

The Right of Magistrates

Concerning the Rights of Rulers Over Their Subjects and the Duty Of Subjects Towards Their Rulers.

A brief and clear treatise particularly indispensable to either class in these troubled times.

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Notes from the critical French Edition translated by Patrick S. Poole

To Kings and Princes the Counsel of David: Psalm 2: Serve the Lord with fear, and rejoice with trembling. Kiss the Son lest he be angry, and you perish in the way, for His wrath will soon be kindled.

To the Subjects: I Peter 2:13: Be subjects to every ordinance of man for the Lord's sake.

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Question 1. Must Magistrates Always Be Obeyed As Unconditionally As God?

Inasmuch as only the will of almighty God is the eternal and immutable Rule of all Justice, we declare that it must be unconditionally obeyed. As regards however the obedience due to Princes, they too would doubtless have to be obeyed always and unconditionally if they ruled constantly in accordance with the utterance of God. Since however theirs is often the contrary case, such obedience must be made subject to the following condition, namely that they command nothing impious, nothing unjust. Impious or sinful I call those which God forbids in the First Table of His Law, or which forbid those which God there commands. Unjust behests, however, I call those by which the performance of that, which every man in accordance with his calling either public or private is in charity bound to render to his neighbor, is either prevented or forbidden. To prove this with rational arguments as well as clear examples will not be difficult. The Lord says by the prophet Isaiah, "I will not give my glory unto another". Although the Lord has not spoken so clearly, yet in fact it admits of no doubt that commands emanating from purely human authority cannot without sin be regarded as of equal weight with those which God Himself has given. But the authority of God and men would be equal and alike if it were required that men should always be unconditionally obeyed in like manner with God. I add further that whenever the behests of God are neglected in favor of the commands of men, (those) men are being exalted above the throne of God.

Let us now treat our examples.

Pharaoh's command to slay all the male offspring of the Jews was unjust and the midwives rightly refused to obey him, whose houses or families God therefore blessed. But Nebuchadnezzar's edict that the statue of gold be worshipped, was clearly impious and sinful. And therefore the companions of Daniel refusing to obey him found that God approved of their piety and steadfastness, which was an unmistakable miracle. The command of Jezebel, however, to slay the prophets of God was both impious and unjust; therefore Obadiah who not only refrained from slaying them but concealed them alive and nourished them, acted piously. Further when Antiochus commanded that sacrifices be offered to the Images, that hallowed ceremonies be desecrated and the inspired writings of the Prophets and the Law be consumed by fire, the faithful who remained acted justly in that they at length under the leadership of Mathathias set themselves against his madness. Also when the leaders of the priests and the supreme council of the scribes would by their threats prevent the preaching of the Gospel, so far from giving heed to them, Christ did often against their will publicly address the multitude in the temple and after him the Apostles openly answered that they would rather obey God than men. Their example, the holy Martyrs afterwards followed most steadfastly. Therefore again I infer that the authority of all magistrates (with however great power and sovereignty they be vested) is as it were hedged in by these two limits set by God himself, namely Piety and Charity. And if they themselves should chance to transgress these, it will be well to call to mind that saying of the Apostles: "It is better to obey God than men" lest we be of the band of those whom the Lord cursed by the mouth of Micah because they obeyed the impious commands of their King, or lest we follow the perverse examples of those who worshipped even the most cruel tyrants as if they were gods, ascribing to

them the titles and acts of God. Particularly concerning Domitian the notorious foul-mouthed poet Martial affirms this when he had the audacity to write "The Command of our lord and god". Would that in this our time men were not found who are not far removed from flattery of that kind.[Question 1 notes.](#)

Question 2. Is A Magistrate Held Responsible To Render Account Of All His Laws To His Subjects? And How Far Are They To Presume Such Laws To Be Just?

After this foundation has been laid we would also inquire into certain other questions which would appear to be germane to this discourse that the consciences of many may be satisfied. First the question is raised whether the magistrate is held to render account of all his laws to any man soever so as to offer proof that they be fair and in accordance with the precepts of religion. I answer that he is not so held; nay more, that it is fair that all virtuous subjects should regard their lords in the light of virtue and should not presume of suspect anything unjust concerning them; nay, that it is not becoming that men in private station should inquire over curiously even concerning doubtful matters beyond their comprehension or station in life. If, however, the conscience of some be at a loss, they can and are even under an obligation to examine (albeit discreetly and in a peaceful manner) what elements of reason and justice are to be found in the command by which they are bidden or forbidden to do something; for the word of the Apostle abides¹ : "whatsoever is not of faith (that is while the conscience is in doubt whether that is being done justly or not) is sin". But if what is commanded is openly sinful or unjust, then indeed that which has been said above applies.[Question 2 notes.](#)

Question 3. How Far Must Obedience Be Rendered Or Refused To Unjust Or Impious Commands?

A further question is raised as to what limits this notion of disregarding sinful or unjust commands of Rulers should be extended. Here I reply: Each man must consider what his station and calling demands, be it general and public or private. Does the Ruler command what God forbids (as Pharaoh¹ did to the midwives of Egypt and Herod's² to his accomplices when bidding them to slay all that were two years old)? Then you will rightly perform your duty if you do not carry out a command of that kind, as we read concerning the illustrious jurisconsult Papinian who, though he was not a Christian, yet would rather be slain by the tyrant Caracalla than either to approve of the fratricide which he had committed, or justify it by his advocacy³ . But if the tyrant forbids what God commands, you should not at all judge that you have performed your duty if you have merely refused to obey the tyrant, unless at the same time you obey the command of God as we declared that Obadiah did, who not merely refrained from slaying the prophets of God, but even protected and nourished them in defiance of the command of Ahab and Jezebel⁴ , since the Lord bids us, each as far as his calling permits, to bring succor to his brethren in peril. Thus also the Apostles, as we have said above, not merely did not desist from preaching the Gospel⁵ that they might heed the priests, but on the contrary they steadfastly preached everywhere since they had expressly received this command⁶ from the Lord: "Go ye and preach the Gospel to every creature" etc. Therefore when today we see many Rulers so bewitched by the Roman Antichrist that they by the sternest commands compel their subjects to

attend the execrable sacrifice of Mass, the duty of all pious men requires not merely that they should not carry out that command, but further that they should in accordance with the example of Elijah and Elisha, even of the entire pure and true Church of old, join in pious gatherings, there hear the word of God and have communion of the sacraments as Christ ordained that it should be done in the Church. The same principle must also be observed in the duties which men owe to their fellowmen both by the law of God and by the law of nature, for example children to their parents, a wife to her husband, the shepherd to his flock, and in fine one neighbor to another. For it is not fitting that we should be deterred or led astray from those duties by means of any commands or threats or even by the most unjust punishment; only let obedience (which we owe above all to God who is greater than all these) be not at all excluded from the performances of duties of this kind which we carry out.[Question 3 notes.](#)

Question 4. How Can One Who Has Suffered Wrong At The Hands Of A Ruler Defend Himself Against Him?

Thereupon the further question is commonly asked: What is a virtuous man with a good conscience bound and able to do when the Ruler does not indeed make him the instrument of his injustice but is unjust towards him? Since this question consists of several parts we must distinguish. If therefore the Ruler who has wronged the subject is subordinate to a superior the sufferer of wrong will in accordance with the laws be entitled to have recourse to the supreme Ruler, as we read St. Paul did when he appealed¹ to Caesar from Festus the governor of Judea that he might ward off the injustice of the latter. But let those subjects whose station is private here observe two principles above all: firstly, let them not make any trial of strength except by way of the courts of justice. Secondly, let them have regard not merely to what is permissible but especially to what is expedient. For when that very St. Paul had at Philippi² through the folly of the magistrate been beaten with rods shamefully and unheard in violation of the right of Roman citizens, he judged that he would rather by patience enhance the glory of God and did not further assert his right but contented himself with rebuking the magistrate for the injustice committed in violation of the laws.

But if it were to happen (as happens only too frequently in our times) that one lower magistrate should undertake some act of violence against another against the express will of their superior, then I should assuredly say that the magistrate who had been wronged is, when he has first exhausted all legitimate and peaceful means, entitled to equip himself with the armor of the laws and to oppose unjust violence with a just defence as was done by Nehemiah against Sanballat and his associates³.

What must however be done if it is the supreme Ruler from whom the injustice comes? The Lord Jesus and after Him all the Martyrs have by their example clearly shown that injustices should be patiently borne; and this is the highest glory of Christians, namely, to endure injury from all but to cause it to none. What then, will someone say, is there no remedy remaining against the supreme Ruler who abuses his authority and power in violation of all the precepts of divine and human rights? Nay, there doubtless is a remedy remaining derived from human institutions. But

when I say this, let no one be of opinion that I wish to favor the fanatical Anabaptists or other factious and mutinous men whom I should rather esteem most worthy of the hatred of all their fellowmen, and even of the severest punishments. To be sure I must speak the truth because the matter rests on this argument: It must not be supposed that those who show in what ways evident tyranny may be opposed without violation to one's conscience are depriving good and legitimate rulers of that authority which God has granted them, or that they are paving the way for seditious risings. Nay rather, it is certain that neither can the authority of Rulers be rendered secure nor can the public peace be maintained (and yet this is the chief goal of all well established politics) unless careful precautions be taken that tyranny may not steal in or if it has already stolen in that it be either abolished or expelled. The question, therefore, is whether subjects can by some just means without offense to God check, or if need be even expel by armed force, the evident tyranny of the supreme Ruler. [Question 4 notes.](#)

Chapter 5. Whether Manifest Tyrants Can Lawfully Be Checked By Armed Force.

To give a clearer answer to this question I must first lay down certain principles constituting as it were the foundations of the whole question. Assuredly, (*it is clear*) that peoples did not in the first instance originate from rulers, but whatever peoples desired to be ruled by a single monarch or by chief men elected by them were anterior to their rulers. Hence it follows that peoples were not created for the sake of rulers, but on the contrary the rulers for the sake of the people, even as the guardian is appointed for the ward, not the ward for the guardian, and the shepherd on account of the flock, not the flock on account of the shepherd. This proposition is not merely obvious in itself but may be corroborated by the history of nearly all nations, So much so that God Himself, although he had elected Saul to substitute him for Samuel in accordance with the desires of the people, yet willed¹ that he should be chosen and accepted as King by the suffrages of the people. Thus David², although he had first been chosen as king by God Himself, yet would not undertake the administration of the Kingdom except he had first been confirmed by the suffrages and unfettered concord of the tribes of Israel.

On similar grounds it happened even afterwards that though the kingship had by the will of God been granted to the family of David, yet in the last resort that one from the descendants of David should rule whom the people had approved and none other (unless perchance something irregular befell to prevent it as when now the Egyptian and then the Syrian kings ruled as tyrants over the people of God). So much so that this kingship was hereditary as far as the family was concerned, but elective as regards the individual incumbent, i.e. dependent upon the election of the people. This may be seen from the histories of Solomon³, Rehoboam⁴, Joash⁵, Ocias and Jehoahaz⁶. For this reason also Absalom⁷ grasped the occasion of usurping his father's throne. For thus Hushai the friend of David answered him⁸: "Nay, but whom the LORD, and this people, and all the men of Israel have chosen, his will I be, and with him will I abide".

In short, if we would investigate the histories of ancient times recorded by profane writers also, it will be established - as indeed Nature herself seems to proclaim with a loud voice - that rulers by whose authority their inferiors might be guided were elected for this reason that either the whole human race must needs perish or some intermediate class must be instituted so that by it one or more (*rulers*) might be able to command the others, (*and*) protect good men but restrain the

wicked by means of punishments. And this is what not only Plato, Aristotle and the other natural philosophers - furnished with the light of human reason alone - have taught and proved, but God Himself by the utterance of St. Paul writing to the Romans⁹, the rulers of almost the entire world, confirmed this with clear words. There the origin of all States and Powers is with the best of reasoning derived from God the author of all good. Thus Homer also recognized and freely testified when he called kings "the fosterlings of Zeus" and "the shepherds of the lost"¹⁰. And therefore, since we are beginning a discussion concerning the power of Rulers, what shall prevent us from passing over to that prime origin from which they derived and from considering to what end they were instituted? For it is obvious that every discussion of things just or unjust must begin and end with the end (*to which it exists*). For we must judge that something has been rightly and duly done when it had attained that end to which it was designed. When therefore the duty of the rulers is inquired into, all will admit that it is assuredly right to remind them of their duty and also to admonish them roundly whenever they stray from it. But when a case occurs of either restraining tyrants who are such beyond a trace of doubt or of punishing them in accordance with their deserts, the majority commend patience and prayers to God so earnestly that they consider and condemn as mutineers and pseudo-Christians all those who refuse to bow their necks to torture. Here we are doubtless on dangerous ground; I would therefore once again beseech my readers to bear in mind my remarks immediately preceding lest they draw inadmissible conclusions from what must be said in the sequel. I admit that I most strongly approve of Christian patience as laudable beyond all the other virtues and never sufficiently commended; I admit that men should be zealously exhorted to it because it contributes largely to the attainment of eternal bliss: rebellions and all disorder I detest as awful abominations; in affliction especially I am of opinion that we should depend upon God alone; prayer accompanied by a serious recognition of our error I recognize as the true and necessary remedies for the overthrow of tyranny since this evil is rightly counted among the scourges sent by God for the chastisement of the people. But I deny that all these considerations deprive nations crushed by manifest tyranny of their right to safeguard themselves against it by means of prayers and repentance as well as other just remedies; and this I corroborate whilst I reply on the following powerful arguments.

Since these principles which were demonstrated above concerning the origin of kings and other rulers have been established, it follows that they are not legitimate rulers who by force or deceit usurp that authority which by no right belongs to them. Of such tyrants there are two kinds: for some, in violation of the laws laid down and received, usurp tyranny over their fellow-citizens, as Julius Caesar under the feigned title of perpetual dictator took possession of the Roman commonwealth; and many other tyrants, particularly in Greece, crushed the liberty of their country. Others however, not content with that absolute power which they rightfully acquire over their own people, extend their dominions at the cost of their neighbors' liberty and increase them by means of fortified boundary-lines; for this reason have monarchies ever since the origin of the world achieved such wide dominions; of this the sacred writings offers us an example in Nimrod¹¹, as we also see that in this way the Israelites were generally oppressed by the neighboring peoples. Hence since those tyrants had no lawful right over the people of God, I maintain that the Israelites were free not merely to disobey the sinful commands of these peoples but even to set a just defense against their unjust violence, and that therefore the leaders of the

tribes (*of Israel*) did a grievous wrong whenever they omitted to oppose the foreign foe with united courage and strength in defense of the liberty of their country, provided that the occasion for opposing him presented itself; for it admits of no doubt that even private individuals are bound by the law of both God and men to succor with all their power their country when oppressed and in distress, especially however when its religion and liberty are simultaneously endangered. For it was a true remark which the captive pirate dared to utter when he was dragged before Alexander; he declared that he differed in no way from (*the king*) but that the latter plundered the world with a multitude of ships whereas he did so with but a single vessel¹² .

Objection. These remarks are not countered by objection which certain people are wont to make, namely that it is God by whom kingdoms and empires are transferred and exchanged and that therefore tyrants frequently gain the victory with the approval of God.

Answer. Far be it for me that I should on that account either support the view of Lucan¹³ who dared thus to write that "license had been granted to crime", or that I should condemn as unjust the cause of Demosthenes because he was overcome compelled to yield while defending the liberty of his country against the violence of Philip of Macedon whereas Philip came off victorious¹⁴ . These examples I use not that the consciences of pious men may rest upon them as upon rules, but because they are famous and very well known to most people, and for the further reason that though these events occurred among heathen nations, yet they are not so far removed from the standard of justice that it may not justifiably be said that justice was on one side and injustice on the other. For I would not hold that we must judge by the favorable or adverse result alone whether an undertaking was just or unjust - as indeed Demosthenes answered his opponent Aeschines what was reproaching him with the unfortunate result of the battle of Charoneia. For, to speak as Christians rather, God is generally wont thus to punish the sins of men or so far make trial of his people that he assigns to their undertakings, however good and just in themselves, an outcome far other than they had themselves expected, as may best be seen in the war which the remaining tribes of Israel waged against the children of Benjamin¹⁵ . But for all that God remains no less just, by whatever means He enforces His judgments; nor must it be held that the nations had a less lawful cause against their hostile tyrants because they were cast down by some just judgment of God and fell to ruin. Hence I could never approve of the view of those who without any distinction or exception at once and indiscriminately condemn all tyrannicides on whom the Greeks formerly bestowed such exceptional rewards¹⁶ . As little does the view of those command itself to whom the majority of liberations recorded in the Book of Judges¹⁷ seem so foreign and strange that they are of opinion that these can in no way be adduced as examples. For however true it may be that those Judges of the people of Israel were moved and stirred to the performance of the famous deeds by some divine and exceptional instinct, yet it does not immediately follow that the Israelites themselves, whether holding office or even as private citizens, could not in accordance with their ordinary right have expelled the tyranny of strangers who had been neither elected nor approved by the people. But that those liberations were effected by means of those men alone whom God summoned forth in a special way, does not go to disprove my contention, but rather demonstrates that the spirit of the Israelites had for their transgressions been stunned and broken by the just judgment of God. Therefore to follow those examples rightly and lawfully, I am of opinion that the following true means should be held fast,

namely: if anyone strives to seize or has already usurped an unjust tyranny over others, whether he be a stranger or whether as a viper he leaps from the womb of his country that by his birth he may cause her death, then shall private citizens before all else approach their legitimate magistrates in order that it may be the public enemy he cast forth by the public authority and common consent of all. But if the magistrate connives (*at the attempt*) or in some way refuses to perform his duty, then let each private citizen bestir himself with all his power to defend the lawful constitution of his country, to whom after God he owes his entire existence, against him who cannot be deemed a lawful magistrate since he either has already usurped that rank in violation of the public laws or is endeavoring to usurp it.

Next it should here be noted that a defect which originally adhered to an usurpation may afterwards be rectified, so much so that he who originally was a tyrant may become a lawful and inviolable ruler, that is of course if afterwards the free and lawful consent is gained of those who have the power to elect and appoint a true and lawful ruler. For example: The war undertaken against Caesar under the leadership of Pompey was just, though Caesar emerged victorious in it; but if it was true that Caesar afterwards by the free and voluntary assent of the Roman people obtained the supreme power under the pretense of a perpetual dictatorship, it would no longer be necessary to raise the question whether the conspiracy against him was just and lawful, unless it were shown forthwith that he had clearly abused those very dictatorial powers. I venture to declare most positively that those leading citizens of Rome could have, and even should have, defended the Commonwealth against the Triumvirate; but I should not venture to maintain that Cinna and his associates could lawfully have conspired against the life of Augustus after the "Royal Law"¹⁸ as they call it had been promulgated and passed.

But here too we must distinguish. It will, I think, readily be conceded to me that an agreement whether freely manifested by or extorted by means of violence or intimidation from the whole people or a majority of them should rather be annulled than observed if it were established beyond doubt that such agreement was clearly incompatible with fairness and honor. For who would persuade himself that some nation would freely, wittingly and unconstrained wish to subject itself to some ruler to this end that it might subsequently be murdered and utterly destroyed by him? But surely here again two (*considerations*) should be heeded, whenever those undertakings have to be annulled or set right to which agreement has been granted without due consideration: first nothing shall be attempted or done recklessly and, secondly, nothing by way of insurrection, but in due order and in a disciplined fashion as far as shall be possible. The present condition of the Christian Commonwealth furnishes us with two examples of this, both assuredly of the greatest importance. The first is that of the unjust and sinful submissiveness with which kings and nations have bound themselves by oath to the Roman Antichrist; I maintain that they are no more bound by that oath than if they had expressly and openly sworn to Satan that they would subvert all rights of God as well as men. The other example is that of the so-called temporal jurisdiction to which the ecclesiastic prelates have laid claim. Because this is diametrically opposed to the command of Christ as well as to the clearest examples of Him and of all Apostles - as particularly Saint Bernard has shown¹⁹ - it assuredly follows that of itself it is void since neither could the rulers divest and deprive themselves of that (*jurisdiction*), nor could the ecclesiastics receive it from kings or nations or acquire it at a price, much less should they

have usurped it by force and cunning tricks as it is certain that they did in far the greater part of the world.

Let these remarks be made against tyrants who have unjustly grasped authority over their fellow-citizens or over foreign nations. [Question 5 notes.](#)

Question 6. What is the duty of subjects towards their superiors who have fallen into tyranny?

It now remains for us to treat of the other question which has not without reason been debated by numerous people in these present times; that is, what may subjects of good conscience do whenever their supreme rulers, who are legitimate in other respects, degenerate into manifest tyrants? Must the authority of the supreme rulers who have become undisguised tyrants remain so sacred and inviolate that the subjects are obliged in all circumstances to endure it so that they can in no way offer resistance to it? Or if indeed resistance is in some way allowable, may they go so far as to seize arms?

Three kinds of subjects

I answer that there are three kinds of subjects in all, or that subjects are characterized by a threefold differentia. For some are private citizens performing no duty of public administration; others do indeed hold a magistracy, but these are subject to the supreme rulers (such as we call subaltern or inferior magistrates), the third class, though they do not indeed hold the highest authority nor yet wield supreme and regular power, yet are placed in such a station that they are as it were the bridles and reins to keep the supreme ruler to his duty. As however these kinds are different so must a different reply be given concerning each.

Private citizens may not offer resistance to their lawful ruler who is a tyrant

Whether therefore those who are of private station have freely and openly agreed to the rule of an unjust usurper (as the Roman people of their own free will submitted to Augustus¹ and his successors) or whether he who was their lawful ruler has become a manifest tyrant (as was Abimelech among the Israelites², the Thirty at Athens³ and the Decemvirs at Rome⁴, and others elsewhere), I then maintain that (apart from a special injunction from God which I do not here discuss) no private citizen is entitled on his own private authority to oppose the tyrant with violence against violence, but that it in every way behooves him either to depart from the realm of that (*ruler*) and change his domicile or to bear the yoke of the tyrant patiently by taking refuge with God in prayer, provided only (as we have remarked from the beginning) he be not constrained to become the instrument of that very tyranny against someone or to refrain from performing any of those acts which are due to God or to his neighbor.

Objection. But against this reply given me an objection may be urged namely the proposition which we established above concerning that twofold class of tyrants to whom we declared that even private citizens could and (indeed) should offer resistance with all their power. For whether a private citizen usurps power or whether some one not satisfied with his lawful supremacy

exercises tyrannical rule, would at first sight appear to fall within the same category; hence it might seem to follow the same decision would apply in either case.

Answer. But as we look closely into these matters, it becomes clear that these two classes are entirely different though they seem very similar. For he who launches an attack upon those who are in no way subject to him, though his desire be to rule fairly and in accordance with goodness and justice (as we read concerning Peisistratos and Demetrios of Phaleron among the Athenians⁵), yet he may lawfully be prevented even by force of arms and by any (*citizens*) soever, even of the humblest station, to whom he desired to do violence, since they are by no obligation bound to him. But he who has once been approved and accepted by his people, though he abuse his right, yet retains the basis of his authority as against his own private subjects, since an obligation entered upon publicly and by mutual consent cannot be dissolved and broken by the will of any private citizen. For were this otherwise, endless disorders, worse even than tyranny itself, would ensue, and in the place of a single tyrant whom it might be our intention to cast down, a thousand would succeed. Furthermore, a single reason derived from the authority of the Word of God should here be of greater weight than anything else that could be adduced to the contrary. St. Paul in prescribing their duty to men in private station not merely forbids them to resist their rulers (supreme rulers as well as subordinate) but enjoins us to obey them also for conscience sake⁶. St. Peter⁷ also bids us to honor the king, being mindful probably of that reproof which he had heard from the Master when he had as a private citizen drawn the sword against the power of the state (even though that power was abusing its authority against the Lord)⁸. But everyone knows of what nature the Caesars then were, Tiberius, Nero and the other rulers over provinces. This example the holy Martyrs afterwards followed while the inhuman tyrants persecuted them most cruelly, not only under the emperors who raged against the Christians in accordance with the laws of the Romans, but also under those who treacherously violated the edicts issued in favor of the Christians, as happened under the emperor Julian the Apostate.

In short, to conclude at length this part of the inquiry, I maintain that no one in private station is allowed to set himself in open violence against a tyrant to whose domination the people of its own free will previously consented; for if we must so far abide by private contracts, pacts, agreements and undertakings that we suffer damage rather than break our word, how much more should private citizens be on their guard lest they in any way refuse to honor an obligation entered upon by a solemn and public agreement?

Concerning subordinate magistrates

I now come to the lower magistrates who are as it were intermediaries, and as the common people call them, subalterns, between the supreme magistrate and the people. Under this title I do not understand the domestic officers of the King personally (that is those who perform some duty within the royal palace and serve his person rather than the kingdom) but rather those who perform public duties, that is duties pertaining to the condition of the kingdom either as regards its courts of justice or matters of war, and who therefore even in monarchies are styled servants not of the King but of the Crown or Kingdom (for between these there is a highly important

difference). Of this kind used to be in Rome, the consuls, the praetors, the city prefect, and the governors of provinces (whose [*election*] used to be entrusted now to the people itself, and now, in the time of the Emperors, even to the Senate) and similar officials of the Republic or the Empire, who for that reason were called magistrates of the Roman people even under the last Emperors. Such also were among the Israelites the leaders of the several tribes, the leaders of thousands, of hundreds, of fifties, of tens and the elders of the people. These political functions, first regulated by Moses, were in no way afterwards abolished when that aristocratic constitution was transformed into that of a monarchy, nay more, under Solomon they were carefully established and observed. Even today various classes of magistrates of the kind are to be found in most Christian kingdoms, and among them should be counted those who are styled dukes, marquises, counts, viscounts, barons and squires as having formerly been chosen in due order and lawfully to certain public duties and tasks that they might perform them. And though these subsequently became hereditary titles of honor, yet they have in no way lost their original right and authority. Among this class should further be included those who are elected with a view to a variety of duties in civic communities such as those who are generally called majors, vicars, consuls, capitolini (municipal judges), syndics, scabini (aldermen) and the like.

Subordinate magistrates are dependent not upon the person of the supreme magistrate but upon the supreme magistracy as such.

Further, although these are all subject to the supreme magistrate, receive their commands from him and are instituted and approved by him, yet they do not properly speaking depend upon him but so to speak upon the supremacy as such, that is upon that supreme power and authority of the empire or kingdom; hence upon the death of him who wielded the supreme power they each remain in their own station as before, just as the supreme power remains the same. As for the fact that he who succeeds to the place of him who has died confirms such subordinate magistrates as he also confirms the privileges of cities - Suetonius records in (*his Life of Vespasian*)⁹ that Tiberius Caesar first introduced this custom in the Roman Empire; and in earlier times it was not in use in Gaul¹⁰ except perchance when the kingship passed not from fathers to sons but to strangers - this confirmation I declare, does not bring about that the supreme magistrate should be regarded as their originator, that is, as the prime source of their being from whom they derive their origin, since the supreme magistrate himself also before he can be placed in possession of his highest administrative power, in turn takes the oath to the supreme power in accordance with the conditions expressed in the formula of the oath; just as he himself afterwards receives the oath from the officials severally also; so much so that such a confirmation bestows no new right - as little as the investiture of a vassal does so or that performed by a new lord - but it is merely a fresh recognition of an old right by reason of a change of person.

The obligation subsisting between supreme and subordinate magistrates is mutual

It hence appears that the obligation between the king and the officials of the kingdom is mutual and that not the entire administration of the kingdom is entrusted to the king alone but only the highest rank, and that the subordinate officials severally hold part of it each in accordance with his own rank, and that on fixed conditions on either side. If those conditions are not kept by the

subordinate magistrates the supreme magistrate is entitled to discharge them or to correct them, yet only after their case has been heard in accordance with the regular procedure which the laws of the kingdom prescribe, unless he himself also desires to break the oath by which he promised to rule in accordance with the laws.

In the contrary case, however, if he who has received the royal dignity either by being elected thereto or by hereditary right openly departs from those conditions under which he was expressly recognized and approved as king, who would be inclined to doubt that the subordinate magistrates of the kingdom and further the very provinces also and the cities whose administration has been entrusted to them are automatically (*ipso iure*) free from their oath, in so far at all events that they have right to set themselves against the undisguised oppression of that kingdom whose defense and protection they undertook by oath each in accordance with his own office. "What then?" will someone say, "shall he who but lately was regarded as the supreme ruler (whose authority should be inviolable) - shall he by the arbitrary will of every subordinate now be deemed as mere private citizen so that it shall be lawful to assail him as a public enemy?" Not at all, I answer, for this were to offer a loophole, as the saying is, to every kind of sinful sedition and conspiracy. But we are discussing open and manifest tyranny and tyrants of that type who cannot admit or endure any admonishments whatever. Furthermore, we are not treating the tyrant who must be utterly thrust and cast down from his throne, but we are inquiring whether no one can and should in accordance with his rank set himself against his open violence, since it was shown before that it was not right that any one should arbitrarily dishonor an obligation publicly contracted whoever he might be and however just cause of complaint he might have concerning the tyrant.

The duty of subordinate magistrates

But since on the other hand those subordinate instruments of the kingdom have received this office from the supreme power as such that they may be on their guard for the observance and protection of the laws among those who have been entrusted to their care, and since they have bound themselves by oath to perform that duty in all faith - an oath from which they cannot be absolved by any fault of him who from a king has become a tyrant and quite openly violates those conditions upon which he was appointed king and the observance of which he undertook upon oath - would it not be just according to all law, divine and human, that by reason of the oath taken by them to ensure the observance of the laws, somewhat greater (*liberty of action*) should be granted to these subordinate magistrates than to those (*citizens*) who are of entirely private station and without any public office? I therefore maintain that, if they are reduced to such unavoidable compulsion, they are certainly bound, even by means of armed force if they can, to protect against manifest tyranny the safety of those who have been entrusted to their care and honor, as long as their public interests have been better consulted and fittingly provided for in accordance with the collective counsel of the States-General or the Nomophylakes, that is, of those with whom all the legislative authority of the kingdom or empire in question rests. This moreover is not to be factious or a traitor towards your supreme ruler, but rather to be a most faithful keeper of your oath towards those whose direction you have undertaken, against perjury and against the oppressor of a kingdom whose protector he should have been.

At Rome, Brutus and Lucretius lawfully exercised this right against Tarquin the Proud who was openly practicing tyranny - although this cause was theirs for private reasons also - when the latter as prefect of the city and the former as tribune of the knights summoned together the Roman people that by their authority the tyrant might be expelled from the kingdom and his possessions confiscated. And there can be no doubt but that had they been able to seize him, they would also have condemned him in accordance with the laws which he had violated (whereas he should have been their upholder); for it is an entirely false maxim of a detestable flatterer rather than of a subject loyal to his ruler that a supreme magistrate is subject to no laws¹¹, since on the contrary there is not a single law in violation of which the man who has promised upon oath to be the defender and champion of all laws should administer his rule. Hence he should rather hold fast the splendid saying of the emperor Marcus Aurelius. It is a worthy maxim that an emperor should profess himself subject to the laws¹². And Trajan, that mightiest of emperors who has never received praise according to his merits, also approved of it by his action, for when he was appointing Sura as military tribune and handing him the customary unsheathed dagger, he remarked¹³: "Take this weapon which you shall draw on my behalf only if I have given a just command; but if you should learn that anything wrong is being done by me, I would have you use it for my destruction."

But let us now turn to sacred history which will supply us with many true and irrefutable examples by which the consciences of the pious may be strengthened. When David was being sought for execution by Saul, a most cruel and treacherous tyrant, he had no one from among the captains of the tribes or of the thousand or hundred or of the elders of the people to champion his cause against tyranny so unbridled and inclining towards the destruction not only of David himself but also of the entire kingdom (especially after the fearful slaughter of the high priests); he therefore wandered to and fro as a fugitive to baffle the fury of the tyrant; but since he was no longer a private citizen (nay, he was one of the ministers of the kingdom, being a commander of the armies of Israel) and since furthermore the right of succession to the throne had been promised him by God (a fact not unknown¹⁴ to Saul), he safeguarded himself with arms and soldiers¹⁵ after first trying all other means; yet meanwhile he confined himself to his own territory and so far from contriving anything against the person of the king he even allowed him to depart alive and unharmed when he had captured him; and so far from invading¹⁶ the kingdom itself, even after the death of Saul¹⁷ whose successor he knew for certain he did not even stir a foot to seize the royal palace except in so far as God Himself caused him to advance and he was called by the unanimous consent of the people.

Yet it is quite certain¹⁸ that he had taken the resolve to defend himself by means of arms for the reasons mentioned above. For what else was the purpose of those military forces by which he had attended? That he so anxiously consulted God as to whether the citizens of Keilah would give him and his men into the hands of Saul clearly shows that he had quite decided if he learned that he would be safe there to resist Saul if he laid siege to the walls of that town. And this conduct cannot be condemned, unless David is to be charged with sedition and high treason - any yet of that we may not even suspect him - and the prudent Abigail¹⁹ is to be judged guilty of lying who declared openly that David was waging the wars of the Lord when he was availing himself of a just defense against an unjust persecutor. We have another very clear example²⁰ concerning the

town of Libnah which was the dwelling place of the priests. For it revolted from Jehoram the sixth successor of David that it might no longer be subject to him; the reason for that revolt is given in the context of the history, namely that King Jehoram had forsaken the Lord God of his fathers. But since this town itself belonged to the priests, it is evident that this conduct of the people of Libnah was far different from the revolt of the people of Edom which occurred under the same king and at the same time. For it is not probable that the people of Edom withdrew themselves from their subjection to the Israelites to cleave to the true God whom they had never served in sincerity, but they did so only from hatred of the Israelites and a desire to regain their liberty. But the priests, or those at least - if we are to think that they first revolted - who after God held sway in Libnah, furnished remarkable proof of their piety when being unable simultaneously to obey God and the tyrant, they shook off the yoke of the latter that they might continue in devotion and obedience to God.

These two examples, apart from the considerations quoted above, are so reliable and authentic that in my judgment they alone should be adequate to strengthen the consciences of subordinate magistrates, as often as unavoidable necessity constrains them, after all those remedies have been put to the test, to have recourse to arms that they may protect their people against manifest tyranny and preserve them, not for the sake of stirring up rebellion but rather to avoid it, as in the time of our ancestors the tyranny of those who were oppressing the Swiss offered to the municipal magistrates the occasion of asserting that independence which they at present enjoy.

A RESTATEMENT OF THE SIXTH QUESTION

The Orders or Estates, established to curb the supreme magistrates, can and should in every way offer resistance to them when they degenerate into tyrants

It still remains for us to speak of the third class of subjects who though they truly in one particular respect are subject to obedience to the supreme rulers, yet in another, especially in straightened and extreme circumstances, have been appointed as the defenders and champions of the rights of the supreme power as such, so that they must keep the supreme rulers to their duty and must if needs be constrain and punish them.

Here however we must keep in mind the remarks made above, namely that the people existed before there was any magistrate and that the magistrates were made for the sake of the people and not vice versa, the people for the sake of the magistrates. For however much some people seem to derive their origin from their kings - as the Roman people is said to have been created by Romulus, because there had not been an original people before but a multitude scraped together from a variety of nations and peoples - yet this can in no way be applied to others so that a general rule may be established from it. Furthermore, even Romulus did not hold sway over this congress of people except by their consent. Hence it follows that the authority of all magistrates, however supreme and powerful they are, is dependent upon the public authority of those who have raised them to this degree of dignity, and not contrariwise. And let no one use the objection that such was indeed the first beginning of magistracies but that subsequently the people completely subjected themselves to the power and arbitrary will of those whom they had received

as their supreme magistrates and that they gave up their liberty to them wholly and without any reserve whatever. In the first place I deny that there is any certain proof of this complete renunciation; nay on the contrary I maintain that as long as right and justice have prevailed no nation has either elected or approved kings without laying down specific conditions. And if those kings violate these the result is that those who had the power to confer this authority upon them have retained no less power again to divest them of that authority. That this may appear the more clearly, let us inquire whether this cannot be proved by the uninterrupted usage among the most famous and better known people throughout the ages.

I. Examples of the Romans in the time of kings

Let us begin with the kingdom and subsequently with the empire of the Romans though they were not more ancient (than other peoples). Titus Livius²¹ in describing the origins of the Roman kingship records that since the hundred so-called (interreges) who were set over the people in turn after the death of Romulus (this first ancestor of the people) did not find favor with the commons, it was decided by general consent that henceforth kings should be elected by the votes of the people and confirmed by the authority of the Senate²².

The same (author) when speaking of Tarquin the Proud, the last Roman king, remarks: "For he had no other claim to royal power apart from force since he ruled neither at the command of the people nor with the authority of the Senators."²³ And he subsequently relates many deeds which were committed by him contrary to the customs of former generations. For according to tradition, he remarks, he was the first of the kings who broke the custom (handed down) by his predecessors of consulting the Senate about all (things), who administered the commonwealth according to his private counsels and who on his own made and broke off war, peace, treaties and alliances with whomsoever he willed without orders from the people and the Senate²⁴. From these words it is quite evident that the kings of the Romans were not appointed except on express conditions: and if they failed to fulfill these, the people summoned by way of the different classes of citizens had no less authority to dismiss them than to appoint them; and this they clearly proved by their conduct towards that very tyrant.

But apart from what Seneca noted from the books of Cicero "Concerning the Commonwealth" namely that an appeal lay from the king to the people²⁵ - which was acted upon in the capital case of the slayer of his sister, Horatius, who was condemned by the judges appointed by King Tullus Hostilius²⁶ and afterwards acquitted by the people - apart from that, I say, Dionysius also testifies that while Romulus was taking counsel with his (friends) about establishing a constitution, he declared that the king was indeed the guardian of the laws, but that meanwhile the authority to elect magistrates, to pass laws and declare war has been left in the hands of the people²⁷. This probably served as Archetype to the architects of the French Monarchy, as we shall point out below.

Furthermore, from the history of Collatinus, who was the first consul as colleague of Brutus, it is evident that the people - and under that name must be understood not only that plebeian class which today we call the third estate, but all three classes which simultaneously existed in Rome, that is, patrician, equestrian and plebeian - had the same authority as against the consuls²⁸ too,

although the latter wielded the supreme power in the republic whenever there was no dictator in office. For this Livy also testifies in these words: "The consul fearing that afterwards these same misfortunes with the loss of his possessions might befall him as a private citizen and with further disgrace added thereto, laid down the consulship.²⁹ "Yet Collatinus was charged with no crime, but the mere name of the Tarquinius to whose family the consul Collatinus belonged, was suspect with the people. It is therefore easy to infer from this that the people would all the more have taken advantage of this right if any consul had been proved guilty of any crime, although according to the proviso of the laws there would have to be a delay so that, because they were holding a temporary office, they might complete the prescribed period before they could be arraigned.

I admit indeed that afterwards decemvirs were appointed from whom no appeal lay to another magistrate; but since they wielded authority alternately, it was allowable to appeal from the verdict of one to the other, so little did boundless and unlimited power of anyone ever commend itself to the Roman people; nay it at length even compelled the very decemvirs to lay down their office³⁰.

As regards the authority of a dictator, it is true indeed that it was not allowed to appeal from him to another; but this high office was not in use except when the Commonwealth was afflicted and all but overwhelmed by some extreme and unavoidable evil, and that indeed for a very brief period, namely six months. But if ever an appeal was laid from the supreme authority to the people - and this is of even greater importance - he agreed to it of his own free will, as may be seen from what occurred in Rome between the dictator Lucius Papirius and Quintus Fabius³¹ in the 42nd year after the founding of the city.

Examples in the time of Emperors

What if we should decide to proceed further and to come down to the (*time of*) the Emperors? Although Julius Caesar seized the Commonwealth by force rather than by the voluntary assent of the people, yet he wished to be regarded as having obtained from the people in accordance with the ancient usage all the eminent offices and charges which he held, and by many people he is deemed to have been censured - and at length rightly murdered too - only because he accumulated too many high offices. His successor Augustus was indeed adopted by him, but was not left as heir to the Empire; he therefore strove to convince (*men*) that he had duly received from the people that which he had seized by violence. And Tiberius succeeded to him on no other ground. And after him Caligula was called Emperor by the unanimous consent of the Senate as well as the people. Claudius was indeed the first to secure the imperial power by means of military favor which he had bought, yet did not exercise it except with the consent of the people who then of its own free will rushed headlong into wretched slavery. Nero, however, succeeding to him when he had removed him by poison, seized the imperial power by undisguised violence. But his death furnishes us with a striking example of the authority which the Senate even then retained. For making use of its right, which had long lain hid as if lulled asleep, the Senate is said to have expressly condemned Nero to death after he had first been judged an enemy of the Roman people. Whence it appears that even the very Emperors who had

become tyrants could be restrained and condemned by the organs of the law, and that although their authority, (derived) from the royal law, which was passed for Augustus and confirmed for Vespasian³², extended very widely, yet it was circumscribed within definite limits and was not approved without any restriction as long as there was room for law and justice. For what else is tyranny but authority setting itself against the laws? About its wide extent and propagation we do not propose to speak - for what limit can there be to the unbridled cupidity and spite of tyrants? - but only about kings' and other rulers' legitimate authority, limited by the laws; and so much concerning the Romans.

II. Examples from the Athenian Republic

When the Athenians abolished their democracy and changed it into an aristocracy they first appointed thirty men and subsequently only ten for the government of the commonwealth as their historical writings record: but when these abused their authority they successively removed them from office and even visited them with well deserved punishment clearly availing themselves of the same right by which they had in the first instance elected them.

III. Examples taken from the Spartans

It is well known, too that the Spartans were accustomed to elect their kings by a free vote from the family of the Heraclidae. Plutarch³³ relates that Lysander wished to alter this, but without avail. But after the king had been elected upon definite conditions, they appointed the ephors to restrain the kings in their office and as it were to curb them with reins. These moreover now expelled some kings and then again inflicted capital punishment upon others until at length upon the treachery of Cleomenes the tyrants all were killed; thereupon Sparta lost her liberty at the same time as her absolute sway³⁴. Here I am reminded of that most beautiful passage in Xenophon where he treats of the Commonwealth of the Spartans and records that the king and the ephors were wont to bind themselves by a mutual oath every month, they in the name of all the citizens, and he in his own name. In this oath the king promised that he would rule in accordance with the terms of the laws laid down, but the ephors promised that they would guard the state for him if he carried out his oath³⁵.

IV. Examples from the Monarchy of the Israelites

Let us now proceed to the polity of Israel, the most perfect of all that ever were, if only the Israelites had been satisfied with it. The fact that the eternal God was from the beginning its sole monarch exalted that polity as it were beyond the stars, not merely because He Himself held supreme authority over all things, but (*also*) because He did so in a unique way; for through Moses He visibly drew up their laws for the Israelites; through Joshua as it were with arms thrust out He brought His people into the promised land; and finally He commanded and governed them, that it is in the person of those men whom He Himself had directly appointed to the government of that (*polity and*) who were called Judges³⁶.

At that time therefore the Jewish polity was truly monarchical (although God employed the service of certain men in accordance with His will), and if all kingdoms had this Monarch, or at least if all monarchs always allowed themselves to be directed by this supreme Lord of the universe, this present inquiry would be no less redundant than it is now (universally) recognized to be indispensable. For that blessed state of this commonwealth (which never befell any other people but this) was changed in an amazing and unusual way. For the monarchical constitutions of other nations have degenerated into tyrannies by the fault of the monarchs themselves; but the Israelites³⁷, not recognizing such a great boon, as it were against His will compelled that true Monarch of theirs, who could never have become a tyrant, to appoint them a human king as for other people also. The Lord therefore at length granted their wishes but in anger and indignation, not that He desired by that act to disapprove of a monarchical constitution as such, but because this change had proceeded from a hot-headed and stubborn people.

Meanwhile the fact neither can nor should be disguised that since the origin of the world there has never been a king - even if you were to select the very best - who did not in some measure abuse his authority so that it must be indeed conceded, as the philosophers enlightened by natural reason alone have recognized also, that monarchical rule brings ruin and destruction upon the people rather than protection and welfare unless it is curbed by certain reins, so that by them it may come about that the greatest boon which can derive from it may be secured, and that the great evil which otherwise must of necessity result from it may be avoided and impeded. I am giving this introduction while entering upon my discussion of the origins of the Israelite kingship since clear examples of all these things are to be found there; it would be worth the effort if both kings and nations paid careful attention to these that the one class might not so often come to be oppressed by the other but that rather the glory of God, from whom alone all tranquillity comes, might be such an object of care to both, that rulers and subjects alike might be content to maintain themselves peacefully. But to return to the point from where I digressed, the Lord being rightly incensed against His people, that He might clearly make known to them what they were to expect from that reckless disposition by which they were being disturbed, prophesied to them through Samuel in wondrous words indeed what that right would be which history calls the royal prerogative, namely, in short, that the king would arbitrarily seize the persons and possessions of his subjects and convert them to his own uses, (conduct) which is doubtless tyrannical rather than royal. For who would dare to doubt seriously that God alone is competent to thrust His arbitrary will in the place of reason since nothing can be called just but what God has first willed? For the will of God alone is the true and certain rule of all justice, as was maintained from the beginning. But the contrary happens in the case of men whose reason too should be subject to and guided by just and inviolable laws, particularly in the case of those who are placed in authority over others; so that they are entirely mistaken who interpret Samuel's words as if he desired to be the authority over kings for the commission of any daring deed, or approved of whatever they did in blind willfulness; equally accursed is the saying of the notorious incestuous woman "*Si liber, licet*"³⁸ a standpoint which, alas, is excessively bandied about and acted upon in this present century. Nay rather the works of Samuel must be interpreted as if he spoke them to rebuke Israel: "it suffices not for you to have God Himself as your monarch as it has thus far been by some extraordinary favor; but you are demanding another and such as the other nations have; therefore shall such an one fall to your lot. But again listen what

right he shall claim over you and with what fairness and justice he shall hold sway over you". That this was the purport of Samuel's words the subsequent course of history itself has shown.

The Kings of Judah elected by the people

I therefore maintain that though God had expressly elected David, yet he had to be elected³⁹ by the people also and that they in electing him rightly, as they should, followed the will of God. The same thing occurred in the case of Solomon⁴⁰ also who after being first elected by God, was in the second instance made king by the people. And in general: although the royal crown in accordance with the command of God by hereditary right belonged to the House of David, yet as we have shown above the people ever elected from among the children of the late king that one whom it preferred to hold sway. And with this (election) went a twofold obligation, as appears from the history of Joash⁴¹. For both the king and the people first promised God under solemn oath to observe His laws both ecclesiastical and political. Afterwards another mutual oath too was taken between the king himself and the people. "But," someone will say, "did the people, that is the Estates of the people, for that reason have the right to punish their elected candidate when he failed to perform his duty?" They certainly had that right as can be particularly proved by four examples.

For if David might defend himself against the tyranny of Saul, as appeared a while ago, and if the people of Libnah, who however were but subordinate magistrates, might revolt from their allegiance to Jehoram, shall I not rightly thence infer that the royal Estates per se (*ipso iure*) had many more rights? Relevant to this point is also the deed that was done by those very Estates upon the wise counsel of Jehoiada the priest against Athaliah, who had been appointed queen and had reigned over the kingdom for six whole years⁴². Lastly the example of Amaziah⁴³ is much clearer still; him the people of Jerusalem pursued even till they slew him. But if anyone were to think that this was done seditiously and not lawfully, I would have him attend carefully to the following arguments. It is nowhere declared that Amaziah was slain by the slaves of his household⁴⁴, as we read happened to his father Joash and to Amon the son of Manasseh⁴⁵, but rather by some common agreement of the people of Jerusalem; and this happened not secretly and as it were by way of ambush, as the end of tyrants has mostly been, but by undisguised violence and as it were upon the authority of the people; not yet as the result of some sudden uprising but after he had betaken himself in flight to the city of Lachish from where it is recorded that his body was returned and buried in the sepulcher of his fathers. In short, neither before nor after the death of Amaziah is anything to be found here offering any indication of revolt, but all the circumstances rather prove clearly that everything was attempted and carried into effect⁴⁶ in accordance with the resolution and studied deliberation of the people of Jerusalem, and also by the tacit treaty of those joined (in the undertaking), presumably a majority of the tribes although this befell in an exceptional and perfunctory, as it were, way; (it was) certainly (done) not from any private feeling of animosity, but as a result of his wickedness by which he had in great part violated his oath. For that reason we nowhere read that after his death any complaint of inquiry (occurred) or that in short any punishment was secured or meted out against the perpetrators of the murder either by the people or by his children as happened after the deaths of Amon⁴⁷ and Joash⁴⁸, for the conspirators who slew them though they were from their household, were visited

with just punishments albeit that they had both been wicked. But on the other hand we read that the corpse of the latter was from reverence for both the royal dignity and his family carried back to Jerusalem on horseback, and that his son Azariah was by the entire people of Judah set as king in his stead. And this again clearly shows that what had been done by the stronger part of the Estates, that is, by the people of Jerusalem, was subsequently confirmed by general consent as concerning a just cause and as having been carried into effect by those who were competent to do so. Hence I conclude that the Orders or Estates of the people of Israel had authority to choose for themselves from the family of David whom they wished, and afterwards, when he had been elected, either to drive him out or even to execute sentence of death upon him as the occasion demanded.

V. An Example from the Kingdom of the Danes

Thus within our memory the Danes not merely divested Christiernus, a most cruel tyrant, of his royal dignity but imprisoned him until his death and transferred the royal power to his uncle, a most wise and just king, the grandfather of the present ruler⁴⁹.

VI. Swedish Examples

As regards the Swedes too, all men know how in our time Gustavus liberated himself and his people from their subjection to the Danes⁵⁰; and even today the Swedes keep their king captive for not having wisely ruled over the kingdom which had been transferred to his brother; may the Lord bless him⁵¹.

VII. Scottish Examples

The Scots also in former times removed their queen from office and condemned her to lifelong imprisonment because she was accused of a great number of foul adulteries and even of the most cruel murder of her husband⁵², and I make bold to declare that if that accusation was justly proved, they would have acted more properly had they inflicted the deserved punishment upon her.

VIII. Examples from the Kingdom of England

As regards the kingdom of England, the most blessed of all, as many as may be seen today in the whole world - would that it may long continue in that blessedness - even if according to the right of succession it devolves upon him who is the nearer related in royal blood, yet it is apparent both from numerous noteworthy narratives and from the testimony of Polidorus in his *Life of Henry, King of the English*⁵³ and first of that name, that nearly all authority of government is dependent upon the consent of Parliament as it is called. And certainly, if we wish to compare that blessed tranquillity which they have been enjoying for many years now under the kindest and most peaceful reign of her most serene Majesty Elizabeth with the wretched and unhappy condition of so many other parts, we shall learn from experience as such how beneficial and blessed that moderation of royal power is, if only it be rightly employed and if the very kings,

Godfearing men and lovers of their people, allowed themselves, not to be swayed by it as (if they were) wards (in need of guardians) - as flatterers at court who stuff themselves with bread kneaded with the tears of the wretched commons are wont to say - but to be directed and advised by it, yet with that respect and obedience which befits their majesty and is due to it.

IX. Examples taken from Polish Institutions

Furthermore, if anyone yet found himself in doubt about the people of Poland whether they, in electing a king upon certain conditions, reserved for themselves the right to break their oath if he did not abide by his promises, (*such an one*) shall have a clear understanding of it from that last election, by which they chose as their King Henry, the brother of the king of France. And in that matter I am in entire agreement with Bishop Valentine⁵⁴, the representative of his king in this election, who in an address to the people of Poland which has been issued in print⁵⁵, particularly commends them for having limited the authority of their kings by the wisest laws and for having as it were confined it within bounds.

X. Examples taken from the Republic of Venice

Upon the same principle the Venetians, whose Republic, judging from events, is, in the light of human wisdom, regarded as the most happily and wisely constituted leader (Doge) not as some idol or image - as certain writers too little versed in politics have made bold to say - but as their leader and monarch that they may derive from him all the advantages of monarchy without any danger or tyranny⁵⁶. For assuredly just as the so-called General Council has complete authority to elect the Doge, but with due observance of the ceremonies which have been introduced and have become customary with them for this purpose, in the same way that very Council has reserved for itself that power without which all else might easily come to naught, namely the power to depose the Doge himself and to punish him if he should attempt or have committed any act of tyranny, as has often been proved by examples and in fact. Let therefore the remaining peoples of Italy, who have been wont to speak and reason so nicely of human affairs and who have also published numerous treatises of civil government⁵⁷, here consider whether they have all in this matter conducted themselves as wisely as the citizens of Venice.

XI. Examples from the Spanish Kings

But what shall we remark about the Spaniards? The condition of this kingdom was certainly for a long time greatly disturbed and extremely unsettled, for numerous barbarous nations both from the North and from Africa overflowed thither as it were in a deluge, a fact testified to by most reliable historical accounts and also by their very language. But it must readily be conceded that that nation has always been shrewd and cautious beyond all others. And though that remark of Aristotle is true that barbarians are by nature slaves rather than subjects⁵⁸, yet the Spaniards have thus far, whatever barbarism may have invaded their country, in their method of establishing their polity given numerous peoples occasion to blush and have deservedly put them to shame. To prove this I shall quote two pieces of evidence which are remarkable beyond all others and

which deserve to be engraved in letters of gold on public tables that kings might be taught from them to rule justly and peoples in their turn to obey rightly.

The first of these is taken from the 74th chapter of the Fourth Council of Toledo which was held in A.D. 1544 according to the reckoning of Sigebert⁵⁹. The words of the Synod consisting of both ecclesiastics and the other orders of the kingdom are as follows:

Let no one among us in presumption seize the royal power, let no one stir up seditious risings of the citizens one against another, let no one devise a rule of destruction but after the ruler has died in peace, let the foremost men of the whole national with the priests by a common resolution of the kingdom appoint a successor to the Kingship so that while the harmony of unity is held fast by us he may attempt no disruption of the country and the people by means of violence and bribery. But if this admonition does not reform our spirits and in no way leads our hearts to the common welfare, hear then our decision. Whosoever then of us, even from the peoples of all Spain, shall by any conspiracy or support violate his oath of allegiance, which he swore in defense of the constitution of his country and the nation of the Goths or for the preservation of the king's safety, or shall have committed murder against the king or have deprived him of his royal power or shall with the high-handedness of a tyrant have usurped the supreme dignity of kingly power, let him be accursed in the sight of God the Father and the angels; and let him be made an outcast from the Catholic Church which he has outraged by his perjury and a stranger to every gathering of Christian men along with all the accomplices of his impiety because it is fitting that one and the same penalty should apply to the guilty who have been found associated in the same error...And this we repeat again a second time declaring: Whoever shall from the manner etc. And therefore if it finds favor with all of you who are here present, ratify by the unanimity of your utterance the decision here for the third time repeated. By the entire clergy or people it was declared: Those who shall presume against this our definition, let them be anathema, maran-atha, that is perdition in the coming of the Lord, and may they have their portion with Judas Iscariot, and their associates also. Amen.

And therefore we ourselves and all priests admonish the Holy Church of Christ and the people that this fearful and so often repeated decision may condemn no one of us by a temporal and eternal verdict, but that by keeping our promised word towards our most glorious Lord, King Sisenandus⁶⁰, and by serving him in sincere devotion, we may not only appeal to the mercy of God's fatherly love in our behalf, but may even deserve to gain the favor of the ruler aforementioned. You also the present king and the future rulers of subsequent ages we beseech with due humility that you may prove moderate and gentle towards your subjects, may rule with justice and goodness over the peoples entrusted to you by God and by reigning in humility of heart with a zeal for doing good may repay to Christ the giver the good interchange (of power) by which He has appointed you over us. And let no one of you as sole (judges) in a cause visit a captive or an accused with a sentence, but let the fault of wrongdoers be manifest by the agreement of the people with the leaders in accordance with a clear verdict. Let clemency be observed by you in the case of crimes that you may prevail in them not be severity rather than by indulgence, so that while with the authority of God all these things are observed by you with dutiful government, the kings may rejoice in their peoples and the people in their kings and God

in both. Indeed about future kings we make known this verdict that if any one of them shall without respect for the laws in arrogant despotism and royal pride practice among the nations a most cruel tyranny in deeds of shame and in crime or covetousness, let him be condemned with a sentence of anathema by Christ the Lord and may he be divided from God and receive judgment for that he presumed to do wrong and to bring the kingdom to ruin. But concerning Simithilanis⁶¹ who, fearing (the consequences of) his misdeeds, deprived himself of royal power and laid aside the scythes of sovereignty, we have decided in consultation with the nation that for the evils which they have committed we shall never associate either him or his wife or their sons with out union, nor shall we at anytime advance them to those offices of honor from which they have been cast down for their iniquity⁶².

This is indeed a remarkable example: I shall add to it another decree of the Sixth Synod of Toledo⁶³; in it the following words are added after the expulsion of the Jews from the kingdom was decided upon: "In vain is the good striven after unless provision be made for perseverance therein." "Therefore after he has duly promised and has taken over the reins of government, if he himself shall be revealed as the violator of this promise, let him be anathema, maran-atha in the sight of God eternal and may he be made to feed the fire everlasting and may with him be destroyed by a like condemnation whatever priest or whatever Christian shall have been associated with his error"⁶⁴. From this it may easily be inferred what authority the Estates of Spain possess against their kings if they commit any breach of their oath, since in accordance with feudal law (which is applicable also to kingdoms and empires) the vassal owes no service to a lord who has been excommunicated, and indeed is freed from his oath of allegiance (as is stated in Book 2 of the Feudal Law tit. 28 par. 1)⁶⁵.

The second testimony which I promised to adduce is the striking formula which the people of Aragon (unless it was altered quite recently) even today not only employ in the investiture of their kings but also repeat at those triennial gatherings at which the king is wont to present himself before his estates both to dispense justice to them and to receive justice at their hands. There, when many ceremonies have been performed between the man who is titled the "Justice of Aragon" (who represents the supreme power and to whom the kings are compelled to bind themselves by oath) and the king himself (whether he has [yet] to be, or has already been, elected) the following formula is publicly proclaimed in so many words, "*NOS QUI VALEMOS TANTO COMME VOS Y POSEÑOS MAS QUE VOS, VOS ELEGIMOS REY: CON ESTAS Y ESTAS CONDICIONES, INTRA VOS Y NOS, UN QUE MANDA MAS QUE VOS*", that is: "*We who are of like worth with you and who are stronger than you, elect you king on such and such conditions; between you and us (there is) One with greater authority than you*"⁶⁶. Behold how far the Spaniards have held their kings in honor as they were in duty bound.

XII. Examples from the Holy (Roman) Empire

Why (*add*) any further (*examples*)? Everyone knows what the authority of that most famous gathering of princes in the whole world (that is of the empire of the seven electors) is in regards to the election of an emperor as well as his discharge whenever necessary, as was experienced by the emperors Adolphus in the year 1296 and Wenceslaus in the year 1400⁶⁷. The oath by which

the kings or German emperors then bound themselves was such as is described in the treatise entitled *Speculum Saxonicum*⁶⁸. For when a king is elected, he is compelled by means of a public oath to vouch for fidelity and hominium (or homage as the common people call it) to the empire, and to promise that he will promote the administration of justice by all in his power, furthermore that he will ward off all kinds of injustice and in short that he will with all zeal and exertion protect the rights of the empire.

XIII. Examples of the Kings of Gaul both before and after their Union with the Franks

I now come to the Franks. Julius Caesar⁶⁹ is our witness that with them before their arrival in Gaul the kings were responsible to the Estates of the people; in recounting the words of Ambiorix, the chieftain of the Eburones (or the people of Liege as their modern name is) in some speech, he says that his authority is of such a nature that the multitude (that is the lawfully assembled multitude) possesses no less rights as against him than he as against it⁷⁰. The same is proved from the words of Vercingetorix, the king of the Averni pleading his cause in a gathering of the people as it is reproduced by the same Caesar⁷¹.

But afterwards the Gauls and the Franks united under the style of the Francogalli. And although their kingdom has by striking favor of God been continued and preserved for a very long time (*yet*) at the present time at least, wherever the blame might attach, it seems so to totter that its most certain and immediate destruction has to be feared; and yet that can hardly happen without a mighty revolution in the remaining parts of the world. But the remarks which I now have to make on that score will, I strongly suspect, be pleasing and acceptable to some, but to others most disagreeable and ill-omened. Yet if I maintain nothing that is not the truth, I hope that God will grant me His favor against all misrepresentation.

Hence, although the Franco-Gauls elected their kings first from the house of the Nerobingians, then from the descendants of Charlemagne, and finally from the successors of Hugh Capet, yet I maintain that from the beginning they established their monarchy in such a way that their kings ruled, not by the sole right of succession⁷², but were elected at the same time by the agreement of the Estates of the Kingdom. After being thus elected Pharamundus was raised to the royal throne in the year of our Lord 419⁷³; so (also) Pippin in the year 751 and his sons Charles and Carloman in the year 768. And at length in 771 Charles upon the authority of the Estates succeeded to his brother's portion. Following this authority he himself afterwards, that is in 812, appointed his son Louis heir to the empire and in his will he expressly provided, as Nauclerus who has recorded it testifies⁷⁴, that the people, that is the Estates themselves, should elect as his successor to the kingship whomsoever of his children they preferred and he also charged his uncles who might survive him to agree to such an election; this occurrence is indeed most remarkable and most fit for the solution of this entire question⁷⁵. And such was the oath of the Franco-Gallic kings upon the testimony of Aymoinus who represents the said Charles the Bald as saying: "because, even as those venerable Bishops have by the voice of one of them declared and by trustworthy sign indicated in accordance with our unanimous decision, you (*also*) have (*likewise*) acclaimed that I have the choice of God come (*to*) this (*office*) for your salvation and profit and guidance and government, know ye that, the Lord helping me to preserve them, it is my will, in accordance

with my knowledge and power, to honor and protect and to keep in honorable protection the dignity and cult of God and the holy churches and (*so to protect*) each of you in accordance with the dignity of his rank and his person, and to keep safe for each in his rank law and justice in accordance with both ecclesiastical and temporal (*rights*) due to him. In this may royal honor and power and due obedience and assistance for the preservation and defense of the kingdom granted me by God be shown to me by each one of you according to his rank and dignity and ability, and even as your predecessors showed (these) to my predecessors, justly, faithfully and reasonably.⁷⁶" This he (*records*) verbally.

Moreover, that those very Estates had the power of dismissing the kings whom they had elected if they committed any wrong is proved by countless examples. For his disgraceful crimes and deeds of lust Childeric was by public resolution in 361 thrust from the kingship and expelled and Gilo who was not of the Nerovingian dynasty was placed in his stead. And Chilperic was (*dethroned*) in 578 and Theodoric in 657. Nay more, in 890 the Estates passed over Charles, the son of Louis the Stutterer, and chose Eudes of Odoines as king⁷⁷. We also read that Hugh Capet deprived Charles, the brother of Lothar, of his kingdom since Charles was conducting the matter in a too negligent and as it were dilatory fashion and was bringing it before the Council, obviously hoping that the Estates of the Kingdom would according to the established custom settle their quarrel⁷⁸. And in short, if the Francogallic kingship was not bestowed by way of election, we should have to say that neither Pippin nor Capet possessed any right in it, since there was no lack of successors in the male line of Merovingian heirs when Pippin grasped the royal power, nor any lack of heirs from the sons of Charlemagne when Capet claimed the royal diadem for himself.

Furthermore, as regards the power of those some Estates by which they either conferred the principal positions of dignity and high office in the Kingdom and took them away or at least carefully noted how the kings behaved both in conferring or taking them away and in exacting taxes or in the other principal tasks of kingship in time of peace and war - for that power, I declare, there is evidence and to spare in the most ancient and entirely reliable records; these clearly prove the impudence of those flatterers who today do not cease by means of right and wrong to add to their power from the ruins of such a great kingdom so wisely established. And indeed that in our times the man who is the greatest in blood succeeds to the kingdom of France without summoning the Estates and introduces a new shape of things to suit the desire of those who have courted the favor and support of such a successor; that the meeting of the people is no longer convened at the appointed time, but only when that seems expedient to certain individuals who therein strive after personal advantages and safeguards from danger; that furthermore as often as the Estates are summoned, this happens not so much to the end that a serious decision concerning public affairs may be arrived at, but for the sake of talking, that is in order that after the fashion of the rhetoricians (or rather of the sophists) time and all action may be made vain by means of tedious and affected arguments; that those men there take their seats as judges against whom all the accusation and complaints are chiefly directed, and finally, that both wars and (*questions of*) peace or truce are decided upon, taxes and tribute imposed, laws upon public and private matters made and unmade, dignities and commands and likewise all public offices bestowed upon chosen men or taken from them according to the arbitrary will of a certain limited

group of men or women, noble or baseborn, honest or abandoned, who enjoy greater authority or influence with the rulers of the state (since through their ears and eyes alone the latter hear and see) - all these circumstances, I declare, are completely at variance with the just customs and policy of our ancestors and clearly in direct opposition to the chief laws upon which the foundations of the French monarchy rest.

But I now leave it to all lawyers who possess a good conscience together with knowledge of the law to discuss the question whether any prescription of however long a period of time can or should in accordance with any law divine or human find application here. For the fact that even to this day kings are anointed in solemn ritual and swear their oath - would that its words were publicly printed so that they might become known to all - and that they are further wont, after they have secured the kingship, to confirm their privileges to the communities severally and also their public charges to the officials of the kingdom (albeit many abuses occur here which are in no wise to be commended), and lastly the fact that if the kings are minors the orders and Estates of the kingdom decide by common resolution to whom its administration shall be entrusted, all these I say are the present survivals of that erstwhile authority which the Estates enjoyed and which is now gradually disappearing. Yet two centuries have not passed since the will of Charles V, nicknamed the Wise, was annulled by the Estates themselves, that is in 1380⁷⁹. What more? When in 1567 Louis XI, who tried his utmost to transform the French monarchy into a tyranny (a procedure which the parasites of the palace call the emancipation of the sovereign of his release from slavery), was deservedly accused of the worst misgovernment of the kingdom, thirty (or thirty-six) men were given to him as guardians by the Estate gathered at Tours that he might allow himself to be directed and guided by them⁸⁰. It is true indeed that he afterwards easily rid himself of them since, under pretext of the idol of Clery⁸¹ which he worshipped with the greatest superstition, all his oaths and promises were but sport and jest to him; yet (*he did this*) with so much harm to himself and such an unhappy result that apart from the disgrace with which he is branded even today, he could enjoy no rest or peace during his lifetime and even at death's door experienced what it meant to be feared rather than loved by his subjects.

And since mention has been made of the violation of an oath, we would add another most remarkable example. While Charles VII was yet Dauphin, he had John, the last Duke of Burgundy descended from the royal stock of France, miserably slain in his presence in violation of his word of honor and the peace and friendship but recently confirmed by oath near Melun⁸². Although that Duke fully deserved such a great ordeal, this perjury was in the end expiated by many thousands of souls in France and with the ruin of almost the entire kingdom. And King Charles himself was reduced to such misery, that he was first disinherited by his father, afterwards saw his deadly enemy invested with the royal power in Paris and was subsequently himself styled King of Aquitaine rather than of France. At length however he was constrained with great dishonor to himself to purchase peace as appears from the treaty drawn up at Arras. Although the king himself negotiated with Duke Philip, the son of the murdered John, as with his subject, yet in that treaty this express clause is contained, "to which," it says, "the king himself shall agree and which he shall approve by his letter of authority. But if this agreement shall happen to be violated by him, his clients, vassals and subject, present and future, shall thereafter not be bound either to obey or to serve him, but shall show every obedience against him to the

Duke of Burgundy rather and his successors; in short all those very clients, beneficiaries and subjects shall in this case be regarded as free, disengaged and entirely released from every engagement, oath and allegiance and from their promises, obligations and whatever duties by which they previously were bound to King Charles, so that in the sequel none of these may be counted to their detriment or burden or may any (*compensation for*) remissness be exacted from them. Nay more, let King Charles very soon bid them do this very thing and let him declare them freed and disengaged from all their oaths and obligations if any such thing should happen.⁸³ " This to be sure was the end of a breach of royal faith committed with evil design. But because these covenants were faithfully kept in after time, the greatest peace and calm befell the kingdom. Further if it seemed fair then that his clause should be inserted into this fortuitous promise which strictly speaking did not bear upon the administration of the kingdom, shall then that promise or condition be deemed less fair or lawful which the people stipulates from the king either at his election or at his investiture since it is supported both by the greatest fairness and by common reasonableness, namely that the king shall direct his entire administration in accordance with the provisions of the laws, of which he himself is or should be the supreme guardian and defender?

Epilogue and Conclusion about the Authority of the Estates

The purpose therefore of all that has been said above is as follows, namely that the highest authority rests with kings or other supreme rulers with this proviso that if they violate the noblest laws and sworn conditions and degenerate into unabashed tyranny nor give heed to sound counsels, it shall be lawful and permitted to the subordinate magistrates to take precautions for themselves and for those over whom they exercise guardianship, and to offer resistance to the tyrant of the people. But the Estates or Orders of the realm upon whom this authority has been conferred by the laws, can and must so far oppose the tyrant and even, if need be, inflict just and deserved punishment upon him until matters have been restored to their former condition. And if they do so, so far from deriving to be regarded as guilty of sedition of high treason, they should on the contrary only then be deemed to have carried out conscientiously their duty and their oath by which they were bound towards God and their country. And though by means of the clearest examples of kingdoms and empires both ancient and modern we have already above demonstrated the practice in these matters, yet to answer the objection that (the matter) should be judged by legal arguments rather than by examples, I shall add as many other grounds as possible to lend greater support to our point of view.

I. Argument from natural law and equity

For to begin with I maintain that there are two propositions which justice as such or that law of nature upon which alone the maintenance of all human society depends, does not allow to be called in question; the first of these is that in all compacts and covenants which are contracted by mutual and sole agreement between the parties, those by whom the obligations were entered into, can of themselves cancel and annul it, whenever reason so demands. Accordingly those who possess authority to elect a king, will also have the right to dethrone him. The second (*proposition*) is that if there is any just occasion for the annulment of a compact or covenant by reason of which the obligation would of itself disappear and be held as naught, it never arises but

when the essential conditions, for which particularly the obligation was entered upon, are manifestly violated.

Therefore let those who so far exalt the authority of kings and supreme rulers as to dare maintain that they have no other Judge but God alone to whom they are held bound to render account of their deeds, furnish proof that there has been any nation anywhere which has consciously and without intimidation or compulsion of some kind subjected itself to the arbitrary rule of some supreme ruler without the express or tacit addition of the proviso that it be justly and fairly ruled and guided by him.

But if someone were to furnish an example of peoples who upon being defeated in war surrendered at discretion and swore to the conditions dictated by the victors, it would not be enough for me to answer with the lawyers that (*undertakings*) extorted by violence or intimidation which is the rule of consciences does not easily permit oaths of that kind to be heedlessly violated)⁸⁴. But I shall further add that even if any people has consciously and of its free will granted assent to an undertaking which is as such evidently sinful and opposed to the law of nature, such obligation is null and void; so little ground is there for reasonable doubt whether that obligation which was contracted as a result of violence or intimidation or of open deceit and malpractice should be regarded as valid and binding. For this general rule of law and justice sustained by the common principles of nature, which still linger in man after the Fall however corrupt (he may be) is so firmly established and so lasting, that nothing which is openly opposed and repugnant to them should be regarded as just and valid between men. This moreover must be understood about matters utterly unjust and manifestly sinful which everyone not entirely destitute of human insight realizes cannot be exacted or performed by anyone with a good conscience. Such was the compact which as the story goes came about in the earliest times between Minos, King of the island of Crete, and the Athenians, namely that they should deliver to him every year seven youths and seven maidens that they might be devoured by the Minotaur⁸⁵, as the tales record it, or that they might serve his lust and tyranny, as seems more credible.

Of that kind was the condition offered by the Ammonites⁸⁶ to the inhabitants of Jabesh, namely that they would spare them and receive them into their custody, provided only they each put out an eye. Yet more intolerable was the condition offered to the citizens of Jerusalem by the detestable tyrant Antiochus⁸⁷ and accepted by the majority of them, namely that they should abjure the true faith for the sake of saving their lives. But if a condition offered by the victor and accepted by the vanquished is merely burdensome and distressing and comprises disadvantages of this (physical) life alone, in that case I grant that regard should be had to the oath rather than to any advantages or disadvantages. Therefore God most sternly rebuked and punished Zedekiah⁸⁸ the last king from the house of David, because he had revolted from the king of the Chaldeans in violation of his sworn oath. Assuredly the inhabitants of Gibeon, though they were reduced to the most distressing slavery by Joshua, yet nowhere complain about him⁸⁹. But particularly when it concerns religion the greatest care should be exercised that no one covet permission to abandon heedlessly the promises which he has made under oath to God. And yet in this matter too a limit of the following kind will have to be observed namely that just as in religion no one ought lightly

to change anything, even so (since we cannot be misled therein without the gravest loss) no one may obstinately enforce those promises of which it is clear that they were wickedly and unlawfully made to God under the pretext of religion. And because this has not till now been sufficiently carefully noted, many serious and dangerous revolutions have occurred in the world. But let us grant that there was some nation which either from lack of foresight or as a result of blandishments or lastly because it once chanced upon a good ruler from a certain family and with excessive credulity assumed that all his descendants also would be like him always, submitted itself without any express condition to some (*ruler*); shall we on that account declare that all things that he may wish will be permissible to that ruler? Will not rather those things which by their nature are just and lawful have to be regarded as if they had been expressed? For what shall otherwise be the end of the matter? Or of what kind shall the life of men finally be, if a ruler of this description wantonly proceeds to such a pitch of license that he savagely slays the parents of his subjects, ravishes their wives and daughters, pillages their houses and possessions and finally murders them individually as the fancy takes him; because the people reposing their trust in his worth have from the outset admitted him as their ruler without any conditions?

II. Arguments from Analogy

Furthermore it would be most unfair to refuse to an entire nation and people that which justice itself freely grants to private persons, such as minors, women, people of an unsound mind and those who complain that they have been defrauded beyond half the fair value (*laesio enormis*) particularly if there be proof of the bad faith of those towards whom such persons have bound themselves⁹⁰. But can anyone be found of worse faith than that tyrant who is so shameless that he wishes people to believe that he may do everything, lawful and unlawful, because he either so covenanted with the people or received such power from his ancestors? Meanwhile I for my part admit, as has been abundantly shown above, that in that case the authority of the Estates or Orders should be invoked and interposed that private citizens may not be free to undertake and attempt anything against the public order and that subordinate magistrates may not go beyond the limits of their calling.

But I put the further question whether the obligation of subjects towards their kings is greater than that of children towards parents, of slaves towards their master or of freedmen towards their patron who set them free. Let us listen particularly what Cicero, guided by justice and reason, writes concerning the duty of a (dependent) son whose father strives by violence to seize control of his country: "If a father," he says "by open violence attempts to grasp tyrannical power or to betray his country, shall a son remain silent? No, not at all; but he shall as suppliant beseech his father not to do so; but if by his entreaties he does not avail at all, he shall reproach him and frighten him with threats; but if the matter has already gone so far that there is reason to apprehend that this country may at length be overwhelmed, he shall set greater store by the preservation of his country than by the life of his father."⁹¹ " Listen what was the opinion of that man, not merely in agreement with reason but also carrying the greatest authority.

As regards servants or slaves, there was a proviso in Roman law that a slave whom his master did not tend in illness should be regarded as free⁹². And what is even more important, a slave is by a provision of the written law free to accuse his master of high treason⁹³. But who is more

liable to this accusation than the tyrant who openly subverts all rights divine as well as human? But, you will rejoin, before whom shall he be accused? I answer, either before those who since they possessed the authority to elect him, also possess the authority to judge him, or before those who are the chief defenders of the supreme power and from whom there is no appeal.

Thus although freedmen owe every respect to their patrons, so much so that in ordinary law they can institute only civil actions against them, yet for special reasons, that is if they have suffered some terrible injustice at the hands of their patron or have caught him in adultery with their wives, they can in virtue of the civil law lay a capital charge against him⁹⁴. My purpose with these arguments is not to tighten the conscience (*of men*) by means of the civil laws or the pronouncements of philosophers as if by most reliable rules, but only to show as clearly as may be how unjust is the opinion of those who would leave men no means at all by which they may avail to break the onset of imminent or openly aggressive tyranny, however cruel and unjust the matter might be.

Various Objections Answered

a) Assuredly the usual objection that the king is not bound by the laws cannot and should not be accepted as a general proposition as the flatterers of kings and destroyers of kingdoms inauspiciously proclaim⁹⁵; for not to mention the example of so many, nay nearly all, nations which were adduced above, what is the purpose of so many weighty maxims of the jurists of old, derived from the law of nature? Such maxims are: the legislators are beholden to the laws; that each must observe the same right which he has decreed against another; that nothing is more profitable to imperial power than that the king should act according to the laws; and that it is a fitting saying that the ruler professes himself the subject of the laws⁹⁶. Hence the proposition which would appear to be made elsewhere by the jurists that the ruler is above the laws or that the ruler is *legibus solutus* (not bound by the laws), must be understood only of the civil laws and about the individual right of the private citizens e.g. about wills, or about the deduction of the Trebellianic⁹⁷ or Falcidian fourth⁹⁸, but not of public law and the so-called constitutional law; much less of natural or divine law, for since men collectively and individually are subjected to it in so far as they are born men, it clearly follows that either kings are not men or that they are bound by this law.

b) If again someone were to raise the objection that public law referring to the constitution of the people or nation (for that is the kind we are discussing) differs widely from the law of nature common to all nations, I shall concede that this is true indeed in certain matters, but with this limitation that the entire distinction is connected with circumstances which cannot prevent general fairness and equity from so far remaining steadfast and invariable that every polity acting in violation of it - as for example if undisguised impieties, robberies and similar crimes both against God and against the law of nations and good morals were to meet with approval - should be utterly condemned and cast off.

c) The further exception might be raised that the supreme ruler does indeed stand arraigned if he rules contrary to his undertaking, but that he has no other judge but God Himself, and this might be proved by the example of David, for though he was an adulterer and a wicked slayer of men,

yet he was judged by no mortal man. But I answer first that it is apparent from what has been said above that the nations themselves and the Estates of the people generally reserved for themselves the right to curb their rulers and that no antiquity or prescription can be urged against this right; further that there is a great difference between him who has on one occasion or even repeatedly committed some crime and the man who openly professes himself abandoned to every kind of crime, as also between the ruler of a dissolute way of life and the other who subverts every just method of rule in his kingdom; for I should not be inclined to think that the supreme ruler ought to be corrected in the same way as his subjects for private delicts which are personal in the strict sense of the word, but yet (*I do think*) that he can become so abandoned that he can and should deservedly be visited with penalties and punishments. How much more fair would it therefore be when the order of the state is at stake that those upon whom this duty rests should be free to take precautions and to strive lest the commonwealth suffer any harm? And if they neglect to do so, let them be regarded as traitors towards God and their country, to (*both of*) whom they have bound themselves by oath. When these distinctions are duly weighed and brought into relation with the general character of David as also with the public amends by which he did penance for his public crimes, no one will be surprised that nothing more severe was decreed or attempted against him. Moreover it is in principle an illogical conclusion of the argument to draw the inference that no punishment should have been inflicted for some wrong because none in fact was inflicted.

d) But perhaps there will not be wanting those who will furnish the (*example of*) the authority of the Turkish emperor over his subjects. I should wish these to have their answer in a single word: an empire of that description does not deserve to be called either kingly or human, but wholly barbarous, tyrannical, uncivilized and detestable, especially because whereas the other monarchies and empires, to however many faults they may have been subject, were still instruments suitable for the preservation of human society, it is obvious that on the contrary this Turkish tyranny is an awful scourge of God by means of which God in accordance with his just judgment threatens this world with its final ruin and overthrow. Therefore, if there are men to be found today who are counselors to kings so that these may fashion an example and an image of their rule from that source, I proclaim with a clear and loud voice that those *Turks* should be deemed the public enemies of humankind and should be cast out in banishment.

e) But to pursue the analogies concerning the right of one private citizen towards another upon which I set out above: will any obligation which is more *stricti iuris* than that of marriage arise between human beings⁹⁹ ? For in it God Himself intervenes as if He were the chief guarantor of this contract, and by it those who were two become one flesh. But even in marriage also, if one party deserts the other, the Apostle proclaims the deserted party relieved of every obligation¹⁰⁰ , because the deserter violates the principal condition of marriage. But let us imagine that someone declares himself willing to keep his wife with him and that he attempts to do so, yet if it becomes known that this man desires to have his wife in order to kill her or to remove her in some other way, will he not have to be regarded in the light of a manifest deserter (*of his wife*)? But assuredly the design of tyrants does not differ from his since they do not strive to have subjects in their power for any other reason but to persecute and crush them to their destruction while they indulge their own lusts; why therefore should the wielders of judicial authority not pronounce the

same judgment over both? But if not even the canons of the Church consider that a wife who cannot safely live with her husband, should be compelled to live with him¹⁰¹, why shall a subordinate magistrate not be allowed to take precautions on behalf of himself and his people and to have recourse to the Estates against a manifest tyrant?

f) Furthermore, since kingdoms and empires themselves are deemed to be feudal authority, owing fealty or subordination or even servitude to the supreme power of man, let us inquire what the nature of the feudal law is. From Book 2 tit. 26 parag. Domino and tit. 47 then it appears that the lord can commit the crime of treachery against the vassal or client no less than the vassal against the lord; in that case the feudal estate of the lord does not indeed devolve upon the vassal, but reverts to the immediate lord of the estate from whom in the first instance it derives, or to the agnatic descendants of the lord. Yet this remains fixed and certain that the lord upon being convicted of treachery forfeits every right he might have against the vassal. And the reason for this is to be found in that the lord is in duty bound in all respects to requite faithful vassal, otherwise he is deservedly deemed an evildoer, as it is stated in *tit. 6 de forma fidelitatis, ad fin*¹⁰².

In the question under discussion I therefore declare that a king or even an emperor, whose rule is dependent upon the supreme power, if he is guilty of that crime of treachery towards his vassals, that is his subjects - would that it never happened! - forfeits his feudal estate, in the sense not that it is judicially awarded to his vassals, but that those who recover that supreme power may dispose of it. But that the strength of this argument may be recognized it should be noted that such mediate (or as they are commonly called, subaltern) lords swear no oath to their vassals then they make their grant to them, so that the rule which we mentioned as applying to those who commit treachery, is supported by no other consideration but that of natural justice, and although it has not been expressed yet it must always of itself be understood. What therefore, that the comparison may proceed from the lesser to the greater, will have to be decided about him who has committed that crime against his subjects towards whom he has bound himself by express oath? Furthermore, even if we were to concede the point that the lord can never incur the charge of treachery against his vassal so as to forfeit his feudal right, yet no one doubts but what the vassal, if guilty of this crime against his lord, is deservedly deprived of his right. Therefore, since the emperor himself, as has been pointed out above, owes obedience (or homage as the people say) to the imperial power as being himself its first and most exalted subject - and *a fortiori* or at least with equal reason kings in their kingdoms must be regarded as being in the same position - who would doubt but what emperors or kings forfeit their feudal power if they recklessly go to such lengths of treachery as to degenerate into undisguised and regrettable tyranny? For we have proved that that was everywhere approved of.

g) Lastly, since it has upon reliable grounds and as the result of countless examples long since been the firm conviction of all men of sober judgment, even of those who call themselves Roman Catholics, that the Ecumenical or General Council is the superior of the Pope and possesses authority to depose him, for the crime of heresy at all events, it assuredly follows either that kings possess greater authority than pontiffs and that the crime of heresy is of less consequence than

that of tyranny, or that the people possess as much power at all events against kings who have become tyrants as the Council possesses against an heretical Pontiff.

This then is our opinion about this inquiry into the problem as to the right possessed by subjects, whatever their rank, against the supreme ruler who has become an undisguised tyrant. [Question 6 notes](#).

Question 7. What must be done when the Orders or Estates cannot be summoned to impede or to check tyranny?

Yet there still remains a considerable difficulty in this discussion. The question is what should be done when tyranny has attained to such influence that the meeting of the Estates, (which we have declared to be the lawful remedy against such tyranny) is in a word so hampered by connivance, or intimidation or malice on the part of the majority that it can in no way be assembled. I answer that private citizens, unless they have authority from a subordinate magistrate or the saner part of the Estates, concerning which more is discussed shortly, here have no other just remedy but reflection combined with patience and prayers which God will assuredly not always reject and without which all other remedies however legitimate will be subject to His curse. But there is no reason why subjects in private station should not betake themselves to the intermediate magistrates and take them to task concerning their duty; and if all of them or the saner part of them are prepared to make use of such help from private citizens, I have above shown sufficiently what they are bound to render to God and their country.

It is assuredly the duty of the subordinate magistrates at once unanimously to insist on an assembly of the Estates and meanwhile as far as they can and may to defend and protect themselves against undisguised tyranny; lastly, this duty rests upon the several Estates also earnestly to secure a lawful and general assembly of all the Estates, that the wicked may not check and obstruct the good, nor the slothful the diligent, nor the vulgar herd the more sober section. Nay more, in a crisis of that description all private citizens are under an obligation to attach themselves to their subordinate magistrates and perform the duty of subjects, and if the occasion demands it, the saner section upon being oppressed will even have the right to procure support from abroad especially from the allies and friends of the kingdom.

Examples.

In support of this opinion I shall quote some excellent examples.

a) Behold¹ two whole tribes, those of Reuben and Gad and half the tribe of Manasseh, when suspected of having fallen into idolatry, were attacked with armed force by all the remaining tribes. And yet no tribe had any right and authority against another since all twelve constituted but one collective whole. Hence it appears that the better part can reprove the other without awaiting the unanimous agreement of all if all cannot simultaneously assemble.

b) The same may also² be seen in the war most justly undertaken by the eleven tribes against the tribe of Benjamin when the latter defended a horrible crime committed in Gibeah. What then if those two tribes with half the tribe of Manasseh or if the tribe of Benjamin itself had tried to seize tyrannical power against their brethren and kinsmen?

c) So the Romans too invoked the help of Constantine against Maxentius when he ruled over the Empire of the West and undisguisedly acted the most cruel tyrant. And this war was waged not only with the favor of God who heard their prayers, but it also receives testimony of approval from all the historians³. Yet Constantine did not wield supreme power over Maxentius since the latter possessed the highest imperial authority in the East no less than the other in the West.

d) But what right or by what title did Charlemagne obtain the empire of the West? By what right but that as a result of the cowardice of the emperors of the East who were taking cover in Greece, he was summoned against the tyranny of the Lombards by the more powerful part of Italy and particularly by the patricians of Rome who had not yet then, nor for many years afterwards even, passed into the power of the Pontiffs?

I therefore consider that my point of view has so far been abundantly established and proved provided only that the following three axioms steadily kept in view in all these definitions, namely:

- 1) That the tyranny must be undisguised and notorious;
- 2) That the recourse should not be had to arms before all other remedies have been tried;
- 3) Nor yet before the question has been thoroughly examined, not only as to what is permissible, but also as to what is expedient, lest the remedies prove more hazardous than the very disease.

Answers to certain objections

It remains for me, I think, by way of conclusion to this treatise, to answer the chief arguments which are commonly adduced to support the contrary point of view, except those upon which we have already touched incidentally and as occasion arose.

a) Now the following argument especially is commonly bandied about, namely that it is the characteristic of magistrates, particularly supreme magistrates, to issue commands and to exercise authority. I myself also agree with that, but I add (*the proviso*) that this power is limited by laws both divine and human.

b) They add further: if kings degenerate into tyrants, nobody ought indeed to be or to become the servant of their unjust commands, but it is the part of subjects to suffer and patiently to endure the vagaries of the supreme ruler, not by means of any violence to offer resistance to them. I should not be inclined readily to concede that point without applying the above distinctions. The gist of these is that, unless they can defend themselves upon the authority of some lawful subordinate magistrate or of the Estates of that nation, private persons must assuredly either go away until such time as a better light shall shine upon them, or bow their necks to the yoke while

urgently asking God in constant prayer for patience and meantime proceeding under His chastisements. But it is the part of the subordinate magistrates (to protect against all) strenuously the good laws to whose defense they personally have sworn, each in accordance with the station he has obtained in the constitution of the community, and in general all should strive to prevent the laws and conditions upon which that constitution rests, from being undermined by any violence from without or from within. Finally, emperors, kings or other supreme rulers acquire the highest authority on the understanding that, if it should meanwhile become notorious that they rather plunder the territory of which they have undertaken the government, that cunningly and without self-control they set themselves against law and reason and wantonly break their sworn promises, they can and should be forced, compelled and brought to their duty even by armed force, if it cannot be otherwise, by those who upon special conditions have raised them to this high office.

c) Further they seek support in the example of David, for though the succession to the kingship had been promised to him and held the office of chief commander in war, yet while⁴ he was being tyrannically attacked by Saul, he gave proof that the Lord's anointed bore so much authority with him, that when he had caught him he refused to do him any harm or to have him hurt by others, but immediately ordered⁵ the man to be executed who boasted of his death at his hand, and finally both alive and dead signally honored him, though a most unjust tyrant. All this I recognize and I even readily grant that the faithfulness, patience and goodness of David were incomparable and most commendable qualities which it would be seemly for all Christians to imitate as far as they may and to set before themselves as a pattern of conduct; I even add that all without distinction whether superiors, equals or men of lower station must requite evil with good. But at the same time I deny that the patience and gentleness which we require in Christians prevent a man from employing lawful remedies to repel an injury which is being done to him.

It is certainly permissible to claim one's property from an unjust possessor in court, and to lodge complaints with the supreme magistrate concerning the injustice of an inferior; why therefore by the same reasoning should it not be permissible to go to laws against a tyrant before the Estates? But if as a result of tyranny there is no way leading to justice, the example of David, so far from tending to refute our arguments, clearly even supports us. For David did not yield to the madness of Saul without meanwhile gathering about him not inconsiderable military forces; and he would doubtless have employed them more freely to defend his own life and those of his followers, if he had been reduced by God to such dire necessity that he would not have been able to ward off the violence offered him without joining battle. That he spared the tyrant's life when he had fallen into his power, was certainly a just and dutiful act, for Saul still occupied the royal throne and neither David nor anyone else had the right to deprive him of his royal power or his life, but (that was the part) of God alone or of the Estates, as has been pointed out above. But it is a very different thing on the one hand to defend oneself against a tyrant either in court or by force of arms and on the other avowedly to engage in some conspiracy against the life of the tyrant or against his authority.

d) Subsequently they declare that Zedekiah⁶, the King of Judah, was severely rebuked and punished because he had in violation of his oath revolted from the King of the Chaldeans, and yet this king was not⁷ the lawful Lord of Judah but the most unabashed usurper of the authority of

another. How then shall greater license be allowed to subjects against a lawful king who has turned tyrant? I answer that Zedekiah at the express command of God and even by swearing an oath had subjected himself with his people to the King of the Chaldeans who had offered him every occasion to pay tribute. And these circumstances entirely convict Zedekiah and the men of his nation both of revolt and of perjury. Next I also admit that subjects are not free to break their oath, nor do I approve of the sentiment expressed in the trite maxim, "Let faith be broken with the breaker of faith"⁸, for I, on the contrary hold, that it is never permissible to break an oath justly sworn; but I deny that an oath is broken or violated by subjects towards a tyrant whenever individuals among them, confining themselves to the limits each of his own vocation, attempt to check the course of tyranny. For there is the general rule that an agreement concluded subject to a condition either express or tacitly implied is canceled by the party who acts in violation of the condition, but not by that party, who since he had been bound only subject to the condition, has been freed from his obligation, not by his own act (for [then] he would be a perjurer) but by the act of that party himself who first broke the tie of the obligation, that is, the condition added to it. When therefore the supreme ruler has become a tyrant, he must be deemed by his own perjury to have freed the people from their oath, and not to the contrary, when the people justly assert their rights against him.

e) Furthermore they use as a pretext the command of God who expressly bids the Israelites⁹ to utter prayers for the peace and happy reign of Nebuchadnezzar, a most cruel tyrant: much less (*therefore*) were the Jews allowed to steal away from his rule and from obedience to him. This too I admit, but I answer, in the first place, that the Jews were not merely subjects and in a private station, but that the majority were slaves under the rule of the Chaldeans. Now we have laid down above (*the principle*) that citizens of private rank are not free to rise against their rulers or to set themselves against them in open violence; much less are slaves (*free to rise*) against their masters however harsh or unjust, since the latter hold their bodies and their goods in their power. This precept (*of God*) therefore in no way detracts from the principles which were laid down by us above. Furthermore I repeat once again that the Jews - and this should be most carefully noted in this entire account - had passed into the power of the Chaldeans during the captivity, they could not even before have set themselves against them with a good conscience or have defended the city of Jerusalem against their attack since God had expressly bidden them by the mouth of Jeremiah¹⁰ to surrender their city into the hands of the Chaldeans and to subject themselves to them spontaneously.

f) Here some people also vainly rejoin that this same will of God finds no application in every (*case of*) tyranny, since no tyranny obtains either without or in spite of the will of God. (*Vainly, I say*), for I could turn this very argument against the tyrants: for it is no less dependent upon the will of God that the tyrants are expelled by their subjects and fellow countrymen, as has happened to many, than that tyrants frequently oppress their peoples. But the following will be a truer reply, that is, if we say that the will of God must be heeded to the extent that He Himself has deigned to reveal it to us; otherwise there would be no crime so heinous but what it could be imputed to the Divine will, since not even those events which are regarded as in the highest degree fortuitous occur by chance or accidentally. Hence it comes about that the man who meets with highway robbers, by whom no one is murdered without the consent of the will of God, has

the power in accordance with the authority of the laws to resist them in just self-defense which incurs no blame because no one forsooth has (*received*) a special command from God that he meekly allow himself to be slain by robbers. Our conviction is entirely the same about that regular defense against tyrants which we are discussing. Yet this then at length ceases to find application when clear proof emerges of the contrary will of God, as happened in the case of that deed of Zedekiah about which we spoke but recently, and before that also in the case of his predecessor Rehoboam¹¹ ; for he would otherwise justly have attacked the other ten tribes revolting from him had not God expressly forbidden this to be done. But on the other hand Mattathias¹² and his children are celebrated as deserving of the highest praise because they so courageously resisted the most cruel tyrant Antiochus when God did not by any decree forbid it, although without His just judgment Antiochus would not have attacked the people of God and even have been acceptable to many and found favor with them.

g) The further objection is raised that the revolt of the Israelites from Rehoboam, even though he was an unjust oppressor, deserves the strongest condemnation. I myself too answer that the Israelites did double wrong by him. (*They did so*) firstly because with summoning the Estates of the people of Israel with the purpose of compelling Rehoboam to his duty either willingly or unwillingly, they elected¹³ a new king and thereby rent asunder that kingdom which God desired to be one; and secondly, because in (*their choice*) they went beyond the House of David which they knew had been set aside by God Himself for the kingship. But these circumstances do not in the least invalidate our proposition. Nor will it avail at all to use as argument the calling of Jeroboam¹⁴ made known to him by the prophet Ahijah, since the entire account clearly proves that the people had no regard to it when they revolted from the House of David and slew Adoram who was over the levy¹⁵ , but that the road which they took was manifest revolt whereas they could and should rather have opposed tyranny with the lawful and just use of arms. Thus often something is done unjustly which yet nothing prevents from being just in itself.

h) Furthermore (*our opponents*) urge that it is an argument in their favor that Saints Peter¹⁶ and Paul¹⁷ bid prayers to be openly said for kings and other rulers who yet in their own times were not merely heathen but the most cruel tyrants too. I grant that, by all means; but apart from the fact that those exhortations are directed to private citizens who, we have consistently maintained, have no other remedy but prayers and patience left to them, it should be borne in mind here too that when we declare that the subordinate magistrates or Estates of some kingdom can, nay more even should, offer resistance to tyranny, that does not in any way detract from the duty of the faithful of Christ in private station by which they are forbidden to requite evil with evil, but (*are bidden*) to overcome evil in good and even to pray for their enemies; and that such defense by the magistrates does not prevent them from being suppliants before God for the conversion of that very tyrant whom they are resisting and from manifesting towards him truly and sincerely as much respect as possible while they resist him. And yet it should be noted that a tyrant can sink to such depths of sinfulness and can perform such abominable acts of hostility towards God that it may not only be allowable (but may on occasion even be worth the effort) expressly to formulate public prayers and imprecations against him; the ancient and primitive church once plainly proved this by its example when it not merely publicly imprecated the emperor Julian surnamed the Apostate but was heard (*by God*)¹⁸ .

i) Finally (*my opponents*) quote the example of Christ Himself who paid tribute¹⁹ to Tiberius Caesar although he was the unjust usurper of Judah and a monster rather than a man, whereas on the other hand it admits of no doubt that however many (*Jews*) offered resistance to the Roman emperors by means of revolt perished miserably, those especially mentioned being the well-known Judas Calanites²⁰, Theudas and other revolutionaries and finally the whole Jewish nation, who revolted that they might not be compelled to embrace the false religion of the heathens. To these I answer that there is a great difference between the right of kings and tyranny; therefore, although Jesus Christ was the Lord of heaven and earth and the kingdom of the Jews belonged of right to Him as the descendant of David rather than to the Romans or Herod, yet because He had not come into the world to that end that He might rule in human fashion, but that He might as a private citizen in these parts, and with the renunciation of the prerogative of the House of David, here pass His life, therefore by that example²¹ of His He wished to prove that tributes and other contributions are rightly owed and rendered to kings and other rulers. For although the Roman emperors initially seized the kingdom of the Jews unjustly, yet in the end they became its lawful lords, partly by the just judgment of God, partly by the consent and approval, if not of all, yet certainly of the more powerful majority of Jews, as they indicated quite clearly, when they nearly all acclaimed: We have no king but Caesar²².[Question 7 notes](#).

Question 8. What may be done against unjust oppressors?

But what, will someone say, if the ruler crushes the people with excessive taxes? When he has been properly warned, those who wield the chief and highest authority in accordance with the laws of the kingdom assuredly can and even should consult the common weal. But here it should also be noted that a ruler who exceeds the due measure in such matters because he is wasteful or avaricious or addicted to other vices, should not forthwith be regarded as a tyrant; for the mark of tyranny and as it were its peculiar concomitant is a persistent malice which strives with might and main to subvert the constitution and the laws upon which the kingdom rests as upon foundations. I add the following remark also that however just an occasion of offering resistance to manifest tyranny may at one time or another present itself, yet the excellent maxim expressed by a heathen should be continually considered and followed if possible: Its befits a wise man to make trial of all things by deliberation before armed force¹. Therefore when Petronius attempted to introduce the image of the emperor into the Temple, the Jews did indeed seem to have just cause for seizing arms, as the zeal of Mattathias urged (*them to do*), rather than allow the Temple of God to be desecrated by means of an idol; but they adopted a much more prudent counsel which also received the blessing of God when they boldly gave Petronius to understand that they had indeed no desire of fighting against him, but that as long as there were any survivors they would never allow that idol to be placed in the Temple.² But though the exaction of Albinus and Florus supplied them afresh with the justest of cause for complaints³ and though religious matters also were then in some degree concerned, yet all the acts of the Jews clearly indicated that they were striving after nothing but rebellion and revolt pure and simple, and these have nothing in common with the lawful remedies which we have discussed.[Question 8 notes](#).

Question 9. Whether subjects can contract with their rulers?

An answer must now be given to those who are of opinion that it is not proper for subjects to contract with their superiors. I therefore begin by asking upon what foundations they rest. For if we are to proceed by means of arguments, what sufficiently convincing arguments, I ask, will they adduce it is characteristic of subjects, they declare, to depend upon the authority and commands of their rulers, not contrariwise. It follows therefore that subjects can indeed lay their complaints before their rulers in a modest and respectful way and frankly offer then their advice if they are asked for it, but that they can in no way go beyond that. I answer that subjects may not at all approach their magistrates whether subordinate or supreme, except with the greatest respect, and this not merely for fear of their indignation, but also for conscience sake, as the Apostle teaches¹, since this authority has been instituted by God. But I refuse to admit that such a conclusion may be drawn from that premise, namely that as often as it concerns political affairs and, as the saying goes, affairs touching the constitution of the kingdom, the subjects, when they have discreetly and respectfully brought to the notice of the ruler what they regard as just and fair and in accordance with the laws under which he was elected and appointed, should forthwith of necessity completely subject themselves to his will and should utterly and without any reserve whatever obey what to him has been subjected to limitations. May indeed, on the contrary, I boldly maintain that he suffers no injustice if he is constrained to his duty and if, when no further room is left for (*an appeal to his*) reason, an even more drastic procedure against him is followed, for since the administration (*of the kingdom*) has been entrusted to him only upon specified condition, we should not in the least judge that the new covenants are being concluded with him whenever he is called upon either to ratify previous condition and to observe them in the sequel or to leave room to another who seems more likely to be concerned about their observance. And if this must needs be established by means of example, I think that a sufficient number has been adduced by me above by which it has been abundantly established that the proposition of those who dare maintain that the mere will as such of their king should suffice for all subjects, cannot rest upon or be defended by means of any rational argument, or any practice or any experience of a well-ordered monarchy. [Question 9 notes.](#)

Question 10. Whether those who suffer persecution for the sake of their religion can defend themselves against tyrants without hurt to their consciences.

It finally remains for me to solve a question of the greatest moment, namely, whether it is allowable, in accordance with the condition and distinctions laid down above, to offer resistance by armed force to tyranny assailing the true religion and even stamping it out as far as may be, and to contend against persecution. The following may be the principal reasons for entertaining doubts (*on this score*): firstly, since religion touches the consciences (*of people*) which can in no way be subjected to violence, it would appear that it should not be rendered secure or be defended by means of any armed force; for that reason we perceive that it has thus far been propagated by the preaching of the Word of God, by prayers and by patience. There are besides many passages to be found in the Scriptures from which the difference between the kingdoms of this world and the spiritual kingdom of Christ appears. To these may finally be added the example of the holy Prophets and in the last instance that of Christ Himself, our Lord, for

although all authority, power and virtue dwelt in Him, yet He Himself never adopted this method of defense, just as the Apostles themselves and all the martyrs after them refrained from doing so; so much so that not even entire legions of the faithful of Christ, abundantly furnished with arms, declined to meet death rather than defend themselves by drawing the sword and assailing the very enemies of truth¹.

I answer first that it is an absurd, nay even a false opinion that the means by which the objects and affairs of this world are defended, such as both courts of law and armed force, not merely differ from the means by which things spiritual can be defended, but are as it were diametrically opposed to them and are so incompatible with them that they neither can nor ought to find any application in a matter of religion. But on the contrary I declare that it is the principal duty of a most excellent and pious ruler that there should apply whatever means, authority and power has been granted him by God to this end entirely that God may truly be recognized among his subjects and may, being recognized, be worshipped and adored as the supreme king of all kings. Therefore the man of that description will not merely put forth all the power of his jurisdiction and the authority of the laws against the despisers or disturbers of the true religion who have shown themselves not the least amenable to ecclesiastical words of rebuke and admonition, but will even punish with armed force those who cannot otherwise be restrained from impiety. In support of this view the Scriptures themselves furnish us with innumerable reasons and examples. The reasons are of the following kind:

a) Since the purpose of all well-ordered polities is not simply peace and quiet in this life, as some heathen philosophers have imagined, but the glory of God, towards which the whole present life of men should be directed, it therefore follows that those who are set over nations, ought to bring to bear all their zeal and all the faculties they have received from God to this end that the pure worship of God upon which His glory depends should in the highest degree be maintained and increased among the people over whom they hold sway.

b) Finally, even if we were to concede that the ultimate purpose of polities was the undisturbed preservation of this life, yet we should have to admit that this was the sole reason for obtaining and preserving it, (namely) if God, both the author and the director of our life, be piously and rightly worshipped.

Proofs or example (*of this*) are quite innumerable in the Scriptures:

a) For it is particularly clear that those patriarchs of old were simultaneously the highest priests and the supreme rulers among their people; this is expressly recorded concerning Melchizedek² and Eli³ and although these two offices were afterward separated by the Lord, this did not happen because they were incompatible with each other but because one man could scarcely be equal to the performance of both.

b) Furthermore, when the king is bidden to have with him a book of law⁴ that he may practice himself in the reading of it day and night, that is demanded of him not as of a private citizen but as of a king and a public magistrate.

c) And among the laws of which the execution is entrusted to the rulers, those⁵ are deemed the principal which condemn to death the despisers of the true religion. The application of these laws we remark in the case of David⁶ who by means of fixed laws rendered inviolable the entire worship of God, and in the case of Solomon who supplemented the decree of his father against transgressors⁷ ; likewise in the edicts of the Kings Asa, Jesohaphat, Hezekiah, and Josiah⁸ , nay even of Nebuchadnezzar and Darius⁹ when they were persuaded by the prophet Daniel to worship God.

d) Lastly, when the Apostle¹⁰ declares that kings and princes have been appointed by God to this end not merely that we may pass life honorably, but also piously, that is, not merely that we may live as it befits honest and respectable men, and in accordance with piety towards God, it admits of no doubt but that he has stated this whole question most succinctly. Hence we observe that the earliest Councils against heretics were summoned not upon the authority of the Roman Pontiffs who had not yet appeared in the character in which they came to light much later but by the decree of the emperors, (*in order that*) by means of this remedy they might hear the case in accordance with the persuasive arguments of the pious bishops. There are also extant innumerable constitutions (i.e. laws) and canons of the Church enacted by the Emperor Justinian as well as by his successors and even by Charlemagne and others approving of the same course. But to what end are monarchs even today being so furiously incited by that whore of Rome to persecute with fire and sword and to banish those whom they themselves style heretics, unless it holds that this duty falls within their province? And in this matter it does indeed rest upon the best and surest foundation, but abuses it no less than innumerable other testimonies of truth to support forsooth and to defend its own impieties and blasphemies. But, you will say, why such a longwinded digression? For the question is not whether kings or rulers ought to defend and promote piety, but whether subjects can defend themselves by force or arms against persecutors. I therefore reply to the earlier of the two questions proposed above: It is one thing now for the first time to introduce religion into some part and another to preserve it when it has already been received somewhere or to wish to restore it when it has gone to ruin and has been buried as a result of the connivance or ignorance or malice of men. For I grant that initially it should be introduced and spread by the influence of the Spirit of God alone, and that by the Word of God (which is) suited to teaching, conviction and exhortation. For this is the particular task of the Holy Spirit which employs spiritual instruments.

It will therefore be the part of a pious ruler who wishes to entice his people away from idolatry and false superstitions to the true religion, to see to it in the first instance that they are instructed in piety by means of true and reliable argument, just as on the other hand it is in the part of the subjects to give their assent to truth and reason and readily to submit. Finally the ruler will be fully occupied in rendering the true religion secure by means of good and noble decrees against those who assail and resist it out of pure obstinacy, as we have seen done in our times in England, Denmark, Sweden, Scotland, and the greater part of Germany and Switzerland against the Papists, the Anabaptists and other heretics. If the other nations preferred following their example rather than trusting and obeying that bloodstained whore of Rome, could greater tranquillity indeed be seen in the whole world in the sphere of religion as well as of politics?

What therefore will subjects have to do if on the other hand they are compelled by their ruler to worship idols? Assuredly reason does not permit them to force their ruler to a complete change in their condition; nay rather, they will consider it needful patiently to bear with him even to persecution, while they worship God purely in the meantime, or altogether to go into exile and seek new abodes. But if the free exercise of the true religion has once been granted by means of decrees lawfully passed and settled and confirmed by public authority, then I declare that the ruler is so much the more bound to have them observed as a matter of religion is of greater moment compared with all others, so much so that he has no right to repeal them upon his own arbitrary decision, and without having heard the case, but only with the intervention of that same authority by which they were in the first instance enacted. If he acts otherwise I declare that he is practicing manifest tyranny; and with due allowance for the observations made above, (his subjects) will be all the more free to oppose him as we are bound to set greater store and value by the salvation of our souls and the freedom of our conscience than by any other matters however desirable. It should therefore now be no cause of surprise to anyone that our Lord Jesus Christ, the Prophets and the Apostles, too, or the other martyrs, since they were men in private station, confined themselves within the limits of their calling.

And as regards those who held public office or those legions which in the midst of battle suffered martyrdom with their commanders without offering any resistance even though their attackers were acting in violation of the decrees previously passed in favor of Christians, as happened especially under the Emperors Diocletian and Julian, there is, I say, a twofold answer. First, although certain emperors before Diocletian had made the persecution somewhat less severe, as it is certain that Hadrian, Antonius and Alexander did, yet none of them had ever permitted the public exercise of the Christian religion. Next, I also repeat the well-known saying that whatever is lawful, is not always expedient as well. For I should not be inclined to assert that a religion made lawful by public decrees must needs always be defended and held fast by means of arms against manifest tyranny, but that even so that is the right and lawful course especially for those upon whom this burden rests and to whom God has granted the opportunity, as the example of the people of Libnah against Jehoram and of the people of Jerusalem against Amaziah and the war of Constantine against Maxentius undertaken at the request of the citizens of Rome as described above abundantly prove. Hence I conclude that among the martyrs should be counted not only those who have defeated the tyranny of the enemies of the truth by no other defense than patience, but those also who, duly supported by the authority of laws or of those whose right it is to defend the laws, devoted their strength to God in defense of the true religion.

And these arguments so far I decided to urge in reply to the last objection that I might satisfy those who raise it so as not to violate their consciences because they are genuinely afraid of sinning against God if they attempt anything of that kind. But as regards that class of men who confer no other benefit upon the world but that they fill it with innocent blood while they abuse the authority of rulers that from their ruin they may pursue and advance their own interests and who meantime are characterized by such shamelessness that they dare to attack and assail with these objections those who do not spontaneously present themselves to them for slaughter, thus of course cloaking their cruelty and unbridled license under the false pretext of religion and zeal - this class of men, I say, would merit no other reply than that which would deservedly be given to

robbers who summoned merchants and other travelers before the court for not undertaking a journey without girding on the sword for their defense, declaring that they had no right to do so, though they themselves adopted every kind of weapon to murder them.

Nay, they put me in mind of that abominable Roman Fimbria, whose like of hired assassins may be seen in large numbers at the present time; for so insolent was his daring, or rather so shameless his effrontery that when at the time of the Sullan proscription he had had a wound dealt to Scaevola, a man famous among the citizens of Rome for his extraordinary virtue and honesty, and the latter did not succumb to it as he was wishing, he was bold enough to complain and to threaten Scaevola that he would have him before court as if he had been most outrageously wronged because the other had not unresistingly admitted the dagger to enter his very heart¹¹. But because all discussion with men of that kind would be otiose and to no purpose, they should all of them be referred by me not so much to their own personal conscience (in which the majority are entire lacking) as to the tribunal of Him whose supreme authority and judgment - as by unmistakable evidence time and reality at length have proved - they themselves have not been able to escape.[Question 10 notes](#).

Endnotes

Question 1. Must Magistrates Always Be Obeyed As Unconditionally As God?

1. Second Table of the Law.
2. Isaiah 48:11; also Isaiah 42:8
3. Exodus 1:21
4. Daniel 3
5. I Kings 18:4, 13
6. I Maccabees 2:15-28
7. John 9:12
8. Acts 5:29
9. These are exemplified in the First and Second Tables of the Law, respectively.
10. Acts 5:29
11. Micah 6:16
12. Martial, *Epigrammes*, lib. V, 8, 1

Question 2. Is A Magistrate Held Responsible To Render Account Of All His Laws To His Subjects? And How Far Are They To Presume Such Laws To Be Just?

1. Romans 14:23

Question 3. How Far Must Obedience Be Rendered Or Refused To Unjust Or Impious Commands?

1. Exodus 1:16
2. Matthew 2:17
3. A reference to Aemilius Papianianus (212 A.D.). See *Historia Augustae*, Caracalla, VIII, 5-6.

4. I Kings 18:4,13
5. Acts 5:42
6. Matthew 28: 19; Mark

Question 4. How Can One Who Has Suffered Wrong At The Hands Of A Ruler Defend Himself Against Him?

1. Acts 25:10
2. Acts 16:22
3. Nehemiah 4

Question 5. Whether Manifest Tyrants Can Lawfully Be Checked By Armed Force.

1. I Samuel 10 & 11
2. II Samuel 2:7; 5:1-3
3. I Chronicles 29:22
4. I Kings 12
5. II Kings 11:12
6. II Chronicles 26:1; 36:1
7. II Samuel 15: 1-13
8. II Samuel 16:18
9. Romans 13:1-5
10. For "Fosterlings of Zeus" see Homer *passim*, e.g. *Iliad*, XVII, 652; XXIV, 803, and *Odyssey*, IV, 391; XV, 155, 167. For "Shepherds of the lost" see *ibid*, e.g. *Iliad*, II, 85, 105; V, 566; XX, 110, and *Odyssey*, IV, 24, 532; XX, 106; XXIV, 368, 456.*
11. Genesis 10:8-18
12. Augustine, *De civ. dei*, IV, 4, 25. Cf Cicero, *De repub.*, 3, 14, 24.
13. Lucan, *De bello civili*, 1, 2: "Iusque datum sceleri canimus". Cf. the latin text of Beza: "ius sceleri datum" (Ed. Sturm, p. 36.)
14. Demosthenes, *De corona*, 180
15. Judges 20
16. Aristotle, *Politics*, V, VIII, 7 and also 9
17. Judges 3:15-25
18. An allusion to *lex regia*. See *Corpus Juris Civilis*, Inst., I, 2, 6: "quod principi placuit, legis habet vigorem, cum lege regia, quae de imperio eius lata est, populus ei et in eum omne suum imperium et potestatem comcessit." Cf. Dig., I, 4, 1.
19. St. Bernard of Clairvaux, *De consideratione...ad Eugenium tertium*, book 1, cap. 6. (Migne, P.L., 182, 735-36)

Question 6. What is the duty of subjects towards their superiors who have fallen into tyranny?

1. Another allusion to *lex regia*, established by the Emperor Augustus. See Question 5, note 18.
2. Judges 9
3. The thirty tyrants of Athens, 404-403 B.C.
4. The *decemviri*, governors of Rome, 451-449 B.C.
5. Peisistratos was a ruler of Athens, 560-527 B.C.; Demetrios of Phaleron governed the state

from 317-307 B.C.

6. Romans 13:5

7. I Peter 2:17

8. Matthew 26:51-54; John 18:10-11

9. It was not initiated by Vespasian, but by his son, Titus Flavius Vespasianus. See Seutonius, *De vita Caesarum*, book VIII, *Divus Titus*, 8, 1.

10. France

11. The flatterer of whom Beza speaks evidently cites the *Corpus Iuris Civilis, Digeste*, I, 3, 31: "Princeps legibus solutus est."

12. Cf. the test of Theodosius and Valentianus in *Corpus Iuris Civilis, Codex*, I, 14, 4: "Digna vox maiestate regnantis legibus se principem profiteri." The combination of the two Roman principles of *lex regia* and *lex digna* are frequently found in the political treatises of the previous age and the modern age. See on the subject, Ernst H. Kantorowicz, *The King's Two Bodies: a study in mediaeval political theology* (Princeton University Press, 1957) pp. 104-107; also p. 95 and p. 135.

13. Dion Cassius, *The Life of Trajan*, book LXVIII, 16, 1.

14. I Samuel 24:21

15. I Samuel 22:2

16. I Samuel 24:7

17. II Samuel 2:1-4

18. I Samuel 23:9-13

19. I Samuel 25:28

20. II Chronicles 21:8-10

21. see *inter alia*, Titus Livius, *Ab urbe condita*, book I, xv, 6-8

22. *Ibid*, book I, xvii.

23. *Ibid*, book I, xlix, 3.

24. *Ibid*, book I, xlix, 7.

25. Seneca, *Ad Lucilium Epistulae Morales*, epist. CVIII, 31; Cicero, *De repub.* book II, xviii.

26. Titus Livius, *Ab urbe condita*, book I, XXVI, 3 and also 8.

27. Dionysius Halicarnesensis, *Antiquitatum Romanorum*, book II, 14.

28. Titus Livius, *Ab urbe condita*, book II, II.

29. *Ibid*, book II, II, 10.

30. *Ibid*, book III, XXXIII, XXXVI, LIV.

31. *Ibid*, book VIII, XXX-XXXVII.

32. Again, another allusion to the *lex regia*. See Question 5, note 18.

33. Plutarch, *Lysander*, XXIV

34. *Ibid*, Cleomenes, *passim*, VIII and XXXIX

35. Xenophon, *Lakedaimonion Politeia*, XV, 7

36. Judges 2:16

37. I Samuel 8: 5-22

38. "What I want, I may". *Historia Augustae*, Caracalla, X, 2

39. II Samuel 5: 1-4

40. I Chronicles 29:22

41. II Kings 11:4, 17

42. II Kings 11
43. II Kings 14:19-21; II Chronicles 25:27-28, and 26:1
44. II Chronicles 24:25
45. II Kings 21:23
46. II Chronicles 25:27
47. II Kings 21:24
48. II Kings 14:5
49. Christian II, ruler of Denmark in 1523, was replaced by his uncle Frederick the I, and the successor of that time was Frederick II, grandson of Frederick I, who ruled from 1559.
50. Gustavus I severed the union with Denmark and became the King of Sweden in 1523.
51. Eric XIV, became King of Sweden in 1560, and was replaced by his brother John III in 1568.
52. Mary Stuart, Queen of Scots, was accused of complicity in the murder of her second husband, Lord Darnley, in 1567.
53. Polydore Vergile, *Anglica Historia*, book XI (Henricus primus).
54. John of Monluc, Bishop of Valentine during 1553, ambassador of the Crown of France after the Diet of Poland in 1573.
55. Oratio...ad ordines...Poloniae...in electione novi Regis...1573, d. 10 apr., Krakow [1573]
56. For the debate over the role of the Doge in the Venetian government, see William J. Bouwsma, *Venice and the Defense of Republican Liberty* (University of California Press, 1968), p. 62-63, and the case he cites.
57. An allusion to the Florentine historians, especially Machiavelli and Guichardin. It is curious to note that the Latin edition of *The Right of Magistrates*, with the *Vindiciae contra tyrannos*, was printed along with *The Prince* of Machiavelli. See Sturm, p. 21-23, for the list of those editions.
58. Aristotle, *Politics*, III, IX, 3
59. Chron. D. Sigeberti, in M.G.H., *Scriptores*, VI, 324, 1 and 25.
60. Sisenand, King of the Visigoths in Spain, 631-636.
61. Suintila, King from 621-631
62. For the text of the decree, see Mansi, X, 638C-640D, can. 75 (and not 74). See the commentary of the Council, held in 633 (and not in 644), in Hefele-Leclercq, *Histoire des conciles*, III/1 (Paris, 1909), 266-277.
63. Chapter 5
64. Mansi, X, 664B, can. 3, "De custodia fidei Judaeorum." Cf. Hefele-Leclercq, *Histoire des conciles*, III/1, 279.
65. *Corpus Iuris Civilis*, Consuetudines Feudorum, II, 28, 1. Cf. Francois Hotman, *De feudis commentatio tripertita* (Lyon, 1573), p. 258-262
66. See Ralph E. Giesey, *If Not, Not: the oath of the Aragonese and the legendary laws of Sobrarbe* (Princeton University Press, 1968)
67. The emperor Adolphus was deposed in the year 1298, not 1296; the emperor Wenceslaus in 1400.
68. Sachsenspiegel, *Landrecht*, book III, 54, 2
69. Julius Caesar, *De bello gallico*, book V, 8
70. *Ibid*, book V, 27: "ut non minus habaret iuris in se multitudo, quam ipse in multitudinem."
71. *Ibid*, book VII, 4
72. The mention of the right of succession is further developed in Chapter VI of Francois Hotman's, *Francogallia*. A useful analysis on this point can be found in Ralph E. Giesey, "The

- Juristic Basis of Dynastic Right to the French Throne", *Transactions of the American Philisophical Society*, n.s., 51/5 (1961), p. 30-37.
73. Aimoin De Fleuri, *Hist. Francorum*, book I, cap. 4 (Migne, Patrol. Lat., 139, 640B)
74. Johannes Nauclerus, *Chronica...res memorabliles*, vol. II, generatio 28
75. A precise and documented account can be found in Hotman, *Francogallia*, chapter VI, p. 48 of the Geneva, 1573 ed.
76. Aimoin De Fleuri, *Hist. Francorum*, book V, cap. 21, p. 640 of the Paris, 1567 ed.
77. Again the text is detailed and documented in Hotman, *Francogallia*, chapter VI, p. 54-58 of the Geneva, 1573 ed.
78. Cf. *Ibid*, chapter XVI
79. Here Beza is reciting the many details and documentation found in Hotman, *Francogallia*, chapter XVII, p. 137-38 of the Geneva, 1573 ed.
80. For Louis XI and the Estates General of 1468 (not 1467), see the study by J. Russell Major, *Representative Institutions in Renaissance France, 1421-1559* (University of Wisconsin Press, 1960), chapter III. Cf. Hotman, *Francogallia*, Chapter XVIII (p. 140-140 of the Geneva 1573 ed.)
81. Allusion to Notre Dame of Clery, which was the favorite chapel of Louis XI. See Pierre Champion, *Louis XI* (Paris, 1927), II, 211-213.
82. The peace was concluded in Pouilli, close to Melun, July 11, 1419.
83. Article 29 of the Treaty of Arras, September 21, 1435. Cf. Isambert, et al., *Recueil general des anciennes lois francaises*, VIII, 826-827.
84. Ulpian in *Corpus Iuris Civilis*, Digeste, 4, 2, 1: "Ait praetor, 'Quod metus causa gestum erit, ratum non habebō.' olim ita edicebatur 'quod vi metusve causa.'..."
85. see, *inter alia*, Plutarch, Thesus, 15, 1
86. I Samuel 11:2
87. I Maccabees 1:43-55
88. Ezekiel 17:16
89. Joshua 9:22-27
90. See *Corpus Iuris Civilis*, Codex, 4, 44, 2 and 8
91. Cicero, *De officiis*, III, 90: "Quid? si tyrannidem occupare, si patriam prodere conabitur pater, silebitne filius?" Immo vero obsecrabit patrem, ne id faciat. Si nihil proficiet, accusabit, minabitur etiam, ad extremum, si ad perniciem patriae res spectabit, patriae salutem anteponet saluti patris."
92. *Corpus Iuris Civilis*, Codex, VII, 6, 3; Digeste, 40, 8, 2
93. *Ibid*, Digeste, 48, 4, 7
94. *Ibid*, Digeste, 48, 5, 39: "...Liberto patroni famam lacerare non facile conceditur: sed si jure mariti velit adulterii accusare, permittendum est, quomodo si atrocem injuriam passus esset..."
95. *Ibid*, Digeste, I, 3, 31: "Princeps legibus solutus est."
96. *Ibid*, Codex, I, 14, 4, the lex digna
97. *Ibid*, Digeste, 36, 1
98. *Ibid*, Digeste, 35, 2 99. Matthew 19:5
100. I Corinthians 7:15
101. *Corpus Iuris Canonici*, Decretal., Greg. IX, IV, tit. 19 ("De Divortiis"), cap. 1: "Homicidium necessarium non spe conjugit, sed machinatio in mortem conjugis sic."
102. *Corpus Iuris Civilis*, Consueudines feudorum, 2, 26, art. 24. Cf. Hotman, De feudis

commentatio tripartita (Lyon, 1573), p. 246 and 300.

Question 7. What must be done when the Orders or Estates cannot be summoned to impede or to check tyranny?

1. Joshua 22:10-12
2. Judges 20.
3. Eusebius, *Hist. eccl.*, book IX, cap. 9, 1; Socrates in *Hist. eccl. trip.*, book I, cap. 4
4. I Samuel 24:5-7; 26:9
5. II Samuel 1:1-16
6. II Chronicles 36:13
7. Ezekiel 17: 12-14, 41
8. "Frangenti fidem, fides fangatur eidem" See Hans Walther, ed., *Carmina Medii Aevi Posteriores Latina* (Gottingen: Vandenhoeck and Ruprecht, 2 vol. in 6 tomes, 1959-1967), II/2, 182, for a list of authors who employ the proverb, both ancient and medieval.
9. Jeremiah 29:7
10. Jeremiah 38:17-18
11. II Chronicles 11:4
12. I Maccabees 1 & 2
13. I Kings 12: 18-20
14. I Kings 11: 31-39
15. I Kings 12:18
16. I Peter 2:17
17. I Timothy 2:1-2
18. See Rufinus, *Hist. eccl.*, book I, cap. 35; Artemius, *Comm. hist.*, cap. 56
19. Matthew 17:27
20. Acts 5:36-37
21. Romans 13:7
22. John 19:15

Question 8. What may be done against unjust oppressors?

1. Terence, *Eunuchus*, 789: "omnia prius experiri quam armis sapientem decet." (Loeb Classical Library ed., I, 316.)
2. An allusion to the Jewish resistance, although passive, to the order of the governor Petronius introduced statues of the emperor Gaius in the Temple, 40-41 C.E. See Josephus, *The Jewish War*, II. 3. For the Roman procurators in 62-64 and 64-66 C.E., see *ibid*, II.

Question 9. Whether subjects can contract with their rulers?

1. Romans 13:5

Question 10. Whether those who suffer persecution for the sake of their religion can defend themselves against tyrants without hurt to their consciences.

1. A probable allusion to the legend of the massacre of the Thebian legion, commanded by Saint Maurice.

2. Genesis 14:19
3. I Samuel 1:9; Cf. I Samuel 2:27-28
4. Deuteronomy 17:19
5. Deuteronomy 13
6. I Chronicles 28
7. II Chronicles 1:9
8. II Chronicles 15:13; 20:21; 31:2; 34:31
9. Daniel 3:28-29; 6:26-28 10. I Timothy 2:2 11. Cicero, *Orationes*, Pro Sex. Roscio Amerino Oratio, 12, art. 33