



Francis I, from Theodore Beza's *Icones, id est verae imagines virorum doctrina simul et pietate illustrium*. Geneva: J. Laon, 1580.

15 The Civil Magistrate

The nature of civil authority was an important debating point in the sixteenth century. The Reformed critique of the Papacy raised analogies between church and secular government. Two questions were raised: Are clergy under the authority of civil magistrates? Is rebellion against tyranny ever justified? Martyr says yes to both, provided that rebellion is led by the "lesser magistrates."¹ This scholium is from his commentary on Romans 13, based on Martyr's second set of lectures at Oxford, 1550–51. A lively context for his daily lectures in the Divinity School was provided by the political unrest in England. Edward VI and Archbishop Cranmer were pushing for Reform, focused on revising the 1549 Prayer Book and reforming the ecclesiastical laws. Martyr was advising Cranmer on the first, and sat on the committee which oversaw the second.¹

¹See overleaf for an example of Martyr's handwritten emendations in the *Reformatio legum ecclesiasticarum* of 1552 in the English translation of the MS: *The Reformation of the Ecclesiastical Laws of England*, 1552, ed. James C. Spalding, Sixteenth Century Essays & Studies 19 (Kirkville, Mo.: Sixteenth Century Journal Publishers, 1992), xvii–xviii.

In Epistolam S. Pauli Ap. ad Romanos (Basel: P. Perna, 1558), fols. 640–48. Translated by Torrance Kirby, McGill University.

interruptione hinc regulata, q' ea p'cedit omnibus

qui Sabent ino in ee

ad hoc. Rungit' nam p'ceptio, quado i'cuis vis est, illam in d'p'ctam h'it
i' iudici' respicit, quado h'icm ad p'f'ctam i'm p'olument' manit aut
h'icm p'p'olument' p'icm' aut p'icidit. p'icidit autem a d'ictore factum.
I' magis ad h'c p'ceptio ad curat' quado i'cuis vis est, illam ad
p'icta respicit ut p' p'ictos q' ad h'c sub d'ictore p'icta p'icta d'ictat.
et factis, quibus t'ia d'ictore p'icta n'it' in d'icta ad d'ictore respicit.
p'ceptio autem d'ictat' in bona fide, minus q' h'ic p'icta p'icta p'icta in
p'ceptio sit p'icta h'ic p'icta i'cuis vis est, d'icta i'cuis vis
t'ia, et in p'icta p'icta p'icta n'it'.

Ad p'ceptio d'ictat' i'cuis vis est, d'icta i'cuis vis est, d'icta i'cuis vis est.
d'icta i'cuis vis est, d'icta i'cuis vis est, d'icta i'cuis vis est.
I' magis ad h'c p'ceptio ad curat' quado i'cuis vis est, illam ad
p'icta respicit ut p' p'ictos q' ad h'c sub d'ictore p'icta p'icta d'ictat.
et factis, quibus t'ia d'ictore p'icta n'it' in d'icta ad d'ictore respicit.
p'ceptio autem d'ictat' in bona fide, minus q' h'ic p'icta p'icta p'icta in
p'ceptio sit p'icta h'ic p'icta i'cuis vis est, d'icta i'cuis vis
t'ia, et in p'icta p'icta p'icta n'it'.

I' magis ad h'c p'ceptio ad curat' quado i'cuis vis est, illam ad
p'icta respicit ut p' p'ictos q' ad h'c sub d'ictore p'icta p'icta d'ictat.
et factis, quibus t'ia d'ictore p'icta n'it' in d'icta ad d'ictore respicit.
p'ceptio autem d'ictat' in bona fide, minus q' h'ic p'icta p'icta p'icta in
p'ceptio sit p'icta h'ic p'icta i'cuis vis est, d'icta i'cuis vis
t'ia, et in p'icta p'icta p'icta n'it'.

From Commentary on Romans 13

"Let every person be subject to the governing authority. For there is no authority except from God, and those powers that exist have been instituted by God. Therefore whoever resists the authorities resists what God has appointed, and those who resist will incur judgment. For Princes are not a terror to good conduct, but to bad. Would you have no fear of him who is in authority? Then do what is good, and you will receive his approval, for he is God's servant for your good. But if you do wrong, be afraid, for he does not bear the sword in vain; he is the servant of God to execute his wrath on the wrongdoer." (Rom. 13:1-4)

LET EVERY PERSON BE SUBJECT TO THE GOVERNING AUTHORITY

If, as we have previously shown, those who return evil for evil should be reprovod, and if it is also the duty of Christians to respond with acts of charity to those who have offended them, then certainly those are to be earnestly censured who return evil for good and who show neither honor nor obedience to those who deserve to be treated well, such as the magistrates. Since the Apostle will address this matter accurately and at length, we will first define what a magistrate is to better understand his meaning. A magistrate is a person elected by God so that laws and peace may be promoted, evil may be repressed by means of penalties and the sword, and virtue may be promoted by every means. In this the efficient cause¹ is God; the final cause or purpose is the protection of the laws and peace from the troubles associated with vice and corruption, as well as the increase of virtues.² The formal cause is the order constituted in human affairs by divine providence. The material cause is a man, an individual person, since whoever is chosen to be a magistrate is selected from among men. The method which operates here is somewhat general. In the first place he has

¹In this formal definition of the magistrate Vermigli employs Aristotle's teaching concerning the "four causes," material, formal, efficient, and final. See, e.g., *Physics* II, 1, 192b8-193b22 and *Metaphysics* V, 2, 1013a24-1013b28.

²This twofold goal of the magistrate's power is well articulated by Thomas Cranmer in the intercessory prayer in the Communion Order of the second *Book of Common Prayer* of King Edward VI (1552), which came into force in England during Peter Martyr's tenure as Regius Professor of Divinity at Oxford: "We beseeche thee also to saue and defende all Christian Kinges, Princes, and Governours, and specially thy seruaut, Edward our King, that under hym we maye bee godlye and quietly governed; and graunt unto hys whole counsayle, and to all that be putte in auctoritee under hym, that they maye trulye and indifferently minister iustice, to the punishment of wickednesse and vice, and to the mayntenance of Gods true religion and vertue." *The First and Second Prayer Bookes of King Edward VI* (London: J. M. Dent, 1913), 382. See also <http://justus.anglican.org/resources/hcp/Communion_1552.htm>.

This passage from Paul pertains to the commandment of the law: "Honor your father and your mother."¹¹ For in antiquity, as Aristotle proposed in the *Politics*, fathers gave laws to their families and were like kings to them.¹² Among the Romans the senators were called *patres conscripti*, that is, "fathers chosen and assembled." For a magistrate is nothing less than the father of his country. Here we need not anxiously dispute by what right or wrong princes have obtained their power. This alone is to be done, that we give due reverence to magistrates when they are present. For this letter was written when the Romans had already obtained empire over the whole world, an empire we know they acquired by force; afterwards the emperors by no better means drew unto themselves sovereignty over all. Yet Paul admonishes us to be obedient to these very powers without any exception. So universal is this proposition of Paul, that Chrysostom testifies that priests, monks, prophets, apostles and evangelists are all included under this precept.¹³ Yet I do not deem Origen to be admissible here. For he writes that Paul says: "let every soul, and not every spirit [be obedient], for those who are completely spiritual, and do not in any way follow the lusts of the flesh, nor possess human things, neither do they live under princes and powers."¹⁴ Yet whoever had more abundance of the Spirit than our Lord and Savior Christ? Who at any time was more holy than were his apostles? Yet they submitted themselves to the public authorities even unto death. Therefore it is much better to say with Chrysostom that none is to be excepted from this universal sentence.¹⁵ But those papist ecclesiastics will say that kings themselves and public powers have conceded their right to them, and have determined that the clergy should be exempt from such power. Certainly we should not regard what princes have done in this regard, but rather what they should have done. For it does not rest in their hands to rescind the laws of God. So if this divine precept of Paul means that every soul should be subject to the public power, then by all means we ought to obey it. For the decrees of God should not be revoked by any human authority. Still, these words should be taken in such a way that we understand ourselves to be subject to the magistrate only as touching his function and office: if at any time he should deviate from and command anything outside this office that happens to conflict with piety and divine law, then we ought to obey God rather than men.

FOR THERE IS NO POWER BUT OF GOD¹⁶

He demonstrates his purpose by the efficient cause. For no human strength or force, but God himself is the author of all powers. Moreover there are various kinds of powers. There is a power of the father towards his children, a power of a husband

¹¹ Exod. 20:12.

¹² Aristotle *Politics* 1.2, 1252b20–26.

¹³ Chrysostom *In Epist. ad Rom.* 1 Homil. 23, 1 (PG 60.615).

¹⁴ Origen *Comment. In Epist. ad Rom.* 9.25 (PG 14.1226).

¹⁵ Chrysostom *In Epist. ad Rom.* 1 Homil. 23, 1 (PG 60.615).

¹⁶ Rom. 13:1.

established that everyone ought to be subject to the magistrates. Indeed this is proved by reference to the efficient cause: because all powers are from God in this fashion. Next it is proved by the contrary example, because those who condemn the magistrate are against God to their own considerable harm. At length, it is proved by the final cause since the magistrates are of great benefit to us.

This subject is treated frequently and accurately in the New Testament, and mostly for the following reason: the children of God sometimes think that, being governed by the Spirit and Word of God, it is somehow beneath their dignity to be subject to external powers. Nor is it possible to express the indignity suffered by the Jews when they were captives and oppressed by the Babylonians, the Assyrians, and the Medes and Persians: and when, in their own homeland, they were severely afflicted, initially by the Macedonians and afterwards by the Romans. They would gladly have shaken off that yoke which even today the Anabaptists and Libertines in a great fury endeavor to loose and which the pope and his followers already have done. For the pope has so absolved both himself and his clergy from all public power and authority that he now has princes subjected to himself, and he allows the great monarchs of the Christian world to kiss his feet and allows most unseemly forms of address. He creates emperors and casts them down when it suits him. He takes away kingdoms and carries off spoils when he chooses.

Now Christ conducted himself much differently, for he paid the tribute money³ and taught to "render unto Caesar the things that are Caesar's."⁴ In these words Paul agrees with what Peter writes in the second chapter of his first letter where he says: "Be subject for the Lord's sake to every human institution, whether it be to the emperor as supreme, or to governors as sent by him to punish those who do wrong and to praise those who do right."⁶ If we examine all the parts of this injunction we will for the most part find in it those things which are here taught by Paul. For Paul wrote the same thing to Titus: "Remind them to be submissive to rulers and authorities, to be obedient to the magistrates."⁷ And in the letters to the Ephesians, to Timothy and to Titus⁸ he commands servants to obey their masters diligently. In his letter to Timothy he commands Christians to pray for their magistrates.⁹ From all these passages it is readily apparent what we have often said, and which is written by Chrysostom¹⁰ on this topic, namely that evangelical doctrine was not given to overthrow political constitutions but rather to confirm them and to improve them.

³ Matt. 17:27.

⁴ Matt. 22:21; Mark 12:17; Luke 20:25.

⁵ I.e., in the passage cited from Romans 13 at the outset.

⁶ 1 Pet. 2:13.

⁷ Titus 3:1.

⁸ Eph. 6:5; 1 Tim. 6:1; Titus 2:9–10.

⁹ 1 Tim. 2:1–4.

¹⁰ John Chrysostom *In Epist. ad Rom.* 1 Homil. 23, 1 (PG 60.613–14).

towards a wife, and also the power of a master or mistress towards their servants. There are also various species of power over commonwealths, such as royal power, aristocracy, and constitutional rule as well as their contraries, namely tyranny, oligarchy and democracy.¹⁷ And although the latter three kinds are extremely corrupt and defective, yet God is the author even of them. For there is in them a force and power to govern and to coerce men which surely could never come about unless by God. But if you ask at what time and how such powers originated, or when they were first ordained by God, I answer that that light which God has imparted to our minds and shown to men from the very beginning, namely the principle of bearing rule, was confirmed afterwards by various oracles of God.

In the book of Genesis God said to Noah and to his children that human blood should be required at the hand of whoever sheds it.¹⁸ That is, whoever killed someone should himself also be put to death. Reason teaches that this should not be done rashly nor by everyone. Therefore it is clearly to be gathered from this place that of necessity some ought to be delegated to sit in judgment and to inflict punishment on the guilty. But while we see that in certain kingdoms many things are done unjustly and in disorderly fashion, laws are perverted, and the commandments of God are violated, many think that it impossible that such powers should be of God. As Chrysostom rightly urges, the thing itself, that is, the office or principal function, must be distinguished from the person.¹⁹ For it cannot be doubted that being human, anyone may abuse a good thing; yet considered on its own, because it is good, it cannot come from any other source but God. For in the nature of things he has constituted everything in order. He has set heaven over the elements and thence through the air infuses various powers and faculties into the earth, and through them brings forth many different varieties of fruits with which we are sustained and live. And in the human body he has set the head on the top, as in a tower, and under it has placed the eyes, ears, nose and other members even to the soles of the feet. In like manner he preserves human society in order, so that there are in it certain degrees. By virtue of this order society is directed in those actions in which men communicate with one another. For where all are equal it is not possible that peace should long be kept. Rather, tensions and discords arise equally. Therefore it is necessary that some are above others to remove dissension and to bring matters of controversy to consensus. God has not denied this thing to bees, cranes, and fishes. For these living creatures have their own kings and princes by whose conduct and guidance they either go forth to work, or return from work. Consequently, since man is the most excellent of all living creatures, and takes counsel in many actions, so much more should he be strengthened by God with the protection of princely rule.

¹⁷ Aristotle *Politics* III. 1–4, 1274b32–1277b33; see also Plato *Republic* VIII, 544C.

¹⁸ Gen. 9:6.

¹⁹ Chrysostom *In Epist. ad Rom. Homil.* 23:1 (PG, 60:615).

Along with this reason, which is quite true and necessary to the highest degree, the Holy Scriptures also constantly affirm the very same thing: they teach that God is not only the author of all public power, but also that he distributes kingdoms and principalities, when and to whom he will at his pleasure. For sometimes he called the Assyrians, sometimes the Chaldeans, and sometimes other nations, who by force of conquest and oppression ruled over the Israelites. The kingdom which David and Solomon had received entire was torn apart by the will of God, and ten parts of it were given to Jeroboam the son of Nebat. Before it actually occurred the prophet, in the name of the Lord, demonstrated to Jeroboam that this thing should come to pass. Afterwards God removed the family of Ahab so that it should no longer rule and commanded Elisha to anoint and consecrate Jehu the son of Jehoshaphat, son of Nimshi.²⁰ And in the fourth chapter of Daniel it is written: "the Most High rules the kingdom of men, and gives it to whom he will."²¹ Nevertheless God observes this order to use wicked and ungodly princes to punish the wicked deeds of the people. Indeed we often see that luxury, pomp, pride, and raging lusts are restrained by the violence of tyrants, which otherwise, if everything were quiet, could not be restrained. Lence cannot usually remedy these evils: therefore stronger remedies are necessary so that they should not gradually extend out of hand. Being chastised in this way people afterwards return to God, he comforts them and provides them with gentler princes and more just governors. He will not suffer that things human should be overthrown utterly through the cruelty of tyrants. For this reason, as is manifest in the histories, God always mingles some godly and just princes with these monsters, that is, with these cruel and bloody tyrants. God will not have vices to be so far repressed that human nature should utterly perish. Wherefore not only do good and just princes reign by the will of the Lord, but also ungodly and wicked tyrants. Truly, you say, if this be so, why does Hosea say in behalf of God, "They made kings, but not through me. They set up princes, but without my knowledge."²² I answer that evil princes and such as have obtained their kingdoms by wicked means and govern them by worse means, by behaving in this beastly fashion show no respect for the will of God revealed to us either by the law of nature or in the Scriptures. For their deeds and endeavors are most manifestly reprov'd, and in this way they are said not to reign by God, because they do not apply themselves to the written and revealed will of God. Nonetheless it cannot be denied that by his hidden and effectual will God would have them to rule to that end which we just explained. For what some respond is not sufficient, namely that God does not do these things but only permits them.²³ For the Holy Scriptures clearly attest that God called the Babylonians, the Assyrians and other nations who vexed and afflicted the

²⁰ 1 Kings 12:20, 11:31; 2 Kings 9:1–3.

²¹ Dan. 4:25.

²² Hos. 8:4.

²³ See chap. 13, "Providence," above for Marryr's teaching that God has more than a "permissive will."

Israelites, and against Solomon and other kings he raised up enemies and adversaries in order to keep them under and to chastise them. And because these men were raised up to have no regard at all for the will of God, but only to apply themselves to ambition and to their own lust, they grievously sinned against God. Nevertheless God executes his most just judgment through them regardless of how unjust and wicked they are; and in this act God commits no offense.

THOSE POWERS THAT EXIST HAVE BEEN INSTITUTED BY GOD²⁴

If they are instituted by God, then they are constant and stable. Although human matters may be disturbed by various events, power is nonetheless conserved in perpetuity, just as in the universe, however many and great changes occur, still heaven, air, earth and sea always retain their proper places and never abandon their bounds. Would that those who rule always keep in mind that the office which they exercise is instituted by God. Assuredly they would not abuse it in this fashion. Now the matter in hand will not admit our being silent concerning Pope Boniface VIII who, in his *Extravagantes Communes* (which commence with the bull *Unam Sanctam*) abused these words of the apostle in order to bolster his pride. For he seeks to prove here that those things which are from God hold a certain order among themselves such that their diversified worth may be discerned by certain degrees one from another.²⁵ It follows from this law that the powers which are from God are not all alike. That power is the higher which is occupied with the more worthy matter. Since the ecclesiastical power is founded on spiritual things, and the civil power in corporeal things, the ecclesiastical power is therefore the highest, and should not be subject to the civil magistrate.²⁶ On the other hand, the pope has jurisdiction over all princes because Christ said "Whatsoever you shall bind on earth shall also be bound in heaven; and whatsoever you loose on earth shall be loosed in heaven."²⁷ In order to demonstrate this more clearly he cites what was said to the prophet Jere-

²⁴Rom. 13:1.

²⁵This principle of a graduated hierarchy of "dignitas" is of Neoplatonic provenance and is commonly referred to as the *Lex Divinitatis*, the law of the so-called great chain of being. The formulation cited by Vermigli is Boniface VIII's in the bull *Unam Sanctam* (1302), incorporated into the decretal *Extravagantes Communes*, 1.8.1: *De Maioritate et Obedientia*: "Nam secundum beatum Dionysium, *Lex divinitatis est, Infima per media in suprema reduci*." See the *Corpus Iuris Canonici*, ed. P. Lancelotus (Paris, 1587), 853; ed. A. L. Richter and A. Friedberg (Leipzig: B. Taushnitz, 1879), vol. 2, 1245. Boniface refers here to Dionysius the Pseudo-Areopagite as the source of the formula. See *The Celestial Hierarchy in The Complete Works of Pseudo-Dionysius*, ed. Colin Luibheid and Paul Rorem (Mahwah, NJ: Paulist Press, 1987), pp. 156-159, 166-169 and *The Ecclesiastical Hierarchy*, pp. 233-243. See also David Luscombe, "The 'Lex Divinitatis' in the Bull 'Unam Sanctam' of Pope Boniface VIII," in C. N. L. Brooke et al., eds. *Church and Government in the Middle Ages* (New York: Cambridge University Press, 1985), 205-21.

²⁶*Extravagantes Communes*, 1.8.1; *Corpus Iuris Canonici*, ed. A. L. Richter and A. Friedberg (Leipzig: B. Taushnitz, 1879), 2:1245.

²⁷*Extravagantes Communes*, 1.8.1; *Corpus Iuris Canonici*, ed. Friedberg, 2:1246, citing Matt.

miah: "Behold I have appointed you over kingdoms and nations, in order that you might scatter and destroy as well as build up and plant."²⁸

Yet these arguments, full as they are of pride and arrogance, are utterly worthless. For first of all, Paul does not speak here of degrees of power distinct among themselves. He only says that all powers whatsoever are instituted by God. I don't deny that the ecclesiastical power concerns itself with spiritual things, for this power is engaged in the ministry of the Word of God. And we therefore allow that power to be the greatest, because the Word of God ought to rule over all people. But this power chiefly serves to bring into subjection all human capacity for understanding and to overthrow the haughtiness of human reason. Let these magnificent lords do these things; let them preach the Word of God; let them dismiss the fond inventions of men and then, if there are any who will not listen to them we will not hesitate to condemn them whether they are princes, kings, monarchs or emperors. However, it does not follow from this that they are themselves not subject to political power with respect to physical existence, possessions, lands, houses and general ethical behavior. Indeed even with regard to the function of the ecclesiastical office itself they ought to be subject to a pious and religious magistrate. We do not suppose that the Word of God or the sacraments should be subject to human laws. Nevertheless the office of magistrate is either to punish or to remove ministers if they behave themselves badly in the execution of their office, if they corrupt the truth, or if they minister the sacraments falsely. They may bind and loose, that is, they may confirm by the word and by preaching who are loosed and who are bound. Let them not therefore on this account exempt themselves from obedience to the civil magistrate. For just as a king, however great he may be in excellence and dignity, ought for all that to obey the Word of God pronounced by the ministers of the Church: so also an ecclesiastical, though he be placed in a distinguished office, is not exempt from obedience and subjection to the magistrate. What they cite from Jeremiah is altogether frivolous and futile. For that prophet did not erect or overthrow kingdoms, although he was called by God to pronounce in his name which kingdoms should be overthrown, and which should be established.

Others foolishly seek to avoid this place [locus] in the text. They say that the Apostle commands nothing else but that everyone should be subject to the particular power appointed over him. Otherwise great confusion would follow. Spaniards should not be compelled to serve the king of England, and the English to serve the king of France. Therefore, it is the Apostle's intent that every one should be obedient to his own power. But the clergy, they say, have their bishops and popes whom they obey, and, moreover, they have nothing to do with the civil magistrate. These men fail to see, or rather they dissemble and will not see how absurd it is to divide and cut asunder any nation into two separate bodies as if the clergy of Spain were not themselves Spaniards or the clergy of France were not Frenchmen. Evidently if all Span-

²⁸*Extravagantes Communes*, 1.8.1, citing Jer. 1:10.

kept under by the iron sword of force. And so it is. But princes are able to coerce the wicked by means of the sword and especially at this time when princes are Christians and profess the same faith with us. But whom I ask have they made better by their sword? Without doubt Christianity was never in a more weakened condition than it has been from the time that bishops, leaving behind the care of the flock of Christ, began to usurp the power of the sword. Further, who fails to see that these two functions (i.e. the spiritual and the civil) hinder each other so much that whoever exercises the one cannot administer the other? For it is impossible to find anyone sufficiently prepared and ready to administer rightly even one of those functions. But concerning this matter enough has been said. It now remains to consider more diligently the following words: "There is no power but of God."³³ According to the rules of logic [*diialecticorum*], it is just as if Paul should have said "every power is from God." Because Paul reasons like this, those who insist that they should not reverence the inferior magistrates, that is, such as are superintendents of cities or governors of provinces, quibble in vain. For they suppose that it is enough if they are subject to the more elevated powers, that is, to emperors and kings. But Paul embraces together *all* power. For an exclusive proposition, as the logicians say, has the same force as a universal proposition transposed.³⁴ For example: only man runs; therefore, every thing that runs is a man. Likewise here: power is only from God; therefore, all power is from God. Furthermore, if all power is from God, then without doubt we ought to honour and reverence it. But if we see that we are excessively oppressed by a subordinate magistrate, we are not hindered by this doctrine from making use of the privilege of appeal. For as appeal is equitably permitted by human right, so it is by no means abrogated by Holy Writ. Indeed Paul himself made use of an appeal when he saw that it was opportune to do so.³⁵ Therefore it is permitted to have recourse from the inferior magistrate to the protection and mercy of the superior by way of an appeal.

THEREFORE WHOEVER RESISTS THE AUTHORITIES RESISTS WHAT GOD HAS APPOINTED³⁶

What is more unjust or more unworthy than to seek to fight with God? Even the pagan poets saw how perverse that is. For they represent Jupiter as having taken most harsh vengeance upon the temerity of those giants who sought to assault heaven by force.³⁷ The civil power is resisted in two ways: either by open violence, which we see seditious men and rebels perform, or else by craft and cleverness, as when a prince is circumvented by wicked arts and treachery so that he cannot execute his

³³Rom. 13:1.

³⁴See Aristotle, *An. Prior.* 1.2. 25a5ff.

³⁵Acts 25:11.

³⁶Rom. 13:2.

³⁷See, for example, *Theogony* II. 820-80, in Hesiod, *The Works and Days; Theogony; The Shield of Heracles*, trans. and ed. Richmond Lattimore (Ann Arbor: University of Michigan Press, 1959).

iards are subject to their king, the clergy are subject also because they too are Spaniards, and ought of necessity to be subject to him. In this fashion they abuse the words of Paul. For he places every soul in subjection to such powers which wield the power of the sword [iis gladii] and to whom tributes ought to be paid.

On the other hand, popes and bishops do not wield the sword, and therefore in this argument there is nothing but mere fraud and deceit. But they say that the ministers of the Church, such as the pope and certain other bishops, are able to exercise the power of the sword. And if one should object that Christ did not give them the sword, but said rather that his kingdom is not of this world, and that he had nowhere to lay his head,²⁹ they will answer that ministers indeed do not have the sword, insofar as they are ministers, but that they have received it from elsewhere by just title and lawful possession. But Christ was devoted to his vocation. He came in humility to redeem mankind by his passion and death. Nevertheless his example is not to be followed in all things. Otherwise no Christian ought to exercise the office of magistrate, for Christ himself did not. So they affirm that he left an example only to those who strive after perfection, such as monks and mendicant friars who, as they say, have renounced the world. Nor do they allow that Peter prescribed to his successors when he said that he possessed neither gold nor silver, but only that he left a pattern of perfection to those who choose to order their life as he did, who forsaking all that he had, followed Christ so that he might more readily serve him.³⁰

They should see that our interpretation is supported not only by examples but also by commandments. Christ says "You know that the kings of the nations lord it over them and those who are great exercise authority on them. Not so shall it be among you."³¹ It is proper that these words be referred particularly and exceptionally to apostles and ministers, and not to all people universally. For cities and kingdoms cannot be governed without a magistrate. Peter also commands the governors of the Church not to exercise dominion over the flock.³²

Let us see by what reasons they pretend to usurp the sword. By this arrangement, they say, cities and provinces are better governed. I do not need at this point to take much trouble in making a response. Let us investigate whether the cities which are under bishops are much holier and purer than others. Doubtless when they cannot personally govern and administer things they substitute deputies and judges and those whom they call officials. But they surrender themselves to deceit and impostures, not to mention sordid gain, no less than other corrupt judges who are employed in the civil magistracy. Another reason, they say, is that in this most corrupt "age of iron," men are not led by devotion to piety, nor by the Spirit, as they were once accustomed in the primitive church, so that it is expedient that they be

²⁹John 18:36; Matt. 8:20.

³⁰Acts 3:6.

³¹Matt. 23:25, 26.

³²1 Pet. 5:3.

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office. For often by these devices, the prince being unaware, the course of justice is hindered. Hence the saying of Diocletian is spread about: "A good, wary, and wise prince is often sold out."³⁸ For while he is alone in his chamber, his ministers come and expound everything deceitfully. Caught unaware, he does things which are truly most unjust as if they were in fact upright and just. He removes good men from the government of the commonwealth and advances those who ought to be banished as far away as possible. Therefore a certain writer called the Roman Senate not *Patres conscripti* [enrolled fathers] but *circumscripti* [swindlers].³⁹ I do not say this, however, because I think it is not permitted to godly men by every upright means to flee lest they fall into the hands of tyrants. Because they should not do this after they have been cast into prison since it would violate public laws and give an example to murderers and thieves to do the same.

AND THOSE WHO RESIST WILL INCUR JUDGMENT⁴⁰

Men are not in this case injured, but the judgment and dignity of God is disdained. For God answered Samuel, "they have not rejected you, but they have rejected me from being king over them."⁴¹ By judgment we understand chiefly that judgment which pertains to eternal destruction. A subsequent passage states that it is necessary to be subject to the ruling power not only to avoid God's wrath but also for the sake of conscience.⁴² It is also possible to interpret judgment as pertaining to this life. According to Solomon, the wrath of a king is like the growling of a lion; whoever provokes him to anger commits a fault against himself.⁴³ Severe punishments are threatened against seditious persons and rebels. Under the old law severe resistance of the higher powers was punishable by death. Korah, along with his entire household, was consumed by fire. Dathan and Abiram were swallowed up by a gaping hole in the earth because they treacherously resisted Moses and Aaron.⁴⁴ We know what end Absalom came to when he expelled his father from his own kingdom.⁴⁵ What seemed more acceptable to the whole world than the outrage committed by Brutus and Cassius which destroyed the tyrant Caesar? Nonetheless God's disapproval of their action was borne out by the aftermath.⁴⁶ Consequently, as Peter warns, we should not resist princes even when they are wicked.⁴⁷ We may gather

³⁸ Diocletian, *Scriptores Historiae Augustae*, Div. Aurelianus, 43.4 in David Magie, *The Scriptores Historiae Augustae* (Cambridge, Mass.: Harvard University Press, 1921-1923).

³⁹ The term *patres conscripti* is obscure and may refer to an official list of senators or possibly to an early union of two different kinds of senators, i.e. *patres et conscripti*, the former senators by birth and the latter by promotion.

⁴⁰ Rom. 13:2.

⁴¹ 1 Sam. 8:7.

⁴² Rom. 13:5.

⁴³ Prov. 20:2.

⁴⁴ Num. 16:32-35.

⁴⁵ 2 Sam. 18:9-15.

⁴⁶ Brutus and Cassius were defeated by the army of Caesar's heir Octavius at Philippi.

from the latter passage that whoever resists the established powers resists God, and conversely whoever obeys the powers as is fitting, obeys God. This argument by antithesis is patently true. Furthermore, the conclusion comforts the children of God considerably. They see that they obey God when they obey princes, and honor God when they honor the powers. Moreover the divine judgment, which will doubtless be exercised by Christ in the last days, is prefigured for them in the form of the earthly magistrate's judgments and tribunals.

FOR PRINCES ARE NOT A TERROR TO GOOD CONDUCT, BUT TO BAD⁴⁸

Having sufficiently addressed the efficient cause of the human powers and the necessity of our obeying them, Paul turns now to prove the same by referring to the final cause so that we might hear these injunctions with sharper attention. If magistrates are appointed to abrogate wicked and shameful deeds, then it might appear that there is no need for them if people would spontaneously apply themselves to piety and justice and would desist from offending against the law. Indeed even then they are able to perform their office in some fashion. For often you see upright and innocent men who, though good in mind and will and desire to lead an upright life, nonetheless do not keep any order in matters of civil conduct. Consequently they need good, pious laws to direct them towards their desire. In this way the civil power performs a pedagogical function. Suppose that there was no ignorance among men concerning the duties of life and of civil functions. In this case we must acknowledge that those who are more abundantly endowed by God with illustrious gifts are to be honored and admired, even though there remains no element of dominion to be exercised over others. Since this will happen to us after that blessed resurrection, Paul rightly instructs the Corinthians that the end will come when Christ delivers the kingdom to God the Father after destroying every dominion, authority, and power.⁴⁹ But while we continue to live in the world and dwell among evil men, the magistrate is necessary and is to be obeyed in everything so long as this is not repugnant to piety.

Since the magistrate is appointed in order to punish wicked deeds and to advance the good, we may understand from this that those who resist him may be accused in two ways. Either their own conscience accuses them of evil acts they have committed and for which they would not otherwise be punished, or they are negligent upholders of justice and will not suffer themselves to be urged forward. But they complain that the magistrates are corrupt, cruel, and violent individuals whose purpose is to deprive everyone so that little or nothing remains. Truly they should consider that Paul refers here to the thing itself and not the abuse; he speaks of what usually happens, not of what happens rarely. With respect to the former, whatever

⁴⁷ 1 Pet. 2:13-17.

⁴⁸ Rom. 13:3.

⁴⁹ 1 Cor. 15:24.

the ruling authorities which he mentions as preeminent and necessary in the highest degree are such that they comprehend in themselves all other offices of power. Solon was accustomed to say that the commonwealth consists in two things—rewards and punishments. The Greek philosopher Antisthenes⁵⁶ was wont to say that those cities where there was no difference between good and evil tended to destruction and present ruin. He thought good citizens should be furnished with rewards and wicked men inflicted with punishments.

WOULD YOU HAVE NO FEAR OF HIM WHO IS IN AUTHORITY?

Paul uses the sort of reasoning in which an anticipation of the objection is joined with the confutation of the thing, which can enter easily into one's mind. Although they bring much that is profitable, these powers are nevertheless terrible, and they inflict terror and fear which is extremely troublesome. And so Paul advises you to conduct yourself well and you will be without fear. For you know with certainty that either you will receive praise from the authority or, if the same power be excessively hostile and cruel, God will give you sufficient firmness and constancy that you will be able to suffer every extremity with unshaken strength of spirit. For if he gave this faculty to Socrates, Anaxarchus and Seneca,⁵⁷ all of whom were pagans, and to innumerable martyrs in the name of Christ, then do not doubt that he will give the same to you as well. There is therefore no need to fear authority if you behave yourself uprightly and blamelessly.

DO WHAT IS GOOD AND YOU WILL RECEIVE HIS APPROVAL

It is no small praise to be acquitted in judgment. It was counted as praise for Cato that while he was often accused he was always acquitted.⁵⁸ It is also extremely laudable if someone can live so virtuously and innocently that nothing can be raised against him in a court of justice. Such was the case when Fimbria accused Scaevola. When it was demanded of the former what charge he could lay against one with such a reputation for virtue and innocence, he replied that Scaevola's body was not completely run through when struck by the sword.⁵⁹

FOR HE IS GOD'S SERVANT FOR YOUR GOOD⁶⁰

The prince acts in God's place on earth. Just as monarchs do not abandon their lieutenants and deputies in urgent matters, so God does not desert his ministers and overseers. But when things are brought to the point of crisis by these earthly powers, sometimes he sets things in order by his own power and works wonders. We have

⁵⁶Athenian philosopher and founder of the sect of the Cynics (ca.445—ca.370 BCE).

⁵⁷Lucius Annaeus Seneca, ca.4 BCE—65 CE, Roman Stoic philosopher and writer of tragedies. Anaxarchus was the celebrated philosopher of Abdera. He was an adherent of the materialist school of Democritus and accompanied Alexander on his Mesopotamian campaign. See Diodorus, *Historical Library*, 17.112.4.

⁵⁸Cato the Elder (234—149 BCE) Roman consul, famous for his devotion to Roman ideals.

stems from the abuse of a thing should not be taken as a fault. For example, if a wicked man should perversely abuse either his mind, eyes, ears or other powers of his soul, yet it need not follow from this that the ends of all these faculties are not most excellent, unless we dare to say that God is himself the author of evil things. Power may be abused both by those who exercise it and by those who ought to obey it. Furthermore we ought to remember that even tyrants, however troublesome and oppressive they may be, nevertheless retain many of the functions of justice and equity. Therefore they have much more usefulness and convenience than *Anarchia* in which condition it is permitted to everyone to do whatever he will without any consideration for others. For unless the sternest tyrants maintained some regard for right and equity, they could not retain their power. Even when Nero oppressed the whole world with his government, justice was executed and the strength of laws was not completely taken away from men. For under Nero Paul was released by the centurion from danger of being torn apart by a crowd of people and by the tumult of the Jews. When he had cried out that he was a citizen of Rome, he was released from his chains and escaped flogging.⁵⁰ And so that he might not be overpowered by the treachery of the Jews, he was led away by the soldiers to Antioch by night and there had full opportunity to defend himself.⁵¹ To cut a long story short, he pleaded his cause and eventually appealed to Nero. Inasmuch as a great deal of good is exhibited even by wicked princes, it is clear that their power is also from God.

It is not lawful for any private man to kill a tyrant. When David had the opportunity he chose not to kill Saul even though Saul had behaved like a tyrant.⁵² Indeed David commanded that the Amalekite who boasted of killing Saul should himself be put to death.⁵³ David also put to death those who had slain Saul's son Ishbosheth. If it were lawful for every man to destroy a tyrant at will, without doubt there would be no shortage of wicked men to wreak violence on godly princes under the pretence of condemning tyranny. Consequently nothing would remain holy and inviolate. Notwithstanding this, I do not mean to say that superior powers cannot be resisted by inferior magistrates, or that the former cannot be constrained to do their duty by those who are appointed guardians, or advisors, or electors of princes should they transgress the ends and limits of the power which they have received.⁵⁵ Such was once the practice of the Senate and people of Rome, and today is sometimes the case in Germany with the electors of the empire. To return to Paul, those two offices of

⁵⁰Acts 22:25–30.

⁵¹Acts 23:31. Paul was led to Antipatris, not to Antioch.

⁵²1 Sam. 24:6.

⁵³2 Sam. 1:15, 16.

⁵⁴2 Sam. 4:12.

⁵⁵The right of magistrates to lead rebellion against tyranny was advanced by Zwingly, Beza, Knox, and Calvin (*Instr.* IV.20.31), contrary to passivist teaching on Christian obedience. See Robert M. Kingdon, *The Political Thought of Peter Martyr Vermigli: Selected Texts and Commentary* (Geneva: Droz, 1980); Théodore de Bèze, *Du droit des Magistrats*, ed. Robert M. Kingdon (Geneva: Droz, 1971).

weighs these matters before the judgment seat. Therefore it seems, he says, that God acts in concert with us and works together with our functions.⁶⁴ Origen takes the same view in a comment on the fifteenth chapter of Acts.⁶⁵ The apostles decree that Gentiles should abstain from food sacrificed to idols, from unchastity, from what has been strangled and from blood.⁶⁶ And they said that they wished to lay no further burden upon them. Finally they conclude that "if you keep yourselves from these things, you will do well. Farewell."⁶⁷ If, as Origen says, the apostles would not weigh them down with more precepts, why do they therefore license them to commit murder, theft, perjury, lusts and adultery? Not so, he says: there was no need to decree anything concerning these matters. For the magistrate takes notice of them and they are prohibited by civil laws.

FOR HE DOES NOT BEAR THE SWORD IN VAIN.

Therefore Paul says that magistrates are to be feared by the wicked because swords, scourges (fascis), and axes are carried before them.⁶⁸ These are both symbols and instruments of punishment with which those who offend against the law are punished. The sword signifies those who possess, as the lawyers are accustomed to say, genuine sovereignty (*in erum imperium*). According to Ulpian, whoever possesses the power of the sword to punish evildoers has this genuine sovereignty.⁶⁹

often seen how certain very powerful but wicked overseers, or rather destroyers of commonwealths, who were otherwise great favorites with their princes, have been punished by extraordinary means. Likewise we have often beheld criminals who, when they might easily have fled, were so overcome by darkness that they could not. Would that princes would accept the rules of their administration from these duties outlined by Paul! They would not be guided by their lusts, nor would they commit those things which God explained by the prophet Samuel who foretold what tyrants should do according to the law of kingship [*lex regia*].⁶¹ The prince is appointed to stand in God's place between God and men, and one day will render an account of his actions before God. It is his duty to care for those who are set under him and to procure for them things conducive to generous living. Chrysostom rightly observed that good princes make virtues easy when they both urge them by example and motivate men to attain them by both fear and the threat of punishment.⁶² One may observe many with a disposition alien to justice who nonetheless, when compelled to acknowledge it by force of the law or by fear, are gradually so captivated by the worthiness of justice that they diligently pursue it. This was the reason why Augustine, when he had earlier judged that the magistrate should not punish heretics, afterwards changed his opinion on the matter.⁶³ For other bishops cited the examples of many churches which, for fear of the emperors and the laws, fell away from the Donatist faction and had so acquainted themselves by habit with catholic truth that they would by no means depart from it. For when those reasons which they could not hear before had been so often impressed upon them, they finally appeared most true, as indeed they were. Chrysostom also warns public powers to assist the ministers of the Church. For, he says, we teach the people piety, chastity and modesty; we dissuade them from murder, false testimony, adultery and theft. But the magistrate

⁵⁹Cicero, *Oration for Sextus Roscius of Ameria*, 12, 33. "We lately had a most audacious man in this city, Caius Fimbria, a man, as is well-known among all except among those who are mad themselves, utterly insane. He, when at the funeral of Caius Marius, had contrived that Quintus Scaevola, the most venerable and accomplished man in our city, should be wounded; a man in whose praise there is neither room to say much here, nor indeed is it possible to say more than the Roman people preserves in its recollection—he, I say, brought an accusation against Scaevola, when he found that he might possibly live. When the question was asked him, what he was going to accuse that man of, whom no one could praise in a manner sufficiently suitable to his worth, they say that the man, like a madman as he was, answered, for not having received the whole weapon in his body. A more lamentable thing was never seen by the Roman people, unless it were the death of that same man, which was so important that it crushed and broke the hearts of all his fellow-citizens; for endeavouring to save whom by an arrangement, he was destroyed by them." Scaevola was trying to effect an accommodation between the parties of Sulla and Marius when he was murdered by them.

⁶⁰Rom. 13:4.

⁶¹Sam. 8:11–17. It is interesting that Vermigli appeals here to the Roman constitutional precept of the *lex regia* in the context of a reference to Old Testament kingship.

⁶²Chrysostom, *In Epist. ad Rom.* Homil. 23, 1 (PG 60.616).

⁶³See Augustine, *De civ. Dei* XVIII.51, 1 (PL 41.612f); *Ep.* 185, *De correctione Donat. litteri inus* for the change (cf. *Retr.* II.74).

⁶⁴Chrysostom, *In Epist. ad Rom.* Homil. 23, 1 (PG 60.616–17).

⁶⁵Origen, *Comment. ad Epist. ad Rom.* 9.28 (PG 14.1228), commenting on Acts 15:23–29.

⁶⁶Acts 15:20.

⁶⁷Acts 15:29.

⁶⁸The *fascis* were carried before the highest magistrates at Rome and consist of a bundle of rods and an axe with which criminals were scourged and beheaded.

⁶⁹Domitius Ulpianus (b. Tyre, Phoenicia; d. C.E. 228), Phoenician Roman jurist and imperial official whose writings supplied one-third of the total content of the Byzantine emperor Justinian's monumental *Digest*.