

undergo a quick punishment" or an innocent man be restored to his activity as a free person.

And although imprisonment belongs to that kind of punishment by which coercion is applied to wicked citizens, it would nevertheless be better to devise another kind of punishment for them, such as the condemnation to some labor; this penalty, since it more effectively deters from crimes, would also be of profit to himself and his family, since those kept in prison are subject to less disgrace and are not only useless to themselves and others, but also in more than one way harmful.⁸⁰

CHAPTER LX

THE FOURTEENTH LAW: THE MODIFICATION OF PENALTIES

Lastly, the well-being of his people also demands of Your Majesty a serious and thorough modification of penalties, by which wrongdoing and crimes are kept in check in the commonwealth. But since no one can describe an approach more equitable and wholesome to the commonwealth than that which God describes in his law, it is certainly the duty of all kings and princes who recognize that God has put them over his people that they follow most studiously his own method of punishing evildoers. For inasmuch as we have been freed from the teaching of Moses through Christ the Lord, so that it is no longer necessary for us to observe the civil decrees of the law of Moses, namely, in terms of the way and the circumstances in which they are described, nevertheless, insofar as the substance and proper end of these commandments are concerned, and especially those which enjoin the discipline that is necessary for the whole commonwealth, whoever does not reckon that such commandments are to be conscientiously observed is certainly not attributing to God either supreme wisdom or a righteous care for our salvation.

Accordingly, in every state sanctified to God capital punishment must be ordered for all who have dared to injure religion, either by introducing a false and impious doctrine about the worship of God or by calling people away from the true worship of God (Deut. 13:6-10 and 17:2-5); for all who blaspheme the name of God and his solemn services (Lev. 24:15-16); who violate the Sabbath (Ex. 31:14-15, and 35:2; Num. 15:32-36); who rebelliously despise the authority of parents and live their own life wickedly (Deut. 21:18-21); who are unwilling to submit to the

⁸⁰ Cf. Book Two, Ch. XLIX.

sentence of a supreme tribunal (Deut. 17:8-12); who have committed bloodshed (Ex. 21:12; Lev. 24:17; Deut. 19:11-13), adultery (Lev. 20:10), rape (Deut. 22:20-25), kidnapping (Deut. 24:7); who have given false testimony in a capital case (Deut. 19:16-21).

No one knows better or provides more diligently what is for man's salvation than God. In these sanctions of God, we see that he judges that the death penalty should eliminate from his people whoever has openly defected from him or held him in contempt or persuades others to do the same, to the betrayal and vitiation of true religion; those who have done injury to his name and who have obstinately detracted from the authority of God as it is administered through his ordinary agents, fathers of families or of country; or finally, those who have attempted to take the life of a neighbor or of his wife or children. For those who are involved in such enormous crimes cannot but inflict great ruin on mankind. By the responsible cooperation of all good men, these pests are therefore to be exterminated from human society no less than fierce wolves, lions, tigers, dragons, and crocodiles which occasionally attack men in order to tear them to pieces and devour them.

For in God alone "we live and move and have our being" (Acts 17:28), and by his unique kindness we receive all things we can desire; those, therefore, who reject God and make themselves enemies of God rob themselves and others of all good. This is manifestly true of those who do not acknowledge, hear, invoke, and worship God as their God, and who do not constantly seek to increase in themselves that worship which consists of trust in his words.

For these persons rob God of his divinity, as far as they can, and openly deny him to be God, so that they prefer themselves and other creatures before him. What evil, therefore, is not to be expected of those who go to such lengths of impiety that they obstinately refuse to hear the Word of God, and therefore God himself, and to acknowledge that he is their God, as is demanded of us by the First Commandment of the Decalogue: "I am the Lord your God," etc. (Ex. 20:2). What, then, if they also dare, as is the necessary consequence of that impiety, either to adore instead of the true God images made by themselves, or attempt to worship as the true God the imaginations of their hearts and the works of their hands? God has forbidden this in the Second Commandment of the Decalogue, by which he forbids the worship of strange gods and idols (Ex. 20:3-5). Or what if they ridicule and blaspheme the Divine Majesty in their rashness, using his holy name for mat-

ters and activities that are shallow, base, or superstitious? God calls them away from this in the Third Commandment of the Decalogue, in which through the term "perjury" he prohibits all unworthy invocation of his name (Ex. 20:7). Or they dare to despise and neglect the holy days decreed by God, and thus the whole administration of religion, i.e., of eternal life, in which all true knowledge and adoration of God are preserved and augmented (Ex. 20:8). They show themselves guilty of manifest defection from God and of a spirit that treats God, the creator of all things, as nothing and as an empty name, and finally, they condemn all his Scripture and religion as deceit and imposture. Those who have become guilty of such impiety cannot help intruding it on others also, both by word and deed. For everyone brings forth from the treasure of his heart what has been stored there (cf. Matt. 12:35). And Satan, who keeps such persons as his captives according to his good pleasure, which is always intent on the ruin of mankind, uses them as weapons for inflicting all possible harm on men.

And so it is clear that there can be no dangerous beasts as harmful to the commonwealth as men who are plainly godless, empty of God, sons of the devil. And so all the sons of God must exert their utmost concern and all their strength to purify the commonwealth of such pests as soon as possible, according to the Word of the Lord: "You shall exterminate" (indeed, the Hebrew word is "burn out") "evil from your midst" (Deut. 13:5).

Thus whoever is of such wickedness and obstinacy of life, and so impatient with proper education and discipline both public and private that he actively rejects the authority and judgment of the fathers of his family and country, how can he do anything else but undermine all public and private decency, order, peace, and well-being? There should therefore be no toleration among Christians of those who are openly opposed to this Fifth Commandment of God, which enjoins that parents should be honored and obeyed (Ex. 20:12), and which, therefore, is especially applicable to rulers and magistrates of the commonwealth and all who discharge paternal duties of teaching, exhorting, correcting, feeding, and protecting.

Hence those people should not be tolerated among men from whom human life is not safe, nor the chastity of wife and daughters, and the liberty of one's own people, which is no less dear to honest hearts than life itself. Therefore, in every commonwealth consecrated to Christ the Lord, there should be the penalty of capital punishment for everyone apprehended in violating the

Sixth and Ninth Commandments (Ex. 20:13 and 16), by bloodshed, or false testimony, or calumnious accusation, either personally or through others; or the Seventh Commandment by the ravishing of anyone's wife, fiancée, or daughter (Ex. 20:14); or the Eighth by stealing from one of the brethren, namely, a free man (Ex. 20:15).

If men do not abhor such vicious crimes and misdeeds more than death itself, how can there be preserved among them honesty, true charity, humaneness, and a wholesome and necessary sharing of goods and life which is worthy of human beings? And so there is required a real desire both for showing forth the glory of God and obtaining the salvation of men, so that these evils also may be completely removed and burned away from the commonwealth, with no trace not even of their names remaining, according to that saying: "Let not fornication be named among you nor any uncleanness or greed" ⁸¹ "as befits the saints" (Eph. 5:3).

For bringing this about, God has judged it necessary that those guilty of these crimes and misdeeds should pay the commonwealth the penalty of death in order to spread the fear of offending, since by their sins they have done damage by suggesting a license for delinquency. And so whoever decides that these misdeeds of impiety and wickedness are to be kept out or driven from the commonwealth of Christians by more mitigated punishment than death necessarily makes himself wiser and more loving than God as regards the salvation of men.

Many worldly-wise men who are defenders of crime and wickedness are wont to object against this severity commanded by God, which is at the same time so uniquely salutary and necessary for the commonwealth, by saying that those who have fallen into graver sins must be renewed by penance and that the punishments decreed by God must be relaxed. I have replied to their sophistry above,⁸² when I answered them in accordance with the law of God which orders that the death penalty be inflicted on adulterers. May the Lord grant the shepherds of his people the gift of not wanting to seem wiser than God, or more clement and humane, so that they may at length see what a pleasing sacrifice it is to God and how necessary and how effective a remedy against the deadly diseases of mankind it is to impose just punishments on godless, criminal, and wicked men. Let them consider and promptly imitate the example of the prince and king who was a man after God's heart (I Sam.

⁸¹ Here Bucer again uses the word *pleonexia* and he adds in brackets this definition: "a cupidity which seeks for itself more than is equitable."

⁸² Book Two, Ch. XXXIII.

13:14). He sings thus in Ps. 101:8: "Early in the morning I shall strike all the wicked on the earth, and I shall cut off from the city of God all doers of iniquity."

For thieves and robbers (except in case one is caught breaking into a home, in which case God has given the one catching him the power of killing him [Ex. 22:2]) God has decreed only the penalty of restitution, either five times, four times, double, or simple repayment. Nor do the Roman laws avenge simple theft with capital punishment,⁸³ but most of the Gentiles, since they were not able adequately to repress rash thievery by lesser penalties, sentenced thieves to death and strenuously observed this severity.⁸⁴

But what shall we say is the reason that theft is dealt with so fiercely, whereas all too many wink at rape and adultery, at offenses against divine worship, at the distortion of the heavenly doctrine in which both the present and eternal salvation of men is contained, and at blasphemy of the Divine Majesty? Why, unless it is because money and external wealth are so much more dear to men than God himself, their eternal salvation, and decency and honesty?

And when the worldly-wise are today so severe against so-called common thieves, how is it that they not only cooperate but even give great honors to much more harmful thieves, namely, those who exact most wicked and pernicious usury, monopolies, and a thousand other frauds by which they mislead and rob their brethren? Certainly one can imagine no other cause for this than the fact that in these great thefts which are so harmful to the commonwealth rather rich and powerful men are involved, who either themselves preside over the administration of government and justice or have those who regulate such things obligated to them; but those more common thefts are committed by unimportant men who rely neither on wealth of their own nor on powerful patrons. As the common German proverb goes which circulates among us: "Big thieves, who have accumulated immense lucre by stealing and defrauding, are hung with golden necklaces; little thieves, with hemp nooses."

For if it seemed good to drive injustice, fraud, and injury of one's neighbors from the commonwealth, as it is fitting and as God requires and urges in his law and prophets, clearly those thefts, robberies, and plunderings should first be punished, and as severely

⁸³ *Institutes* IV, 1, 5.

⁸⁴ Thievery was generally punished by the death penalty (hanging) in England. Cf. Pauck, *Das Reich Gottes*, p. 73. Many protested against this severity. Cf. Thomas More, *Utopia*, pp. 20 and 29 ff.

as possible, which damage and harm men most; for example, cruel usuries, monopolies, portentous frauds in merchandise, counterfitting and fraudulent exchange of money, wicked pricing of goods, embezzlements and devaluations, wickedly increased prices for produce and all the goods that the present life cannot do without.⁸⁵

Your Majesty should decree such penalties for these frauds and wrongs as will drive away and stamp out from his people every attempt to harm one's neighbor either publicly or privately, and bring it about that everyone truly favors and seeks the advantage of others, so as to buy and sell, lend and repay, and conduct all business of this present life in such a way as to make it manifest that he desires and seeks with his whole heart not only the public but also the private advantage of every neighbor and puts it ahead of his own interests. Moreover, in view of the fact that luxury, feasting, and pomp generate such ruinously harmful avarice, and arouse and encourage boldness for robbing both the commonwealth and private persons, these pests of human life will also have to be excluded and driven from the common life by means of very grave penalties.

In this institution, modification, and enforcement of penalties Your Majesty will prove his trust and zeal for governing the commonwealth in a holy way for Christ the Lord, our heavenly King, if for every single crime, misdeed, or offense he establishes and imposes those penalties which the Lord himself has sanctioned. By means of these, in addition to changing and arousing to true repentance those who have sinned, he will strike the others with fear and dread of sinning; thus he will seek to burn away, i.e., deeply excise and exterminate, not only all licentiousness and boldness in wrongdoing, but also all yearning and desire for it. This is the purpose of penalties and punishments which God proposes in his law.

For the nature of all men is so corrupt from birth and has such a propensity for crimes and wickedness that it has to be called away and deterred from vices, and invited and forced to virtues, not only by teaching and exhortation, admonition and reprimand, which are accomplished by words, but also by the learning and correction that accompany force and authority and the imposition of punishments. Remedies of this kind are so efficacious and salu-

⁸⁵ All these were common complaints during the Tudor period. Cf. C. W. C. Oman, *The Tudors and the Currency* (Transactions of the Royal Historical Society, New Series, Vol. IX [London, 1895]), pp. 167 ff.; A. G. Dickens, *The English Reformation*, pp. 160 ff.; also, Wendel's edition of *De Regno Christi*, p. 292, n. 11.

tary for mankind against its inborn ills that Plato rightly judged it the proper role of the art of true rhetoric to require the accusation before a magistrate even of oneself if one had committed some offense, and also of close friends and relatives if they had been in any way delinquent, and to seek punishments prescribed by law as a necessary medicine of primary importance.⁸⁶

FINAL CHAPTER

CONCLUSION OF THE WORK

It seems good to conclude here this undertaking which I should describe as a suggestion and counsel rather than a full explanation of the ways and means by which, as we are taught by the eternal and only salutary Word of God, Your Majesty, Christian kings and princes, and all governors both can and should firmly restore for their peoples the blessed Kingdom of the Son of God, our only Redeemer, i.e., renew, institute, and establish the administration not only of religion but also of all other parts of the common life according to the purpose of Christ our Savior and supreme King.

My words are many; but if you consider that many vices of considerable harmfulness have invaded the administration of both the Church and the State, and that there are only a few who recognize the ills and deadly diseases of the people of God and understand and are ready to use the true and proper remedies against them, I know that Your Majesty, who reads and meditates on the Sacred Scriptures daily with piety and diligence, will judge that these my suggestions and admonitions, whatever their quality, are very narrowly restricted.

I am not unaware, likewise, that there will be at least a few educated men who profess the gospel of the Crucified, who, if they read these commentaries of mine, will find much to criticize in them: they will criticize some things as commonly known and noted and considered not only by Your Majesty but also by those who have but slightly dipped into the literature and are imbued with the religion of Christ in a mediocre way, other things, however, as being too paradoxical,⁸⁷ and impossible to institute and realize because they are strange to and out of accord with the ways and views of our age and our people.

Those, however, who are offended by these suggestions and admonitions of mine about the restitution of the Kingdom of Christ among us because they are common and trite should please ponder

⁸⁶ Plato, *Gorgias* 480 b-d.

⁸⁷ *Paradoxa* ("contrary to opinion").

what a man no less holy than that delightful orator Isocrates wrote to Nicocles: "What one writes concerning the instruction of life and morals should not be new and unheard of" (as God has always provided from the beginning of the world men to pass on salutary precepts concerning these things), "but must be selected from whatever things are the best." Christians, for whom it is unholy to add to or detract from or in any way change the Word of God handed down from the beginning (cf. Deut. 4:2), should take singular precautions not to inject anything new and recently invented into any doctrine and teaching of life. But since I am unable to do what Isocrates added, "Express these things as elegantly as possible,"⁸⁸ I have tried to explain them simply and honestly.

Further, those who think that what I have presented is too different from present ways of doing things and the thinking of modern men, a matter of wishful thinking rather than practicality, and that I want to design some so-called Platonic republic, I earnestly ask, for the sake of the Kingdom and coming of our Lord Jesus Christ and the salvation all of us have in common, that they would judge and estimate what I have proffered and suggested not on the basis of the judgment of men of this or an earlier age, but by the eternal and immutable Word of God. Those who make an earnest effort to do this will undoubtedly see and acknowledge that all these things are not remote and different from the aims and practices of modern men who glory in the rule of Christ, but rather that they are easy to receive and observe for all who have not decided to renounce Christ as Lord ("We do not want this man to reign over us" [19:14]) and that they are necessary for the salvation of mankind both now and forever.

For how can one acknowledge and adore Christ, God and Man, our only Savior, also as one's own Christ, Redeemer, King, and God, and not accept all his words and try to follow them wholeheartedly, just as they are, the words of eternal life? And is it not necessary for those to whom this has been given, that they receive and embrace the salvation which Christ the Lord offers in his gospel as well as in the sacraments and in all the precepts of his discipline, with as much more ardent a desire and greater a gratitude of spirit as the Creator excels every creature, as God excels men, and as the sure eternal life and happiness excel a false, empty opinion and an imagined semblance of the good?

And, indeed, these will hear nothing more eagerly, beyond any comparison, and follow nothing with a firmer faith than the words and precepts of Christ—all of them; they will receive nothing with

⁸⁸ Isocrates, *In Nicoclem* 41

more devotion and greater spiritual pleasure than his sacraments; and finally they will observe and care for nothing more diligently and solicitously than that his discipline flourishes among them. And so they will establish all ministries of the Lord among them and they will take care to carry them out most reverently, and everyone will submit to them in a most willing spirit.

Thus they will not wink at the sins of anyone in the churches, if he is delinquent; but they will use on him the remedies of salutary censure as they are divinely revealed, and will turn those who have sinned toward a pious and effective repentance; and they will never cease to invite, influence, and compel every single person to all the duties of piety, by pious teaching and exhortation, both public and private, on the part of individual brethren acting as members of Christ as well as on the part of the regular leaders and shepherds of the churches.

With the Son of God thus reigning among people of this kind, how could true sanctity and dutiful charity not prevail? They would impel a person always to learn and do some good work so that everyone would contribute his share for the use of the churches; thus the Church would so thrive in each and every member of Christ that no one would be in want, not only of necessary food, shelter, and clothing, but also of any other means of commodity for living well and happily in the Lord, our King Jesus Christ, and in his universal Church.

If, therefore, the one dispenser of kingdoms and powers and the preserver of all, Christ the King, gives to this his people also external sovereignty and a free administration of the commonwealth, because they love and worship this their King "with their whole heart, and soul, and strength" (Luke 16:27), he will give them also all political power and all external strength, so that his Kingdom and his pure and genuine religion may grow and flourish among them and prevail everywhere as fully as possible.

Accordingly, whoever holds the external and political power among these people of Christ will not only not tolerate any manifest neglect of pure religion among his subjects who are consecrated by Baptism to Christ the Lord, much less any vice or attempted opposition to him in word or deed; but he will also see to it, first and foremost, that the churches enjoy suitable ministers of probity and trustworthiness; and, lest these ever be wanting, they will also make every effort to make sure that there are many schools of learning and piety, and that all who have been destined for this by God are instructed and trained in them for these ministries of the churches, whether they have been born of rich or poor