

Humanism and Tyranny

Studies in the Italian Trecento

BY

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COLUCCIO SALUTATI, "DE TYRANNO"

Coluccio, son of Piero, Chancellor of Florence, to Master Antonio of Aquila, student in Arts at Padua, Greeting!

A TREATISE ON TYRANTS, WITH AN INTRODUCTION

Since you ask of me a thing at once difficult to answer and yet worth knowing, I cannot refuse a reply, my learned friend—for such your letter shows you to be. It has always seemed to me fair to repay esteem with esteem and, if one can, to give a suitable reply to anyone who makes a reasonable inquiry. Indeed the very bond of human society, seeing that man is made for the sake of his fellow-man and that, according to the divine ordinance it is not good for man to be alone as he was created, requires not merely that we show favor to those who ask it, but that, as far as we can, we anticipate those who do not ask. And this not only in things that have reference to our final end, to which we are bound by our common faith, but also in those which mark the good citizen or, more broadly, the good man. The race of men is bound together by religious faith, by common citizenship and by nature. The first has to do with our final salvation; the second with the civil order; the third with human relations and the perfecting of mankind. Since, then, your inquiry touches directly or indirectly upon each one of these I cannot and ought not to decline to answer it.

But first I must refer to the beginning of your letter, in which you compliment me far too highly. For, if we owe a reply to one who asks for it, so do we to one who gives us the material for a reply. You assume many fine things of me—I hardly know whether to say, out of

politeness or out of ignorance. You speak too confidently of things that have come to you by common report, as if you had carefully investigated them. You praise me too much, nay, more than too much. You say that as a leader in each and every art worthy of the liberally educated man I am superabundantly equipped. You declare that I have won the praise of all men by singular talent, culture and refinement. To use your own words: besides my superior literary accomplishment I am a man devoted to giving pleasure to everyone; I spare myself no labor to give satisfaction to others, and on this you rest your hopes of a reply.

You say that I work for all, and that it makes little difference to me what class of men I address, provided only that I can be of service. You refer to certain letters of mine written to various scholars and containing things which they could not have learned from others or by themselves. You bring forward these things to give yourself greater confidence in the request you have to make.

I am truly sorry for your mistake in these matters; for I do feel that you have deceived yourself, taking "with Gallic lightness," as the saying is, things as proven which are only matters of hearsay, and praising me for what after all, even if it were in me, is not really my own. For what have I that has not been given to me, and *gratis* at that, not for my own merit, but by the grace of the bountiful Giver? I would rather have you give praise to Him who is the giver and the artificer, rather than to me the receiver and the mere tool of the craftsman's hand. Whatever I am, subject or accident, is His, whose work I am; to say it is mine would be the height of folly; to take praise for it would be unpardonable conceit. Wherefore I beg you henceforth to have done with this sort of thing and not to flatter my all too ready ear with such

blandishments, lest I forget that what you praise is not my own but His who gave it.

Whoever says he has learned anything by his own zeal or diligence or reflection declares himself to be the primal cause, and what folly that is, you, a student in Arts, can judge for yourself. You shall never lead me into any such foolishness. I am the tool of the Master, not the efficient cause of the work or of the action. And yet, if we think of the work in so far as it depends upon our own will, we truly coöperate with God, and from this comes all our merit in the work, not as a *reason* for recompense, but as a *measure* of it. For, in so far as we fail in the perfection of an action, we depart from the eternal law, and failing to do as we ought we cripple the work and thus incur the penalty of that law.

Now then, praise me if you can, and pretend that is mine which you now see cannot come from me! If I have learning — or rather if you believe I have it, congratulate me that God has given it to me and pray that His grace may remain, lest if it were taken away my ignorance should be exposed. When you accuse many of selfishness, for the best of reasons, because they are unwilling to give instruction or, if they do give it address themselves only to the fortunate of this world neglecting the rest, you do well. They are indeed most worthy of reproof who, knowing, if they are not fools, that they have freely received the gift of God, try to bring under their own private control this favor of the universal cause, and what is worse, boast that they have gained by their own labor what they could never keep except by God's favor and what they see is denied to others who work far harder than they do.

But let them remain in their error, and let us follow the precept of the Mediator between God and man:

"Freely ye have received; freely give!" When I see the lord of all things giving such gifts to men who are of themselves nothing, I could never wish to overlook any one in repayment for that talent which is mine. If majesty supreme has deigned to bestow some gift upon my insignificance, can I dare think it was given me to keep to myself and not rather through me to be shared with others? Or shall I look down upon my neighbor on account of his humble station or his modest fortune, when I consider how God has not scorned me, low as I am and so far below His supreme excellence? I will not disdain you or anyone, even were he as unknown to me as you are, who may desire to learn what I know, nor will I begrudge to anyone what has been given to me. If I shall find out the truth of the matter about which you inquire, you may rejoice with me; but if I shall disappoint your expectations ascribe it in part to my ignorance, but partly also to yourself for having greater hopes of me than experience shall have shown to be warranted. Enough of this.

[This apology, conventional as it is, is perfectly characteristic of the early Renaissance attitude toward all speculative subjects. Our author is proposing to express various opinions which might seem almost "radical" to the classes of Florentine society with which he desired to stand well and upon which he was dependent for the continuance of his honorable and profitable office. He anticipates possible criticism by disclaiming responsibility for his utterances. He is writing only to oblige a youthful inquirer, and indeed it is hardly he himself at all who speaks but the divine grace which has chosen him for its instrument.]

Now, coming to your inquiry: I will first give a definition of a tyrant, both as to the word and the thing

itself, so that we may not be floating about in misunderstandings, and I will add also how many kinds of tyrants there are. In the second place, we will discuss whether it is lawful to kill a tyrant for any definable reason.³ Third, we will discourse upon the rule of Cæsar and whether he can and ought to be considered a tyrant. Fourth, whether he was rightly or wrongly slain by his assailants, and finally, we shall prove that Dante, my divinely gifted fellow citizen, was right in placing these assailants in his lowest hell. When all this has been done I think you and all who raise similar questions will be satisfied. As to your final query, whether Antenor and Æneas were traitors to their country, since this does not involve an argument, it will be enough if I make a note of what I could find about this in the ancient writers, and this I will try to do at the close of my treatise.

CHAPTER I

What a Tyrant is, and why he is so called

The word "tyrant" is of Greek origin and has the same meaning among both the Greeks and ourselves, in ancient times and now. For the word "tyros" is the same as "brave." Now, from the beginning, as Trogus testifies, every community was governed by kings, and these, as Justinus says, were raised to power, not through any arts of popularity, but by the well considered judgment of good citizens. Their special function was to defend the frontiers of the realm, to rule justly and to settle quarrels, if the innocence of the time should produce such, in accordance with that sense of equity which is implanted by nature in the human mind; and since these duties required bravery of mind and body, the most ancient Greeks and the primitive Italians called their kings "tyrants." From

his function as ruler the king is called in Greek Basileus, for the verb *basileuo* in Greek is the same as *regno* in Latin. But then, as evil increased and kings began to rule oppressively [*superbe*]¹ the name "tyrant" was confined to those who abused their power "tyrannically" [*per insolentiam imperii*]. On this point we have the witness of Vergil, greatest of poets. He says:

*Gens, bello preclara jugis insedit Etruscis
Hanc multos florentem annos rex deinde superbo
Imperio et sevis tenuit Mecentius armis*

ÆN. VIII, 480-482.

and he adds, touching upon the idea of *superbia*

Quid memorem infandas cedes? quid facta tyranni?

ÆN. VIII, 483.

You notice that the person whom he first called "a haughty . . . king" is here called "tyrant," and previously he had said of his hero Æneas, whom he everywhere describes as loyal [*pious*] and as a king:

Pars mihi pacis erit dextram tetigisse tyranni

ÆN. VII, 266.

Thus much I have said as to the meaning of the word in order to dispose of the ignorant fancies of certain persons.

1. The word *superbus* with its variations, *superbia* and *superbe* has been the most difficult one to render into a suitable English equivalent. Its original meaning of "proud," "haughty" seldom meets the precise idea of the author. It shades off into a great variety of grades and distinctions, most of which are covered by our word "tyrannical," yet it is obviously impossible to translate definitions of "tyranny" by the word we are trying to define. The root idea of a person whose actions are governed by a sense of superiority over others and not by a desire to promote their welfare is the most helpful in determining in each case the precise meaning. Not infrequently it has seemed best simply to repeat the Latin word without any attempt at translation.

Now, to come to the definition of a tyrant, I propose a text from St. Gregory, who, in the twelfth book of his commentary upon Job, expounding these words: "and the number of the years of his tyranny is uncertain" (Job, xv, 20) defines with divine accuracy not only the tyrant but also the various types of tyrant. He says: "Properly speaking a tyrant is one who rules a state without the forms of law [*non jure*], and then adds "but everyone who rules *superbe* [*? autocratically*] exercises a tyranny of his own sort. Sometimes a person may practice this in a state through an office which he has received, another in a province, another in a city, another in his own house, and another through concealed malignity, within his own heart. God does not ask how much evil a man does, but how much he would like to do. If outward power be lacking he is a tyrant at heart whose inner viciousness governs him; for, although he cannot injure his neighbors outwardly he inwardly desires to have the power to injure them." So far Gregory.

To dispose first of what he says as to the kinds of tyrants: In his most important chapter the tyrant appears under two forms, one in character, the other in action. If a man lacks power, and practices tyranny in his intentions from hidden baseness of quality, he presents the character but not the act. He is, properly speaking, a tyrant within himself, and this defect in the sight of God who trieth the hearts and reins is a serious one; for God considers not only what one is able to do, but still more what one desires to do.

As to this defect in man we say nothing at present. It may, however, properly be considered under three forms according to the types of government, the royal, the con-

1. Revised version: "even the number of years that are laid up for the oppressor."

stitutional and the despotic. If one governs according to the standards of his own prudence and the dictates of his own will, freely and without laws or the limitations of any statutes or of any man, solely for the good of his subjects, this rule is a royal one. If one governs with an authority limited by laws which it is a crime to break, this is called a constitutional government. But that kind of government which is exercised over slaves and beasts, of which the aim is the preservation of property and the welfare of its owner, this the Greeks called a despotic rule. Its ultimate purpose is similar to that of the household father.

Now in these several forms of government, the autocratic [*superbus*] ruler becomes a tyrant, and that is the meaning of those words of Gregory above quoted, if we consider them carefully. For he first describes the legitimate royal power in a state, then the constitutional in a province or a city and then the despotic in one's own house, each as being corrupted by *superbia*.

The government of a household is not opposed to a royal or a constitutional or a despotic one, but embraces all three. The father of a family governs his son royally through his affection for him, his wife constitutionally according to principles of law, but his slaves despotically as being his own property. The tyrant, however, although he is contrasted with all these, since it is his character to destroy laws, to carry himself haughtily toward his subjects and to consider his own welfare rather than theirs, yet comes nearer to the despotic government of a household as regards his main object, namely, to pursue what is specially profitable to himself and to increase his own wealth. As regards the action of his own will, on the other hand, he approaches more nearly a royal government.

The special quality of the tyrant is, that he does not rule according to law; and this may happen in either one of two ways: He may have seized upon a civil government which was not his own, or he may rule unjustly or, speaking more broadly, may pay no attention to the principles of right. Hear what a tyrant says of himself in the words of Seneca: "I will wield the sceptre which I have captured with the hand of a conqueror and will carry on everything without fear of the laws, *etc.*!" The words "captured sceptre" show the unlawfulness of his title, and the words "carry on everything without fear of the laws" show that corruption in administration which Gregory says is the mark of the tyrant: "one who governs without the law."

We conclude, therefore, that a tyrant is either one who usurps a government, having no legal title for his rule, or one who governs *superbe* or rules unjustly or does not observe law or equity; just as, on the other hand, he is a lawful prince upon whom the right to govern is conferred, who administers justice and maintains the laws.

CHAPTER II

Whether it is Lawful to Kill a Tyrant

Now, to begin with the question of usurpers: — Who will deny that the people as a whole, or a majority of the citizens, or a part of the population of a town, — nay, even a single citizen may lawfully resist anyone who attacks the liberty of the people or usurps the government? For if, as those greatest of rulers, the emperors Diocletian and Maximian, writing to Theodorus, decreed, it is right for a lawful possessor in defence of property to which he has a faultless title to repel force by force *cum inculpatæ tutelæ moderatione*; and if, as Ulpian, the ablest of jurists, says, one may forcibly resist an armed assailant; and if

according to Cassius it is a right of nature to oppose force with force, who can deny that any person whosever may lawfully resist one who usurps the government of a city, a province or a kingdom?

It is, therefore, lawful to repel by force the assailant of an individual or of a piece of property and if he persist, to kill him, and shall we not have the right to prevent by force, even to the point of death, one who tries to seize the rule of a city, or kingly power or the government of a republic? Most unfair would the laws be — or rather no laws at all, if that which is permitted to private persons in case of danger or abuse were forbidden for the preservation of the liberty or the life of the community. Or if, as Ulpian bears witness, it is lawful to kill a nocturnal robber who defends himself with a weapon in such a way that the slayer could not have spared him without endangering his own person or property; if Arcadius, Theodosius and Honorius permitted the killing of common thieves and deserters from the army on the ground that the right of public execution for the sake of the peace of the community was permissible to everyone — as they wrote to Hadrian, a praetorian prefect; if Valentinian, Arcadius and Honorius granted to the people of the provinces the right of resistance against citizens or soldiers, so that night raiders in the fields or those who lay in wait on the public roads might be put down by any person with suitable punishment, even with the death they had prepared for others, on the principle that it was better to meet the evil beforehand than to punish it afterward, and that a crime which it would be too late to punish by the judgment of the praetors should [thus] be brought under a decree of the emperor — if, I say, all these things were permitted, who could so unfairly interpret the law or be so opposed to justice or such a determined enemy

of the public weal as to think these same things were not lawful against those who should try to set up a tyranny?—and this so much the more as the public safety is more important than that of individuals.

A proof that this is true is found in the story of Servilius Ahala who murdered Spurius Melius, the richest man of his time, on suspicion of aiming at kingly power. In a time of scarcity at Rome, Melius had brought in grain from Etruria through the hired services of clients and foreigners and had distributed it freely to the people, a most evil precedent. Afterward, when L. Quinctius Cincinnatus was made Dictator, Melius was brought to justice and appealed to the people to rescue him from the Lictor; but Servilius Ahala, without waiting for a judgment, which might have been hindered by popular clamor, slew him on the spot. And this was not reckoned as a crime, but rather as a glorious deed. We have preserved a famous word of Cincinnatus the Dictator, when the murder of Melius was reported to him: "Well done, Servilius! The republic thrown into confusion is now set free!" Then calling an assembly of the people he made proclamation that Melius had been lawfully put to death and, by his authority as Dictator, he declared his goods forfeited to the state.

And why need I mention Publius Scipio Nasica who by his own action put down Tiberius Gracchus, grandson of the elder Africanus through his mother Cornelia? Gracchus had stirred up the people and had plotted to prolong his tribuneship, which he had used for purposes of agitation, into a second term, to the ruin of the state. In the midst of the uproar he raised his hand to his head as if he were seeking a kingly crown. The Consul made only a languid protest, but Scipio, calling upon all who would save the state to follow him, wrapped his toga about his

left arm and, with the help of the chiefs of the nobility, succeeded in crushing Gracchus, who fleeing to the Capitol, was beaten to death with pieces of the benches and thrown unburied into the Tiber. Nor did this murder, though Nasica avoided a trial and punishment by claiming his privilege as an ambassador, lack a most distinguished apologist. The younger Africanus, in the course of his triumph after the capture of Numantia, was asked by Gnaeus Carbo, a defender of the uprising of Gracchus, what he thought of the killing of his relative and replied without hesitation that he thought he had been justly put to death.

Thus it always seemed to the Romans such a serious matter to usurp the government of the Republic that the mere suspicion of this crime deserved the severest punishment. They did not regard as a citizen at all, but rather as a public enemy any man who would set himself above the laws and above the Senate or who was believed to be aiming at kingly power. Upon this suspicion Marcus Manlius, who had once defended the Capitol against the Gauls with consummate bravery, charged with aspiring to a crown because he had used his private property to release debtors and redeem those who were enslaved for debt, was hurled from that same Tarpeian Rock from which he had repelled the Gallic assault. More than this: the Manlian clan determined by a memorable decree that henceforth no member of the family should bear the name of Marcus Manlius.

[The following *excursus* on the personality of Publius Scipio Nasica, while it has no bearing whatever upon Salutati's main argument, is a very interesting illustration of his method of historical criticism. Whatever we may think of his conclusions we cannot fail to recognize

the general soundness of his principles, especially his unwillingness to accept any statement merely on the authority of a famous name. He uses his own mind with a freedom altogether modern, in marked contrast to the blind receptivity of the mediaeval chronicler, and he does not hesitate to make emendations of his own where he thinks they will serve to bring the statements of a classic author more nearly into harmony with common sense.]

But now to return to Gracchus: It seems to me to be decidedly doubtful which Scipio Nasica was the leader in that murder. For if, as Livy tells us, a son of that Gnaeus Scipio who was killed with his brother in Spain, a most honorable youth named Publius Scipio Nasica and declared by the Senate to be *vir optimus*, received the *Mater Deorum* summoned from Pessinus into a kind of adoption, which event took place before the elder Africanus crossed over to Libya in the time of the Second Punic War; and if we remember that fifty years intervened between the Second and Third Punic Wars, and that Carthage was destroyed in the fourth year after that interval, and finally that the Numantian War, after the close of which Tiberius Gracchus was killed, lasted fourteen years, a careful calculation of these periods shows that from the year in which Nasica played the host to the Goddess before the end of the Second Punic War to the close of the Numantian War was a period of sixty-eight years: namely, fifty years between the two Punic Wars, four for the duration of the second of these and fourteen during which the city of Numantia held out against the Roman people; and if now we add to these the time of the adolescence of Scipio Nasica and the years between the coming of the *Mater Deorum* and the end of the Second Punic War you will easily see that at the time when Tiberius Gracchus was put down this Scipio must have

been more than ninety years old. But now, who would dare to say that a man of ninety would, as is recorded, suddenly have thrown his toga about his arm and made himself the leader and chief of young men in the murder of a man in the prime of manhood and backed by a crowd of the most powerful citizens? I am sure that the most violent critic could not force this conclusion, and I am equally sure that everyone would agree that it is strange enough to be readily classed among the improbabilities. Furthermore, if it were true, it would have been specially celebrated among the glories of old age, and it is incredible that so marked an example as this, the like of which could nowhere be found, should have been passed over in silence by all writers, especially by those who were concerned with the collection of all remarkable events.

I find, however, after the distinguished *pontifex* Nasica, another Publius Scipio Nasica. It is he who so closely resembled a certain Serapion, a dealer in cattle for sacrifice, that the tribune Curiatius dubbed him "Serapion" by way of a joke. Now I am fairly convinced that this man was the son of the elder Nasica. Perhaps there were others also whom the loss of records or similarity of names may have left in obscurity. For it is incredible that there can have been but one Nasica, since in that case, if it is true that Publius Scipio Nasica declared war on Jugurtha, king of the Numidians, which event certainly happened A. U. C. 635, while the Second Punic War ended in A. U. C. 541, as Livy, greatest of historians, states, at which time Scipio Nasica, being then at the close of his adolescence, was declared to be *vir optimus*, it would appear that this Nasica had lived one hundred and fifteen years! And, what would be more than a miracle, he would have been ruling the state as Consul at that age! Since these things are not probable, I leave the decision open to all.

If they are pleased with what I have said let them be satisfied. If they agree with Valerius that there was only one Publius Scipio Nasica, let them call him "that most brilliant light of the Roman power, who declared war against Jugurtha, who received with consecrated hands the Idean Mother when she came over from her Phrygian home to the altars of Rome" and all the rest which that author collected in his chapter *de repulsis* in praise and characterization of the one Nasica — or rather annotated after it had been collected by someone else; for he did not carefully investigate every point himself. They may agree with Valerius and defend themselves with the authority of so great a writer; but I beg them to take into account the reckoning of time. If they cannot straighten this out let them rather say: "Valerius wrote thus and so" than say that what he wrote agrees with the truth of history. They ought rather to believe that the text of Valerius is corrupt than that he could fall into such a thoughtless error, a thing which should not happen to a man of such great learning.

While I was looking into these matters I discovered a clear case of error in regard to this same name in the chapter of Valerius *de mutatione morum ac fortunae*. In all the texts that I have examined Gnaeus Cornelius Scipio Nasica is said to have been captured by the Carthaginians at Lipara while commanding the Roman fleet as Consul, whereas we read most plainly in Seneca — called, I know not why, Florus — in Eutropius and in Orosius that not Scipio Nasica but Gn. Cornelius Asina was invited by Hannibal the elder to a conference and then with Punic treachery was made prisoner in the fifth year of the First Punic War. Now, since this is quite certain, I think someone must have changed the word Asina into Nasica, thinking, perhaps, that such an ugly [*de-*

forme] name would be a dishonor in so distinguished a family. If this person had only read in Macrobius, a most faithful recorder of antiquity, how Cornelius, having bought a piece of land in the market and his bondsmen being called upon for the payment, ordered on the spot as much money to be brought on an ass's back as was necessary to pay the debt, and that from that time on the cognomen "Asina" was given to the Cornelian family, not in derision but in admiration for this noble action, he would not have wondered at the name.

Still, you or anyone else may take this as you please. I am not asking anyone to put any more faith in me than he will. I want everyone to choose what seems true or probable to himself; but I am so sure of a corruption in the text that I have stricken out of my copy of Valerius the words *Scipione Nasica* and amended *Asina* as I believe was originally written. If in the chapter *de repulsis* where it reads: "Publius Scipio Nasica, that most brilliant light of the Roman power, who declared war against Jugurtha" we add: "son of him who received the Idean Mother etc.," those two words *filius ejus*, which the error of a scribe may have omitted, clear up our doubts completely.

But let us return to our subject. It has thus, I think, been sufficiently demonstrated, that anyone who sets up a tyranny may lawfully be resisted, not merely by a party of the people, but by an individual, and that such a monster may be put down by force, even to the point of murder. And this not only at the beginning of his tyranny, but afterward, even though time has elapsed in which the forces needed to repel the tyrant may have been collected at his expense. This principle is most learnedly laid down by Ulpian in reference to private

cases. He says: "It is lawful not only to resist in defence of one's property, but, even if one be ejected therefrom, to eject the intruder, not after an interval but on the spot [*ex continenti*]," that is before he can turn to other matters. For Neratius interprets a "continuous action" as one in which some period of time [*mo(vi)mentum naturae*] may intervene. We have it also on the authority of Ulpian that, since it is lawful for a father, if he detects a daughter who is under his *potestas* in adultery in a house inhabited by him or by his son-in-law, to slay her on the spot [*in continenti*], he shall be held to have killed her on the spot even though some hours shall have intervened while she was being pursued and caught. Therefore it must be lawful to rise up against a usurper of civil power, and this not only at the moment of the usurpation but by continuous action and with preparations made, to go against him with armed forces.

But what shall we say if a usurper rules tyrannically, and yet no one resists him because the people are shamefully long-suffering, and therefore his rule goes on for some time? Perchance this tacit consent and obedience — seeing that measures imposed by violence or terror do not, as the laws require, lose their force when resistance dies down, but by a certain law of their own may become purified by subsequent consent, express or implied, and may begin to work neither through violence nor terror — perchance, I say, this tacit consent and obedience may be of such sort that, unless a prior judgment of a superior authority declare the contrary, the tyrant may come to have the semblance of a lawful ruler.

[This is the first reference in the present treatise to a political condition which Salutati was able to take for granted, but which is by no means a matter of course to

the modern reader. This is the distinction between self-governing communities and those which acknowledge an overlord (*superior*), to which we have already alluded in the Introduction (p. 64). In theory every earthly rule — at least so far as Christian people were concerned — was subject to the overlordship of the Roman Emperor, except where, as in the case of the Roman Papacy, such overlordship was limited or abrogated by specific contract. The emperor was, in theory, the supreme arbiter in all cases of conflict of jurisdictions. He was supposed to have about him a body of legal advisers through whom he could express his decisions. In practice, however, such exercise of oversovereignty was casual in the extreme. It occurred, if at all, not as the orderly working of a regular judicial system, but rather as a political action. The emperor or his representative entered as a party into the particular local controversy which called for his interference. If he had a strong enough following his decisions might, temporarily, be enforced. If not he lost his case and was likely to be treated with deserved contempt.

In many Italian communities imperial overlordship was to all intents and purposes non-existent, or at most in a state of suspended animation. The situation then would be that described in the next paragraph of the treatise: "If the people acknowledge an overlord but are really without one because he does not rule but stays abroad." The same is true of papal or princely overlordship. The community might recognize it in theory, but in practice would insist on regulating its own affairs. Only under stress of political necessity would the community accept the definite action of the overlord as decisive. While, therefore, differences in this matter were differences of degree, their range was so great that Salutati could fairly speak of the Italian communities as divided into two

classes, those which did, and those which did not, acknowledge an overlord. In the former case it seemed clear that if an apparent tyrant *ex defectu tituli* were recognized by the overlord, then his defect was *ipso facto* remedied and his title became legitimated. In the latter case his defect could be removed only by such conduct in office that the community would acquiesce in his usurpation, as the least evil in sight. Florence, as a persistently Guelph city, was the most important representative of the *civitates* of the second class, those claiming to "be sovereign, neither having nor recognizing any superior," and it was, of course, with Florentine problems that Salutati was especially concerned.]

When a state is torn by factions, civil strife with daily conflicts generally takes place, and sometimes to quiet this discord and out of weariness with the existing troubles a Signor is chosen. Sometimes through popular demonstration, without due deliberation or election a prince is set up. Sometimes one faction prevails in armed conflict, and supreme power is conferred upon one person and the government of the whole community is entrusted to him. Whether a person raised to power in any of these ways may attain a legitimate title may perhaps be questioned. On this point I think it should be said that if a people be sovereign, neither having nor recognizing any superior, the will of the majority gives validity to their action. And if, in a people having an overlord his confirmation ensues, then beyond all doubt the rule in question will be a lawful one. If, however, this consent be lacking, the people being without authority of its own, and if the person thus elected begins to govern without waiting for confirmation from the overlord, then he is a tyrant. On the other hand, if the people acknowledge an overlord, but are really without one because he does not

rule but stays abroad, then perhaps the title may be good until the contrary be declared by the overlord.

But now, our chief problem is, whether it is lawful to rebel against a ruler who through arrogance [*superbia*] begins to abuse his power, even though he have a lawful and approved title. That he ought to be deposed and punished by an overlord I should suppose no one could doubt — provided only that it be done by regular legal process. Also, if the overlord or any other having authority shall judge him to be an enemy of the state, he may with impunity be driven out or killed. But a ruler deposed by a judicial sentence may not be banished or killed or injured without the approval of the overlord.

A community which recognizes no overlord may without doubt reject the rule of its executive. It may banish him or, for sufficient reason, may put him to death, as it sees fit. Thus the Roman people, on the motion of Lucius Junius Brutus, abolished the kingly power on account of the crimes of Tarquinius Superbus and his sons. So, on account of Virginia, who was dragged away by the wretch Claudius for his lust under pretence of possessing her as a slave, the rule of Decemvirs was done away, and the authors of the laws were themselves overthrown. Thus Nero, last of the Cæsars, declared a public enemy by the Senate, was marked for death by assassins who were set upon him.

[At this point the argument begins to swing over to the other side of the main problem. Up to now Salutati has done his best to show the evil of all tyranny. The tyrant is "a plague to society" because he is a tyrant, because he governs "not according to law" — *non jure*. The beneficence of his rule does not alter the fundamental irregularity of his relation to the community. This being admitted it follows that his rule ought somehow to be

controlled or eventually destroyed. But how? Historically speaking the answer has been a simple one. Tyrants have been "removed" by violent means, and Salutati goes on to illustrate using the famous defence of tyrannicide by John of Salisbury (d. 1180) as his text. Yet even here he finds room for a distinction. A tyrant may be removed, yes, but not "tyrannically." The violator of law may be resisted, but only by lawful action, and this may be either a decree of an overlord or a regular decision of the people.]

I will not dwell too long upon illustrations which can be gathered from Holy Writ as well as from pagan and Christian histories because, though an infinite number of murders of lawful kings and princes may be cited, these are not arguments to prove that the murder of kings or tyrants is not a crime. Let us, therefore, go on to the question. It is true as Aquinas quotes:

*Ad generum Ceresis sine caede ac vulnera pauci
descendunt reges et sicca morte tyranni*

JUVENAL, Sat. X, 113-114

"Few kings descend to Ceres' son-in-law except by murder, and few tyrants by a bloodless death." But the frequency of these murders does not imply that they are or ought to be considered lawful. It is one thing to kill a man and quite another thing to kill him lawfully. So that the learned John of Salisbury in his book called — I know not why — "Policratus" [*Policraticus*], in which he declares that it is right to kill a tyrant and tries to prove this by a multitude of illustrations, seems to me to reach no result. His illustrations prove, not that the murder of tyrants is right, but that it is frequent. In his third book, having said that the murder of a tyrant is not only lawful but fair and just, he adds: "For he that taketh the sword shall perish by the sword." I wish he had carried out this reasoning and proved his point; but soon in his ex-

position he adds: "but it is understood that he 'takes the sword' who usurps it of his own motion, not he who receives the right to use it from an overlord." Here he seems vaguely to hint that it is lawful to slay a tyrant. At the close of this third book — not to quote the whole — he says: "If the charge of treason includes all oppressors, how much more the charge that a man suppresses the laws, which ought to govern even emperors? Certainly no one would avenge the murder of a public enemy, and anyone who should fail to oppose him would fail in his duty to himself and to the whole body politic."

In the eighth and last book he treats the same subject in several chapters and in great detail, giving a multitude of illustrations. Occasionally, however, he sets certain limits to the right of tyrannicide. In the eighteenth chapter, after citing many cases from history, he adds: "Because it has always been proper to flatter a tyrant, it has been proper also to deceive him and honorable to slay him if he could not otherwise be held in check." "We are not," he says, "speaking of tyrants in private life, but of such as oppress the state. For private persons can easily be controlled by the public laws, which govern the lives of all men. A priest, however, even though he plays the tyrant, may not be constrained by the temporal sword because of his sacramental character, unless perchance after being deprived of his office he may have stretched forth blood-stained hands against the Church of God."

But John of Salisbury says also in the twenty-first chapter: "History teaches us, however, that we should beware not to plot the ruin of one to whom we are bound by an obligation of loyalty or by an oath." You see, then, do you not, how far even this writer, great as his authority is, would go in restricting the licence of tyrannicide? He

would not sanction laying violent hands upon a tyrant without due deliberation, nor would he think everyone authorized to decide whether a man be really a tyrant or not. So that, if you would proceed regularly, a sentence of the overlord must first be obtained if possible, or if there be no princely sovereignty, then a decree of the people must be waited for. A tyrant caught in adultery with a wife or a daughter may be slain as lawfully as any regular magistrate. For, though a tyrant is the worst plague that can infect the body politic, nevertheless no single person nor even several together may of their own motion without the authority of the overlord disturb a civil order lawfully established either by a decree of the people or through the obedience or the consent, express or implied, of the community. It would be a presumptuous, nay, a *superbum* act to rebel against a ruler while all the rest were willing to endure him, were he a Nero, an Ezzelino, a Phalaris or a Busiris. And though it may happen that the overthrow of the tyrant is approved by the people, though the highest felicity may be attained by those who are set free, though the greatest praise may be heaped upon the liberator or liberators, with undying renown, still if a valid procedure beacking, the undertaking was not well advised.

True, a successful and fortunate crime passes for a virtuous deed. Yet in my opinion, just as he who destroys a tyrant in a lawful way is to be loaded with honors, so he who unlawfully slays a ruler deserves the severest penalty. For, though every man is under such obligation to the Fatherland that he ought to devote even his life to the welfare of the state, nevertheless no bond or obligation requires that even a thing useful to the community shall be accomplished by a crime. So great indeed is the force of law, of honor and the authority of the

state that we are told by Cicero that when Pompeius as Emperor discharged the legion in which a son of Cato was serving, and the son in his zeal for the service remained in the army, his father wrote to Pompeius that if he wished to keep his son he ought to have him take a second military oath, because with the discharge of the legion he had fulfilled the obligation of his former oath and could not properly engage in combat with the enemy. And surely no one could claim that without a public commission, without a general or a commander he had the right to take up arms even to set his country free.

Let no one, therefore, take his soul in his own hand or make a reason out of his own will and so rise up against his lord, even though the lord be acting as a tyrant! This may be done only with the approval of an overlord or of the people, not through the impulse of an individual. Even a criminal, publicly convicted as worthy of death may not be executed by any and every one, but only by the edict of the prince and in the form prescribed by the laws of the state. Whoever sets these aside is a criminal. Enough as to our second proposition.

CHAPTER III

Concerning the Principate of Cæsar, and whether he ought properly to be regarded as a Tyrant.

[It is in this third chapter that Salutati develops most clearly his sympathy with the idea of benevolent despotism. According to all his definitions Cæsar was a tyrant. His title was defective. His power had been gained by violence and could be maintained only in the same way. And yet, out of the chaos of civil war he had brought order and a working administration of government. Salutati is convinced that things had come to such a pass that