Philip Melanchthon's Commentaries on Some of Aristotle's Books on Politics
[CR XVI 228-245]

Dedicatory Epistle[1]

TO THE MOST DISTINGUISHED MAN OF EQUESTRIAN ORDER, Ulrich Silling, his co-godparent, Philip Melanchthon sends greetings.

JUST AS PREVIOUSLY we had interpreted notable passages in some of Aristotle's Ethical books, and showed how Philosophy concerning morals is approved by the Gospel, and how we can transfer it to common life, so we have begun to illustrate principal passages in the Political books. But because some perhaps will criticize my plan, since through this occasion it may seem that a mutilated author is being thrust upon youth, whom it would be better to read complete, these [critics] must be appeased by me at the beginning. You are my closest witness that I initially instituted a proper interpretation of the entire text of Aristotle. For I undertook this labor at your urging, when I saw you were wonderfully inflamed with the desire of learning true and genuine Philosophy. Therefore I began to lecture in Greek, because Aristotle can be better understood by those who are moderately educated, speaking Greek rather than Latin. For not only is clarity lacking in the Latin interpretation, but in my judgment the matter is almost entirely different. For a new type of speech in the Latin language deceives the reader, so that he cannot see that Aristotle speaks about known things and things grounded in daily life's customs, to which unless these disputations are related, they cannot be understood at all. For those err greatly who dream that these were written as if about some other world. But because Greek codices were lacking to the hearers, and in such great laziness of youth no one would write, I had to change the instituted method of interpreting.

Then since no Latin books were available except the most corrupt ones, we descended to this point, that we judged it would be most profitable if I would extract the principal passages, illuminate them, so that students would grasp the summary of Aristotle's disputations treated in popular style of speech and accommodated to common life's custom and our morals. Not, however, meanwhile preventing those who wish from reading the complete Aristotle: And if anyone does this, he will feel that this our explanation brings light to many of his disputations. And a specimen exists of interpretation in the Ethics written, which someone says is too minute for the dignity of those books. But for me nothing would be easier than to surpass the ancient interpreters, however verbose, not only in the magnitude of volumes but also in the abundance and variety of matters, but in schools there ought to be a certain measure of such things, lest minds destined for greater arts be detained too long in these letters, which are only handed down for this purpose, to prepare youth for other principal disciplines which contain the science of governing the Republic. Therefore, since I have written these Scholia for utility, not for

[1] Not found in CR. This translation of the Dedicatory Epistle is from *In Aristotelis aliquot libros Politicos, Philippi Melanchthonis Cmmentaria.* Parisiis. Exaudebat Christanus Wechelus, Sub Scuto Basileiensi, in uico Iacobaeo, anno 1531.

ostentation, and since it is fair to grant me pardon, especially since I have given effort in this brevity to encompass great and useful matters for judging many controversies of learned men.

I will do the same in the Political books: For I will select those passages which can be most useful in superior disciplines: These we will open and explain as best we can. For these books hand down elements, or principles, from which laws in republics have been taken and derived. And it benefits those who deal with laws to see their sources and principles. And it is a certain part of proper liberal education [humanitatis pars; lit. part of humanity] not to be ignorant of this doctrine, which shows the causes of all honorable and civil duties to be grounded in nature. I indeed determine that good men can be affected and delighted by no other spectacle more than by the consideration of these most beautiful things. But to you, most pleasant Co-godparent, I have decided to dedicate this work, so that since it was undertaken at your urging, I may in turn impose upon you some business, that you defend this our Philosophy against certain people's unfair judgments, which indeed seems to me to have more utility than those quarrels of earlier interpreters. But I leave the judgment about this matter to you, who for so many years now have spent much effort with most learned men in Italy and Germany in this type of doctrine, which in my judgment is honorable for you, that you have thought the knowledge of those arts should be added to the splendor of your birth, which since they are called liberal, ought to be cultivated especially by noble men. If any among Germans from the equestrian order learn letters, they love other arts more than Philosophy. Therefore since you have added Philosophy to other studies by a new example, I have always judged you should be most highly valued: And for this reason I initially with singular zeal insinuated myself into your friendship, which afterwards I also bound with most sacred kinship, when I brought you as witness to the baptism of my son George.

Since there is such great religious significance in this matter that the most sweet name of [god]father is communicated with those who together initiate children [in baptism], it can easily be understood that we are joined by the closest bond. Nor is it doubtful to me that you, for your piety, value this conjunction most highly, which indeed would be more pleasant to both of us if a longer life had befallen my little son. For he had already shown a certain light of intelligence, from which we conceived hope that he would be a pleasure to us. And this among other causes also contributed to my receiving incredible grief from his death, which I cannot yet cast from my soul. Therefore I have a sufficiently sharp reminder of your kinship, whose memory is indeed most pleasing to me. I was also moved by this private duty to dedicate these little books to you, so that you might understand that you are most highly valued by me, both because of these your virtues and most honorable studies, and because of this our conjunction, which because of the fellowship of paternal name, ought to be judged most close. Farewell happily.

[Manuscript notes from CR XVI]

Of these commentaries we have mentioned three editions in the Prolegomena p. 17 ff., of which the first is inscribed:

Commentarii in aliquot politicos libros Aristotelis. Philip. Melanch. M. D. XXX. Witebergae.

(At the end:) *Impressum per Iosephum Clug.* XXX. (sic) 8. 4 sheets. (3 last pages vacant).

The second appeared *Hagenoae* M. D. XXXI. 8.

The third is conjoined with the commentaries on the Ethics, inscribed thus:

Commentarii in Primum, Secundum, Tertium, et Quintum Ethicorum Philippi Melanchthonis. Eiusdem in Aristotelis aliquot libros Politicos Commentaria.

Argentinae apud Ioan. Albertum. (At the end:) *Argentinae apud Ioan. Albertum, Mense Martio, Anno, M. D. XXXV*. 8. 17 sheets.

This book has been reprinted in the Basel Opera of Melanchthon Tom. IV. p. 266 ff.

On Aristotle's *Politics*

The political art is one containing certain general precepts concerning the ordering of the state. Just as architecture is the art by which the forms of buildings are described, so the political art describes a certain form of the state, discusses the division of property, marriages, magistracies, laws, the duties of the people, contracts, punishments.

But at the outset it is greatly necessary to distinguish the political art from the Gospel and to overturn the opinion of the ignorant, who dream that the Gospel is nothing other than a political teaching, according to which states ought to be constituted. This error has wonderfully disturbed republics not in one age only, while fanatical men, having abrogated other laws, attempt to constitute states according to the Gospel. But we have seen more examples than we would wish in our times, wherefore first here the reader must be warned what the difference is between political teaching and the evangelical, and how the Gospel approves political teaching. We shall use this comparison to clarify this matter. Just as medicine is far and wide distant from the Gospel, so the political art is far and wide distant from the Gospel; and just as medicine contains teaching which is grounded in reason, so the political art consists in reason, nor does it pertain to the Gospel any more than medicine does. But just as it is desirable that a physician be pious, so it is to be desired that he who governs the republic be pious. The arts themselves, however, have no kinship with the Gospel. For the Gospel reveals eternal righteousness, which hearts conceive through faith; meanwhile it commands us outwardly to use the laws and polities of all nations among whom we live.

The political art, however, is teaching concerning external action in life, concerning the possession of things, concerning successions, concerning contracts and similar matters; these things are not the same among all nations. There are some laws among the Persians, others at Athens, others at Rome. But just as a Christian uses different clothing in different places, or just as he uses different divisions of days in different places, so it is permitted to him to use the polity of whatever place he inhabits. Ezra among the Persians judges matters according to Persian laws. At Jerusalem he judges according to Jewish laws. The centurion in Judaea uses Jewish laws, at Rome Roman laws. Nor do these things pertain to the Gospel any more than clothing, than the

very divisions of days. And to know this distinction between the Gospel and the political art is very conducive to retaining tranquility and increasing reverence toward magistrates. For truly those must be judged seditious who, when they teach the Gospel, break into another's function, make laws concerning the division of inheritances, concerning tributes, concerning contracts, concerning the punishments of malefactors. Just as in many places preachers forbid thieves to be hanged, make laws concerning tithes, publicly condemn accepted contracts, etc. Wycliffe[2] was greatly tumultuous and contended that tithes are not to be paid to idle priests. Capito[3] contends that princes should remit something from the annual tribute. Zwingli[4] calls taxes Harpies; others call public hunting [rights Harpies][5]. The Anabaptists condemn judicial proceedings, etc.[6] These errors, besides being impious, also undermine public tranquility. Wherefore it is profitable to be well fortified against this impiety and to hold correctly[7] the distinction between the Gospel and the political art, and to know that the Gospel pertains to the righteousness of the heart, does not pertain to the civil state. Indeed, it approves all forms of republics, provided they are consonant with reason, just as it approves architecture or medicine consonant with reason.

Few writers in the Church have sufficiently perceived this distinction. And so the pontiffs invaded empires, arrogated to themselves the right of transferring kingdoms. Therefore let us diligently observe that there is the greatest distance between the Gospel and the political art. And all polities are approved by the Gospel if they are consonant with reason.[8] And see what foolishness it is. If some theologian wished to practice medicine, would not everyone ridicule him, because he would profess an art which he had not learned? Thus preachers are justly ridiculed who wish to govern states, though they have never been engaged in the republic. They abolish old laws when they do not understand the reasons why they were enacted, and with one law abrogated they substitute infinite others. For that saying of Plato is true[9]: to change old laws is just like cutting off the heads of the hydra. And just as in a building all things collapse when some beam has been removed, so the change of one law drags all to ruin. For which reason it is necessary that infinite disturbances arise; wherefore all great men and those skilled in governing the republic cry out that every change of laws must be prohibited, however much inconvenience

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[2] See below p. 259, note 11 [[possent] sic Editt. 1530 and Basel; Edit. 1535, possunt.]

[3] Wolfgang Fabricius Capito (properly Köpflin), Doctor of Theology, Canon Law and Medicine, from the year 1523 preacher at Strasbourg, previously at Bruchsal, afterwards at Basel and Mainz, for some time also counselor of Albert, Archbishop of Mainz. (Another distinguished English theologian is also designated by the name Capito, namely Robert Grosseteste, from the year 1235 Bishop of Lincoln [wherefore he is called Robert of Lincoln], died in the year 1253.).

[4] That is, Huldrych Zwingli, minister at Zurich, that most celebrated reformer, who was born on January 1, 1484 at Wildhaus and was killed on October 11, 1531 in the battle fought at Kappel.

[5] venationes publicas] sic Ed. 1535; Ed. 1530, venationes publicant.

[6] Sicut multis locis iudicia etc.] sic Editt. 1530 et 1535; Edit. Basel: Just as the Anabaptists condemn judicial proceedings and public punishments established by laws, Münzer wished matters to be judged according to the Mosaic laws, etc.

[7] recte] sic Editt. 1530 et Basel; Edit. 1535, recta.

[8] cum ratione] sic Editt. 1530 et 1535; Edit. Basel, cum iure naturae [with natural law].

[9] Plato, *de republica* Book IV (ed. H. Steph. Vol. II, p. 426e; ed. Bipont. Vol. VI, p. 341): “For surely such people are most charming of all, legislating about the things I have just gone through and always correcting them, thinking they will find a limit to wrongdoing in business contracts and the things I was just talking about, not knowing that in reality they are cutting off a Hydra's heads.”

they may have, because a change of the republic always brings more harm. Very many precepts of the greatest men exist on this matter, which we shall recite elsewhere. Now we shall be content with the testimony of Duke Frederick of Saxony, who, if anyone, was a man most knowledgeable in governing the republic in the toga, and not only experienced in domestic administration but tossed about in the greatest and most perilous affairs of the whole German empire. His authority ought to have the greatest weight with us, both on account of the singular divinity of intellect with which he was endowed, and on account of long experience in affairs. And so whenever an example was brought to him which seemed likely to bring some change,[10] he most tenaciously opposed it, adding the reason in these words: *Es macht bewegung* [It makes disturbance]. With this word he signified that the greatest care must be taken by those who hold republics, lest any occasions or causes of disturbances be sown. Tumults once stirred up do not afterwards fall silent for many centuries.[11]

Therefore, just as Socrates at the beginning of his polity dismissed poets from his city, so we shall not indeed cast theologians out of the city, but nevertheless we shall remove them from the helms of the republic, lest they make new laws, and we shall ask them to do their own duty and transmit the Gospel purely, concerning faith, which is eternal righteousness, concerning repentance, concerning charity. This is the private teaching of the pious, just as medicine is a private art. Meanwhile let them allow kings and princes to make laws for restraining the impious and to fortify peace with judgments and punishments. Thus Christ commanded: "Ye know that [the princes of the Gentiles exercise dominion over them]… But it shall not be so among you."[12] For he forbids private men, under the pretext of the Gospel, to change public laws and invade empires. They have the example of Christ, they have that of the Apostles, who did not abolish Roman laws, did not touch upon political matters, but only privately spread the knowledge of God among the pious. But I make an end, since enough has been said about this matter often elsewhere.

That the Gospel Approves Political Ordinances.

For the Gospel transmits spiritual and eternal righteousness, which is that of the few; meanwhile the world needs another teaching, namely the political, as a [sort of] prison to restrain the impious. But just as the Gospel approves other arts necessary for life, such as agriculture and architecture, so it also approves laws and political ordinances consonant with reason. The theologian ought to illuminate this point, so that both those who are in authority and those who obey may understand the dignity of magistrates and laws.[13] This will first benefit the consciences of magistrates, since they will know that they discharge a duty committed by God, and will seek and expect help from God. Then subjects will obey with greater[14] religious devotion as God's vicars, because they will feel that magistrates and political ordinance have been established by

[10] videretur] sic Ed. 1530; Ed. 1535, videtur.
[11] Ac videte quae sit stultita – consilescunt.] sic Editt. 1530. et 1535.; in Edit. Basil. haec desunt.
[12] Matt. 20:25-26. Mark 10:42-43. Luke 22:25-26.
[13] intelligant] sic recte Editt. 1530 et Basel; Edit. 1535, intelligat.
[14] maiore] thus Editt. 1530 and Basel; Edit. 1535, timore.

God for the utility of life just as much as this universe of things, as this most beautiful light of the sun, as the successions of seasons have been established by God, as the fertility of the earth has been given for nourishing living creatures. Indeed, we perceive the presence of God more closely in the preservation of republics than in that very nature of things. For in such great savagery of the Devil, in such great malice of men, republics could[15] not stand unless they were preserved by God. Now God defends polities, and the punishment which the magistrate exercises is truly the work of God. Therefore in the Psalm (82:6) God says: "I said, you are gods"; where God openly testifies that magistrates have been constituted by himself, for he says: "I said," that is, I ordained magistrates. When he calls them gods, he testifies that they discharge a divine office and are God's vicars. Therefore political ordinance is a good thing, as Paul also teaches in Romans 13 (1, 2, 4, 6).

These things must be impressed upon the minds of men, so that they may hold present laws and magistrates in high regard and obey them religiously. What laws ought to be like, however, pertains no more to the Gospel than what medicines ought to be given to those suffering from fever. Moreover, theologians consult badly for their own tranquility when they seek after empires. For no matter in life has either more or greater dangers than the administration of the republic; wherefore even Demosthenes says that if he could unweave his life, he would prefer to undergo certain death rather than approach the republic, even if he knew for certain that he would obtain the highest honors. In so many dangers God assists those rightly called, he does not assist those who through ambition take up the republic when not called, etc.

On the First Book of the Politics

Just as Ethics discusses private morals and gathers the causes of virtues from nature, so the political art discusses civil society and the duties pertaining to society, and derives the causes of society from nature.

Therefore the first place in this book is about the causes of society. So the beginning of society is the union of male and female. Thence, as if from a colony from families, he derives the city.

Then he gathers reasons showing that man is led by nature to society, not only for the sake of utility. This passage exists almost in the same words in Cicero in the De Officiis.[16] The reason is taken from a sign, because speech has been given to man, the use of which exists only in society. οὐδὲν[17] γὰρ, ὡς φαμὲν, μάτην ἡ φύσις ποιεῖ [Nature, as we often say, makes nothing in vain].[18] He adds[19] an encomium of civil society: “ὁ δὲ πρῶτος συστήσας μεγίστων ἀγαθῶν αἴτιος. ὥςπερ γὰρ καὶ τελεωθὲν βέλτιστον τῶν ζώων ἄνθρωπός ἐστιν, οὕτω καὶ χωρισθὲν νόμου

[15] possent] thus Editt. 1530 and Basel; Edit. 1535, possunt.

[16] Cic. de offic. 1. I. c. 7. §. 22.

[17] Οὐδὲν sic Aristot. Polit. 1. I. c. 1. §. 10.; Editt. Huius commentarii οὔτε

[18] N.B. Throughout I have rendered Melanchthon’s Greek followed by English, sometimes with minor expansion, from Jowett’s translation: Aristotle. *Politics*. Translated by Benjamin Jowett, Clarendon Press, 1885.

[19] Arist. Polit. 1. I. c. 1. §. 12. Edit. Io. Gottl. Schneider [Francof. ad V. 1809. 8.] et Edit. Ad. Stahr. [Lips. 1839. 4.] (c. 2. Edit. Academiae regiae Boruss. ex recensione Imman. Bekkeri).

καὶ δίκης χείριστον πάντων. χαλεπωτάτη γὰρ ἀδικία ἔχουσα ὅπλα· ὁ δ᾽ ἄνθρωπος ὅπλα ἔχων φύεται φρονήσει καὶ ἀρετῇ, οἷς ἐπὶ τἀναντία ἔστι χρῆσθαι μάλιστα· διὸ ἀνοσιώτατον καὶ ἀγριώτατον ἄνευ ἀρετῆς, καὶ πρὸς ἀφροδίσια καὶ ἐδωδὴν χείριστον. ἡ δὲ δικαιοσύνη πολιτικόν· ἡ γὰρ δίκη πολιτικῆς κοινωνίας τάξις ἐστίν [He who first founded the state was the greatest of benefactors. For man, when perfected, is the best of animals, but, when separated from law and justice, he is the worst of all; since armed injustice is the more dangerous, and he is equipped at birth with arms, meant to be used by intelligence and virtue, which he may use for the worst ends. Wherefore, if he have not virtue, he is the most unholy and the most savage of animals, and the most full of lust and gluttony. But justice is the bond of men in states, for the administration of justice, which is the determination of what is just, is the principle of order in political society].”

II[20]

I have often warned that method must be diligently observed[21] in Aristotle. For no one is a better craftsman of method than Aristotle. And so even for this reason alone he ought to be read, so that we might take from him examples of method, that is, the proper order of teaching something. But just as other arts begin from certain most universal principles known by nature, such as exist among geometers— “The whole is greater than its part;” “Things which are equal to the same third thing are equal to each other”—in the same way this art also has its own principles, taken from the nature or end of man.

Man is by nature fashioned for society.

The first society is the legitimate union of male and female.

Now he touches upon other principles.

From the first society arises the household, in which are parents, children, servants.

In a society of many it is necessary that some rule, others obey.

And he gathers the causes of servitude and rule from nature. For by nature the more imprudent and weaker obey the more prudent and stronger, because they have need of another's guidance, counsel, and defense. He brings proof of this from the parts of man. In man some parts naturally serve, others naturally rule and exercise dominion; similarly therefore in a multitude, the more prudent ought naturally to rule, and the more imprudent to obey.

Who would not be delighted by the acuteness at this point, when so aptly[22] he gathers from the parts of man the sources and causes of rule and servitude among men, when he has nothing earlier, after he has shown the causes of society, than to speak about rule, so as to signify that no society can exist unless it is held together by rule. Therefore, just as causes have been impressed on nature which lead us to cultivate society, so we should know that causes have also been impressed on the nature of man which lead us to establish empires and to obey magistrates. And this is the duty of the philosopher: to observe and explain such laws, or common principles, written in nature. Rhetoricians call such common principles theses, because when these are

[20] II.] sic in Edit. 1530.; in Editt. 1535. et Basil. deest.

[21] observandam] sic recte Editt. 1530. et Basil.; Edit. 1535. observandum.

[22] apte] sic Editt. 1530. et Basil.; Edit. 1535. apta.

posited, many other things follow. Therefore from these theses are afterwards born civil laws, which are as it were hypotheses of these common principles. Civil society is to be cultivated; civil society cannot be retained without rule. Hence come laws enacted concerning public violence, concerning those who injure the authority of magistrates, etc.

Meanwhile let scholars remember what I also said in the Ethics: that the law of nature is truly divine law. Therefore all principles concerning civil society, which are gathered from nature by good and firm reasoning, will be held and cultivated as divine laws. Nor should the authority of such principles be considered slight. For just as to the eyes has been divinely given a certain marvelous light for seeing, so reason divinely has a certain light for judging matters necessary for bodily life. Nor indeed on that account are all the dreams of philosophers to be held as oracles, but discrimination must be applied [to determine] which principles are affirmed on certain grounds, [and] which are stated without demonstration. For the whole matter must be referred to dialectic and demonstrations. Only those ought to be numbered among the laws of nature which are supported [cohaerent] in demonstration. Many things the Stoics and others dispute ridiculously, which, since they do not have sufficiently firm causes, are justly rejected, just as in medicine or architecture many things are rejected in which, although certain things similar to the truth are present in appearance, nevertheless when they have been agitated and examined, defects are detected.

But I return to Aristotle, to explain this passage, than which no other in this first book is more useful: when he shows the similarity of rule and servitude in the parts of man, at the same time he discerns two species of rule or dominion. And it is easy to see that from these, as if from fountains, all those species of rule and servitude which jurists enumerate have arisen.

The first species is called δεσποτικὸν [despotic, masterly] rule, as you might say, masterly dominion, in the manner that the soul commands the body. For the body is compelled to obey the soul moving and driving it, nor does it have distinctive [peculiares] motions without the soul, just as a slave is compelled to obey his master and is entirely in another's power, or just as cattle bound by chains are compelled to follow the one leading them. Whence the Greeks cleverly imagine that δεσπότην [master] is derived from δεσμώτην [one who binds], that is, one who casts chains. From this species arises the most harsh form of rule, in which the master holds power of life and death without fixed law. Such was the authority of kings among barbarians long ago, and now they say such is the form of rule among the Turks, where the prince does everything by his own judgment and subjects like cattle are compelled to obey whatever the tyrant commands.

The other species of rule is called βασιλικόν [kingly] or πολιτικόν [political] rule, that is, royal or civil dominion, in the manner that the mind commands the appetite by a fixed law and for its utility. Nor does it rashly compel the appetite to obey. From this arise legitimate empires in republics, concerning which more will be said below in the third book. And in this species it is more clear what rule is, namely to look after another's utility, to govern and defend others, because the mind sees what is useful, what harmful, and raises up and restrains the appetite, and strives to defend the health of the whole body. From this example he takes the principle which is

commonly often cited: "τὸ δυνάμενον[23] τῇ διανοίᾳ προορᾶν ἄρχον φύσει καὶ δεσπόζον φύσει[24] [That which can foresee by the exercise of mind is by nature intended to be lord and master]."

After he has set forth these species of rule and servitude, he teaches that they exist in the household. For he will afterwards constitute the city according to the image of the household; therefore first he discusses many things about household management. The head of the household rules slaves δεσποτικῶς [despotically], children with royal dominion; over his wife a milder rule is appropriate, which he calls πολιτικὸν [political], akin to the royal.

Here it is customary to discuss why Aristotle says that some are born slaves,[25] when jurists teach that servitude is contrary to nature and by natural law all men are born free from the beginning. This is to be explained thus: Aristotle speaks about the cause of that servitude which jurists so call. But jurists speak about the effect[26] or about the fixed form of servitude. Servitude in Aristotle signifies weakness of intellect, which needs to be ruled by another's counsel. Among jurists it signifies a fixed form by which the victor holds the conquered. And indeed Aristotle contends against those who think this servitude is contrary to nature. For he shows that it has causes posited in nature, namely weakness of intellect, which since it is born with men, it is necessary that they be ruled by another's counsel. If any refuse to be ruled, these must be suppressed and restrained by force, so that the rest of the multitude of the human race can be preserved, just as sometimes corrupted members must be cut off from the body lest the whole body perish. Here therefore the more excellent suppress and restrain by force the weaker, because nature teaches us, by setting forth the parts of man, that the more excellent ought to rule and exercise dominion. Although what need is there of this subtle disputation? That voice "Honor father and mother" subjects all men to servitude. But since that principle also is written in nature, one must think that truly the causes of servitude are posited in nature. Therefore Aristotle correctly reproaches those who with immoderate and unjust desire for liberty accuse and, to use his very words, γράφονται παρανόμων[27] [indict as unlawful, impeach, as they would an orator who brought forward an unconstitutional measure] the form of servitude received by the law of nations. But we could much more justly accuse the fanatical men of our time who, under the pretext of the Gospel, called the common people to the cap, that is, to liberty, and contended that servitude is contrary to the Gospel. But because we have often spoken about this matter elsewhere, at present it is enough to warn the reader that just as the Gospel does not abolish this precept "Honor [thy] father and mother," so it neither disapproves empires nor servitude, but confirms them by its own testimony and teaches that kingdoms and servitude must exist in the world to restrain the impious and carnal. And the saints use these things just as they do other good creatures of God.

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[23] τὸ δυνάμενον] sic Editt. huius commentarii; Aristoteles scripsit: τὸ μὲν γὰρ δυνάμενον.

[24] Arist. 1. 1. c. 1. §. 4. Editt. Schneider et Stahr (c. 2. Edit. Acad.).

[25] Aristot. 1. 1. c. 2. §. 7. Editt. Schneider et Stahr (c. 4. Edit. Acad.); ὁ γὰρ μὴ αὐτοῦ φύσει ἀλλ᾽ ἄλλου, ἄνθρωπος δὲ, οὗτος φύσει δοῦλός ἐστιν.

[26] effectu] sic Editt. 1530. et Basil.; Edit. 1535. affectu.

[27] Aristot. 1. 1. c. 2. §. 16. Editt. Schneider et Stahr (c. 6. Edit. Acad.).

III

He has not yet finished household management, but after he has enumerated the household, it must also be discussed how it is to be preserved and sustained. Therefore he teaches that there is a twofold method of acquiring family property. Of these, one is natural, the other devised by art.

The natural method of acquiring family property has these species[28]:

Cattle-raising,

Agriculture,

Hunting, with which he joins plundering, which is also itself honorable and consonant with nature if it is practiced in legitimate wars; for the magistrate ought to wage wars to repel robberies.

The fourth species is trade, by which things produced at home are sold, so that with these disposed of we may import other things which otherwise are lacking to us. This he calls household trade and praises it, for it is necessary for life, and men ought also to use it before the use of money, when each person sought by exchange of his own things or labors those things which he needed. Moreover, this trade, by which things produced at home are sold, is today also permitted[29] to persons of rank, as they call them, for whom otherwise to engage in business is disgraceful.

The method of family property acquisition devised by art has arts and labors, which nevertheless ought to be communicated liberally. The hiring out of labors is servile. Such is trade, which they call καπηλικήν[30] [profiteering trade], when we buy in order to sell again more dearly, or whose end is not use but profit. Aristotle criticizes this, because although the end of purchase ought to be use—for nature teaches us to make contracts for the sake of use and necessity—here another end seems to have been cleverly devised, namely profit. This cleverness is odious, because it does not seem properly arranged for necessity, and it almost defrauds others who were going to buy only for the sake of use. If there are other vices in this species of trade which belong more to men than to the thing itself, there is no need to recount them here.

On Usury[31]

Usury is also numbered among the species devised by art for acquiring family property. Moreover, Aristotle criticizes it and says it is contrary to nature, because money was invented not so that it might beget money,[32] but so that it might be a medium in the purchase of merchandise. But in usury money begets money, whence the Greeks also call it τόκος [interest] from τίκτω [to beget]. For usury is profit which is added to a loan [mutuum][33], or where something is paid

[28] De his Arist. 1. 1. c. 3. §. 4 sqq. Editt. Schneider et Stahr (c. 8. Edit. Acad.) disserit.

[29] Hoc est ius regalium, de quo conf. Frid. Pruckman tractatus de regalibus. Berol. 1587. 8.

[30] Aristot. 1. 1. c. 3. §. 12. 15 sq. Editt. Schneider et Stahr (c. 9. Edit. Acad.).

[31] Aristotelis de usura, quam χρηματιστικὴν nominat, 1. 1. c. 3. §. 10. 17 sqq. Editt. Schneider et Stahr (c. 9. Edit. Acad.) dicit.

[32] nummum] sic recte Editt. 1530. et Basil.; Edit. 1535. mutuum.

[33] mutuum] sic Editt. 1530. et Basil.; Edit. 1535. nummum.

beyond the principal on account of the lending. The words of Aristotle[34] are these (I wish to write them down, because they are often cited by learned men in this disputation about usury): "Εὐλογιότατα μισεῖται ἡ ὀβολοστατικὴ διὰ τὸ ἀπ᾽ αὐτοῦ τοῦ νομίσματος εἶναι τὴν κτῆσιν καὶ οὐκ ἐφ᾽ ὅπερ ἐπορίσθη. μεταβολῆς γὰρ ἐγένετο χάριν, ὁ δὲ τόκος αὐτὸ ποιεῖ πλέον. ὅθεν καὶ τοὔνομα τοῦτ᾽ εἴληφεν· ὅμοια γὰρ τὰ τικτόμενα τοῖς γεννῶσιν αὐτὰ ἐστιν, ὁ δὲ τόκος γίνεται νόμισμα νομίσματος· ὥςτε καὶ μάλιστα παρὰ φύσιν οὗτος τῶν χρηματισμῶν ἐστίν.[35] [The most hated sort, and with the greatest reason, is usury, which makes a gain out of money itself, and not from the natural object of it. For money was intended to be used in exchange, but not to increase at interest. And this term interest, which means the birth of money from money, is applied to the breeding of money because the offspring resembles the parent. Wherefore of all modes of getting wealth this is the most unnatural]." That is: usury is justly held in hatred, because through it money is sought by money, when it was not instituted for this but for exchange. But usury itself increases, whence it also received the name of breeding, because offspring are similar to those who beget them, and in breeding money begets money; and so this method of acquiring money is most contrary to nature.

From this reasoning of Aristotle, learned men gather many[36] other arguments by which they show usury to be contrary to nature.

In things in which use is consumption, use cannot be separated from the thing, and something cannot be demanded separately for the use. But in usury the use is sold, separated from the thing. Therefore it is contrary to nature.

Likewise, a thing which by nature does not bear fruit ought not to be transferred as if for a fruit-bearing thing. But in usury money is transferred, which by nature does not bear fruit. And yet something is demanded as if from a fruit-bearing thing. Therefore usury is contrary to nature. For one who leases a field justly receives something, since the field by nature bears crops.

Here more recent writers discuss whether it is permitted to a Christian to practice usury. We respond briefly: it is permitted to a Christian to use contracts which the laws approve and judge to be honest, just as it is permitted to a Christian to use other political ordinances. Although indeed the old laws of the emperors permitted usuries, nevertheless they do not approve them nor judge them to be honest. For laws do not approve all things which they permit. For laws cannot remove all vices from republics, just as physicians cannot heal all diseases of bodies; some diseases they even forbid irritating with medicines. Thus laws tolerate certain vices which, confirmed by long custom, cannot be removed without great harm, and they [intentionally] overlook and endure them. Therefore a Christian will not practice usuries. But he will use other legitimate contracts which the magistrate approves. Many at this time perform marvelous tragedies about contracts which are in use in our times. We should remember that judgment concerning contracts does not pertain to private men or to those teaching the Gospel. The whole matter must be referred to the magistrate. It is his duty to pronounce which contracts are to be approved, just as it is the physician's duty to pronounce which medicines are to be given

[34] Aristot. 1. 1. c. 3. §. 23. Editt. Schneider et Stahr (c. 10. Edit. Acad.).

[35] ἐστίν] sic Editt. Aristot.; Editt. huius commentarii ἐστί.

[36] multas] sic Editt. 1530. et Basil.; in Edit. 1535. deest.

in fever, which in pleurisy. And so it must not be permitted to preachers to take to themselves judgment concerning contracts, especially against the judgment of public laws, for when their authority is undermined, it is necessary that the greatest disturbances arise in republics. That rather pertains to one who teaches the Gospel: to warn that public laws are to be religiously cultivated, and that it is permitted to use all contracts which the laws approve. Nor indeed ought laws to be received inhumanely, but ἐπιεικῶς [equitably], so that something be conceded to circumstances. It is enough in civil affairs to use probable reasoning [probabili ratione]. Not everywhere are demonstrations or most exact reasons to be sought. Just things have a certain mean, but this must be accepted ἐν πλάτει [broadly], according to some probable reasoning. Nor must consciences be bound to any one form in such affairs; it is enough for them to obey public laws and magistrates. To follow their judgment is safe in civil matters, provided they do not depart far from nature but have some probable cause for their opinion.

On the Second Book of the Politics

The entire second book is historical in character. For it recounts various constitutions, and first reproves the constitution of Plato, who wished all things to be held in common by all, even wives and children. For this is the opinion of Socrates in the books on *The Republic* by Plato[37]. Aristotle assembled several arguments by which he shows that this opinion of Plato conflicts with the nature of man and can in no way be approved. But I also judged it necessary at the outset to admonish the reader, that they remember that the legitimate division of property and the form of marriages is an ordinance of God, which cannot be altered by human counsel — just as the alternations of the seasons, summer and winter, night and day, the course of the sun and the movements of the other stars, cannot be changed by human force. Inexperienced men, who think that constitutions exist without the counsel of God, offended by the present vices of commonwealths, seek other forms for the founding of cities, while they imagine that these can be transferred into another condition by human counsel. This error must be removed from minds at the outset, and it must be known that a legitimate constitution and the division of property is the work of God. If anyone persuades himself of this, he will easily understand that the present condition must be retained and cannot be changed.

Aristotle therefore rightly holds that the division of property is in accordance with nature. This is what the most learned jurists say when they declare it to be of the law of nations, or of natural law. But Plato's constitution is wholly repugnant to nature. First, concerning marriage, the proof is straightforward. Just as reason naturally judges murder to be shameful, so it judges promiscuous intercourse to be shameful. Likewise, reason judges that there ought to be definite marriages, otherwise offspring would be uncertain; wherefore the rearing and care of nurturing would grow cold. Likewise, if offspring were uncertain, it would come about that no distinctions

[37] Plat. de republ. 1. V. (op. ed. H. Steph. T. II. p. 457. d. 461. 466. c. - ed. Bipont. Vol. VII. p. 19. 27 sq. 38.).

of blood would be observed in intercourse, which is against nature. “A man shall leave father and mother and cleave to his wife,” etc.[38]

Concerning the community of property, the proof is also straightforward. The efforts are not equal in acquiring and preserving goods in common; therefore goods cannot be held in common. The premise is evident, because the idle, seeing that they could take from the common store, would not be willing to labor. Likewise, men desirous either of glory or of power would nevertheless seize most things and drive the weaker away from the use and enjoyment of many things, from which the greatest disturbances would arise. And so because desires of every kind are born with us, the division of property is necessary. These arguments, and moreover many signs besides, Aristotle assembles against the opinion of Plato.

But by some error I know not what, it has come to pass that many everywhere have applauded the opinion of Plato, however inhuman it is; and I suspect that certain theologians, captivated by novelty as tends to happen, have been excessively fond of this opinion. But those err who teach that the community of property is of divine right, and far more greatly err those who teach that the Gospel commands that goods be brought into common, and yet this error clings stubbornly in the minds of fools — to such a degree that even in the Decrees, at the eighth distinction,[39] someone wrote ἐπιγραφὴν [a rubric] in these words: “By divine right all things are common to all.”[40] Furthermore, as long as this persuasion holds minds, it cannot but be that fanatical men arise who, through superstition, contend that goods must be brought into common, and from this it is necessary that the greatest disturbances arise in commonwealths. But divine right and the Gospel command us to observe political ordinances, and within these the legitimate division of property, as the commandment teaches (Exod. 20:15): “You shall not steal.” Likewise Romans 13:9. On this matter more has been said copiously elsewhere; I wished only to touch upon it lightly here for the purpose of admonishing the reader. We will therefore more correctly hold that the division of property is of divine or evangelical right, and these expressions — that the community of property is of divine or evangelical right — because they are seeds of the greatest disturbances, are by no means to be approved. And indeed the text in the Decrees at the eighth distinction, although it has a carelessly written rubric, nevertheless clearly shows that God is the author of the legitimate division of property. For it says thus: “God has distributed the laws of human society through emperors and secular rulers to the human race.”[41]

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[38] Genes. 2, 24. Matth. 19, 5. Marc. 10, 7.

[39] Decreti Gratiani prima pars dist. VIII. I. Partis c. I. (Corp. iur, can. ed. Richter P. I. p. 11.).

[40] The complete inscription of this canon is: “By divine right all things are common to all; but by the right of positive law, this is mine and that belongs to another.”

[41] The complete text of that first canon, from which these words were drawn, is as follows: “By what right do you defend the estates of the church — by divine right, or by human right? We have divine right in the scriptures, human right in the laws of kings. Whence does each person possess what he possesses? Is it not by human right? For by divine right the earth is the Lord's and the fullness thereof (Psalm 24:1). God made the poor and the rich from one clay, and one earth sustains the poor and the rich alike. Yet by human right it is said: this estate is mine, this house is mine, this slave is mine. But human rights are the rights of emperors — why? Because God has distributed the laws of human society through emperors and secular rulers to the human race”

Likewise, a little further on in the same place, §1: “Remove the rights of emperors, and who dares to say: that estate is mine, or that slave is mine, or this house is mine? But if the rights of kings have brought it about that these things are held by men, do you wish us to be silent about the laws, so that you may rejoice?” etc.

But as to what they say, that by natural right all things are common, they excuse this by referring it to the uncorrupted nature of man, such as it was before original sin. When we speak of the present condition after original sin, we rightly say that the division of property is of natural right. Nor do I think that the expression "that by natural right all things are common" is to be found among the ancient jurists. For these men speak of the present state of nature, for which they see the division of property to be necessary. And so they say: “What belongs to no one beforehand is by natural reason conceded to the one who takes possession of it.” This statement teaches that by natural reason dominion or property is acquired by occupation, and that by natural reason. But natural reason is the law of nature. These things I have said for the purpose of admonishing the reader, lest those expressions which praise the Platonic community of property deceive anyone — expressions which at times beguile the inexperienced by their novelty, and furnish occasion for great and pernicious errors. No virtue adorns the knowledge of Christ more than religiously honoring political ordinances and magistrates. Wherefore those expressions which impede public tranquility must be kept far from the Gospel. If anyone should cry out that the community of property is of divine right, set against him the commandment: “You shall not steal.” For in this commandment it is enjoined that each person hold what is his own. If anyone should contend that the community of property is of evangelical right, set against him the sentence of Paul, who calls the legitimate ordinances of commonwealths the ordinances of God, Romans 13:1. If anyone should dispute that the community of property is of natural right, set against him the judgment of reason, which holds it impossible for goods to be held in common given these vices of men. For the idle would wish to be fed by the labor of others — contrary to the law of nature, which is sanctioned in these words (Genesis 3:19): “In the sweat of thy face shalt thou eat bread.”

II[42]

Aristotle proceeds to recount the laws of very many cities, which are commonly encountered by those reading the histories. At the end he disputes concerning the alteration of laws, that it is dangerous. Although he will speak of this matter on other occasions as well, it is nevertheless worthwhile to remember certain sentences of this passage. The words are these:[43] “Φανερὸν ὡς ἐατέον ἐνίας ἁμαρτίας καὶ τῶν νομοθετῶν καὶ τῶν ἀρχόντων· οὐ γὰρ τοσοῦτον ὠφελήσεται κινήσας, ὅσον βλαβήσεται τοῖς ἄρχουσιν ἀπειθεῖν ἐθισθείς[44] [For the habit of lightly

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Likewise in the same place, with a few things intervening, §2: “Let the laws be read, where the emperors have clearly commanded that those who, outside the communion of the catholic church, usurp for themselves the name of Christian and are unwilling to worship the author of peace in peace, dare possess nothing in the name of the church.”

§3: “But what have we to do with the emperor? Yet I have already said: the matter concerns human right. And yet the Apostle (1 Pet. 2:17) wished kings to be served, wished kings to be honored, and said: 'Fear the king.' Do not say, what have I to do with the king? What then have you to do with your possession? Possessions are held through the rights of kings. You have said, what have I to do with the king? Do not call them your possessions, for you have renounced those very human rights by which possessions are held.” (Corp. iur. can. ed. Richter, Part I, p. 11 sq.)

[42] 11.] sic Edlt. 1530 .; in Editt. 1535. et Basil, deest.

[43] Aristot. 1. 1. 1. II. c. 5. S. 13. Editt. Schneider et Stahr (c. 8. Edit. Acad.).

[44] ἐθισθείς] sic Editt. Aristot.; Editt, huius commentarii ἐθεισθείς.

changing the laws is an evil, and, when the advantage is small, some errors both of lawgivers and rulers had better be left; the citizen will not gain so much by making the change as he will lose by the habit of disobedience].” For he holds that received laws ought not to be changed, even if they have something inconvenient about them. And upon this all wise men and those experienced in governing a commonwealth agree, that the alteration of laws is generally pernicious. Hence Ulpian says: “In establishing new things, the utility must be evident,” etc. And Demosthenes writes that there was a law among the Locrians, that if anyone was about to propose a new law, he should first present it to the people with his neck placed in a noose, which, if the law had been disapproved, would immediately be drawn tight and strangle the author of the new law.[45] And Herodotus says that those who despise the ancestral laws and ancestral customs are mad, because we love the institutions of our fathers so naturally that if all men were given the opportunity to choose the best laws, each one would nevertheless choose his own ancestral ones. Those who alter laws are also censured in the sacred scriptures, Ecclesiastes 10:8: “He who breaks through a hedge, a serpent shall bite him.[46]” For there in many words he speaks of a magistrate altering the form of the commonwealth, which he compares to a hedge, and as serpents penetrate into gardens when the hedge is broken down, so he says it will come to pass that such a magistrate will arm the license of the wicked against the commonwealth. But in my judgment nothing more effectively dissuades from counsels of altering received laws than if we know that the legitimate condition of the commonwealth is an ordinance of God, and ought to be honored for God's sake as sacred things, even if it has something inconvenient about it. But here the question can be raised, to what extent the defects of laws are to be overlooked. Aristotle teaches this in the Ethics. Laws ought to accord with the natural judgment of human reason. Accordingly, if any laws are altogether repugnant to the judgment of nature and corrupt nature, these are to be changed. But if they depart only a little from reason, these will have to be tolerated. As if someone uses his left hand better than his right, he ought not to be led over to the opposite habit at the cost of inconvenience. So too laws ought not to be changed if they depart only a little from nature, because the matter does not go without the greatest disturbances. As a physician in a diseased body does not stir up all the bad humors, so in the commonwealth a blind eye must be turned to certain defects. I have been rather lengthy in this passage, because it is a great and necessary wisdom to know that certain defects of laws are to be overlooked and tolerated.

On the Third Book of the Politics

I have often said elsewhere that Aristotle is the finest craftsman of method, wherefore in these books too one must carefully consider how precepts arise in order one from another. Just as in other arts the most general principles are the beginnings of those arts, so in this book Aristotle began from the most general propositions, which are drawn from the nature of man, or from the

[45] Conf. supra p. 403. neta 47.
[46] mordehit enm] sic Editt, 1530. et Basil .; Edit. 1535, typogr. errore: morbit enim.

end of man. Accordingly in the first book he treated these principles: Man is by nature created for society. The first society is marriage.

Here he adds what things are necessary for the preservation of domestic society, and what the parts of a household are. From this another principle arises, that dominion and servitude are necessary for the maintenance of human society, and that nature requires some to rule and others to serve. Here he saw very acutely that in nature the beginnings of authority and servitude are set before us. From this the city is propagated, when many households or families are joined by a definite compact.

Also in the second book the thesis concerning the division of property was treated. From these principles the discipline grows gradually. For now in the third book he begins to define the city and citizens, and reviews the various forms of rule in cities. I have recapitulated the foregoing so that the method might be discerned, which it is greatly profitable to observe, so that we may understand the beginnings and progressions[47], or the sources and order, of the matters handed down into a discipline. Furthermore, just as above we treated the principal topics, so here we shall excerpt those things which have the greatest utility for this common life. And the prudent hearer ought carefully to attend to what use these disputations can be. Some are useful for forensic matters, such as what we said above[48] concerning usury. Some are useful for judging controversies which are sometimes agitated among theologians concerning civil matters, such as what we said against the Platonic community of property. It is moreover to be observed in this entire scheme of studies how those things which we learn in the individual arts can be of use in the highest arts, which are most necessary either for[49] governing commonwealths or for private life.

A city is a society of citizens constituted by right, for mutual benefit, and especially for defense.

Citizens are those who, in the same society, can attain magistracy or the power of judging. The end of all citizens is the public good, or, to speak more plainly, the tranquility or safety of the public condition, just as the end of all sailors[50] is the safety of the ship, though their offices are diverse.

A constitution is the legitimate ordering of a city, according to which some are in authority and others obey. A constitution is twofold: right and corrupt. The species of right constitution are three.

A kingdom is a monarchy, or the rule of one prince administering the commonwealth for the common good; when this degenerates, it is called a tyranny[51], in which the monarch wields rule for his own benefit. Moreover, the species of kingdom will be set forth below.

Aristocracy is the rule of a few leading men, who administer the commonwealth for the public good, such as is the condition of the city of Nuremberg. When aristocracy degenerates, it

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[47] progressiones] sic Editt, 1530. et Basil.; Edit. 1535, progressionis.
[48] Vid. p. 428 sq.
[49] ad] sic Edit. 1530.; Editt. 1535, et Basil. apud.
[50] nautarum] sic recte Edit. 1530 .; Editt, 1535, et Basil. saturarum.
[51] tyrannis] sic recte Edit. Basil .; Editt, 1530. et 1535. tyrannus.

becomes ὀλιγαρχία [oligarchy], when a few administer the city for the benefit of the powerful, such as was once the condition of Rome in the time of Sulla, or as the commonwealth of Erfurt now appears to be.

The third species is when supreme power rests with the people; when this degenerates, Aristotle calls it δημοκρατίαν [democracy], in which the common people deploy their authority to augment the power of the lesser citizens against the leading men, such a condition as the peasantry dreamed of in the tumult of the peasants[52], or as is very nearly the condition of the Swiss.

Then follows the question of which species is best; and there is no doubt that monarchy or kingship is the best condition, as Homer teaches[53]: "οὐκ ἀγαθὸν πολυκοιρανίη· εἷς κοίρανος ἔστω, [Rule by many is not good; let there be one ruler]." Thus too the princes of the Persians judged, in Herodotus, book 3.[54]

More recent interpreters at this point dispute whether it is necessary for one particular man to be monarch of the entire world, and some pronounce that the Roman pontiff is that monarch, and hold that power has been entrusted to him by Christ not only to teach the Gospel but also to establish and transfer the kingdoms of the world. In favor of this opinion many testimonies are cited from Gratian. And those who have held this view seem to me to have been deceived chiefly by this reasoning: as they see in the Law that kings were anointed by priests, they therefore judge that kings receive authority from priests. They reason thus that kings ought now to receive authority from pontiffs. And since the Gospel pertains not to one people but to all, they therefore think that the pontiff received at the same time the power to establish authorities among all peoples. They accordingly grant him the power to coerce kings into order at his discretion, and many other things which this is not the place to enumerate; and under this pretext the Roman pontiffs have often endeavored to wrest authority from emperors and to drive other kings from their kingdoms. And it was long persuaded upon the common people that it was heresy if anyone should deny that both swords (for so they speak) pertain to the pontiff.[55] But this opinion is far at variance with the Gospel, for Christ says (John 18:36): "My kingdom is not of this world." Likewise (Luke 22:25–26): "The kings of the Gentiles exercise lordship over them, but you shall not be so." Innumerable other passages can also be cited, from which it is established that the kingdom of Christ is not a civil kingdom but an eternal one. Christ reigns through the Holy Spirit in such a way as to justify and enliven and govern the hearts of the saints. Yet he does not in the meantime abolish the external ordinance, which was established by God so that the wicked might be restrained and tranquility maintained among men. But on this distinction we have spoken elsewhere as well. For the authority of the magistrate must be carefully distinguished from the power of the bishop. The office of the bishop is to teach the Gospel, to remit sins, to threaten the wicked with the judgment of God, as Christ says (Mark 16:15): "Go, preaching the Gospel," etc. This power does not make laws concerning civil matters

[52] Hic tumultus a, 1524. ortus anno sequenti victus est.
[53] Hom. Il. II, 204.
[54] Herodot. 1. III. c. 80 sqq.
[55] 50) Conferatur supra p. 241 sq. constitutio Bonifacii VIII.

or the possession of goods; it does not bear the sword to compel men to obedience; it only teaches consciences concerning the will of God, delivers the Gospel, absolves terrified minds, threatens the wicked. In sum, it teaches concerning repentance and the remission of sins. But authority is the power of establishing laws to prohibit external wrongs and of compelling men by the sword to obedience, and of punishing those who do not comply with the laws. This definition is drawn from Paul, Romans 13[56]:3-4: "The authority bears the sword for the peace of the good." Now just as marriage is an ordinance of God, though marriage and the Gospel are different things, so authority is an ordinance of God, though the Gospel is a different matter. Moreover, authority was established in these words spoken to Noah, if anyone requires a clear testimony (Genesis 9:6): "Whoever sheds the blood of a man, by man shall his blood be shed." For here he ordains a man to exact punishment. He therefore establishes a magistrate. Furthermore, the natural judgment of reason is that there must be those who rule. But divine right, as we have often said, is natural right, or the natural judgment of reason. Authority is also established in this commandment: "Honor your father and your mother." For here obedience toward superiors is enjoined. Some say falsely that authority is given only by the consent of the people, as Ockham[57] argues; for princes rule by right even over the unwilling, and by right they take hold of authority not only through election or votes and the consent of the people, but also through legitimate wars, with brigands suppressed, through legitimate succession, etc.

Furthermore, some have disputed that the Roman emperor is the monarch of the entire world, and have cited from the Gospel (Luke 2:1): "There went out a decree from Caesar Augustus,' etc. Likewise (Matthew 22:21): "Render to Caesar the things that are Caesar's." But in these words it is enjoined that those who then were subject to Caesar should obey him; it is not enjoined that the entire world everywhere should obey one Roman prince. Indeed, Scripture in other places testifies that the Romans, who then held a great part of the world, would not always hold the same authority. We will therefore hold that neither the Roman pontiff nor the Caesar is[58] the monarch of the entire world, but that individual kings rule among their own peoples, just as there have always been diverse kingdoms in the world. Moreover, there were in succession four empires, which in the histories are called monarchies,[59] not because they reigned everywhere or

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[56] Rom. 13.] sio Edit. 1535 .; Editt, 1530. et Basil, Hom. 3.

[57] William Ockham (so surnamed because he was born at Ockham, a place in that part of England which is called Surrey), a Franciscan and disciple of Duns Scotus, who taught theology at Paris, then from the year 1322 provincial of the Franciscans of England, from the year 1328 residing at the court of Louis Duke of Bavaria, died in the year 1347 — on account of his extraordinary learning and eloquence called the Doctor Singularis et Invincibilis — defended the rights of princes against the popes in these writings: Disputatio de potestate ecclesiastica et seculari, inter clericum et militem; Tractatus de iurisdictione imperatoris in causis matrimonialibus; Quaestionum octo decisiones super potestate et dignitate summi pontificis. Besides these he also wrote several other theological and philosophical books.

[58] totins orhis terrarum monarcham esse] sic Editt, 1535. et Basil.; Edit. 1530. oportere totius orbis terrarum monarcham esse.

[59] The first of these monarchies is the Assyro-Babylonian, 2000–555 [B.C.]; the second the Persian, 555–333; the third the Macedonian, 333–30; the fourth the Roman, 30 B.C.–476 A.D. — according to Bredow; by others they are in part named and delimited differently. Cf. Janus, *Antiquae de quatuor monarchiis sententiae plenior assertio*, Frankfurt, 1728, 8vo; Johann Sleidan, *De quatuor summis imperiis libri tres*, Strasbourg, 1556, 8vo; and the commentators on chapters VII and VIII of the prophet Daniel.

had the right to rule everywhere, but because they reigned very extensively. For God wished through that occasion to open the world to the Gospel and to join many kingdoms together, so that the Gospel could more easily reach the many. Among the Assyrians and Persians the knowledge of God was widely spread abroad, after Daniel was carried away into Chaldaea. Likewise in Roman times the world lay open, and travel was safe for the Apostles, so that they could teach everywhere. Other causes can also be collected. Perhaps God wished to show in this mutual[60] succession of kingdoms that he himself establishes kingdoms, and that they cannot be retained by human force. He wished to show an example when he wrested kingdoms from the most powerful peoples, that he punishes the unjust, etc. Moreover, this wonderfully augments the authority of Christian doctrine, that Scripture alone predicted in order the successions of empires, and since these have come to pass accordingly, it is established both that Scripture[61] was delivered by God and that God is the author of empires. Wherefore let us always remember to revere and honor the present authorities religiously on account of God, who so adorns magistrates that He imparts to them the glory of His name (Psalm 82:6): "I have said, you are gods." For He testifies by His own authority that magistrates have been constituted and that they fulfill the role of God among men.

On the Various Species of Kings

A king properly speaking is the supreme power, over which no superior magistrate sits in judgment. Various species of kings have existed in the world, because men, on account of the differing characters of kings, have in some cases permitted them free power, and in others have judged it necessary to restrict and moderate it. The first species of kingdom is such as existed in heroic times, where kings ruled without fixed laws but for the benefit of the people — as is the domestic rule of a paterfamilias over his children. This form has a great deal of humanity in it, but given the scarcity of good princes it is rare. In worse men it degenerates into tyranny. For they properly call a tyrant one who holds sole power, rules without written laws, holds unwilling subjects by force, turns authority to his own benefit, and demands not only what is equitable but much that is also contrary to the interests of his subjects.

Fetters were therefore devised to be cast upon so great a power; laws were added to kings, that they might govern the commonwealth according to written right. There is therefore another species of kingdom: supreme authority, but circumscribed by fixed law. Certain nations also added guardians to kings who had the right to bring them into order. As the Lacedaemonians added ephors, who according to Thucydides[62] had the right to arrest the king. Such kings are not altogether αὐτοκράτορες [autocratic] or ἀνυπεύθυνα [unaccountable], that is, they do not have supreme power in such a way that no one is permitted to sit in judgment over them or to oppose their actions. And kingdoms are now for the most part of this kind. For they have laws, and they have guardians as well. In Germany there are electors; in France certain princes of the parlement court, as ephors of the kings. But in some places they can do more, in others less. For it is not

[60] mutuatione] sic Editt. 1535. et Basil .; Edit. 1530. mutatione.
[61] scripturam] sic Editt. 1530, et Basil .; Edit. 1535, scriptura.
[62] Thucyd. 1. I. c. 131.

safe to oppose the desires of kings, and so they easily break through these fetters. They suffer themselves to be restrained only to some degree by religion. Consequently this tempering of princes and bishops is very useful, for bishops are placed alongside them as ephors, so to speak, to moderate the force of royal power. And I do not know but that in the statue of Daniel the clay mixed with iron (Daniel 2:33–34) signifies this mixture of bishops and princes in all kingdoms.

Great questions are treated here: whether private men are permitted to kill tyrants, or whether it is lawful to repel by force the force brought by a lord against his own laws — since a subject seems to be bound to him only insofar as he rules according to the laws. On this question the answer is easy for Christians. For the Gospel forbids all private vengeance, and Christ says (Matthew 26:52): "He who takes the sword shall perish by the sword." Wherefore it is not lawful for a Christian to kill his lord, however great a tyrant he may be. Moreover, a subject is bound to his lord not only by that compact which was made between himself and his lord and which binds the lord to a fixed law, but he is also compelled to submit by the commandment of God, which enjoins that even evil magistrates be honored and forbids private persons to take up force against magistrates. This is the safest course for a Christian to follow.

Some call this into doubt and dispute that a private person is permitted to repel by force unjust force brought by a magistrate; but these men judge by human standards, thinking that it is also lawful to repel force when it is lawful not to obey. But we should know that by the standard of the Gospel there is the greatest difference between these things, for the Gospel forbids obeying when magistrates command sin, and yet forbids[63] private vengeance. Wherefore Daniel, the Prophets, and the Apostles did not repel unjust force, even though in some cases they did not comply with their lords.

It can also be asked at this point which species of kingdom God approves. And I recall that various disputations on this matter exist among theologians. Some hold that subjects are everywhere truly slaves and possess nothing of their own. Others on the contrary dispute that this harshness of servitude conflicts with the Gospel. And under this impious pretext, five years ago[64] they stirred up the common people to recover their freedom by arms, with the princes suppressed. An impious and seditious pamphlet was circulated[65] in which was contained a

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[63] prohibet] hoc in omnibus Editt. omissum in fine Edit. 1530. (in Erratis) his verbis recte additur.

[64] That is, in the year 1525; for he wrote it in the year 1530, when he published the first edition of this commentary.

[65] This pamphlet contained twelve articles, which the rioting peasants presented to the princes and magistrates, by which they demanded: that the power be conceded to them of choosing ministers who would preach the pure word of God without any admixture of human decrees; that they be required to pay tithes only from grain, to be expended solely for the sustenance of ministers and the poor; that the princes and magistrates (whom they would be willing to tolerate, and whose commands they would obey — but no others than such as they themselves as subjects judged to be consistent with honesty and reason) should no longer regard them as serfs, since all had been liberated by the precious blood of Christ; furthermore, that they be relieved of a great portion of the burdens that were being exacted; that they have the right of hunting and fishing everywhere, for God had from the beginning of the world given mankind dominion over the beasts; that the forests be held in common and the use of timber be permitted to each; and finally that all customs, or rather abuses, introduced to the detriment of their freedom be abolished. If these things were denied, they declared that effective resources were ready at hand for recovering their freedom and defending it against all force of tyranny and oppression. This writing, circulated everywhere and received with great applause, brought the peasant rebellion to completion. See Sleidan, *De statu religionis et*

disputation that Christians ought to have freedom of vocations and exemption from tributes. This pamphlet was said to have been written by a certain Schappeler[66], who at that time was a preacher in the city of Memmingen. This latter opinion, besides conflicting with the Gospel, is also more pernicious than the former, which some judge to be harsher and more inhumane. And so the latter is to be wholly rejected; concerning the former, which I recall was agitated by John Major, the Parisian theologian[67], something must be discussed. The judgment must therefore be as follows: first, that God approves all legitimate constitutions, that is, as Paul says, those which are a terror to evil works and honor good works, or which follow the judgment of reason and the law of nature, and enjoin what is honorable and prohibit and punish what is base.

Such a constitution is an ordinance of God, wherever among the nations it may be, even if in one place the form of rule is more lenient and in another more severe. For just as in different regions more drastic remedies must be used in the treatment of diseases and in others milder ones, so more severe forms of rule are needed where there are fiercer temperaments. This has given birth to the various forms of rule. In some places subjects are truly slaves; in others the power of kings is circumscribed by laws and a certain measure of freedom is conceded to the peoples — as in Germany, where since princes employ Roman law, not all subjects everywhere are properly slaves. God approves both forms, and in each case he wills that princes employ the law which has been received. In the histories of the kings, where the right of kingship is described to Samuel[68], the most severe form of rule is approved and adorned with this title, that it is the right of kings. For the Holy Spirit signifies that legitimate authority, however harsh it may be, is nonetheless approved by God. And Joseph reduced all of Egypt to the most severe servitude.[69] Wherefore there ought to be no doubt[70] that even a more severe form of rule, if it nevertheless enjoins nothing base, is approved by God. Nor should it be judged that among all peoples servitude ought to be the same. Where the power of kings is circumscribed by laws which concede to subjects the holding of their own property and the enjoyment of certain other

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reipublicae Carolo V. Caesare commentar. I. V. fol. 75b, edit. Argent. 1558. 8.; and Seckendorf, *Comment. de Luther.* I. II. sect. 3. p. 5. — Against these articles Luther wrote the book: *Ermanunge zum friede auff die zwelff Artickel der Bawrschafft ynn Schwaben.* Wittemberg, 1525. 4°. Cf. Strobel: *Beytr. zur Litt.* T. II. p. 1–108.

[66] The author of these twelve articles, though passed over in silence by Luther in the book mentioned, is named as Christophorus Schaplerus, a minister of the Zwinglian doctrine among the people of Memmingen. After the peasant bands were subsequently subdued near Memmingen by the commanders of the Swabian League, and punishment was inflicted upon certain persons in the city itself, Schaplerus was secretly dismissed by the citizens to his homeland, the town of St. Gallen. See Seckendorf I. l. l. II. sect. 3. §. 3. p. 6.

[67] Johannes Major, or Maire, born in the Scottish town of Haddington, applied himself to letters at Cambridge, then betook himself to Paris, where in the year 1505 he was created doctor. Thereafter, returning to his homeland, he taught for some time at the University of Glasgow, then returned to the Parisian college, where he wrote six books of British history and published them in 1521, 4°. Finally he returned to his homeland, and died there in the year 1540 at the age of 62, or, as Le Long narrates in *Bibl. hist.* p. 123, in the year 1548. Besides that history, the following writings of his are commemorated: *Commentarius in Magistrum Sententiarum*, Paris, 1509, fol.; *Commentarius in Evangelium Matthaei*, ibid., 1508, fol.; *Comment. in Matth. XV*, Paris, 1518; *Commentarius in quatuor Evangelistas*, ibid., 1529, 4°; *Sophisticalia Parisiensia*; *Placita theologica*; a Latin translation of Caxton's history written in English; *Disputatio de potestate Papae in rebus temporalibus* (excerpted from his *Comment. in Matth. XV*); *Summa de confessionibus, de capitalibus vitiis et decalogo divinorum praeceptorum*.

[68] 1 Samuel 8:9 ff.

[69] Genesis. 47:19 ff.

[70] dubitari] sie Editt. 1530. et Basil.; Edit. 1335, dubitare.

benefits of freedom, there princes sin when they seize the private means of subjects against their own laws, as if they were slaves. Ahab, king of the Israelites, unjustly endeavored to seize the vineyard of Naboth by force.[71] For although God approved the severe form of rule, as the words of Samuel show, yet in that people he moderated royal power by law. For the law had assigned their possessions to individuals and willed that families retain their patrimonies. In this manner, among us it is lawful to hold private property for those to whom the laws of the realm, by which matters among us are judged, grant it. Nor is it lawful for princes to alter this condition of the commonwealth rashly, and it would be violence to take away possession of freedom from those who have held it up to this point by the benefit of law.

Moreover, where true servitude exists, nevertheless it is not lawful for lords to seize everything. For the law of nature and the sacred scriptures command that what suffices for sustenance in each household be left to servants. For thus it is written in Ecclesiasticus (33:25): "Fodder, a rod, and burdens for a donkey; bread, discipline, and labor for a servant." And civil laws wish a peculium to be left to slaves, and everywhere they favor liberty.

But liberty has fixed boundaries within which it must move. For both natural law and divine law impose many burdens upon free men: to pay tributes, to obey the magistrate, to contribute their means and their person to the defense of the common society whenever need arises, and certain other things described by law. Let us therefore embrace liberty in such a way that we meanwhile remember that we are bound both by God and by nature itself to obey magistrates, and to assist civil society with our means and our life.

On Laws

In the final part of the third book there is contained a disputation whether it is better to administer the commonwealth according to the discretion of a good ruler, without written laws, or according to written and settled law. This question is also accustomed to be frequently agitated in our own time by unlearned men, who, since they exercise judicial functions, take it ill that they are compelled, like boys, to follow the dictates of jurists, and dare not determine anything from their own counsel. This dominion of jurists burns ambitious men. And the folly of these men is aided by certain learned persons, but ones occupied in another kind of learning, who dispute that not all cases can be comprehended by laws, and since most matters must be judged according to the discretion of a good man, they think that with the laws abolished, all things ought to be entrusted to the prudence and equity of the judge. They observe also the form of trials and of the forum, where by the arts of jurists suits are drawn out to infinity. This would not happen if the authority of the judge prevailed and were not constrained by laws.

Aristotle reviews several arguments of this kind, but at length decides that it is safer for matters to be judged according to settled laws and written law, because it is not often the case that a judge possesses either prudence so great that without laws he can see what is most equitable and most useful to the commonwealth, or justice so great that there is no need for his power to be regulated by laws. For often some semblance of right deceives an ordinary man,

[71] 1 Kings 21:2 ff.

who, had he been admonished by laws, would have judged better. Sometimes he indulges a spirit that has been corrupted by favor or hatred, because he is held by no bonds of laws. For license renders even good men worse. Wherefore these bonds are necessary, which, even if tyrants sometimes break through them, nonetheless serve to govern and restrain middling minds. Moreover, that which profits the common good is to be preferred, even if something turns out otherwise on occasion, just as we cultivate medicine because it frequently restores the sick, even though it cannot remove all diseases. Beyond this, how often would good men disagree with one another in judging, if they had no certain prescribed form? It is easy for the greatest disturbances in commonwealths to arise from such disagreements, and to prevent this from occurring must be provided for with the utmost diligence.

But suppose that men endowed with the highest prudence and steadfastness pronounce judgment — men who can nowhere be mistaken, nowhere deceived, who can neither be affected nor moved by favor or hatred — even so, for the sake of tranquility it will be advantageous that a settled law exist and that settled laws be in force. For troublesome litigants do not comply, do not yield to a judge, unless the law is settled. They always accuse either the good faith or the diligence of the judge, unless they understand what necessary ground the judge had for his sentence. Therefore written law fortifies magistrates against the importunity of litigants, who, when they know the law, see that the judge pronounces nothing from private feeling, nothing from error, but follows a prescription which it is not permitted to him to alter. And they understand that they must endure this law, which was devised not for anyone's favor or private utility, but for maintaining social bonds and tranquility among citizens. And for this reason I think that laws were originally enacted, since previously matters were judged according to the discretion of magistrates, for the common people always complain about magistrates. And so this appeared to be the surest method of restraining the multitude: to set forth settled laws. For when they had received these, it was not permitted to challenge[72] their authority. And the grounds of decided cases were on record, which freed the judge from suspicion of favor, hatred, and error. If a judgment had been rendered too harshly, it was imputed to the law, at which nonetheless it was not permissible to be angry, since it had been approved by all, since it had previously been received and ratified by the very person against whom it now appeared to be somewhat harsh. Though what need is there of disputation? All who are experienced in practice are of this opinion, that law ought to be administered according to written laws. And they have innumerable grounds for their view, all of which need not be reviewed here. It is fitting for those especially who have not yet been engaged in public affairs to follow the authority of these men.

In no other arts is it permitted to anyone to judge except to craftsmen and those experienced in practice. But concerning the method of governing the commonwealth, which is without doubt by far the most difficult of all arts, men who are utterly unskilled pass judgment, a matter in which not only is there the highest outrage, but also very great danger, because with the authority of laws undermined, the tranquility of the commonwealth cannot be maintained. Wherefore this impudence deserved to be chastised with public penalties. Let us meanwhile keep

[72] detrectare] sic Editt. 1530. Et Basil.; Edit. 1535. detractare.

the opinion of Aristotle on this matter inscribed and engraved upon our minds, so that we may know that written law ought not only to be retained, but also to be devoutly cultivated. And it is profitable to instill such sentiments into the minds of the young, so that they may grow accustomed to love the laws and to hold them in the highest esteem, which indeed contributes greatly to forming good men.

The words of Aristotle are these:[73] "Ὁ μὲν οὖν τὸν νόμον κελεύων ἄρχειν δοκεῖ κελεύειν ἄρχειν τὸν θεὸν καὶ τοὺς νόμους, ὁ δ' ἄνθρωπον κελεύων προστίθησι καὶ θηρίον· ἥ τε γὰρ ἐπιθυμία τοιοῦτον, καὶ ὁ θυμὸς ἄρχοντας διαστρέφει καὶ τοὺς ἀρίστους ἄνδρας. διόπερ ἄνευ ὀρέξεως νοῦς ὁ νόμος ἐστίν[74] [He who bids the law rule may be deemed to bid God and Reason alone rule, but he who bids man rule adds an element of the beast; for desire is a wild beast, and passion perverts the minds of rulers, even when they are the best of men. The law is reason unaffected by desire]."

That is: Those who wish law to rule over the state, they seem to wish God and the laws to rule. But those who wish a man to rule, these set a beast in charge. For desire is something of this sort, and anger corrupts magistrates however good they may be, and therefore law is mind without desire. Nothing weightier, nothing more elegant can be said in this matter than what has been said by Aristotle. For what he says — that God rules, if law rules — signifies that the law is a certain firm judgment, divinely written in nature, and, that I may speak more clearly, the voice of God, which discerns just and unjust things. For just as the philosophers hold that there is some mind which preserves this universe of things, so they judge that certain notions, which are born with man and are the beginnings of the arts, have been divinely implanted in the nature of man. Nor do the philosophers err in this matter.

Now, even if other nations have at some time justly complained[75] about their laws, certainly at this time it least befits the Germans to complain,[76] since we use Roman law, which is full of humanity and equity, which was written by men most skilled in governing the commonwealth, which led this nation, whose barbarity was once extreme, over to a milder and more humane life. For this can truly be said: whatever humanity there is privately in[77] the morals of our people, whatever civil duties there are in the commonwealth, has been taken from the Roman laws, imbued with which our people gradually put off that ancient savagery. For what part of civil life is there concerning which the most humane and most honorable precepts are not found in those laws? The laws of the Jews, although they were handed down by God, nevertheless were more suited to that nation than they could be suited to us. For they were not enacted for this purpose, that they might be imposed on other nations. The polity of Lycurgus had many disadvantages and faults. The laws of Solon were more civilized, but in many matters concerning marriages and other things the Roman laws corrected these. And so the laws of no state, of no nation, surpass the Roman laws, which concerning all civil duties — concerning

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[73] Aristot. I. I. I. III. c. 11. §. 4. Editt. Schneider et Stahr (c. 16. Edit. Acad.).
[74] ἐστίν.] sic Editt. Aristot.; Editt. huius commentarii ἐστί.
[75] questae] sic Editt. 1530. et Basil.; Edit. 1535. quaestae.
[76] queri] sic Editt. 1530. et Basil.; Edit. 1535. quaeri.
[77] in] sic Editt. 1530. et Basil.; in Edit. 1535. deest.

judgments, concerning contracts — give precepts in such a way that they are understood nowhere to depart from nature, nowhere from reason.

And indeed in my judgment, even if they were not in use in the forum, they ought nevertheless to be read in the schools for forming and sharpening judgments concerning civil affairs. Wherefore the arrogance of those men is in no way to be endured, who without this learning are confident that they can sufficiently perceive the force of equity, or write more suitable laws — as if, forsooth, some theologian who has never touched upon the commonwealth, who has never been engaged in the forum, sees better what form of judgment is most useful to the commonwealth, what is equitable in contracts, what in the division of inheritances, than Papinian or Ulpian,[78] each of whom wore out his life not only in these studies and in the forum, but also in the administration of the empire and in the weightiest deliberations concerning the highest affairs of the commonwealth. And yet I know many who, though they ought to teach in the churches, nevertheless burst into the forum and the senate, and, despising Roman law, attempt to enact new laws. And to this undertaking they bring not experience, not talent, not any civil learning, but sheer impudence conjoined with the utmost foolishness and impiety. These men admire themselves as though they were gods; in comparison with themselves they despise all the Solons, all the Papinians, all the Pontanos;[79] they neither know nor care to know the ancient learning of civil affairs, but they thrust their own dreams upon men and demand that they be regarded as oracles. Theologians of this sort, οὔτε δίκας εὖ εἰδότες, οὔτε θέμιστας[80] [knowing neither judgments well nor laws], as Homer[81] says of the Cyclopes, do not act in this way to prepare a kingdom for Christ, but for themselves. We have seen examples some years ago: Müntzer,[82] Strauss,[83] who incited the common people to take up arms against the magistrates. Now in certain great cities preachers do the same: they are the instigators of their conspirators, to prepare violence against lawful magistrates, so that, having thrown off the Emperor, they may claim liberty for themselves. They wish all things to be thrown into confusion rather than that they themselves should lose their dominion.

But some cloak this cause with piety; they deny that a Christian ought to use the laws of pagans. And so they either attempt to enact new laws, or they call us back to the Mosaic laws, as

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[78] Aemilius Papinianus and Domitius Ulpianus, in the time of the Emperor Alexander Severus, were jurists of the highest distinction, of whom the former, the elder by birth, was first master of petitions, then praetorian prefect and guardian of Caracalla and Geta, sons of Septimius Severus, and was killed by Caracalla in the year 212; the latter, however, as praetorian prefect, was slain by incited soldiers in the year 228.

[79] Dr. Georgius Pontanus, properly Heinze (surnamed Brück or Pontanus from the town of Brück situated near Wittenberg, where he was born), Chancellor of the Saxon Elector (died in the year 1557 at Jena, where on account of infirmity of health he had been teaching law since the year 1548), a jurist worthy of the highest praise not only for his jurisprudence, but also for his wisdom and piety. Compare Luther's judgment concerning him in the Table Talk, ed. Förstemann and Bindseil, Part IV, p. 522: „nur Ein Jurist ist fromm und weise, D. Gregorius Brück." ["Only one jurist is pious and wise: Dr. Gregorius Brück."]

[80] Apud Homerum legitur εἰδότα.

[81] Hom. Od. IX, 215.

[82] Thomas Müntzer, pastor at Alested in Thuringia, conf. Supra p. 377, nota 43.

[83] Dr. Jacob Strauss, preacher at Eisenach, who, since he fervently pressed 51 theses published at Eisenach against usury and conducted himself rather incautiously in the Peasants' Revolt, was removed from his office and placed in custody.

Karlstadt, who most vehemently contended that,[84] with the Roman laws cast out, the Mosaic laws ought to be received. But let us know that the present laws ought to be retained and cultivated. For just as the Gospel commands us to obey the present power, so it commands us to obey the present laws. And it approves the laws of those rulers, because law is the voice of the magistrate. And in Romans 13:1–2 it is called an ordinance of God. For without laws, without judgments, without civil institutions, there is no order in empires; but Paul says that the magistrate is a certain ordinance.

But that it is not necessary to recall the laws of Moses into the forum, he will easily understand[85] who is acquainted with the nature of Christian liberty. For the Gospel does not bind us to the rites or polity of Moses, as the Apostles clearly testify in Acts 15:28, when they forbid the law of Moses to be imposed on the Gentiles. And they argue from the name of the Gentiles: since it was foretold that the Gentiles would believe in Christ, they ought not to be compelled to receive the Mosaic polity, for otherwise they would cease to be Gentiles.

But some object:

Everything which is not of faith is sin (Romans 14:23).

A magistrate judging according to Roman laws cannot be certain whether the sentence pleases God, because he does not have the word of God.

Therefore let him seek laws established by God.

The response must be given to the minor premise, which is simply false. For a magistrate judging according to Roman laws can have faith and be certain that the sentence pleases God. For he has the word of God[86] in Romans 13:1ff. and elsewhere, by which God approves the magistrate and civil ordinances. This general testimony is sufficient to confirm the conscience, just as Scripture in general approves[87] other external bodily duties: eating, plowing, building. And since these things are subject to reason, there is no need for Scripture to hand down individual arts. Scripture reveals to us the will of God; it does not undertake to teach architecture, medicine, or similar arts, which can be discovered by reason.

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[84] ut Carolostadius, qui vehementissime conendendebat] sic Editt. 1530. et Basil.; Edit. 1535. qui vehementissime contendunt.

[85] intelliget is] sic Editt. 1530. et Basil.; Edit. 1535. typogr. errore: intelligetis.

[86] Dei] sic Edit. 1530.; in Editt. 1535. et Basil. deest.

[87] probat] sic. Editt. 1530. et Basil.; Edit. 1535. probet.

An Impious Man Can Hold Dominion as a Magistrate

Wycliffe once stirred up extraordinary commotions in a certain place,[88] who contended that those who do not have the Holy Spirit lose their dominion. And he collected many sophistical arguments to confirm this dogma. We shall recite certain testimonies from the Scriptures which show that even the impious can hold empires. For Christ says (Matthew 22:21): "Give to Caesar the things that are Caesar's." But it is established that Caesar was then impious. And Paul calls the magistrate the minister of God, and he was writing this to the Romans (13:4, 6), where he knew the magistrates to be impious. Peter (1 Epistle 2:13, 18) commands obedience even to unjust magistrates. Christ says (Matthew 20:25): "The kings of the Gentiles exercise dominion," where he openly attributes to kings, such as they then were, the title and praise of dominion. And Daniel (2:37) clearly says to Nebuchadnezzar that God gave him the kingdom. And the Psalm (82:6) calls those magistrates Gods whom it rebukes and accuses in many ways. By such statements the hearts of the pious must be strengthened against fanatical opinions, so that they may tolerate and reverence even wicked magistrates, not on account of the private morals of the magistrates, but on account of the ordinance of God. The function[89] itself and the command of God ought to be regarded and honored, even if there is some fault in private morals.

And it is fitting for Christians to remember this also, that on account of the sins of the people God sends upon us wicked and destructive magistrates. Let us therefore accuse our own sins, not the magistrates, if there is some trouble in the government. And so what was said by Euripides:[90]

τὰς τῶν κρατούντων ἀμαθίας φέρειν χρεών [one must bear the ignorance of those who rule]

this it especially befits Christians to perform, who know that empires are an ordinance of God, and who have the weightiest precepts not to disturb this ordinance, but to reverence it devoutly and to obey with the utmost willingness.

But to exercise our minds we shall recite certain arguments of Wycliffe,[91] truly thorny ones, which show that their author was by no means of a simple or sound mind. He reasons thus:

Civil dominion is founded upon natural dominion.

Natural dominion is to be just.

Therefore civil dominion is to be just.

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[88] Vid. p. 259. nota 11. [John Wycliffe or Joh. Wiklef, Professor of the University of Oxford, born 1324 in the parish of Wycliffe near Richmond in the county of Yorkshire, died at Lutterworth on 31 December 1384; concerning whose life and theological and philosophical writings, compare: Henr. de Knyghton: De eventibus Angliae usque ad ann. 1395 (in: Twisden, Scriptores hist. Angl. London 1652, folio); John Lewis: The history of the life and sufferings of John Wycliffe, London 1720, 8vo; Rob. Vaughan: The life and opinions of John de Wycliffe, London 1829, 2 vols., 8vo; A. Zitte: Geschichte des englischen Reformators J. Wiklef [History of the English Reformer J. Wiklef], Prague 1786, 8vo; W. Gilpin: Biographie der bekanntesten Reformatoren vor Luther, aus d. Engl. [Biography of the best-known Reformers before Luther, from the English], Frankfurt and Leipzig 1769, 8vo; G. Weber: Geschichte der akatholischen Kirchen u. Secten von Großbritannien [History of the non-Catholic churches and sects of Great Britain], vol. I, pt. I, Leipzig 1845, p. 62 sqq.]

[89] ordinationem Dei. Functio] sic Editt. 1535. et Basil.; Edit. 1530. ordinationem. Dei Functio.

[90] Eurip. Phoen. 396.

[91] Wiclefi] Editt. 1530. et Basil. Vuiglephi (eadem nominis forma in proxime praecedentibus et sequentibus in Editt. huius Comment. reperitur), Edit. 1535. Vuilephi.

He proves the minor premise, because Adam received dominion in Paradise together with original justice.

The response must be that the minor premise is false, because natural dominion is not to be just, nor is it necessary for justice, especially private justice, to be conjoined with dominion. For although Adam was just when he received dominion, nevertheless, having lost[92] original justice, since he did not die, he did not lose dominion, just as he did not lose reason. For natural dominion is nothing other than the judgment of reason, determining how and in what order we may conveniently use natural things for the preservation of life.

If anyone cavils at this solution, a firmer argument can be set against it. Civil dominion is founded upon the ordinance of God; the ordinance of God was instituted also after the sin of Adam. Therefore civil dominion can belong to the wicked. Moreover, those arguments which are taken from divine law and from the Scriptures are firmer than those which are taken from reason. Therefore by the next argument the reasoning of Wycliffe can easily be overturned. The minor premise, moreover, is manifest: that it is an ordinance of God that some should rule and others obey. This was instituted either in this precept (Exodus 20:12), "Honor thy father and thy mother," or in the words spoken to Noah (Genesis 9:6), "If anyone sheds the blood of a man, his blood shall be shed by man," or when dominion over the family was committed to Adam.

Finally, the law began to be necessary after the sin of Adam, for restraining the impious; therefore the magistrate also began to be necessary, who would execute the law.[93] Natural dominion can therefore also be defined in this way: that it is the natural law which ordains certain persons to be in charge, for restraining the impious. For it is established that Adam after the sin retained the natural knowledge of the law, just as he retained reason. Furthermore, civil dominion is the execution of natural dominion. For in order that commonwealths may be administered in an orderly fashion, it is necessary to entrust magistracies to certain persons and to forbid the rest from administration. This is called civil dominion, and it is a certain effect of natural dominion. But what confusion of commonwealths, indeed even of families,[94] would there be, if magistrates, if parents, were to lose their dominion as often as they offended God? There would never be a settled peace in any family or state. For every day seditious men would have cause to snatch empires from their lords, to refuse to pay debts, since they would argue that those who demanded repayment of a debt could not be lords. For it is easy to find in another person a sin that could be alleged.

Wycliffe also argues in this way:

The impious, whatever they do, do unjustly.

Therefore they also possess goods and empires unjustly.

Therefore they are not truly lords.

The response must be that it does not follow that they are not truly lords; only this follows, that they abuse their dominion, because they do not add faith toward God. Nor indeed does this abuse conflict with the nature of dominion. As if someone were to argue:

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[92] amissa] sic Editt. 1530. et. Basil.; Edit. 1535. causa.

[93] exequeretur] sic Editt. 1530. et Basil.; Edit. 1535. tyopgr. errore: exqueretur.

[94] familiarum] sic Editt. 1530. et Basil.; Edit. 1535. familiarium.

The impious, whatever they do, do unjustly.

Therefore they also eat unjustly.

Therefore they do not truly eat.

Here it manifestly appears that the latter consequent is ἀνακολούθου [inconsequent]. To possess unjustly, just as to eat unjustly, means to possess or to eat without faith before God. It does not mean that the possession itself is bad, or that the food is bad. But I am ashamed to recite cavils so far-fetched and tedious. Although it is sometimes profitable in such disputations to show these examples to the young, for sharpening their judgment, so that they may see by what sort of dreams fanatical minds, once they have strayed from the truth, are deceived.

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Note. It did not fall to me to collate the edition of the year 1531, which I mentioned in the Prolegomena, with the rest.