

AN  
ADVERTISEMENT<sup>1</sup>  
TOUCHING  
A N H O L Y W A R .

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*The Persons that speak.*

EUSEBIUS. GAMALIEL. ZEBEDÆUS. MARTIUS. EUPOLIS. POLLIO.

*Characters of the Persons.*

Eusebius beareth the character of a Moderate Divine. Gamaliel of a Protestant Zelant. Zebedæus of a Romish Catholic Zelant. Martius of a Militar Man. Eupolis of a Politique. Pollio of a Courtier.<sup>2</sup>

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*THERE met at Paris (in the house of Eupolis) Eusebius, Zebedæus, Gamaliel, Martius, all persons of eminent quality, but of several dispositions. Eupolis himself was also present; and while they were set in conference, Pollio came in to them from court; and as soon as he saw them, after his witty and pleasant manner, he said :*

POLLIO. Here be four of you, I think were able to make a good World; for you are as differing as the four Elements, and yet you are friends. As for Eupolis, because he is temperate and without passion, he may be the Fifth Essence.

EUPOLIS. If we five (Pollio) make the Great World, you alone may make the Little; because you profess and practise both, to refer all things to yourself.

POLLIO. And what do they that practise it, and profess it not?

<sup>1</sup> *Dialogus.*

<sup>2</sup> *Zebedæus Romano-Catholicus, fervidus et Zelotes. Gamaliel, in Religione Reformata, fervidus item et Zelotes. Eusebius, Theologus Orthodoxus et moderatus. Martius, vir Militaris. Eupolis, Politicus. Pollio, Aulicus. Omnes præter Gamalielium Romano-Catholici.*

EUPOLIS. They are the less hardy<sup>1</sup>, and the more dangerous. But come and sit down with us, for we were speaking of the affairs of Christendom at this day; wherein we would be glad also to have your opinion.

POLLIO. My lords, I have journeyed this morning, and it is now the heat of the day; therefore your lordship's discourses had need content my ears very well, to make them intreat mine eyes to keep open. But yet if you will give me leave to awake you, when I think your discourses do but sleep, I will keep watch the best I can.

EUPOLIS. You cannot do us a greater favour. Only I fear you will think all our discourses to be but the better sort of dreams; for good wishes, without power to effect<sup>2</sup>, are not much more. But, Sir, when you came in, Martius had both raised our attentions and affected us with some speech he had begun; and it falleth out well to shake off your drowsiness; for it seemed to be the trumpet of a War. And therefore (Martius) if it please you to begin again; for the speech was such as deserveth to be heard twice; and I assure you, your auditory is not a little amended by the presence of Pollio.

MARTIUS. When you came in (Pollio), I was saying freely to these lords, that I had observed how by the space now of half a century of years there had been (if I may speak it) a kind of meanness in the designs and enterprises of Christendom. Wars with subjects; like an angry suit for a man's own, that mought be better ended by accord. Some petty acquests of a town, or a spot of territory; like a farmer's purchase of a close or nook of ground that lay fit for him. And although the wars had been for a Naples, or a Milan, or a Portugal, or a Bohemia, yet these wars were but as the wars of Heathen, (of Athens, or Sparta, or Rome,) for secular interest or ambition, not worthy the warfare of Christians. The Church (indeed) maketh her missions into the extreme parts of the nations and isles; and it is well<sup>3</sup>: but this is *Ecce unus gladius hic*. The Christian princes and potentates are they that are wanting to the propagation of the Faith by their arms. Yet our Lord, that said on earth to the disciples, *Ite et prædicate*, said from heaven to Constantine, *In hoc signo vince*. What Christian soldier is there that will not be touched with a religious emula-

<sup>1</sup> minus animosi.

<sup>2</sup> nobili operâ utque instituto.

<sup>3</sup> absque spe effectûs, nōdum tentandi copiâ

tion to see an order of Jesus, or of St. Francis, or of St. Augustine, do such service for enlarging the Christian borders; and an order of St. Jago, or St. Michael, or St. George, only to robe, and feast, and perform rites and observances?<sup>1</sup> Surely the merchants themselves shall rise in judgment against the princes and nobles of Europe. For they have made a great path in the seas unto the ends of the world; and set forth ships and forces of Spanish, English, and Dutch, enough to make China tremble<sup>2</sup>; and all this for pearl, or stone, or spices: but for the pearl of the kingdom of heaven, or the stones of the heavenly Hierusalem, or the spices of the spouse's garden, not a mast hath been set up. Nay they can make shift to shed Christian blood so far off amongst themselves<sup>3</sup>, and not a drop for the cause of Christ. But let me recall myself; I must acknowledge that within the space of fifty years (whereof I spake) there have been three noble and memorable actions upon the infidels, wherein the Christian hath been the invader. For where it is upon the defensive, I reckon it a war of nature<sup>4</sup>, and not of piety. The first was that famous and fortunate war by sea that ended in the victory of Lepanto; which hath put a hook into the nostrils of the Ottomans to this day; which was the work (chiefly) of that excellent Pope, Pius Quintus; whom I wonder his successors have not declared a saint. The second was the noble, though unfortunate, expedition of Sebastian King of Portugal upon Africk, which was atchieved by him alone; so alone, as left somewhat for others to excuse. The last was, the brave incursions of Sigismund the Transylvanian prince; the thread of whose prosperity was cut off by the Christians themselves; contrary to the worthy and paternal monitories of Pope Clement the eighth. More than these, I do not remember.

POLLIO. No! What say you to the extirpation of the Moors of Valentia?

*At which sudden question, Martius was a little at a stop; and Gamaliel prevented him, and said:*

<sup>1</sup> *nihil aliud fere perpetrare, neque majora meditari, quam ut vestes solennes induant, festa patronorum suorum anniversaria celebrent, et ceteros ritus ac ceremonias ordinis sui observent.*

<sup>2</sup> *quanta Indias quidem et Chinam tremefacere et concutere possint.*

<sup>3</sup> *Illud interim pro nihilo ducunt, sanguinem Christianum in partibus tam remotis inter se præliantes effundere.*

<sup>4</sup> *Necessitatis.*

**GAMALIEL.** I think Martius did well in omitting that action, for I, for my part, never approved it ; and it seems God was not well pleased with that deed ; for you see the king in whose time it passed (whom you catholics count a saint-like and immaculate prince) was taken away in the flower of his age : and the author and great counsellor of that rigour (whose fortunes seemed to be built upon the rock) is ruined : and it is thought by some that the reckonings of that business are not yet cleared with Spain ; for that numbers of those supposed Moors, being tried now by their exile, continue constant in the faith, and true Christians in all points, save in the thirst of revenge.

**ZEBEDÆUS.** Make not hasty judgment (Gamaliel) of that great action ; which was as Christ's fan in those countries ; except you could show some such covenant from the crown of Spain, as Joshua made with the Gibeonites ; that that cursed seed should continue in the land. And you see it was done by edict, not tumultuously ; the sword was not put into the people's hand.

**EUPOLIS.** I think Martius did omit it, not as making any judgment of it either way, but because it sorted not aptly with actions of war, being upon subjects, and without resistance. But let us, if you think good, give Martius leave to proceed in his discourse ; for methought he spake like a divine in armour.

**MARTIUS.** It is true (Eupolis) that the principal object which I have before mine eyes, in that whereof I speak, is piety and religion. But nevertheless, if I should speak only as a natural man, I should persuade the same thing. For there is no such enterprise, at this day, for secular greatness and terrene honour, as a war upon infidels. Neither do I in this propound a novelty, or imagination, but that which is proved by late examples of the same kind, though perhaps of less difficulty. The Castilians, the age before that wherein we live, opened the new world ; and subdued and planted Mexico, Peru, Chile, and other parts of the West Indies. We see what floods of treasure have flowed into Europe by that action ; so that the cense or rates of Christendom are raised since ten times, yea twenty times told. Of this treasure, it is true, the gold was accumulate and store-treasure, for the most part : but the silver is still growing. Besides, infinite is the access of territory and empire by the same enterprise. For there was never an hand drawn that did

double the rest of the habitable world, before this; for so a man may truly term it, if he shall put to account as well that that is, as that which may be hereafter by the further occupation and colonizing of those countries. And yet it cannot be affirmed (if one speak ingenuously) that it was the propagation of the Christian faith that was the adamant of that discovery, entry, and plantation; but gold and silver and temporal profit and glory: so that what was first in God's providence was but second in man's appetite and intention. The like may be said of the famous navigations and conquests of Emmanuel King of Portugal, whose arms began to circle Africk and Asia; and to acquire not only the trade of spices and stones and musk and drugs, but footing and places in those extreme parts of the east. For neither in this was religion the principal, but amplification and enlargement of riches and dominion. And the effect of these two enterprises is now such, that both the East and the West Indies being met in the crown of Spain, it is come to pass that (as one saith in a brave kind of expression) *the sun never sets in the Spanish dominions, but ever shines upon one part or other of them*: which, to say truly, is a beam of glory, (though I cannot say it is so solid a body of glory) wherein the crown of Spain surpasseth all the former monarchies. So as to conclude, we may see that in these actions upon gentiles or infidels, only or chiefly, both the spiritual and temporal honour and good have been in one pursuit and purchase conjoined.

POLLIO. Methinks, with your favour, you should remember (Martius) that wild and savage people are like beasts and birds, which are *feræ naturæ*, the property of which passeth with the possession, and goeth to the occupant; but of civil people, it is not so.

MARTIUS. I know no such difference amongst reasonable souls, but that whatsoever is in order to the greatest and most general good of people may justify the action, be the people more or less civil. But (Pollio)<sup>1</sup> I shall not easily grant that the people of Peru or Mexico were such brute savages as you intend; or that there should be any such difference between them and many of the infidels which are now in other parts. In Peru, though they were unapparelled people, according to the

<sup>1</sup> So in the Latin, and in the MSS. The printed copy has *Eupolis*; obviously a mistake.

clime<sup>1</sup>; and had some customs very barbarous; yet the government of the Incaes had many parts of humanity and civility. They had reduced the nations from the adoration of a multitude of idols and fancies, to the adoration of the sun. And, as I remember, the Book of Wisdom noteth degrees of idolatry; making that of worshipping petty and vile idols more gross than simply the worshipping of the creature. And some of the prophets, as I take it, do the like, in the metaphor of more ugly and bestial fornication. The Peruvians also (under the Incaes) had magnificent temples of their superstition; they had strict and regular justice; they bare great faith and obedience to their kings; they proceeded in a kind of martial justice with their enemies<sup>2</sup>, offering them their law, as better for their own good, before they drew their sword. And much like was the state of Mexico, being an elective<sup>3</sup> monarchy. As for those people of the east (Goa, Calacute, Malacca) they were a fine and dainty people; frugal and yet elegant, though not militar. So that if things be rightly weighed, the empire of the Turks may be truly affirmed to be more barbarous than any of these. A cruel tyranny, bathed in the blood of their emperors upon every succession; a heap of vassals and slaves; no nobles, no gentlemen, no freemen, no inheritance of land, no stirp of ancient families<sup>4</sup>; a people that is without natural affection, and, as the Scripture saith, that *regardeth not the desires of women*: and without piety or care towards their children: a nation without morality, without letters, arts, or sciences; that can scarce measure an acre of land, or an hour of the day: base and sluttish in buildings, diets, and the like; and in a word, a very reproach of human society. And yet this nation hath made the garden of the world a wilderness; for that, as it is truly said concerning the Turks, *where Ottoman's horse sets his foot, people will come up very thin.*

POLLIO. Yet in the midst of your invective (Martius) do the Turks this right, as to remember that they are no idolaters for if, as you say, there be a difference between worshipping a base idol and the sun, there is a much greater difference between worshipping a creature and the Creator. For the Turk do acknowledge God the Father, creator of heaven and earth

<sup>1</sup> *temperatura fortasse climatis hoc postulante.*

<sup>2</sup> *ac si jus facialium novissent.*

<sup>3</sup> *electivâ, non hereditariâ.*

<sup>4</sup> *nulla stirpes antiquæ.* I have followed the reading of the MS. here. The printed copy has "no stirp or ancient families."

being the first person in the Trinity, though they deny the rest.

*At which speech when Martius made some pause, Zebedæus replied with a countenance of great reprehension and severity:*

**ZEBEDÆUS.** We must take heed (Pollio) that we fall not at unawares into the heresy of Manuel Comnenus, Emperor of Græcia, who affirmed that Mahomet's God was the true God: which opinion was not only rejected and condemned by the synod, but imputed to the Emperor as extreme madness<sup>1</sup>; being reproached to him also by the Bishop of Thessalonica, in those bitter and strange words as are not to be named.

**MARTIUS.** I confess that it is my opinion, that a war upon the Turk is more worthy than upon any other gentiles, infidels, or savages, that either have been or now are, both in point of religion and in point of honour; though facility and hope of success mought (perhaps) invite some other choice. But before I proceed, both myself would be glad to take some breath; and I shall frankly desire that some of your lordships would take your turn to speak, that can do it better. But chiefly, for that I see here some that are excellent interpreters of the divine law, though in several ways; and that I have reason to distrust mine own judgment, both as weak in itself, and as that which may be overborne by my zeal and affection to this cause; I think it were an error to speak further, till I may see some sound foundation laid of the lawfulness of the action, by them that are better versed in that argument.

**EUPOLIS.** I am glad (Martius) to see in a person of your profession so great moderation, in that you are not transported, in an action that warms the blood and is appearing holy, to blanch or take for admitted the point of lawfulness. And because methinks this conference prospers, if your lordships will give me leave, I will make some motion touching the distribution of it into parts.

*Unto which when they all assented, Eupolis said:*

**EUPOLIS.** I think it would not sort amiss, if Zebedæus would be pleased to handle the question, Whether a war for the propagation of the Christian faith, without other cause of hostility, be lawful or no, and in what cases? I confess also, I would be glad to go a little further; and to hear it spoken to

<sup>1</sup> *veluti insanie species quadam.*

concerning the lawfulness, not only permissively, but whether it be not obligatory to Christian princes and states to design it; which part, if it please Gamaliel to undertake, the point of the lawfulness taken simply will be complete. Yet there resteth the comparative: that is, it being granted that it is either lawful or binding, yet whether other things be not to be preferred before it; as extirpation of heretics, reconcilements of schisms, pursuit of lawful temporal rights and quarrels, and the like; and how far this enterprise ought either to wait upon these other matters, or to be mingled with them, or to pass by them and give law to them as inferior unto itself? And because this is a great part, and Eusebius hath yet said nothing, we will by way of mulct or pain, if your lordships think good, lay it upon him. All this while, I doubt much that Pollio, who hath a sharp wit of discovery towards what is solid and real and what is specious and airy, will esteem all this but impossibilities, and eagles in the clouds: and therefore we shall all intreat him to crush this argument with his best forces: that by the light we shall take from him, we may either cast it away, if it be found but a bladder, or discharge it of so much as is vain and not sperable. And because I confess I myself am not of that opinion, (although it be an hard encounter to deal with Pollio) yet I shall do my best to prove the enterprise possible, and to shew how all impediments may be either removed or overcome. And then it will be fit for Martius (if we do not desert it before) to resume his further discourse, as well for the persuasive, as for the consult touching the means, preparations, and all that may conduce unto the enterprise. But this is but my wish, your lordships will put it into better order.

*They all not only allowed the distribution, but accepted the parts: but because the day was spent, they agreed to defer it till the next morning. Only Pollio said:*

POLLIO. You take me right (Eupolis); for I am of opinion, that except you could bray Christendom in a mortar, and mould it into a new paste, there is no possibility of an Holy War. And I was ever of opinion, that the Philosopher's Stone, and an Holy War, were but the *rendez-vous* of cracked brains, that wore their feather in their head instead of their hat. Nevertheless believe me of courtesy, that if you five shall be of another mind, especially after you have heard what I can say, I shall be ready to certify



with Hippocrates, that Athens<sup>1</sup> is mad and Democritus is only sober.<sup>2</sup> And lest you should take me for altogether adverse, I will frankly contribute to the business now at first. Ye, no doubt, will amongst you devise and discourse many solemn matters: but do as I shall tell you. This Pope is decrepit, and the bell goeth for him. Take order, that when he is dead, there be chosen a Pope of fresh years, between fifty and three-score; and see that he take the name of Urban, because a Pope of that name did first institute the cruzada, and (as with an holy trumpet) did stir up the voyage for the Holy Land.

EUPOLIS. You say well; but be, I pray you, a little more serious in this conference.

*The next day the same persons met, as they had appointed; and after they were set, and that there had passed some sporting speeches from Pollio, how the war was already begun, for that (he said) he had dreamt of nothing but Janizaries and Tartars and Sultans all the night long, Martius said:*

MARTIUS. The distribution of this conference, which was made by Eupolis yesternight, and was by us approved, seemeth to me perfect, save in one point; and that is, not in the number, but in the placing of the parts. For it is so disposed, that Pollio and Eupolis shall debate the possibility or impossibility of the action, before I shall deduce the particulars of the means and manner by which it is to be achieved. Now I have often observed in deliberations, that the entering near hand into the manner of performance and execution of that which is under deliberation hath quite overturned the opinion formerly conceived of the possibility or impossibility. So that things that at the first show seemed possible, by ripping up the performance of them have been convicted of impossibility; and things that on the other side have showed impossible, by the declaration of the means to effect them, as by a back light, have appeared possible, the way thorough them being discerned. This I speak, not to alter the order, but only to desire Pollio and Eupolis not to speak peremptorily or conclusively touching the point of possibility, till they have heard me deduce the means of the execution: and that done, to reserve themselves at liberty

<sup>1</sup> So both the printed copy and the MSS. The Latin translation has *Athenienses*. It ought to be *Abdera*.

<sup>2</sup> The remainder of this speech is not in the MS. Eupolis's answer is illegible from the fading of the ink. The words, I think, are "at your pleasure."

for a reply, after they had before them, as it were, a model of the enterprise.

*This grave and solid advertisement and caution of Martius was much commended by them all; whereupon Eupolis said:*

**EUPOLIS.** Since Martius hath begun to refine that which was yesternight resolved, I may the better have leave (especially in the mending of a proposition which was mine own) to remember an omission, which is more than a misplacing. For I doubt we ought to have added or inserted into the point of lawfulness, the question how far an Holy War is to be pursued, whether to displanting and extermination of people? And again, whether to enforce a new belief, and to vindicate or punish infidelity; or only to subject the countries and people; and so by the temporal sword to open a door for the spiritual sword to enter, by persuasion, instruction, and such means as are proper for souls and consciences? But it may be, neither is this necessary to be made a part by itself; for that Zebedæus, in his wisdom, will fall into it as an incident to the point of lawfulness, which cannot be handled without limitations and distinctions.

**ZEBEDÆUS.** You encourage me (Eupolis), in that I perceive how in your judgment (which I do so much esteem) I ought to take that course which of myself I was purposed to do. For as Martius noted well that it is but a loose thing to speak of possibilities without the particular designs; so is it to speak of lawfulness without the particular cases. I will therefore first of all distinguish the cases; though you shall give me leave in the handling of them not to sever them with too much preciseness; for both it would cause needless length, and we are not now in arts or methods, but in a conference. It is therefore first to be put to question in general, (as Eupolis propounded it,) whether it be lawful for Christian princes or states to make an invasive war, only and simply for the propagation of the faith, without other cause of hostility, or circumstance that may provoke and induce the war? Secondly, whether, it being made part of the case that the countries were once Christian and members of the Church and where the golden candlesticks did stand, though now they be utterly alienated and no Christians left, it be not lawful to make a war to restore them to the Church, as an ancient patrimony of Christ?

Thirdly, if it be made a further part of the case, that there are yet remaining in the countries multitudes of Christians, whether it be not lawful to make a war to free them and deliver them from the servitude of the infidels? Fourthly, whether it be not lawful to make a war for the purging and recovery of consecrate places, being now polluted and profaned; as the Holy City and Sepulchre, and such other places of principal adoration and devotion? Fifthly, whether it be not lawful to make a war for the revenge or vindication of blasphemies and reproaches against the Deity and our blessed Saviour; or for the effusion of Christian blood, and cruelties against Christians, though ancient and long since past; considering that God's visits are without limitation of time, and many times do but expect the fulness of the sin? Sixthly, it is to be considered (as Eupolis now last well remembered) whether a Holy War (which, as in the worthiness of the quarrel, so in the justness of the prosecution, ought to exceed all temporal wars) may be pursued either to the expulsion of people or the enforcement of consciences or the like extremities; or how to be moderated and limited; lest whilst we remember we are Christians, we forget that others are men?<sup>1</sup> But there is a point that pre-

<sup>1</sup> The passage which follows, to the end of the paragraph, is not in the Harl. MS. It is one of the passages which appear to have been inserted on revision, and to which I alluded in the preface as indicating an intention to limit the Holy War to a war against the Turks specially, and a war not for religion simply, but with "a mixture of civil titles." The same thing is observable in Zebedæus's next speech, which was probably written at a later period: for the MS. merely inserts the name and breaks off with an &c.

A series of questions relating to this subject, found among Bacon's papers, and printed by Tenson in the Baconiana (p. 179.) with the title "The Lord Bacon's Questions about the Lawfulness of a War for the Propagation of Religion," may be most conveniently inserted here; being in fact merely a note of the questions which he intended to discuss in this dialogue, and which we have just seen set forth more at large.

*Questions wherein I desire opinion, joined with arguments and authorities.*

Whether a war be lawful against infidels, only for the propagation of the Christian faith, without other cause of hostility?

Whether a war be lawful to recover to the Church countries which formerly have been Christian, though now alienate, and Christians utterly extirped?

Whether a war be lawful to free and deliver Christians that yet remain in servitude and subjection to infidels?

Whether a war be lawful in revenge or vindication of blasphemy and reproaches against the Deity and our Saviour? or for the ancient effusion of Christian blood, and cruelties upon Christians?

Whether a war be lawful for the restoring and purging of the holy land, the sepulchre, and other principal places of adoration and devotion?

Whether, in the cases aforesaid, it be not obligatory to Christian princes to make such a war, and not permissive only?

Whether the making of a war against the infidels be not first in order of dignity, and to be preferred before extirpations of heresies, reconcilements of schisms, reformation of manners, pursuits of just temporal quarrels, and the like actions for the public

cedeth all these points recited; nay and in a manner dischargeth them, in the particular of a war against the Turk: which point, I think, would not have come into my thought, but that Martius giving us yesterday a representation of the empire of the Turks, with no small vigour of words, (which you, Pollio, called an invective, but was indeed a true charge,) did put me in mind of it: and the more I think upon it, the more I settle in opinion, that a war to suppress that empire, though we set aside the cause of religion, were a just war.

*After Zebedæus had said this, he made a pause, to see whether any of the rest would say anything: but when he perceived nothing but silence and signs of attention to that he would further say, he proceeded thus:*

**ZEBEDÆUS.** Your lordships will not look for a treatise from me<sup>1</sup>, but a speech of consultation; and in that brevity and manner will I speak. First, I shall agree, that as the cause of a war ought to be just, so the justice of that cause ought to be evident; not obscure, not scrupulous. For by the consent of all laws, in capital causes the evidence must be full and clear: and if so where one man's life is in question, what say we to a war, which is ever the sentence of death upon many? We must beware therefore how we make a Moloch or an heathen idol of our blessed Saviour, in sacrificing the blood of men to him by an unjust war. The justice of every action consisteth in the merits of the cause, the warrant of the jurisdiction, and the form of the prosecution. As for the inward intention, I leave it to the court of heaven. Of these things severally, as they may have relation to the present subject of a war against infidels; and namely, against the most potent and most dangerous enemy of the faith, the Turk. I hold, and I doubt not but I shall make it plain (as far as a sum or brief can make a cause plain), that a war against the Turk is lawful, both by the laws of nature and nations, and by the law divine, which is the perfection of the other two. As for the laws positive and civil of the Romans, or other whatsoever, they are too small engines to move the weight of this question. And therefore, in my judgment, many of the late Schoolmen (though excellent men)

good; except there be either a more urgent necessity, or a more evident facility in those inferior actions, or except they may both go on together in some degree?

<sup>1</sup> *in hac questione de jure Belli Sacri contra Turcas.*

take not the right way in disputing this question; except they had they gift of Navius, that they could, *cotem novaculâ scindere*; *hew stones with pen-knives*. First, for the law of nature. The philosopher Aristotle is no ill interpreter thereof. He hath set many men on work with a witty speech of *naturâ dominus*, and *naturâ servus*; affirming expressly and positively, *that from the very nativity some things are born to rule, and some things to obey*. Which oracle hath been taken in divers senses. Some have taken it for a speech of ostentation, to intitle the Grecians to an empire over the barbarians; which indeed was better maintained by his scholar Alexander. Some have taken it for a speculative platform, that reason and nature would that the best should govern; but not in any wise to create a right. But for my part, I take it neither for a brag nor for a wish; but for a truth, as he limiteth it. For he saith, that if there can be found such an inequality between man and man as there is between man and beast or between soul and body, it investeth a right of government; which seemeth rather an impossible case than an untrue sentence. But I hold both the judgment true, and the case possible; and such as hath had and hath a being, both in particular men and nations. But ere we go further, let us confine ambiguities and mistakings, that they trouble us not.<sup>1</sup> First, to say that the more capable, or the better deserver, hath such right to govern as he may compulsorily bring under the less worthy, is idle. Men will never agree upon it, who is the more worthy. For it is not only in order of nature for him to govern that is the more intelligent, as Aristotle would have it; but there is no less required for government, courage to protect; and above all, honesty and probity of the will, to abstain from injury. So fitness to govern is a perplexed business. Some men, some nations, excel in the one ability, some in the other. Therefore the position which I intend is not in the comparative, that the wiser or the stouter or the juster nation should govern; but in the privative, that where there is an heap of people (though we term it a kingdom or state) that is altogether unable or indign to govern, there it is a just cause of war for another nation, that is civil or policed, to subdue them: and this, though it were to be done by a Cyrus or a Cæsar, that were no Christian. The second mis-

<sup>1</sup> *Ambigua quedam, et a sensu vero sermonis nostri multum aberrantia, ne interpellant, abigamus et relegemus.*

taking to be banished is, that I understand not this of a personal tyranny, as was the state of Rome under a Caligula or a Nero or a Commodus: shall the nation suffer for that wherein they suffer? But when the constitution of the state and the fundamental customs and laws of the same (if laws they may be called) are against the laws of nature and nations, then, I say, a war upon them is lawful. I shall divide the question into three parts. First, whether there be, or may be, any nation or society of men, against whom it is lawful to make a war without a precedent injury or provocation? Secondly, what are those breaches of the law of nature and nations, which do forfeit and devest all right and title in a nation to govern? And thirdly, whether those breaches of the law of nature and nations be found in any nation at this day; and namely, in the empire of the Ottomans? For the first, I hold it clear that such nations, or states, or societies of people, there may be and are. There cannot be a better ground laid to declare this, than to look into the original donation of government. Observe it well, especially the inducement or preface. Saith God: *Let us make man after our own image, and let him have dominion over the fishes of the sea, and the fowls of the air and the beasts of the land, &c.* Hereupon De Victoria<sup>1</sup>, and with him some others, infer excellently, and extract a most true and divine aphorism, *Non fundatur dominium nisi in imagine Dei.* Here we have the charter of foundation: it is now the more easy to judge of the forfeiture or reseizure. Deface the image, and you devest the right. But what is this image, and how is it defaced? The poor men of Lyons, and some fanatical spirits, will tell you that the image of God is purity, and the defacement sin. But this subverteth all government: neither did Adam's sin, or the curse upon it, deprive him of his rule, but left the creatures to a rebellion or reluctance. And therefore if you note it attentively, when this charter was renewed unto Noah and his sons, it is not by the words, *You shall have dominion*; but, *Your fear shall be upon all the beasts of the land, and the birds of the air, and all that moveth*: not regranting the sovereignty, which stood firm; but protecting it against the reluctance. The sound interpreters therefore expound this image of God, of Natural Reason; which if it be totally or mostly defaced, the right of government doth cease; and if you mark all the inter-

<sup>1</sup> *Franciscus de Victoriá.*

preters well, still they doubt of the case, and not of the law. But this is properly to be spoken to in handling the second point, when we shall define of the defacements. To go on. The prophet Hosea, in the person of God, saith of the Jews: *They have reigned, but not by me; they have set a signory over themselves, but I knew nothing of it.* Which place proveth plainly, that there are governments which God doth not avow. For though they be ordained by his secret providence, yet they are not knowledged by his revealed will. Neither can this be meant of evil governors or tyrants; for they are often avowed and stablished as lawful potentates; but of some perverseness and defection in the very nation itself; which appeareth most manifestly, in that the prophet speaketh of the signory *in abstracto*, and not of the person of the Lord. And although some heretics, of those we spake of, have abused this text, yet the sun is not soiled in passage.<sup>1</sup> And again, if any man infer upon the words of the prophets following (which declare this rejection and, to use the words of the text, rescision<sup>2</sup> of their estate to have been for their idolatry,) that by this reason the governments of all idolatrous nations should be also dissolved (which is manifestly untrue); in my judgment it followeth not. For the idolatry of the Jews then, and the idolatry of the Heathen then and now, are sins of a far differing nature, in regard of the special covenant and the clear manifestations wherein God did contract and exhibit himself to that nation. This nullity of policy and right of estate in some nations is yet more significantly expressed by Moses in his canticle, in the person of God, to the Jews: *Ye have incensed me with gods that are no gods, and I will incense you with a people that are no people:* such as were (no doubt) the people of Canaan<sup>3</sup>, after seisin was given of the Land of Promise to the Israelites. For from that time their right to the land was dissolved, though they remained in many places unconquered. By this we may see that there are nations in name, that are no nations in right, but multitudes only, and swarms of people. For like as there are particular persons utlawed and proscribed by civil laws of several countries; so are there nations that are utlawed and proscribed by the law of nature and nations, or by the immediate commandment of God. And as there are kings *de facto*,

<sup>1</sup> *in transitu per cloacas.*

<sup>2</sup> *populi Canaanorum, et reliqui.*

<sup>3</sup> This clause is omitted in the translation.

and not *de jure*, in respect of the nullity of their title; so are there nations that are occupants *de facto*, and not *de jure*, of their territories, in respect of the nullity of their policy or government. But let us take in some examples into the midst of our proofs; for they will prove as much, as put after, and illustrate more. It was never doubted but a war upon pirates may be lawfully made by any nation, though not infested or violated by them. Is it because they have not *certas sedes* or *lares*? In the Piratical War which was achieved by Pompey the Great, and was his truest and greatest glory, the pirates had some cities, sundry ports, and a great part of the province of Cilicia; and the pirates now being, have a receptacle and mansion in Algiers. Beasts are not the less savage because they have dens. Is it because the danger hovers as a cloud, that a man cannot tell where it will fall, and so it is every man's case? The reason is good; but it is not all, nor that which is most alledged. For the true received reason is, that pirates are *communes humani generis hostes*; whom all nations are to prosecute, not so much in the right of their own fears, as upon the band of human society. For as there are formal and written leagues, respective to certain enemies; so is there a natural and tacit confederation amongst all men against the common enemy of human society. So as there needs no intimation or denunciation of the war; there needs no request from the nation grieved: but all these formalities the law of nature supplies in the case of pirates. The same is the case of rovers by land<sup>1</sup>; such as yet are some cantons in Arabia; and some petty kings of the mountains, adjacent to straits and ways.<sup>2</sup> Neither is it lawful only for the neighbour princes, to destroy such pirates or rovers<sup>3</sup>; but if there were any nation never so far off, that would make it an enterprise of merit and true glory, (as the Romans that made a war for the liberty of Græcia from a distant and remote part,) no doubt they might do it.<sup>4</sup> I make the same judgment of that kingdom of the Assassins, now destroyed, which was situate upon the borders of Saraca; and was for a time a great terror to all the princes of the Levant. There the custom was, that upon the command-

<sup>1</sup> *de latronibus per terram et insidiatoribus viarum.*

<sup>2</sup> *qui secus angustas vias et a viatoribus frequentatas habitant.*

<sup>3</sup> *neque (ut prius de Piratis dictum est) principibus tantum vicinis hos debellare conceditur.*

<sup>4</sup> *Proculdubio hoc facere cum justitia possint.*



ment of their king, and a blind obedience to be given thereunto, any of them was to undertake, in the nature of a votary, the insidious murder of any prince or person upon whom the commandment went. This custom, without all question, made their whole government void<sup>1</sup>, as an engine built against human society, worthy by all men to be fired and pulled down. I say the like of the Anabaptists of Munster; and this, although they had not been rebels to the empire: and put case likewise that they had done no mischief at all actually; yet if there shall be a congregation and consent of people<sup>2</sup> that shall hold all things to be lawful, not according to any certain laws or rules, but according to the secret and variable motions and instincts of the spirit; this is indeed no nation, no people, no signory, that God doth know; any nation that is civil and polliced may (if they will not be reduced) cut them off from the face of the earth.<sup>3</sup> Now let me put a feigned case, (and yet antiquity makes it doubtful whether it were fiction or history,) of a land of Amazons, where the whole government public and private, yea the militia itself, was in the hands of women. I demand, is not such a preposterous government (against the first order of nature, for women to rule over men,) in itself void, and to be suppressed?<sup>4</sup> I speak not of the reign of women, (for that is supplied by counsel and subordinate magistrates masculine,) but where the regiment of state, justice, families, is all managed by women. And yet this last case differeth from the other before; because in the rest there is terror of danger, but in this there is only error of nature.<sup>5</sup> Neither should I make any great difficulty to affirm the same of the Sultanry of the Mamelukes; where slaves, and none but slaves, bought for money and of unknown descent, reigned over families of freemen. And much like were the case, if you suppose a nation where the custom were, that after full age the sons should expulse their fathers and mothers out of their possessions, and put them to their pensions: for these cases, of women to govern men,

<sup>1</sup> *totum illud regimen invalidum reddidit, et nullo jure subnixum.*

<sup>2</sup> *Quis et si adhuc fuerit, aut in futurum exorturus sit, hominum cæcus aliquis, qui, &c.*

<sup>3</sup> *cæcis sane nationi populum hunc (si ad sanitatem redire recuset) exterminare penitus ex cætu hominum et a facie terræ delere licebit.* The word polliced (which I leave in the original spelling, not knowing any modern form of it) is translated, where it occurs at the bottom of p. 29., *ad imperandum habili.*

<sup>4</sup> *Nam quis sana mentis affirmaverit, hujusmodi imperium, contra ordinem naturæ in principis suis institutum, non esse in se vacuum et nullum et prorsus abolendum?*

<sup>5</sup> *in hoc autem aberratio tantum a lege naturæ.*

sons the fathers, slaves freemen, are much in the same degree; all being total violations and perversions of the laws of nature and nations. For the West Indies, I perceive (Martius) you have read Garcilazzo de Viega, who himself was descended of the race of the Incaes, a Mestizo, and is willing to make the best of the virtues and manners of his country: and yet in troth he doth it soberly and credibly enough.<sup>1</sup> Yet you shall hardly edify me, that those nations might not by the law of nature have been subdued by any nation that had only policy and moral virtue; though the propagation of the faith (whereof we shall speak in the proper place)<sup>2</sup> were set by, and not made part of the case. Surely their nakedness (being with them, in most parts of that country, without all veil or covering,) was a great defacement: for in the acknowledgement of nakedness was the first sense of sin; and the heresy of the Adamites was ever accounted an affront of nature. But upon these I stand not<sup>3</sup>; nor yet upon their idiocy, in thinking that horses did eat their bits, and letters speak, and the like: nor yet upon their sorceries, which are (almost) common to all idolatrous nations.<sup>4</sup> But, I say, their sacrificing, and more especially their eating of men, is such an abomination, as (methinks) a man's face should be a little confused, to deny that this custom, joined with the rest<sup>5</sup>, did not make it lawful for the Spaniards to invade their territory, forfeited by the law of nature; and either to reduce them or displant them. But far be it from me yet nevertheless, to justify the cruelties which were at first used towards them: which had their reward soon after, there being not one of the principal of the first conquerors, but died a violent death himself; and was well followed by the deaths of many more.<sup>6</sup> Of examples enough: except we should add the labours of Her-

<sup>1</sup> *et perquam modeste.*

<sup>2</sup> The words within the parenthesis are omitted in the translation: an omission possibly accidental, but possibly also intentional; Bacon, as he considered the subject more closely, inclining more and more to disallow "the propagation of the faith" as a motive for an offensive war, and tending towards the opinion in which he rested two years afterwards, that "offensive wars for religion were seldom to be approved, or never except they have some mixture of civil titles."

<sup>3</sup> *Sed hoc fervoribus regionis detur: quandoquidem sit illis cum aliis nonnullis gentibus commune.*

<sup>4</sup> *Neque rursus simplicitatem eorum commemorare placet, licet insignis fuerit, utpote qui equos fræna ipsorum manducare, literas autem loqui et commissa sibi nunciare putarent; et similia. Neque etiam sortilegia, divinationes, et magicas superstitiones narro: in quibus cum plerisque gentibus idololatriæ communicabant.*

<sup>5</sup> *cum aliis improbissimis junctum.*

<sup>6</sup> *quemque etiam mors et calamitas complurium e suis non aut comitabatur aut a tergo insequabatur.*

cules; an example which, though it be flourished with much fabulous matter, yet so much it hath, that it doth notably set forth the consent of all nations and ages in the approbation of the extirpating and debellating of giants, monsters, and foreign tyrants<sup>1</sup>, not only as lawful, but as meritorious even of divine honour<sup>2</sup>: and this although the deliverer came from the one end of the world unto the other.<sup>3</sup> Let us now set down some arguments to prove the same<sup>4</sup>; regarding rather weight than number, as in such a conference as this is fit. The first argument shall be this. It is a great error, and a narrowness or straitness of mind, if any man think that nations have nothing to do one with another, except there be either an union in sovereignty or a conjunction in pacts or leagues. There are other bands of society, and implicit confederations. That of colonies, or transmigrants, towards their mother nation. *Gentes unius labii* is somewhat; for as the confusion of tongues was a mark of separation, so the being of one language is a mark of union. To have the same fundamental laws and customs in chief is yet more, as it was between the Grecians in respect of the barbarians. To be of one sect or worship, if it be a false worship, I speak not of it, for that is but *fratres in malo*.<sup>5</sup> But above all these, there is the supreme and indissoluble consanguinity and society between men in general: of which the heathen poet (whom the apostle calls to witness<sup>6</sup>) saith, *We are all his generation*. But much more we Christians, unto whom it is revealed in particularity, that all men came from one lump of earth, and that two singular persons were the parents from whom all the generations of the world are descended; we (I say) ought to acknowledge that no nations are wholly aliens and strangers the one to the other; and not to be less charitable than the person introduced by the comic poet, *Homo sum, humani nihil a me alienum puto*. Now if there be such a tacit league or confederation, sure it is not idle; it is against somewhat, or somebody: who should they be? Is it against wild beasts? or the elements of fire and water? No, it is against

<sup>1</sup> *tyrannorum enormium.*

<sup>2</sup> *sed tanquam facinoribus egregiis; quæque divinos aut saltem heroicos honores merentur.*

<sup>3</sup> *atque hoc, licet liberator ille, quisquis tandem sit, ex unâ orbis extremitate ad alteram penetraret.*

<sup>4</sup> *Jam autem, exemplis his prælibatis, ad argumenta redeamus.*

<sup>5</sup> This sentence is omitted in the translation.

<sup>6</sup> *Paulo Apostolo citante.*

such routs and shoals of people, as have utterly degenerate from the laws of nature ; as have in their very body and frame of estate a monstrosity ; and may be truly accounted (according to the examples we have formerly recited) common enemies and grievances of mankind ; or disgraces and reproaches to human nature. Such people, all nations are interested, and ought to be resenting, to suppress ; considering that the particular states themselves, being the delinquents, can give no redress. And this, I say, is not to be measured so much by the principles of jurists, as by *lex charitatis ; lex proximi* ; which includes the Samaritan as well as the Levite ; *lex filiorum Adæ de massâ unâ* ; upon which original laws this opinion is grounded : which to deny (if a man may speak freely) were almost to be a schismatic in nature.

[*The rest was not perfected.*]