemy's plans and conceal one's own has the greatest importance for victory. And scarcely anyone has been defeated in war except one who was ignorant of the enemy's design. Tomombeius lost a most valiant army and was stripped of his kingdom for almost this very reason: all his plans were betrayed.

To have known the enemy's plans is almost to have conquered. Fulvius Nobilior learned that the enemy would seize the rear of the column. He ordered the strongest legion to march first and the baggage to follow. The enemy, enticed by the opportunity, plundered the baggage. But Fulvius had directed five cohorts of the legion to the right and five to the left of the road, and they cut down the occupied enemy. Iphicrates did the same in a not dissimilar manner. Epaminondas said that nothing in a commander was more praiseworthy than to know the enemy's plans.

§2. Even amid military disturbance and slaughter, Germanicus had scouts among the Germans. Tacitus, *Annals*, book 1: "A longer route having been selected, the other things were hastened; for scouts had reported that that night was festive among the Germans and sportful with solemn banquets."

§3. Great kings sometimes go at their own peril to various places in order to learn the enemy's equipment. Saladin, hearing of the Christians' equipment, traveled through Germany, the Gauls, and Spain. Egnatius, book 9, chapter 8. More prudent in this class of action was Memnon, who sent another man with his envoy, namely a famous lyre-player to whom a multitude flocked. Polyaenus, book 5.

§4. Much less should the fortune of one's own army be unknown, for this has sometimes brought destruction. Indeed, men within the same army sometimes do not know the fortune of its parts. Brutus was victorious, while Cassius was defeated upon his own wing; and because Cassius thought that Brutus too had been defeated, he brought death upon himself. When the king of France had defeated the Swiss in Insubria, some intact formations of the Swiss thought that their own men were victorious, and on account of that error almost the whole army perished.

§5. Scouts must always be sent, but cautiously, lest after being intercepted and tortured they disclose your plans. Heraclides, under the appearance of a deserter, burned the Rhodians' dockyards.

§6. Every means, and sometimes novel stratagems, must be employed so that scouts may be discovered. When scouts were in the army of Chares, he ordered each man to seize the man nearest him and ask him his formation, standard, maniple, and mess-company. Since the scouts could not answer these questions, they were discovered. When Theognis ordered all to put on their own arms, he discovered the scouts. But when they hide among baggage-servants and merchants, those men too must be examined, for they are generally known by someone.

§7. Secret characters in letters, whether written upon the carrier's body or in some other manner, are now generally discovered. The safest course is to agree upon the characters before the parties are separated. Formerly, a Carthaginian wrote the secrets of the Romans upon a tablet covered with wax and sent them to his homeland. Demaratus the Greek gave warning of Xerxes' expedition. Gellius, book 17, chapter 9, says that letters inscribed upon heads whose hair had been shaved with a razor, and then concealed by the same hair after it had grown again, were sent to friends.

The Spartan scytale is made with remarkable art. Each party has a piece of wood of the same shape and size. A long strip of paper, like a strap, is wound around it and is then written upon. The recipient winds it around his own piece of wood, and it will reproduce the same conjunction of letters that was upon the first piece of wood. Nor can an enemy draw out any meaning unless he has learned the size of the pieces of wood.

Philip, most cunning of kings, wrote a letter to Antipater: “The Thracians have rebelled; come, leaving everything.” When the Athenians intercepted it, supposing that they had received the secrets of the Macedonians and being free from concern, they withdrew their fleet. Philip’s commanders passed over with no one opposing them.

There is indeed a great opportunity to delude the enemy if fictitious commands are sent to commanders. Yet to recognize them and distinguish the true from the fictitious will not be difficult if some sign known to them alone is added. Mendoza relates that during a siege a sheet enclosed in lead was given to two men, which they swallowed. The sheet was written in such a way that they themselves did not know its contents and could not disclose them even under torture; but they came to the enemy under the appearance of deserters.

Men not only intercept letters sent to allies, but also direct purported letters of the enemy to the enemy by imitating the seal and handwriting, so that they may afflict them with some error. They are accustomed to write letters for the punishment of deserters which are intended to be intercepted, so that the deserters’ credit among the enemy may be destroyed and they may appear to be scouts. Conon, abandoned by his allies, sent a deserter to report that they were fleeing. When the allies perceived men lying in wait, they returned.

§8. Every method of messengers and letters pertains to reconnaissance. Necessity has devised various ways of sending out messengers and delivering letters. Pontius Cominus lowered himself down the Tarpeian Rock and, after swimming across the Tiber, arrived at Veii; afterward he returned unharmed to the Capitol. A Campanian soldier carried a letter enclosed in his belt to the Carthaginians. Letters are also enclosed in the inner part of scabbards. By letters sent upon arrows and by persuading captives that he was coming to liberate the state of the Troezenians, Cleonymus fell upon them while they were divided.

Caesar’s messenger hurled letters into the camp, but there is a danger that they may not be noticed. Therefore, they are better sent through men secretly instructed for the purpose--through those who bring hay, straw, fruit, and similar things into camps. Letters are easily carried by unknown and lowly men. Eric, king of Sweden, wooed the queen of England by letters enclosed in a staff, but the Danish commander intercepted them. Harpagus inserted a letter into a hare.

§9. Scipio followed a remarkable method of reconnaissance. When Laelius was sent as envoy to Syphax, Scipio sent with him, in the place of servants, the choicest tribunes and centurions. Chasing a horse which had been let loose through the camp, they saw all its fortifications and obtained an easy victory for Scipio. The Carthaginians ordered Hamilcar to go to Alexander under the appearance of an exile and report Alexander’s plans to them. The same was also done with the Romans. Cato interrogated one enemy whom he had seized and tortured concerning the enemy’s plans. This is uncertain, since few generally know them.

In this matter, however, the greatest sagacity and the greatest prudence are needed. When Paulus Aemilius saw a great multitude of birds fly out of a forest all at once, he did not groundlessly judge that an ambush of Etruscans was there. By the same sign Tisamenus, son of Orestes, learned that the ridge was occupied by the enemy.

The Carthaginians seem to me to have signaled from a distance most expediently of all. For they could give a signal such that whatever was lacking could be seen at Carthage. They had made two water clocks of equal size and had also established rings at equal intervals. Upon these they had inscribed various things which they might at some time require--for example, engines, gold, grain, cavalry, and infantry. If, therefore, they requested any one of these things, when the water had descended to the ring upon which that thing was inscribed they kindled a fire. Upon seeing this and inspecting their own water clock, assistance was sent from Carthage.

Two things had to be diligently observed in this matter: first, that diligent account be taken of the turning of the water clocks; second, that the fire be made in a fixed manner and place, lest, if there were some accidental or hostile fire in the vicinity, the senate should think that assistance was being requested.

When letters are sent by pigeons, care must be taken lest the birds fall into the enemy's hands, as happened to the sultan while the Christians were besieging Ptolemais. When a signal is given by fires, contrary fires must be kindled so that the enemy may doubt whose they are. The Plataeans did this while they were being besieged by the Spartans. The enemy is especially deceived by changing signals. When the Arabs used smoke by day and fires by night to signify that enemies were approaching, they did this for successive days; but when the enemy was present, they deliberately omitted the signals. Since that omission was itself the signal to them, the enemies, thinking that they lay concealed, conducted everything with greater confidence.

CHAPTER LII

How Traitors Are to Be Endured

§1. Most men love treachery but hate traitors.

I call those men traitors who secretly surrender their homeland, prince, army, secrets, or other things to the enemy, or who share counsels with enemies for the destruction of those to whom they owe fidelity. Accordingly, those who open gates or bring about something advantageous to the enemy are called by this name. Those, however, who come from the enemy, secretly insinuate themselves, and employ fraud are not traitors. Indeed, in a just war this is a stratagem, not treachery. Such are those who secretly approach enemy places in rustic dress and by other means; they are scouts rather than traitors.

§2. Men frequently employ feigned treachery in order to draw into destruction those who know how to solicit the minds of soldiers; and thus even traitors are not easily trusted. Alcibiades, employing a fugitive, persuaded the Syracusans to leave the city, which he himself soon captured. He had an army at Catana. A fugitive asserted that the Catanians wished to crush the Greeks and could do so if they received assistance from the Syracusans. The Syracusans went to Catana with all their forces, and Alcibiades captured Syracuse undefended.

The Romans were too credulous. When they were going to free Piso, who was besieged in a tower, they heard from a fugitive the report which Mago had cunningly spread: that Piso had been captured. Terrified, they withdrew.

Guido of Friuli, while besieged, arranged that some citizens should bring certain enemies into the city through feigned treachery. He himself went out by another gate and cut down those who were outside and unprepared; then, returning, he killed or captured those who were wandering through the city intent upon plunder.

§3. When Frederick, king of Aragon, did not know in what place Robert of Naples was going to invade Sicily, he commanded certain citizens of Trapani to persuade Robert to besiege Trapani. As it happened, Frederick himself placed a garrison in it and compelled Robert to remain there throughout the summer, and even to make peace as winter approached.

Mentor, sending letters under the seal of the defeated Hermias, occupied many cities. Frederick, count of Ferrara, sent letters to the commander of Varrueal after imitating Sigismund's hand; he asked whether the commander required a garrison, and, when the latter answered affirmatively, Frederick sent his own.

§4. Care must be taken in various ways that credit be taken away from deserters; for this both restrains desertions, prevents the enemy from learning your plans, and punishes traitors. Hannibal took credit away from deserters. For when he knew that scouts of the Romans were in his camp, he publicly denied that his soldiers who had deserted to the Romans should be called deserters, since they were most skillful soldiers who, at his command, were gathering the enemy's plans. Hannibal was believed, and the genuine deserters, regarded as scouts, were sent back with their hands cut off.

It belongs to a good commander to conceal matters not only from the enemy but even from his own soldier and to deceive him. When Marcus Licinius Crassus was asked at what time he was going to move camp, he replied: "Are you afraid that you will not hear the trumpet?" With a similar plan Furius, having been cast into an unfavorable place, feigned hope in his expression and led the column around, bringing men ignorant of the danger out of it. Claudius Nero's deed was bold and then too hazardous: he kept Hannibal ignorant of it until he had killed Hasdrubal. Mithridates remained hidden from Pompey while passing by his camp. When Hamilcar was seeking Sicily, he gave out tablets which were not to be read unless the ships wandered away from the admiral's ship.

§5. Meanwhile, to use traitors also for concealing plans and to turn them to one's own use belongs to an industrious commander. Frontinus says in book 1, chapter 1:

"In the Parthian War against King Pacorus, Ventidius was not ignorant that a certain Pharnaeus, a Cyrrhestian by nation, one of those who seemed to be allies, was reporting to the Parthians everything that was being done among his own men. He turned the barbarian's perfidy to his own advantage. For he pretended to fear that those things which he especially desired to happen might happen, and to desire that those things which he feared might happen. Therefore, anxious lest the Parthians cross the Euphrates before the legions which he had beyond the Taurus in Cappadocia came to him, he carefully worked upon the traitor so that, with his customary perfidy, he would persuade the Parthians to convey their army across by Zeugma, where the route is shortest and the Euphrates flows in a confined channel. For he asserted that if they came that way he would use the advantage of the hills to elude the archers; but that he feared everything if they advanced into open plains.

"Induced by this assertion, the barbarians led their army around by the lower route. While they joined the more widely spread banks with bridges, which were for this reason more laborious, and constructed the apparatus, they spent more than forty days. Ventidius used this interval to gather his forces; and, having received them three days before the Parthian arrived, he joined battle, conquered the Parthians, and killed Pacorus."

That opportunity is never lacking, especially when wars are among neighbors. Therefore a commander ought to institute now one thing, now another, so that he may deceive the enemy; nor is there any doubt that those who seek a reward from the other side will report it.

The deed of Titus Didius was also prudent. Distrusting the small number of his own men, when he had decided to prolong the war until the arrival of those legions which he expected and had discovered that the enemy was proceeding to meet them, Didius called an assembly and ordered the soldiers to be made ready for battle. He deliberately commanded that the prisoners be guarded rather negligently. A few of them escaped and announced to their own men that a battle was imminent. But the enemy, from suspicion of battle and lest they divide their forces, omitted to intercept those for whom they had been lying in wait. The legions reached Didius in complete safety, with no one intercepting them. Frontinus, book 1, chapter 8.

CHAPTER LIII

Moderate and Fixed Pay Must Be Established

§1. The Romans gave no pay to their soldiers for nearly three hundred years, for they sent the wealthy into battle, and these sustained military service at their own expense. Nor is it surprising that this was so, for while their kings were at home they wore them down like slaves in various works--in constructing sewers, roads, walls, and temples--so much so that many voluntarily met death. For those living so wretchedly, it was desirable to perish in war and to obtain a noble death through wounds.

Justus Lipsius, in book 5 of *On the Roman Army*, thinks that something was paid to the soldier even before this. He proves it from Dionysius, book 5, and Livy, book 9. But he thinks that it was a public contribution toward the costs of war. I add that these things were sometimes required as a reward for the soldiers, or were customarily contributed by the citizens in a necessity.

§2. Afterward, when military service was too burdensome if each man served at his own expense, pay was established in the Veientine War. It is called ὀψώνια, because it was given for buying provisions. Polybius says that foot soldiers receive two obols in pay each day, commanders of formations twice that, and cavalrymen a drachma. According to the calculation of Justus Lipsius, this was ten denarii a month, that is, one philippus. It is a small payment now; at that time it was large, and, because it was new, also very welcome to the people. For that reason it also remained for a long time. But if we consider the cheapness of goods, we shall find that payment to have been by no means slight.

§3. Pay among the Greeks was generally of this kind. The Spartans promised one daric to a soldier, twice that to a centurion, and four times that to a commander, στρατηγῷ. Xenophon, book 7 of the ἀναβάσεως. The Athenians paid a drachma a day, which was more generous, for a daric is worth twenty drachmas.

§4. Every effort must be made that, just as grain was formerly given, so bread should now be given. Formerly, indeed, it was disgraceful to sell grain and to buy bread. But now, since neither grain nor bread is given, money is easily consumed, and then soldiers turn to plunder.

Four modii a month were given to a Roman soldier. This was the ration of slaves, although they sometimes received even five modii. Seneca, Epistle 71. Three times that amount was given to cavalrymen, that is, twelve modii, so that they could feed two servants. The cavalrymen of the allies received eight modii, because they were content with fewer servants.

§5. Meanwhile it was a golden custom to deposit money at the standards, so that the soldiers would not easily consume it and would not easily desert the standards. Vegetius discusses it in book 2, chapter 20:

“This, moreover, was divinely instituted by the ancients: from the donative which the soldiers receive, half should be sequestered at the standards and preserved there for the soldiers themselves, lest it be consumed by their comrades through luxury or the purchase of vain things. For most men, and especially the poor, spend as much as they have been able to possess. This setting aside of money is shown to be advantageous, first, to the comrades themselves; for, since they are sustained by the public ration, their camp property is increased by half from all donatives.

“Then the soldier who knows that his resources have been deposited at the standards thinks nothing of deserting; he loves the standards more and fights more bravely for them in the battle-line, in accordance with the custom of the human disposition, by which a man has the greatest care for those things in which he sees his substance to have been placed.

“Finally, ten purses--that is, ten sacks--were set up for each cohort, and this account was stored in them. An eleventh sack was also added, into which the whole legion contributed some small part, namely for burial, so that, if anyone among the comrades died, the expense of his burial might be provided from that eleventh sack. This account was preserved in a basket in the keeping of the standard-bearers, as they are now called. Therefore, standard-bearers were chosen as men not only trustworthy but also literate, who both knew how to preserve deposits and knew how to render an account to each man.”

There was often an enormous sum of money at the standards. Suetonius, in *Domitian*: “He prohibited the camps of two legions from being joined, and prohibited anyone from depositing more than one thousand sesterces at the standards, because Lucius Antonius, who was attempting a revolution in the winter quarters of two legions, seemed to have gained confidence from the sum of the deposits.”

§6. Besides these things they gave legumes, peas, lentils, and salt. Plutarch, in *Crassus*, regards it as an omen of every evil that, at the beginning, when necessities were being measured out, lentils and salt were given, because these things were regarded as funereal.

Of Carinus the emperor, Synesius says: τὸ δεῖπνον ἦν πίσινον ἕωλον ἔτνος, καὶ ἐν αὐτῷ τεμάχια ἄττα ταρίχη κρεῶν ὑείων. His dinner was a pea porridge from the previous day, and in it were several pieces of salted pork. Spartianus counts among camp foods bacon, cheese, and sour wine.

Metellus prohibited the sale of cooked meat; the soldiers themselves roasted or boiled it. Hence a soldier’s spit and pot were among his equipment. The soldiers themselves baked bread--useless labor, since it can readily be baked by bakers for a great multitude.

§7. These things were therefore given in such a way that something was nevertheless deducted from the pay, namely a fixed price. But they were given freely to the allies; I believe that the allies received less pay from their cities.

§8. Paymasters made agreements with the soldiers and gave money and rations as loans. For each solidus they could receive half a solidus, and nothing more for the entire period of deferred payment: law *Quicumque*, Code, *On Public Receipts*; law *Iubemus*, Code, *On Disbursement*.

§9. Great mutinies have frequently arisen in armies because pay was not rendered. Many devices have also been discovered for pacifying the soldier. Sometimes men employed a wicked art. When the soldiers sought an assembly from Iphicrates on account of their pay, he secretly instructed men skilled in the Persian language and dressed in Persian garb to say that the pay was approaching and that they themselves had been sent ahead. Thus the assembly was broken off.

When Demetrius lacked pay, he enrolled twice the number of soldiers so that, once the enemy had been defeated more quickly, he might compel them to pay the soldiers. When Antigonus, after becoming victor, had previously promised that he would give one gold coin to each Gaul, the Gauls demanded payment also for their boys and women, because he had said “to each Gaul,” and threatened death to the hostages. Antigonus said that he would give it and ordered those who would receive it to come; but he detained them until the hostages were returned. Polyaenus, book 4.

§10. When the credit of the state is intact, the best course in a necessity is to strike coins from readily available material. Perdiccas struck a tin coin and gave the grain of his region in exchange for it. The Venetians at Tyre employed leather money, the senate afterward making good the public credit. When the soldier is foreign and the prince’s credit suspect, this method exasperates the army more than it pacifies it.

CHAPTER LIV

The Method of Provisions and Pay

§1. Military provisions pertain to pay or sustenance, for all things are in vain if the soldier hungers. But because an immense expenditure and great care are needed here, so that provisions may be given at the proper time and not be corrupted, I preferred to speak of the matter separately.

§2. The power of a monarch must be estimated from the multitude and ready availability of his provisions. The Turk excels in the art of war and generally observes these practices: first, always to have forces prepared; second, to forestall the enemy; third, to strike treaties with the enemy's neighbors; fourth, gradually to occupy a region; fifth, to seize useful occasions for campaigns; sixth--and this especially obstructs rulers--not to keep faith. For that is the reason why those whom he besieges defend themselves to the extremity.

Those who write about his power exalt his strength beyond measure. As far as equipment for war is concerned, they say that he indeed possesses enormous and almost incredible resources. He has innumerable cannon. From all Hungary he carried away five thousand, from Cyprus five hundred, and from La Goletta not many fewer. The engines among the Turks are of such monstrous size that they demolish walls by their noise, not merely their blow.

It is established that he has never fought with all his strength against the king of Spain, although strength should not be measured from a battle. I assert that this power would be four times greater if he took account of provisions, that is, of agriculture. For now he is often left destitute, although from Egypt alone he could feed two hundred or three hundred thousand soldiers. But God did not will so savage a tyrant to excel in all things; he diminished the fodder of so savage a beast.

§3. This, therefore, must be done: the soldiers' beggary must be prevented; they must have food and the other things whose denial causes human nature pain. But the camp should be content with little. The Persians subsisted upon bread and water and sometimes watercress; now beggars, once they have fastened a feather to their hat, seek delicacies with the greatest insolence. The emperor Avidius Cassius permitted them to carry only bacon and hardtack. Vulcatius, in *Avidius*.

As Appian says, Scipio conducted foraging with great diligence. He marked out the place which he was going to harvest and rode around it himself with selected squadrons; by this method he eluded African ambushers. Tribunes sometimes received the ration from the soldiers, which Theodosius prohibited: law *Septem*, Code, *On the Disbursement of the Military Ration*. Alexander subjected to capital punishment tribunes who did this and who had taken anything through *stellaturae*. There is also a law of Justinian: law *Secunda*, § *Pro limitaneis*, Code, *On the Office of the Praetorian Prefect of Africa*.

§4. Caesar judged it best to conquer the enemy by hunger. Corbulo preferred the mattock: "For what can be accomplished by sweat does not require blood." Caesar always acted with the greatest diligence so that want would compel the enemy to battle. Marius always provided for himself so that want of provisions could not compel him unwillingly to battle.

§5. The care of surgeons and the wounded also belongs here: there should be as many surgeons as possible in camps, so that the sick may be cared for. Great care must be taken for health, because those dwelling in close quarters very easily spread pestilence. Accordingly, air, water, soil, cold, heat, clothing, and exercises must all be directed to this end: that the soldier remain healthy and vigorous.

§6. If anyone wishes to consider the costs of war, although they increase day by day, he will be able to take an example from Ranzovius's catalogue, book 1, chapter 7.

For the support of the commander of one legion, 400 florins were given each month. For his retinue and attendants--namely, a guard of eight praetorians; a mounted guard of the same number of horsemen; one wagon; a drummer; a trumpeter; a preacher; a secretary; an interpreter; a dispatch rider; a forerunner; and so forth--200 florins were given. To the military praetor, 40 florins; to the prefect of capital matters, 40; to the prefect of the watches, 40; to the assigner of lodgings, 40; to the legionary scribe, 40; to the administrator of the court, 32; to the judicial scribe, 32; to ten commanders of formations, 20; to the prefect of baggage-servants and camp-followers, 8; to the prefect of the prison, 12; to six lictors, 48; to the executioner, 16. The sum was 1,068 florins. This sum was given each month to the commander and attendants of one legion, and amounts to 12,816 florins for a whole year.

In place of travel money or hiring money, captains received 500 florins for each cohort, and one florin and ten batzens for each soldier. As concerns the soldiers' pay, the same commander established for each month--as is also observed in decrees of the Roman Empire concerning universal contributions--four florins for a foot soldier, but twelve florins for a cavalryman.

Privileges, or rather extraordinary pay and honoraria, were established for each month for the commanders and prefects of individual cavalry cohorts, which are commonly called standards: to the commander of cavalry, 200 florins; to the master of cavalry, 100; to the legate, 32; to the standard-bearer, 50. The sum was 382 florins. Moreover, for every twelve cavalrymen a packhorse and a four-horse wagon are assigned; single pay is rendered to the former, double pay to the latter.

From this, therefore, after a calculation has been instituted, we can gather in some measure what sum of money is required for the monthly or annual pay of a large or small army. Let us suppose, for example, that a certain king has decreed a war, for the conduct of which he wishes to enroll an army of 46,200 men, among whom are 6,000 cavalry and 40,200 infantry--approximately the army which one king probably leads out against another. He now deliberates with his men concerning the monthly and annual costs which the pay of so many soldiers will consume. Accordingly, from the figures just set down, he will institute a reckoning of this kind.

For 40,200 infantry.

The number of infantry constitutes 134 cohorts. According to common custom one cohort has 300 soldiers, among whom there are generally 96 recipients of double pay--namely, 82 armored pikemen who use long shafts, and 10 advance musketeers, by which name I call those who discharge larger guns of a more dreadful sound after placing them upon rests. These recipients of double pay, as their name also indicates, are entitled to two payments. Therefore, for maintaining one cohort, apart from the pay of the captain and the other prefects, 1,584 florins are required each month and 19,008 florins over the span of a whole year. Hence, for 134 cohorts, 212,256 florins will be counted for monthly pay and 2,547,072 florins for annual pay.

For the cavalry.

Six thousand cavalrymen constitute twenty cohorts or standards. Three hundred cavalrymen complete each cohort. Hence we shall reason thus: since twelve florins are paid to one cavalryman each month, one cohort requires 3,600 florins in one month and 43,200 florins in a whole year. The entire cavalry, however, which consists of twenty cohorts, claims for itself 864,000 florins for each month and 10,368,000 florins for a whole year. So much money must be procured for the common cavalrymen, without considering commanders, chiliarchs, masters, centurions, decurions, quartermasters, curators of provisions, and other administrators of military duties.

If one now wishes to investigate how great a quantity of silver is required for the entire army, the pay of the cavalry and infantry set down in the preceding rough outline, when collected, amounts to 1,076,256 florins for a single month and 12,915,072 florins for a whole year.

Moreover, for the principal commanders and their remaining attendants, the calculation of pay proceeds approximately in this manner. The 40,200 infantry make eight legions, assigning 5,000 to each. Each legion has its own particular

head or commander and its other superior prefects, for whom, as is clear from the foregoing, monthly costs of 1,068 florins and annual costs of 12,816 florins must be collected.

If, for the individual magistrates of every cohort, 100 florins are counted as monthly pay, the cost pertaining to the lower commanders and prefects of the whole infantry will be 13,400 florins monthly and 160,800 florins annually. If the pay of the principal commanders and other legionary prefects just set down is added to these sums, the sum required for the superior as well as the inferior magistrates of the infantry comes to 14,468 florins for one month and 173,616 florins for a whole year.

The commanders and prefects of the cavalry, or of the twenty cavalry cohorts, cannot perhaps be maintained at a smaller cost. Accordingly, this sum doubled will give the pay of all those who hold command in an army of 46,200 men, though without including the supreme commander of the war: 28,936 florins in one month and 347,232 florins for a whole year.

Finally, if the preceding sum, which contains the pay of the soldiers--infantry and cavalry together--is added to these amounts, there emerges, after a fashion, the sum of sums, or aggregate of all the money that must be assigned for maintaining an army of 46,200 men: 1,105,192 florins for each month and 13,262,304 florins for a revolving year.

These figures, however, do not include the costs of cannon or of the vehicles by which pontoon bridges, ladders, rams, and other things necessary for a campaign and the storming of cities are moved; nor the costs of the horses drawing them, gunpowder, cannonballs, and reconnaissance. Experts in military affairs estimate the sum of these things as no smaller than that which pertains to maintaining the entire army. But even if the accounts are contracted as narrowly as possible, they will exceed a third part of the sum which I have stated.

Tables of pay decreed for the army to be enrolled against the Turk.

We shall now append those tables which were composed in the year just past, when a common deliberation concerning the Turkish war was undertaken among the estates of the Empire at the Diet of Regensburg.

First, it was proposed that an army of 60,000 Germans and Hungarians should be opposed to the Turks. Among them were to be 12,000 ordinary German cavalrymen; 5,000 cavalrymen equipped with longer firearms, whom they call arquebusiers; 12,000 Hungarian cavalrymen; six legions of German infantry, which, assigning to each 4,000 soldiers or ten companies, make 24,000 infantrymen; and finally 7,000 Hungarian retainers.

For the pay of this army and its magistrates, a calculation of this kind was instituted. First, for one thousand ordinary German cavalrymen--including the money to be spent upon the support of the commander, the master of cavalry, the prefect of baggage, and the decurions, and likewise the enlistment bounty and travel money, or the money with which the soldiers are first hired--17,000 florins were decreed for a month. Thus 12,000 cavalrymen claim 204,000 florins for themselves each month and 2,448,000 florins in a revolving year.

Furthermore, one hundred cavalrymen armed with long firearms necessarily require 1,400 florins monthly. By this reckoning, 70,000 florins monthly and 840,000 annually must be assigned to 5,000 cavalrymen of this kind.

Third, since five florins must be counted out to the Hungarian cavalrymen each month, 6,100 florins monthly must be assigned to one thousand cavalrymen, including at the same time the chiliarch’s allowance and the doubled pay of the pipers and guards. Hence, for 12,000 cavalrymen of this kind, 73,200 florins must be counted monthly and 878,400 florins annually.

Fourth, if 30,000 florins are assigned each month to each legion together with the commanders’ allowances, those six legions will require 180,000 florins monthly and 2,160,000 florins annually.

Finally, the monthly pay of a Hungarian retainer is two thalers. Hence, after a particular calculation has been completed--if the commanders' allowances and the doubled pay of the decurions, standard-bearers, and drummers are counted--20,620 florins monthly and 247,440 florins annually must be assigned for a force of 7,000 retainers.

Now, if all the expenses to be disbursed upon the whole army divided into these five kinds of soldiers are collected into one aggregate, the sum will come to 547,820 florins for each month and 6,573,840 florins for a revolving year.

Besides these expenses, their own costs must also be assigned to the supreme commander of the war, his legate, tribune, and the other attendants and prefects of the highest magistrates, as well as to scouts, bronze engines and those appointed to care for them, and the many other things necessary for war. Even if these are calculated most sparingly, they will equal 100,000 florins each month and 1,200,000 for a whole year. Yet not all things pertaining to the use of military artillery are included in the preceding calculation, but only their prefects and curators and the beasts appointed to draw them. If all are truly defined according to their costs, they will amount to a third of the other expenses of war.

§7. He describes provisions in this manner. For each horse six pounds of hay are given as nightly fodder; and to every nine horses as much oats as the common vessel called a *tonna*, in which herrings are pickled, holds.

To each man there are distributed daily two pounds of bread, one and one-half pounds of meat, one herring, and three measures of beer. For a whole week, two pounds of bacon, the same amount of cheese, and the same amount of butter are distributed. For a whole month, one cup of salt is distributed.

From this, a calculation of rations would have to be instituted according to the number of men. Thus, to make what we have said clear by an example, let the question be proposed how much monthly food is required for one cohort of soldiers, which according to common custom contains 300 persons. This question, solved by the rule of proportion, produces the following calculation of provisions.

For the monthly sustenance of three hundred soldiers there are due: 18,000 pounds of bread, that is, 180 hundredweights; 13,500 pounds of meat, that is, 135 hundredweights; 2,400 pounds of bacon, that is, 24 hundredweights; the same number of pounds of cheese; the same of butter; 9,000 herrings; 27,000 measures of beer, that is, 306 amphorae together with 72 measures; and 300 cups of salt.

§8. I have recounted above, in the same chapter concerning the method of naval war, the provisions for the fleet. The tables of the Danish fleet in 1567 contained: 20,854 sides of bacon; 6,040 pieces of smoked beef; 11,560 quarters of smoked mutton; 29,000 smoked geese; 104 lasts and 4½ *tonnae* of butter; 206½ lasts of herring; 206½ lasts of smaller cod; 5,104 wagonloads of stockfish or hake; 16 lasts of salted pike; 16 lasts of salted eels; 16,000 sea *albicae*; 32,000 dried sea-scallops or flatfish; 32 bundles of long cod; 32 bundles of larger cod or *capitones*; 87 lasts of oats prepared for human food; 81½ lasts of vetch; 1,366 lasts of bread, including bread twice baked; 4,741½ lasts of beer; 10 lasts of vinegar; 24 lasts of Lüneburg salt; and 31 lasts of coarse foreign salt.

§9. In order that what is needed for one ship may be understood, let the chapter cited concerning the equipment of the Danish admiral's ship be read.

§10. It has rightly been asked whether kings should act so that the costs of war are diminished or rather increased. I indeed would prefer that they be increased, lest wars be declared more easily and promptly if they are waged at small expense. Provision has been made for human nature by the fact that a man cannot be killed without great expense: if humanity does not spare a human being, at least avarice may restrain it.

CHAPTER LV

The Roman Soldiers' Discharges Are Not to Be Approved by a Prince

§1. The lawful terms of service were twenty years for infantrymen and ten for cavalrymen. If anyone withdrew himself from military service within that time, he was either liable to death or, after being beaten, was sold. Thus Matienus, a deserter from the army, after being beaten for a long time with rods, was sold for one sestertius. The term of service of the praetorians was reduced to the sixteenth year, that of sailors extended to the twenty-fifth.

This length of time, which seemed to many to have stabilized Roman military service, caused great loss. For it made that service as hateful as possible and provided many brave men with an occasion to buy themselves out of it. For apart from the fact that it was laborious and dangerous to be exposed to various enemies for twenty or twenty-five whole years, it could not even be just that, while so many hundreds of thousands sat at home in the theater or securely attended to their fields, a few should be afflicted with perpetual military service.

I speak of those who were not volunteers but were compelled and gave in their names according to law. That inequality displayed the state as badly constituted. Why should citizens banished to the Rhine or the Danube for twenty whole years be absent from their own people, while young city-dwellers were meanwhile nourished at home in leisure?

Nor was it useful to the state. For while some were detained in wars for so long, it was necessary for the rest to become unwarlike. Thus the state was left destitute of brave men. Indeed, although many took part in twenty or thirty battles, attacked cities, fought in skirmishes, and were diminished by hunger, plague, and flight, very few at all completed their service and reached twenty campaigns--much less twenty-five, since more die in the fleet. But even if those men returned home, broken by labors or mutilated, poor, and ignorant of domestic affairs, they could accomplish little for the state. Hence mutinies arose from them not seldom.

Suetonius, chapter 49:

"Whatever soldiers there were anywhere, he bound to a fixed rule of pay and rewards, defining according to the rank of each both the periods of service and the advantages of discharge, lest after discharge they could be solicited to revolution either by age or by poverty. And so that expenditure for maintaining and rewarding them might be available perpetually and without difficulty, he established the military treasury with new taxes. And so that what was being done in each province could be announced and learned more quickly and readily, he first stationed young men at short intervals along the military roads and afterward vehicles. The latter seemed more convenient, so that those who carried letters all the way from the place could also be questioned if circumstances required anything."

Who can doubt that the worst provision has been made for a city and kingdom in which those who sustained twenty years of the most burdensome military service are endangered by poverty?

§2. Hence benefits were devised: that they should be led into colonies, and that land and at the same time money should be given to them. But it is also burdensome to the state to enrich upon their discharge soldiers whom it had maintained with pay for twenty years.

For let us suppose that 4,000 veterans are discharged in each year, and that five iugera, agricultural equipment, and a young slave are given to each, twice as much to centurions, and three times as much to cavalrymen: this makes 25,000 iugera. If these are given for many years, it is necessary that within a short time all the soil pass to the soldiers. Nor can any state make such great distributions without injury to others.

Experience taught this so thoroughly that, when the state could not render those rewards at once, the soldiers were formally discharged and retained under the standards, exempt from all duties except battle against the enemy. Tiberius, an avaricious emperor, made discharges extremely rare, awaiting death from old age and profit from death. Hence the just complaint in Tacitus: that old men sustained thirty or forty campaigns. Nor can those men be brave who follow military service with so unwilling and sorrowful a disposition.

§3. Hence it came about that the soldiers, when they understood that they alone labored and that the strength of the empire resided in them while the rest were only a shadow, arrogated to themselves the right of naming the emperor and seized almost everyone's wealth for themselves. Hence also the saying: "Cherish the soldiers; despise the rest."

It is therefore much more equitable and safe either to accept volunteers or to shorten the term of service.

CHAPTER LVI

Truces Must Be Interposed and Observed

§1. A truce is peace in the camp, as Varro defines it. Gellius, book 1, chapter 25:

"A truce is not peace, for the war remains though fighting ceases; and we therefore think *indutiae* to be so called as though *inde uti iam*, 'from then onward to act now.' For a pact of truce is of this kind: that until a fixed day there should be no fighting and no harm inflicted, but that from that day onward all things should now be conducted under the law of war. Aurelius Opilius, in the first of the books which he entitled *The Muses*, defined a truce as occurring when enemies from both sides go among one another, from the one side to the other, with impunity and without fighting, so that the name seems to have been formed as though from *intus* and *introitus*, 'within' and 'an entrance.'"

Truces differ from peace because peace is considered perpetual, whereas truces, however long, are defined by a fixed period. The Veientes obtained from Romulus a truce of one hundred years, afterward one of forty. Livy, book 2. Yazdegerd the Persian, appointed guardian of Theodosius the Younger, likewise made a truce of one hundred years. Nicephorus, book 14, chapter 1.

§2. Truces must not be made deceitfully so that one who is in danger may escape necessity; safety must be sought by another way. Lysander, through perfidy toward the Thasians, killed those who had favored the Athenians after he had promised them impunity. Polyaenus, book 1.

The Corcyraeans acted wickedly and after the custom of their nation. For when the captives had submitted themselves to the judgment of the Athenian people, but in such a way that the treaty which had been made would become void if they broke it, the Corcyraeans advised flight because they feared that the Athenian people would judge too leniently. Thus they were delivered to the Corcyraeans as though breakers of the treaty and were all killed. Polyaenus, book 6.

The perfidy of Galba toward the Lusitanians was remarkable: after persuading them to lay down their arms as though they were friends, he stationed them in three places and killed them. Sulla, Archelaus, and Hasdrubal acted without sufficient honor when they escaped through lies and the pretense of truces.

§3. Let truces be made upon just and equitable conditions. Brasidas the Spartan proposed excellent conditions to the Amphipolitans. For when he saw that the city could be conquered only with difficulty, he promised the Athenians the opportunity to depart, and liberty to the Amphipolitans if they entered into an alliance with the Spartans. Polyaenus, book 1.

In entering into agreements and making peace, virtue and equality should be employed instead. Scipio brought the Spaniards to his side by virtue, returning the betrothed maiden and the money which was given for her ransom. In the same manner Alexander too joined entire nations to himself.

CHAPTER LVII

Rewards Must Be Distributed to Brave Men

§1. The Romans did this, if any people anywhere did, according to Polybius. Moreover, they admirably rouse and incite young men to undertake dangers. For when an occasion for action presents itself and some of them have acted bravely or spiritedly, the commander summons all the forces to an assembly, places beside himself those who were the authors of an outstanding deed, and first recounts their praises, both for this deed and for anything else they have accomplished in their whole lives that is worthy of praise and remembrance. After this he presents a spear to the man who has wounded an enemy; to the man who has struck an enemy down and stripped him, however, he presents a bowl if he is an infantryman, and phalerae if he is a cavalryman--although in former times he presented only a spear. These rewards are received not by one who has wounded or stripped an enemy in a regular battle or in the storming of a city, but by those who, in a raid, a skirmish, or some such occasion in which there was no necessity for individual men to incur danger, have then, I say, exposed themselves to it of their own accord and voluntarily. Similarly, when a man has defended and saved a citizen or ally, the commander honors him with gifts, and the tribunes compel those who were saved--unless, indeed, they do it voluntarily--to crown their savior. The man who was saved thereafter honors him throughout his whole life as a parent and is obliged to offer and accord him all things just as if he had begotten him. By an incentive of this kind they incite to contest and rivalry amid dangers not only those who are present and hearing them face to face, but also those who remain at home. For men who have obtained gifts of this kind, besides their glory in the army and their reputation at home, enter games and processions conspicuously when they have returned to their country, since only those who have been presented with them by the commander on account of valor are permitted to wear and display these decorations. In the most conspicuous part of their houses they place the spoils as indications and testimonies of their valor. Accordingly, since such care and diligence were exercised in the camp concerning both rewards and punishments, their military successes were deservedly fortunate and illustrious. That which is of the greatest power in every state--reward and punishment--possesses universal power in military service. In these rewards, however, worth and honor reside. The following are enumerated.

The first reward: a public commendation by the commander, while the generals, tribunes, centurions, and entire army stand in a circle. This practice has now fallen into disuse, for Christians and more cultivated men are not captivated by such encomiums as rustic hearts are. Since, therefore, the danger would be equal for the timid man and the brave--indeed, greater for the timid, for the danger is always greatest to those who fear most--boldness serves as a wall. Honor, in addition, incited the brave.

The second: the *hasta pura*, or unheaded spear. Polybius calls it *γαῖσον*; it was a *δόρυ ἀσίδηρον*, “a spear without iron”:

> You see that young man who leans upon an unheaded spear.

But why was it without iron? Because it was given for the sake of honor, not for fighting. This was the reward of the man who had struck down an enemy.

The third: the infantryman who struck down and stripped an enemy was presented with a bowl, the cavalryman with phalerae. In place of “bowl” Lipsius conjectures that *ψέλιον*, “armlets,” should be read. Phalerae, armlets, and torques were sometimes joined together. Am I mistaken in thinking that from this the Anakim too were formerly called *Torquati*, that is, wearers of torques?

The fourth: standards. In the Suda they are called *ὑφάσματα*, “woven fabrics,” although the word may also signify other textiles. In Vopiscus’s *Aurelian* we read that four two-colored standards were presented. After the naval victory Augustus presented Agrippa with a blue standard. Ribbons or insignia are still worn by soldiers and presented for the sake of honor; when frequently altered, they also deceive the enemy.

The fifth: various crowns. The civic crown was given to the man who had saved a citizen and killed an enemy; the siege crown, made of grass, when an army had been released from a siege; the mural crown to the man who had first mounted a wall; the camp crown to the man who had first mounted the enemy's camp, and this was also called the vallary crown; the naval crown to the man who had first set fire to an enemy ship; and the rostral crown to the man who had gained some great distinction at sea. The civic crown was made of oak, the siege crown of grass, and the others of laurel. Other crowns of gold were also frequently given for other deeds. Sometimes these rewards were given to whole maniples.

The sixth: oxen. Thus Scipio presented Laelius with a golden crown and thirty oxen.

§2. These rewards were powerful not only through their worth and the honor attending them when they were given, but were also useful for the future. For, first, they formed a step toward more honorable and more lucrative military service. This is still observed altogether, except where military service has been corrupted. The rewards involved in promotions were immense. Vegetius, book 2, chapter 21. Alexander gave great rewards to those who contended--namely, chiliarchies. Alexander ab Alexandro, book 1, chapter 20.

They were carried in front in a triumph, and indeed always. Valerius, book 3, chapter 2, relates of Sicinius: "Having followed nine triumphal chariots of commanders, he turned the eyes of the entire citizen body upon himself by the numerous procession of his gifts. For there were carried before him eight golden crowns, fourteen civic crowns, three mural crowns, one siege crown, 183 torques, 160 armlets, eighteen spears, and twenty-five phalerae"--decorations numerous enough even for a legion, much more for one soldier.

They were displayed not only in a triumph but also in the review of the cavalry--indeed, even when a man stood in danger, as Manlius Capitolinus did. Livy, book 6: "He not only recalled the distinctions of war but also brought them forth to be seen: the spoils of as many as thirty slain enemies, as many as forty gifts from commanders, among which were two conspicuous mural crowns and eight civic crowns. In addition, he produced the citizens he had saved from the enemy, among whom Gaius Servilius, master of the cavalry, was named although absent. And when he had recounted also the things done in war, matching the grandeur of the achievements with magnificent words in his speech, he bared his breast, distinguished by scars received in war. Repeatedly looking toward the Capitol, he called Jupiter and the other gods down to the aid of his fortunes and prayed that they would give the Roman people in its hour of peril the same spirit which they had given him when he protected the Capitoline citadel for the safety of the Roman people. He entreated them, individually and collectively, to look upon the Capitol and the citadel and so turn to the immortal gods when they passed judgment concerning him."

These rewards also opened an approach to public office. Livy, book 23: the senate was replenished from those who had been aediles, tribunes, or quaestors, or had received the civic crown. Finally, in the public games men attracted notice by relying upon their gifts.

Among us not only are insignia given, but men of the plebeian order are made knights and are presented with insignia and nobility. The lawful distribution of spoils also belongs among rewards.

Spoil is most advantageously divided equally, as was the custom among the Romans. Dionysius, book 7: "You all know that whatever spoils and booty we obtain from the enemy through our valor, the law commands all of it to be public property. Not only does a common soldier or any private person have no right to it; not even the commander himself does. Rather, the quaestor receives it, sells it, and deposits the money in the public treasury. Since we have inhabited this city, no one has--I will not say broken--but not even censured this law." Lycurgus forbade soldiers to strip their enemies, lest a soldier become rich and abandon the fighting. This was entirely disadvantageous, because he took away an incentive to fight.

And Polybius, book 10: "The Romans have the following custom and system in the storming of towns. At one time they divide the forces each day according to the size of the city, at another time they distribute them by maniples, but

in such a way that they never employ more than half for this work. The rest remain in their ranks as reserves, sometimes outside the city, sometimes within it, yet so that they are always kept visible. Since the forces are usually divided into two Roman legions and two allied wings--for rarely do all four legions assemble together--all who have been assigned to booty and plunder carry whatever they have acquired, each to his own legion or wing. When this has been done, the tribunes divide it equally among all, not only among those who were on guard or held in reserve, but also among those who guarded the camp, and likewise among the sick, the wounded, or those sent elsewhere upon some duty. As soon as they come into the camp to go to war, they all swear that they will neither defraud nor withhold anything from the spoil. I have spoken of this matter at greater length in what I have written about the state. Moreover, when half the soldiers scatter after spoil in this way, while half preserve their ranks and guard and support them, it never happens that the Roman imperils the supreme issue. For, because the hope of gain is assured equally to all, whether they remain or engage in plunder, no one deserts his place or rank--a thing which often tends to harm others."

Citizens and allies shared the spoil in equal portions. This was done at that time; afterward it was changed, and the soldier was incited by the desire for spoil. At present it can scarcely be done otherwise, since there are such diverse nations in a single army.

CHAPTER LVIII

Military Punishments

§1. In military service--that is, in restraining men whom no piety or justice draws back from crime--great severity of punishments is needed; for unless fear is present, everything must necessarily go to ruin.

The first kind of punishment was a fine, and the power to exact a pledge so that it would be paid rested with the tribune. Polybius. The same also remains in present armies, although it is scarcely expedient to employ it, because every very wicked man is also very needy.

The second: if a man had neglected his watches, he was beaten with a cudgel. Polybius. The punishment is of this kind. Taking a cudgel, the tribune lightly touches and grazes the condemned man. When this has been done, all who are in the camp strike him, some with cudgels and others with stones, and kill most of them within the camp. But if anyone escapes, he will not be safe even so. How could he be, when there is neither a return to his country for him nor anyone among his relatives who will receive him under a roof? Thus those whom this calamity has overtaken perish most completely.

The third: they were exposed to swords, although this was rare. Tacitus, *Annals*, book 1: “The legions stood in assembly with drawn swords; the accused was displayed upon the platform by the tribune. If they acclaimed him guilty, he was cast headlong to them and slaughtered, and the soldiers rejoiced in the killings as though absolving themselves.” Now they are shot with the firearms of their comrades, and this death is considered more honorable.

They are handed over to the soldiers to be killed so that the odium may rest upon them, not upon the commanders. Alexander handed over to a cohort those whom he wished to be killed by tortures, so that the others might prove their loyalty by cruelty.

The fourth punishment: the Macedonians buried men beneath stones. Curtius, book 6: “At the given signal, all who had been named by Nicomachus were buried beneath stones according to the custom of their country.”

The fifth: those who had abandoned their rank were struck with the axe. Livy, book 2: the consul Appius scourged with rods and beheaded the centurions and soldiers receiving double pay who had abandoned their rank. An entire legion which had occupied Rhegium was beheaded. They are now struck down with the sword; rods are not customary in military service.

The sixth: to mitigate the punishment of death, bloodletting was devised, which was customarily performed for the sake of disgrace. Gellius, book 10, chapter 8: “This too was a military punishment in antiquity: to order a soldier’s vein to be opened and his blood released for the sake of disgrace. The rationale of this practice is not found in the ancient writings which I, at least, have been able to discover. But I think this was first done to soldiers whose minds were benumbed and had declined from their natural condition, so that it seemed not so much a punishment as a remedy. Later, however, I believe that through custom the same was repeatedly done for many other offenses, as though all who offended were regarded as less than sane.”

Other offenses were also punished. Polybius speaks of them in this manner: “Soldiers ought to pay attention and hearken to the tribunes, and the tribunes to the consuls. A tribune nevertheless has the right and power to fine, exact a pledge, and scourge. The prefects have the same power over the allies. The man who has stolen anything from the camp is beaten with a cudgel, as is the man who has borne false witness, the man who is discovered in the prime of life to have abused his body, and likewise the man who has been fined three times for the same fault. They punish acts of this sort as crimes. But they ascribe the following to cowardice and military disgrace: if any falsely report to the tribunes some brave deed of their own for the sake of honor and reward; if any who have been placed in a guard post

or station desert their place through fear; or if anyone has cast away some part of his arms in the very crisis through fear. As a result, some men in guard posts deliberately perish when greater numbers rush upon them, since they are afraid to desert their post for fear of this punishment. Some, even in the very conflict, if by some accident a shield or sword or another weapon has been knocked from them, hurl themselves upon the enemy, resolved either to recover what they have lost or, by dying, to escape manifest disgrace and the reproaches of their own men."

The seventh: sometimes men are summoned to punishment by lot. Polybius: "But if it happens that a larger number have offended and that several maniples have abandoned their post together, they do not wish to beat them all with cudgels or kill them. Instead, they have discovered a measure and procedure at once expedient and terrifying. For the tribune summons the army, brings the guilty men into the midst, and sharply accuses them. He then chooses by lot sometimes five, at other times eight or twenty--in short, always considering the size of the multitude so that they amount to approximately a tenth part of the offenders--from among all the cowards. Those upon whom that lot has fallen he beats with the cudgel, without any possibility of entreaty, in the manner already described. Measuring out barley instead of wheat to the rest, he orders them to pitch their tents outside the rampart and the protection of the camp. Thus, because the danger and fear arising from the lot hang equally over all, and likewise because the example of the barley given reaches all, that custom produces the greatest measure both of terror and of correction."

This was decimation, customary among the Romans, which they sometimes changed into punishment of every twentieth or every hundredth man. Capitolinus, in his *Macrinus*: "When he suffered military mutinies, he decimated the soldiers much more often; sometimes he even 'centesimated' them"--which is his own peculiar word--"because he said that he was merciful when he punished every hundredth of those who deserved decimation."

The eighth: they were struck with a cudgel, or with a vine staff, by a centurion, sometimes severely. Catiline beat M. Marius with vine staffs throughout the whole city while the Roman people looked on. It is still the custom to strike with a cudgel, although not in the ancient manner.

The ninth: they were scourged with rods if, though liable to capital punishment or deserving it, they were permitted to discharge their debt with a milder penalty.

The tenth: to be fed with barley. Augustus decimated cohorts which had yielded their position and fed them barley. Suetonius, book 24. That punishment is not in use, just as decimation is not.

The eleventh: a soldier was said *aere dirui* or *aes resignari* when his pay was denied and his years of service did not advance. Valerius, book 2, chapter 7: "Consider how severely the senate regarded the fact that the soldiers had allowed the consul Quintus Petillius to be killed while fighting most bravely against the Ligurians. For it refused to allow the year to count toward the legion's term of service or to give it pay."

The twelfth: to pitch camp outside the rampart. Livy, book 10, shows that they were also deprived of tents. And Valerius, book 2, chapter 7: "They decreed that none of them should pitch his quarters within the camp, or fortify with rampart or ditch the place assigned outside it, or have a tent made of hides. They offered a return to their former military rank if anyone took two sets of spoils from the enemy."

The thirteenth: they were ordered to stand ungirded before the praetorium or in the headquarters, or to dig a ditch, clad only in a tunic for the mockery of all. Caesar Julian led men clothed in women's dress through the camp, thinking that this punishment would be more grievous to men than death. Charondas ordered those who had not taken up arms for their country to sit in the forum for three days in women's clothes.

The fourteenth kind of punishment, the gravest among the moderate ones: to change a man's kind of service. Cavalrymen were reduced to infantrymen, and infantrymen to slingers. Livy, book 25; Valerius, book 2; Ammianus, books 24, 25, and 29. If they failed in their duty in some respect, they were thrust down into an inferior branch of service. Captives returned by Pyrrhus were reduced from cavalryman to infantryman and from infantryman to light-armed soldier, and were ordered to pitch camp outside the rampart until each had taken two sets of spoils from

the enemy. Otacilius employed the latter punishment against those whom Hannibal had sent under the yoke. Domitius Corbulo ordered them to redeem disgrace by valor.

The fifteenth: to take their dinner standing, for they always took their midday meal standing. Even now they are compelled to stand for many hours burdened with large firearms if they have committed some offense.

The sixteenth: it was also a military punishment to furnish a spear. Festus: it was called *censio hastaria* when, as a fine for a military offense, a soldier was ordered to furnish spears.

The seventeenth: to march among the baggage. Ammianus, book 25: "After taking away the standards and breaking their spears, he imposed upon all who were accused of having fled the requirement to march among the baggage, packs, and captives."

The eighteenth: they were also compelled to winter outside camps and towns. Livy, book 35; Valerius, book 2, chapter 7.

The nineteenth: among the Egyptians it was established by law that the tongue of the man who disclosed secret counsels to the enemy should be cut out.

The twentieth: among the Romans hands were sometimes cut off. Ammianus, book 29; Livy, book 35. Indeed, even legs were cut off. Ammianus, book 23: "Let each man follow his own standards, knowing that if he remains behind anywhere he will be left there with his legs cut off."

The twenty-first: at times a more severe punishment was to be raised upon a cross. Livy, book 30: "Those who were of the Latin name were struck with the axe; the Romans were raised upon crosses." A man who deserts to the enemy is tortured and condemned to the beasts.

The twenty-second: at times they were also deprived of burial. Valerius Maximus, book 2, chapter 7.

The twenty-third: Ammianus, book 29, says that deserters were burned. The tribune Hortarius was burned because he had written certain things to the enemy. Ammianus, at the passage cited, and book 21. Those who had given barbarians the opportunity to plunder, or had divided the booty with them, were burned alive.

The twenty-fourth: the emperor Avidius Cassius tied condemned men from top to bottom upon a stake 120 feet long, killing some by fire, others by smoke, and some by fear.

The twenty-fifth: men were also killed beneath a hurdle. Livy, book 4.

The twenty-sixth: they were also killed with arrows, as men now are with firearms. These punishments were unusual.

The twenty-seventh: Macrinus ordered a tribune who had allowed the watches to be deserted to be tied upon a wheeled cart and dragged, both alive and dead.

The twenty-eighth: Aurelian tied an adulterous soldier by the feet to the tops of two trees which had been bent down; when the trees were suddenly released, the man was torn apart and hung from both. Vopiscus, in his *Aurelian*.

The twenty-ninth: Macrinus also enclosed in ox carcasses two soldiers who had violated the chastity of their host's maidservant; the heads of the beasts were cut off so that the men could speak with one another more easily.

§2. Punishments were often great even where the faults were not great; their end, however, was discipline. The saying of Clearchus is ancient: "The commander should be feared more than the enemy." A soldier who refuses battle is punished capitally. Gaius Vacienus cut off the fingers of his left hand so that he would not have to serve, and was punished by confiscation of his goods. In Trajan's time, a father who rendered his son unfit for war was deported. Ammianus, book 15.

Avidius Cassius ordered centurions to be raised upon crosses because, without his command, they had killed three thousand Sarmatians who were behaving incautiously with only a few soldiers; he said that an ambush might have lain beneath it. Atilius Regulus ordered a fleeing army to be beaten. Cato put to death a soldier who, having been left behind after the fleet had sailed, begged to be taken aboard. When Valerius was consul, a defeated army was ordered to pass the winter under tents. Titus Scaurus forbade his son, because he had yielded his position, to come into his sight; through shame at the disgrace, the son procured death for himself.

Metellus Macedonicus ordered five cohorts which had yielded to the enemy to make their wills, and sent them back to recover the position, threatening that they would not be received except after victory. Manius Curius ordered a legion which had refused the war to cut straw while ungirded, abolished its standards and its name, and enrolled its men in the other legions as replacements. Lucius Piso ordered a cohort prefect to stand daily in the headquarters with the belt of his toga cut, his tunic loosened, and his feet bare, and to abstain from banquets and baths. Corbulo ordered Aemilius Rufus, a prefect of cavalry, to stand in the headquarters with his clothing torn.

In general, military service itself was a punishment, since the soldiers were compelled to labor even without necessity. For Publius Nasica, lest the soldiers decline or become corrupted in the idleness of winter quarters, ordered a fleet to be built.

CHAPTER LIX

Ancient Military Service Compared with Ours as Regards Arms

§1. It is worthy of inquiry and useful, not merely pleasant, to ask whether ancient military service is comparable with ours. Many admire everything ancient and despise our own things. Others walk a middle path; some disdain ancient military service in comparison with ours. There are five things to be considered in military service: namely, the levy, organization, arms, the battle line, and discipline. I have spoken about the levy: ours is more expeditious and, if the other things are added, is a levy of the best soldiers, because it consists of volunteers. Although a great part of the soldiers is drawn from the dregs of mankind, many princes, counts, noblemen, and rich men nevertheless enroll in military service and bring it about that this refuse of the common people is governed and submits to organization and discipline. Concerning organization also there is no question: the ancients have theirs and our men ours, but ours is exact and in part better, since they place the best men at the front and intend men under pressure not to yield but to be aided by those who come to their support. The question, therefore, concerns arms.

§2. Justus Lipsius is regarded as a most prudent judge of these matters, and he inclines strongly toward the ancients. Against our firearms he sets slings and javelins. First, he says that the lead was liquefied. Lucretius:

> A leaden bullet too,
>
> rolled through a long course, grows liquid.

Ovid:

> It burned no otherwise than when the Balearic sling
>
> casts lead: it flies and grows incandescent as it goes,
>
> and beneath the clouds finds fires which it did not possess.

Lucan:

> Then firebrands and stones fly, and bullets, loosened through the expanse
>
> of air and melted by their hot weight.

Statius:

> Bullets destined to burn through the void of heaven.

Indeed, the same poet compares them with a thunderbolt:

> The flying bullets imitate lightning.

Perhaps you do not put faith in poets? Let our philosopher Seneca join them: “Motion thins the air, and the thinning kindles it. Thus a bullet cast from a sling liquefies, and through the friction of the air drips as though by fire.” Something of this kind is also written elsewhere in Aristotle. Yet this does not destroy the force of the missile; rather, it came fiery into the body in this manner.

Virgil:

> And with liquefied lead he cleaves the middle of his adversary’s temples
>
> and stretches him out, extended over a great space of sand.

Behold, it kills with one blow. Nor do I marvel at David, who as a young man and one of the slingers struck down the enormous Goliath with this weapon. And so that you may know its force once for all and fully, take these words of Diodorus Siculus about the Balearic islanders:

βάλλουσι λίθους πολὺ μείζους τῶν ἄλλων, οὕτως εὐτόνως, ὥστε δοκεῖν τὸ βληθὲν ἀπό τινος καταπέλτου φέρεσθαι.

"They cast stones"--for you know that stones too, and not only lead, were sent from the sling--"much larger than other men do, so powerfully and vigorously that the missile seems to be carried from some catapult." As you see, he compares it with an engine of war, and he adds:

ὥστε θυρεοὺς καὶ τὰ κράνη καὶ πᾶν σκεπαστήριον ὅπλων συντρίβειν.

"So that they shatter shields, helmets, and every covering of armor." I deny--deny--that our firearms can have greater force, perhaps not even equal force. I except those which they call muskets. Now in one respect slings certainly prevail: they are carried much farther and do harm. Which of our firearms preserves its direction and force beyond two hundred or three hundred feet? It loses force or strays if you extend the range. But the sling's missile carried and retained force to six hundred feet, as is clearly written in Vegetius: "Archers or slingers," he says, "placed brooms--that is, bundles of brushwood or grass--as a mark, so that they were six hundred feet distant from the mark, in order that they might more often strike the mark with arrows or at least with stones aimed from the staff-sling." Here he joins the sling with arrows and gives both the distance which I stated; others even place slings ahead of arrows and maintain that their missiles travel farther. In Strabo you will read, *μακροβολωτέραν τὴν σφενδόνην ἢ τόξον*: "that the sling casts farther than the bow." In Dio:

οἱ σφενδονῆται μακροτέρω τῶν τόξων ἱέντες, πάντα καὶ τῶν καταφράκτων ἱππέων ἐλυμαίνοντο.

"The slingers, casting farther than the archers, injured every man, even among the cuirassed cavalry." He says this in his account of Marcus Antonius's campaign against the Parthians, who nevertheless, it is agreed, were well armed and employed arrows with the greatest skill. Yet the slings prevailed over them, as Xenophon too expressly writes in his account of his Greeks:

μακρότερον γὰρ οἱ τε Ῥόδιοι τῶν Περσῶν ἐσφενδόνων καὶ τῶν πλείστων τοξοτῶν.

"For the Rhodians slung farther than the Persian slingers, and indeed farther than most of the archers." They therefore cast far; but did they also cast accurately? Everyone affirms it, especially concerning the Balearic islanders, and says that they had learned those aimed blows from infancy. Indeed, it is also read in the Holy Scriptures that the inhabitants of Gibeah, numbering seven hundred, cast stones so accurately with slings that they could strike even a hair.

He extols the force of slings because the lead liquefies, because it cleaves the temples, because a sling-stone breaks shields and helmets, and because the force of the blow is carried to six hundred feet. The blow is also accurate, for the Gibeonites could strike even a hair.

Those forces seem great to me, but by no means equal to our firearms. For lead's growing liquid or a reed's burning is an indication of great violence, but not the greatest. Acestes casts into the air, and what happens is regarded as a portent:

For the flying reed burned amid the liquid clouds,

marked its path with flames, and, consumed,

withdrew into the thin winds.

Yet that reed was not carried more violently than our wall-breaking artillery, whose balls do not mark their path with flames, although sometimes combustible things are present. But, to confess the truth, the matter of the flame and the liquefied lead leaves me doubtful. Motion thins the air and renders it hot; but it is difficult to understand how heat so vehement could arise at such speed and in so very brief a time when the missiles do not strike a hard body. Experience,

indeed, testifies to the contrary. Those struck by slings and arrows are harmed by a wound, not by a burn. But if the temples are cleft by liquefied lead, they must necessarily be burned and, when scorched, give off the smell of burning. If lead liquefies, iron also, when it is sent more violently from an engine, ought to grow incandescent, for the force of a firebolt cast from an engine is greater than that of a bullet from a sling. But experience teaches that the iron is not hot, for, when lodged in shields and wounds, it would burn them and destroy the wounded with immense pain. As it is, however, no one complains of burning but of the wound. Even those wounded with muskets, although the leaden pest remains lodged in their viscera, are nevertheless not burned; and yet the bullets from fire-vomiting engines ought to be hotter. The arms of the ancients, therefore, ought not to be preferred because their missiles take fire. Otherwise, when we strike a spark from flint, we would have to believe that its impetus was greater than when an artillery piece is discharged. Another cause of these effects must therefore be sought, which is not part of my undertaking. This is sufficient: ignition is not a sign of the greatest violence.

His argument from what is said about the breaking of shields is better. But not even on this account ought slings to be preferred to our artillery. In Virgil a brave warrior cleaves the temples with liquefied lead. And:

> We have seen Goliath, fearsome in body and spirit,
>
> fall by a feeble hand; against him a boyish right hand
>
> hurled a little stone with the whirring of a sling,
>
> and pierced his bare forehead with a penetrating wound.

The stone lodged in the Philistine's forehead; but if David had used a firearm, the blow would have passed through the whole head and, carried far onward, would also have wounded another man in its path. Lipsius therefore deservedly grants greater force to muskets. As for what Diodorus Siculus relates about the Balearic islanders, it is not remarkable that large stones broke defenses of bronze which were borne against pila and arrows, since the coverings were not very strong. Meanwhile, I deny that, once the coverings were broken, the stones penetrated bodies; the force of the blow was broken by the coverings. Slings therefore did not penetrate bodies which were moderately covered but struck them and harmed them in the manner of stones hurled by hand. Hurdles, cloaks, and the curtains of tents were placed in their way. As to Vegetius's statement that a sling casts to six hundred feet, it is certain that firearms carry their blow farther, and a blow which penetrates. A sling will not pierce a board one inch thick, but an iron ball will pass through many at once.

It is agreed, moreover, that slingers cast farther than archers. For Homer's Ulysses sufficiently shows that arrows did not carry their blow far:

> δουρὶ δ᾽ ἀκοντίζω ὅσον οὐκ ἄλλος τις ὀϊστῷ.

"But with a spear I cast as far as no other man does with an arrow." Certainly no one casts a spear so that it flies beyond the range of an artillery piece. At times a pilum or arrow passed through shield and cuirass, but more frequently it remained lodged in them. So that you may see clearly how greatly our firearms excel arrows, two matters must be considered. First, pila and arrows lodged in shields so that they often burdened the bearer. But those shields were made of boards, wickerwork, and leather, all of which are playthings if referred to our military service; the smallest handgun, of the size of a palm, would penetrate them. Thus two thousand musketeers would easily defeat two veteran Roman legions drawn up in formation and armed in their own manner. But if one chose to set cavalry against them, one thousand cuirassiers would suffice against ten thousand men, or two legions, because Roman coverings do not withstand firearm balls and cavalrymen need not come within the cast of a missile.

Bernardino de Mendoza, part 1, chapter 52, teaches how great the forces of our firearms are: "At that time I presented to His Majesty an artillery piece of a new kind, cast from metal, whose price is forty crowns and whose weight is thirty pounds. The ball which it casts is one pound. It is, however, carried with such violence that it passes through a wall

two geometrical feet thick. This is remarkable, since the instrument is so light and the ball heavy in proportion to it. Moreover, it does not easily grow incandescent, which is to be valued greatly. These pieces can be useful in a fleet, even if the ships are small, nor do the sides of any ships seem so strong that they will not perforate them. If several are joined together, they can also be employed in breaking walls." So great is the force of a firearm. Finally, with whatever force you hurl a sling-bullet against a tree, it rebounds; every firearm ball lodges in it. No other proof is required. It is permissible to set up anyone who denies this as the target. Nothing is more violent than the petard, which was invented a few years ago, for it carries off and bursts through gates. Ignited powder casts down mountains and ramparts together with their bastions.

§3. From this I also conclude that Roman arms ought not to be taken up again or mixed with ours. The outstanding judgment of all our commanders maintains this against certain writers, for they care neither for arrows, nor javelins, nor pila. First, because a pilum can be seen, it can easily be avoided. Second, pila can scarcely be cast beyond forty paces; the pilum-men can therefore be killed before they can harm the enemy.

§4. Besides the fact that the Roman legion cannot inflict harm, it is also naked if set against our firearm troops; therefore it can in no way hold its ground.

§5. Strength of body was required in Roman and Greek military service; in most parts of ours, dexterity is required instead. Provided that men know how skillfully to brandish a sword and handle a firearm, they easily learn the rest.

§6. The shield was the principal defense of ancient military service, and therefore *ἀσπίζειν καὶ ὑπερασπίζειν*, "to shield and to shield on behalf of," is applied by a Greek proverb to every kind of defense. But now no shield can be made which is trustworthy and turns away the iron balls of muskets or their leaden ones. For since a shield, so that it may cover the whole man when he inclines slightly, has a length of four feet, as Lipsius teaches in book 3 of *On the Roman Military*--and since a larger one exceeds this by a palm, while its breadth is two and a half feet--a soldier cannot carry such a shield by hand at the present time, because it must be four times thicker than it was formerly. For it must be made either of willow, fig, linden, birch, elder, or poplar, from which shields were made formerly, or of hard woods, oak, heart-of-oak, or cedar. If it is made of the softer woods, it must be one foot thick, for a musket-ball penetrates beyond that. If it is made of heart-of-oak, the wood will be heavier than can conveniently be carried, turned, and employed in defense. But if the shield is made of bronze or iron, the plate must necessarily be of a thickness which is excessively heavy for one hand. We easily gather that the shields of the ancients were not very thick from the fact that they were often made of wickerwork and covered with hides, and even those were considered heavy. Theocritus:

> Ἀχθόμενοι σακέεσσιν βραχίονας ἰτείνοισιν.

"Their arms burdened by wicker shields." But it would be ridiculous to set men armed with these against our firearms.

§7. Our soldiers generally cannot be sufficiently protected against firearm shots. For the armor of the ancients is useless, since it is easily penetrated. If it is made twice or four times stronger, it will be useless because of its weight. It has therefore seemed better to have unencumbered soldiers than immobile ones. Accordingly, our military service is more dangerous than ancient service. Although in former times men sometimes fought for whole days, battles now are concluded very rapidly, because naked men clash with naked men. More steadfast spirits are therefore required in it.

§8. Hence those who have the greatest number of cuirassed cavalrymen easily conquer, because, trusting in their defenses, they break through everything with the greatest boldness.

§9. Finally, this one thing must be lamented in our military service: although in former times defensive arms by which bodies were covered were devised against every offensive weapon with which life was assailed, now, so many years after firearms were invented for the killing of man, no cuirass or shield has yet been invented which can protect a man while he fights and charges. So much more ingenious is human nature for its own destruction than for its safety. But if any king could make an impenetrable shield or cuirass from some mixture of metals and of moderate weight, assuredly with one army he would easily obtain dominion over the world.

CHAPTER LX

The Discipline of Our Soldiers Compared with That of the Romans

§1. Justus Lipsius, in his commendation of Roman discipline, says that Justice, Chastity, and Innocence dwelt in their camps. Nor can I deny that many things among them were excellent. But I deny that their observance of laws and discipline was much better than ours. There are some examples of integrity but more of wickedness, and that vigor of discipline was frequently interrupted. Concerning the justice of the soldiers there is nothing to debate. It was said of those of old: "Law is where the reward is greatest." Marius denied that he had been able to hear the laws amid the din of arms. I understand their chastity much less, since fornication was freely permitted them. Women, indeed, were kept away from the camps of the Romans. Their successors too preserved this rule. A law of Frederick I says:

> No woman shall be with us in our camps;
>
> whoever is found guilty will depart, stripped of his spoils,
>
> shamefully, and she will be mutilated in her nose, once restored.

But a more grievous crime nevertheless existed among the pagans. Scipio expelled two thousand prostitutes from the camp at Numantia, but the same Lipsius denies that they were women. What purpose did it serve to commend a chastity which dishonored the male sex by an unspeakable crime?

No other innocence greatly worthy of commendation remains, even while the state was uncorrupted.

§2. Our own practices, therefore, which possess so many soldiers who fear God, appear not to deserve contempt. For there are very many historical records even from the present age. This is an argument for their innocence: among the Romans very many commanders were killed by their armies; among our men this is scarcely heard of. Their organization also is not inferior today, although perhaps more costly.

§3. If we compare laws with laws, there is no doubt that ours are holier. If we compare customs with customs, judging from the observance of the laws, there are some matters in which we are surpassed; in most we surpass them. Those who are eulogists of time past and disdainful of the present will laugh at this. But I, unless I am mistaken, will prove it with the aid of the good God.

THE MILITARY LAWS, THEREFORE, ARE AS FOLLOWS.

I.

Let them not blaspheme; let them punish blasphemers; and let them swear that, where they have offended, they will pay a fine. Year 1530.

But the whole system of German military service was set down in the year 1570, and constitutions were made by the emperor and the princes. I shall present them at the end of the book, preserving the order of the articles, so that it may plainly appear that we by no means lack good laws, but sometimes lack the practice of the laws.

First, after the cavalrymen have thoroughly trained their soldiers through preliminary exercises, and have equipped each and every one of them both with belts, sleeves, cloaks, breastplates, gloves, and helmets suitable for fortifying and covering them, and also with two smaller handguns ready to hand, let them come with those men to the place and at the time appointed and established by Us and the Holy Empire for the army to be mustered. There, after receiving half a month's pay as enlistment money, let them render their faithful and steadfast service during the three months immediately following the levy, and in the other months which follow thereafter, for as long as it shall be necessary to Us and the Empire.

II.

Before the army is led out upon campaign, let N. kreuzers be paid to them for each horse and for each wagon. Let them notify the recruiting officers, in accordance with the oath by which they are bound, of the beginning of their departure, and let them advance four miles each day; nevertheless, let it be permitted at times to halt in order to take some rest.

III.

They shall thus proceed to the review of arms to await the levy. If it is deferred longer, let N. kreuzers be added for each horse for as many days as intervene, besides the expense of the wagons.

IV.

And so that their expedition may be more expeditious and entangled in no difficulty, the magistrates of every place to which they turn aside shall establish a tolerable rate for public innkeepers. Thus, being content with N. kreuzers for a cavalryman and horse and N. kreuzers for a wagon and horses, let them neither exact a greater price for lodging nor escape punishment for their exaction. Meanwhile, we desire our cavalrymen no less to remember moderation, so that they demand nothing beyond a sufficiently moderate and fitting table.

V.

At the beginning of the march, let the commander of the army and the master of the cavalry divide the cavalry into squadrons, and let them place over each squadron a decurion or a designated man. They shall arrange for the name of one or the other to be proclaimed and recorded in every place through which they march. From this it may be known, if complaints are lodged concerning any violence committed by the cavalrymen or any injury done to the inhabitants, against whom punishment must be taken according to the nature of the offense, either by bodily penalty or diminution of pay, so that the man who suffered the loss may be compensated.

VI.

After the muster has been held, one month’s pay shall be paid immediately to the cavalrymen--namely, N. florins for each horse approved at the levy--and likewise for a baggage wagon, the master of the decury, and other necessities, as is established in the agreements made.

VII.

Together with the levy, the month of meritorious service shall begin immediately and shall be completed by the passage of thirty days, whether they are dismissed by Us or the Holy Empire as no longer necessary a short or a long time afterward.

VIII.

To men who arrive after the first levy, at which we desire every man to be present with his men in readiness, neither shall a second levy be granted nor shall We or the Empire owe anything, unless manifest impediments arising from marriage have created the delay for some of them. But if any of the enrolled cavalrymen should bring more men than the number prescribed or permitted to him allows, wishing them nevertheless to be supported equally with the others, let him understand that We will be bound to him on no account and that the Empire will incur no obligation.

IX.

If, after the army has been mustered, We or the Empire should dismiss them as superfluous within or before the completed space of three months--in the first or second month, of which correspondingly fewer or more days will have passed--the pay for three months shall nevertheless be paid to them in full, although their departure is to be computed. On the other hand, a particular accounting shall be made if dismissal is given at any time in the third month.

X.

Whatever number of draft horses a man lacks from the prescribed number at the levy, the commissioners shall deduct the corresponding amount from his money. It shall be their responsibility to supply every deficiency among horses of this sort, whether their failing strength gives out or death leaves them broken down. Nevertheless, those which have fallen at the hands of the enemy shall be reckoned as whole and sound for the entire month and afterward replaced by others free from every defect.

XI.

If some exigency of war should demand the cavalrymen's wagons, especially at a time when they can do without them without notable loss, let them willingly surrender the wagons and obey the common necessity.

XII.

Let no one harness to a wagon a coursing horse which has been examined and approved, unless necessity demands it and the master, being informed, gives his consent. He shall not be impelled to grant this except by a matter of very great importance.

XIII.

Let each master lead approximately three hundred men beneath his own standard, according to the judgment and regulation of the recruiting officers and commanders.

XIV.

The master of a squadron shall be paid one florin each month for every horse approved through the levy.

XV.

Over every fifty men let their own decurion be placed, whose pay shall be twenty-five florins. Likewise, let a baggage horse be attached to every twelve horses, and let six florins be expended upon it. Let there also be allotted, above ordinary pay, thirty-two florins to the lieutenant; twenty-four to the standard-bearer; twelve apiece to each of two trumpeters, as also to the scribe, barber, and quartermaster; in addition, twelve to the gunsmith, six to the saddler, eight apiece also to two attendants if they are present at the levy, and finally twenty-four florins to one minister of sacred rites or preacher, if one is available.

XVI.

Although it is assigned to the decurions to form the whole body of cavalry and its leaders in military discipline and order, nevertheless, because masters have hitherto sometimes reserved this allowance to themselves and have consequently lacked designated decurions whom the cavalrymen assigned to definite places and stations might obey, confusions and disturbances have arisen rather often. Therefore, so that these may be avoided hereafter, let the masters take care to distribute the cavalrymen of their standard equally among decurions and to declare, by fixed names, each decurion over each body of fifty. Thus every decury may know whom it ought to follow whenever it is to be sent to any places or stations.

XVII.

Whatever, in addition, the commanders of the army and the masters of the cavalry receive to be divided among the leaders of ranks and common cavalrymen, let them distribute by name and in good faith. If they act otherwise, let them undergo the censure of an inquiry and punishment.

XVIII.

Whenever the soldiers are reviewed, let every decurion pass together with the fifty men entrusted to him, in the order in which they were entered in the levy-book.

XIX.

On every march, in foraging, and elsewhere whenever it shall be necessary, let the decurions carefully watch those committed to their care and custody, so that by this means accused offenders may more easily be investigated and punished.

XX.

Since trains extended to great length are burdensome to military operations for many reasons, let no master of cavalry be assigned more than twelve horses, no nobleman more than six or eight, and no count or lord more than ten or twelve, unless one among them, more powerful in resources and authority, should appear at the levy well equipped and prepared in every respect with a greater number. The recruiting officers may accordingly permit him more.

XXI.

Let neither the commanders nor the masters of cavalry permit several men to combine into one rank under the pretext of a single name. Instead, let them take care that each man pass through the levy in the place and rank which he holds in the register, with his own name and surname recorded and his horses entered.

XXII.

Among these cavalrymen, no lord or nobleman who serves with only four or three horses shall be permitted to use a servant--

XXII. --but let those who lead five or six horses have the use of only one servant. Even if they exceed the number six but do not reach twelve, let them still have only one; if any completely fulfill the number twelve, let them have the right to two servants.

XXIII.

Let every lord or nobleman who serves with six or more horses train one of his men who, equipped with a longer firearm, can skillfully employ it against the enemy, since we have found that a firearm of this kind is as advantageous to military operations as it is exceedingly useful to the cavalry itself.

XXIV.

In accordance with these constitutions, let the commander of the army and the masters of cavalry permit no cavalryman to enter the number of the enrolled, the levy, or its book unless the lord himself is present in the field; nor let them permit horses to pass under an assumed name which the men falsely claim, or under the person of one to whom they do not belong.

XXV.

Inasmuch as in these times the custom has also arisen that certain noblemen, after they have subjected their horses to some standard, themselves wish to live freely and be subject to no one, together with one or another coursing horse which they allege that they have in reserve; and inasmuch as this practice, because men of this kind obey no one other than their own mind and will, tends to produce inequalities and to disturb military discipline and even the battles themselves, partly through rebellion and partly through confusion; therefore let the masters leave no place among their men to any lord or nobleman who, equally with the others, is not entered in the register and held bound by the same laws of obedience.

XXVI.

As far as possible, the masters shall endeavor to recruit and gather their cavalrymen from noblemen, not from common soldiers. Moreover, at the levy let no extended ranks be approved for them, unless perhaps only in the case of veteran

soldiers who have completed their service and whose valor has been proved; even then, with their own master individually interceding, let only so many horses be approved as the recruiting officer has seen fit.

XXVII.

Let every lord and nobleman clothe his men in such a way that, after their departure from home, their bodies are protected from cold and other injuries of the weather, and let their firearms likewise have their own coverings.

XXVIII.

Likewise, let every lord or nobleman so establish his men that they bring their service to be engaged until the end of the period prescribed, and indeed to remain obligated to Us and the Holy Empire for as long as need shall require. Let none of those who receive pay either demand or induce his lord to dismiss him while the campaign is still continuing, whether at the beginning of the opening year or toward the end of its completed circuit. Rather, let all remain steadfast, and while they remain let them not solicit greater pay. But those who, as deserters from military service, depart against the will of their lord without either an honorable or a causally justified dismissal shall, if apprehended, be delivered to punishment; if they escape by flight, let them be publicly proclaimed perjurers, under which name they shall everywhere be held infamous and shall nowhere be tolerated.

XXIX.

Let no man insolently insult his lord and no man show himself refractory. To point a firearm or sword at him shall be a capital offense.

XXX.

Let no one entice any soldier or servant away from another. But if anyone should depart from his lord with hostile intent or while manifestly guilty of some offense, or should be dismissed, let no other lord or nobleman following the same campaign receive that man unless the former lord has ratified it.

XXXI.

Conversely, let these men also preserve moderation and cultivate equity in treating their servants. If the contrary is done and spirits on both sides are inflamed through disputes and complaints, it shall belong to the masters of cavalry or the commander of the army to investigate the matter diligently. If they themselves cannot compose the dispute, it must be referred to the judgment of the military tribune, who, after hearing both sides and weighing the matter, shall assess the case according to truth and equity.

XXXII.

Let no commander or master release one or more cavalrymen from their oath or give them permission to depart without the knowledge and will of the commander-in-chief; nor let him dare to receive newly arriving cavalrymen and place them beneath the standards.

XXXIII.

If one or more of the cavalry should fall ill, or even, while engaged by command of his commander in honorable business, be led away captive by the enemy, they shall be regarded as sound and whole in every month while the army remains in the field. But their horses and armor shall also be produced at every review.

XXXIV.

If the horse or servant of any cavalryman should fall at the hands of the enemy, or perish through another manifest misfortune of war, then, unless the man substitutes another within one month, or at most two months, after the commissioner has learned of it, let him thereafter expect no pay for the one lost.

XXXV.

Let no man who wishes to preserve both the faith of the oath by which he has bound himself to Us and the Holy Empire and his own honor receive from another or lend to another any cavalryman, horse, armor, or other necessity of war, either at the review of arms or outside it. Instead, let each man diligently and sufficiently equip himself in every respect, prepared to go out and undertake watches with the same arms with which he appeared at the review. Whoever is improvident or negligent concerning this constitution shall be fined his pay.

XXXVI.

Apart from these, let no immunity from watches be given to any horses except the twelve belonging to the master of cavalry and the six belonging to the standard-bearer.

XXXVII.

Let the commanders and masters of cavalry labor with diligent attention and serious care, when arranging the marching columns, to ensure that the cavalrymen present around the standards, in accordance with the levy-book, both the horses and every item of equipment complete and filled out in their proper numbers and parts.

XXXVIII.

Whenever the commissioners come to them to inspect each standard separately, let the commanders and masters of cavalry permit one to be presented apart from another and the number of each to be taken. If a notable deficiency or one suspect in number is then encountered under any standard, inquiry must be made among the cavalrymen both so that the reason and origin of the deficiency may be established and so that the necessary care may be applied thereafter, lest by any fraud committed or by some small diminution of the number paid for by Us, We or the Empire be frustrated. Accordingly, we also desire the commanders, together with the masters of cavalry, to attend every review and always to be present with the recruiting officers, supplying whatever assistance, support, and aid they can, so that not only may the latter duly execute the matters entrusted to them, but service may also be rendered faithfully and steadfastly to Us and the Empire.

XXXIX.

Let the commander, the masters of cavalry subject to him, the leaders of ranks, and the cavalrymen observe Us in the first place, then the supreme legate appointed by Us and the military tribune, and thereafter the captains set over them. Let them await the command of these men in every contingency and outcome of affairs with the faith and obedience owed, ready by day and by night, with full or half-full standards and squadrons, collectively and individually, as either the matter itself or the command of Us and Our legate shall require, to enter the field, be placed in garrisons, perform watches, forage, and conduct escorts. Moreover, without the permission of their superiors let them neither depart with the standards or squadrons, nor otherwise from their rank or from camp, nor send away any baggage, nor even join battle with the enemy when not ordered. Rather, let each remain in that very place to which he is directed by the commander-in-chief, his commander, or his master. Let them obey these men in every place and at every time, in accordance both with what befits true soldiers and with what they owe by right to their commanders and captains and also by force of these constitutions.

XL.

Likewise, let the said prefect of the soldiers and his masters of cavalry, leaders of ranks, and cavalrymen, in proportion to the care they bear both for maintaining the dignity of their lineage and the equestrian order and for fulfilling the faith by which they bound themselves to Us and the Empire, also see to it that the cavalry law praised from antiquity is established, confirmed, and proclaimed with the utmost zeal and diligence. Let all subject themselves and obey it as the rule of perfect Justice, and let them also undergo judgments and punishments for offenses in accordance with these constitutions, the imperial decrees, and the laudable custom of war transmitted to Us.

XLI.

We, by the grace of God Emperor of the Romans, by imperial power and majesty, both from the authority of Our office and with the consent of the electoral princes, the estates general, and the counselors and legates of those absent, will that these equestrian laws, employed from antiquity with great praise, be restored to their former vigor and preserved. We further confirm and deliberately command that whatever is done duly and lawfully, in accordance with the established constitutions, within the boundaries of the Empire or outside them under the dominion of foreign rulers--not only by Us, Emperor of the Romans, at Our court and in Our campaigns and garrisons, but also throughout the entire Empire and through all Our hereditary dominions--be regarded as ratified, firm, and perpetual, to be pursued and executed without possibility of contradiction.

XLII.

Let all things which are handled and decided in any place before an equestrian court for as long as the campaign continues be committed to the book or volume in which the acts of the war are recorded. From it, after the war has found its end, let two copies be transcribed, to be secured by the seal either of the military tribune, if he was present, or of the commander.

XLIII.

And because, for some years past, disobedience, various confusions, and a certain rather free and unrestrained manner of living and acting have crept into the German forces--things which they did not derive from their ancestors, who carried away the palm of valor and probity before other nations and were especially renowned for their observance of military discipline--therefore, so that hereafter not only may precautions be taken against these evils, but Christian Piety, Good Order, Justice, and Obedience, upon which the safety and preservation of men rest, may also recover their former vigor and receive greater increase from day to day, let the cavalrymen henceforth restrain every license of life with the bridle of right reason. Above all, let them abstain from blasphemies and contempt of the divine word; let them inflict neither molestation nor violence upon anyone; and let them have no intercourse with immodest women or with women following the camp. If, however, women free from a shameful reputation are present, whose honorable service is employed and used both for attending to the sick, for washing, and for other things without loss of chastity, they may be tolerated with the consent of the commanders.

XLIV.

Let commanders, masters, and prefects also apply themselves most diligently to this: that, in accordance with the care by which they are solicitous to defend their own honor and discharge the faith they have given, they themselves should above all be zealous to institute a pious and Christian life and should be vigorous defenders of justice and of the poor, thereby offering their cavalrymen examples and incentives to imitate the good, rather than inviting them to evil by their own conduct.

XLV.

Let every lord and nobleman, together with his men, come when summoned to the sermon on Sundays and at other times whenever the signal is given by trumpet, and let them attend divine service. But if anyone is meanwhile found at drinking parties, taverns, or other places suspected of levity, let him be punished, with this distinction: let a servant be confined in prison, bound with fetters, unless another manner of punishment seems appropriate to the nature of the offense. But if he is a lord, let him, when called to account by his master or commander, first be sharply chastised in words; then, if he shows little or no amendment, let him be arraigned as guilty before the prefect and judge of the camp; finally, let the cavalry laws also be threatened against him, according to whose uniform and perpetual tenor, if he were thereafter to devote his life to crimes and disgraceful deeds through manifest wickedness, he should be punished by dishonorable discharge as an example to others.

XLVI.

Furthermore, by force of these constitutions, let none of the prefects of provisions draw and sell wine, beer, or anything similar while sacred rites are being performed and the sermon is being held.

XLVII.

Likewise, let there be severe punishment against those who blaspheme publicly, and let all who violate the sacred name of God by deliberate will be punished with an ignominious death.

XLVIII.

Since shameful drunkenness has gained such strength among the Germans, especially in war, that they consider nothing earlier and nothing more important than drinking together after the manner of beasts, by which fault the whole nation brings itself not only into contempt and infamy among others--

XLVIII. --but are also accustomed to procure little favorable success in military affairs and victory. Therefore, in accordance with these constitutions of Ours, we earnestly charge commanders, masters, prefects, lords, noblemen, and cavalrymen that they too endeavor to wash away this stain upon the soul and to set a limit upon drunkenness, and especially that they not allow their servants to be prone to this vice.

XLIX.

If anyone who holds an office is marked as so addicted to drunkenness that he cannot attend to and fulfill his office sufficiently, let his position be taken from him by the prefect of the camp and his commander and entrusted to another, more worthy man who is more sober. Let no one oppose this, and let no one undertake the patronage and defense of that man's cause, since this constitution and the personal oath by which each man is bound forbid it.

L.

In every offense worthy of accusation which has been committed by lords, noblemen, servants, or men of the highest or lowest rank, let neither the name of drunkenness be advanced nor approved by the prefect of the camp, the commander, and the equestrian court as an excuse for the deed or a mitigation of punishment. Rather, let judgment be pronounced more sharply and severely on this very account, and let the guilty man be condemned to a doubled penalty.

LI.

Let anyone who, rendered improvident by drunkenness or overcome by drunken sleep, has neglected a danger threatening from the enemy suffer punishment.

LII.

If any among the cavalry or the cavalrymen's servants should gorge themselves with wine to such a degree that they are found deprived of reason, let them immediately be consigned to prison and chains, and let them not be released without the consent of their commander or master. Let these superiors also possess discretion, after the matter has been ascertained, to punish those men and to leave to the equestrian court any who flee punishment.

LIII.

Whoever lays armed hands upon the prefect of the camp or the military tribune, or in any other manner opposes his commanders, masters, prefects of watches, or leaders of ranks--especially in matters which they impose by virtue of their office--shall, in accordance with the decree of the equestrian law, pay the penalty in his body and through the loss of honors and goods.

LIV.

Whoever has violated the authority of his superiors either through contempt or through an insulting word shall be arraigned before the equestrian court and punished according to the gravity of the matter.

LV.

Whoever has stirred up sedition against the commander-in-chief or others appointed as his superiors shall, when summoned to judgment, pay the penalty with his head.

LVI.

In the camp, with respect both to summonses and notifications and to commands and prohibitions, let all adapt and conform themselves, as they ought, to the requirements of justice and military discipline.

LVII.

Let no one lay hands upon the executors of justice--such as the prefects of capital matters, investigators of seditions, and their attendants or assistants, by whatever title distinguished--or oppose them either through violence or recklessness, or place any impediment in their way so that they cannot execute their office. Rather, let all strive to protect them against violators and to preserve them from every injury and violence, understanding that all these matters fall under the penalty of death.

LVIII.

If any cavalryman in camp or elsewhere hears and learns anything which could bring loss or impediment to Us, the Holy Empire, military service, Our provinces or peoples, or those of the Empire, or if he sees or knows of suspicious persons, he shall immediately disclose it to his master of cavalry or, if the gravity of the business so demands, to the commander himself. But if one or another does not do this, then, when the matter is discovered, that man or those men shall pay, as authors of the fault, with their heads or fortunes, without pardon.

LIX.

Let both those who draw up the ranks and the common cavalrymen diligently ensure that the columns march in a straight and unbroken order. Let no one dart about or wander before the standards; above all, let no one mingle with the baggage or wagons, or, by leaving camp too early, go ahead of his own standard. For a good cavalryman who loves equity and wishes to appear honorable ought to judge that consideration is owed not only to himself but also to his comrades, so that he appears present nowhere except at his own standard, to which he has been assigned. Accordingly, let him take care that neither through himself nor through his servants is the order disrupted by wandering horsemanship. He must in no manner and for no cause depart from this order without the knowledge of his commander or master. If the contrary is done, let punishment be incurred according to the discretion of the tribune or before the equestrian court.

LX.

Likewise, without permission received from Us, Our legate, and the commanders and officers subordinate to him, let no one depart from the camp or standard with one or more horses, or remain away at night after going out to forage. Whoever acts otherwise shall be fined according to the judgment of the marshal and commander and also according to the tenor of the equestrian law.

LXI.

Whoever deserts his station in the field without the consent and permission of his commander shall, besides the equestrian judgment which the marshal will pronounce against him as a fugitive and deserter, also suffer the free plundering by everyone of his horses, arms, and, finally, everything he possessed.

LXII.

Whoever has defected to the enemy shall be publicly proclaimed and declared infamous by the marshal and the equestrian court, with the disgraceful mark of desertion to the enemy.

LXIII.

Whoever, after abandoning his standard, has undertaken either secret or open flight shall be punished with disgrace and death. But if another man checks the fugitive then and there with a firearm or sword, let this not be imputed to him as a crime; rather, let it be regarded as a meritorious act.

LXIV.

Without the commander's permission, let them neither send a trumpeter to the enemy nor receive one sent by him, nor communicate with him through any exchange, whether of business, conversation, or letters. But if anyone receives some message or letters from the enemy, let him not conceal the matter from his commander and master. Instead, let him immediately arrange through that superior for the letters, closed, covered, and known to no one, to be carried to the commander.

LXV.

Let no man who follows the enemy's side, whether male or female, young or old, have free passage through the watches either when entering the camp or when departing from it. Rather, if such a person is observed, let the guards intercept the person and conduct him or her to one of the commanders or to the supreme commander of the army.

LXVI.

On marches and at stations, while the standards have been raised and are flying in good order, and also among guards who have been posted, let no one direct armed hands against another or engage in single combat with anyone. Let the man guilty of the deed immediately be delivered as a captive to the marshal by the leaders of ranks who are present, or be consigned to prison, soon to be arraigned and to pay the penalty with his head.

LXVII.

Let no one attack or assail anyone from behind, whether within or outside the camp, with a firearm or other lethal weapons. Let no one challenge another to an equestrian duel or violate him in any other manner, under the penalty established by the equestrian law.

LXVIII.

Whoever with wanton audacity has overwhelmed and violated another in that man's own tent or lodging shall incur the supreme penalty and the rigor of the equestrian court.

LXIX.

Whoever plunders horses or draft animals from plows; whoever destroys or breaks down without permission mills, ovens, and similar structures erected for the common use of the state, whether they belong to friends or enemies; and whoever pours out or destroys wine, grain, or flour, or wantonly inflicts any other loss, shall be punished in body.

LXX.

Let all take care not to put to death persons already of decrepit age, priests, preachers, or women when they are found unarmed, or likewise infants, under penalty of death.

LXXI.

Let no private person conspire or stir up disturbances against another; and let no nation of any kind or cohort of soldiers, whether infantry or cavalry, do so against another or call upon its own nation, under penalty of death.

LXXII.

Let no one render the watches uneasy by discharging a firearm, raising songs and shouts, or in other ways. Let the man who does so not go unpunished.

LXXIII.

Let no one maintain ancient rivalries and inveterate hatreds either in the field or in garrisons, or attempt vengeance. If he has some matter in dispute with another, let him either defer it until military service has been brought to an end, arrange for it to be settled by the marshal or officers, or have it decided by the common law. Whoever acts otherwise shall be punished according to what is equitable and just.

LXXIV.

If men, their anger aroused, should clash with one another and begin a contest, let the spectators who are present restrain the disturbance and bring the divided minds together again once peace has been restored. Let both reconciled sides thereafter uphold that peace steadfastly and willingly for as long as the campaign continues.

LXXV.

Let no one neglect his office and assigned part in keeping watch, refuse to perform it, or depart from his station sooner than he is led away from it. Rather, let him remain immovable in the place where he is posted. But whoever neglects this law shall be brought before the prefect of the field, his commander, and his master; unless he can sufficiently clear himself of his negligence, let him bear the sentence of the equestrian court and be dishonorably discharged without pay or honorable dismissal, or be punished in another manner as the matter requires.

LXXVI.

Let each man proceed to stand watch with the armor and arms assigned to him at the army's review. Except for a special cause of marriage, let no one dismount from his horse either during the daytime watches or the watches by night. Whoever acts otherwise shall forfeit his horse and armor as a fine to the governor of the field, to be divided equally with the prefect of the watches, while he is to be punished further after the matter has been ascertained.

LXXVII.

Let no one on watch raise the cry to arms without cause. Rather, let each perform his duty of watching with the greatest diligence so that no disadvantage arises from it to the commander or the army. But whoever has through his own negligence omitted anything in this duty shall clear himself before the marshal and the equestrian court.

LXXVIII.

Whoever goes to his watch so drunk that he can neither discharge the duty of watching sufficiently and properly nor give the watchword shall be punished by decree of the marshal and his commander or of the equestrian law.

LXXIX.

Let no one receive suspicious persons as guests or permit them to remain with him; rather, in accordance with the oath by which each is bound, let him deliver them to the commander of the army or his centurions.

LXXX.

If anyone should perceive a method of circumventing the enemy or forestalling adversaries, or if some plan and counsel should occur to him either for wearing down the enemy or preventing loss, let him report it secretly to the commander, the marshal, or his own leader; he will thereby obtain great and deserved favor.

LXXXI.

Let no one extort money by threatening fire or devastate the camp or any other place with flames except by command of the commander.

LXXXII.

If a battle must be fought or a conflict with the enemy undertaken in another manner, let each man remain in his own place, which he occupies by command of his superiors, and let him not depart from it without their will, under danger of infamy. Although his comrades might meanwhile prove victorious in another part, nevertheless the man who has carried out the command through obedience of this kind shall be held in equal esteem with those who, obeying in a different manner, contributed their aid to the accomplishment of the victory itself. For we must look to this: that obedience, as the foundation of every good government, be established on every side, and that, conversely, every disobedience be eliminated.

LXXXIII.

Although by the goodness of God victory over the enemy should fall to us, nevertheless let no one, without permission, abandon his rank or standard, carried away either by hope of booty or by eagerness to pursue the enemy. Instead, let each remain steadfast in his rank and conform himself to the command of his superiors, under danger either of contracting infamy or of violating his faith, lest through some confusion or disobedience on our side toward the enemy, loss or disadvantage flow back upon the whole army.

LXXXIV.

Let no one seize or take away from another, whether by force or in another manner, booty which that man himself has captured or lawfully acquired. But let them arrange for disputes and disagreements which arise from this cause to be distinguished and settled by their own commander or master, or--

LXXXIV. --by the marshal through the judgment of the equestrian court.

LXXXV.

Let no one despoil the suppliers of provisions within or outside the camp or lay hands upon them. Likewise, let no one rush into the place where provisions are kept or seize anything there by force. Let the man guilty of the deed be restrained in prison and punished by the marshal or equestrian law in his body and the goods of his fortune, as the offense requires.

LXXXVI.

Let no one who has gone out of the camp forestall others by buying provisions earlier; rather, let them await their free sale within the camp.

LXXXVII.

If any livestock or other provision is taken from the enemy, let no one divert any of it elsewhere without the permission of the marshal or his commander. Instead, let him sell it in the camp itself at a tolerable price. If a dispute arises concerning the price, recourse must be had to the same marshal as arbitrator.

LXXXVIII.

Whoever among the aforesaid cavalry, whether in camp or in other duties, notices anything which would bring disadvantage or impediment to Us, the Empire, military affairs, or the dominions subject to Us or the Empire, or whoever has knowledge concerning suspicious persons, shall take care to disclose it all without delay to his master or commander--indeed, if the matter has greater importance and weight, to the commander of the army himself. Whoever becomes known not to have done this shall be punished, as an author of the fault, in the goods of his fortune and in his body, without favor.

LXXXIX.

If We, Emperor of the Romans, or Our supreme commander and legate of the army should grant to one or more persons, cities, towns, villages, hamlets, houses, and other goods an escort, safe-conduct, safeguard, or immunities, or should bestow other favors, let Our cavalrymen attempt in no manner whatsoever, either by themselves or through others in their name, to attack or impair privileges of this kind.

XC.

Let them burden none of those who, whatever their condition, are subject or allied to Us or the Empire; let them impose tribute or exaction upon no one, and let them harm no one by pillaging or similar means, whether when beginning or ending their campaign, or at other times when they have passage or establish a stationary camp. On the contrary, let them most justly pay each and every person what they owe. Similarly, let public innkeepers show them equitable reciprocity in the prices charged for things. But when they are to be in the field against the enemy and under arms, let them have a more liberal supply of fodder.

XCI.

If at any time, because the pay ordered has not been provided at its proper time, they must live at the expense of innkeepers and common people, let them conduct themselves equitably and honorably, sparing their hosts and persons of slender fortune as far as possible. Let them keep a diligent account of what they receive by acknowledgments made and given in writing, and afterward permit an equal amount to be deducted from their pay.

XCII.

Conversely, payment shall be made to the poor for losses caused by the passage of cavalry and infantry, through the ordinary quaestor of Us and the Holy Empire.

XCIII.

When camp has been made in enemy territory, if that land nevertheless belongs to the Empire, let no one go out to harass the inhabitants with pillaging, exactions, or other injuries, and let no one permit this to be committed by his servants. Rather, let him watch them with painstaking care and ensure with diligent circumspection not only that they bring nothing belonging to another into the camp by an unjust means, but also that, as regards provisions and fodder, they follow the rate, measure, and ordinance which the prefect of the camp and the marshal shall prescribe to them at every time, in accordance with the oath which they have taken. If some cause of complaint should arise from this, let the masters restore the loss to the needy subjects with money to be subtracted from the pay of those who inflicted the loss. Let noble lords also compel their servants, when they have investigated the case and found them guilty, to make restitution. Indeed, let the guilty also be summoned to judgment and punished as plunderers.

XCIV.

But if, through the present aid of the divine Majesty, the commander of the enemy army or other commanders should be captured by Our cavalrymen, let persons of this kind be presented either to Us or to Our commander, or be delivered into the hands of the man who carries this commission for him--not without a rich reward and the bounty owed.

XCV.

But if persons other than the commanders and leaders already mentioned are made captives, let the man who captures and subjects them have discretion to treat them by exactions and by methods received in military usage. Nevertheless, let the commander-in-chief be informed of every captive, and let none of them be released without his consent.

XCVI.

And if any cities, citadels, villages, dominions, or nations are conquered by war, let all of them, together with their artillery, fortifications, and collected provisions, pass entirely into Our power and be conveyed to the Empire, not diverted elsewhere. Then, after such conquered cities, citadels, and villages, and such subjugated regions and peoples, have rendered homage and been received by Us into Our protection, We will that all the remainder of their substance, which otherwise would be booty by military custom, be immune from every injury and exaction, and We take precaution that no one dare invade it.

XCVII.

Since cavalrymen and infantrymen diverse in origin and nation flow together into a single army, so that the quarrels and disagreements which readily arise and are stirred up from so great a diversity, even from slight causes, may accordingly be avoided, let foreign nations by no compact assail one another with words or deeds, rend one another by conduct or insulting expressions, or attempt to issue forth and provoke one another to debate. Nevertheless, if one injured nation appears to have a just action against another, it must be instituted and pursued before the ordinary magistrate and according to the customary form of military law.

XCVIII.

If one or more among the cavalry offends against these constitutions, or in another manner commits an act contrary to military laws and customs, his own honor, or the faith he has given, let them bear punishment in body, by infamy, or through loss of goods, according as the nature of the offense demands, by the judgment of the prefect of the camp, the commanders and masters, or by decree and custom of the equestrian law.

XCIX.

And if this cavalry should lack an ordinary marshal, or the marshal should not be present, so that a lawful equestrian court cannot be held by him, then, when capital causes and other crimes nevertheless arise which, because of the accompanying guilt, do not admit delay or postponement of punishment, let the commander-in-chief meanwhile assume for himself the task of avenging injustice. Having summoned the masters of cavalry, lieutenants, standard-bearers, and also, if necessary, some of the centurions, and having interposed their judgment, let him, in accordance with these constitutions and the tenor of the equestrian laws, show himself no less sharp a judge against the accused and an avenger of crimes.

C.

Even among German cavalrymen, although they may possess fewer or more standards and may lack a designated marshal, let investigators of capital matters nevertheless be established. Whether they follow the camp on marches or are placed in garrisons, let the men experience them as avengers of evils by force of this constitution, which none of them may refuse.

CI.

If one or more men, after receiving enlistment money from a master, are not present in the ranks when the soldiers are reviewed, or, before or after the review while military order has not yet been established, withdraw with arms scarcely received, or arrange to be enrolled in another man’s service, let them, as is equitable, appear when summoned before the equestrian court and clear their deed. If anyone remains refractory, after an action has nevertheless been brought against him and the case heard, let judgment and sentence be pronounced just as against one who is present.

CII.

If, either during this campaign or during others beyond the boundaries of the Empire under foreign rulers, some error or dispute undertaken for the sake of honor has remained among Germans while they were performing military duties, and it is decided to prosecute it before the equestrian court, then, when the accuser comes and seeks justice against the

opposing party who is remaining in Our army, let justice itself be rendered to him, and let the accused, lawfully summoned into court, answer. Meanwhile, the man who brings the case shall also bind himself to the marshal and the commander of the army by furnishing adequate security for everything required in a matter of this kind until it is examined and concluded by law.

CIII.

In all these matters let the said commanders, masters, and cavalrymen conduct themselves as befits soldiers of approved valor and good faith.

CIV.

Furthermore, the aforesaid commander must not only be personally present with and remain attached to the masters and cavalrymen subordinate to him; he shall also not dare to appoint a legate in his own place or entrust his delegated duties to another. Mindful of his dignity, he shall preserve the manner of duly carrying these things out in person, as the representative of the equestrian order, and of answering suitably when questioned concerning them.

CV.

Moreover, let the aforesaid cavalry submit to its review every month, or whenever it is requested, and let the payment of wages follow it. But if, because money is not ready, payment does not always and immediately follow the end of the month, let them patiently endure this delay and meanwhile faithfully perform their share of the duty, as just soldiers do, neither neglecting watches nor refusing marches.

CVI.

At the first review these constitutions and articles shall also be read publicly to the common cavalrymen in the open field beneath the raised standards.

CVII.

This reading of the constitutions and laws shall also always be repeated to the cavalrymen in the circle whenever the number of those serving is afterward taken, so that, their memory having been refreshed, they may more readily know how to direct and conduct themselves according to them.

CVIII.

In the same manner, if cavalrymen should afterward join, once the army is ready for action, and, after receiving enlistment money, be enrolled in the same military service, they shall be bound to observe these same laws no less than if they had contracted for service from the beginning.

CIX.

Let the masters be cautious and provident in gathering soldiers, lest any person of frivolous character, marked by the stigma of a shameful crime or infamy, mingle among their cavalrymen. This is both so that every danger of rebellion, confusion, and sedition may be the farther removed from the army and so that honorable and freeborn soldiers may live more quietly and attend to their duties more easily. But if any persons of this kind become known while lurking among the standards, they shall, on account of their crime--whenever and wherever they have committed it contrary to right--be arraigned before the equestrian court and, in accordance with the nature and measure of the offense, either expelled from the army or punished by another penalty.

CX.

Moreover, if among the enrolled soldiers there is found either a public despiser and blasphemer of God and the divine word, a notorious violator of virgins and women, a man who has bound himself by the crime of unjust homicide, or one who has brought disgrace upon himself through perfidious desertion to the enemy or another deed alien and

unworthy of a nobleman, then, when charged and convicted, let him be punished according to the judgment of the equestrian court.

CXI.

Finally, if on this occasion something has escaped Us or been omitted in these articles which, both by the nature of what is right and by the custom and institution of the ancestors, is required to be observed by cavalrymen, let all be bound to follow and observe it just as if it had been expressly stated, and let transgressors be punished.

ON THE CONSTITUTION OF THE CAVALRY LAW

I.

First, let all commanders, masters of cavalry, leaders of ranks, lords, and noblemen, together with the other cavalrymen who are their comrades in arms, be enrolled and admitted under the constitutions which have been set forth, in which are contained, in order, the articles of the equestrian law and military discipline composed and established by Us, Emperor of the Romans, by the electoral princes, and by the estates general of the Empire.

II.

When the assembly has therefore been held, let Our commander-in-chief--who has accepted as his foremost care the governing of the army of the Emperor of the Romans and the Empire--arrange for the whole cavalry to be summoned into one place, unless perhaps its greater multitude appears to require division into parts. Then let him, together with the marshal and those who hold the higher offices, go around the same body in a circle, while the herald carries a drawn sword before them. There, after the signal has been given by the trumpet, let him first address the cavalrymen openly with a gracious speech because they have offered their service with so liberal a spirit for Our good and the advantage of the Empire, and then let him speak the remaining words with kindness according to the following sense.

III.

Since obedience and good government are both exceedingly pleasing to God Himself and so salutary and useful to us that our German ancestors always judged that they must apply themselves to them with the most vigilant spirit, therefore he wishes, in Our name, in the name of the Empire, and also in his own name, to admonish all men that they should be willing to embrace discipline and obedience, follow laws and judgments, cultivate Christian charity, and adopt honorable conduct worthy of a nobleman. That is, they should be zealous for piety toward God and lovers of an honorable life and, conversely, should avoid and flee utterly deeds which are more like those of a rude pagan and an ignoble man than of a noble cavalryman imbued with illustrious blood and the Christian faith.

IV.

And so that these things may be observed more rightly and certainly, We wish Our constitutions and those of the Empire now to be read to them. They contain the most ancient and most highly praised articles of the equestrian law, which We and the Empire have ordered to be recalled to their former vigor, established, and put into practice for the advantage and glory of the German nation. In this manner they shall serve according to the ancient custom.

V.

Nor is there any doubt that, in accordance with the freeborn character of German cavalrymen, they will regard these very things as equitable and good, and will not only accept them with a willing and joyful spirit but also put them into effect. After these preliminaries, let the reading of the articles follow.

VI.

When it has been completed, let the commander-in-chief exhort them again that, with the sincerity which is proper, princes, counts, magnates, noblemen, and common cavalrymen--of whatever condition and whatever age they are,

high or low, youthful or declining in years--should all be willing, as they ought, to conform themselves to what has been read, obey faithfully and obediently, and remain in the faith given to their commanders, the Emperor of the Romans, the Empire, Our legate, and the officers subordinate to him. Whether they occupy the open fields extensively or reside in garrisons, let each man by night as well as day, according to his own measure of strength and the custom of the ancestors, discharge his duty even with contempt for danger to his fortune and his head, prodigal of life and heedless of his goods. Let them not think themselves released from this faith before this military service is dissolved, unless death intervenes or other grave and just causes arise. Rather, let them maintain a spirit and conduct worthy of a freeborn German cavalryman, uphold equity and right, commend the whole military enterprise by fervent prayer to the almighty Deity, and finally show themselves free from every fault and disgrace and from the punishment of disgrace. At the end of his exhortation the commander-in-chief shall ask them, in accordance with ancient custom, to bind themselves by this oath and, with all raising their hands, to be willing to swear to these laws and to the performance of everything contained in them.

VII.

When the laws and articles of war have been read and the oath pronounced, the commander of the war shall establish the ranks of the legions and shall indicate to the cavalrymen those who are to hold the principal offices.

VIII.

First, let him take the sword from the herald’s hand and deliver it to the marshal. Let him entrust to the marshal the care of Justice, or of Equity and Right, for protecting the good and obedient and, conversely, punishing the wicked and guilty, earnestly impressing upon him the oath which he has taken with the common voice of all.

IX.

Then let the commander-in-chief name the remaining persons appointed to the other higher offices, and at the same time commend to them a diligent and faithful care of the number of their men, corresponding to the oath which they have taken. In addition, let him impress upon the cavalrymen collectively that they render to each and every officer of this kind the obedience which is proper in matters pertaining to each man’s particular office.

X.

Thereupon the officers in turn, after giving thanks, promise due submission to the commander-in-chief and the performance of their office to the cavalrymen.

When these things have been completed, the circle is dissolved at the sounding of the trumpets.

BY WHAT PROCEDURE THE CAVALRY LAW IS TO BE CONSTITUTED

Let the marshal appoint as his legate a nobleman distinguished by uprightness of life, maturity of judgment, and experience in affairs, and let him entrust to this man, besides other matters, the care of Justice and the equestrian law. Let there also be joined to him a person well skilled by practice to discharge the office of scribe. At the first equestrian court, let this man bind his faith by a public oath.

HOW THE SAME LAW IS TO BE OBSERVED

I.

So that the equestrian law may be duly observed, let it first be proclaimed throughout the camp by a trumpeter at the marshal’s command; or, if that appears more convenient, let it be announced in order to each part of the divided army.

II.

Then let the marshal, to whom the chief care and burden of justice has been committed, select three masters of cavalry, three lieutenants, three standard-bearers, likewise the same number of decurions, together with one cavalry commander. With these men let him enter and complete the court; indeed, on the preceding day as well let him take counsel with them, if it appears necessary and useful for the case that this be done beforehand.

III.

If the cavalry is more numerous, so that men are readily available from the multitude for this purpose, or if some capital cause or another grave matter of honor arises, let the court be doubled by establishing twenty-four persons and selecting more decurions from the standards accordingly.

IV.

When the aforesaid persons have assembled before or within the marshal's chamber and he is about to proceed to the place of judgment, let him arrange for a herald or another man to precede him, carrying a drawn sword before him, and for a trumpet blast to go before them, both to add authority to the law and to offer a terror to the soldiers. Let those persons follow immediately in pairs and in unbroken order, bearing their own swords resting upon their shoulders, with the point rising upward if the cause is capital, but fitted to the side if it is not a criminal cause.

V.

In every judicial cause, especially if it demands a penalty or concerns the preservation of reputation, property, or military discipline, let the marshal himself be present and administer justice and equity with the greatest zeal and defend it by his authority. But if civil causes of lesser importance arise while he is detained by more serious business, let his duties be fulfilled instead by his legate.

VI.

When the marshal and the others have taken their full seats in the place of judgment, let the marshal himself first place his sword upon the table. Then let the judges invert their swords, with the points turned toward the ground, if the cause is capital.

VII.

Likewise, let the book of constitutions be placed upon the table.

VIII.

After this, let the marshal first propose and command the judges who have been requested and appointed that they be willing to judge neither corrupted by money, gifts, and largesses, nor for the sake of obtaining a gift; and that, with hatred and envy removed, and without regard either for friendship or enmity, they instead hear the causes argued on both sides by allegation and defense, in accordance with the imperial constitutions and decrees, and deliver and pronounce sentence with that sincerity of justice with which they pray that they themselves may be judged by God the Judge at the Last Judgment. Then let him receive from each of them his pledged faith to preserve this equity, confirmed by the giving of the right hand.

IX.

Furthermore, let the marshal inquire according to custom concerning the court: whether the men in whose hands it rests are qualified; likewise, whether it is being held at a lawful time; and whether any impediment intervenes which forbids the imperial equestrian court from being held.

X.

Then he shall adjure the judges by almighty God, the fountain of all justice, and thereafter in Our name as the supreme magistrate, in the name of the Empire, and also in the name of Our commander: let no one speak without permission and without his advocate; let no one depart from the court, lest the surrounding crowd crush them.

XI.

Then let him inquire whether a day has duly been appointed for the litigants and whether they have been summoned.

XII.

In capital causes and those which concern the good of military discipline, let the investigator of capital matters come forward; and, if because of the greater weight of the matter it so appears to the marshal, let his legate come forward in addition to him. In civil causes, however, where a monetary dispute is brought, let the plaintiff and defendant, when they come forward, each request one person from the court and one or another from the assistants, by whose counsel they shall arrange for their cause to be pleaded and examined.

XIII.

In penal causes, the relevant article contained in the cavalry laws and the imperial law concerning crime are the most exact norm and rule of judgments.

XIV.

While the inquiry is conducted, let the cavalrymen be admonished under their oath that each man keep his vote concealed and wrapped in perpetual silence and bury it with himself in the same grave.

XV.

Before judgment is pronounced, if a criminal cause or a matter of honor is disputed among men of high station, let the marshal always disclose the matter itself to the commander-in-chief in order also to learn his mind. In accordance with the dignity of the person, the condition of the time, and the circumstances of affairs, the commander may consequently mitigate and soften the severity of the punishment.

XVI.

When judgment is pronounced in penal causes, let the marshal hold his sword in his hand with its point directed upward.

XVII.

But while the inquiry is being made and opinions delivered, let the others appointed to judge lower the points of their swords. When the judgment has been made public, let them then raise them, and let the marshal break his staff. Then let them depart from the court to the place from which they came, with each judge bearing his sword resting upon his shoulder or, if it was not a criminal cause, fastened at his side.

XVIII.

Finally, whatever is handled and concluded anywhere in courts of this kind while military service continues shall be written and recorded in good order in the book appointed for this purpose. When the war has now been completed, let two copies of this book be authenticated by the marshal’s seal, and let one be transmitted to Our chancery and the other to the chancery of Our beloved electoral prince of Mainz, so that anyone may have recourse to it in the future.

ARTICLES OF THE GERMAN FORCES

I.

The German forces shall first swear to Us, Emperor of the Romans, and to the Holy Empire that through faithful military service they will serve Us and the Empire both in averting evils and in advancing advantages. They shall likewise bind themselves by obedience to Our supreme legate, their commanders, captains, lieutenants, standard-bearers, leaders of ranks, quartermasters, and others appointed by Us to higher offices. All, of noble and ignoble blood and condition alike, shall take care not to resist or evade anything which they receive as commanded by these men under the equitable condition of a soldier. Let them beware of confronting them with a fickle and seditious spirit, violent hands, or an insulting mouth. Instead, let them be ready to approach and abandon the enemy and to obey every necessity whatsoever which arises on marches, in battles, in incursions, or on watches by day and night. But if anyone shows himself disobedient, let him be punished according to law by the judgment of the commander, as is declared in the articles written below.

ARTICLES OF THE GERMAN FORCES -- CONTINUED

II.

Let every soldier keep as far away as possible from all impiety both of words and of works, and let him entreat God with the suppliant prayer of his spirit for victory over the enemy. Whenever he is summoned by the sounding of the drum, let him come to the sermon and not omit it unless prevented by grave business. But if anyone does not fear to offend God with a blasphemous mouth or deed, let him be punished in body and life by decree of the commander and of the law. If anyone is found during the sermon and divine service in wine cellars, at drinking parties, or in other places serving as lodgings of levity and shamelessness, let the investigator have the right to place him in fetters and to fine him by judgment of the commander. Meanwhile, while sacred rites are being performed and the sermon is being held, let none of the prefects of provisions draw or sell any wine, beer, or anything similar.

III.

Whoever are to carry spears and shorter swords shall appear at the review of arms equipped with swords sufficiently strong for defense, serviceable sidearms for either hand, or suitable German swords. Above all, however, let the firearm troops equip themselves with trustworthy and serviceable swords. Let no one exchange his arms, of whatever kind; rather, preserving them with diligent custody and care, let him not destroy them by abusing them for cutting wood or for other purposes, so that, as good soldiers, they may bear and employ those same arms whole against the enemy when the time requires it. Whoever is found to have acted otherwise shall pay a fine for it, especially by diminution of his pay when the soldier is reviewed.

IV.

Likewise, let every man keep the aforesaid arms--and especially let the firearm troops keep the larger firearms and the things pertaining to them--placed in safety and readiness. Let them take every precaution not to be found without gunpowder, bullets, and tinder. But if anyone presents himself so unarmed on marches and watches that he can engage the enemy with neither sword nor firearm, let him pay the penalty in his body.

V.

Likewise, let all be provided with cloaks, so that they may more easily endure the onset of rains and the force of cold, and above all so that the firearm troops may cover their firearms and powder flasks and use them more conveniently.

VI.

Let every company under a standard, whether collectively, separately, or even by decuries, as the matter requires, present itself prepared and ready both to undertake marches and to perform station and garrison duty, obeying Our command, the command of Our commanders, and necessity itself.

VII.

If at any time a captain or another officer should, under the compulsion of necessity, entrust something not contrary to military valor to be accomplished together with the standard-bearers, leaders, and soldiers of another captain, they must obey these men just as if their own captain had given the command.

VIII.

Let them keep women in childbed, pregnant women, virgins, men worn out by age, those initiated into the priesthood, preachers of the divine word, and other ministers of the Church uninjured and unharmed, inflicting no injury upon them under penalty of death.

IX.

Under the same penalty, let them abstain from churches, monasteries, cloisters, houses and hospitals, and places consecrated to literary instruction, harming them in no manner.

X.

Let the passage of thirty days complete a month of paid service, according to accepted custom, and let four florins--each consisting of fifteen batzen or sixty kreuzers--be paid to each man for every month. But if, when the appointed time has already elapsed, a delay occurs in paying the money commanded, let them nevertheless neither more sluggishly nor more impatiently refuse to perform their turns of watch or to march against the enemy, as befits soldiers.

XI.

Whoever at any time and place either withdraws as a fugitive after receiving enlistment money or afterward departs from the army as a deserter without permission and an honorable discharge shall, if apprehended, be condemned to death once the cause has been introduced, even without being brought into court; and let his goods be subjected to plunder. But if he is not apprehended or brought back, let him be branded with the public mark of infamy and deprived of every freedom, security, and protection of safe-conduct.

XII.

Let no one depart from his rank on marches unless a grave cause presses. But whoever does not comply in this matter, let the commanders, leaders of ranks, and public officers bring him back into rank by force. If, resisting in turn, he rejects their commands and thereby furnishes a cause for his own killing, let the man who kills him not be summoned on a criminal charge.

XIII.

Whoever on marches or at stations, after being justly rebuked by another leader for causes arising from the fact that he conducts himself otherwise than befits a soldier, rises against him either supported by an assembled crowd or insulting him with reproaches shall be punished according to the commander’s decree and the prescriptions of the law.

XIV.

When opinions are requested, let the cavalrymen be reminded of their oath and obligation so that each man’s vote is preserved in silence to the grave. Let them show themselves equally ready and prepared to undergo the final hazard of life with courageous faith in defending the same matters. Indeed, for the sake of their honor and the oath taken, let them enter into neither conversation nor counsel concerning the betrayal of them.

XV.

By force of their oath, when danger and necessity from the enemy threaten and the captain or one of the commanders requests it, let them not refuse to be employed in laboring and building.

XVI.

When placed in a garrison of this kind, even if they are attacked by the enemy in one or more assaults, let them live content with their same ordinary pay, since We or the Empire owe them nothing additional for this. And let no one invade in order to plunder or force himself into citadels, cities, and other garrisons which are received under conditions, unless opportunity or an order has been given by the commander.

XVII.

Let them leave dismissed and unassailed all who have been presented by Us with a guarantee of safety or have come under oath into Our protection, devising nothing against them under penalty of death without the consent and permission of the commander-in-chief or the man performing his duty in his place.

XVIII.

Let them not plunder, pillage, or inflict any loss upon places which enjoy a safeguard, under penalty of death.

XIX.

If at any time We, or Our supreme legate whom We have appointed, engage in a second battle against the enemy, or if some principal fortification is captured by a powerful assault--which may God turn to good--then the period of paid service of each soldier, regardless of the point which the month has meanwhile reached, shall be regarded as completed and shall begin anew, although We or the Empire are to be bound to them for nothing beyond this. If, although money is not yet ready, it appears that further loss can be inflicted upon the enemy, let them not refuse, at the commander's order, to pursue them and deter them by whatever means they can. Whoever resists shall be regarded as perjured and afflicted with capital punishment. Nevertheless, in these matters We do not wish the established customs and agreements in kingdoms and hereditary provinces to be changed or prejudiced by Us; rather, let all things remain unmoved.

XX.

In battles and incursions and after their favorable success, let no one be more intent upon booty or gape more greedily after plundering goods.

XXI.

Without the knowledge and against the will of his captain, let no one go out of the camp to plunder or for other reasons, or remain away from his standard at night, under penalty both of death and of another punishment to be inflicted by decree of the commander.

XXII.

If one or more men incline toward flight in battle or elsewhere, let the nearest man either run them through or strike them. Indeed, if anyone weaving a flight of this kind is killed by someone, the killer has committed not a criminal deed but a deed to be rewarded with singular favor.

XXIII.

But whoever removes himself by flight shall first be reported by name to the commander; if he is afterward apprehended, let him pay the penalty with his head; if not, let him pay for his perfidy by the mark of public infamy.

XXIV.

By force of the oath they have taken, let them beware of holding assemblies without the knowledge and against the will of the commander. Those who hold them shall, as a faithless crowd and with every hope of favor cut off, be punished with death.

XXV.

Under penalty of death, let no one maintain any communication by conversation or letters with the enemy or with their drummers and trumpeters, whether in camp, on marches, or in garrisons; and let him neither send a messenger into the enemy camp nor receive one from it without the commander's order and permission.

XXVI.

Let no person among the enemy or those adhering to them, of whatever sex and whatever age, be permitted to enter and leave Our camp freely by passing through the watches. Rather, let whoever discovers them also apprehend them or conduct them either to his captain or to the supreme commander of the field.

XXVII.

If anyone should become aware of treason and of other crimes which one or more men intend or inflict either to the detriment of the army itself or to the injury of its commander, let him either immediately disclose the names of the evildoers before the master and the investigator of capital matters, so that by revealing his knowledge he may discharge his oath, or let him pay as though he himself were the author, guilty of the same perfidy.

XXVIII.

If anyone should discover a method dangerous to the enemy for harming them and suitable for aiding his own men, let him disclose and explain it to the commander or supreme commander-in-chief, and he shall receive great favor for this deed.

XXIX.

Let all diligently avoid quarrels arising from the insolence of mutual contention, under penalty of death, joined most closely to one another by peace and the concord which unites minds.

XXX.

During quarrels, by force of the oath he has taken, let no one employ lethal arms against another, such as firearms and longer swords. Meanwhile, let the free use of side-swords be permitted for defending life by cutting or thrusting.

XXXI.

If inveterate hatreds exist among some of the soldiers, let them lie still and remain at rest while this laudable campaign is conducted, unavenged by word or deed unless vindicated by law. Whoever acts otherwise shall, when summoned to judgment and convicted, be punished with disgrace and death.

XXXII.

Let no one stir up others against another. If, however, some dispute and disagreement should happen to arise among certain men, let the nearest who are present endeavor to render them peaceable, demanding an equitable peace from both sides. Whoever rejects that peace after it has been sought two or three times, and is killed by someone on that account, shall be judged to have atoned in this manner for the injury of thrice rejecting peace. The man who strikes one who seeks peace or is stripped of arms shall be arraigned and, according to decree, punished with an ignominious death.

XXXIII.

Whoever, after peace has been composed, attacks another standing before him with his arms, whether by hurling or casting them, shall be punished in body.

XXXIV.

If two or more men, after a disagreement has arisen, rush into blows, let no one, by joining the faction, support only one side. Rather, so that the evil may not receive a greater increase, let him interpose himself for the purpose of separating the altercation and ending the fight. Whoever acts otherwise shall be punished according to the judgment and decree of the commander or commander-in-chief.

XXXV.

Under penalty of death, let no one discharge a firearm at a place and time when danger and loss from the explosion are feared, whether this occurs in camp, in cities, or in citadels, especially when the watches have been posted and it is night.

XXXVI.

Whoever does not come when summoned to the watches shall be fined according to the commander's decree. If, however, he does not appear because of ill health, let him notify his captain through a comrade both of his absence and its reason, and ask permission from him.

XXXVII.

Whoever, when he ought to perform his portion of the watch, departs from his station without permission shall be punished with every favor cut off; and his comrades are bound by force of their oath to report this very act.

XXXVIII.

Let no one furnish a substitute guard against the will and without the knowledge of his captain. Above all, let each exercise diligent care concerning the watchword which will be designated to them at any particular time. For whoever consigns it to oblivion or gives a different one shall be arraigned and punished with an ignominious death.

XXXIX.

Whoever is found overcome by sleep while on watch, or departs before he is relieved, shall be punished capitally, beyond every favor which might remit fault or punishment.

ARTICLES OF THE GERMAN FORCES -- CONTINUED

XL.

When the night watches have been completed, likewise during the daytime watches and in the ranks, let no one quarrel with another either in the streets or in lodgings, under penalty of death.

XLI.

In friendly territory and upon land belonging to Us and the Empire, whether they are engaged in marches or encamped, let no one take anything from another by force or without paying the price, and let no one invade in order to pillage the poor common people. Rather, let each leave the host with whom he lodges in cities or villages satisfied by equitable payment.

XLII.

Whoever acts otherwise and furnishes cause for a just complaint shall, besides the restitution to which he will be compelled by his captain and commander, pay penalties in life and body when the matter has been ascertained.

XLIII.

Under corporal penalty, let no one stir up sedition and disagreements or raise a disturbance against a foreign nation, if one is present in the army; and let no one engage in a duel with anyone of that nation, so that greater disadvantage may be avoided. But if some controversy arises with it concerning any matter, let them refer it to their superiors, who will

uphold justice and equity on both sides. And when provisions are carried to the army, lest the prefects of provisions be affected by any violence or molestation, let no one invade or plunder the provisions, either before or after they have been brought into camp, before their value has been assessed.

XLIV.

Under the same penalty, let no one run out of camp in order to buy provisions too early. Rather, let each endure the delay until they have been brought into the open area of the camp and a price has been placed upon them.

XLV.

When the prefect of capital matters or his officers are about to apprehend violators of the laws and of obedience, let no one impede them by gathering factiously against them or by attempting seizures beyond what is equitable. Rather, let them protect those officers. Whoever brings so much delay and impediment upon them that the guilty man escapes, snatched from their hands, shall pay the penalty which would have been inflicted upon the guilty man himself.

XLVI.

If anyone is caught in the commission of a flagrant crime--for example, manifestly guilty of a killing which has been committed, theft, treason, or similar offenses--when the investigator or his officers are not immediately present, let the nearest persons who are present detain the guilty man for the good of military discipline until the investigator comes with his men.

XLVII.

Let no one enroll his name under two captains, arrange to be reviewed twice, or pass under another man’s name. Let no one promise his arms to another as assured or lend them to him in order to deceive the army’s review. Whoever is guilty of this fault shall have punishment established against him.

XLVIII.

At the review, let each man declare, besides the name of purification which he received at the sacred baptismal font, his surname also. Indeed, let him name his native city or the place of his birth near that native city, so that they may be entered in the record.

XLIX.

Let no one, in violation of the faith of his oath, cause prejudice or devise fraud. Nor let anyone join aid and counsels with any man by any method through which We and the Empire might at last be burdened with unjust and unlawful military pay, circumvented, and deceived.

L.

At the review of the soldiers, let the commanders themselves and those who hold offices, as well as the noblemen, appear clothed in all their armor.

LI.

If cavalrymen and infantrymen must at any time reside together in one camp, let both sides endure this conjunction peacefully, and let the infantrymen willingly concede to the cavalrymen as much space as is sufficient for placing their horses.

LII.

Let each man remain content and with a peaceable spirit in the place which has fallen to him from the quartermaster.

LIII.

Under corporal penalty, let no one despoil a plow; let no one without permission destroy or break down mills, ovens, or anything constructed for the use of the state, whether it belongs to friends or enemies. Let no one from mere wantonness pour out wine, grain, or flour, or destroy them in another manner.

LIV.

Let no one slaughter men worn out by advanced age, preachers of the divine word, or women, if they are found unarmed, or infants either, under penalty of death.

LV.

Without a particular command of the commander-in-chief, let no one impose an exaction by threatening fire; and let no one set fire to a fort or anything else, under penalty of death, especially in places past or through which Our forces have a free passage, lest some obstacle be placed before the provisions.

LVI.

Let every man establish such a measure for himself in drinking together that he both restrains himself from drunkenness and does not importunately urge another to drink. If anyone when drunk inflicts either violence or hands upon another or commits another fault, let him undergo not merely a penalty as severe as if he had offended while sober, but one twice as grievous.

LVII.

Above all, let the man whose part it will be to keep watch take care not to admit drunkenness. But if anyone is found so drunk on watch that he cannot perform his turn sufficiently, let him be consigned to fetters and punished in addition according to the decree of his commander.

LVIII.

If, moreover, anyone is found upon public roads or on the marches themselves so dissolved by wine that, deprived of the necessary use of reason, senses, and limbs, he can neither stand nor walk, with an uncertain gait and wandering foot, let the investigator or his officers apprehend him and consign him to chains and prison.

LIX.

Under penalty of death, let no one, impelled by any necessity, raise the cry to arms against the will or without the knowledge of the commander.

LX.

And when the cry is raised, let each man seize as quickly as possible the area or place assigned to him, with no one remaining within his lodging except for a grave cause of ill health, under penalty of death.

LXI.

Whoever, oppressed by wine and sleep, neglects a danger threatening from the enemy or the signal for battle shall be punished with his head.

LXII.

Let each man possess, according to military law and custom, whatever he has acquired by plunder from the enemy in battles and incursions, except artillery, gunpowder, fortifications, provisions laid up, and other things which contribute to the support of a town; and except also the captive persons of the enemy's magnates, princes, commanders of the field, and prefects of camps. These shall come into the power and judgment of Us, Our commander-in-chief, or Our legate and must accordingly be delivered to them; meanwhile, however, let the merit of the man who captured them be

compensated by the grateful return of a just reward. Likewise, under penalty of death, let no one release any captive without the commander's grant.

LXIII.

If anyone, injured either by the enemy or by another honorable cause, is weakened, or even through the dispensation of God suffers ill health, let him nevertheless meanwhile enjoy his pay.

LXIV.

Let those who have taken livestock or other provisions away from the enemy not conduct them elsewhere, but sell them in the camp itself, for the good and convenience of the common soldier, at a price which is not burdensome but tolerable and has been imposed according to the judgment of the investigator or their commander.

LXV.

Let no one seize or carry away by force the booty which another man has gained for himself. Those guilty of this fault shall be punished according to the commander's decree.

LXVI.

Let no one attempt to violate the freedom which executioners possess under the common law. Whoever violates it shall be punished with death.

LXVII.

While the order of march is being led, let no one march among the army's baggage unless he is weakened by grave ill health and has obtained permission for this indulgence from his captain.

LXVIII.

When they have received the command from the commander-in-chief or their captain, either at the very first levy or afterward, let each, in accordance with the faith pledged by his oath and under danger of losing reputation and honor, dismiss his baggage and any attachments of immodest women who adhere to him but are not truly wives.

LXIX.

Let none of the captains receive another's soldiers, if any desert from their own standard, without the knowledge and will of the other captain. Let no cavalryman who deserts his lord during the same campaign be enrolled in any body of infantry; and, finally, let no one entice any man away from another.

LXX.

Let no one challenge a fellow player by laying down a greater stake, and let not the man who has money present prolong the game. However great a winning it may happen that one man is to give another in the future, let the latter nevertheless owe him nothing.

LXXI.

If any do not observe these written articles, let them pay the penalties as perjurers and men guilty of a crime, in accordance with the decree of the law and the sentence of the commander-in-chief. If anything not alien to the name and valor of a soldier has been passed over in the laws related above, whether by forgetfulness or silence, let all offenses and errors of the soldiers nevertheless be left to the judgment of the commander-in-chief and punished by his avenging sentence.

LXXII.

Moreover, all infantrymen who, a short or long time afterward, begin to serve and earn pay for Us and the Empire in this army, give their names, and receive their allowance shall, although they were not present when the oath to these laws was sworn, nevertheless be bound by the same necessity and observance of them just as if they had been present in person.

LXXIII.

If forgetfulness of these constitutions should creep upon any, let them at any time approach the military praetor in order to receive a rereading and instruction concerning them, which he will be obliged to provide.

LXXIV.

Let them swear for three months. If their service is necessary beyond these months, by force of these constitutions let them serve, enrolled and accepted, for all the time for which there is need, neither refusing nor excusing themselves, understanding all things in accordance with the tenor of these written articles.

ANNOTATION OF CERTAIN ARTICLES ANNEXED TO THE FOREGOING

I.

Since German commanders, masters of cavalry, and captains are permitted and free to lead German forces to foreign rulers, not only in accordance with the privileges flowing down to them from their ancestors and the liberty transmitted to them, but also according to the tenor both of the former constitutions of the Empire and of those now in force; but since at the present time others who are not German by birth wish to arrogate and usurp the same right for themselves, not without prejudice and loss which could thereby flow back upon the German nation; therefore, henceforth no foreigner who is a native neither of the Empire nor of a territory committed to the protection and good faith of the Empire shall be permitted to collect, enroll, and lead German forces, whether cavalry or infantry, in the manner of a commander, master of cavalry, or captain. But if one or more foreign commanders and commissioners attempt the contrary within the Empire, every endeavor of theirs must be removed and prevented both by the general governors of the circles and by Us Ourselves whenever necessity demands it. Meanwhile, the magistrate to whom they are subject shall also take notice and establish punishment against any who, contrary to Our constitutions and those of the Empire, give their names to foreign commanders and commissioners, whether moved by a legal action brought against them or by his office. They shall never thereafter be tolerated among the number of German soldiers.

II.

The German forces and all others who are enrolled by foreign rulers and serve for annual pay shall specifically except in their letters of enlistment that they are never willing to take up arms against the Holy German Empire, their dear fatherland, or any nation thereof, whether those arms are to be taken up for offense or for defense. Indeed, let them testify beforehand that they give themselves to military service chiefly from zeal for its safety and love of its preservation, and that they will resist it in no manner whatsoever, whatever foreign princes may at last propose and prescribe to them.

III.

The German soldier, and the commanders and masters who govern him, while they serve under foreign rulers, shall observe the military order and discipline already related--

ANNOTATION OF CERTAIN ARTICLES ANNEXED TO THE FOREGOING -- CONTINUED

III.

--and shall establish and maintain it in conformity with the laws constituted by Us and the Empire, and, in addition, with the equestrian law and the articles already set down.

IV.

But if any one of the commanders, masters of cavalry, captains, or others who hold offices either among the cavalry or among the infantry--and, speaking universally, if any one of the soldiers--while they serve foreign princes should commit an offense against these laws of Ours and of the Empire, against the laws of the cavalry, and against the articles set down above, by departing from military order and discipline, or should in another manner impair his reputation and good name; and especially if leaders of ranks should deal perfidiously and unjustly with the soldiers subject to them, whether by the circumventions of enemies or by fraudulent devices, whether in relation to provisions or to clothing, or even by imposing unsuitable arms upon approved men, or by defrauding them, in whatever ways this can be done, of their pay and of the protection owed them against enemies: although all such men may have departed from that place unpunished, nevertheless let the ordinary magistrate to whom they are subject, as soon as he learns of it, summon them to judgment and inflict punishments upon them, whether moved by his office or by an action brought by someone. And if in any place a magistrate should be lacking, while the manifest deed demands punishment, it will be Ours--as those who wield the supreme power over affairs--to take cognizance of the cause, either by virtue of Our office or because a complaint is brought before Us, and, in accordance with Our constitutions and those of the Empire, the laws of the cavalry, and the articles, to establish and pronounce an equitable punishment against the guilty man.

V.

And because, in order to forestall losses and injuries of every kind, the matter altogether seems to demand good order--namely, that the companies under the standards be furnished with and consist of soldiers as thoroughly trained and experienced as possible, and also of a suitable equipment of arms, but especially of distinguished firearm troops, whose skill and valor are altogether of very great importance in these times of ours, when foreign nations in particular are instructed and trained in this kind of military service--it has therefore been established that under each standard there be four hundred men, and among these one hundred exceptionally well armed with long pikes, each of whom is to be furnished with a shorter firearm. Of this hundred, let the men be armored to half their bodies; those, namely, whose pay rises above eight florins are to march as heavy troops in full armor with completely mailed sleeves. In addition, let there be fifty veteran and thoroughly trained soldiers, who themselves are to carry their armor both for closely attending the standard and for whatever other use occasion may offer; besides broadswords and other shorter weapons, such as battle-axes, let each also carry a smaller flintlock firearm suspended from his belt. Let the remaining fifty form a body of common soldiers who carry pikes. All these things shall henceforth be earnestly commended to the commanders and captains at levies and enlistments.

VI.

Let the two hundred who remain be firearm troops, well furnished with siege helmets, swords, and likewise hunting guns equipped with fire-striking flints. Moreover, let them be trained every month and taught to discharge the firearm applied to the cheek. But let every man untrained in or ignorant of skillful shooting be demoted, as a punishment, from the firearm to carrying the pike, and let a man from the common soldiers who appears suitable be substituted in his place, so that both eagerness and spirit may be added to them for learning the art of shooting properly and for advancing in mutual view of one another.

VII.

And because foreign nations are becoming accustomed to use fearsome firearm troops equipped with a double firearm, let each company under a standard establish ten men of this kind.

VIII.

Of the aforesaid firearm troops, let the hundred already mentioned be maintained at five florins per month, fifty at six, forty at seven or eight, and the remaining ten, who are burdened with a double firearm, at ten florins.

IX.

Under each standard let there be at least eight or ten noblemen, or other soldiers of proven valor and singular experience, who, engaged for higher pay and furnished with their own horses--which it will be for them themselves to maintain--shall obey the will and necessity of their commander or captain, but shall serve especially in directing the firearm troops.

And these are the laws of German military service. If they were kept accurately and severely, the Sultan's arms would assuredly not be feared, nor would the ancient military service of the Romans seem worthy of admiration to us. And yet many things are observed excellently. But frequently want of pay, the commanders' dissimulation, the centurions' avarice, and the soldiers' license--especially in civil wars--not only oppress good laws but do not permit even their voice to be heard.

CHAPTER LXI

Victory Must Be Used Seriously, Justly, and Moderately

§1. What Maharbal said to Hannibal--"The gods, clearly, have not given all things to the same man. You know how to conquer, Hannibal; you do not know how to use victory"--has happened to many. The use of victory hung upon a moment no less than the winning of it. The delay of that day is sufficiently believed to have been the salvation of the city and the empire. Thus the Romans believed, as Livy bears witness; and not without reason, for if he had come upon the stricken city, he could easily have occupied it. A victory purchased with much blood is very easily spoiled. Therefore this must be done: they must bring the war to an end, not celebrate a triumph. After the Teutons had been defeated, Marius throughout the whole night terrified their remnants by means of a few of his own men; on the following day he conquered them. Hermocrates the Syracusan provided for the security of his men by introducing fear of a new enemy. Frontinus, book 2, chapter 9: "Hermocrates the Syracusan, after defeating the Athenians in battle, feared that the captives, an immense body of whom he had reduced into his power, would be guarded with too little diligence, because the outcome of the engagement could impel the victors toward feasting and freedom from care. He pretended that the enemy cavalry would come on the following night; by this expectation he brought it about that the watches were kept more attentively than usual." Lucius Martius, a Roman knight, diligently used his first victory. Frontinus, book 2, chapter 10: "Titus Martius, a Roman knight, who commanded the remnants of the army of the two Scipios, when two camps of the Carthaginians lay nearby, separated by a few miles, exhorted his soldiers and attacked the nearer camp in the dead of night. And when he had attacked an enemy disordered by confidence in victory and had not even left any messengers of the disaster, after giving the soldier a very brief time for rest, in the same night he hastily preceded the report of the deed and invaded the other camp of the same men. Thus, twice enjoying a similar outcome and destroying the Carthaginians everywhere, he restored to the Roman people the Spains which had been lost."

§2. Victory, therefore, must be used seriously, successes must be pressed, and the terrified must be pursued. For since even in great battles, as affairs are now conducted, few are killed and the rest easily collect themselves again, a recent victory generally gives more advantage in time than it inflicts damage, especially if the enemy too has inflicted deaths of his own and fortune has a way of returning. Pisistratus and Cimon, Athenian commanders, made outstanding use of victory. Pisistratus the Athenian, says Frontinus, book 4, chapter 7, "when he had intercepted the fleet of the Megarians, by which they had put in at Eleusis by night in order to carry off the Athenian women engaged in the sacred rite of Ceres, and had avenged his own people by inflicting a great slaughter upon them, filled the same ships which he had captured with Athenian soldiers, placing certain matrons, in the garb of captives, where they could be seen. Deceived by this appearance, the Megarians poured forth to meet them as though they were their own men sailing back with success, and, being unarmed, were again overwhelmed." Cimon, commander of the Athenians, after defeating the fleet of the Persians near the island of Cyprus, clothed his own soldiers in the arms of the captives and sailed in the same ships of the barbarians against the enemy in Pamphylia, near the river Eurymedon. Because the Persians recognized both the ships and the appearance of those standing upon them, they took no precaution. Thus, suddenly overwhelmed, they were defeated on the same day in both a naval and a land battle.

§3. As regards the defeated man, he must be treated in such a way that he either does not wish or is not able to rebel--indeed, that he neither wishes nor is able. That he does not wish it must be effected by kindness; that he is not able, by caution. The Romans established their empire in both ways. At the beginning they employed kindness: they received the defeated Tatius with the Sabines into the city. They also brought the Albans into the city together with their wealth, and thus took thought both for themselves and for the defeated, since they brought it about that they had, in place of enemies, friends and most faithful citizens. For afterward there was no distinction between Sabines, Albans, and others; all were Romans. It is not lawful to kill a captive who is not resisting, because when he is captured a pledge

is given for his life; otherwise he would have defended himself. It is not lawful to rage against captives, as the Carthaginians did. Nevertheless, the goods of captives pass to the victor. The law is:

τὰ τῶν νικωμένων ἀγαθὰ τῶν νικώντων γίνεσθαι.

All the goods of the defeated pass to the victors. But if the Romans had wished to command that hostages, tributes, levies, and services be imposed upon the defeated, assuredly they would not have held those noble cities in obedience; they would have rebelled either among themselves or together with their neighbors. Afterward, when their power had matured, they did this and were more cruel in victory.

§4. But if it does not please the victors to admit them into the city and to the rights of citizens--as the Romans did when they were more powerful--let them make them allies and subjects. For after the Romans had acquired so many allies and citizens that they feared no other state, they made the defeated tributaries and subjects. In this kind of matter care must be taken that the subjects fare well; for thus the victors will bring it about that they do not fear being oppressed, and this security makes them faithful. Therefore let there be clemency in victory itself, because by the law of nations those who surrender are spared, so that hostility may cease after victory.

§5. A victory obtained in a just war against injury must also be just: it must not be grievous to the innocent; it must be welcome to auxiliaries and not burdensome to neighbors. To extort treasures by tortures, to slaughter the unarmed and those below the age of puberty, and to defile everything with lusts is unjust. The commander will avoid these things with greater care than the enemy's arms, for through them he will lose the fruit of victory.

§6. Let victory be moderate, lest it range about proudly, cruelly, and intemperately. Pride has indeed overthrown very many in the midst of victory itself. Pontius, commander of the Samnites, had conquered the Romans at the Caudine Forks by a stratagem--that is, by the noblest victory, without blood; for he had surrounded them by an encirclement. Although his father had wisely advised him either to dismiss all of them unharmed or to kill all of them, he made them more hostile to himself by provoking them with insult, for he sent them beneath the yoke. In like manner Sesostris, king of the Egyptians, offended the world by the insolence of his victory, when he drove Pharian chariots by the necks of kings, and when in the regions which he had easily occupied he erected carvings of female genitals as a reproach of their cowardice. And so within a short time the kingdom of Egypt fell. A man will be modest if he knows that he was victor by occasion alone and that, through an easy change of occasion, he can be defeated. Polybius speaks truly:

κρατεῖ ἐπὶ πάντων μὲν τῶν ἀνθρωπίνων καιρὸς, μάλιστα δὲ τῶν πολεμικῶν.

In all human affairs, but especially in affairs of war, occasion prevails--often more than valor.

§7. Let cruelty also be absent. Anger against a suppliant enemy is unbecoming; clemency is divine. Those who have not been cruel and savage must be preserved. Machiavelli's counsel is savage, book 3, chapter 31; for although he also approves other means, he nevertheless prefers the destruction of free cities. In *On Princes*, chapter 5: "When a territory under dominion has by ancient custom been free and its manner of living has been under its own law, a threefold method is offered for retaining your right over it. The first is that you utterly destroy it; the second, that you yourself migrate there to dwell; the last, that, exacting only an annual payment, you permit it to pass its life under its own laws and liberty. You are likewise to establish there a government of a few men who will take care that that dominion is preserved for you in friendship. Since that government has been established there by the prince, it knows that it cannot stand without his friendship and power, and therefore it will consider that all things must be earnestly done by it so that they may preserve that dominion for him. The Spartans and Romans can be examples for us. The Spartans possessed Athens and Thebes and established in them a government of a few, but nevertheless lost them. The Romans determined that Capua, Carthage, and Numantia were to be destroyed, and did not lose them. They wished to retain Greece approximately in the manner of the Spartans and did not abrogate its laws, but it did not answer their wishes, so that, in order to retain it, they were compelled to destroy many cities in that province. Therefore no counsel can be offered by which they may be securely possessed that is safer than destruction. For whoever gains power over a city

accustomed to pass its life under its own laws and does not think that it ought to be destroyed should expect that it will destroy him. For at a time of revolt it always has something to which it may flee for refuge--namely, those ancient institutions of its own, which can never be handed over to oblivion either by length of time or by the conferral of benefits; and whatever is done, whatever is foreseen, unless the inhabitants have been drawn apart and dispersed, that name of liberty and those institutions never fall from their minds. At every turn of affairs an immediate return is made to them, just as we have seen done by the Pisans after so many years of that servitude into which the Florentines had driven them."

It is excessively harsh and barbarous to kill men lest they rebel at some time, when there are so many means of averting rebellion, such as migration, the removal of the noblemen, the introduction of colonies, the addition of citadels, and the taking away of arms. Nor is it doubtful that the Romans took the worst counsel for themselves when they destroyed Carthage, Numantia, and Corinth. For besides the fact that they fought against desperate men at the cost of great slaughter, they also diminished their own advantages: with the money and men by which they destroyed those cities, they could have acquired entire kingdoms. Nor was there any other cause than insatiable hatred or the empty glory of a name sought for commanders through the destruction of famous cities. Yet not even thus were they secure against rebellions. Let there be moderation, because victory stood at the distance of one blow: if in one moment he had anticipated you, the enemy sword which received your steel would have lodged in your throat. The pagan poet teaches us beautifully:

> ῥεῖα μὲν γὰρ βριάει, ῥεῖα δὲ βριάοντα χαλέπτει,
>
> ῥεῖα δ᾽ ἀρίζηλον μινύθει καὶ ἄδηλον ἀέξει,
>
> ῥεῖα δέ τ᾽ ἰθύνει σκολιὸν καὶ ἀγήνορα κάρφει
>
> Ζεὺς ὑψιβρεμέτης, ὃς ὑπέρτατα δώματα ναίει.
>
> Easily he exalts, and easily brings down the exalted.
>
> Easily he diminishes the illustrious and increases the obscure.
>
> Easily he straightens the crooked and reduces the proud to nothing--
>
> high-thundering Jupiter, who inhabits the highest dwellings.

The Romans sometimes exercised victory more mercifully according to the character of the commander. Marcellus was mild in victory, as Silius relates in book 14; but such commanders were rare.

When the Ditmarsians, hard pressed by the Holsteiners, had fled into a church and hoped that they would be safe through its sacred character, the Holsteiners attempted, after applying fire, to burn them alive. But the former made a sortie, avenged the victor's impious cruelty, and slew twelve commanders and counts and two thousand men.

§8. Nevertheless, a more severe vengeance is permitted against enemies who are savage and ignorant of human law. David sawed the people of the Ammonites and drove iron carts over them, not without a divine command, because they had deserved punishments of that kind. Otherwise one must deal very gently with those who, as subjects, serve their prince and neither examine the causes of the war nor are able to do so--indeed, even with those who appear to have rebelled. Sthenius had solicited the Mamertines to revolt, and Pompey was considering destroying them. Then Sthenius said: "You do what is not equitable, Magnus, because you prepare to kill so many innocent men on account of me alone, who am guilty." Pompey rewarded this greatness of spirit with the safety both of Sthenius and of the city. How much more savagely did Severus act, who slaughtered indiscriminately all who had stood on Albinus's side, though they pleaded in vain the necessity of the time? Indeed, severity is sometimes commanded. Saul was cast down from his kingdom because he had spared Agag, who deserved death. Because Ahab dismissed a man worthy of death, he was given in place of that man, and his people in place of the Syrian people.

§9. The Romans' disposition in victory was sometimes more peaceable, but for the most part there was excessive cruelty and arrogance. It was ordinary for the defeated to be sold; it was customary for them to be preserved for a triumph--that is, for certain death. Many were also condemned to the gladiatorial school or to the beasts, so that it is no wonder that nations resisted them more fiercely. Otherwise, until the signal for retreat was given, the Romans slaughtered all, even dogs and animals, in order to terrify. But this is a cause for resisting more bravely.

§10. Victor, do not shatter everything; for there is a protection even in disaster. Remember that you are now destroying what is yours.

§11. I also counsel the victor to make peace. If the Carthaginians had listened to Hanno after the victory at Cannae, they would have obtained from the Romans an equitable and honorable peace, far better than that which Hannibal sought from Scipio before the battle. It has happened to many that, having been inexorable when they denied peace amid another's disaster, they were afterward compelled, when fortune had changed, to seek it in vain. There is always a danger that the defeated may join themselves to someone more powerful and stir up a new war.

The defeated are wretched, but their last valor is more violent, because they fight for safety, while the victors fight for honor.

An equitable peace must be given; for no one will observe a harsh and insulting one any longer than is necessary. For who would persuade the Athenians to preserve peace with Minos when they were commanded to give

> Each year seven
>
> bodies of their children?

Peace is most welcome and most lasting when, contrary to expectation, it is given advantageously and unexpectedly to the defeated. For this brings it about that the defeated are drawn onto the victor's side.

Restrain the victors, lest they scatter. A routed battle line has often routed its pursuers. Take care first that you are not conquered, and then that you conquer. When you have conquered, govern your spirit and show that you fought for the sake of peace. Those who cannot flee will fight, and they will either extort the peace denied them or impose their own upon the victor.

CHAPTER LXII

What the Defeated Man Must Do

§1. It is expedient for the victor to accept peace; for the defeated it is necessary. Indeed, it is sometimes advantageous to be defeated, so that men whose ferocity has been broken may learn to endure peace.

§2. Although he has been struck by a great disaster, nevertheless let him retain his spirit--indeed, also his arms: peace is better concluded beneath a shield. The Romans, defeated in three immense battles, to which the disaster in Spain was joined, retained their empire for this reason alone: that they did not fall in spirit. After the battle of Cannae the citizens were conspiring, the allies defected, and Hannibal sold the bankers' stalls. Nevertheless, Roman valor--or Roman fear of Carthaginian cruelty and perfidy--stood firm. By receiving disaster bravely, they made a step toward victory. Barbarians have sometimes imitated that valor. After Avaricum had been taken by assault, Vercingetorix neither failed in spirit nor hid himself in concealment, but moved about before the eyes of his fellow citizens and retained authority and praise amid adversity. Caesar, book 7.

§3. Let the defeated man, therefore, display his former courage and spirit and hope for better things, for the saddest things have passed. The fortune of one hour has accomplished little if the spirit is erect. A man who has often been defeated in battle can be victor in the war.

After the Venetians had been defeated in a very grievous battle by Francesco, Duke of Milan, when almost no one had escaped, within three days they repaired their army and compelled the enemy to seek peace. For Francesco Foscari, their doge, cast money into their midst and admonished all to contribute according to his example; he brought it about that all understood what greatness of spirit could accomplish. Egnatius, book 3, chapter 2.

§4. Defeated, strive with every force, art, and vigilance to spoil the fruit of victory; rouse your heart and discover every kind of honorable stratagem. The victor's freedom from care will furnish an opportunity. Do not pursue only old devices. New ones must always be discovered. Thucydides, book 1:

> ἥκιστα γὰρ πόλεμος ἐπὶ ῥητοῖς χωρεῖ, αὐτὸς δὲ ἀφ᾽ αὑτοῦ τὰ πολλὰ τεχνᾶται πρὸς τὸ παρατυγχάνον.

War can least of all be conducted according to settled prescriptions; of itself it skillfully contrives many things in response to the events which occur.

§5. If the victor commands moderate terms, let them be accepted; if grievous ones, let the defeated commit themselves to a powerful prince as *deditícii*, men who have surrendered. The Campanians, hard pressed by their neighbors, surrendered themselves to the Romans, and their enemies were destroyed. When the Florentines were being oppressed by Castruccio the Sienese, they received Robert, king of Naples, into their city. The forces of Castruccio, and afterward those of the Sienese too, were worn down.

§6. Draw your arms also. For if, after a great disaster, you trouble the unwary victor by skirmishes and small losses, you recover authority and tear the reputation of his victory. Let necessity remove sloth, for its bites are most grievous when it has been provoked. By whatever art you can, restore Mars in hope of peace. Pompey, defeated in Spain and driven from Italy, did not regard those disasters; defeated at Pharsalia, he sought Egypt. War was renewed in Africa, Spain, Philippi, and Sicily. Antony was afraid and did not renew the war, although he could easily have gathered Egypt and the aid of many nations; instead, he preferred to perish alone.

§7. A defeat is to be concealed as far as possible, but in such a way that remedies are not delayed. Meanwhile, cities must be occupied at the opportune time and fortified, and those who are wavering must be retained in obedience. Forces will never be lacking if you deliberate.

§8. All these things tend toward this: that you enter upon an equitable and entirely unsuspected peace. Such a peace is generally best agreed upon between those who appear equal. Can a prince make peace in such a manner that he compels private persons to remit the losses inflicted upon them? We certainly see it done in this way. Others think restitution should be made at common expense. It is, however, more difficult to make peace than to wage war. The English boast that they have defeated the French in war; they complain that they have been defeated in peace.

§9. Therefore let both the victor grant peace and the defeated accept it, for peace is the end of war. "For so great," says Augustine in books 19, chapters 11 and 12, of *The City of God*, "is the good of peace that, even among earthly and mortal things, nothing is customarily heard with greater pleasure, nothing is desired with more longing, and, finally, nothing better can be found. If at some time we wish to speak at somewhat greater length about it, we shall not, as I judge, be burdensome to our readers, both on account of the end of this city, concerning which our discourse is, and on account of the very sweetness of peace, which is dear to all. For whoever in any manner observes human affairs and our common nature recognizes with me that, just as there is no one who does not wish to rejoice, so there is no one who does not wish to have peace. Since even those who desire wars desire nothing other than to conquer, they therefore desire to arrive through war at a glorious peace. For what else is victory but the subjection of those who resist? When this has been accomplished, there will be peace. Wars, therefore, are waged with the intention of peace, even by those who endeavor to exercise military valor in commanding and fighting. Hence it is evident that peace is the desirable end of war. For every man, even by waging war, seeks peace, but no one seeks war by making peace. For even those who wish the peace in which they live to be disturbed do not hate peace, but desire that it be changed according to their own judgment. They do not, therefore, wish that there be no peace, but that it be the peace which they wish. Finally, even if they have separated themselves from others through sedition, they do not accomplish what they intend unless they maintain some kind of appearance of peace with the very men who have joined or conspired with them. Accordingly, robbers themselves, in order that they may be enemies of the peace of others more violently and securely, wish to have peace among their associates. But even if one man is so preeminent in strength and so wary of accomplices that he commits himself to no associate, and, laying snares for and prevailing over those upon whom he can, acts as a plunderer after they have been oppressed and killed, he certainly maintains some kind of shadow of peace with those whom he cannot kill and from whom he wishes what he does to lie hidden."

Although that peace is sought as something firm, nevertheless it will not exist without some war or suspicion of war. Injuries and suspicions have altogether filled human life, even the life of friends. "But not even the saints," says Augustine, book 19, chapter 10, of *The City of God*, "and the faithful worshipers of the one true and supreme God are safe from their deceits and manifold temptation. For in this place of weakness and in evil days even this anxiety is not useless, so that the security where peace is most complete and certain may be sought with more fervent desire."

Let us therefore aspire to this peace not only through wars but also through the peace of the human city: the most ordered and most concordant fellowship of enjoying God; peace where there is no evil and no contradiction; blessed and full peace; the peace of the Jerusalem above. You, O God, grant it in your strength, with abundance in your towers.

THE END.