

CHAPTER I.

From where political power originates, for what purpose it was ordained, and the right use and duties of the same

As oxen, sheep, goats, and other such unreasonable creatures cannot for lack of reason rule themselves, but must be ruled by a more excellent creature, which is man: so man, although he has reason, yet because through the fall of the first man, his reason is radically corrupt and sensuality has gotten the upper hand, is not able by himself to rule himself but must have a more excellent governor. Those of this world thought that this governor was their own reason. They thought that they might by their own reason do the things they lusted for; not only in private matters, but also in public. They thought reason was the only cause that men first assembled together in companies, that commonwealths were made, that policies [governments] were well-governed and long continued: but those of that mind were utterly blinded and deceived in their imaginations, their works and inventions (though they never

seemed so wise) were so easily and so soon (contrary to their expectations) overthrown.

Where is the wisdom of the Greeks? Where is the fortitude of the Assyrians? What has become of the wisdom and the force of the Romans? All have vanished away, with almost nothing left to testify that they existed, but that which declares well that their reason was not able to govern them. Therefore, those who were desirous to know the perfect and the only governor of all were constrained to seek further than themselves, and so at length to confess that it was one God that ruled all. By Him we live, we move, and we have our being [Acts 17:28]. He made us, and not we ourselves. We are His people, and the sheep of His pasture [Psalm 100:3]. He made all things for man, and man He made for Himself, to serve and glorify Him. He has taken upon Himself the order and government of man, His chief creature, and prescribed a rule to him, how he should behave himself, what he should do, and what he may not do.

This rule is the law of nature, first planted and grafted only in the mind of man, then after, given that his mind was defiled by sin, filled with darkness and encumbered with many doubts, God set this rule forth in writing in the Decalogue, or the Ten Commandments. After that, it was reduced by Christ our Saviour into these two commands: “You shall love the Lord your God above all things, and your neighbour as yourself” [Matthew 22:37–40; Mark 12:30–31]. The latter part whereof He also expounded on: “Whatever you will that men do unto you, do you even so to them” [Matthew 7:12].

In this law is comprehended all justice, the perfect way to serve and glorify God, and the right means to rule every man particularly and all men generally, and the only stay to maintain every commonwealth. This is the touchstone to try every man’s works, be he king or beggar, whether he be good or evil. By this all men’s laws will be discerned, whether they be just or unjust, godly or wicked. As an example: those who have authority to make laws in

a commonwealth enact a law that no pins may be made, except in their own country. This seems but a trifling matter. Yet if by this means the people may be kept from idleness, it is a good and just law and pleases God. For idleness is a vice by which God is offended, and is the way to offend Him in breach of these commandments: “You shall not steal,” “you shall not kill,” “you shall not commit adultery,” etc. For all these evils come from idleness. On the other hand, if the people are well occupied in other things, and the people of another country live by pin-making, and selling them, if there should be a law made that they might not sell them to their neighbouring country which is otherwise well occupied, it would be a wicked and an unjust law. For in taking away the means whereby they earn a living, a course is devised to kill them with famine, and so not only is this commandment broken: “You shall not kill,” but also the general law, which says, “You shall love your neighbour as yourself.” And, “whatever you will that men do to you, do you even so to them” [Matthew 7:12]. For you yourselves would not be killed with hunger.

Likewise, if a law were to be made which prohibited any man who could not remain chaste from marrying, this is an unjust, an ungodly, and a wicked law. For the result of marrying is that he might avoid sin; but in not marrying, he commits adultery in act or thought, contrary to God’s will and commandment: “You shall not commit adultery.”

Again, a prince forces his subjects (under the name of request) to lend him what they have, which they do unwillingly, and yet for fear of a worse turn, they must seem to be content with this. Afterwards, he causes to be assembled in a Parliament those who perhaps lent nothing, or else those who dare not displease him. To please him, they remit this general debt. This is a wicked, ungodly, and unjust law. For they are not doing what they would wish done to them, but would cause a great number of people to be undone: their children to perish by famine for lack of sustenance, and their servants forced to steal and perhaps to commit murder. So if

men will weigh well this order and law that God has prescribed to man: “You shall love the Lord your God above all things, and your neighbour as yourself” and “whatever you will that men do unto you, do you even so to them,” they may soon learn to discern good from evil, godliness from ungodliness, right from wrong. And it is so plain and easy to be understood, that no plea of ignorance can or will excuse any who offends against this law.

Against the offenders of this law, no corporal punishment was ordained in this world until after the destruction of the world with the great flood. For although Cain and Lamech had committed horrible murders, yet they were not corporally punished but were protected by God, so that none could lawfully harm them [Genesis 4:8–16, 23–24]. But after the flood, when God saw His gentleness and patience could not make his creatures do their duties unforced, but iniquity prevailed and mischief increased daily, and one murdered and destroyed another; then He was constrained to change his lenity into severity, and to add corporal pains to those who would not follow but transgress his ordinances. And so He made this law, which He declared to Noah: “He who sheds the blood of man, his blood shall be shed by man. For man is made after the image of God” [Genesis 9:6].

By this ordinance and law He instituted political power and gave authority to men to make more laws. For it cannot be denied that He who gives man authority over the body and life of man, because He would have man to live quietly with man so that all might serve Him quietly in holiness and righteousness all the days of his life. However, He gave him authority over goods, lands, possessions, and all such things that may breed controversy and discord, and so put obstacles in the way¹ that He might not be served and glorified as He requires. This ordinance also teaches makers of laws how they should behave themselves in making laws: that is, to set apart all partiality, and to observe an equality in

1. Original is “and fo hyndre and let”.

pains, that they be not greater or less than the fault deserves, and that they punish not the innocent or small offender for malice and let the mighty and great escape these due to partiality. And out of this ordinance grows and is grounded the authority of magistrates² to execute laws, for laws without execution are no more profitable than bells without clappers.

But whether this authority to make laws, or the power to execute the same, shall be and remain in one person alone or in many, it is not expressed, but left to the discretion of the people to make so many and so few, as they think necessary for the maintenance of the state. Whereupon in some places, they have been content to obey such laws, as were made by one, as the Israelites were with those that Moses ordained: the Lacedaemonians [Spartans] with those that Lycurgus made, the Athenians with those that Solon gave them.³ And in some places with such as were made by certain selected men, as in Rome by the ten men. And in some they received none, but such as all the multitude agreed unto. Likewise in some countries they were content to be governed, and the laws executed by one king or judge, in some places by many of the best sort, in some places by the people of the lowest sort, and in some places by the king, nobility, and the people all together.

And these various kinds of states or polities have their distinct names, as where one ruled, a monarchy; where many of the best ruled, aristocracy; where the multitude ruled, democracy; where all together, that is, a king, the nobility, and commoners, a mixed

2. Consistent with contemporary usage, Ponet employs “magistrate” to mean a member of the executive branch of government, in contrast with today’s usage to mean a member of the judicial branch.

3. Lycurgus: legendary lawmaker, responsible for Sparta’s laws, and credited with establishing Sparta’s *eunomia* (“good order”): *OCD*, s.v. “Lycurgus (2)”. Solon (c. 630–c. 560 BC): Athenian statesman and lawmaker who was credited with laying the foundations for the stable and successful society of classical Athens: *OCD*, s.v. “Solon, Athenian politician and poet”.

state, which men by long continuance have judged to be the best sort of all. For where that mixed state was exercised, there did the commonwealth longest continue. But yet every kind of these states tended to one end: that is, to the maintenance of justice, to the wealth and benefit of the whole multitude, and not of the superior and governors alone. And when they saw that the governors abused their authority, they altered the state. As among the Israelites, for the iniquity of the children of Samuel their judge, from judges to kings. Among the Romans, for the tyranny and oppression that Tarquinius⁴ used over the people (as the chief occasion) and afterwards for his sons' lewdness (as the outward occasion) from kings to consuls; and so from consuls (for their evil demeanour) to *Decemviri* and *Triumviri*, that is, to ten rulers and three rulers,⁵ and so from change to change, until it came to the state Imperial; yet always preferring and maintaining the authority, although they altered and changed the kind of government.⁶

For the pagans themselves being led only by the law of nature and their own reason, saw that without political power and authority mankind could not be preserved, nor the world continued. The rich would oppress the poor, and the poor seek the destruction of the rich, to have what the rich had; the mighty would destroy the weak, and as Theodoret says, "The great fish eats up the small, and the weak seek revenge on the mighty; and so on seeking the other's destruction, all at length should be undone and come to

4. Lucius Tarquinius Superbus (died 495 BC): the last king of Rome, notorious for his tyrannical reign which led to his overthrow and the creation of the Roman Republic: *OCD*, s.v. "Tarquinius Superbus, Lucius".

5. "Decemviri": an official commission consisting of 10 men, often used in relation to the First and Second Decemvirates, which were appointed during 451 to 449 BC to create codes of law. "Triumviri": a board of three officials, "of many different kinds, usually elected by the people": *OCD*, s.v. "triumviri (or tresviri)".

6. Cf St. Augustine, *Concerning the City of God Against the Pagans*, trans. Henry Bettenson (New York: Penguin Books, 1972), 5.12.

destruction.”⁷ And because this authority and power, both to make laws, and execute laws, proceeded from God, the Holy Ghost in Scripture calls them gods [Psalm 82:6–7]: not that they be naturally gods, or that they are transubstantiated into gods, (for He says, “they shall die like men” [Psalm 82:7], and indeed their works declare them to be none other than men) but for the authority and power which they receive from God to be His ministers here on earth, in ruling and governing His people, and that the people should rather obey them, and hold them in honour and reverence, according to His ordinance.

And the wonderful providence of God is herein to be well noted and considered by all such as love and fear God, that in all places and countries where God’s Word has been received and embraced, there for the time being the people followed God no tyranny could enter, but all the members of the Body sought the prosperity and well-being of one another, for God’s Word taught them to do this. “You shall love the Lord your God,” it says, “above all things, and your neighbour as yourself.” And, “what you will have men do unto you, do you also to them.” The fruit of His Word is love of others, whatever state or degree in this world they are in. And the state of the policies and commonwealths have been disposed and ordained by God, that the heads could not (if they would) oppress the other members.

For as among the Spartans certain men called ephors were ordained to see that the kings should not oppress the people; and among the Romans, the Tribunes were ordained to defend and maintain the liberty of the people from the pride and injury of the nobles; so in all Christian realms and dominions God ordained means so that the heads, the princes and governors should not oppress the poor people after their lusts, and make their wills their

7. Theodoret (c. AD 393–c. 458/466): theologian and bishop of Cyrus. Quote is from Theodoret of Cyrus, *On Divine Providence*, trans. Thomas Halton (New York, N.Y.: Newman Press, 1988), 91–92.

laws. As in Germany between the emperor⁸ and the people, a council or Diet, in France and England, parliaments, where all sorts of people met and assembled, and nothing could be done without the knowledge and consent of all. But where the people have forsaken God, and utterly condemned His Word, there the devil has by his ministers occupied the whole country, and subverted the good order, justice and equality, which was in the commonwealth, and planted his unreasonable lusts for good laws, as every man may see by the realm of Hungary which the Turks in our time have occupied.⁹ And where the people have not utterly forsaken God and His Word, but have begun to be weary of it, there God has not suffered tyrants by and by to rush in and to occupy the whole, and to suppress the good order of the commonwealth, but little by little has suffered them to creep in: first with the head, then with an arm, and so after with a leg, and at length (were not the people penitent, and in time converted to God) to bring in the whole body, and to work the feats of tyrants, as it shall be declared hereafter.

This is so manifest in most places that it shall not need any particular example. Wherefore it shall be the part of all Christian men to take heed, that in forsaking God they do not justly bring the devil and tyrants to reign over them. And those who are called to councils and parliaments (and so to be makers of laws, whereby the people should be bound) [ought] not to neglect their duty or to deceive the people of the trust and confidence that was placed in them. For it is no little danger that may thereby follow them, both in this world, and in the world to come. For any man who

8. The original is “kaiser”, which has been replaced throughout with “emperor”.

9. In 1526 Ottoman forces crushed Hungarian armies at the Battle of Mohács and in 1541, Suleiman the Magnificent captured Buda and incorporated parts of Hungary into the Ottoman Empire. Ponet alludes to the decline in the religious life of Hungary during the early to mid fifteenth century, which included seizure of church property and deteriorating ecclesiastical training and discipline: *Catholic Encyclopedia*, “Hungary” <<https://www.newadvent.org/cathen/07547a.htm>>.

takes upon himself to do anything for another (of however little value the thing may be) and therein did use himself either craftily, seeking his own gain and profit, or shows himself not diligent, or not passing what became of the matter committed to his trust; our elders being men of honesty, judged and condemned for a most vile knave and dishonest person and being men of wisdom, made a law (which continues till this day) not only that he should make recompense for the hurt he did, but also that he should not be allowed afterward in the company or number of honest men, no more than an open thief.¹⁰ And this they did not by will, but by reason; not rashly, but advisedly; not by the brutish voices, but by the more discreet heads; because they saw that men could not always be present to do their own things, but of necessity must use the help and trust of others.

And again, nature has not made every man apt for all things, but has made one man more suitable for one purpose than another, so that one having need of another, everyone should be glad to do for another, and all be tied together in an indissoluble strong band of friendship.¹¹ And therefore was such false and unfriendly dealing taken to be most vile, because it did violate two of the chief virtues and most necessary things, without which mankind could not continue: faith and friendship. For no man requires another to

10. In Roman law, a person who was guilty of a breach of confidence or trust (such as *fiducia*) was liable to the penalty of *infamia*, a moral censure involving the imposition of legal and social penalties: Adolf Berger, "Encyclopedic Dictionary of Roman Law," *Transactions of the American Philosophical Society*, 43.2 (1953), 500, s.v. "infamia"; William Smith, et al, eds., *A Dictionary of Greek and Roman Antiquities*, 3rd ed. (London: John Murray, 1890), 1:1006–7 s.v. "infamia". In the Middle Ages the *Corpus Iuris Civilis* was widely adopted in domestic laws throughout Europe.

11. Cf Thomas Aquinas, *On Kingship, to the King of Cyprus*, trans. Gerald B. Phelan (Toronto: Pontifical Institute of Mediaeval Studies, 1949), 4; John of Paris, *On Royal and Papal Power*, trans. J. A. Watt (Toronto: Pontifical Institute of Mediaeval Studies, 1971), 77, 79.

do anything for him whom he does not take to be his friend, nor does he trust him whom he thinks unfaithful.

And therefore they thought him to be a very wicked and vile person, and not worthy of the name of a man, that at one time and in one thing should thus undo the knot of friendship, and deceive him whom he could not have hurt unless he had trusted him. Now if nature, reason, honesty, and law do so grievously punish him and cast him out of the company of all honest men who is negligent in a trifle, how much more ought he to be punished and cast out of all men's sight who is negligent in the greatest matters? If he ought to be sharply used who deceives one poor man, how much more sharply ought he to be punished and to be abhorred by all men (yes, and even cast to the dogs) who deceives the whole of the realm of ten or twenty hundred thousand persons? If he is thus to be abhorred and punished who is required to do another man's business and deceives him, how much more ought they to be abhorred and hated who take it upon them to do for others, not desired but suing for it; not called thereto, but thrusting themselves in; not sought, but paying, giving many liveries, procuring and making friends to give them their voice, obtaining great men's letters, and ladies' tokens, feasting freeholders, and making great banqueting cheer; not by the consent of the party, but by force and strength, with troops of horsemen, bills, bows, pikes, guns, and such of like kind and quality.

If this opinion be held, and judgement be given against a man who seeks his own gain with the loss of his friends in small things; and what opinions men may have, what judgement shall be given of those who, intending to make themselves noble and rich, cut the throats of those who committed themselves, their wives, their children, their goods, yes, and even their lives upon trust into their hands?

If this judgement is given for worldly things, what judgement shall be given of those who wilfully go about to destroy men's souls, and to make them a present to the devil, so that they for a

time may be his deputies here on earth? If men abhor and punish such unfaithful and dishonest persons, how much more will the Almighty God abhor, condemn, and exercise His severe judgement upon them who thus abuse the authority given to them by Him, and deceive and undo those poor sheep of His, in whom (as His ministers) they put their trust?

Hark, hark (while there is time for repentance) to the sentence of God, pronounced by the mouth of His servant and prophet Isaiah; “Woe unto you,” He says, “who make unrighteous laws, and devise things which are too hard to be kept, whereby the poor are oppressed on every side, and the innocent of my people are robbed of judgement, that widows may be your prey, and that you may rob the fatherless. What will you do in the time of the visitation and destruction that shall come from afar? To whom will you run for help? Or to whom will you give your honour, that he may keep you from becoming prisoners, or lie among the dead?” [Isaiah 10:1–4].

This terrible woe of everlasting damnation was spoken not only to Jerusalem, but to Germany, Italy, France, Spain, England, Scotland, and all other countries and nations where the like vices may be committed. For God is just, and so hates sin that He never leaves it in any place unpunished, but the more common it is, the greater plagues and force He uses to repress it, as we may learn from the examples of the cities of Sodom and Gomorrah, and Jerusalem, his own city. And besides the general plague, He whips the authors of it with some special scourge, that they may be a spectacle, not only to those who are present, but also a remembrance to all that are to come.

But perhaps some who are put in trust and authority to make statutes and laws will say, “We would not willingly do anything against God’s honour, or the wealth of our country, or deceive any who put their trust in us. If any such thing follows, it is because we were ignorant.” Tell me, I beseech you, if you had hired one to be your shepherd, and your sheep should under his hand by his ignorance miscarry; or if your horse-keeper taking wages should

(through his negligence) let your horse die; would you not reckon him to be at fault and look for compensation at his hands? Should ignorance excuse him? No, you would say, "I hired you, and you took it upon yourself." And so you would not only force him to make satisfaction, but also would think it just to also have him punished to make himself no more cunning than he was, not to deceive any who put their trust in him. Then they are much to blame, who being put in trust in courts and parliaments to make laws and statutes to the advancement of God's glory and the conservation of the liberties and commonwealth of their country, neglect their office and charge; being appointed to be not only keepers of God's people, not of hogs, neither of horses and mules which have no understanding [Psalm 32:9], but of that dear flock which Christ purchased with the price of His heart blood; but also as physicians and surgeons, to redress, reform and heal if anything be amiss. And if a physician for profit or other men's pleasure would take upon him the healing of a sore diseased person, and for lack of knowledge or upon other evil purpose would minister things to hurt or kill the person, would he not be worthy to be taken and punished as a butcher and a man murderer?

But you will say, "We gave credit to others, and they deceived us." Do you think that this bald excuse will serve? Is it not written, that "if the blind lead the blind, both shall fall into the pit" [Matthew 15:14]? Did the plea that Eve made for offending in eating the forbidden fruit (when she said that the serpent had deceived her [Genesis 3:13]) excuse her? Nothing less. She was not only punished herself with such pains (none greater than death could be devised) but so also all her posterity.

Perhaps others of you will say that you did not dare to do otherwise. If you did, you should be taken for enemies of the governor, run into indignation, and so lose your bodies and goods, and undo your children. O you who are faint of heart, do you think that your parents would have left you as you were found, if they were so faint of heart? Or do you think that you will serve your purpose? Was

it enough for Adam, our first father, when he fell by bearing with his wife's company in eating the forbidden apple to say, "I dare not displease my wife," or to say as he said, "The woman whom you gave me, gave the fruit to me?" [Genesis 3:12]. No, it did not avail, but he and all his posterity were plagued for his disobedience, as we and all who shall follow us do well understand if we have any fear of God before our eyes.

When the brutish commoners of Israel were so importunate upon Aaron that he for fear was obliged to make the golden calf for them, and when Moses sharply charged him he excused himself, saying, "Alas, sir, this seditious and raging brutish people obliged me do it. God knows, it was greatly against my will," do you suppose that this excuse cleared him of responsibility?¹² Surely not. If he had not repented, he would have been as sure of hell fire for his labour, as they were who have set up or said the beastly popish mass, at the furious enforcement of the brutish commoners or in pretence of obedience to the Queen's proceedings in England unless they speedily repent and renounce their wicked doing, as Aaron did his.

Thus you have heard not only from where political power comes into existence, and of the true use and duty thereof, but also what will be laid to their charge who do not carry out their duty in making laws. See now what is said by God to the executors of the laws: "See what you do, for you execute not the judgement of man, but of God. And whatever you judge, it shall return upon yourselves. Let the fear of God therefore be before your eyes, and do all things with diligence. For with the Lord our God there is no iniquity, neither distinction of persons, nor does He have pleasure in rewards or bribes" [2 Chronicles 19:6–7].

But of the ministers of the laws and governors of realms and countries, more shall be said hereafter.

12. Cf Exodus 32:22–24.