

Vines on the Sacrament. Oñ.
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FINIS.

DISCOVRSES OF VVARRRE, AND SINGLE COMBAT.

Translated out of French by
J. Eliot.



Printed at London, 1631.



A Discourse of VVarre.

Chapter 1.

Whether it bee lawfull for a Christian Prince, or Magistrate to make warre.



All men are not of opinion, that the Christian Prince, or ciuill Magistrate may warre with a safe conscience against the enemies of his estate, or of the Church. But I hold the contrary, and I proue it by five reasons.

The first reason is, because God hath so expressely commaunded. And the Lord spake vnto Moyse, saying: Avenge the children of Israel vpon the Gadianites, and after ward thou shalt bee brought againe to thy people; then spake Moyse vnto the people saying: arme some of you vnto the warre, and set vpon Gadian, and avenge the quarrel of the Lord vpon him. You shall send to the warre a thousand of euery Tribe, out of euery Tribe of Israel, &c. I

The second reason is, because God himselfe hath at sundry times counselled, and taught his seruantes, how they ought to gouerne themselves in warre. Deut. 20. 1. & c. 3. 14. 2 Chr. 20. 16. II

The third reason is, because God himselfe in holy writ is called the God of Hostes: and the Lord God of battels, Likewise, that iust warres are called the battels of God, III. Exod. 15. 3. 2 Chr. 20. 16.

The fourth reason is, because many Kinges and Princes IIII.

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Gen. 14.

are highly commended in holy writt, for that they had warred valiantly against their enemies. Abraham with a little band of men warred against foure tiramous kinges, whom he discomfited, and so by that meanes recovered his cousin Lot, and all his wives, seruantes, goods and cattels, that they had taken from him in pillage, thanking God the giuer of so great a victory.

Nom. 31. 1.
Iof. 1. 2. 3.
&c.

Moyfes and Iosua haue so hotly pursued the warres, and in so good earnest, that without any comparison in courage and valoure there haue neuer bin found any able to surmount them.

1 Sam. 14. 1.

Jonathan sonne of King Saul was a mighty and valiant Captaine, and a man fearing God, as signably he shewed by the great overthrow he gaue to the Philistines.

Iof. 7.

Gedeon hath bin a man not of the least renowne for martiall affaires.

2 Sa. 5. 10.
&c. 8. 5. &c.

But amongst the most famous warriors that euer were, David hath bin one of the most excellent and most remarkable: he subdued in warre the Philistines, the Syrians, and many other nations and peoples.

V.

The first reason is, because Iesus Christ and his Disciples haue allowed the warre. Marcion affirmed that in the newe Allypance, that is to say, in the Gospell, all warres are prohibited, and that it is not lawfull for any Christian to wage warre, because our Saviour Christ said vnto S. Peter: Put vp thy sword into thy sheath: for whosoever shall smite with the sword, shall perish with the sword. But I answer, that this saying of our Saviour is to be vnderstood of particular reuenge, as by and by we will declare more at large. For as touching the rest that Iesus and his Disciples, haue at no time prohibited lawfull and iust warres, it appeareth by these places of holy Scriptures. The Centurion sayd vnto Iesus Christ: I am a man set vnder the power of another man, and I haue vnder me Soldiers, and I say vnto one goe, and he goeth: and to another come, and he cometh. To whom Christ answered not, that he should forsake and leaue quite all warfaring: but commending him, hee sayd to the multitude

Luk. 7. 8.

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that followed him, I say vnto you, I haue not found so great fayth not in Israell.

The Souldiers demanded Iohn Baptist, saying: and we, what shall we doe? Iohn said not vnto them: lay down your armes, forsake this warfaring, for it displeaseth God: but hee told them plainly what they should do. Hurt no man, neither trouble any man wrongfully, and be content with your wages. Luk. 3. 14.

Saint Peter baptised Cornelius the Centurion of the band of Italians, who was the first frutes of the Gentiles: and neuer exhorted him to leaue his charge. Act. 10.

The Apostle to the Hebr. praiseth those captaines and guides of warre, who by faith haue encountered with forces of foraine kingdomes, and haue behaued themselves valiantly in fight repelling strangers encroching on their territories. Heb. 11. 33.

The first reason is grounded on the law of armes, and the lawfull vse of the sword: for the Prince beareth not the sword in vaine, saith S. Paul, because he is the seruant of God, for the safeguard of the good, and the punishment of the wicked. Rom. 13. 4.

Now if it be lawfull for a prince to punish a small number of offenders, by a small number of his seruants and officers: why shall it not be lawfull for him, to punish a multitude by a greater number, when necessity shall urge him thereunto?

It is then apparant by these five reasons, which I haue alledged, that it is lawfull for christian Princes and Magistrates to wage warre when necessity shall require. And that which the Anabaptistes reply to the contrary, is most frivolous and of no force. Say they, it is written in the law of God, Thou shalt not kill: and in the Gospell, Resist not euill. And so likewise Christ said to saint Peter, Put vp thy sword into thy sheath: for whosoever shall smite with the sword, shall perish with the sword. I answer by these wordes of our Saviour, private reuenge is forbidden, and not publike reuenge, which is executed by the magistrat, according to law, by the commaundment of God. For sithens private men haue not receaued the sword from God, if they take it in hand, to vse it, and strike, hauing no authority from their superiour, they

Exo. 20.
Mat. 5. 39.
Mat. 26. 52.

B 2

are

L. 1. C.
de Seditio-
nis.

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are ipso facto seditious persons, for so saith the Law, albeit the cause seeme iust. But when the Prince delivereth over the sword, which God hath given into his hand to dispose, it is an other thing. For if he cause the offender to die, be it by upon a gibbet by sentence of a Judge, be it in warres, it is not he, to speake properly, who doth this execution, but it is God himselfe who doth it, by the sword which he hath committed into his hands, as unto his Lieutenant, and that according to law and right. Wouldst nevertheless, that the prince or magistrate execute iustice, as becommeth the servant of God, without any private grudge or pretence of revenge. For so he himselfe should also be a murderer, and should transgresse the commandement of God. Now let vs proceede to declare the causes of warre.

Chapter 2.

Of the causes that may moue a christian Prince or Magistrate to make warre.



S First that thou haue perfect knowledge of that which thou doest enterprise (saith Bias one of the 7. sages) and then put thy selfe in practise to effect it. And indeed a man ought not to undertake any action vnkisse god and lawfull occasions moue him therunto: or therwise God breatheth out his anger vpon the action, and giueth it his malediction. If then christian princes or magistrates will undertake warre vpon some hope conceiued of good successe, the causes thereof must be set downe before hand to be iust and lawfull. The causes then are two that may moue vnto warre. One, that respecteth the gods of this world, and the naturall life of man: and this is of two sortes.

First when it commeth to the point of repulsing the violence and iniury of tyrants that giue the onset: for if it cannot be

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denyed, but by the law of God and man it is tollerable for innocency to defend it selfe by some means when it is iniured & outraged, and that nature hath not in vaine grafted in the hartes of all liuing creatures a desire to preserve and maintaine their liues and goods: Who will then deny that it is lawfull for a Prince to take arms and to goe to the field to defend his estate, and to keepe his subjects from the fury of the invaders? Moyses giueth a very good example hercof, fighting against the Cananeans, and against Ogg the king of Basan, who had assailed the Israelites.

King Iosaphat giueth vs also an example, giuing battell against the Ammonites and the Moabites, who were issued out to set vpon him.

Dauid is also a notable example, repulsing the Syrians which warred on him. And his owne sonne Absalom, who was by armes against him with his men of warre, by the aduise and counsaile of Achitophel.

But best worthy to be marked is this: Dauid hearing and knowing that the Amalechites had burned Siceleg, and taken his wines that were there prisoners away with them, asked counsaile of the Lord, if he should pursue the army of the Amalechites: And the Lord answered him that he should, and he took foure hundred men with him, and so pursued his enemies, till at the last he vanquished and discomfited them, and recovered all that they had carryed away before.

Secondly, when it commeth to the pinch of relieuing those that are allyed and haue concluded some league of amity with vs being wrongfully oppressed: For Christian Princes may conclude allvance with their next neighbour nations, so that nothing be done against the honoz of God. Some one will say, that the borders and iurisdiccions are distinct, and that it is against all right to invade one another.

I answer that indeed it is ill done to inroch one vpon another, when invasion is pretended to each others territories (and as bid the Arbitratour of whom Cicero maketh mention) to appropriate to himselfe that, which is yet in controuersie. But here the case standeth otherwise, when it commeth to the

Cic. 1. Off.

Nom. 21. 1.
21. & 33.

2. Chr. 20. 1.

2. Sam. 10.
18.
2. Sam. 30. 1.

1. Sam. 30. 1.

Off. 1.

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push, to invade and encroach upon others, to defend the right of those that are allied and confederate unto us.

Ios. 10. 1.

So it was that Iosuah hauing concluded a peace, and being allied with the Gabaonites, gaue them aid against the five kings, which warred upon them, in so much that hee raised the siege from before Gabaon, and discomfited the five kings.

1 Sam. 11. 3.

So it was that Saul, when the towne of Iabes besieged by Naas the Ammonite, a most cruell and tyrannous Prince: in so much, that Saul carried along together by the spirit of God, caused the Gabaonites to be raised, and put to flight all the Ammonites.

Gen. 14. 14

So it was that Abraham, the father of the faithfull, caused three hundred and eightene of his owne seruantes borne in his owne house, to be armed and set in order to fight to aid his nephew Lott, and to take him by force out of the hands of his enemies, who had taken him prisoner, and carried him and all his substance away with them.

3. cause.

The second cause why christian Princes may warre, concerneth Religion: for they deuiue themselves, that say no warre may be waged for the maintenance of Christian Religion. True it is, that the Church both not use to bee so forward and overhasty in taking armes: but so it is, that it may fully bee defended and preserved by the means of armes. Then it followeth, that princes and christian magistrates may wage warre. First against Apostates, that fall from the faith.

Deut. 13.

There is an expresse commandement given from God, touching this, that what towne soeuer shall revolt from him and from his seruice, shall be assailed by warre, and if it continue rebell and obstinate, then to be razed. But in the third chapter we will thoroughly discusse this point, and shew how far Christian Princes and magistrates may constrain their hereticall subiectes by lawfull warre.

Secondly, christian Princes may war for the defence of the Church, when a Prince being ennemie of God, and an Idolater would offer violence & oppresse it, to the end to establish

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a false religion, and to suppress the truth. For God hath given it them in charge, and made a covenant with them, enjoining them to maintaine it, and to haue great care thereof, and not onely of some particular members: but of all the whole and entyre bodie thereof. For it is but one called by the name of Catholike or vniuersall: as also in old time there was in Ierusalem, but one temple, a figure and tipe of the same Church.

When christian Princes are consecrated they promise and sweare solemnly, faithfully to protect this Church, and to employ the temporall sword which is there given them for the safeguard and defence thereof. And for the same effect hauing the same sword in their hands, they turne themselves to the foure corners of the world: towards the East, the West, the North and South, there vowing solemnly to performe the sayd promise. By which ceremonie they use to signify, that they take there into their protection and safeguard the vniuersal Church, for as much as in them lyeth to do, against all those that would undertake to assaile and oppresse the same. This is to be understood of the true Church, notwithstanding the abuse used under the popish empire.

Also all Princes and christian Princes are, or ought to be members of this Church. Therefore they haue this interest therein, so that they are bound in conscience to preserve it safe and in good estate, and to keepe it from all danger. The Pilote that is on the sea in his ship, ought to stand in feare of shipwracke, because he is in jeopardy as well as the rest. The gouernour of a City ought to feare the surprizing of the same, because he is in as great danger as the rest of the citizens. So christian Princes and Princes, and all Magistrates honoured for the true knowledge of God, ought greatly to feare the ruine of the Church of God, for if it be ruined, with it they must needs be ruined also.

But especially they ought to uphold it, because they are the tutors and guardians thereof: because they are the seruantes of God: because the two tables of the law haue bin deliuered into their hands, because that to them belongeth the care, not

Isa. 49. 23.

Rom. 13. 4

Deut. 17.

19.

1. Tim. 24.

only

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onely of the holiest demeanour thereof, but also of the zeale & godlines, as saith the holy scripture.

Agg. 1.

Then y^e prophet Aggeus exhorteth the Jewes, after their comming backe from Babilon, to reedify the Temple of God, hee addresseth not himselfe onely to the people and to their priestes, but also vnto Zorobabel the chiefe ruler of Iuda: which sheweth evidently that not onely priuate men and ministers ought to do, as much as lyeth in them, for the edifying and preserving of the Church, but also all christian princes & magistrates whatsoeuer. The priuate men for their part ought to take heede, that they be true members of this church. The ministers, that they exhort both priuate men and magistrates truly and sincerely to do their duty. The magistrates, that they endeavour to helpe and stay the ruine and corruption of the church, and to make it safe from all iniurie, both within and without: not in establishing of lawes contrary to the law of God: but in making every one to revere the law of God, and maintaining it boldly against all the erreurs of false prophets, and against the violence of iniquell and tyrannous princes.

Nehc. 4.

At the building of the Temple by the ordinance of the Elders, and by their conduct, one part of the people carried mortar, and the other part carried weapons, and some in one hande carried trewels, and in the other hand they carryed a sword, to the end if their enemies came to disturbe them at their worke, they might be prouided for them, to chase them away.

Ios. 22. 10.

The ten tribes under the conduct of Iosua ouerthrew the Rubenites with their companions, the tribes of Gad, and Manassas, because they had erected an altar against the word of God.

1 Mac. 1. 83
& 3. 1.

Judas Machabeus fought against the armie of Antiochus, who would offer violence, and throwe downe the religion of the Jewes (which then was the true religion) and compell them to receive the religion of the Pagans.

Euf. l. 9. c. 8
de histor.
Eccles.

Eusebius reciteth an history of the Armenians, who being compelled by the emperour Maximinus to change the

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forme of christian religion into idolatrie, became of his friends his mortal enemies: of a people before in league of amity with him, his capitall aduersaries: so that to defend themselves with strong hand against his wicked ordinances, they both swarmed fore vpon him, charged him hardly, and pursued him in fight very nere.

The same Eusebius writeth, that Constantine the great, Licinius (brethren in law) and copartners in the Empire; Licinius commanding in the East, and Constantine in the West, neither of them having any authoritie ouer the other: at the length Licinius raised a great persecution against the Christians in his dominion, disturbing the exercise of their religion, banishing them out of all partes, putting many of them to death, with many kindes of barbarous cruelty, til Constantine set vpon him, and made open warre vpon him so long, till at the last he was forced to moderate himselfe, and to accord vnto christians the free exercise of their religion. Which thing Licinius hauing confirmed by solemne promise, after a short space returned to barbarousnes againe, and as before (against his faith and promise) did begin to persecute christians secretly. Wherefore Constantine set vpon him againe, pursued him, took him, and caused him to be slaine by his owne soldiers in the towne of Thessalonica. And it is a thing to be noted, since that time all Diuines do so highly commend that act of Constantine that they say in him is verified the promise contained in Esay: That Kings shall be thy nourishing fathers, and Queenes shall be thy nourishing mothers: because of the Church.

Isa. 49. 23.

Wee reade the same of that worthy enterpryse, that the French with the greatest part of the people of Europe, to the number of three hundred thousand footmen, and one hundred thousand horsemen, vnder the charge and conduct of Godfreyd of Bouillon, duke of Lorraine, made against the miscreants and infidels, to recover Ierusalem and the holy land.

Then may christian princes make warre for the safeguard of the true religion: and indeed (as we haue said) they are established of God for the same purpose: and they are most expressly

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commanded to kisse the Sonne, lest he be angry in signe of homage, acknowledging him for their true King, and for their soueraigne Lord.

If God haue strictly commanded princes and people that he hath elected to arme themselves for to keepe possession of the land of Canaan, which was a figure of the church, and of euerm-lasting life: who may deny that princes at this day may not with a safe conscience arme themselves, and their people, to keepe their possession and inheritance of the Church, and of life euerm-lasting, against all tirantes that haue leagued themselves to put them out thereof?

If piety (as the Pagans hold) command both princes and their subiects, to expose their goods and liues for the safegarde and preservation of their kingdomes, feignozies, and countries: how much the more ought wee christians to thinke, that the same piety both command and bind vs to do the same for the defence of the Church, which is the kingdom of God, and the true countrie of all good faithfull christians.

If the life and goods do but serue onely vnto piety, why should not one do that for piety, that one would do for life and goods.

It is said, that the church ought not to be defended by armes: But wherfore then should it be assailed with armes? Is there any greater tyranny, then that which is exercised against the soule: And is there then any warre so lawfull and iust, as that which christian princes wage, to repress so great a tyranny?

The Pope he will haue his Crusado, and his knightes of Malta, and of other places, to maintaine his faith and his Romish church against the Turkes. Why then would hee condemn the same power in other christian princes, to defend by armes their true religion against the inuasions of all tyrannous and infidell princes.

Alphonfus king of Aragon, a christian prince, had this prety deuise in all his armes and standerds: *Pro lege, & pro grege*; that is to say, For the law, and for the people. Which was very proper to signify, that he perceaued himselfe called of God, not onely to defend his countrie, but also to preserve the church

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church, the true faith, and religion.

Now is it sufficiently proued, at warres for matters of religion are not contradictory to the vocation of christian princes and magistrates: Let vs procede, and examine what a christian prince ought to do, when it falleth out, that hee must needs chastice and punish his heretical subiects, either by warre or els otherwise, according to the default committed.

Chapter III.

That a Prince may chastice by warre, or otherwise, his heretical subiects, but with some moderation: and yet not before he haue conuined them to be heretiques by the word of God.



ere knowledge and conscience are necessarily to bee had. The Christian prince ought indeed to dyne away all heretikes from among his subiectes, if there be found amongst them any such: and hee ought to chastice and punish them, either by warre, or els by some other forme of iustice, lawfull and approved. For in this error were the Manichees, & the Donatistes, that no man ought to be troubled or molested for his religion, much lesse punished: but that euery one myght liue freely after his owne fantasie. S. Augustine himselfe was sometime of this opinion, but afterwards retracted his error, approving that christian princes might punish heretikes: as appeareth in the epistle that he wrot to Bonifacius.

This law is made in the booke of Exodus: That whosoever maketh sacrifice to strange Gods, but onely vnto the soueraigne Lord, should be slaine. In Leuiticus commandement is giuen: that the blasphemers should be stoned and put to death. In the booke of Numbers it is said,

Ex. 12. 20.

Leuit. 24.

14. & 16.

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Nom. 15. 34 ¹² that whosoever shall violate the Sabbath, shall die the death.

Deut. 18. 20 And in Deuteronomy: That the Prophet which shall presume to speake a word in the name of God, which he hath not commaunded him to speake, or that speaketh in the name of strange Gods, the same Prophet shall dye.

Now by whom should these executions of Gods iustice bee done, but by the prince or magistrate? We heare before that God commaunded, that the city that should reuolt from him and from his true religion should bee set vpon by warre, and if it be obstinate and rebellious, that it should bee razed.

1 Tim. 1. 19. That which some alledge, that S. Paul was content onely to excommunicate Hymeneus and Alexander, who had made shipwracke of their sayth: and that he commaunded Titus to excommunicate after the like manner all heretikes, after the first and second admonition, maketh nothing against the execution of the christian prince or magistrate. For saint Paul doth not shew there, how the prince ought to behaue himselfe in such a case, but sheweth what the pastour of the church his duty is in lyke matter. No man doubteth, but the incessuous person ought to bee punished by the Magistrate: albeit saint Paul writing to the Corinthians, speaketh nothing moze of the incessuous person that was amongst them, but onely his counsell was to excommunicate him: and the reason is, because he there spake vnto the Consistory of the congregation, and not vnto the ciuill magistrate, making a great difference betwene the office of the one and of the other.

Then by this that wee haue already sayd, it appeareth that the christian prince may, and ought to suppress his hereticall subiectes, either by warre or by any other lawfull meanes, so that it be done with iudgement and some moderation.

And first he must make a difference betwene shanneles, obdurate and contumacious heretiques, who are the setters on fire, the plagues, and chiefe captaines, to consume, infect, and leade others headlong into perdition: and betwene the poore ignorant people, who are seduced and abused by them,

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AND do not offend deliberately of mallice or obstination.

The first are inexcusable, and without all doubt ought to bee persecuted by the prince as murderers and paysoners of soules. For albeit no man may be compelled to receaue the faith violently, yet so it is, that the prince ought by no means to permit any to oppose himselfe publicly against the faith.

Concerning the ignorant people, and those that offend not vpon any purposed malice, nor by any selfwill, and in whom there is as yet some hope of amendment and conuersion, they ought not to be persecuted with death incontinently, but there should be prayer made vnto God for them, and they must bee instructed with patience, till they come to better understanding.

Secondly the prince ought not to condemne, nor punish by warre, or otherwise any of his subiectes for heretikes, before hee haue conuincd them to bee such by the word of God: for such proceeding is cleane contrary to the deuoir of christian princes, who hauing their subiectes suspect, or accused of heresie, yet being such that they will submit themselves to verifie their doctrine by the word of God: instead of hearing them, stop their mouthes and will not let them speake for themselves: in steade of causing disputation to bee made against them by the holy scriptures, refuse and contemne the holy scriptures: in steade of examining their arguments and reasons by the true analogie and proportion of the faith, condemne them straight against the faith, persecute them, massacre, and burne them, warre on them, and vsing all kind of barbarous cruelty towards the, violate their owne lawes and promises.

King Lewis the twelfth of that name was not such a one: This good king and father of the people being importuned by the Cardinals and Bishops of his time to vse some rigour & some manner of bloody execution against those of Cabrières and of Merindol in Prouence, whom the most part held for heretikes: vnto whom hee made this answer worthy of a Christian king. I am (saith he) King and ruler ouer my people, to administer iustice amongst them: which I cannot do without hearing them who are accused. And there-

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fore I must heare them before I can condemne them, yea were they Turks, Iewes, Sarazins or Devils.

And thereupon, although they certified the King sundry times that the doctrine of those of Cabrieres and of Merindol had bin often condemned by the Councils, and namely by the Council of Lateran: neuertheless he persevered in his holy advise, and said: I will not straine my conscience so farre, to be so hasty in iudgement vpon the sole authoritie of condemnations set downe by the Councilles, but I will haue the hearing of the persons accused, before I procede to condemne them.

A most golden saying: for indeed it is not sufficient that men bee accused to be heretikes, if they be not conuicted to be such by the holy scriptures. For if the sole accusation would suffice to condemne a man, there is no kind of innocency but loseth his right.

Let vs now see what mischiefs warre bringeth, to the end that christian princes do not vse it, but in time of good occasion and of great necessity.

Chapter IIII.

That because of the great inconueniences and mischiefs that accompany warre, princes ought not to attempt it, except in time of great extremity.



L. 5. Paricid.

As hecles the Spartan King, and Aristotle were wont to say, that a King ought to gouerne his people, as a father doth his children. For so also in ancient time kings were called by an Hebrew word, Abimelech, which signifieth, *My father the king*. Now the father governeth his children in all lenity and godlines, and not in rigour, so saith Martinus the Lawyer: The king then ought to rule his people in lenity & godlines, and not in rigour: but he doth the contrary, when he ouerpresseth them with warre. For it is not to rule in p-

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ety and lenity, to exercise such tyrannicall gouernment ouer his people, namely by ciuill warre, which is the very scourge of the people, far more insupportable and hurtfull then foraine warre of strangers. Let vs then see, what mischiefs warre bringeth vnto a common wealthe in generall.

Warre maketh all thiings deare, and causeth famine: for the souldiers treade downe the fruites of the earth vnder their feet, spill the vines, steale, burne whole towne and villages, spoile and rob mens houses, take away mens cattell, fowrage their barnes, lye in waite to set vpon men in the high waies vnder the traffique and concourse of Marchants, and doe commit many such like mischiefs, which for the most part cause great famine and scarcety.

Warre is cause of great sickness, and namely of the plague and contagion: it bringeth great payne and tormole with it: a man in the warre is ill lodged, hee must eate that which hee findeth, and drinke what he can come by, and oftentimes the aire is corrupted by the infectio and stinking ordures of an army, and by the number of dead carcasses, as well of men as of horses, which lie scattering here and there not farre from the campe.

Warre causeth all Lawes and iustice to cease, the true seruice of God to bee corrupted, or the free course thereof to bee hindered.

Warre maketh all reason and equity to yeelde to violence, abandoneth youth to all wickednesse, and loose liuing, causeth gray haire to be vilipended and set at naught, abaseth all estates, and causeth them to degenerate, exalteth men of small quality, bringeth low honorable estates, bringeth in innovations and dissolutions, maintaineth disorder and confusion, interrupteth the Vniuersities, and maketh all scholes of learning (the seminaries of vertue) to cease, and make intermission, soloweth the very seedes of all trouble and sedition, entertai- neth and fostereth the rascallest sort of people, some that haue gone about with a bag, and some that haue deserued the corde: maketh one neighbour not to know an other, to eate and destroy one another, taketh away by force the plowman from

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his tillage, and carrieth the Artizan with him, or will hee, from his shop and family. No man is able to furnish so many contributions as it craveth. The poore man dyeth for hunger, the innocent suffreth wrong, widues and maidens are raiulhed and defiled, thousands of children made orphans and fatherles, blasphemie and reviling the name of God committed, murders, thestes, and adulteryes perpetrated daily, all excesse used: and what mischief or villany is to be named, wherewith the warre aboundeth not?

Some warre traineth after it so many and infinite mischiefs, that woorthily it is called the scourge of God. Therefore Virgil sayd: No hope of health in war, therefore wee demand peace. So also Seneca saith: Peace is to be esteemed above the greatest things of account, & above all the riches and treasures of this world. And he which hath not this peace in possession, ought to purchase it and buy it dearly. And the maister of sentences saith: That man is mad who liueth in peace, and yet will seeke warre: for peace (saith he) bringeth abundance of good, & warre taketh it away againe, and scattereth it.

Then Princes which haue this priuledge to be christians, if they loue their people, as good fathers loue their children, they ought not to manage warre but in great neede, and in case of extremity: and then to vse it as a remedy very dangerous and mortall, as is the searing and incision of any member. And as the skillfull Physitian saith: Extreame remedies must be applyed to extreame maladies. But let vs now see with what lawes and rules they ought to wage warre if necessity require.

Hypocrat.
Aeph.

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of christian Warre.

Chapter V.

Certaine rules and lawes to be practised of those that vndertake to wage warre, to the end that God may blesse and prosper their actions.



All things with aduise (saith Salomon) and thou shalt neuer repent. Plato (saith Socrates) thre things are contrary to good aduise: hast, anger, and couetousnes. It falleth out often that warres are not taken in hand vpon god and lawfull occasions: and so are cursed of Gods mouth: and albeit they be vpon god and lawfull occasions taken in hand, it cometh to passe yet, that being ill managed and made in hast, or els being waged vpon some excessive cholere and stomacke, or for a thirst of lucre and couetousnes, or vpon some particular humoure of enuy, they are also cursed of God. Princes therefore haue these seue rules to practise and follow.

1 Rule.

That warres be not taken in hand, but for some great and important affaires: as some are wherof we haue spoken a litle before.

2. Rule.

That the Prince be not troubled vpon every light occasion; but before hee make warre, that hee assay by all meanes possible to maintaine peace and concord: for if the end of war be to seeke to conclude peace againe (as Cicero saith) without all doubt the christian Prince ought to procure and seeke all honest and lawfull meanes, wherof hee can bethinke himselfe, to pacify and accord all differences, before he procede to armes and to warre: and above all things if he be well aduised, ought

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to be very milde and patient aboue all thinges in his sharpest afflictions, and fourest temptations. Plato being asked vpon a time how a wise man should be knowen: answered, when he had great and sundry troubles, if he ouerpassed them mildly, and with much patience.

Else read of Fabius Maximus, who by his great patience and long delay in taking his fyfte time, stopped and disappointed the furious rage of Hanniball, and ouerthrew his forces which seemed almost inuincible. So by this meanes he preserved the common-wealth of Rome from most imminent danger. And in very deede if running headlong and ouer great haste be condemned as a rashnes in all persons, especially it is to bee blamed in Princes, when they take in hand to make warre. For (as a Greeke Poet said) the second thoughtes are commonly the wisest, and the best.

Euripid.

3 Rule.

That no man warre, to the end to vsurpe the goods and inheritances of other men. For that were flatly to go against the commaundment of God, which forbiddeth to steale. Wherefore Alexander the great was as much a thiefe, when he sacked any prouince, or when he did vsurpe it with a strong and mighty nauy: as was Diomedes the litle pyrate, that did but skimme by and doliue the sea in a litle brigandine, robbing here and there where he could come by a booty. But (as one said very pretily) all the world is as it were a great bed garnished with diuers litle coverings and litle keuerlets, euery man drawing a peece to himselfe, and uncovering his next bedfellow.

If one demaund whether Mydas or Crates was the better soke: whether Mydas for that hee made account of nothing in this world so much as of gold: or Crates, for that he cast a great summe of gold, being all that he had, into the sea: he that hath any reason, will say that Crates was the wiser of the two: for Mydas doliued himselfe in his golde, but Crates knowing that his golde was a great hinderance to his minde, that he could not intend to apply himselfe to study of Philosophy, cast

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it into the sea, saying it was better for him to doliue it, then it should doliue him. I bring in here this example of the poore Pagan, to condemne the ambition of diuers Christians, who not contented with their owne possessions, seeke by all meanes possible to encroch vpon the possessions of other men: as wee reade of king Pyrrhus, who hauing made an enterpryse vpon Italy, Cineas his sage counsellor said vnto him: wel (my Lord the King) you pretend to be shortly maister of all Italy: I marry, saith he: and what will you do when you haue got it all? I will passe, saith he, into France and Spaine. And what will you do then? I will goe to subdue all Afrique. And after that what then? when I shall haue subdued the world vnder my Domination and subiection, I will bee (saith he) content, I will lye at mine ease and rest my selfe. For Gods sake (said Cineas) my Lord tell me, what holdeth you, that if you will, you are not in possession presently of this estate: what want you? what stand you in neede of to be content, for you are sure of it? by all these sage demaunders and replies Cineas thought to make Pyrrhus perceiue at last the vanity of his ambition: but he talked vnto a deafe man that would not heare.

And it is a maxime verified from all times, that euery empire or kingdome enlarged by extorsions and rapines, by encroching vpon the signories and territories of other Princes, must fall to decay at last, must be ouerthrowen & ruined with in it selfe by ciuill warres, dissensions, or other tumultuous broyles.

4 Rule.

That the Prince that will undertake to warre against others, first let him knowe how to rule and overcome his owne passions and affections. For (as Socrates saith) it is a matter of greater difficulty, and a more vertuous act to overcome his owne will, then to overcome his enemy. And Plato saith, Hardly will he overcome his enemy, who knoweth not how to overcome himselfe. Let not then the Prince be caried away with his foolish passions, especially by too much choler, by a particular desire of reuenge, by hatred or

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by other such like affections, which hurt and hinder the true order of proceeding in right and iustice.

It was a rare example of the choler of Severus Caisius, of whom it is reported, that he did please better being troubled & moved, then either wise: and that his adversaries stood in feare to move him to anger, fearing lest in his angry mode hee redoubled the eloquence that he used other wise being not moved.

Anger (saith Cassiodorus) is the mother of all other vices: and the corruption of all vertues, as Aristotle saith. Take heede of anger (saith Varro) for it overthroweth all reason quite, and troubleth the vnderstanding. The man (saith Cicero) that in his fury and anger, will reuenge himselfe of any other, and chastise him presently, can neuer keepe any meane betwene too much and too little.

But for the emulous man, he boileth inwardly, as Horace saith, and is content to destroy and hurt himselfe to hurt and enuoyage another.

5 Rule.

Fulgoslin.
7. ch. 2.

That the prince baged of necessity to warre, chose out his Captaines and guides well experienced and valiant men. For in the pollicy and counsell of the captaines and guides (so saith Publius) consisteth all the puissance and addresse of the men at armes. Another said, he had rather haue an army of hartes vnder the conduct of one Lyon, then an army of Lyons vnder the conduct of one hart. Caisius souldiers being one day chased backe and put to flight, by Pompeius campe, Pompey daring not to pursue him in the chase long, Caisius said that night secretly to his friends, that that same day his enemies had won the last victory, if they had had in their campe but one captaine or leader, that had knowen how to overcome or conquest.

Now a dayes some such are made captaines that were neuer souldiers before, or at the least, good souldiers. So, for lacke of experience, before they euer haue bin in field, they are wonne by one hardy, in so much y they dare eate yron charret wheels.

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But when indeede they must lay about them and fight in god earnest, to make pzoof of their valour, they are astonished, and their hart faileth them incontinent.

But aboue all thinges the Prince ought to make choise of such men for guides and leaders, as haue the feare of God before their eyes. For often times it cometh to passe, that for the wickednes and puerfines of the Captaines and chieffes, God pouereth out his anger vpon all the poore people: as appeareth by that one example of Acham, who for taking spoils that were forbiidden him, the anger of God was kindled against all the Israelites. 10. 7. 1.

6 Rule.

That he chose also for his men at armes and souldiers, men that feare God: for the victory dependeth not of the multitude of fighting men, but of the grace and fauour of God.

We finde many worthy exploits, which surpasse all military discourses and reasons in Caesar, accompanied onely with a few valiant and hardy men at armes. For with howe small a number did he enterpryse to subdue Egypt, to set vpon the armies of Scipio and Iuba, and atchieue his enterpryse: his forces were by ten partes more feeble then theirs. With how poore equippage at the streight of Hellespontus durst he assaile, fetch in, and force to yeld Lucius Caisius? He had but a litle bargueroll, and the other had ten great ships of warre: neuertheless hee atchieued his enterpryse. With how harde meanes did he hazard himselfe to assiege Alexia: and yet he had but slender and meane forces. We thinke the towne there were 70000. men of defence, and without the walles were the Gaulois camped against him, to make him raise the siege to y number of 109000. horsemen, and 240000. footemen: non obstant all this he encountred first with the succour, and vanquished them in fight, and afterwards compelled those within the walles to yeld to his mercy.

Now if the pagan Caesar hath done so valiant exploits, reposing the confidence of his victory, not in the great number of

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his souldiers, but in the good lucke of his fortune (to speake after the manner of the Paynims) and in the valour of his men at armes. What shall our christian captaines do, who haue their men of warre, not onely couragious and valiant, but also such as haue aboue all thinges the feare of God before their eyes: albeit they be not very many in number: and surely the body of a maine campe ought to consist but of an indifferent and moderate number of men: for these huge and mighty armies consisting of men innumerable almost, do very selborne any thing worth the speaking of. But those armies that are reigled with certaine moderat boznes, for the most part do achieve most glorious exploits, and signally when they are all sincere and true Christians.

Whether haue relation the holy histories of Gedeon, of Baruc, of Sampson, of Iephtha, of Dauid, and of diuers other captaines and guiders in warlike affaires: who (as the Apostle Heb. 11. 33. saith to the Hebrewes) by faith haue encountered with forraine kingdomes, and turned to flight the campees of Aliens and strangers.

And who doubteth, but that most famous and great victory which the King of Nauarre had in a battell this last yeare against the Duke of Joyeuse at Coutras, hath relation and referreth it selfe to this place: The pastour that offered up the prayers vnto God, immediately after so great a victory to giue him thanks therefore, might very wel say that, which he saith: Our arme hath encountered, but the arme of the Lord hath vanquished. To conclude, it is not an hard matter for God to saue with a small number of people, that which the holy scripture affirmeth to be true.

1 Sam. 4. 6
Iudith. 9. 15

7 Rule.

That god and holy lawes haue course and vigoure in christian armies, and not onely in towne and Cities, but also abroade in the middelt of the campaigne. For this sentence, that the lawes cease, &c. are of no force in warre, is not of God but of the Deuill.

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But it is expedient, that these lawes be common to all, and that they hold vnder, not onely souldiers, but also the Chieftes and Captaines, from the least in the campe to the greatest, in such sort that none aduantage be taken of these lawes, as was by the lawes of Anacharis, which were compared to the spiders webs: for as the webbe of the spider keepeth the little flies fast prisoners till the spider come, and breaking when the great flies fall in, letteth them goe: so Anacharis lawes punished those of small and base quality, and let the mighty and great ones escape unpunished. And it is in lawes commonly, as in the Poets censure: Which spareth the crows, and putteth the poore pigeons to paine.

Horat. Sat. 20.

Papinian the Lawier chose rather to die, then to excuse the parricide of the Emperour Caracalla.

Zaleucus enacted in his lawes, that whosoever should bee found to commit adultery, should haue both his eyes put out: li. 6. cap. 5. it fell out that his owne sonne was conuicted of this crime, wherefore his father would in any wise haue the law executed vpon him: & sure so it had bin, had not the importunate prayers of his people, entreating him to remit wholly the culpe, moued him some thing in the matter: but see what hee accorded vnto the people, because he would not haue his lawes violated, and to be made without effect: to satisfy the law, hee put out one of his owne eyes, and commanded that his sonne should haue one of his eyes put forth in like manner.

Archidamus being asked, who were the chieftest gouerners of the City of Sparta: made answer, the lawes and the magistrates lawfully established in authority. Agesilaus king of the same city of Sparta said, that the captaine generall in warre is bound to follow and do that which the lawes command him, and to prosecute iustice, without the which, all powerte is nothing worth. It is a very seemely thing (sayd the emperours Theodosius and Valentinian) for his Majesty that ruleth ouer others, to declare that hee his a Prince conformance to all god lawes. To conclude, saint Augustine saith, the law guideth all force and power in martiall affaires, and giueth great vigour and lustre to iustice and equity.

Plut. in the life of Agesilaus.

In an epist. to Volusia.

Aug. l. 4. of the city of God. ch. 4.

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And indeede looke by how much the moze matters are bzolled and troubled (as in warre) by so much the moze haue they neede of some good order and reiglement. If a Carpenter or Mason should cast away his squire, his rule and his compasse, how shall he be able to worke? If the Pilote, when there ariseth a great tempest at sea, do cast away his bellishing, his carte, his needle, and his sterne, how shall hee bee able to conduct his ship with iudgement to the place whither he pretendeth to saile? We see by experience every day what is done in warre. There is no mischiefe, that souldiers do not put daily in practise against the poore people. In warres the lawes are silent, and men at armes will haue no execution of iustice. The cause that is pleaded is open and shut: but that is all. Besides that, there is nothing done according to iustice and right. No manuell then though sundry times the enemy get the upper hand.

8 Rule.

Ouid.

Syllus.

That the leaders and Captaines bee valiant and courageous in all such difficulties, as of custome fall out in exploits of warre. The cunning Pilote is knowne and tryed in tempestuous weather at sea: for in a calme or very fayle can play the cunning nauigator. Metellus was wont to say, that it was a common and easy matter to do well where no danger was: but that the part of a braue and valiant man was, to behaue himselfe well in matters of great difficulty and danger. Vertue, saith one, reacheth to hard matters full of difficulty and danger. Shee hideth her selfe and is as if she were vnknewen, in easie thinges, but appeareth and sheweth her selfe where any difficulty presenteth it selfe. Shee resisteth facility for her companion, she is painfull and full of trouble and toynioile: she dwelleth vpon the top of an high rocke, and the way that bringeth to her is rough, harde, and full of prickes and thornes. So bee briefe, difficulty setteth the price of vertue.

9 Rule

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9. Rule.

That Captaines be diligent and painfull, and in no wise idle and sluggish. Diligence, saith Homer is the mother of riches, the health of the body, and the safeguard of the soule. And againe by great diligence a man cometh soone to perfection. I am come, said Caesar, I haue seene, I haue got the victory.

The sluggish idenes of the emperour Theophilus, caused him to lose the battell that he fought against the Agarens, and yet after he had lost the field he was so lazy, and slouthfull, that he could not make any shift to flye and retire. But Manuel a chiefe captaine in his armie, shaking him by the shæue, and drawing him away by force of armes, to awake him out of his drowsy sluggishnes, told him plainly, if he would not followe and make away speedily, hee would kill him with his owne hands: for (saith he) it is better that thou shouldst lose thy life, then being taken prisoner to ruine the empire.

But as abstinence is a punishment to the gourmande glutton, sobriety to the drunken wine bibber, thrift to the prodigall spendall, chastity to the filthy adulterer, study to the idle loyterer: so labour and diligence is a racke and toynment to an idle person that hath litle minde of affaires committed to his charge. But military profession hath nothing of impossibility or difficulty in it: were it not for our nonchallancy and sluggishnes that maketh thinges to seeme impossible and difficult. Many Captaines now a dayes content themselves with very small deliberation in their affaires: but for their paines and diligence in any exploit or enterprise, they imploy that but to the halles, and very sleightly God wot. They referre all to their officers, their officers to their souldiers: so putting trust the one in the other, they overpasse oftentimes the boundes of their deuoir: and at the last being pursued and surprised by the crafty wiles of their enemies, they are saue to yeeld and be overcome.

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10 Rule.

Esay. 30.1.

That nothing bee enterprised or attempted without asking aduise at the mouth of God. A curse fall on those rebellious children, saith the Lord, that take counsaile, but not of me, and weaue their webbe, and not by the counsaile of my spirit, to the end they may heape sinne vpon sinnes: who walke to goe downe into Egypt, and haue asked no question at my mouth to fortify themselves in the might of Pharao, and to put their trust in the shadow of Egypt.

Prayer must be then made vnto God, before any thing be attempted, but not sleightly, or from the teeth or lippes outwards, but inwardly from the hart, with reuerence, honoꝝ, and carefull regard due vnto the deuine Maiesty: for prayer is an action to deuine to be vsed onely by the lungs and tongue: it ought to procede from the very entraels of the hart, and from a deuout and religious conscience: and therefore all armies ought to haue true pastors and ministers to make prayers and supplications, and to do other their charges enioyned them of God. For the Lord hath willed and commaunded, that there should be Priests to sacrifice in the warres of old time, as also now bee hath appointed ministers of the true religion for the same purpose.

Deut. 10.7.

Esay. 31.1.

That the armies put their trust in God alone, and not in the helpe of man. A curse fall vpon them, that go downe into Egypt for aid, saith the Lord, and put their trust in horses, & their confidence in charriots, because they are many in number, & in their horsemen because they are lusty & strong, and haue no regard to the holy one of Israell, and aske no question at the Lord. And a little after: The Egyptians are men and not Gods, and their horses are flesh, and not spirit. The Lord shall stretch forth his hand, and then shall the helper fall: and hee that should bee helped shall fall.

fall together with him, and they shall all together be destroyed.

The aide of men may deceiue and delude those that put their confidence therein, as are the huge and mightie armies, the great force of people, the aduise and swiftnes of horses, alledged before out of Esay the prophet: as David himselfe could well tell in his 33 psalme. There is no king that can be saued by the multitude of an host, neither is any mighty man deliuered by much strength. Likewise, a horse is counted but a vaine thing to saue a man, neither shall he deliuer any man by his great strength. Examples hereof are euident in many places of holy writ: in the host of Pharao, in Goliath, in the armie of Senacherib king of Assyrians: in many battles fought in our dayes, namely in that most famous victory which the king of Nauarre got against the duke of Joyeuse 1587. whereof we spake before.

Exo. 14.10.
1 Sam. 17.
Isa. 37.36.

But the aide and helpe of God is most sure to be trusted to, and infallible. As appeareth by the Israelites warring vnder their captaine Iosua against the Amalechites: for it is said, that when Moyse held vp his hand, the people of Israell vanquished and overcame: but when he plucked backe his hand, Amalec overcame. By the lifting vp of Moyse hand, the assistance of God is understood.

There is also another notable example of the same in Asa king of Israell: for Hanani to make him acknowledge his fault in toyning his forces with Benadad king of Syria, perswading him to repose more confidence in him then in the helpe of the Lord, in the warre, that he had against Baasa king of Israell, told him in this wise. Because thou hast trusted in the king of Syria, and not in the Lord thy God, therefore is the host of the king of Syria escaped out of thy hand. Had not the Ethiopians and Lybians an exceeding great host, with an innumerable company of chariots & horsemen? and yet because thou trustedst in the Lord, he deliuered them into thine hand. For the eyes of the Lord be-hold all the earth to strengthen them that are of a perfect hart towards him. Herein thou hast done foolishly, and therefore

2 Chr. 16.7

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therefore from henceforth thou shalt haue warre.

In this aid of God did David trust and rest himselfe when he fought against the great gyant Goliath. The Lord God saith he, who hath deliuered me out of the claws of the Lyon, and from betweene the pawes of the Beare: he shall deliuer me also from the hand of this Philistian: which the Lord performed indeede.

2.Chr. 20. 6. Like wise Iosaphat fighting against the Ammonites and the Moabites: O Lord, saith he, the God of our fathers, art not thou the God of heauen, and reignest ouer all the kingdoms of the heathen? in thy hand is power and might, and no man may withstand thee. Behold, the children of Ammon and Moab come to cast vs out of our possession, which thou hast giuen vs to inherit. O our God, wilt thou not iudge them? for we haue not power & might ynough to resist so great a multitude that come against vs, and we know not what to do, but our eyes looke vnto thee. &c.

In like manner Moyses exhorting the Israelites to goe vp into the land of the Amozites, sayth, you say, how shall wee goe vp? Our brethren haue discouraged our harts saying, the people are more in number, and taller then wee, and they haue strong citties walled vp to heauen, and there wee haue seene the sonnes of the Giant Enachim; but I say vnto you, dread not, and be not affraid of them: the Lord your God which goeth before you, he shall fight for you, as he did in Egypt and in the wilderness.

So the people of God seeing their king to march so valiantly before their enemies in a warre so doubtfull and dangerous, prayed for him, presaging his victorie, assuring themselves as though he had then already obtained it, rendering hartly thanks vnto God, alleading for all reason: some put their trust in charyots, and some in horses: but we will remember the name of the Lord our God: they are cast down and fallen, but we are risen and stand vpright.

Rom. 8. 30. As S. Paul saith very well: If God be on our side, who can be against vs? And the holy Prophet David saith in another place: Let God arise, & let his enemies be scattered: let

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let them also that hate him, flye before him.

Like as the smoke vanisheth, so shall he driue them away: and like as the waxe melteth before the fire, so shall the vngodly perish at the presence of God.

Very true it is, that wee ought not to contemne ordinary meanes of humane aid, seeing that they be lawfull to be used: but there must be such as God hath lawfully appointed, and we must take heede that we leane not on them too much.

12 Rule.

That the armies aboue all thinges be Godly and holy, if wee will haue them worke good effect. The Lord thy God Deu. 23. 14 walketh in the midst of the campe to saue and deliuer thee, and to make thyne enemies flie before thee: therefore shall thy campe bee pure, that he see none vncleane thing in it, and so turne himselfe from thee.

It is a maxime set downe in the former rule, that if God be in the midst of our host, to conduct and preserve it, the effect shall alwaies be good and happy. This is it also, that the first article of this sentence of Moyses, containeth: on the contrary doe then if God bee not in the midst of our hostes, and be not conductor and guider of them, there is no hope to be had of any victorie. Therefore Moyses said vnto the Israelites, that would haue gone vp into the land of Canaan, to fight against their enemies: no, do not goe vp in any wise to fight at all, (for the Lord is not with you) lest yee be discomfired by your enemies.

But holue is this, that the Lord shall bee in the midst of our hostes: It is (saith Moyses) if they be godly and holy, so that God see none vncleane thing amongst them. There are three thinges that ought to incite vs to be Godly and holy, or to liue holily at warre.

First the honour and reverence which wee owe of bounden duty vnto Gods diuine maiestie: for as the coate and livery of Princes, is the marke whereby men at armes and souldiers are known: so the sanctimony of life, which we pretende and

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When proceeding from a true faith, and from his very hart sincerely, is the true liuery, whereby we ought to be recognised to be the seruants of God, and souldiers fighting vnder his banner. If we haue a god captaine at warre, shall not we endeavour by al meanes possible to obey him: and if any thing in vs displease him, to amende it by and by. And shall we not do as much vnto God: for what honoz shall it bee for him to haue such men at armes and souldiers that are dissolute, & of naughty life and conuersation?

Secondly, the great extremity and danger wherein we liue daily, while we be in war. For when perilles do threaten vs on euery syde, and death it selfe is before our eyes, and doth picke vs forwarde behind, and horrible as it is, doth compass vs round about: ought we not then to haue so much the more great care and feare of God, and so much the more haue a great regard to thinke of our conscience. If you stand not in feare of men (said one in Virgil) nor the weapon of valiant men, yet feare the Gods. As S. Augulline said better. Stand you in feare of nothing, feare God?

Thirdly the promise that God hath made vs, to be victorious ouer our enemies, if we be vertuous, godly, and holy: and his threat to the contrary. If you walke in myne ordinances saith the Lord, you shall chase your enemies, and they shall fall before you vpon the sword. Fiue of you shall chase an hundred, and an hundred of you shall put ten thousand to flight.

Likewise, If thine enemies come vpon you one way, they shall flye before you an hundred waies. And to the contrary: If you shall dispise and transgresse mine ordinances, saith he, I will set my face against you, and ye shall fall before your enemies, and ye shall flye beyng pursued of none. Likewise, the Lord shall make you fall before your enemies: ye shall come out one way against them, and flye seauen waies before them.

And to this ende is the grievous complaint that God made of his people. That my people would haue harkened vnto me: for if Israell had walked in my wayes, I should some

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haue put downe their enemies, and turned mine arme against their aduersaries. The haters of the Lord should haue bene found lyers, but the happy time of the godly should haue endured for euer. And in another Psalm. Like as the children of Ephraim, which being harnessed, & carrying bowes, turned themselves backe in the day of battaile: they kept not the couenant of God, and would not walke in his law. And the contrary, what hee doth promise to such as be of vertuous and godly life, and serue the Lord faithfully. The Lord deliuereth the soules of his seruants, and all they that put their trust in him shall not bee destitute.

And againe in another Psalm: the hills stande about Ierusalem: euen so standeth the Lord round about his people, from this time forth for euermore.

Thus much for the rules of warfarers, which I thinke most needefull to bee followed of those which will vse military profession.

Chapter VI.

Whether it bee lawfull in Christian warres to lay ambushes, and to vse pollicie to surprise the enemy.



Now we haue this question to discusse: if the warre be iust and lawfull, and not destitute of her iustice, whether it be lawfull for christians to vse stratagemes, artifices, pollicie, ambushes, and other subtilties to set vpon the enemy vniawares: I answere it is, so that the promise made be not violated, nor piety and godlines offended.

For any priuate persons they are expressly forbidden to kill or to take any vengeance, bee it openly or in secret: we haue before alleadged what God sayth. Thou shalt not kill: thou shalt not auenge thyne owne quarrell. And for killing in secret, God saith also: if any man haue sought priuie meanes

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to kill his neighbour secretly, he ought to be put to death;
 2. Sam. 2. 8. Therefore are condemned as murderers, Iobab, who slew Ab-
 20. ner and Amasa; Tryphon, that slew Antiochus; Alcymus;
 1. Mac. 13. that slew the Jewes: Ismael, that slew Godolias. And to
 1. Mac. 7. verify this David speaking to God, sayth: Thou shalt dis-
 Jerem. 41. troy them that speake leasing: the Lord wil abhorre both
 Psalm. 5. the bloudthirsty and deceitfull man.

But if one object the act of Ahud, who slew Eglon king of
 Judg. 3. 20. Moab by a policy: or that act of Iaell, who with a malle and
 Judg. 5. 24. a hammer knocked Sisara in the head, and so slew him whilst
 he was a sleepe: the answer is easy, that these particular ex-
 amples ought not to be drawn in consequence. For God hath
 raised by these personages to execute his iudgement by extra-
 ordinary manner. And wee must understand this, that their
 actions in that matter are iust and excusable, because God hath
 blessed them, and approued them by his most holy word.

But touching Princes, Captaines, and officers in wars,
 in actions of their proper charge, and namely in exploits of
 warfare: there is a consideration a part to be made. For if it
 be lawfull for them to take and hang the thiefe, the robber, the
 assassin, and others of like quality: If they cannot do open
 execution, why may they not do it secretly by ruse and policy?
 and if this may be done lawfully at home, why not abroad in
 warre?

Saint Augustine was of this minde, and the examples hee
 Aug. li. 8. 4. alleadged are found in the holy scriptures.

The children of Israel fighting against the Beniamites, coun-
 Ios. terfailed to sleepe before them, and by this policy getting them
 out a great way into the campaign, hauing layed diuers am-
 bushes against their coming, ouerthrew and slew them ene-
 ry mothers child.

Iosua being commanded of God to arme himselfe against
 Ios. 8. the towne of Iay, hauing chosen out thirty thousand mighty
 and valiant men of warre, caused them to approach the towne
 by night, and said vnto them. Behold, you shall lay an am-
 bush on the backe side of the towne: be not farre off from
 the citty, but be all ready. I, and all the people that are
 with

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with me, will approach the city. And when the rush out
 against vs, as they did at the first time, we will slee before
 them: for they will pursue vs till we haue brought them
 a good way out of the citty: for they wil say, they fly be-
 fore vs, as at the first time, and we will flye before them:
 but you shall rise quickly out of the ambush, and conquer
 the citty, for the Lord God shall deliuer it into your
 handes, and so it came to passe.

There are many other like examples in the holy Scripture
 which proue manifestly, that christian princes & magistrates
 may with a safe conscience lay ambushes, and vse policies in
 warre, to surpise and ouertake their enemies. But we must
 take heede that in such actions nothing be attempted or done
 against the faith promised, nor against godlines and pietie.
 Wherefore herein Cleomenes is worthy to bee condemned,
 who hauing confirmed a truce with the Argians for 7. dayes,
 the third night after set vpon them whilst they were all slee-
 ping, and so slew and ouerthrew them all, alledging for his
 reason, that the truce he concluded, was made but for 7. dayes,
 and not for the nightes. This was an hostile subtilty that
 God himselfe afterwards reuenged. Hardly would euer the
 patrician Caesar haue done the like: for vpon a time warring
 vpon Ariouillus, as he parled with him, there happened a
 great tumult betwene the two armies, which began through
 the fault of Ariouillus hoysmen. In this tumult Caesar per-
 ceined he had great aduantage of his enemy, yet was he so
 scrupulous, or of so good conscience, that hee would not take
 that aduantage, fearing lest he should haue bin said afterwards
 to haue gone against the law of armes. And it woteth not
 here to bring in the counsel and policy that Lyfander giueth:
 that is: if the skinne of the Lion will not serue, to sow vn-
 to it a peece of the Foxes skinne: For wee must put a di-
 stinction betwixt subtilty and treachery. Treachery is al-
 waies forbidden & condemned as not lawfull to be used. Who
 hath once lost his faith (saith Seneca) hath nothing more
 to lose: and Cicero saith, by two waies is iniury offered:
 either by force, or frowde: frowde is proper to the Foxe,
 force

Hostile and
 treache-
 rous pol-
 licie.

L. i. D. de
 dolo malo.

Cicero. l. i.

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force to the Lyon; both ought to be far from a man, but frawd ought alwaies to be had in detestation.

Heare a worthy sentence, worthy also a christian man, yet spoken by a pagan. He saith moreover, that faith or promise made is not to be violated towards the very enemy.

So then let the chiefe captaines and guides at warre make no difficulty to be pollicy, and rule of warre, to surpise and take their enemies at aduantage, if it be possible: so that by no means they violate their promise giuen, nor falsify their faith by any treachery or hostility.

Chapter VII.

Of the resolution that men of Warre and Souldiers ought to haue, either to liue or die when they come to battaile.



There resteth one point yet to be handled; concerning the resolution that men at armes ought to haue in martiall affaires: and without all doubt, resolution in all thinges may do very much. And that is the cause why Physicians require a good hart of their patients, before they minister vnto them any phisicke, to the end their good hart and resolution may helpe them sooner to recover health, and supply for fault of medicine. I say then that the principall part of the wisdome of a warrior consisteth in this wholly, that he resolve himselfe in any wise not to feare death: and in this point do not onely all the sectes of Philosophers reasouner, but also all the writings of the leaured diuines agree, in exhorting vs to contemne and dispise death. The remedy of the vulgar sort against the feare and apprehension of death is, not to thinke of it, but so receiue the deaths wound without thinking or remembering it.

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Yet Caius Iulius the noble Romane did not so, for being condemned to die by Caligula, euen when the executioner held by his hand to strike of his head, a certaine Philosopher asked him: What Caius, tell me, whereupon dost thou thinke now? I thought (saith he) in my spirit to be ready and watchfull, as nere as I could, to see if in this instant of death I should and sodainly, I could perceiue the dislodging of my soule, and to see whether she had any feeling or perceiuing of her owne going forth of my body or not. The dangers of warre do represent vnto vs indeede death very sodainly and horrible. But death cometh sodainly also vpon vs, when we liue at greatest quiet, and in our deepest delicacies, as some haue very well noted in these examples following.

A certaine Duke of Britanny was killed in the presse of people at Pope Clements entering into Lyons. One of the kings of France was slaine sodainly at tilt. Aeschilus was knot in the head with the scale of a Tortoise, that fel out of the beake of an Eagle flying in y aire: another was choked with the kernell of a raisin sticking in his throat, another with a haire, another died with the pricke of a needle in his finger. One of the Emperours died with the scratch of a combe in curling his head. Aemilius Lepidus took his death by hitting his foot against the threshold of his doore. Caius Iulius a Whistler, applying a plaster or ointment to a mans eyes that was sicke, death came and closed vp his owne eyes sodainly. Cornelius Gallus a Judge, Tigillius captaine of the watch in Rome, Lewis sonne to Gui de Gonsague Marquis of Mantua, died all three sodainly betwene Womens thighes, and there was their ende. These examples so rise and ordinarie (to the which we may add an infinite of these, which being well at ease and in health, eating, and drinking, euen now liueth, and within an houre dead) to fortify the exhortation and good counsaile of Homer.

Twixt hope and hate, twixt anger, care and feare.
Thinke euery howre thine end of life drawes neare.

And that was the cause that the Egyptians bled in these
If a lea

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feastings and banquettings to bring in among their selves a dye anatomy of a dead mans carcas, to aduertise all these guesstes thereby the better to remember their end.

Now if in the middelt of our greatest iollities and pleasures, living in peace, wee ought to represent before our eyes the Image of death, in open sight and not with a courtaine: What should wee then do in time of warre: in time of combatting and fighting: in time of rencounting and toyning armies: in time of assault: in time of skirmish, and in time of breach?

The first day of our birth we beginne to take our journey towards death. But it is a thing of great importace to know whereabouts in our journey death will find vs out. The emperor Vespasian was not of the mind of these Lechargikes, who are so drowsy that they will not be awaked, but dye sleeping: but he said, I will die doing something. So ought every vertuous man to do: wee are borne to do something, therefore death should finde vs not idle, but doing something: but that which we do ought to be honest, godly, and holy. We are daily occupied in thinges that the body might be without wel ynough: yet we do nothing but turne round like a wheele in vanities and superfluities. We eate, we drinke, we sleepe: and againe we sleepe, we drinke, wee eate a great deale more then would serue our turne: and so we do nothing but turne round in this wheele of pleasure and voluptuousnes. But we ought to haue some care and consideration of our state and vocation wherein we live, to exercise and vse that: and being buried therein, should our death come vpon vs and finde vs occupied: and our action being honest, vertuous & godly, no doubt but it pleaseeth God wel. And no doubt such is the action in our state and vocation, that we exercise in iust and lawfull warre, and namely, when it is made for Gods cause and quarrell, and for the defence of his Church vnder christian Princes: so that if we dye in warre, we are no lesse martirs of our Saviour Iesus Christ, then are some of our brethren who haue bin buried, drowned and massacred cruelly before our owne eyes, for the cause of Gods true faith and religion.

Our life hath it limits, no man dieth before his hower, but

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all men prolong not their liues alike, nor with like disposition as did the Spusitian Xenophilus, who lived in perfect health an hundred and sixe yeares, hauing neuer in all that space the least apprehension of any mallady or paine. Wlce dye without any exception all, either yong or old. The time before we were borne was none of ours, neither is that time any of ours, that cometh after our death.

There is nothing more certaine then death, and nothing more uncertaine then the hower and moment of death, death is common to all and no man may auoide it. It is but a kinde of sleepe. It is the period and last degre of all miseries and troubles of this life, saith Saint Iohn. It is our last paine, saith Lucan. Of others it is called the soueraigne felicity of nature, the doze vnto liberty, a soueraigne medicine, good for all diseases, the marke whereat all mankind leuellet. Why then do wee feare it so much? Death (saith Hermes) is as the fall of an arrow, and our life is as the time, when it is shot out of the bow till it light on the ground.

Our life is, as it were a prison (saith the holy scripture) it is like a pilgrimage, or a short voyage, as a vapour which is seene a little, and by and by vanisseth away, as a shadow, which passeth away swiftly, as an Image, as a puff of wind, as the weauers shuttle which glideth through the cloth quickly, as a flower that some seeth, as a shadow that followeth a man hard at the heeles, and stayeth now here behinde him. What is then this mortall life, that wee make so much account of it: and what is this death that wee should so much feare it? The very friends seeme fearefull to little children, when they come before them masked. So playeth death with vs: so let vs but plucke the maske or visard from his face, and all dread and feare will vanish away. Socrates said, that a man should not feare death, for death hath in it none other bitterness but onely feare, and the apprehension of feare that one conceiueth. Those that by some violent hay are fallen into a sownd, and those that haue bin more then halfe drowned, or more then halfe hanged and strangled, may well say, that in some respect they haue looked death in the face, be-

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ing to nere unto him as they were. It hath nothing then in it that is to be feared: and the reason is to be noted, which is this: that the sting of death, which is sinne, is brought to nothing, and that death is the last enemy that Christ overcame in his victory: to be briefe, after death we haue no place to be taken hold of by any other misfortune. Euen as befoze the coming of death (as the wise man Solon said to X. Cræsus) no man can indge aright of our good fortune or bad, by reason of the great varieties and changes of humaine affairs. For what is there in this world permanent and durable? Vanity of vanities (saith the sage Salomon) and all is but vanity.

Eccles. 1.

Democritus finding the state of humaine actions to beaine and ridiculous, mocking and grinning, was wont to laugh alwaies when he came abroad into any company. Heraclitus finding the same condition most wretched and miserable, had some pittie with him, and wept alwaies bitterly. Diogenes came somewhat nere the humour of the first, for hee was faine rowling by and downe in his tonne, made none accompt of worldly riches, esteemed not any whit of the pomp and magnificence of men, whom hee made accompt to be, as it were flies, or as it were bladders full of wind. It is our best and neere way then (if God haue so ordained it) to passe quickly by the last pace, that wee may be happy in heauen, after our terrestre pilgrimage. The marchant wil be soze to arrive at a city whither hee hath long trauelled, taking great daies iourneies for his traffike: and shall wee be soze to arrive at Death, whither we goe daily following our vocation? The Post is glad when hee is safe come home againe to his owne being, after hee hath wearied himselfe with so many Postes, and ridden many a weary iourney. The Pilot is glad for ioy when he striketh saile in the wished haue, after that he hath stoted long time in great danger vpon the frothy waues of the swelling Sea. The man at armes that runneth for a game within the lisses, is glad when hee cometh at the end of his race, to cary away the ringe, and win the pzice of the game: And the souldier shall he suffer himselfe to be sluggish with sadness

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nes and feare, when he shall see himselfe in the middelt of the battaile, or in the middelt of any other exploit, to see himselfe end his life honorably: so as God hath appointed him?

We read that among the Romans Brutus, the two Decij and some others: and among the Grækes Codrus, king of Athens, Themistocles, and others who killed themselves for none other reason, but for the benefyt of their countrie. And shall we make so great difficulty in farre more lawfull and iust vocation then they: yet not giuing our owne selues our deaths wound, and not hastening our holuer by any rashnes, to looke death in the face, and to pull him by the collar in one battaile, for the glory of God, and for the defence of our owne patric? If wee die in so famous a place, and for so iust a cause, how much lesse tragicall and more honorable shall our death be, then the death of those pagans was? Pythagoras was wont to say, that it was better to die with honoz then to liue with shame: and therefore vpon a time espying a souldier which ran from the fight, he said vnto him: thou dost very ill fellow to flie from an honorable death, to liue with dishonour and shame.

It is very true (as Socrates said) that we ought not to make small accompt of our enemies, and stand in feare of the. For (saith he) be they neuer so few and simple, but they may annoy vs easily. And (as another saith) there are no beastes in the world so much to be feared of men, as men: and againe, we ought not to redoubt them so much, as though they had our liues at their deuotion.

If then we must needs fight, let vs fight: if we must needs die, let vs die like honest, good and goodly men, honourably in our vocation: yet must wee take heede that we do not abuse the secret counsaile of God. It is written that the Bedonians a mingrel nation with the Sarazins, against whom the king Saint Lewis fought in the holy land, beleued firmly, that the dayes and howers of euery one were prefixed and counted from all eternity, by a certaine predestination inuinitable, so that they went to warre quite naked, sauing onely that they had a whyte shete to couer their body withall, and had no

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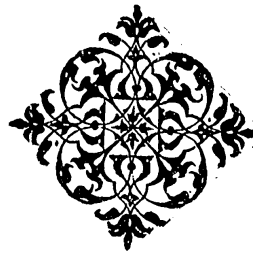
Isa. 55. 8. *Isa. 55. 8.* I weep out but onely every man a Cartelasse after the Turquesque. What is to abuse the decree of God himselfe, and to prepose our ignorance before his knowledge. For thus saith the Lord: My thoughtes are not your thoughts, and my wayes are not your waies: for as farre as the heauens are higher then the earth, so far do my waies exceed yours, and my thoughts yours. So likewise the Turkes do abuse *Fatum*, after the manner of the Stoiches.

Albeit then that the ordinance of God be the soueraigne & principallest cause, of all that happeneth in this world: yet are there some second causes which in their orders ought to come in consideration, seeing that God himselfe doth sometimes serue himselfe therewith, and will also that we vse them. When no man ought to say: If I shall die with this harquebuzado, or with this cannon-shot I shall die: if I shall not die, then I shall not die. I cannot hasten my death, although I thrust myselfe vpon myne enemy, neither can I diuine it any further off, although I recoil and runne away. So, that is a tempting of God, and to meddle with his iudgement, which is altogether vnknown to vs: and such temerity falleth not out so well to every one, as it did to Iason Phereus, of whom it is reported, that hauing an apostume in his breast, and being abandoned of all phisitions and surgeons, as one past care making none other accompt but to die, ran headlong in a battail amongst the thickest throng of his enemies, and by great chance had a wound cleane ouerthwart his body, so full vpon the place of his apostume, that by and by it brake out of him: not long after was healed. This was in him not good fortune, (as one would say) but the especiall fauour of God, who directed his aduise against his intention, and corrected it.

I do not say, but if the occasions of warre require that one should stand fast and strong against the harquebuzadoes and cannon-shot, it were very vnwisely, and cowardly done to do like a ducke, to voltige, or runne hether and thether, or to range to the quarter for feare of a blow: but plant himselfe and stand full in the Cannons mouth, or to hazard himselfe too farre nere the play of the harquebus, rashly and without discretion,

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tion, is to ouerpasse and goe beyond the lawes and rules of manly resolution and constancy. The warrior ought to take great heed he be not too rash, but following his vocation with magnanimity of courage ought to bee sage and well aduised, to husbande the time, to take occasions offered in due time: and thereupon to resolve himselfe whatsoeuer fall out, life or death to be in the hands of God, in his grace and fauour, and so he shall neuer do amisse. So that great God of hostes, most mighty and puissant, perfectly good and wise, only the true God and the Father of our Lord Iesus Christ, be all dominion, power and glory, now and for euer. Amen.





A Treatise of single Combat.

Chapter I.

Whether a King or Soueraigne Prince may with a safe conscience grant the combat.



The first question, touching the single Combat, that is, betwene two men, to the end to discide and end any matter in controuersie, is this: whether the King or soueraigne Prince may grant and accord with safe conscience the combat. I say and hold, he may not, and proue it by these reasons.

First, because y^e affection of the King or Prince, who granteth the combat, can not bee good and right, but contrary to charity and to the deuoir of iustice and equity: For either hee hateth both the combatants, or he loueth them both, or else he loueth and hateth the one more then the other.

If he hate them both, ouer and beydes that he is a murderer in his hart, hee doth not well to make them away by such means. For if the Prince be ordained of God, but to minister and execute law and iustice, and cannot put to death any but those whom the law condemneth to die: and moreover, if it bee not lawfull to reuenge his owne quarrell, not by the way of

1 reason;

1 Iean. 3. 13.

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iustice, (for that the law saith) that a Judge cannot be iudge in his owne cause: how shall it then be lawfull for him to reuenge himselfe by the way of combat, wherein the innocent and the faulty person are both alike exposed to the danger of death?

If he loue them both, yet is he cruell towards them, in that hee doth not by his absolute authority, or else by arbitratours make some agreement betwene them, and take vp the matter: seeing it cannot be but a matter of certaine deedes or wordes, thwarting the one or the other to their discontentment: where of the foolish world thinketh, the point of honor and reputation of euery man wholly dependeth.

If he loue or hate the one more then the other, it cannot bee but that he be transported with some particular affection & passion. For who soeuer should sound the depth of his hart, might well enough that he would neuer grant the combat, but vpon hope, that he whom he affectioned most should get the victory. The contrary whereof falleth out for the most part, as we see daily. Is not that then flat against the deuoure of charity and iustice.

1 Reason.

The second reason is, because the combat is sometime granted to the great preiudice of the innocent: for considering the Prince is ordained for the common good of euery one, and that by the deuoure of iustice, he ought alwayes to defende the innocent: why doth he then put him in leoparde of his life, geuing as well to the culpable person, as vnto him, equall weapons, and equall power to kill who can, the other? And so himselfe is not he guilty and culpable of homicide by the lawes? Moreover seeing the person culpable, hath oftentimes the vpper hand, and preuaileth, and signally because of his aduantage, if he haue choise of armes before the other. followeth it not then therupon, that the combat is contrary to the deuoure of iustice?

This reason is alledged in the Decretals. *De purg. vulg. Cap. 1.*

2 Reason.

The third reason is, that albeit the culpable be overcome and slaine, neuertheless in the execution of him the Prince hath gone farre beyond the boundes of iustice. For the deuoure of iustice requirith, that those who are employed for the execution and pu-

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of single Combat.

nishment of offenders, should bee void of all hate, and free from all desire of reuenge: in so much that when a Judge hath condemned a transgressor to die, hee ought not to deliuer him into the handes of such an hangman, whom hee knoweth assuredly to be his swoyne and professed enemy, and witheth in his hart nothing else but to take vengeance of him by executing him to death. Now the Prince that both accorde and grant the combat, doth he not as much: for to whom doth he deliuer the culpable person to haue his punishment: is it not to the fury and choler of his aduersarie partie, that is innocent: for he may bee assured, that both of them be passed by with anger, gnaued inwardly at the hart with enuy, & thrust forward headlong with a longing desire to be reuenged. Moreover if the innocent chance to kill the culpable, is it not flat against all lawfull and right proceeding, that the Prince should make him executioner in his owne quarrell? Then this is no more to bee called iustice, but reuenge.

Causa 25.
q. 1. de occid.
4 reason.

The fourth reason is, because the Prince would punish him that should be culpable, as it were by aduenture or chance medlie, in respect of the Prince. For although the issue of all combats, as also of all other thinges dependeth vpon God onely: yet so it is, that the Prince, who doth take vpon him to appoint and commaund them, without knowing at all rightly the causes of both, who hath right or wrong, appointeth and commaundeth them by chance and aduenture. And I pray you, what else may a man call that, but to tempt God (as the holy Canons asseme, & foolishly and rashly to haue God shew miracles at our appetite. For is it not to tempt God, to attempt by combat to knowe what God will haue done of this man or of that man, cleane contrary to all forme and order of iustice?

Causa 2 q.
4. Ca. Mon.
no. & de purg. vulg.
cap. 3.

I conclude, that seeing iustice ought to giue euery man his owne, and that it ought not to be administered by chance or aduenture, but with god and sufficient knowledge of euery cause, and by that which we haue already alledged, is sufficiently proued that the combat is against these points: it followeth then that the Prince, who is minister of iustice, cannot with a good conscience grant the combat, to void any controuersy betwene

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two. And that is y^e cause why it is in expresse and y^e same termes defended and prohibited, as well in the ecclesiasticall lawes, as in the ciuill.

C. de Gladiat. l. 1. lib. 11. de purg. vulg. per totum.

Chapter I I.

Arguments whereby some maintaine that the King or Prince soueraigne may grant the combat; and the refutation thereof.



Rom. 13. 4.

If they say, that y^e King or soueraigne Prince, is a lator vnto himselfe and vnto his subiectes, and therefore, because hee will discide and auoide any different in this sort by combat, hee may, and will do it with iustice. I make answer, that the King or Soueraigne Prince is not God, but a man, who ought to confesse and acknowledge himselfe to be but a seruant of God, as the holy Scripture calleth him.

It is most true, that whatsoeuer God will haue done is most iust, because it is God that will haue it so: but that which the King or Prince will haue done, if it be iust, it must bee so, before he will to haue it done. For if it be iust, it is iust not for that he will haue it so, but for that it is iust of it owne selfe, and agreeable to the will of God.

Plut. in the life of Alexan.

Anaxarchus (as Plutarke reciteth) saide vnto Alexander vpon a time being very heauy for the death of his friende Clitus, whom he had slaine a litle before with his owne hands: that Themis and iustice sit as hard by kings sides, as they did by Jupiters side, to confirm that incontinent, that they thought good of: but it is farre otherwile, for Themis and Iustice sit vpon the toppes of kings heades, to punish them if they violate the maiesty of their lawes. Wherefore farre vnforsaking kings and Soueraigne Princes is that tyrannicall and inhumane saying of the goodwife to her husband in the Poet

et Iunenall. Sic volo, sic iubeo, sic pro ratione voluntas: i. So Iunenall. I will, and so I commaund, my will shall serue for law and Sat. 6. reason.

Secondly they say, that God doth direct and guide all things to their right end, and that he that is vanquished, should be vanquished, as hee that is also victor, should also be victor. I answer, that here we do not speake of the secret counsaile of God, but of that which God hath of his owne wil reuealed vnto vs in his word. For albeit that God disposeth & gouerneth all things, and that nothing bee done against his will: yet so it is, that hee hath prescribed certaine rules in his word, and especially for the order of iustice, within the irrenocable limits whereof, hee bindeth and commaundeth vs to containe our selues: otherwile the enornest crimes and vices, as are pailie and wilfull murders, robberies, empoisonings, incestes, parricides, rapes, and all kind of trahisons shall be excusable by this reason, that God guideth and directeth all things to their right end, and that nothing is done against his will.

They say mozeouer, that the Prince cannot, nor may not take vp the matter betwene these two: nor discide the different but by the combat. I answer, indeede hee cannot, because hee will not. For what may the matter in controuersy bee: forsooth the one hath spoken some words of reproch to the other, where in hee hath touched his honour: or reputation. And the other hath giuen him the lie: or else the one hath outragiously abused him, in beating or hurting him. And the other will be reuenged of him, & be euen with him, fighting man to man at the sharpe. In summe, the one hath abused and prouoked the other: and the other to maintaine his reputation and honour, hath repaid, or will repay mischief for mischief, euill for euill, and one iniury for another. In this case why may not the Prince cause iustice to scanne the cause, and commaund them both to referre their controuersie to the iudgement thereof?

They alledge further, that the iudges and officers of iustice can not tell what to do in this case: when hee, who hath giuen diuers words of disgrace and reproch to another, being the accusant faith, and will maintaine for his life, that he hath sayd the truth,

A Discourse

1. ex Corn.
d. iniur.
1. ex Corn.
de falsis.
Iuris conf.
D. Cl.
Prou. 22. 1.

truth. Yet he is destitute of sufficient witness to prove his accusation to be true. What shall then these Judges do here? they can not condemn the party accused by the lawes, because it is necessary the accusatour should haue some witness. I answer that if the Judges may not condemn the party accused, for that the accusant is able to produce no witness, yet may they condemn the accuser for a calumniator and a slanderer: for there are many god lawes made for calumniators, sycophants and false accusers, according to their default and offence, to cause them to take heed how they offend therein. And I pray you tell mee, is it but a small crime to take away from a man his good name and name, the which (as saith Salomon) we ought to set more store by, then by all the treasures and riches of the world.

Pro. 10. 12.

They reply againe, that the accusant may haue spoken nothing but a troth, and that his accusation being iust, the Judges should do him iniury to punish him. I answer that the accusatour cannot excuse himselfe, but that he is a calumniator, for that he doth cleane against the deuoir of charitie. For if hee haue spoken that which is false, and burdened him with a lie, he is a manifest sycophant, and a malicious slanderer. And therefore deserueth wel to be punished accordingly as the lawes set down. If he sayd truly in his accusation, yet offendeth hee against charitie (which couereth the multitude of sinnes) in disclosing that which is secret and unknown, and such a one ought to be reputed for an iniurious person, and a backbiting slanderer. For he is not onely to be accounted and holden an iniurious person and slanderer, that falsly accuseth another, but he also that reprobeth a man with any secret fault, to defame and hurt him. And therefore in so much that hee doth accuse him, not of any god meaning towards him to redresse him, but of an ill will to defame him if he could, he ought to haue such punishment inflicted on him as the lawes haue appointed.

L. Si quis a
viam. C. de
iniuriis.
L. Vni. C.
de famof.
libet

To conclude, they bringe against vs the famous combats fought by Dauid and Goliath, spoken of in the holy scriptures. I answer them, that it is but one particular example, which may not be drawen in consequence: for God hath raised by Dauid to execute his iudgement by an extraordinary meane. And besides

of single Combat.

besides, it was enemy against enemy, for the seruice of all the common people. But it was nothing like these priuate quarrels betwene two men, which liue vnder one and the same policy, and vnder the same lawes, where the prince commaundeth them to auoide their difference by the single combat, man to man.

Chapter III.

Of the Combat vndertaken by priuate authority.



Come now to another case, which is: if the Combate be not lawfull when it is granted by the prince or soueraigne magistrate, much lesse is it lawfull, when it is vndertaken by priuate men, without the authority of their superiour gouernour. For all vengeance taken by priuate authority, is condemned, as a thing contrary to the profession of Christians.

Yet the Combat wherein second part-takers are admitted, is lesse tollerable, and farre more vniust. For what equity is this: A man praiceth his friend to call one to the combat with a second: he accepteth the combat, and desireth a friend of his to second him: his friend agreeth to be his second. It falleth out often that both these are friends, and peradventure of kinne, or else alliauced by blood. Notwithstanding all this, they must needs fight, without any respect either of amity or affinity: and such is the ill lucke oftentimes, the one killeth the other, or else both of them, the one killeth the other before they goe from the place. By what law of God or man may this combat be iustified? What apparence of equity may one see in this? but that it is manifest that all priuate reuenge is forbidden and condemned, as contrary to the vocation and deuoir of Christians: see here the reasons.

First y God doth forbid it: Thou shalt not kill, so saith his Law: and S. Paul saith: Auenge not your selues, but rather Ezo. 20. 15. I. giue Rom. 12. 19.

A Discourse

give place unto wrath: for God hath said: Vengeance is mine, and I will repay.

2 That we cannot be admitted to be judges in our owne cause: For that we being blindfolded with a certaine phillauy which is naturally in every man: that is to say, with the loue of our selues, we should be partiall in iudgement, and iudge the right still on our sides, and the wrong to our neighbour.

3 That the impatience which is in vs, and the choler which doth dominate and beare rule in vs, doth let and dissemper vs so much, that we cannot keepe a meane in the vengeance, that we would take of him that wrongeth vs. This reason is alledged by Tertullian in his booke of Patience. One said, that choler serued sometimes in stead of weapons to vertue and valiance. But another made answer, that it was but a mad kind of weapon, and newly found out: for wee can stirre other weapons, but this stirreth vs. Our hands handle other weapons, but this handleth our hands: we possesse other weapons, but this possesseth vs. Therefore one of the Catoes said very well and wisely, that anger or choler did blind much the vnderstanding, that it could not discerne & know the verity of any thing, and did let it so much, that it knew not how to keepe a meane in giuing any chastisement or punishment to any body. And that was the reason why Charillus the Spacedonian said vpon a time to one Elote, who behaued himselfe too too saucely and irreuerently towards him: by the Gods (saith he) if I were not angry I should kill thee now presently.

4 That vengeance appertaineth vnto God only. Vengeance is mine (saith he) and I will repay. Therefore it followeth, that whosoever doth reuenge himselfe, committeth sacriledge, appropriating vnto himselfe that, which belongeth by right vnto God himselfe.

5 That seeing the wrong that our neighbour doth, happeneth not without the prouidence of God, it is not lawfull for vs to resist and withstand it by oblique and sinister meanes, and such as displease God. See what Dauid did: 2 Sam. 16. vers. 5. &c.

6 That the prayer, that our blessed Sauiour Iesus Christ hath taught vs, is contrary to all vengeance. Pardon vs (say we)

of single Combat.

unto God) as we pardon them that trespasse against vs, but that we offer him vp our soules boide of all rancour and vengeance?

7 But if it be not lawfull for the ciuill magistrat, to put to death the transgressor, without giuing him before some time and let- sure to repent himselfe, for feare lest hee be stricken with the sword: how shall it be lawfull for a private man, to reuenge himselfe of his neighbour, by endangering vpon a sodaine both his body and soule: If he who hateth his neighbour be a murderer, how shall not he be one, that hating his neighbour, lieth vpon his hand to be reuenged of him?

But if he kill him outright, that is the greatest offence of all, for the mischief is maruellously aggravated. Who so sheddeth the blood of a man (saith the Lord in his law) by man Gen. 9. 4. shall his blood bee shed also. Likewise: Yee shall take no price for the life of the murderer, who is wicked, worthy to die, but let him die the death. And a little after: See that yee pollute not the land wherein you dwell; for blood defileth the land, and the land can none otherwise be cleansed of the blood that is shed, but by the blood of him that hath shed blood. And in the Gospel. All they that shall take the sword, shall perish with the sword. And againe: If any man kill with the sword, he must be killed with the sword Mat. 26. 52. Apoc. 13. 10.

But see, here is a saying more fearefull & horrible then these: The murderer shall not inherit the kingdome of God. Gal. 5. 21.

And as for him, who is overcome in combat, and slaine, what braue and noble resolution will excuse him: The Death of Cato Vticensis (no displeasure to the iudgement and opinion of popular) who made a hole into his owne belly with his sword, and pulled out his bowels with his owne handes, to the end hee would not fall into his enemy Caesars handes, cannot be excused by the word of God, the onely rule of our actions (no displeasure also to companies of lusty cutters and swashbucklers, that follow our fence playes) hee that loseth his life in a single combat for his owne quarrell, and to please and satisfy the motions of his owne mind, is no more to be excused, then the other was: for all talk of vertue is taken away from that action, nether can

Plut. in the
life of Iul.
Cæsar.

it be named by the title of magnanimity and constancy.

One demaunded Cæsar vpon a time, what death he thought the best to bee desired: That which is best thought of before (saith he) and the thoztelt. But the Chyistian may not altogether allow this answer. For if we haue not leisure to thinke of our death earnestly before hand, and with a perfit mind, and stedfast vnderstanding to looke it full in the face, euen then when it commeth nere vs to strike vs: with what conscience can we resolve to receiue it, when it commeth vpon vs in dæde? How these which dye in combate, hauing their minde purposed and bent to reuenge, to kill and slay, hauing their deaths blow on a sodaine, so farre are they from hauing any leisure to premeditate of their death, as contrariwise they are eger and hasty to cast themselves headlong into the nets of death, euen as a man should runne blindfold into the sea.

Soe, I haue alledged reasons sufficient against priuate reuenge, the which is more agreeable to y nature of brute beasts then of reasonable men. For brute beastes be destitute of reason, to prosecute their right, and haue no superiour to do them iustice: and to this purpose did Socrates answer a clown, that in his anger had stroke him on the foote. If I were an Asse (saith he) I should kicke against thee. Howouer how many troubles hath this desire of vengeance in it selfe: what paines and vexations doth it require of vs? How miserable is the thirst of reuenge: how hurtfull is the atchieuing thereof? She maketh thee take no quiet rest in thine house, and thou hast no assurance to bee in the fieldes: shee tosseth thee with continuall cares, shee tormenteth thee with ten thousand feares, shee carrieth thy iudgement and reason cleane out of their proper seats, and playeth the tyrant ouer them. When thou thinkest thy selfe safest, then shee threatneth thee most: shee is importunate with thee, shee gnaweth thee to the hart, she denoureth thee. Why then dost thou suffer her to harbour in thy breast? why dost thou giue place to her violence, to incurre thy small distruction and vndoing, thou deceivest thy selfe if thou thinke by her means to atchieue any honourable or vertuous act. The honour that is wounde by her, hath an ill grownd, and that vertue should be vaine, and of small

account

account, that taketh recommendation from so vile a passion of the mind. Wise men haue alwayes set before themselves more iust actions to purchase and winne their honour, and to be witnesses sufficient of the praise of vertue.

Honour is a thinge to pretious, and vertue a thinge to noble of it selfe, to depend of a superfluous humour, so base and villanous, as the desire of vengeance is.

Chapter IIII.

The reasons of those that iustify the combat vndertaken by priuat men to bee lawfull, and the refutation thereof.



But thou wilt make answer, and say: this man hath inured and prouoked me first, and therefore must I needes call him forth to bee reuenged of him, and to bee euen with him. I answer thee with that, that our Saviour Iesus Christ hath said: that we should not requite euill for euill, nor one iniury for an other. But to the contrary: loue your enemies (saith he) blese them that curse you: do good to them that hate you, and pray for them which hurt and persecute you, be of a pacient mind (saith S. Paul) forbearing one another: If any man haue a quarrell against another, as Christ forgave you, euen so do ye. And S. Peter saith: Iesus Christ hath suffered for vs, leaving vs an example that yee should follow his steps, which did not sinne, neither was there any guile found in his mouth, who when he was reuiled, reuiled not againe: when hee suffered iniury, hee threatned not, but committed the vengeance to him that iudgeth righteously. By these commendements, and by this example of our Saviour Iesus Christ, patience and sufferance is straitly enioyned vs, and all priuate reuenge absolutely and ex-

Mat. 5. 38.

Col. 3. 12.

1 Pet. 2. 21.

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preely forbidden.

Tert. lib de
patient.

Plut. in the
life of Dio.

Thou sayest, that this man or that man hath first prouoked and iniuried thee. I allow that to be true: but wilt thou do mischief as well as he? For as Tertullian saith: what difference is there betwene the first prouoker and the reuenger, but that the one beginneth to do mischief, and the other followeth by and by. Dion was resolved in that matter: his friends bypon a time exhorted him to be reuenged on Heracles and Theodetes, of whom hee had receiued some iniurie: But he made them answer. It may not be, that Dion by choler flaine his vertue. True it is, the lawes of men say, it is more iust to be reuenged of an iniury offered, then to offer an iniury: albeit nature it selfe sheweth that both do proceede from the selfe same infirmity.

I say moreouer, that those which take reuenge, requiting euill for euill, doe redouble the mischief, and (as Origines saith) do sinne more grievously then they, who were the first prouokers. For it may be that the first prouokers haue offended by inconsideration and vnawares either not knowing, that the hurt or iniury that they did, was hurt or iniury, or not knowing that it was so great and hainous as it was: which they, that to be reuenged do mischief, by no meanes can pretend.

Thou objectest yet, that the combat is still vsed now adaiies amongst them who follow the warres, and make profession of armes. Custome and time haue brought it to this passe, thou saiest. I answer, that the matter is not alike in combat, as it is in money or coine, in the putting away whereof, we care no more for the weight and valour of the peece, but every man taketh it for so much as it is currant, according to the common valour and approbation thereof, we speake no more of the value, but of the vse. But what if in Lacedemonia it be lawfull to picke and steale: shal it be then wel done to picke and steale? In Germany and in Switzerlande they vse very much drunkennes: tis honest then for a man to be drunken. At Rome & in diuers other places, where the common steeves are yet suffered, the custome & vsage permitteth vnchaste women to make marchandise and profit of their owne bodies, and suffereth men

to be naught with them. Therefore whoso dome may not bee condemned. But I say, that neither vse nor custome, nor time can cut of or derogate any thing from the lawes of God: but they all aggrauate the offences and finnes of men. No vse may giue any scope or liberty to men to offend, for that were an error, and he is farre deceiued, who to reigle himselfe well, regardeth what is accustomed and wont to be done, and not that which ought to be done. So also ther is no proscription of time able to iustify those, who violate the lawes. There is no appealing to the time: vices are in men, and not in the times and seasons.

To what ende then sayst thou, do I carry my sword at my side? Thou mayst weare thy sword at any time, either in time of peace, or in time of warre, not to reuenge thine owne quarrell: for thou art no magistrate, but to helpe the magistrate to gouerne and rule the countrie in peace, to repulse the enemy, to stop his incurfions, to keepe him from robbing and spoiling the Countrey, to chase away and banish vices farre from thy countrie: in summe, to defend and maintaine godlines, law, iustice, and the common weale. If thou be a good Christian, doth thy sword any thing at all dispence with thee, from doing the deuoir of god christians: doth it giue thee any greater priuiledge, then it doth to the marchant or artificer, who carry it not to abuse their vocation;

Thou wilt say then, mine enemy hath called mee forth to haue a blow or two with me, and to fight with me. I answer: if thine enemy will destroy thee, wilt thou destroy thy selfe also: if he will offend God, wilt thou offend God as well as hee: he calleth thee forth to kill thee, and thou wilt goe forth to kill him. If he called thee forth, to goe both together to cast your selues downe headlong from the top of a tower, or of a bridge into the water wouldest thou follow him, or goe with him: rather considering him to be mad, furious, and out of his wit, and thy selfe to be wise and wel aduised, shouldest thou not take heed of the danger wherein he casteth himselfe wilfully? For knowest thou not that the danger of one man, proceedeth commonly from another man. Thinke then (saith Seneca) of the danger

Seneca epi.
104.

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that may befall thee by a man. But thinke also of that deuote whereunto nature doth bind thee. Thinke of the one, to the ende thou bee not offended: and thinke of the other to the ende thou offend no man. In the Combat there is as much occasion to stand in feare as in hope. The very apprehension of fight doth trouble a man meruellously. It maketh a man chafe and fret, it maketh him tremble and quake, it maketh him loke pale and wan, it maketh him blusky and cry out in his imagination, to thinke of the blowes he shall abide, and of that which shall chance vnto him.

Cast not then thy selfe headlong (saith the wise man Cleobulus of India) into danger, but before thou dost hazard thy selfe, regard the end, and see how thou mayst escape it.

Of the point of honor and reputation.

BUt mine honour and reputation, saith he, lyeth vpon it: if I goe not out with him into the field, I shall be counted but a coward. Here the vaine glozy of man, which is a malady in him naturally and originally engrafted, sheweth her selfe signally, what shee is. For (as Epictetus saith) man hath nothing of his owne, but the vse of his ambition, pride, and of his other passions: a strange case. Man is the weakest, and the most miserable creature of all other, without the feare of God: and yet (as Plinie saith) the proudest and the fullest of ambition. If thou wouldest say but vnto thy selfe, the least thought of that which is in thy soule regenerated, or the least of that which remaineth yet whole and sounde in thy nature corrupted, which cannot altogether be effaced and blotted out of thyne vnderstanding by sinne, thou wouldest satisfy thy selfe in these thinges, and say as the Poet: *Video meliora, proboque deteriora sequor*. I see the best, and allow of it, yet I follow that which is worst. This vice is naturally rooted in vs, but let vs amend it by the vse of reason: as Socrates, who confessing a fault, that some found in his physiognomy, sayd: It is indeede my naturall inclination, but I haue corrected it by philosophy.

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Teaching the rest, I say first, that it is great maruell, that this point of honor (which in this place is but a vaine and light opinion, inuented by the Deuill) hath found place among so many good and honest men, and that Kinges and Princes allow of it: for (no displeasure to their maiesties, and excellencies) they wryap themselves in a great contradiction. For if a man be called to the field to fight with another, and kill him, the King shall not suffer him to liue, vntlesse he giue him a pardon: and yet if he do not goe to the field, the King shall count him a coward, and his honour shall be thereby enipared. But how can these thinges agree? For if he haue done an honourable act, what needeth he any pardon: or if he haue neede of a pardon, what act of honor hath he done? Is not this a platine contradiction, that if a man take the life of another, or suffer any other iniury, he should by and by, by the King, according to the deuoir and law of armes be degraded of his nobility and honour: and yet if hee reuenge the matter, the same King by the chull law shall inflict vppon him sentence of death: what a pity is this? Doe to the lawes to haue iustice for an offence committed against thyne honoure, & they shall tell thee that thou dishonourest thy selfe. Doe to armes against the lawes, they shall tell thee, that thou oughtest to be punished by the lawes. What iustice is this? What pollicy is this? In one and the very selfe same thing, by and by the lawes must giue place to armes, and by and by armes to the lawes. Here may one fully perceiue the inconstancy of men, concerning their sundry iudgements and foolish fantasies: much like to the Camaleon, which changeth colour in every place that it cometh vnto: or much like the Dame of whom the poets saie, that vppon a time she desired her mother to make her a garmet, that might be fit for her, and handsome for her body. How can that bee Daughter (saith hir mother) seeing thy body keepeth neuer at one state, but it is so variable, that it changeth every day.

Secondly, thou sayst, thyne honour is lost if thou do not go out into the field to meete thyne enemy. And is not thy conscience lost also, if thou do goe forth? Demosthenes had a wise saying: that the beginning of every vertuous act, is consultation

and deliberation, the progresse of going forwards, is magnanimity and constancie: the end and perfection is praise and honour, with tranquillity of mynd and conscience.

Life indeede is a death, if the honour or good name be lost. But thou mayest not take the shadow for the body. Thyne error proceedeth of the too great force and vehemence of selfeloue, that thou bearest to thyne owne imaginations: as the Poets saie Narcissus to haue bin rauished with the loue of his owne shadow: and so was Pygmalion ouercome and troubled with the impression of an Image of Iuoy, that he fell in loue with it, as though it had bin alieue.

Tell me, wilt thou liue in honour: liue then like a good Christian. Wilt thou make knowne y care thou hast of thyne owne credit, and after this life make thy selfe famous in the mouth of many? Endeavour then that thy fame fly no further, then the vertue and good report thereof be spread, and may carry it: and that it remaine for a memoriall and example to the posterity, to be worne in the feare of God: and do not as Trogus Pompeius speaketh of one Herolstratus: & Titus Linius of one Manlius Capitolinus, who were desirous of great fame and honour for their naughty deedes.

Cursed is that honour and fame. Thou mistakest the matter in taking dishonour for honour: and so both thy pore soule deceiue hir selfe, in imagining and representing to her selfe a false and fantastick object, euen against hir owne conscience, if shee would say the truth. For a staffe be it neuer so straight, seemeth crooked in the water: and the sound of a Trumpet which wee thinke is before vs, commeth a quarter of a mile behind vs, by the reuerberation of the aire neare vnto a forest: so also all that glistereth is not Gold. And vertue alwaies hath the one of his two extreames, with the which shee hath more conformity and resemblance, then with the other: and therefore the Poet sayd true, That vice doth deceiue vs by the apparence and shadow of vertue. So then when the question is of the point of honour, we ought not to speake of it, nor estimate it after our owne iudgement and opinion, but according to that which is in it selfe, and in it owne naturall.

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For that which men imagin for honour in this respect, is like the Atomes of Epicurus, the Idées of Plato, and to the numbers of Pythagoras: which are things too vncertaine, and need great dispute to proue them. To take this for honour, is to feed of the aire or of the wind: as those, whom Plutarch reporteth to be in a certaine place of India, who haue no mouth at all, but feede and nourish themselves with smelling of certaine sweet odours. Where is the name of the thing, and the thing it selfe: and the name of the thing is no part of the thing, nor any part of the thinges substance. The name, is but a voice which doth comprehend in it oftentimes that which cannot be attributed to the thing.

Dost thou call it honour, to do that which God forbiddeth thee: is it not thyne honour to obey God, and thy dishonour to disobay him? If thy lawfull Prince prohibit thee any thing upon iust occasions, and for good reasons, wilt thou not then say: myne honour bindeth mee not to do it, for that the King hath commaunded mee the contrary? Wilt thou then make more account of men then of God? God forbiddeth thee to reuenge, and thou sayst, thy good name, that is, thyne honour is taken away, if thou do not reuenge. God forbiddeth thee to kill thy neighbour: and thou saiest, thine honour is lost, if thou do not kill him. A manifest falshood, and impasture of thyne owne foolish opinion.

There is nothing more honorable for a Christian, then to be able and keepe under his owne passions by reason. This is no dishonour nor discredit not to bee able to do that which a man would. But it is both dishonour and discredit to be willing to do that which a man ought not to be willing to do: and yet the greatest dishonour that is, is to doe that which God and his lawes forbid.

But, saith another, they will cast in my teeth, that I am affraid of death, the which waiteth for me, either there, or in another place: and I shall be esteemed a very Poltron and a coward, if I seeke not to reuenge the wrong that hath bin offered me. I answer first to this, that to put a mans selfe in no danger, where occasion of danger is, is to be no wiser then Pirrho

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the philosopher hogge was, who looked on the whirlewinde and tempest in the sea, without any whining or noise at all: or else to be as wise as Pirrho himselfe was, whom Laertias and others picture out to be very blunt and blockish, of a brutish and sauage life, refusing to lye vnder any law, without any vnderstanding, who would stay till chariots ranne ouer him, and offer to cast himselfe downe headlong from the toppe of any high place. Agesilas (as Plutarke reporteth) was wont to say in his priuy deuises, that iustice was the first and chiefest of all other vertues, and that prouesse was worth nothing, if it were not accompanied with iustice.

Chauaney hath her limits, as other vertues haue, the which if thou once ouerpasse, thou shalt straight finde thy selfe in the path of vice. In very deed thou oughtest not in any wise to feare death: for God forbid that we should feare death, which bringeth vs so great benefit, that it maketh vs free from all feare: and although it be most true, that thou canst not tell, where it attendeth thee, but that therefore thou oughtest to attend it euery where boldly, without all feare: yet oughtest not thou to runne headlong without any regard of thyne estate without the compasse of his sickle, nor making way for thyne anger, to runne after it, and wittingly to bring thy selfe in danger. Thou oughtest to waite for it indeed, but not to prevent it. In the first there is resolution and courage, in the second temerity and desperation.

When they will object, saiest thou, that thou art a dastarde and a coward. Colwardize indeed according to the lawes of Charondas, doth merit to be punished by shame and ignominy: yea with death it selfe, by the lawes of Crece and of Rome, when it is cause of any great prejudice: as if in warre any captaine should turne his backe to his charge, or runne away the same time, when the battell is to be giuen. And moreover if he giue by for feare any place that is assieged, that may by the rules of warre be kept well enough, but it is another matter, not to be willing to reuenge any priuie injury or quarrell. That ought neuer to be imputed to cowardliness, or to pusillanimity. yet, thou wilt say, that some will say, it is. But who is he that will

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will say, it is: Men. But what men? not honest and vertuous men, and such as feare God, but men of this worlde. Euery thing hath in it some good or euill, for the which it is esteemed good or euill. The goodness of euery action is that which proceedeth from vertue. The ill contrariwise, that which cometh from vice. An action then ought to be esteemed good and laudable, when it is vertuous: and contrariwise euill and blame-worthy, when it is vicious: for there is none other good but vertue, and none other euill but vice. In so much that the vertue is straitly commaunded by God, and the vice absolutely detested. And there is great reason why we should esteem all that which God commaundeth good and vertuous, & all that which he defendeth euill and vicious without climbing any higher. For it is he who hath put a difference betwene good & bad, betwene vertue and vice, and hath engrauen a certaine generall knowledge and notice in the iudgement of man euery since his creation. And therefore it followeth that, that act is good and vertuous, because it is conformable to the will of God. And this act is euill and vicious, because it is repugnant, and contrary to his will.

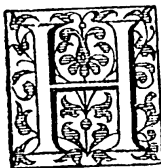
Let then the world speake his mind, and make what foolish estimation of honour that shee will: for the worlde is impure, wicked, and altogether giuen to mischief. And therefore esteemeth and valueth nothing, but that which agreeth and resemblieth altogether with her nature, and doth speake well of nothing, according to her thinking, but of that which sympathizeth with her manners of doing. Her reason, or rather appearance of reason, which she saunth to haue in her selfe, halteth alwayes, is crooked in many wayes and cleane without all square or compasse, hauing little truth toynd with it, or rather none at all: and alwayes, or for the most part, accompanied with lies and tales: And is as the leaden instrument called *regula Lesbia*, which may be applyed, and made true to measure any thing that a man can deuise. Demetrius was wont to say, that hee made as little account of the wordes of the ignorant, as hee did of the wind that cometh from the body: for what made a man passe (sayth hee) what the prattle of the vulgar is, babbles they

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they from above or from below. Let it suffice thee to be esteemed of God, & of those that feare God, who can iudge of thine actions and of all others by the word of God: For nothing is worthy of praise, or blame worthy, but that which is approved or reproved by God. And his iudgement that is not here planted and settled in Gods word, deceiveth him much: and in stead of true honour bringeth forth to his minde monsters and fantastical Chimeres, where nothing is to be had but meere illusions, and lying images of true honour.

Chapter V.

Remedies against single Combat.



HEReto wee haue but opened the soare: now we must seeke some remedies for it, if it be possible. Now the remedies against Combat in mine opinion ought to be take partly of priuate men, and partly of chiefe gouernours, and ciuill Magistrates. As for priuate men, we know there are some so active, and of such a boylng nature, and such that loue quarrelling and brawling so well, that at the perill of their owne saluation, they utterly contemne the vse of all vertues, which helpe to bridle and moderat the boylng force of their immoderat passions. As it is reported of a certaine fellow, that would not haue his phisition to take away the alteration of his feuer, to the end he might not lose the great pleasure he took in drinking and beeling. His opinion that a man hath cometh from a sauage humour, vngent without any bridle or stay in his spirit, who hath none other stirring and mouing in it selfe, but as uen as the senses and humours of the body cary him. But as he that loueth the health of his bodye, being in perfect health, doth take great pleasure to practise the rule & regimen of health, that skillfull phisition preferibeth him, to y end, that he might keepe and maintaine himselfe long time in health: euen so hee that

of single Combat.

that he that loueth that his soule be well reigled and gouerned, and he that hath well ordered and guided it, as a man vertuous & wise doth take great delight in the precautions and meanes that he hath learned, to preserve and keepe it from falling into vice.

I say then to priuate men, that make profession of armes, that they banish out of their hart all ambition and pride. For this plague is the onely cause of quarrelling and brawling: for as a certaine Romane said, it is the nature and property of the ambitious man to contemne men of simple and lowe estate, to empy those of higher and greater condition, and to agree and liue in charity with none of his equals, men of as good quality as himselfe. Let priuat men then be purged and cleane void of this vice of ambition: let them bee meek, courteous and gentle towards euery man, and in no wise opiniatious nor quarrellous. Let them be carefull to keepe vniety and concord of mind, by the band of peace: let them do nothing by strife or vaine glory: but in humility of hart let euery man thinke better of another then of himselfe. Let them be charitable, for charity swelleth not. Let them put the salt of discretion in their wordes, and weigh them well before they utter them. Let them liue in good amity and brotherly charity one with another: for as the Oratour Salust in sayth, Concord maketh little thinges grow and encrease, and discord plucketh all quite by by the roote, and bringeth by and by great and mighty thinges to naught: and in this concord, as saith our sauour Iesus Christ consisteth the preservation not onely of whole families, cities prouinces and earthly kingdoms, but also of the Church which is the house and family of God.

And because the deuill is very subtil to sow dissentions among men, let them not moue themselves lightly one against another, for euery small wrong or injury that is offered them. Let them be patient, ready to forgive, and ready to suffer wrong and injury, without any desire or thirst of reuenge, because they are Christians, and ought to followe the example our sauour Iesus Christ. And if the worst fall out, let them haue recourse to their superiours, and prosecute their right by such way of iustice as is ordained for them by God: alwaies prouided, they do it

Planchus
Numatius
scholar to
Cic.

Eph. 4.3.
Phil. 2.3.

Rom. 12.10
1 Cor. 13.4.
Col. 4. 6.

Salust in
lugur.

Mat. 12.25.

not,

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not to ſeek any vengeance, and pretend not to uſe the Spagiſtrate, as an inſtrument to execute their wicked will. For it is the dutoir of the Spagiſtrate to preſerve the honour and good name of his ſubjects, as well as their goods and luces, as with neceſſity the holy Scripture.

Rom. 13.3.
1 Pet. 2.14.

See here is the summe of that I had to say of the first remedie of Combat concerning the part of priuie men. The second remedie toucheth Princes and Rulers. It is, that they employ their authority to take some speedie order for this dangerous mischiefe. It is evidently sene, that the pleasure that diuers take, their nonchallance, fault of knowledge, and lacke of conscience hath caused them to grant this excesse to great fighters and fray-makers, to let them put in a scote with them, to holde them vp by the chinne, and to haue secret intelligence with them in the practise of this combating: so that the superiour gouernours haue of purpose giuen ouer their authority to the inferior magistrates, because they would not vse it in this matter their owne selues: and the inferior haue vsurped this licence to abuse the sword of iustice, in treading vnder fete the right of their superiours.

It is then first of all needfull that Kinges and soveraigne Princes bysde their subiects, for their benefyte and good in common, and that they make strait decree vpon this matter, according to law and iustice, forbid vpon grievous paines this exercise of single Combat, so vsuall now adaies: and that they cause proclamations to be made through all places of their dominions, to the ende no man pretende hereafter any excuse or cause of ignorance: or if they haue once so done already, yet that they do it once againe, & commaund all their Officers, & namely all their chiefe Captaines of war to lay their handes to the execution of this their ordinance. If they do thus, they shall deserve great commendations, and honour, doing much for the benefyte in common.

Plutarcke praeseth Flaminius, for that hee being borne to
commande, knewe not onely how to commaunde according to
the lawes, but also the lawes themselves, when common neces-
sity should require. And who doubteth then, but honest & vertue

of single Combat.

ous people do praise our Kings and Princes, when for the com-
mon utility and the benefite in publicke, they shall commande
according to true lawes and iustice, against that which is false
ly and against all reason termed the law or beuolie of warre,
and armes in this matter of single Combat?

Secondly, that as Christian Princes, and such as are furnished with members about them fit for their dignities, discourse themselves privately and publicly when there shall fall out any matter to be decided by combat, against the combat, blaming and reprehending it, and saying that they do not allow of it in any wise, and that it is a very foolish thing for those that make profession of armes, to thinke that their reputation, their valour, their noblesse, their resolution, their skilfulness of colour, and in summe the point of their honour consisteth in this rage; and in summe the point of single combat. And then when the other shall knowe and understand fully their opinion in the matter, they will willingly agree unto them to bee of the same mind with them. For so it is, the inferiours alwayes conforme themselves to the manners and opinions of their superiours. So that the chiefe captaines of warre be moze careful to be approved, than to be discomfited in any battell.

themselves to the manners and opinions of their superiors.
Thirdly, that the chiefe captaynes of warre be more careful
then heretofore they haue bin, to make diligent enquiry of the
state and behauiour of their men at armes and souldiers: and if
there arise any strife or difference amongst them, that by and
by, as sone as they can, they seeke to appease it: and if they can
not by reason of some difficultnes, that they shall find, that they
commend and charge them upon paine of death not to dispute
any further, or meddle any more in the matter. untill they haue
taken further aduice by assembling some greater number of Cap-
taines that feare God: for there is no difference, bee it neuer so
great, but among Christians by the word of God & good lawes
it may be decided, and answerd well ynough without euill con-
bating for the matter.

If these medicines be applied to this so dangerous and mo-
leſt ſcale, we may hope that ſome of our France ſhall quick-
ly be purged. True it is that they will ſeem ſomewhat bitter to
the taſte, and of a very ſour taſt at the firſt. But the bitterness
at his circumſtances, that ſerve to the operation: and you know.

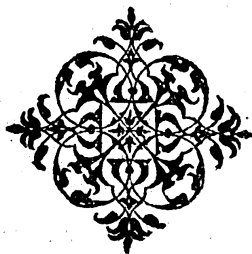
B 2

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know that Apothecary drugges have little vigour, when they are taken pleasantly and with a sweet tast. The effectes hereof in tyme shall shew themselves to be profitable and wholesome, if it please God to further and blesse them. When I beseech God that they take some effect and depe rote in the harts of the readers which make profession of armes, and abuse the lawfull usage thereof: as sometime it did in y hart of Polemon, a poyg, licentious and unruly Greke, who by chance going to heare but one good lesson of a Philosopher, with the knowledge and learning that he brought away, oppon a great sodaine changed and amended his former lewd life wherein he had so long before continued. But to God above be all laudable beginning

all god proceeding, and all happy ending: and to the same God be all glory, might, and power now and for evermore

Amen.



AN IMPEACHMENT OF HIGH TREASON AGAINST

Oliver Cromwel, and his Son in Law Henry Ireton Esquires, late Members of the late forcibly dissolved House of Commons, presented to publique view; by Lieutenant Colonel John Lilburne close Prisoner in the Tower of London, for his real, true and zealous affections to the Liberties of his native Country.

In which following Discourse or Impeachment, he engageth upon his life, either upon the principles of Law (by way of indictment, the only and alone legal way of all trials in England) or upon the principles of Parliaments ancient proceedings, or upon the principles of reason (by pretence of which alone they lately took away the Kings life) before a legal Magistracy, when there shall be one again in England (which now in the least there is not) to prove the said Oliver Cromwells guilt of the highest Treason that ever was acted in England, and more deserving punishment and death.

Then the 44 Judges hanged for injustice by King Alfred before the Conquest; or then the Lord chief Justice Wayland and his associates tormented by Edw. 1. Or, then Judge Thorpe, condemned to dye for Bribery in Edw. 3. time; Or, then the two dis-throned Kings Edw. 2. and Rich. 2. Or, then the Lord chief Justice Tresilian, (who had his throat cut at Tyburn as a Traitor in Rich. 2. time, for subverting the Law) and all his associates; Or, then those two grand Traytorly subverters of the Laws and Liberties of England, Empson and Dudley, who therefore as Traytors lost their heads upon Tower-hill, in the beginning of Henr. 8. reign; Or, then trayterous Cardinal Wolsey, who after he was arrested of Treason, payloned himself; Or, then the late trayterous Ship-Money Judges, who with one Verdict or Judgment destroyed all our propertie; Or, then the late trayterous Bishop of Cambrwy, Earl of Strafford, Lord-Keeper Fin. b, Secretary P. Pimkebanck, or then Sir George Ratcliff, or all his Associates; Or, then the two Heibams, who lost their heads for corresponding with the Queen, &c. Or, then the late King Charles whom themselves have beheaded for a Tyrant and traytor.

In which are also some Hints of Cautions to the Lord FAIRFAX, for absolutely breaking his solemn Engagement with his soldiers, &c. to take head and to regain his lost Credit in acting honestly in time to come; in helping to settle the Peace and Liberties of the Nation, which truly, really, and lastingly can never be done, but by establishing the principles of the Agreement of the Free People; that being really the peoples interest, and all the rest that went before, but particular and selfish.

In which is also the Authors late Proposition sent to Mr Holland, June 26. 1649. to justify and make good at his utmost hazard (upon the principles of Sense, re, Law, Reason, and the Parliaments and A-mens ancient Declaration) his late actions or writings in any or all his Books.

lec. 5. 26, 27, 8, 29. For among my people are found suckled - en: they lie in wait as he that stretcheth snares, they set a trap, they catch men. As a cage is full of Birds, so are their houses full of decess; therefore they are become great, and waxen rich. They are women for, they sines, yet they overpay the decess of the rich; they do not the cause, the cause of th Fatherless, yet they prosper; and the sight of the needy doe they not judge. Shall I not visit for these things, saith the Lord? Shall not my soul be avenged of such a Nation as this?

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