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A Defense of Liberty Against Tyrants

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By Stephen Junius Brutus

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OBEDIENCE TO PRINCES OR TO GOD?

This question happily may seem at the first view to be altogether superfluous and unprofitable, for that it seems to make a doubt of an axiom always held infallible among Christians, confirmed by many testimonies in Holy Scripture, divers examples of the histories of all ages, and by the death of all the holy martyrs. For it may be well demanded wherefore Christians have endured so many afflictions, but that they were always persuaded that God must be obeyed simply and absolutely, and kings with this exception, that they command not that which is repugnant to the law of God. Otherways wherefore should the apostles have answered, that God must rather be obeyed than men, and also seeing that the only will of God is always just, and that of men may be, and is oftentimes unjust, who can doubt but that we must always obey God’s commandments without any exception, and men’s ever with limitation?

There are no estates which ought to be esteemed firm and stable, but those in whom the temple of God is built, and which are indeed the temple itself, and these we may truly call kings, which reign with God, seeing that it is by him only that kings reign: On the contrary, what beastly foolishness it is to think that the state and kingdom cannot subsist if God Almighty be not excluded, and his temple demolished. From hence proceed so many tyrannous enterprises, unhappy and tragic death of kings, and ruins of people. If these sycophants knew what difference there is between God and Caesar, between the King of Kings and a simple king, between the lord and the vassal, and what tributes this lord requires of his subjects, and what authority he gives to kings over those his subjects, certainly so many princes would not strive to trouble the kingdom of God, and we should not see some of them precipitated from their thrones by the just instigation of the Almighty, revenging himself of them, in the midst of their greatest strength, and the people should not be sacked and pillaged and trodden down.

It then belongs to princes to know how far they may extend their authority, and to subjects in what they may obey them, lest the one encroaching on that jurisdiction, which no way belongs to them, and the others obeying him which commands further than he ought, they be both chastised, when they shall give an account thereof before another judge. Now the end and scope of the question propounded, whereof the Holy Scripture shall principally give the resolution, is that which follows. The question is, if

subjects be bound to obey kings, in case they command that which is against the law of God: that is to say, to which of the two (God or king) must we rather obey, when the question shall be resolved concerning the king, to whom is attributed absolute power, that concerning other magistrates shall be also determined.

First, the Holy Scripture does teach that God reigns by his own proper authority, and kings by derivation. God from himself, kings from God, that God has a jurisdiction proper, kings are his delegates. It follows then, that the jurisdiction of God has no limits, that of kings bounded, that the power of God is infinite, that of kings confined, that the kingdom of God extends itself to all places, that of kings is restrained within the confines of certain countries. In like manner God had created of nothing both heaven and earth; wherefore by good right He is lord, and true proprietor, both of the one and the other. All the inhabitants of the earth hold of Him that which they have, and are but His tenants and farmers; all the princes and governors of the world are His stipendiaries and vassals, and are bound to take and acknowledge their investitures from Him. Briefly, God alone is the owner and lord, and all men of what degree or quality soever they be, are His servants, farmers, officers and vassals, and owe account and acknowledgement to Him, according to that which He has committed to their dispensation; the higher their place is, the greater their account must be, and according to the ranks whereunto God has raised them, must they make their reckoning before His divine majesty, which the Holy Scriptures teach in infinite places, and all the faithful, yea, and the wisest among the heathen have ever acknowledged.

Now if we consider what is the duty of vassals, we shall find that what may be said of them, agrees properly to kings. The vassal receives his fee of his lord with right of justice, and charge to serve him in his wars. The king is established by the Lord God, the King of Kings, to the end he should administer justice to his people and defend them against all their enemies. The vassal receives laws and conditions from his sovereign. God commands the king to observe his laws and to have them always before his eyes, promising that he and his successors shall possess long the kingdom, if they be obedient, and on the contrary, that their reign shall be of small continuance, if they prove rebellious to their sovereign king. The vassal obliges himself by oath unto his lord, and swears that he will be faithful and obedient. In like manner the king promises solemnly to command, according to the express law of God. Briefly, the vassal loses his fee, if he commit a felony, and by law forfeits all his privileges. In the like case the king loses his right, and many times his realm also, if he despise God, if he complot with his enemies, and if he commit felony against that royal majesty. This will appear more clearly by the consideration of the covenant which is contracted between God and the king, for God does that honor to His servants to call them His confederates. Now we read of two sorts of covenants at the inaugurating of kings, the first between God, the king, and the people, that the people might be the people of God. The second, between the king and the people, that the people shall obey faithfully, and the king command justly.

Briefly, even as those rebellious vassals who endeavor to possess themselves of the kingdom, do commit felony by the testimony of all laws, and deserve to be extirpated; in like manner those are as really guilty which will not observe the divine law, whereunto all men without exception owe their obedience, or who persecute those who desire to conform themselves thereunto, without hearing them in their just defenses: now for that we see that God invests kings into their kingdoms, almost in the same manner that vassals are invested into their fees by their sovereign, we must needs conclude that kings are the vassals of God, and deserve to be deprived of the benefit they receive from their lord if they commit felony, in the same fashion as rebellious vassals are of their estates. These premises being allowed, this question may be easily resolved; for if God hold the place of sovereign Lord, and the king as vassal, who dare deny but that we must rather obey the sovereign than the vassal? If God commands one thing, and the king commands the contrary, what is that proud man that would term him a rebel who refuses to obey the king, when else he must disobey God? But, on the contrary, he should rather be condemned, and held for truly rebellious, who omits to obey God, or who will obey the king, when he forbids him to yield obedience to God.

Briefly, if God calls us on the one side to enrol us in His service, and the king on the other, is any man so void of reason that he will not say we must leave the king, and apply ourselves to God’s service: so far

be it from us to believe, that we are bound to obey a king, commanding anything contrary to the law of God, that, contrarily, in obeying him we become rebels to God; no more nor less than we would esteem a countryman a rebel who, for the love he bears to some rich and ancient inferior lord, would bear arms against the sovereign prince, or who had rather obey the writs of an inferior judge than of a superior, the commandments of a lieutenant of a province, than of a prince; to be brief, the directions of an officer rather than the express ordinances of the king himself. In doing this we justly incur the malediction of the prophet Micah, who does detest and curse, in the name of God, all those who obey the wicked and perverse ordinances of kings. By the law of God we understand the two tables given to Moses, in the which, as in unremovable bounds, the authority of all princes ought to be fixed. The first comprehends that which we owe to God, the second that which we must do to our neighbors; briefly, they contain piety and justice conjoined with charity, from which the preaching of the gospel does not derogate, but rather authorize and confirm. The first table is esteemed the principal, as well in order as in dignity. If the prince commands to cut the throat of an innocent, to pillage and commit extortion, there is no man (provided he has some feeling of conscience) who would execute such a command-ment.

LAWFUL RESISTANCE TO PRINCES IN DEFENSE OF DIVINE LAW

This question seems at the first view to be of a high and difficult nature, for so much as there being small occasion to speak to princes that fear God. On the contrary, there will be much danger to trouble the ears of those who acknowledge no pther sovereign but themselves, for which reason few or none have meddled with it, and if any have at all touched it, it has been but as it were in passing by. The question is, if it be lawful to resist a prince violating the law of God, or ruinating the church, or hindering the restoring of it? If we hold ourselves to the tenure of the Holy Scripture it wiU resolve us. For, if in this case it had been lawful to the Jewish people (which may be easily gathered from the books of the Old Testament), yea, if it had been enjoined them, I believe it will not be denied, that the same must be al-lowed to the whole people of any Christian kingdom or country whatsoever.

But who may punish the king (for here is question of corporal and temporal punishment) if it be not the whole body of the people to whom the king swears and obliges himself, no more nor less, than the people do to the king? We read also that king Josia, being of the age of twenty-and-five years, together with the whole people, makes a covenant with the Lord, the king and the people promising to keep the laws and ordinances of God; and even then for the better accomplishing of the tenure of this agreement, the idolatry of Baal was presently destroyed.

If any will more exactly turn over the Holy Bible, he may well find other testimonies to this purpose.

But I see well, here will be an objection made. What will you say? That a whole people, that beast of many heads, must they run in a mutinous disorder, to order the business of the commonwealth? What address or direction is there in an unruly and unbridled multitude? What counsel or wisdom, to manage the affairs of state?

When we speak of all the people, we understand by that, only those who hold their authority from the people, to wit, the magistrates, who are inferior to the king, and whom the people have substituted, or established, as it were, consorts in the empire, and with a kind of tribunitial authority, to restrain the encroachments of sovereignty, and to represent the whole body of the people. We understand also, the assembly of the estates, which is nothing else but an epitome, or brief collection of the kingdom, to whom all public affairs have special and absolute reference: such were the seventy ancients in the kingdom of Israel, amongst whom the high priest was as it were president, and they judged all matters of greatest importance, those seventy being first chosen by six out of each tribe, which came out of the land of Egypt, then the heads or governors of provinces. In like manner the judges and provosts of towns, the captains of thousands, the centurions and others who commanded over families, the most valiant, noble, and otherwise notable personages, of whom was composed the body of the states,

assembled divers times as it plainly appears by the word of the holy scripture. At the election of the first king, who was Saul, all the ancients of Israel assembled together at Kama. In like manner all Israel was assembled, or all Judah and Benjamin, etc. Now, it is no way probable, that all the people, one by one, met together there. Of this rank there are in every well governed kingdom, the princes, the officers of the crown, the peers, the greatest and most notable lords, the deputies of provinces, of whom the ordinary body of the estate is composed, or the parliament or the diet, or other assembly, according to the different names used in divers countries of the world; in which assemblies, the principal care is had both for the preventing and reforming either of disorder or detriment in church or commonwealth.

For as the councils of Basle and Constance have decreed (and well decreed) that the universal council is in authority above the bishop of Rome, so in like manner, the whole chapter may overrule the bishop, the University the rector, the court the president. Briefly, he, whosoever he is, who has received authority from a company, is inferior to that whole company, although he be superior to any of the particular members of it.

A combination or conjuration is good or ill, according as the end whereunto it is addressed is good or ill; and perhaps also according as they are affected who are the managers of it. We say then, that the princes of Judah have done well, and that in following any other course they had failed of the right way. For even as the guardian ought to take charge and care that the goods of his pupil fall not into loss and detriment, and if he omits his duty therein, he may be compelled to give an account thereof, in like manner, those to whose custody and tuition the people have committed themselves, and whom they have constituted their tutors and defenders ought to maintain them safe and entire in all their rights and privileges. To be short, as it is lawful for a whole people to resist and oppose tyranny, so likewise the principal persons of the kingdom may as heads, and for the good of the whole body, confederate and associate themselves together; and as in a public state, that which is done by the greatest part is esteemed and taken as the act of all, so in like manner must it be said to be done, which the better part of the most principal have acted, briefly, that all the people had their hand in it.

KINGS MADE BY THE PEOPLE

We have shown before that it is God that does appoint kings, who chooses them, who gives the kingdom to them: now we say that the people establish kings, put the scepter into their hands, and who with their suffrages, approve the election. God would have it done in this manner, to the end that the kings should acknowledge, that after God they hold their power and sovereignty from the people, and that it might the rather induce them to apply and address the utmost of their care and thoughts for the profit of the people, without being puffed with any vain imagination, that they were formed of any matter more excellent than other men, for which they were raised so high above others; as if they were to command our flocks of sheep, or herds of cattle. But let them remember and know, that they are of the same mold and condition as others, raised from the earth by the voice and acclamations, now as it were upon the shoulders of the people unto their thrones, that they might afterward bear on their own shoulders the greatest burdens of the commonwealth. Divers ages before that, the people of Israel demanded a king. God gave and appointed the law of royal government contained in the seventeenth chapter, verse fourteen of Deuteronomy, when says Moses, “thou art come unto the land which the Lord thy God giveth thee, and shall possess it, and shalt dwell therein, and shalt say. I will set a king over me like as all the nations that are about me, thou shalt in any wise set him whom the Lord thy God shall choose from amongst thy brethren, etc.” You see here, that the election of the king is attributed to God, the establishment to the people; now when the practice of this law came in use, see in what manner they proceeded.

The elders of Israel, who presented the whole body of the people (under this name of elders are comprehended the captains, the centurions, commanders over fifties and tens, judges, provosts, but principally the chiefs of tribes) came to meet Samuel in Ramah, and not being willing longer to endure the government of the sons of Samuel, whose ill carriage had justly drawn on them the people’s dislike,

and withal persuading themselves that they had found the means to make their wars hereafter with more advantage, they demanded a king of Samuel, who asking counsel of the Lord, he made known that He had chosen Saul for the governor of His people. Then Samuel anointed Saul, and performed all those rights which belong to the election of a king required by the people. Now this might, perhaps, have seemed sufficient, if Samuel had presented to the people the king who was chosen by God, and had admonished them all to become good and obedient subjects. Notwithstanding, to the end that the king might know that he was established by the people. Samuel appointed the estates to meet at Mizpah, where being assembled as if the business were but then to begin, and nothing had already been done, to be brief, as if the election of Saul were then only to be treated of, the lot is cast and falls on the tribe of Benjamin, after on the family of Matri, and lastly on Saul, born of that family, who was the same whom God had chosen. Then by the consent of all the people Saul was declared king. Finally, that Saul nor any other might attribute the aforesaid business to chance or lot, after that Saul had made some proof of his valor in raising the siege of the Ammonites in Jabish Gilead, some of the people pressing the business, he was again confirmed king in a full assembly at Gilgal. You see that he whom God had chosen, and the lot had separated from all the rest, is established king by the suffrages of the people.

Briefly, for so much as none were ever born with crowns on their heads, and scepters in their hands, and that no man can be a king by himself, nor reign without people, whereas on the contrary, the people may subsist of themselves, and were, long before they had any kings, it must of necessity follow that kings were at the first constituted by the people; and although the sons and dependents of such kings, inheriting their fathers' virtues, may in a sort seem to have rendered their kingdoms hereditary to their offsprings, and that in some kingdoms and countries the right of free election seems in a sort buried; yet, notwithstanding, in all well-ordered kingdoms, this custom is yet remaining. The sons do not succeed the fathers, before the people have first, as it were, anew established them by their new approbation: neither were they acknowledged in quality, as inheriting it from the dead; but approved and accounted kings then only, when they were invested with the kingdom, by receiving the scepter and diadem from the hands of those who represent the majesty of the people. One may see most evident marks of this in Christian kingdoms, which are at this day esteemed hereditary; for the French king, he of Spain and England, and others, are commonly sacred, and, as it were, put into possession of their authority by the peers, lords of the kingdom, and officers of the crown, who represent the body of the people.

THE PEOPLE ABOVE THE KING

Now, seeing that the people choose and establish their kings, it follows that the whole body of the people is above the king; for it is a thing most evident, that he who is established by another, is accounted under him who has established him, and he who receives his authority from another, is less than he from whom he derives his power. Potiphar the Egyptian sets Joseph over all his house; Nebuchadnezzar, Daniel over the province of Babylon; Darius, the six score governors over the kingdom. It is commonly said that masters establish their servants, kings their officers. In like manner, also, the people establish the king as administrator of the commonwealth. Good kings have not disdained this title; yea, the bad ones themselves have affected it; insomuch, as for the space of divers ages, no Roman emperor (if it were not some absolute tyrant, as Nero, Domitian, Caligula) would suffer himself to be called lord. Furthermore, it must necessarily be that kings were instituted for the people's sake, neither can it be that for the pleasure of some hundreds of men, and without doubt more foolish and worse than many of the other, all the rest were made, but much rather that these hundred were made for the use and service of all the other, and reason requires that he be preferred above the other, who was made only to and for his occasion: so it is, that for the ship's sail, the owner appoints a pilot over her, who sits at the helm, and looks that she keep her course, nor run not upon any dangerous shelf; the pilot doing his duty, is obeyed by the mariners; yea, and of himself who is owner of the vessel, notwithstanding, the pilot is a servant as well as the least in the ship, from whom he only differs in this, that he serves in a better place than they do.

In a commonwealth, commonly compared to a ship, the king holds the place of pilot, the people in general are owners of the vessel, obeying the pilot, while he is careful of the public good; as though this pilot neither is nor ought to be esteemed other than servant to the public; as a judge or general in war differs little from other officers, but that he is bound to bear greater burdens, and expose himself to more dangers. By the same reason also which the king gains by acquist of arms, be it that he possesses himself of frontier places in warring on the enemy, or that which he gets by escheats or confiscations, he gets it to the kingdom, and not to himself, to wit, to the people, of whom the kingdom is composed, no more nor less than the servant does for his master; neither may one contract or oblige themselves to him, but by and with reference to the authority derived from the people. Furthermore, there is an infinite sort of people who live without a king, but we cannot imagine a king without people. And those who have been raised to the royal dignity were not advanced because they excelled other men in beauty and comeliness, nor in some excellency of nature to govern them as shepherds do their flocks, but rather being made out of the same mass with the rest of the people, they would acknowledge that for them, they, as it were, borrow their power and authority.

The ancient custom of the French represents that exceeding well, for they used to lift up on a buckler, and salute him king whom they had chosen. And wherefore is it said, “I pray you, that kings have an infinite number of eyes, a million of ears, with extreme long hands and feet exceeding swift”? Is it because they are like to Argos. Gerien. Midas, and divers •others so celebrated by the poets? No, truly, but it is said in regard to all the people, whom the business principally concerns, who lend to the king for the good of the commonwealth, their eyes, their ears, their means, their faculties. Let the people forsake the king, he presently falls to the ground, although before, his hearing and sight seemed most excellent, and that he was strong and in the best disposition that might be; yea, that he seemed to triumph in all magnificence, yet in an instant he will become most vile and contemptible: to be brief, instead of those divine honours wherewith all men adore him, he shall be compelled to become a pendant, and whip children in the school at Corinth. Take away but the basis to this giant, and like the Rhodian Colossus he presently tumbles on the ground and falls into pieces. Seeing then that the king is established in this degree by the people, and for their sake, and that he cannot subsist without them, who can think it strange, then, for us to conclude that the people are above the king?

Now that which we speak of all the people universally, ought also to be understood of those who in every kingdom or town do lawfully represent the body of the people, and who ordinarily are (or at least should be) called the officers of the kingdom, or crown, and not of the king; for the officers of the king, it is he who places and displaces them at his pleasure, yea, after his death they have no more power, and are accounted as dead. On the contrary, the officers of the kingdom receive their authority from the people in the general assembly of the states (or, at the least were accustomed so anciently to have done) and cannot be disauthorized but by them, so then the one depends of the king, the other of the kingdom, those of the sovereign officer of the kingdom, who is the king himself, those of the sovereignty itself, that is of the people, of which sovereignty both the king and all his officers of the kingdom ought to depend, the charge of the one has proper relation to the care of the king’s person: that of the other, to look that the commonwealth receive no damage; the first ought to serve and assist the king, as all domestic servants are bound to do to their masters; the other to preserve the rights and privileges of the people, and to carefully hinder the prince, that he neither omit the things that may advantage the state, nor commit anything that may damage the public.

Briefly, the one are servants and domestics of the king, and received into their places to obey his person; the other, on the contrary, are as associates to the king, in the administration of justice, participating of the royal power and authority, being bound to the utmost of their power to be assisting in the managing of the affairs of state, as well as the king, who is, as it were, president amongst them, and principal only in order and degree.

WHY KINGS WERE CREATED

Now, seeing that kings have been ever established by the people, and that they have had associates joined with them, to contain them within the limits of their duties, the which associates considered in particular one by one, are under the king, and altogether in one entire body are above him: We must consequently see wherefore first kings were established, and what is principally their duty. We usually esteem a thing just and good when it attains to the proper end for which it is ordained.

In the first place every one consents, that men by nature loving liberty, and hating servitude, born rather to command, than obey, have not willingly admitted to be governed by another, and renounced as it were the privilege of nature, by submitting themselves to the commands of others, but for some special and great profit that they expected from it. For as Aesop says. “That the horse being before accustomed to wander at his pleasure, would never have received the bit into his mouth, nor the rider on his back, but that he hoped by that means to overmatch the bull.” Neither let us imagine, that kings were chosen to apply to their own proper use the goods that are gotten by the sweat of their subjects; for every man loves and cherishes his own. They have not received the power and authority of the people to make it serve as a pander to their pleasures: for ordinarily the inferiors hate, or at least envy, their superiors.

Let us then conclude, that they are established in this place to maintain by justice, and to defend by force of arms, both the public state, and particular persons from all damages and outrages, wherefore Saint Augustine said. “Those are properly called lords and masters who provide for the good and profit of others, as the husband for the wife, fathers for their children.” They must therefore obey them who provide for them; although, indeed, to speak truly, those who govern in this manner may in a sort be said to serve those whom they command over.

For, as says the same doctor, they command not for the desire of dominion, but for the duty they owe to provide for the good of those who are subjected to them: not affecting any lordlike domineering, but with charity and singular affection, desiring the welfare of those who are committed to them.

Seneca in the eighty-first epistle says:

“That in the golden age, wise men only governed kingdoms; they kept themselves within the bounds of moderation, and preserved the meanest from the oppression of the greatest. They persuaded and dissuaded, according as it advantaged or disadvantaged the public profit; by their wisdom, they furnished the public with plenty of all necessaries, and by their discretion prevented scarcity, by their valor and courage they expelled dangers, by their many benefits they increased and enriched their subjects; they pleaded not their duty in making pompous shows, but in well governing their people. No man made trial what he was able to do against them, because every one received what he was capable of from them.” etc.

Therefore then, to govern is nothing else but to provide for. These proper ends of commanding, being for the people’s commodity, the only duty of kings and emperors is to provide for the people’s good. The kingly dignity to speak properly, is not a title of honor, but a weighty and burdensome office. It is not a discharge or vacation from affairs to run a licentious course of liberty, but a charge and vocation to all industrious employments, for the service of the commonwealth; the which has some glimpse of honor with it, because in those first and golden ages, no man would have tasted of such continual troubles, if they had not been sweetened with some relish of honor; insomuch as there was nothing more true than that which was commonly said in those times, “If every man knew with what turmoils and troubles the royal wreath was wrapt withal, no man would take it up, although it lay at his feet.”

When, therefore, that these words of “mine” and “thine” entered into the world, and that differences fell amongst fellow citizens, touching the propriety of goods, and wars amongst neighboring people about the right of their confines, the people bethought themselves to have recourse to some one who both could and should take order that the poor were not oppressed by the rich, nor the patriots wronged by strangers.

Nor as wars and suits increased, they chose someone, in whose wisdom and valor they reposed most confidence. See, then, wherefore kings were created in the first ages; to wit, to administer justice at home, and to be leaders in the wars abroad, and not only to repulse the incursions of the enemy, but also to repress and hinder the devastation and spoiling of the subjects and their goods at home; but above all, to expel and drive away all devices and debauchments far from their dominions.

ARE KINGS ABOVE THE LAW?

We must here yet proceed a little further: for it is demanded whether the king who presides in the administration of justice has power to resolve and determine business according to his own will and pleasure. Must the kings be subject to the law, or does the law depend upon the king? The law (says an ancient) is respected by those who otherways condemn virtue, for it enforces obedience, and ministers' conduct in warfaring, and gives vigor and luster to justice and equity. Pausanias the Spartan will answer in a word, that it becomes laws to direct, and men to yield obedience to their authority. Agesilaus, king of Sparta, says that all commanders must obey the commandments of the laws. But it shall not be amiss to carry this matter a little higher. When people began to seek for justice to determine their differences, if they met with any private man that did justly appoint them, they were satisfied with it. Now for so much as such men were rarely and with much difficulty met withal, and for that the judgments of kings received as laws were oftentimes found contrary and difficult, then the magistrates and others of great wisdom invented laws, which might speak to all men in one and the same voice.

This being done, it was expressly enjoined to kings that they should be the guardians and administrators, and sometimes also, for so much as the laws could not foresee the particularities of actions to resolve exactly, it was permitted the king to supply this defect by the same natural equity by which the laws were drawn; and for fear lest they should go against law, the people appointed them from time to time associates, counselors, of whom we have formerly made mention, wherefore there is nothing which exempts the king from obedience which he owes to the law, which he ought to acknowledge as his lady and mistress, esteeming nothing can become him worse than that feminine of which Juvenal speaks: 57c *volo, sic jubeo, sic pro ratione voluntas*. I will, I command, my will shall serve instead of reason. Neither should they think their authority the less because they are confined to laws, for seeing the law is a divine gift coming from above, which human societies are happily governed and addressed to their best and blessedest end; those kings are as ridiculous and worthy of contempt, who repute it a dishonor to conform themselves to law, as those surveyors who think themselves disgraced by using of a rule, a compass, a chain or other instruments, which men understanding the art of surveying are accustomed to do, or a pilot who had rather fail, according to his fantasy and imagination, than steer his course by his needle and sea-card. Who can doubt, but that it is a thing more profitable and convenient to obey the law, than the king who is but one man? The law is the soul of a good king, it gives him motion, sense and life. The king is the organ and as it were the body by which the law displays her forces, exercises her function, and expresses her conceptions. Now it is a thing much more reasonable to obey the soul, than the body; the law is the wisdom of diverse sages, recollected in few words, but many see more clear and further than one alone. It is much better to follow the law than any one man's opinion, be he never so acute. The law is reason and wisdom itself, free from all perturbation, not subject to be moved with choler, ambition, hate, or acceptances of persons.

For, if the welfare of the kingdom depends on the observation of the laws, and the laws are enthralled to the pleasure of one man, is it not most certain, that there can be no permanent stability in that government? Must it not then necessarily come to pass, that if the king (as some have been) be infected with lunacy, either continually, or by intervals, that the whole state fall inevitably to ruin? But if the laws be superior to the king, as we have already proved, and that the king be tied in the same respect of obedience to the laws as the servant is to his master, who will be so senseless, who will not rather obey the law than the king or will not readily yield his best assistance against those who seek to violate or infringe them?

SUBJECTS NOT THE KING'S SLAVES

For truly neither are the subjects, as it is commonly said, the king's slaves, or bondmen: being neither prisoners taken in the wars, nor bought for money. But as considered in one entire body they are lords, as we have formerly proved; so each of them in particular ought to be held as the king's brothers and kinsmen. And to the end that we think not this strange, let us hear what God Himself says when He prescribes a law to kings: That they lift not their heart above their brethren from amongst whom they were chosen. Whereupon Bartolus, a famous lawyer, who lived in an age that bred many tyrants, did yet draw this conclusion from that law, that subjects were to be held and used in the quality and condition of the king's brethren, and not of his slaves. Also king David was not ashamed to call his subjects his brethren. The ancient kings were called Abimelech, an Hebrew word which signifies, my father the king. The almighty and all good God, of whose great gentleness and mercy we are daily partakers, and very seldom feel His severity, although we justly deserve it, yet is it always mercifully mixed with compassion; whereby

He teaches princes. His lieutenants, that subjects ought rather to be held in obedience by love, than by fear.

But, lest they should except against me, as if I sought to entrench too much upon the royal authority, I verily believe it is so much the greater, by how much it is likely to be of longer continuance. For, says one, servile fear is a bad guardian, for that authority we desire should continue; for those in subjection hate them they fear, and whom we hate, we naturally wish their destruction. On the contrary, there is nothing more proper to maintain their authority than the affection of their subjects, on whose love they may safely and with most security lay the foundation of their greatness. And therefore that prince who governs his subjects as brethren, may confidently assure himself to live securely in the midst of dangers: whereas he who uses them like slaves, must needs live in much anxiety and fear, and may well be resembled to the condition of that master who remains alone in some desert in the midst of a great troop of slaves; for look how many slaves any has, he must make account of so many enemies, which almost all tyrants who have been killed by their subjects have experienced. Whereas, on the contrary, the subjects of good kings are ever as solicitously careful of their safety, as of their own welfare.

AUTHORITY BASED ON CONTRACT

We have shown already that in the establishing of the king there were two alliances or covenants contracted: the first between God, the king, and the people, of which we have formerly treated; the second, between the king and the people, of which we must now say somewhat. After that Saul was established king, the royal law was given him, according to which he ought to govern. David made a covenant in Hebron before the Lord, that is to say, taking God for witness, with all the ancients of Israel, who represented the whole body of the people, and even then he was made king. Joas also by the mouth of Johoiada the high priest, entered into covenant with the whole people of the land in the house of the Lord. And when the crown was set on his head, together with it was the law of the testimony put into his hand, which most expounds to be the law of God; likewise Josias promises to observe and keep the commandments, testimonies, and statutes comprised in the book of the covenant: under which words are contained all which belongs to the duties both of the first and second table of the law of God. In all the before-remembered places of the holy story, it is ever said, "that a covenant was made with all the people, with all the multitude, with all the elders, with all the men of Judah": to the end that we might know, as it is also fully expressed, that not only the principals of the tribes, but also all the milleniers, centurions, and subaltern magistrates should meet together, each of them in the name, and for their towns and communalties, to covenant and contract with the king. In this assembly was the creating of the king determined of, for it was the people who made the king, and not the king the people.

It is certain, then, that the people by way or stipulation require a performance of covenants. The king promises it. Now the condition of a stipulator is in terms of law more worthy than of a promiser. The people ask the king, whether he will govern justly and according to the laws? He promises he will. Then the people answer, and not before, that while he governs uprightly, they will obey faithfully. The king therefore promises simply and absolutely, the people upon condition: the which failing to be accomplished, the people rest according to equity and reason quit from their promise.

In the first covenant or contract there is only an obligation to piety: in the second, to justice. In that, the king promises to serve God religiously: in this, to rule the people justly. By the one he is obliged with the utmost of his endeavors to procure the glory of God: by the other, the profit of the people. In the first, there is a condition £xpressed, “if thou keep my commandn.ents”: in the second, “if thou distribute justice equally to every man.” God is the proper revenger of deficiency in the former, and the whole people the lawful punisher of delinquency in the latter, or the estates, the representative body thereof who have assumed to themselves the protection of the people. This has been always practiced in all well-governed estates.

I would ask here, wherefore a man does swear, if it be not to declare that what he delivers he sincerely intends from his heart? Can anything be judged more near to the law’of nature, than to observe that which we approve? Furthermore, what is the reason the king swears first, and at the instance, and required by the people, but to accept a condition either tacit or expressed? Wherefore is there a condition opposed to the contract, if it be not that in failing to perform the condition, the contract, according to law, remains void? And if for want of satisfying the condition by right, the contract is of no force, who shall dare to call that people perjured, which refuses to obey a king who makes no account of his promise, which he might and ought to have kept, and willfully breaks those laws which he did swear to observe? On the contrary, may we not rather esteem such a king perfidious, perjured, and unworthy of his place? For if the law free the vassal from his lord, who dealt feloniously with him, although that to speak properly, the lord swears not fealty to his vassal, but he to him: if the law of the twelve tables does detest and hold in execration the protector who defrauds him that is under his tuition: if the civil law permit an enfranchised servant to bring his action against his patron, for any grievous usage: if in such cases the same law delivers the slave from the power of his master, although the obligation be natural only, and not civil: is it not much more reasonable that the people be loosed from that oath of allegiance which they have taken, if the king (who may be not unfitly resembled by an attorney, sworn to look to his client’s cause) first break his oath solemnly taken? And what if all these ceremonies, solemn oaths, nay, sacramental promises, had never been taken? Does not nature herself sufficiently teach that kings were on this condition ordained by the people, that they should govern well: judges, that they should distribute justice uprightly; captains in the war, that they should lead their armies against their enemies? If, on the contrary, they themselves forage and spoil their subjects, and instead of governors become enemies, as they leave indeed the true and essential qualities of a king, so neither ought the people to acknowledge them for lawful princes. But what if a people (you will reply) subdued by force, be compelled by the king to take an oath of servitude? And what if a robber, pirate, or tyrant (I will answer) with whom no bond of human society can be effectual, holding his dagger to your throat, constrain you presently to become bound in a great sum of money? Is it not an unquestionable maxim in law, that a promise exacted by violence cannot bind, especially if anything be promised against common reason, or the law of nature? Is there anything more repugnant to nature and reason, than that a people should manacle and fetter themselves; and to be obliged by promise to the prince, with their own hands and weapons to be their own executioners? There is, therefore, a mutual obligation between the king and the people, which, whether it be civil or natural only, whether tacit or expressed in words, it cannot by any means be annihilated, or by any law be abrogated, much less by force made void. And this obligation is of such power that the prince who willfully violates it, is a tyrant. And the people who purposely break it, may be justly termed seditious.

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